

Town of Gilboa Schoharie County, NY

DRAFT COMPREHENSIVE PLAN



Prepared by:

**Town of Gilboa Comprehensive
Plan Committee**

With assistance from:

**Schoharie County Office of Community Development
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Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

Foreword

This Plan was prepared by the Town of Gilboa Comprehensive Plan Committee with the support of the Town of Gilboa Town Board and the Schoharie County Office of Community Development Services. We also received tremendous help from the people who took the time to return our comprehensive plan survey.

This Comprehensive Plan looks forward 10 years, offering a policy framework for Town government. The Town is small, with a population of a little over 1,300 persons. It has been growing slowly, at a pace well below the State and nation. Nevertheless, there has been a large increase in the number of second homes.

Conversions of these second homes to permanent homes can be expected to produce much of the Town's future population growth. Taking a long-range view of this activity as it affects Gilboa is a major purpose of this Plan. Other challenges it addresses include developing tourism and other economic opportunities.

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**Town of Gilboa Comprehensive Plan
Board
Town of Gilboa Town Board**

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

Table of Contents

<i>Foreword</i>	<i>i</i>
<i>Table of Contents</i>	<i>ii</i>
1.0 Introduction	1-1
2.0 Background Studies	2-1
2.1 Regional Location and History	2-1
2.2 Natural Features	2-2
2.3 Existing Land Use	2-6
2.4 Population and Economic Base	2-8
2.5 Housing	2-13
3.0 Goals and Objectives	3-1
4.0 Plans	4-1
4.1 Land Use	4-1
4.2 Community Facilities	4-7
4.3 Transportation	4-10
4.4 Economic Development	4-14
5.0 Appendices	5-1
A - Community Survey Results	
B - Draft Revised Homesite Law	
C - Model Subdivision Regulations	
D - Sample Junkyard Law	
E - Sample Solar Law	
F - Sample Right to Practice Forestry Law	
G - Sample Road Law	
H - Maps	

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

1.0 Introduction

This Comprehensive Plan sets forth a combination of strategies to deal with the growth and future needs of the Town of Gilboa. Needs are largely based upon a "Town of Gilboa Planning Survey" conducted in 2020. The survey was distributed to approximately 1,515 Gilboa taxpayers and 447 persons responded - an excellent return of approximately 30%. The detailed survey results are attached as Appendix A.

The survey results indicate that 75% of respondents chose Gilboa for its rural atmosphere and farmland character and 57% chose the Town for its low taxes. Amazingly, 40% of respondents stated that they had come to Gilboa from New York City, Rockland or Westchester Counties or Long Island.

Some 80% of those participating in the survey stated that the Town had either improved for the better or not changed in its desirability as a place to live. Their dislikes were largely limited to the impact of the New York City watershed regulations (42%), transportation difficulties (20%) and the lack of cultural and recreation options (18%).

Those completing the survey supported certain basic land use regulations, as shown in the responses to Question 10 of the survey. Property maintenance is an area that the Town could work to make improvements and doing such has majority support. However, a balance is desired and private property rights are strongly supported.

Survey participants included many retirees. Indeed, there were more principal householders who were employed full-time by others than who were retired, 49% compared to 27%. Interestingly, the bulk of respondents found employment outside of Schoharie County. This reflects the relationship the Town has to the metropolitan area despite its distance from New York City and the increased ability to telecommute. 48-49% of respondents indicated that they were principal householders and retired (Q15 and Q19); 25% indicated secondary householders and retired. 25% indicated they were principal householders working in Schoharie County.

There was an increase in home occupations - rising from 15% in the 2003 survey to 18% in 2019.

Respondents gave high marks to many public and semi-public services excepting for junk vehicle law enforcement, overall code enforcement and health care services, (about which they have mixed feelings). Highway maintenance was rated "Good Quality" or "High Quality" by 72% of those filling out surveys, with Town roads getting better reviews than County highways. Other services that scored well were utilities (70%) and police protection (57%). Junk vehicle law enforcement and health care services scored the lowest.

Gilboa taxpayers who answered the survey endorsed using their tax money to add or increase financial support for ambulance service (71%), fire protection (64%), taking care of the town roads (52%, question 12) and paving town road (56%, question 23) and special property cleanup days (43%).

When residents were asked to describe how they wanted to see in Gilboa in the next 10-20 years, "profitable farms and farmland protection" ranked highest with 78% saying this was important. "a clean and green

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

environment" was cited as an important goal by 74% and "preservation of historical heritage" was similarly ranked by 57%.

Other important goals included "more small-scale industrial jobs" at 36%, "improved recreational facilities" and "more local shopping opportunities" at 35% each.

Achieving these goals will involve several considerations. These include the following:

- The Town must balance development and preservation. Both can be accommodated with careful planning and enforcement of basic land use regulations. Maintaining balance among agricultural, commercial, industrial, residential and open space uses is important, also, to maintaining a working landscape, assuring economic opportunity and growing the tax base relative to service demands.
- The Town now includes a combination of residents who have lived in Gilboa their entire lives and a large block of others from elsewhere. The former are often seeking greater economic opportunity. The latter, however, have often already achieved economic success and have sought out the Town for non-economic reasons. This has the potential to produce conflicts regarding development policy, as Town officials have already witnessed with recent projects. Nevertheless, such conflicts are unnecessary. Good design and planning can provide for both jobs and environmental protection where residents work together to find the correct solutions. This can be encouraged by ensuring that both groups are involved on boards and committees responsible for the Town's future. Inviting the County, the State, and other groups to Gilboa to do regular planning educational sessions within the Town or remotely is another useful technique for helping to meld goals and objectives. It is also one of the purposes of this Comprehensive Plan.
- Survey results indicate residents want practical and responsible land use regulation along the lines of the Town's present Homesite Ordinance and Subdivision Regulations with some consideration given to specific issues such as cellular towers and junkyards.
- While planning and land use regulation are occasionally perceived as negatives in rural communities because they involve some limits on private enterprise, proper planning supports private enterprise by creating a level playing field that accounts for the externalities associated with land development.

Like anything else, regulation can be overdone and often is, but a responsible Town government that uses its land use planning laws to ensure that all players operate by the same rules and limits those regulations to the minimums required for those purposes, enhances rather than detracts from liberty. The Town of Gilboa is evolving. Its needs may change over time but the level of regulation that now exists is generally appropriate. Notwithstanding this, some updates of local laws, ordinances and regulation are necessary to comply with State law and ensure proper enforcement.

