#2-87

THE STREET AND ROAD ORDINANCE OF
THE TOWN OF DUANESBURG, COUNTY OF
SCHENECTADY, STATE OF NEW YORK

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ORDINANCE NO. 2-87

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ARTICLE I DEFINITIONS

SECTION 1.1 For the purpose of these regulations, certain words and terms herein are defined as follows:

"DEVELOPER" shall mean any individual, firm, company, corporation or group engaged in developing land.

"STANDARD SPECIFICATION" shall mean the latest STANDARD SPECIFICATIONS CONSTRUCTION AND MATERIALS as required and promulgated by the New York State Department of Transportation, in effect at the time this Ordinance takes effect and as amended, revised and changed from time to time.

"STREET" shall mean all property within the right-of-way lines in any roadway, thoroughfare or highway. Wherever used in this Ordinance, the word "STREET" shall also mean a roadway, thoroughfare, road, highway or public way.

"STREET COLLECTOR" shall mean a street designed to serve as a traffic way for a neighborhood or as a feeder to a major street, see attached Diagram "A".

"STREET, DEAD END" shall mean a street with only one outlet for vehicles.

"STREET, LOCAL" shall mean a street intended to provide access to abutting properties in an area which is primarily residential.

"STREET, MAJOR" shall mean a street designed to serve heavier flow of traffic and used primarily as access to a subdivision from a COLLECTOR STREET, see attached Diagram "A".

"STREET, MINOR" shall mean a street within a subdivision designed primarily to connect MAJOR STREETS and provide access to the same, see attached Diagram "A".

"TOWN" shall mean the Town of Duanesburg, County of Schenectady, State of New York.

"TOWN HIGHWAY SUPERINTENDENT" shall mean the Duanesburg Town Highway Superintendent, Town Engineer, or other duly appointed representative thereof.

SECTION 1.2 PLANNING BOARD TO DEFINE STREETS

The Planning Board of the Town of Duanesburg, shall have the authority to determine how a proposed street shall be classified, ie. major, minor, collector, etc.. for purposes of this Ordinance. No determination pursuant to this section may be made without first considering the recommendation as to classification made by the Highway Superintendent.

SECTION 1.3 REFERENCE TO SECTIONS

References made in this Ordinance to various sections of any State, Federal or Local Law, regulation, publication, manual and/or standards shall mean that which is in effect at the time this Ordinance becomes effective and as the same may be amended, revised and/or changed from time to time.

ARTICLE II STREET LAYOUT

SECTION 2.1 PURPOSE

The purpose of the Ordinance is to requlate the design, construction and the laying out of streets, thoroughfares or highways within the Town of Duanesburg, and to outline the necessary improvements required prior to dedication of the same to the Town as a Town Highway.

SECTION 2.2 ACCEPTANCE BY THE TOWN

After the effective date of this Ordinance, no street shall be accepted by the Town of Duanesburg as a Town Street or road unless and until it shall conform to the requirements, laws, standards and regulations herein provided, and further complies with any other Town Law, Ordinance or Regulation affecting the same.

This Ordinance shall not apply to subdivisions and streets that have received necessary approval from the Town prior to the effective date hereof.

The accepting of any Town Street or Road may be delayed at the discretion of the Town Board upon the Highway Superintendent's recommendation that the same should be delayed due to frost or other weather conditions that would prohibit an informed decision as to whether or not the requirements of this Ordinance have been complied with.

SECTION 2.3 ARRANGEMENT

The arrangement of streets, hereinafter laid out, shall provide for the convenient flow of traffic and shall, wherever possible, provide for the continuation of the principal streets existing in adjoining subdivisions or provide for their proper projection into adjoining property if not subdivided.

The street pattern shall conform to the Official Map of the Town of Duanesburg in existence at the time application is made and shall have the approval of the Planning Board of the Town of Duanesburg prior to starting construction and prior to being accepted by the Town Board.

SECTION 2.4 WIDTH OF STREETS, RIGHT OF WAY

The minimum width of a street shall be sixty (60) feet. This width shall be measured from lot line to lot line. Said width shall be measured at right angles to the lot line on straight streets and on radial lines on curved streets.

The Town reserves the right to require a greater width than set forth herein in order to provide for a street projected to become a main thoroughfare. In the event that a greater width is required, the Town reserves the right to require a greater pavement width as needed. Said determinations to be made by the Planning Board after considering the recommendation of the Town Highway Superintendent.

