

GENERAL CONDITIONS  
APPLYING TO  
SUBDIVISIONS APPROVED BY THE  
PLANNING BOARD  
OF THE  
TOWN OF BETHLEHEM  
ALBANY COUNTY - NEW YORK



February 1976

Revised – September 1978

## GENERAL CONDITIONS PERTAINING TO SUBDIVISION APPROVAL

### SITE DEVELOPMENT

- I. The site development of any subdivision, including clearing operations, grading, construction of streets or highways, installation of storm drains, installation of sanitary sewers, installation of water lines and installation of utilities shall be performed in a manner which will minimize the generation of dust and the erosion of soil. Should the Town Building Inspector determine that site development operations on, or for, any particular subdivision, or portion thereof, are generating dust or causing soil erosion, in excess of reasonable limits, he shall so notify the Owner of the subdivision without delay. Upon receipt of such notification, the Owner shall promptly institute such remedial measures as may be necessary to eliminate or reduce to reasonable limits the generation of dust or the erosion of soil.
- II. The prompt and complete removal of any trash, litter, rubbish, junk, soil or similar material which is deposited, by any means, either on lands of others adjacent to a particular subdivision or within the right-of-way of an existing State, County or Town highway adjacent to, or providing access to such subdivision, all as a result of activities involved in the site development of such subdivision, shall be the responsibility of the Owner of the subdivision.
- III. The disposal of waste materials resulting from the development of a subdivision including, but not limited to, brush, stumps, trees and discarded building materials, by dumping such waste in existing ravines and streams or by burying, will not be permitted. All such waste shall be removed from the subdivision to a dump approved by the proper authorities for the disposal of such material. The disposal of any brush, trees or other waste materials by open burning is not permitted by the Town of Bethlehem. Under certain conditions, a permit for open burning may be secured from the Albany County Department of Health. Any such permit will be recognized by the Town.

### HIGHWAYS

- IV. A proposed design for each highway intersection shown on the approved Subdivision Plat shall be submitted to the Town for approval, and such approval shall have been granted prior to the construction of any of the proposed highways, and prior to the final approval of the highway profiles by the Town. Each intersection shall be shown on a separate sheet (normally 8-1/2" x 11" or 9" x 12") and shall be drawn to a scale of 1" = 30'. The intersection shall be designed to shed all surface water to Inlet Structures on the existing, or proposed, highway drainage system. The design drawings shall show the edges of the pavements, with intersecting edges of pavements being connected by a curve having a radius of thirty (30) feet. The drawings shall also show right-of-way lines, the center lines of pavements, proposed elevations along the edges of pavements, proposed elevations along the center lines of pavements and proposed elevations along the right-of-way lines. The design drawings shall also show the location of all storm drain lines, structures on the storm drain lines with elevations of grates or covers, and curve data for all horizontal curves shown on the intersection design.

- V. All pipe and necessary appurtenances for the proper and satisfactory collection and disposal of subsurface, or underground, water from the rights-of-way of the proposed highways shown on the approved Subdivision Plat, in order to establish a satisfactory roadbed for such highways, shall be supplied and installed by the Owner of the subdivision in accordance with the pertinent specifications of the Town. The necessity for draining subsurface water from the right-of-way of a proposed highway, the locations where such drainage is required, and the extent of piping necessary to effect such drainage shall be determinations of the Town. These determinations by the Town may precede the construction of the proposed highway, or may occur during construction as underground water conditions become evident. The Town Superintendent of Highways will notify the Owner of such determinations as soon as possible after such determinations are made. Type of pipe, diameter of pipe, pipe line gradients, method of pipe placement and all materials required for the installation of such drainage shall conform to the requirements and specifications of the Town.
- VI. Permission shall be obtained from the New York State Department of Transportation or the Albany County Highway Department for the performance of any work, including the construction of access driveways, within the right-of-way of a New York State Highway or a County Road, respectively.
- VII. Permission shall be obtained from the Town Superintendent of Highways for the performance of any work, other than the construction of certain access driveways, within the limits of existing Town Highway rights-of-way prior to commencement of such work. The performance of such work will be limited to the time period between the fifteenth of April and the fifteenth of October in any one year, unless the Town Superintendent of Highways, upon request of the Owner, waives such time limits in writing.
- VIII. In respect to driveways intended to provide access from the traveled way of an existing or proposed Town Highway to private property, that portion of such driveway which is located within the boundaries of an existing or proposed Town Highway right-of-way shall be located in a manner such that:
- (1) No existing or proposed Inlet Structure (or Catch Basin) on an existing or proposed Town Highway drainage system occurs within the limits of the driveway; and
  - (2) Any such Inlet Structure (or Catch Basin) is sufficiently removed from the limits of the driveway that vehicles entering or leaving the driveway will encounter no difficulty.
- In addition, under certain conditions of topography and proposed land use of the private property, permission of the Town Superintendent of Highways may be required prior to the construction of such portion of an access driveway.
- IX. Existing Town Highways, on which any portion of the right-of-way (and adjacent occupied area) has been ruptured, damaged or disturbed due to activities in connection with the development of the proposed subdivision, shall be repaired, and the disturbed surface restored by the Owner of the subdivision in the same year in which such rupture, damage or disturbance occurs. Such repair, replacement and restoration work shall be