- Change is inevitable but is often resisted. The Town can influence change positively if it stays actively involved in issues. Benign neglect, by contrast, will only lead to some other entity

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

controlling the Town's destiny. Successful towns have embraced change and molded it to fit their own particular objectives. That should be an overriding goal of Town government.

This Comprehensive Plan is intended to work off these principles and set out a practical framework for Gilboa to develop. Its success will be measured in intangible qualities of life, growth in economic opportunity for residents, and the fairness and efficacy of the Town's regulations. Success will also be represented in the planning ahead and capital budgeting for needed community facilities and services. Finally, success will be reflected in keeping the costs of government and taxes low, that being one of the best ways to achieve all of the above.

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

2.0 Background Studies

2.1 Regional Location and History

2.1.1 Regional Setting

The Town of Gilboa is located at a latitude of 42.3973 degrees North and a longitude of 74.4462 degrees West (coordinates for the hamlet of Gilboa Center) in the south-central portion of Schoharie County, north of Grand Gorge, east of Stamford and south of Middleburgh, New York. Adjoining municipalities include the Towns of Roxbury and Stamford in Delaware County, Prattsville in Greene County and Jefferson, Blenheim, Fulton, Broome, and Conesville in Schoharie County.

NYS Route 30 and the Schoharie Creek bisect the Town. Other prominent features include the Schoharie Reservoir (part of the New York City Water Supply System) and the New York State Power Authority's Blenheim-Gilboa Pumped Storage Project, which includes lower and upper reservoirs. The Town consists of approximately 37,600 acres or 59 square miles of land.

2.1.2 History

The Town of Gilboa was a part of the Blenheim Patent and included "State Lands" confiscated from Tories. It was first settled in 1764, by Matthew and Jacob Dise, two settlers who joined the British and fled to Canada during the Revolution. Other settlers after the war included Richard Stanley, Joseph Desilva, Benoni Frazer, Cornelius Lane, John Breaster, Isaac Van Fort, Daniel Conover and Jacob Homer. The first inn was established in 1785 by Ruloff Voorhees. Jonah Soper built the first tannery, in 1800.

The Town of Gilboa was officially created on March 16, 1848 from portions of the Towns of Blenheim and Broome. According the *Historical and Statistical Gazetteer of New York State, 1860* the hamlet of Gilboa then included 2 churches, a private seminary, cotton factory, gristmill, tannery, and 566 inhabitants. South Gilboa contained a church and 20 dwellings. Broome Center had a church and 15 dwellings.

The Town further developed over the years and the hamlet of Gilboa was a lively community in the 1920's when New York City constructed a reservoir on the Schoharie Creek, displacing 350 residents as part of the planned development of the Catskill region as an additional water source. This began with construction of the Ashokan Reservoir and Catskill Aqueduct, which were completed in 1915. The Schoharie Reservoir and Shandaken Tunnel were completed in 1928.

The taking of the land and removal of the hamlet for the Schoharie Reservoir caused long-lasting resentment that was aggravated in later years by the imposition of watershed protection regulations further extending City control over the area. The City has, however, supported local government from a fiscal standpoint, and contributed directly to sewer system upgrades, agricultural projects, economic development and other watershed protection measures. The Town is also a member of the Catskill Watershed Corporation, which has served to help bridge the differences between the City and local government through cooperative projects.

Another more recent major project of historical significance on the Schoharie Creek is the Power Authority's Blenheim-Gilboa Pumped Storage Power Project. Completed in 1973, it generates more

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

than one million kilowatts of electricity in peak demand periods by drawing water from the Creek and recycling it between two reservoirs, one at the top of Brown Mountain, the other at the bottom. The water is pumped to the upper reservoir during non-peak periods and discharged back to the lower reservoir during those peak periods when additional electricity is needed. The project is the largest employer in the area with about 200 jobs involved.

The Town has a remarkably interesting history that already serves as an economic asset in generating tourism. The Gilboa Historical Society was formed in 1997 to promote that history and operates a small museum in the Old Town Hall.

2.2 Natural Features

2.2.1 Geology

The rolling hills of southern Schoharie County represent the northern terminus of the foothills of the Catskill Mountains. The higher elevations of the County constitute the edges of the Allegheny Plateau. The plateau was formed from ancient deposits of the primordial Iapetus Ocean and the rivers that drained into the ocean some half-billion years ago. The predominance of sedimentary rock formed beneath the ocean and lakes accounts for the conspicuously layered look of the exposed bedrock and the regular discovery of fossils discussed below.

Glacial events combined with subsequent weathering and erosion formed the landscape seen today. The Schoharie Creek and its tributaries are the remnants of glacial Lake Schoharie, which exposed rich bottom land soils when receding ice shields released its waters some 12,000 years ago.



The Gilboa Forest, which is located within the Town of Gilboa, is the oldest known fossil forest in the world and it is submerged beneath the Schoharie Reservoir. The forest was discovered during the excavation of the reservoir. It dates back nearly 385 million years to the Devonian period.

The Devonian period is the geologic period that extends 410 to 360 million years ago, when forests and amphibians first appeared and fish became abundant. This was approximately 100 million years before the Mesozoic Era. The Gilboa Forest is one of the first forests to rise up from the water lines of Earth's ancient oceans. Discoveries from the ancient forest include tree stumps preserved in their original soils and some of the world's oldest insects and spiders.

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

2.2.2 Water Resources

Water resources of the Town of Gilboa are depicted on the *Wetlands/Waterbodies Map*. Most of the Town of Gilboa drains into the Schoharie Creek, which flows north into the Mohawk River. The southern-most portion of Gilboa lies within the Catskill/Delaware Watershed, which is part of the New York City Water Supply System.

The Schoharie Creek has been dammed to create the Schoharie Reservoir. Water from the Reservoir is removed from the area via the 18-mile long Shandaken Tunnel, which transports water to the Esopus Creek and Ashokan Reservoir and then eventually to New York City through the Catskill Aqueduct. This system of reservoirs and tunnels is one of the largest in the world. It has a combined storage capacity of 550 billion gallons and supplies 2.34 billion gallons of water per day to some 9 million urban residents. It does so using a 6,000 mile grid of water mains, including the massive underground aqueducts and tunnels. The dam underwent extensive renovations and improvements in the last decade and a new information center for the dam should be an inviting attraction.