SECTION 2.5 RESERVE CONTROL

There shall be no Reserve Control Strips along or at the end of proposed streets or temporary turnarounds affecting access of adjoining property except where control of such strips is placed solely with the Town under an irrevocable offer to dedicate. When interior streets of a subdivision are dedicated to the Town, the stub streets which connect these interior streets to present or future adjacent subdivisions, must be dedicated simultaneously.

SECTION 2.6 PROPERTY LINE AT STREET CORNERS

The property line at all street corners shall be rounded or otherwise set back sufficiently to allow a radius or tangent on the property line of twenty-five (25) feet.

SECTION 2.7 DEADEND STREET

Deadend streets designed to have one end permanently closed shall be provided at the closed end with a turnaround roadway having a minimum radius of at least sixty (60) feet. A temporary turnaround easement of equal size must be granted at the end of any street being dedicated in sections. Such easement will be automatically terminated when the street is extended.

SECTION 2.8 STREET GRADES

Street grades shall not exceed eight percent (8%) for collector and major streets and fourteen percent (14%) for minor streets, however, in no event shall the same be less than one percent (1%).

SECTION 2.9 CURVES

Design of horizontal curves shall be in accordance with the design criteria outlined in the AASHTO publication "A" Policy on Geometric Design of Highways and Streets"; 1984, in existence at the time this Ordinance becomes effective and as amended from time to time.

SECTION 2.10 BLOCKS

Intersecting streets shall be so laid out and planned to provide that blocks between street lines shall not be less than one thousand (1000) feet for minor streets and not less than three thousand (3000) feet for major streets.

In the event that an unusual topographic condition or more efficient land use would require variance from this length, then and in that event, the same shall have prior approval of the Planning Board of the Town of Duanesburg.

ARTICLE III STREET CONSTRUCTION

Prior to being offered for dedication, all roadways must be graded and surfaced as follows:

SECTION 3.1 GRADING

The roadway shall be graded to a subgrade sixteen (16) inches below the proposed finish grade, properly crowned to shed water laterally to the side ditches and compacted per D.O.T. Section 203-3.12. The entire street shall be graded to permit proper installations of utilities and to provide for improvements, consideration being given to existing trees which do not interfere with such installations. The subgrade shall be prepared in accordance with Section 203 of the Standard Specifications, as amended from time to time.

SECTION 3.2 UTILITIES INSTALLED

Any water and sewer mains including house laterals to the property lines, storm sewers and all other underground utilities and services shall be compacted to 95% maximum density, Modified Procter.

SECTION 3.3 CONSTRUCTION

The subbase shall be installed in accordance with Section 304 of the Standard Specifications, as amended from time to time, except as noted below. The thickness of the subbase shall be determined by A.A.S.H.T.O. Group Classifications* for subgrade soils as follows:

A-1	12" Compacted
A-2, A-3	15" Compacted
A-4, A-5, A-6, A-7	18" Compacted

A subbase in excess of 18" may be required for special conditions as determined by the Town Highway Superintendent, including, but not limited to high volume traffic.

Filter cloth may be required by the Highway Superintendent, Town Engineer or Town Board, as the case may be.

*A.A.S.H.T.O. Designation M145-82.

The subbase shall cover the entire area of the subgrade.

After the subbase has been installed and approved by the Town Highway Superintendent, three (3) inches of Type 1 Base - Asphalt Concrete should be installed in accordance with Section 403 of the Standard Specifications. The final wearing surface shall be one (1) inch of Type 6 or 6F Top-Asphalt Concrete installed in accordance with Section 403 of the Standard Specifications.

SECTION 3.4 GEOTEXTILE FILTER FABRIC

Geotextile fabrics may be allowed where deeemed equal to subbase as set forth in Section 3.3. Approval for use of the same shall be in writing from the Town Highway Superintendent or designated representative. All geotextile materials and installation shall be in accordance with Section 207 of the Standard Specifications, as amended from time to time.

SECTION 3.5 WIDTH OF PAVEMENT

The width of pavement shall be twenty (20) feet for minor streets and twenty-four (24) feet for all other streets. The Planning Board may require higher standards where appropriate. Paved shoulders may also be required.