done in accordance with the directions and specifications of the Town Superintendent of Highways and shall be completed to his full satisfaction.

- X. Any temporary vehicular turning facility installed at the temporary end of a proposed highway by the Owner of a subdivision, in compliance with a condition of approval stated in the Certificate of Approval issued by the Planning Board for such subdivision, shall be of a design approved by the Town Superintendent of Highways and shall be located as shown on the approved Subdivision Plat and as specified in such Certificate of Approval. A separate easement for highway purposes shall be granted to the Town by the Owner for the area required for the satisfactory construction and use of each turning facility. The grant of the easement will be made with the understanding that upon the extension of the proposed highway beyond the temporary turning facility, and the acceptance of such extension by the Town Board, each such easement may be released by the Town to the owner of record of the pertinent land area at the time of such release.
- XI. Any barricade erected across the right-of-way of a proposed highway by the Owner of a subdivision, in compliance with a condition of approval stated in the Certificate of Approval issued by the Planning Board for such subdivision, shall be constructed in accordance with current specifications of the Town Superintendent of Highways. The barricade shall be erected in the general location stated in the Certificate of Approval; however, the specific location of the barricade will be determined in the field by the Town Superintendent of Highways during the construction of the proposed highway.
- XII. Any existing barricades across existing Town Highways in locations which (1) prevent or interfere with access to, or egress from, the Approved Area as shown on the Subdivision Plat or (2) which prevent the proper construction of a proposed highway within the Approved Area, which highway is an extension of an existing Town Highway, shall not be removed by the Owner of the subdivision without prior specific permission of the Town Superintendent of Highways.
- XIII. The acceptance of proposed highways as public streets or highways by resolution of the Town Board will be in accordance with the provisions of a Town Ordinance entitled, "Ordinance Relating to the Acceptance of Proposed Streets and Highways by the Town of Bethlehem", Chapter 100 of Town Code. The extent to which any proposed highway, or portion thereof, is accepted by the Town Board will be determined by the Town Board.
- XIV. Certification of satisfactory completion of a proposed street or highway by the Town Superintendent of Highways, as required by Article III and Article V of the "Ordinance Relating to the Acceptance of Proposed Streets and Highways by the Town of Bethlehem," Chapter 100 of Town Code, will be limited to the time period between the fifteenth of May and the fifteenth of October in any one year, unless the Town Superintendent of Highways, upon request of the Owner of the Subdivision, waives such time limit in writing.
- XV. Prior to (1) the acceptance of a proposed street or highway by the Town Board OR (2) the certification of the completion of a proposed street or highway by the Town Superintendent of Highways, the Town may require that a Bond be posted to assure that the state and/or condition of the right-of-way of such proposed street or highway at the

time it is certified as satisfactorily completed by the Town Superintendent of Highways is maintained during the time period between such acceptance or certification of completion and the completion of the site development of the Subdivision. The Bond coverage shall include all Town facilities or utilities installed within the right-of-way of the proposed street or highway. The Bond shall be in an amount determined by the Town and in a form acceptable to the Town.