Water quality within the Catskill/Delaware watershed, including those portions of the Town of Gilboa, is high. This is why New York City has been able to avoid the filtering of its water supply. However, relatively little of the Town actually drains into the Reservoir. The bulk of it empties into the Schoharie Creek below the dam.

The Town of Gilboa does not have a public water supply or public sewers. Residents use on-site septic systems for the removal of wastes; and they rely on private wells for their water supply.

Floodplains are depicted on the attached *Floodplain map*. The one major area of floodplain lies along the Schoharie Creek between the two reservoirs. This area has flooded, most recently in 1996 and 2011. This led to the award of government grants to relocate several of the houses along Stryker Road, the road itself and a church out of the floodplain. These relocations have left some usable recreation land for potential Town use along Old Stryker Road and Taibbi Road. Due to the foresight of the Town, most flood prone structures have been removed from floodplains. The remaining flood vulnerable infrastructure is on the Schoharie Creek including the lower portions of Nickerson Park Campground and one private residence at the end of Taibbi Road.

Wetland areas are relatively limited within the Town of Gilboa. The *Wetlands/Waterbodies Map* indicates their locations. Generally, the Department of Environmental Conservation mapped wetlands are scattered about the South Gilboa Station area and the east-central portion of the Town.

2.2.3 Topography and Soils

The topography of Gilboa is one of its most striking features. Steep slopes and sheer grades as severe as 70% to 90% (100% being vertical) arise from rolling hillsides. As shown on the corresponding *Topography/Waterbodies Map*, the most severely sloped area is primarily located along Gilboa's western boundary with the Town of Blenheim. This steep area runs throughout the center of Gilboa along the Schoharie Creek and around the reservoir.

Other steep areas are located along County Road 13 in the westerly area of the Town, and in northern and eastern areas extending into the Town of Broome. Nearly 23% of the Town is characterized as moderately sloped hillsides (11% to 20%) and slightly more than 70% of the Town is comprised of having flat to easy grades (0% - 10%).

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

Settlement has historically occurred in nearly level lowlands, adjacent to agricultural fields and the easiest routes of commerce and transport. In more recent history however, road building and residential development has begun to reach into more challenging terrain. Many of Gilboa's hillsides have slopes that are categorically "steep" or greater than 10% grade. Below are conventional standards for land use according to the grade of slope:

Standards for Grading

1%	Minimum for drainage on paved/planted areas
2%	Minimum at building perimeter
2%	Minimum for drainage swales and ditches
10%	Maximum for drainage swales and ditches
25%	Maximum for mown grass areas
60%	Maximum grade for unmowed planted banks

When excavating or building on lots with significant slope, consideration must be given not only to possibilities of runoff and erosion; but, also to accessibility of those areas or public safety and utility company vehicles. Further, the dramatic vistas associated with the local landscape add to the appeal of the area as a tourist attraction. Major changes in hillside areas could have negative impacts upon scenic amenities that are valued by these visitors and the community itself.

A review of soils in the Town of Gilboa includes three of the County's 10 major soil associations. These soil associations constitute descriptions of the landscape based on the distinctive proportional patterns of soil types. Each contains a matrix of minor soil types.

Soils data allows for an understanding of how individual land areas will perform under differing uses. The primary considerations for agricultural use are drainage, contour and fertility. Drainage and contour are also issues for developed uses. Additional concerns include percolation, proximity to flood plains and support of wildlife habitats. The presence of wetlands may also be inferred from soil types. The following are descriptions of the three soil associations found in the Town of Gilboa:

Oquaga-Culvers-Morris Association

Reddish, moderately deep and deep, nearly level to steep, well-drained to somewhat poorly drained, strongly acid soils of the uplands.

This association consists of well-drained to somewhat poorly drained, nearly level to steep soils in two fairly large areas in the northern portions of Gilboa. A typical landscape consists of steep hillsides and a series of flat-topped ridges and benches more than 2,000 feet above sea level. The hillsides and benches are cut by steep valleys. The soils in this association are deep and moderately deep but have a dense hard layer, called a fragipan, at varying depths of 12 to 24 inches, that impedes drainage.

The Oquaga soils which comprise 45 percent of this association are moderately deep, well drained medium textures, and stony. They are found on ridge-tops and steep hillsides. The Culvers soils comprise 25 percent of this association and they are deep, well drained, medium textures, and stony. They are found on hillsides and glacial till. The Morris soils comprise about 25 percent and are somewhat poorly drained, medium textured, and stony. They are found on the lower portion of hillsides and glacial till. Minor soils comprise the remaining 5 percent of this association.

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

Most steep areas of this association have never been cleared for cultivation. Some areas of the deeper, better soils are used for dairy farming. Other areas are used for summer homes, recreation or other non-farm purposes. The growing season at this elevation is fairly short. For good growth of crops, large additions of lime and fertilizer are needed. Because of these limitations, these soils are less desirable for most farm enterprises than soils in lower position.

Lordstown-Mardin Association

Yellowish-brown, moderately deep to deep, nearly level to steep, well drained to moderately well drained, strongly acidic soils of the uplands.

The Lordstown-Mardin Association is located in the southern portions of the Town of Gilboa. The landscape of these soils is characterized by a series of flat-topped ridges cut by shallow drainage ways and a network of small, steep-sided streams. The "stairstep" shape of the exposed bedrock is a common characteristic. The soils in this association are mostly moderately deep, sometimes with a fragipan.

The Lordstown soil component, which makes up about 50% of the association, is moderately deep, well drained, and medium-textured; commonly, it is the stony mix on steep hillsides. The Mardin soil component, about 30%, is deep, moderately or well-drained, and medium textured; they are in rolling, sometimes very stony landforms with long, smooth, gentle to steep slopes. These soils have a very dense fragipan at a depth of about 2-feet that slows permeability. The remaining soil components are medium textured or stony and moderately drained.

Much of the Lordstown-Mardin Association is too stony and flaggy for cultivation and may be shallow to bedrock with a poor water regime. Because of this, agriculture on these soils has been largely limited to dairy grazing. In recent times, this use has diminished and the lands are frequently left idle, reforested or subdivided for residential development.

Schoharie Association

Deep, nearly level to steep, mainly moderately well-drained soils of ancient lake beds.

This association surrounds the Schoharie Creek and Schoharie Reservoir. These soils were formed from the sediments of glacial Lake Schoharie. They are characteristically reddish calcareous clay and silt. The Schoharie soils, which are about 60% of this association, are deep, moderately well-drained and moderately fine-textured with a clay-like subsoil.