SECTION 3.6 CURBS AND GUTTERS

Asphalt concrete curbs shall be installed in accordance with Section 609-3.08, B & C of the Standard Specifications, as amended from time to time, and as shown on the Highway Cross Section, cut detail. The Town Highway Superintendent shall have the right to rescind the necessity of curbs or to substitute gutters in lieu of curbs after written application and written approval of the same has been duly filed with the Office of the Town Clerk.

ARTICLE IV DRAINAGE

SECTION 4.1 DESIGN

Particular emphasis must be placed on adequate drainage. Excessive accumulation of surface water along the sides of the street shall be avoided. Storm sewers may be required if the length of the street accumulation exceeds five hundred (500) feet, or if the street grade exceeds five percent (5%), or if the street grade is less than one percent (1%).

All culverts and storm sewer pipe shall be reinforced concrete pipe laid with cement joints or aluminim corrugated culvert pipe (ALCLAD 3004-H34). Concrete pipe shall conform to N.Y.S. DOT Section 706.07, and aluminum pipe shall conform to Section 707.13. Location and size of all drainage lines shall be approved by the Town Highway Superintendent.

Foundation drains, sump pump lines, roof drains and other surface drains must be connected to storm sewer pipes, or discharge into a natural creek or stream. The above drains may not be allowed to discharge directly into a street ditch. Foundation drains will be permitted to connect in series to a smaller drainline, which may connect to a storm sewer. The subdivision plan shall show drainage lines which provide for foundation drainage for each lot. Wherever these lines are laid on private property, a fifteen (15) foot easement shall be retained for mutual benefit of adjoining property owners.

Storm Sewer catch basins shall be located as shown on the Highway cross-section and directly opposite the subdivision property lines to avoid conflict with driveways.

SECTION 4.2 EASEMENTS

The developer or owner laying out the street for acceptance by the Town must obtain all necessary easements or right-of-way to take care of any surface water caused by reason of the development of said street and/or by reason of the installation of culverts or surface drains. No street will be approved by the Town Highway Superintendent nor will it be taken over by the Town of Duanesburg before such necessary easements or right-of-ways have been obtained and approved by the Attorney for the Town of Duanesburg. Such permanent drainage easement shall enter from the outlet of any culvert or ditch to a natural water course and be not less than twenty-five (25) feet in width. At the discretion of the Highway Superintendent, wider easements or right-of-ways may be required.

ARTICLE V UTILITIES AND IMPROVEMENTS

SECTION 5.1 INSTALLATION

Whenever possible, it is desirable to install the utilities after the street has been graded to subgrade and before the gravel base has been placed.

SECTION 5.2 WATER MAINS

Water mains are to be located ten (10) feet from the street center line and laid with a five (5) foot cover below center line grade. Water main layout is to be approved by the Town Highway Superintendent. House laterals for each planned lot are to be installed to the property line at approximately the center of same.

SECTION 5.3 SANITARY SEWER MAINS

Sanitary sewer mains are to be located in the center line of proposed street and maintain approximately an eight (8) foot invert line. Sewer main layout is to be approved by the Town Highway Superintendent. House laterals for each planned lot are to be installed to the property line at approximately ten (10) feet down grade from center of same.

SECTION 5.4 STORM SEWER LINES

Storm sewer lines are to be located approximately twenty-four (24) inches toward center line from back of curb. Layout is to be approved by the Town Highway Superintendent.

SECTION 5.5 GAS MAINS

Gas mains are to be located five (5) feet from the property line and be installed on the same side as the water lines are located. Provision shall be made for service to the opposite side of the street. There shall be at least three (3) feet of earth cover without cutting the street.

Layout of mains and time of installation are subject to approval by the Town Highway Superintendent.

SECTION 5.6 UNDERGROUND ELECTRICAL AND TELEPHONE CABLES

Underground electrical and telephone cables crossing the street shall be laid with a three (3) foot cover. Power poles and telephone poles placed at street crossings or running along the road shall be placed on a line eight (8) feet from the property line. Layout is to be approved by the Town Highway Superintendent, however, in no event shall the requirement be less than that set forth in the National Electrical Code.

SECTION 5.7 MONUMENTS

Sufficient monuments shall be placed to properly reproduce each street. Existence of these monuments will be inspected by the Town Highway Committee or their inspection before dedication. Monuments may be either granite with a cross cut in the top, or concrete with a metal pin in the top, 4"x4" square and four (4) feet long or approximately equal.