- XVI. In the event that a Certificate of Approval issued by the Planning Board for a proposed subdivision includes the requirement that a temporary turning facility or a barricade be constructed in respect to a certain proposed highway, such highway will not be considered satisfactorily completed until such turning facility or barricade has been constructed to the full satisfaction of the Town Superintendent of Highways.

### DRAINAGE

- XVII. A proposed Drainage Plan showing the facilities which the Owner of a subdivision proposes to install to collect and dispose of surface water, subsurface water and foundation drainage, including both water which originates within the Approved Area and water which is tributary to the Approved Area, shall be prepared by the Owner and submitted to the Town Board for approval. Such approval of the Drainage Plan is required (1) prior to the granting of so-called "Sanitary Approval," (2) prior to the granting of final approval of the proposed highway profiles, and (3) prior to the issuance of building permits. The Town Board will, approve the Drainage Plan, approve the Plan with modification, or disapprove the Plan. Any Drainage Approval letter issued by the Town Board in respect to the Approved Area, as such is shown on the Subdivision Plat, will contain the stipulations of the Town in respect to its approval of said Drainage Plan.

### SANITARY SEWERS

- XVIII. The Owner of a subdivision shall consult with the Bethlehem Sewer District in regard to the collection and disposal of sanitary wastes from buildings to be erected within the Approved Area. In general, any subdivision so located that it is both technically possible and economically feasible to connect the sanitary waste disposal system of such subdivision with existing sewer lines of the Bethlehem Sewer District shall be so connected. Detailed Plans for the collection and disposal of sanitary wastes from the Approved Area must be approved by the Bethlehem Sewer District, and by such other governmental authorities (including the Albany County Department of Health) having jurisdiction thereof, prior to the issuance of building permits.
- XIX. Any expense incurred for the review of detailed sewerage plans by professional engineers, retained by the Bethlehem Sewer District for such purpose, in connection with the granting of Sewer District approval of such plans; and any expense incurred for field inspections during the installation of the approved sewerage facilities (including building sewer laterals) by competent persons, retained by the Bethlehem Sewer District for such purpose, shall be paid by the Owner of the subdivision unless the sanitary waste disposal system for the Approved Area is installed by contract, pursuant to public bid, awarded by the Town.

## WATER

- XX. The Owner of a subdivision shall consult with Water District No. 1 of the Town of Bethlehem in regard to providing an adequate and acceptable supply of water for both domestic consumption and fire protection for the buildings to be erected within the Approved Area. In general, any subdivision so located that it is both technically possible and economically feasible to connect the water supply system for such subdivision with the existing water mains of Water District No. 1 shall be so connected. Detailed Plans for the provision of an adequate and acceptable supply of water for the Approved Area must be approved by Water District No. 1 of the Town of Bethlehem, and by such other governmental authorities (including the Albany County Department of Health) having jurisdiction thereof, prior to the issuance of building permits.
- XXI. Any expense incurred for the review of detailed water supply plans by professional engineers, retained by Water District No. 1 for such purpose, in connection with the granting of Water District approval of such plans; and any expense incurred for field inspections during the installation of the approved water supply system by competent persons, retained by Water District No. 1 for such purpose, shall be paid by the Owner of the subdivision, unless the water supply system for the Approved Area is installed by contract, pursuant to public bid, awarded by the Town.

## BUILDINGS AND BUILDING OCCUPANCY

- XXII. An application for a Building Permit shall be submitted to the Building Department for any building to be erected on any lot shown on the Subdivision Plat, and no building shall be erected on any lot prior to the issuance of the Building Permit for such building by the Building Department. The Building Permit will not be issued by the Building Department unless:
- (1) The lot is located within the Approved Area as such is delineated on the Subdivision Plat on file with the Planning Board;
  - (2) The required approvals specified in Items XVII, XVIII and XX herein have been granted by the responsible Town Departments;
  - (3) The Planning Board has either completed its final review or granted Final Plat Approval in respect to the Subdivision Plat or the pertinent portion thereof;
  - (4) The building plans conform to the provisions of the New York State Building Code and with the pertinent rules and regulations of the Building Department;
  - (5) The Plot Plan required by the Building Department conforms in all respects with the provisions of the Zoning Law of the Town of Bethlehem;
  - (6) The proposed access driveway to the lot, as such driveway is shown on the Plot Plan submitted to the Building Department, satisfies the requirements of Item VIII herein and satisfactory evidence is submitted to show that permission has been granted by the concerned authorities for the construction of such driveway in accordance with

the requirements of Items VI and VIII, herein;