The other minor components of the Schoharie association are formed of generally the same materials but are not as well-drained. They include gravelly till and outwash of fans, deltas, and small islands in creeks and streams. While not well suited for crop cultivation they have been used for producing hay and forage and as pasture to support livestock on the bottom land farms.

These soils are among those in the Town of Gilboa that are most prone to erosion. They are generally too wet to work in the early spring, and too dry and hard later in the season. For nonagricultural use, low permeability, erosion, and proximity to flood areas are the primary concerns.

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

2.2.4 Vegetation and Wildlife

The Town is for the most part heavily wooded, as it was when the region was first settled. The wide variety of deciduous hardwood trees is both an economical and recreational asset. It is part of what makes the area especially attractive, particularly during the fall season. Hunting and fishing are very popular due to the abundance of fish, game and the wooded environment. These characteristics have also attracted a large number of second homes.

Timbering is a traditional economic activity that should be promoted and protected, provided best management practices are applied. The Town is home to a number of firewood producers, portable sawmills and similar enterprises. Some 81% of respondents to the community survey during preparation of this Plan stated that a thriving timber industry was either "somewhat important" or "important," an indication of its role in the local economy.

There is a strong need to create economic incentives for land to remain under sustained forestry management programs. The New York State § 480-a program offers landowners forestry tax benefits. Unfortunately, because the remaining taxpayers have to pick up the costs of any tax benefits given to woodlot owners, the burden of this program has been squarely upon municipalities, and this has not allowed many communities to promote the program. Amendments to this legislation are needed to spread the burden Statewide in the manner of the Farmer's School Tax Refund so that all taxpayers who benefit from the open space preserved can help to pay the costs.

2.3 Existing Land Use

An *Existing Land Use Map* of the Town of Gilboa is attached. It is assembled from assessment information gathered by the Office of Real Property Services for Schoharie County. It is important to note that the data gives only a general description of the land use in the Town of Gilboa. For example, a single-family home on 100 acres, not being used for any other particular purpose, may result in the entire tract being classified as residential.

Table 2-1

Broad Use Category	Land Use Description	Parcel Count	Acreage	Percentage of Acreage
100	Agricultural	48	6,273.4	16.7
200	Residential	1,002	13,510.3	36.0
300	Vacant Land	686	12,942.2	34.5
400	Commercial	8	85.2	0.2
500	Recreation & Entertainment	2	158.1	0.4
600	Community Services	35	200.3	0.5
700	Industrial	3	73.3	0.2
800	Public Services	5	2,554.8	6.8
900	Public Parks & Conservation	17	1,747.4	4.7
TOTAL		1,806	37,545.0	100%

Table Updated 2021

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

RESIDENTIAL: Residential property accounts for the largest land use category in Gilboa with 13,510 acres or 36% of total land area. Residential uses include single-family homes, duplexes, multi-family homes, multiple residences, manufactured housing, residential with commercial use and seasonal dwelling units.

VACANT: Vacant lands in Gilboa total approximately 12,942 acres or 34.5% of the Town's total area. Vacant land is the second largest land use category depicted on the Existing Land Use Map. Comparing this map with the USGS Topographic Map following reveals that, although the steeper areas of the Town are undeveloped, the majority of vacant land is located in areas with gentle slopes and rolling hillsides and suitable for development.

AGRICULTURE: Agricultural land use represents the third largest land use in Gilboa, at 6,273 acres or 16.7% of the total. For the purposes of this study, the category is comprised of field crops, livestock products, forest lands and vacant agricultural lands.

PUBLIC SERVICES: The public services land category is comprised of the water supply, telecommunications and hydro-electric land uses depicted on the Existing Land Use Map. This land use comprises about 2,555 acres or 6.8% of the Town of Gilboa's total land area.

RECREATION & ENTERTAINMENT: Recreation & Entertainment land includes approximately 158 acres or 0.4% of Gilboa's total land area. Included are camp resort and camping properties along with similar uses.

INDUSTRIAL: Industrial land uses comprise only about 73 acres or 0.2% of the Town's total land area. The lack of industry represents an imbalance in the Town's tax base and a potential need for additional economic opportunities.

COMMERCIAL: Commercial uses comprise approximately 85 acres or 0.1% of the total. The lack of local commercial services means residents drive elsewhere for most resources.

Although Grand Gorge is relatively convenient, businesses located there do not directly support the Town's tax base.

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

2.4 Population and Economic Base

2.4.1 Population Trends

Table 2-2 illustrates the growth of Gilboa compared to Schoharie County and the State:

Table 2-2 Population Changes, 1990 - 2010			
Year	New York State	Schoharie County	Town of Gilboa
1990	17,990,778	31,840	1,190
2000	18,976,457	31,582	1,215
2010	19,378,102	32,749	1,307
1990-2010 Change	1,387,324	909	117
% Change	7.7%	2.9%	9.8%
Persons Per Square Mile	411.2	52.7	21.8

Based on the Census Bureau data for 2010, the Town of Gilboa grew by 7.6% between 2000 and 2010 and 9.8% between 1990 and 2010. New York State as a whole grew by 2.1% and 7.7% during those same periods. Schoharie County experienced more modest growth of 3.7% between 2000 and 2010 and 2.9% between 1990 and 2010, so the Town's increase over that period is a positive sign in comparison. However, the 2019 American Community Survey estimates a population of 1,188 for 2019. The 2020 Census numbers should be available by 2022.

Growth in residential uses may resume increasing, possibly driven by second homes. The increase in second home ownership typically leads to those homes being converted to permanent residences. This is anticipated to continue, especially with some urban inhabitants choosing to move to less densely populated communities in response to pandemic fears and increased opportunities to work remotely.

Increases in second home ownership may lead to steady, though modest, growth in the Town's population over the next decade. This will occur as second homeowners choose to make the Town of Gilboa their permanent residence for retirement or other purposes.