SECTION 5.8 ADDITIONAL IMPROVEMENTS, DRIVEWAYS

Additional improvements, such as gutters and sidewalks, may be required by the Planning Board of the Town of Duanesburg. Complete plans and specifications covering proposed improvements should be submitted to the Town Highway Committee and the Town Highway Superintendent for approval. No hedges, walls, trees or other obstructions shall be installed within thirty (30) feet of the center line of said street without the approval of the Town Highway Superintendent.

Constrtuction of driveways or entranceways shall be approved by and installed under the direction of the Town Highway Superintendent in order to conform to the established grade. Driveways are to be a minimum of twenty-four (24) feet in width. Culvert pipe is to be approved and installed by the Highway Department. The cost of the culvert pipe and other material used shall be the responsibility of the owner.

ARTICLE VI PERFORMANCE AND PERMISSION FOR OTHER AGENCIES

SECTION 6.1 PERFORMANCE BOND

In order to assure that all of the requirements and standards enumerated herein shall be complied with during the installation and construction of the proposed road(s), a one (1) year Performance Bond in the amount equal to or greater than the cost of the project as estimated by the Town Highway Superintendent shall be furnished to the Town of Duanesburg by the Developer or Owner. Such Performance Bond shall be issued by a Bonding or Surety Company approved by the Town Board or, in the alternative, the Developer or Owner may provide other security, including but not limited to cash, acceptable to the Town Board. The same shall also be approved by the Town Board as to form, sufficiency and manner of execution.

In the event that the Developer or Owner defaults and fails to construct the proposed street within the alloted time and/or to the proper specification, the Town Board, after a hearing, may thereupon proceed against the Performance Bond or other security in order to obtain funds sufficient to complete the project as required by this Ordinance.

The Town Clerk shall notify the Owner or Developer of the time and place of the hearing by mailing notice to his last known address. At said time and place, the Planning Board and/or Town Highway Superintendent shall present to the Town Board any and all proof or evidence to establish the alleged default. The Developer or Owner shall be given the opportunity to be heard and present whatever evidence or proof he feel necessary on his behalf.

SECTION 6.2 EXPENSE AND NOTICE OF COMMENCEMENT DATE

All expense in connection with any engineering or inspecting for any work done pursuant to this Ordinance shall be at the sole cost and expense of the Owner or Developer laying out said street. Before any work of any nature is done by the Owner, Developer or Agent of the Owner or Developer, written notice must be given to the Town Highway Superintendent advising the Town Highway Superintendent of the proposed date of commencement of work.

SECTION 6.3 PERMISSION FROM OTHER AGENCIES

Approval in writing shall be obtained by the Owners and/or Developers from the New York State Department of Transportation where proposed streets or highways intersect State roads for its permission to connect said streets with such roads.

Approval in writing shall be obtained by the Owners and/or Developers from the Schenectady County Superintendent of Highways where proposed streets or highways intersect County roads for his permission to connect said streets with such roads.

Approval in writing shall be obtained by the Owners and/or Developers from the Town Superintendent of Highways where proposed streets or highways intersect Town roads for his permission to connect said streets with such roads.

ARTICLE VII INSPECTION AND CERTIFICATION

SECTION 7.1 INSPECTION, GENERALLY

Adequate inspection shall be provided at all times and during all phases of construction, and shall be done under the direction of the Town Highway Superintendent.

SECTION 7.2 INSPECTION SERVICE

The inspection service may either be provided by the Town or by the Engineer approved by the Town. In either case, the cost of the inspection shall be the responsibility of the Developer. If the inspection service is provided by the Town, the cost will be based on a percentage, as set by the Town Board, of the total cost of the work.

SECTION 7.3 WRITTEN CERTIFICATION

Written certification by a New York State Licensed Engineer or Surveyor, approved by the Town Board, will be required proving that subgrades are correct to established line and elevation, that all storm sewer catch basin rims, sanitary sewer manhole rims, water main valve box rims and any other service access devices are at established finish elevation, and upon completion of the road bed prior to paving that established elevations of the bed are correct. The Engineer shall certify that the completed project was installed in accordance with the approved plans.

Written certification shall also be required for the gas company, telephone company, power company and any other utility company that their respective utilities have been installed in accordance with the provisions of the Ordinance.