- (7) Arrangements, satisfactory to the Building Department, have been made with the public utility companies serving the area in which the building is located to provide electric power and natural gas, if required, for the building;
- (8) The lot abuts an existing State, County or Town highway, or a proposed highway which has been ceded to the Town by the Owner and has been accepted by the Town Board, provided however that a lot which abuts such a proposed highway shall abut such highway for the full width of the lot at the highway right-of-way line;
- (9) Any proposed highways required to provide proper access to such building lot from an existing State, County or Town highway have been ceded to the Town by the Owner and have been accepted by the Town Board;
- (10) Facilities, which are satisfactory to the Town for the collection and disposal of foundation water from the proposed building to be erected on the lot, have been installed and are operative.

XXIII. Plot plans submitted to the Building Department in connection with applications for Building Permits shall show the following elevations:

- (1) Proposed finish grade at all corners of building;
- (2) Proposed finish grade at lot corners on property line(s) abutting highway(s);
- (3) Proposed garage floor;
- (4) Proposed finish grade of driveway at property line.

All such elevations shall be based on the same datum as shown on the Subdivision Plat.

XXIV. The Building Inspector may, at his discretion, require that the Applicant for a Building Permit submit an additional plot plan for each building to be erected, upon the completion of the foundation for such building, and prior to the issuance of a Permit for the erection of the superstructure on the installed foundation. This additional plot plan shall show such foundation and the lot lines of the lot on which the foundation has been installed, with dimensions shown between the foundation and the lot lines on all sides of the foundation. This additional plot plan shall be certified as to accuracy by a Land Surveyor licensed or registered in the State of New York.

XXV. The Building Inspector may, at his discretion, require that the Applicant for a Building Permit for any lot shown on an approved Subdivision Plat submit with the application for such Building Permit a written statement prepared and signed by a qualified soils engineer which verifies that said engineer has examined the lot, its soils, its topography, its drainage and other features and which also includes the declaration that as a result of such examination he finds that the proposed building and/or use, shown on the plans

submitted with the application for Building Permit, may be safely constructed on such lot.

- XXVI. A Certificate of Occupancy shall be obtained from the Building Department for any building erected on any lot within the Approved Area for which a Building Permit was issued. The Certificate of Occupancy shall not be issued and no such building shall be occupied in whole or in part until such time as:
- (1) The requirements of the Town Building Department have been fulfilled to the satisfaction of such Building Department;
  - (2) All proposed highways, which abut such lot, have been constructed and completed to the satisfaction of the Town Superintendent of Highways, for the full extent that such proposed highways abut the lot;
  - (3) All proposed highways required to provide adequate access to such lot from an existing State, County or Town highway have been constructed and completed to the satisfaction of the Town Superintendent of Highways;
  - (4) Any easements required by the Town for highway or drainage purposes, for sanitary waste disposal, or for water supply, which affect such building or such lot, in any way, have been granted to the Town;
  - (5) The approved sanitary waste disposal facilities have been satisfactorily installed and have been declared operative by the Bethlehem Sewer District and/or other governmental authorities responsible therefore, AND the building has been properly connected to such disposal facilities;
  - (6) The approved water supply system has been satisfactorily installed and has been declared operative by Water District No. 1 of the Town of Bethlehem and/or other governmental authorities responsible therefore, AND the building has been properly connected to such water supply system;
  - (7) Electric power and natural gas, if required, have been made available to the lot and the necessary connections have been made to the building to the satisfaction of the Building Department;
  - (8) Satisfactory evidence has been presented to the Town Building Department that all expenses incurred as a result of the requirements of Items XIX and XXI herein have been paid in full.