2.4.2 Age of Household Members

The Town of Gilboa's population by age group differs slightly from that of Schoharie County. Those persons 19 years or younger comprised 21.1% of the Town of Gilboa compared to 22.1% for Schoharie County in the 2010 Census. For those persons 65 years of age or older, 19.0% live in the Town compared to

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

Table 2-3
Population by Age, 2000 - 2019

Year	Gilboa	%	County	%
Under 5 years 2000	71	5.8%	1,757	5.6%
Under 5 years 2019	53	4.1%	1,316	4.2%
5 to 9 years 2000	55	4.5%	2,075	6.6%
5 to 9 years 2019	81	6.2%	1,631	5.2%
10 to 14 years 2000	91	7.5%	2,262	7.2%
10 to 14 years 2019	84	6.4%	1,518	4.9%
15 to 19 years 2000	88	7.2%	3,014	9.5%
15 to 19 years 2019	58	4.4%	2,444	7.8%
20 to 24 years 2000	45	3.7%	1,794	5.7%
20 to 24 years 2019	46	3.5%	2,005	6.4%
25 to 34 years 2000	113	9.3%	3,480	11.0%
25 to 34 years 2019	111	8.5%	3,270	10.5%
35 to 44 years 2000	188	15.5%	4,800	15.2%
35 to 44 years 2019	146	11.2%	3,240	10.4%
45 to 54 years 2000	219	18.0%	4,608	14.6%
45 to 54 years 2019	230	17.6%	4,246	13.6%
55 to 59 years 2000	76	6.3%	1,724	5.5%
55 to 59 years 2019	113	8.6%	2,692	8.6%
60 to 64 years 2000	68	5.6%	1,371	4.3%
60 to 64 years 2019	136	10.4%	2,308	7.4%
65 to 74 years 2000	125	10.3%	2,485	7.9%
65 to 74 years 2019	156	11.9%	3,864	12.4%
75 to 84 years 2000	55	4.5%	1,625	5.1%
75 to 84 years 2019	76	5.8%	2,007	6.4%
85+ years 2000	21	1.7%	587	1.9%
85+ years 2019	17	1.3%	682	2.2%

21% in the County. The largest age cohort, those persons 45-54 years of age, accounted for 17.6% of Gilboa's residents, but only 13.6% of the County's.

The 2019 American Community Survey 5-Year Estimates indicated that approximately 90.9% of the Town population age 25 years or more had a high school diploma. Roughly 89.7% of Schoharie County residents and 86.8 of New York State residents had a high school diploma according to the same data source. 31.6% with an Associate's Degree or higher in the Town compared to 35% for Schoharie County and

approximately 45.3% for New York State.

Table 2-4
Education Levels, 2019

Education Level	Town of Gilboa	Town %	County %
< 12 Yrs Education	88	9.1%	10.3%
12+ Years	572	59.2%	54.6%
2+ Years College	125	12.9%	12.6%
4+ Years College	181	18.7%	22.4%
TOTAL	1,082	100%	100%

Source: 2019 ACS Estimates, Persons Age 25+

Overall, trends in educational attainment in the Town are positive and more in keeping with the County average than they were in 1990 or 2000.

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

2.4.5 Incomes

Per capita income for the Town of Gilboa was, at \$33,264, significantly higher than that of the County as a whole (\$30,397). Per capita income Statewide, nevertheless, was \$39,326, indicating the great need for economic development within the Town, County and Catskill region. Since 2000, the Town has surpassed the County economy by these metrics and has closed the gap from the statewide numbers. There is still a significant gap between the local numbers and statewide.

**Table 2-5
Incomes, 2000 - 2019**

Incomes	Town 2000*	Town 2019	County	NY State
Per Capita	\$27,707	\$33,264	\$30,397	\$39,326
Change 00-19	-	+\$5,557	+\$3,858	+\$4,412
% Change		+ 20.1%	+14.5%	+12.6%
Median Household	\$52,480	\$57,917	\$57,714	\$68,486
Change 00-19	-	+\$5,437	+\$3,101	+\$3,710
% Change	-	+10.4%	+5.7%	+5.7%
Median Family	\$57,045	\$70,052	\$71,286	\$84,385
Change 00-19	-	+\$13,007	+\$6,921	+\$7,222
% Change	-	+22.8%	+10.8%	+9.4%

* Adjusted for inflation to 2019 dollars.

2.4.6 Employment Status

The Town of Gilboa had a workforce of 531 people age 16 years and over with a nearly 50-50 split between male and female, with 267 males and 264 females.

The Town also experienced a slight shift in private industry versus government employment between 1990 and 2019. The percentage of government workers increased from 21.9% in 1990 to 28.9% in 2019.

**Table 2-6
Workers by Job Class, 1990 - 2019**

Class	1990	%	2000	%	2019	%
Private wage/salary	325	64.1%	302	62.8%	301	58.3%
Self-employed	71	14.0%	46	9.6%	63	12.2%
Unpaid family	-	0.0%	7	1.5%	3	0.6%
Total Private	396	78.1%	355	73.8%	367	71.1%
Government	111	21.9%	126	26.2%	149	28.9%
TOTAL	507	100%	481	100%	516	100.0%

Over time, such a continued shift in employment from private industry to government will place a major burden on the local tax base to support

municipal and State government. There is a major need for more private industry jobs in both the Town and region.

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

2.4.7 Employment by Industry

Table 2-7 provides a breakdown of the employed Town population aged 16 years or more in 2019 by industry. The largest single industry in which Town residents are employed is educational, health and social services, comprising 24.7% or nearly a quarter of the employment base in the Town. Many of these are the government employees discussed above.

Those persons involved in construction made up another 20.2% of the local labor force. Manufacturing at 14.3%, retail trade at 8.5% and arts, recreation, lodging, and food at 7.7% rounded out the 2019 employment base of the Town of Gilboa. Together, the top five industries comprised more than 75% of jobs held by Town residents.

Other industries employing residents included: transportation, warehousing, utilities (7.0%); finance, insurance, and real estate (6.6%); public administration services (4.9%); and professional, management and administrative (2.4%).

The agricultural sector employed only 1.7% of the Town labor force. This was a significant decrease from 1990 when that industry employed 8.3% of employed persons. Those employed in the arts increased from 2.3% in 1990 to 7.7% in 2019, further reflecting the migration of metropolitan area employees to the Town as permanent residents and an increase in tourism.

Data on employment by occupation from the 2019 American Community Survey 5-Year Estimates is summarized in Table 2-8.