SECTION 7.4 REGULATORY SIGNS

The proposed street plan shall be reviewed by a qualified Traffic Safety Engineer, at the expense of the Sub-division Owner/Developer, for required traffic regulatory and warning sign location and type. Such signage shall be in conformance with the New York State Department of Transportation "Manual of Uniform Traffic Control" and shall be furnished and installed by the Sub-division Owner/Developer with prior approval of the Town Highway Superintendent.

SECTION 7.5 REQUIRED SOIL TESTING

The results of Soil Tests shall be submitted and certified as to the type of subgrade soil prior to placing of the subbase. Soil Tests shall be taken at least once for every two hundred (200) feet of road on each edge of the proposed pavement and to a depth of five (5) feet below centerline elevation or to ground water, whichever is less.

SECTION 7.6 DEVELOPER CERTIFICATION

The Developer shall certify, in writing, under oath, that all requirements of this Ordinance have been complied with in the construction of a street offered to the Town for acceptance. The written certification shall be filed with the Town Clerk prior to such acceptance by the Town Board.

ARTICLE VIII VALIDITY, AUTHORIZATION, EFFECTIVE DATE

SECTION 8.1 VALIDITY

The invalidity of any section, clause, sentence, or provisions of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

SECTION 8.2 EFFECT ON PRIOR ORDINANCES AND LAWS

Upon taking effect, this Ordinance shall supercede and replace any and all previous Town Laws, Ordinances and/or Regulations dealing with the subject matter contained herein.

SECTION 8.3 AUTHORITY

This Ordinance is enacted pursuant to Section 130 of the Town Law of the State of New York.

SECTION 8.4 EFFECTIVE DATE

This Ordinance shall take effect in accordance with Section 133 of the Town Law for the State of New York.

Dated: June 11, 1987

BY ORDER OF THE TOWN BOARD OF THE TOWN OF DUANESBURG,
COUNTY OF SCHENECTADY, STATE OF NEW YORK.

Esther L Vincent

Town Clerk

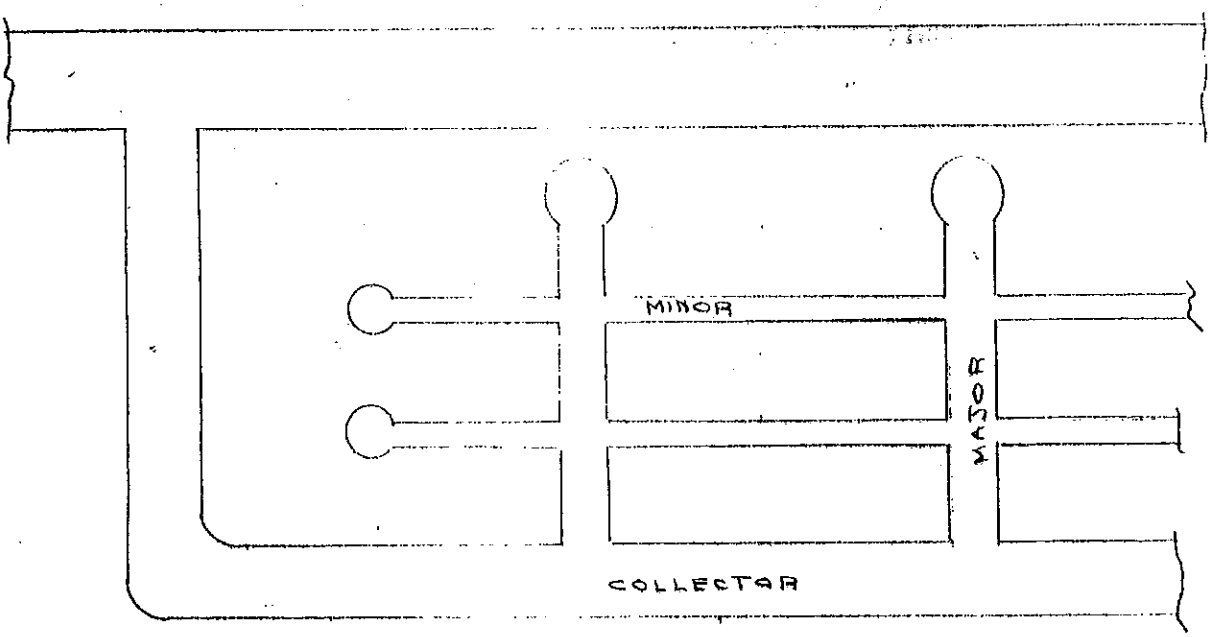

Diagram "A"