Table 2-7
Employment by Industry, 2019

<u>Industry</u>	Persons 16+ Years Employed %	
Educational, health, social services	131	24.7%
Construction	107	20.2%
Manufacturing	76	14.3%
Retail trade	45	8.5%
Arts, recreation, lodging & food	41	7.7%
Transportation, warehousing, utilities	37	7.0%
Finance, insurance, real estate	35	6.6%
Public administration	26	4.9%
Professional, management, admin.	12	2.4%
Other services (except public admin.)	10	1.8%
Agriculture, forestry, hunting, mining	9	1.7%
Wholesale trade	2	0.4%
Information	0	0.0%
TOTAL	531	100%

2019 ACS 5-Year Estimates

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

Table 2-8
Employment by Occupation, 2018

Occupation	Persons 16+Years Employed	%
Management, professional	144	27.1%
Sales, office	126	23.7%
Construction, maintenance	92	17.3%
Service	63	11.9%
Production, transportation	106	20.0%
TOTAL	531	100%

Source: 2019 ACS 5-Year Estimates

The data indicates that 144 or 27.1% of Town residents were employed in management, professional or related occupations. An additional 126 persons, or 23.7%, were employed in sales and office occupations, confirming the importance of service industry jobs. Another 106 people, comprising 20% of the workforce, were employed in the production and transportation industry.

2.4.8 Travel to Work

An estimated 11 people worked from home in Gilboa in 2019, or approximately 2.1% of the labor force age 16 years and over, according to the ACS 5-Year Estimates. This was somewhat less than the County, which has a rate of approximately 5.2%.

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

2.5 Housing

2.5.1 Housing Stock

The 2019 American Community Survey 5-Year Estimates indicated that the Town of Gilboa had 1,196 housing units, of which 551 were occupied. Of these, 484 units were owner-occupied and 67 were renter-occupied. There was a total increase of 204 housing units between 2000 and 2019, a 20.1% gain. The population declined by 2.2% during the same period, highlighting the growing importance of second homes in the Town.

Table 2-9
Housing Growth

Year	1990	2000	2019
Housing Units	854	991	1,196

Second homes continue to comprise a substantial portion of the housing stock in Gilboa. Short-term, this is a positive trend since there are a greater number of taxpayers who do not place as much demand on services, particularly regarding public schools. Over time, however, as these homes become primary residences, there is the potential for major impacts on local services, as second homeowners, who once paid taxes without demanding much in services, become part of the services consuming local population. These impacts are likely to be gradual but the cumulative impact with respect to schools could be quite large.

Given the prospect that many of these second homes will be converted to future primary residences, it is imperative that such homes be constructed in a manner that ensure they are properly equipped for later conversion to primary residences. Proper heating, insulation and provision of adequate water & sewer/septic to accommodate year-round living could be required of all second homes.

It is equally important that the Town anticipate the future conversions to first homes in its budgeting and planning. Keeping the costs of government low now while second home revenue is coming in will help tremendously in preserving the tax capacity required in the future to support needed services.

Median value for owner-occupied housing in Gilboa was \$150,000 according to the 2019 American Community Survey 5-Year Estimates. Manufactured homes account for 172 units or 14.4% of the housing units in the Town. Multi-unit housing accounted for a low percentage, as is typical in rural settings, with six two-unit structures and five structures with 5-9 units.

Median value for owner-occupied housing in Gilboa was \$150,000 according to the 2019 American Community Survey 5-Year Estimates. Manufactured homes account for 172 units or 14.4% of the housing

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

units in the Town. Multi-unit housing accounted for a low percentage, as is typical in rural settings, with six two-unit structures and five structures with 5-9 units.

2.5.3 Contract Rents

Town of Gilboa rents were relatively low in 2019, the median being only \$768. The median rent Countywide was slightly \$790.

2.5.3 Housing Needs

The Town needs to ensure its land use regulations do not unnecessarily raise the cost of moderate income housing by requiring excessive lot sizes or adding too many regulatory costs. Improving the quality of the existing housing stock can be achieved through programs with Western Catskills Community Revitalization Council and the Schoharie County Rural Preservation Corporation. Mobile home replacement programs should continue to be pursued. Enforcement of the NYS Building Code for new residential construction will do a lot to help ensure quality housing for the future.

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

3.0 Goals and Objectives

The following are the goals and objectives on which this Plan is based:

Goal 3.1 Use positive incentive-based programs to guide land use development.

3.1.1 Preserve and respect the rights to use of private property by limiting land use regulations to those essential to the health, safety and welfare of the community.

3.1.2 Update and employ the Town's Homesite Ordinance and review all existing land use regulations, in ways that allow the Town to develop in a traditional mixed-use fashion, with regulations directed more toward the quality of development than the location.

3.1.3 Incorporate as much flexibility as possible into land use standards to fit individual development circumstances and offer bonuses for developers who provide additional open spaces, protect important environmental features or otherwise contribute to quality forms of development.

3.1.4 Encourage businesses and limit negatively impacting adjacent land uses (e.g. noise, lighting, outdoor storage).

Goal 3.2 Provide for the orderly future growth and development of the Town of Gilboa.

3.2.1 Update the Town of Gilboa Subdivision Regulations to encourage the use of subdivision and land development techniques that preserve the valuable open space and working landscapes of the Town.

3.2.2 Establish performance standards for steep slopes and other areas of the Town with natural resource limitations.

3.2.3 Address the need for affordable housing by maintaining reasonable minimum lot sizes in Town land development regulations.

3.2.4 Ensure a high-quality housing stock at various price ranges by allowing for manufactured homes, but regulating their placement under the Town of Gilboa Homesite Ordinance.

Goal 3.3 Secure safety from fire, flood and other danger.

3.3.1 Maintain firefighting, rescue and medical equipment needed to ensure the proper capacities of the local fire companies to address emergencies and institute volunteer recruitment incentives.

3.3.2 Use the Town's Floodplain Damage Prevention Law as a tool to steer development away from dangerous flood locations.

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

3.3.3 Use and implement the Hazard Mitigation Plan.

Goal 3.4 Preserve the character of existing rural highways and promote safe, efficient and uncongested circulation of traffic.

3.4.1 Require, wherever possible, the use of joint highway accesses on Town, County and State roads to minimize the number of potential traffic conflicts.

3.4.2 Reduce and enforce speeds on designated roads possessing specific hazards (e.g. South Gilboa Road, Cornell Road, Deigman Road).

3.4.3 When reviewing site plans, require new roads to be designed to preserve natural topography and tree cover, minimize cuts and fills and preserve important views.

3.4.4 Require developers to provide for walking as well as vehicular connections to adjacent land uses and open spaces.

3.4.5 Where practical, scale street widths and alignments to engineered standards while meeting minimum standards for safety and maintenance.

3.4.6 Require land developers to mitigate existing traffic safety issues, wherever possible, with offsite improvements.

3.4.7 Make sure the Town Road Law establishes legal requirements for highway dedications.

Goal 3.5 Protect the quality of surface and groundwater supplies, maintain high quality physical environments and preserve wildlife habitats.

3.5.1 Incorporate stormwater management and erosion control planning requirements in both site plan and subdivision reviews to reduce phosphorous loads to streams.

3.5.2 Encourage conservation subdivision designs where lots are clustered to provide open space buffers that can trap stormwater run-off.

3.5.3 Explore incorporating the highly ranked objectives from the community opinion survey completed as part of this planning project (see Section 1.0 and Appendix A) into the Town of Gilboa's Homesite Ordinance as performance criteria for site plan review. These pertain to; a) protection of air quality, b) drinking water quality, c) wildlife habitat, d) scenic views, e) stream water quality, f) mature forests, g) farmland and h) stream corridors.

3.5.4 Update and enforce the Town's junkyard and dumping laws.

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

Goal 3.6 Promote the economic development of the Town of Gilboa to improve incomes, create new business and employment opportunities and raise the standard of living within the community.

3.6.1 Develop scenic biking, driving and hiking paths/routes through the Town along with accompanying brochures and other promotional devices (e.g., a website) to take advantage of Gilboa's agricultural, architectural, natural and historic assets. Leverage County/Regional promotional programs.

3.6.2 Seek out State and local Historical Society and other assistance in identifying buildings of historical significance throughout the Town for purposes of recognition in promotional materials, inclusion in scenic drives or walking tours, signage (where appropriate) and securing of funding assistance and tax credits for restoration on a strictly voluntary basis where such designations will not adversely impact economic development opportunities.

3.6.3 Encourage, through the use of Catskill Watershed Corporation (CWC) and other incentive programs, the development of natural resource-based industries such as small secondary wood processing operations that can utilize the Town's extensive forest resources.

3.6.4 Allow for the continued growth of the community in support of the Town of Gilboa's construction industry, which is a large employer and major occupation.

3.6.5 Encourage the development of convenience shopping opportunities and niche service businesses in the Town by allowing for such uses under the Town's land subdivision and site plan review regulations.

3.6.6 Erect community welcoming signs at major entrances into the Town of Gilboa with links to individual Town businesses.

3.6.7 Encourage the use of short-term rentals in the Town (e.g. Airbnb).

3.6.8 With increased broadband coverage, encourage home-based businesses in the Town.

Goal 3.7 Encourage the retention and further development of the Town of Gilboa's agriculture and forestry sector to improve farm incomes and maintain the working landscapes that define the Town's character.

3.7.1 Encourage the use of the New York State Agricultural District program within the Town as a means of offering farmers additional protection of their rights to farm, complementing local legislation.

3.7.2 Arrange for training of Town officials on agricultural planning issues through Cornell Cooperative Extension of Schoharie County and the Schoharie County Office of Community Development Services.

3.7.3 Work with landowners, the Schoharie County Agricultural and Farmland Protection Board, the Watershed Agricultural Council, the Schoharie Land Trust, the New York State Department of Agriculture and Markets and others to promote agricultural conservation easements as a public/private tool to preserve valuable farmland. Some of this has been done.

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

3.7.4 Expand farm-based tourism by soliciting and encouraging farm stands and associated promotions (e.g., corn mazes, animal petting and feeding) that can be cross-promoted with scenic driving tours.

3.7.5 Actively promote the Town of Gilboa as a location for new farm and agri-business enterprises by working with the Chamber of Commerce, Schoharie Economic Enterprise Corporation (SEEC) and others.

3.7.6 Promote the horse industry as a vehicle for keeping farmland in productive use, increasing agricultural tourism and maintaining a core of agricultural support industries such as feed mills. (The Town's proximity to Albany and New York City makes it ideal for this purpose and there are already local "drives" and other events that could be easily steered toward Gilboa with some incentives. The Catskill Rail Trail may offer similar opportunities.)

Goal 3.8 Provide for the recreation needs of a population expected to grow in future years with second home conversions to permanent residences.

3.8.1 Work with the Catskill Revitalization organization to grade the Catskill Scenic Trail facilities in the Town of Gilboa by adding parking and signage at the South Gilboa Station or other appropriate locations (e.g. Forks in the Road Schoolhouse site).

3.8.2 Create trail links to the historic Long Path, which begins at the George Washington Bridge and runs through the Town of Gilboa.

3.8.3 Work with the New York City Department of Environmental Protection to open up local recreational use of the Schoharie Reservoir and associated City properties.



Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

4.0 Plans

4.1 Land Use

4.1.1 Existing Land Use Regulations

There are both Land Subdivision Regulations and a Homesite Ordinance now in effect in the Town of Gilboa that serve to guide development. There are also New York City Water Supply Watershed Regulations in effect. The details of these regulations as they impact upon future land use are as follows:

SUBDIVISION REGULATIONS

The Town Board authorized its Planning Board to regulate land subdivisions by resolution of September 6, 1988. Planning Board subsequently prepared Subdivision Regulations, pursuant to Article 16 of the Town Law, that were approved by the Town Board on May 1, 1989. The regulations include very few design standards but do require a minimum of 200 feet frontage and a lot depth of no more than four times lot width for all lots.

The following are several other observations regarding the Town of Gilboa Subdivision Regulations:

- The regulations no longer comply with the provisions of New York State Town Law pertaining to land subdivision procedures and State Environmental Quality Review Act (SEQRA) coordination. Processing schedules do not match.
- A "lot improvement" exemption for lot combinations, boundary line adjustments and natural subdivisions already divided by roads, would be useful in streamlining the regulations. Similar techniques are used by many other towns to reduce the compliance burden and resulting costs of housing in such innocuous situations.
- A more detailed table of contents be useful in navigating the regulations.
- Design standards are generally inadequate. Stormwater management needs more attention, for instance. There should be a general requirement that post-development run-off not exceed predevelopment conditions.
- Stream buffers and provisions to encourage conservation subdivisions (where lots are clustered to preserve open space buffers) should also be considered.
- There are no standards for soils testing for subsurface sewage treatment capacity. There are no cross-references, also, to State Department of Health or New York City Watershed regulations.
- Standards are missing for common open space and recreational facilities in larger subdivisions. There are also no requirements regarding management of common facilities or the operation of homeowner associations. This may become a much more important issue if the Town is given more attention from larger land developers.
- The street design standards and general approach to regulating street construction need to be reevaluated. Currently, the Subdivision Regulations state that "access to private streets shall be deemed acceptable only if such streets are designed and improved in accordance with these

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

regulations." Another provision, however, states that "all streets must meet the present specifications of the Town of Gilboa highway regulations."

Those specifications regulate dedications of streets to the Town. Therefore, all subdividers are effectively required to put their streets into dedication ready condition before approval, giving the subdivider every incentive to dedicate sooner rather than later. This is not a good policy unless the Town wants the roads. Standards for private streets are needed, along with a separate local law establishing higher standards for road takeovers by the Town.

HOMESITE ORDINANCE

The Town enacted a Homesite Ordinance on February 1, 1982. It replaced a Trailer Ordinance from 1968. The Homesite Ordinance includes not only manufactured or mobile home regulations, but also standards with respect to campgrounds and individual homesites of any type. It includes regulations regarding building setbacks, driveways, sewage systems and water supplies for all homesites. It does not regulate commercial activities other than campgrounds and manufactured home parks.

While many New York municipalities regulate manufactured homes and campgrounds under the authority of the Town Law, this Ordinance is somewhat unusual in applying to all homesites. It is, nonetheless, similar to ordinances found in several other Schoharie County communities.

The following are several observations regarding the Homesite Ordinance:

- Parts of the Homesite Ordinance are clearly authorized by the New York State's Town Law. Section 130.21, for instance, explicitly allows for all the manufactured home and campground regulations involved. Because the Ordinance does not regulate where these uses may take place there is no conflict with other provisions of Town Law.

The regulation of driveways is likewise authorized by Town Law Section 130.7a and sewer and water supply by Section 130.2. The building setbacks may be authorized by Section 130.25, but this is less clear, as Section 261 of the Town Law indicates the size of yards is properly regulated under a zoning ordinance or law. Case law supports the latter position.

Notwithstanding this potential conflict, the regulation of yards (and lot frontages in the Subdivision Regulations) may be authorized under the Municipal Home Rule Law.

However, the Ordinance is not adopted under that authority and no legal authority is cited within it for any of its provisions. This lack of specified authority is a shortcoming.

- Section 3.9.j of the Ordinance requires that campground roads be accepted as part of the Town highway system. Section 3.9.a even requires conveyance of an easement to the Town.

It could be argued that these poorly worded provisions require dedication of campground roads to the Town and acceptance by the Town Board. This would represent a major burden on taxpayers and should be discouraged.

The regulations should, instead, establish minimum street specifications for campground roads as private streets and prohibit dedication.

- The Ordinance provides for manufactured homes on piers, which is generally undesirable.

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

- The 15,000 square feet minimum lot size for individual manufactured homes is clearly inadequate where on-site subsurface sewage disposal and water supply from wells is involved.

The eight units per acre maximum density within manufactured home parks is probably too high for a rural area unless accompanied by additional common open space much greater than the minimum 5% provided for in the regulations.

- Street standards are probably too strict. There is no reason for a 50 feet wide street, although a right-of-way of such width could be appropriate. The Ordinance is not specific on this and requires clarification.
- Manufactured home stand requirements are redundant.
- Off-street parking requirements pertaining to manufactured home lots are probably inadequate. Two spaces per lot should be required.
- There are additional issues regarding manufactured homes that are not addressed by these regulations, including recreation facilities, skirting, accessory buildings and fire safety.
- The term "mobile home" is no longer used by either New York State or the Department of Housing and Urban Development. "Manufactured home" is the current term employed in regulations and should, therefore, be used also in this instance.
- Campground regulations fail to meet many industry standards suggested by the American National Standards Institute and National Fire Protection Association. They allow, also, for too much density, given the very low 5% open space standard.
- The Ordinance does not address the requirements of the State Environmental Quality Review Act (SEQRA).
- If the Town of Gilboa's Homesite Ordinance was reconstructed under the Municipal Home Rule Law it would probably be possible to introduce some site plan review authority for the Planning Board for non-residential uses. This could be useful in dealing with new commercial or industrial activities.

NEW YORK CITY WATERSHED REGULATIONS

The regulations adopted for the New York City water supply watershed are comprehensive in scope. Procedurally, they have an impact on everything.

The Memorandum of Agreement between local and City authorities defines many of the relationships between the parties but there are still difficulties that result from the procedurally top-heavy approaches employed by City agencies to make decisions. This often results in excessive delay and added costs from a local perspective.

Nevertheless, the Watershed Regulations themselves are not nearly as much an obstacle to development as the procedures used to apply them. The standards, in fact, are not substantially different from those imposed by many communities on their own initiative. They include the following requirements:

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

- New petroleum storage facilities (including those used for home heating fuel storage) must be located at least 100 feet from a stream and 500 feet from a reservoir.
- All new subsurface sewage disposal systems must be approved by the City's Department of Environmental Protection and be located at least 100 feet from a stream or wetland and 300 feet from a reservoir (increased to 250' and 500', respectively, for "raised systems").
- Impervious surfaces constructed in connection with new commercial uses are prohibited within 100 feet of a stream or wetland or 300 feet of a reservoir (not prohibited within designated hamlets, but subject to review and permit).
- New residences are generally prohibited within 100 feet of a stream or wetland or 300 feet of a reservoir.
- Stormwater pollution prevention plans for review by the City are required in connection with new subdivisions, earth disturbances of 5+ acres and new impervious surfaces of 40,000+ sq. ft. within commercial zones.

That portion of the Town of Gilboa affected by these regulations is limited. Also, new Federal EPA stormwater pollution control permitting requirements for disturbances of as little as one acre are now in effect, rendering the impact of City requirements much smaller on a relative basis.

The Town may wish to assume more control of these matters for itself by developing local standards that serve to resolve the major issues before they reach the New York City Department of Environmental Protection for decision.

OTHER REGULATIONS

The Town has also enacted some other regulations having a bearing on land development in the Town. These include the following:

- Right to Farm Law

The Town enacted a Right to Farm Law in 2002. This local law establishes preferential policies toward agriculture in the Town, also establishing a basis for resolving disputes between landowners where agricultural practices are challenged. Sound management practices are protected activities under this Law.

- Town Highway Specifications

Like most towns in New York, Gilboa has a set of adopted highway specifications setting out criteria applicable to dedication of streets to the Town. These regulations are cross-referenced in the Subdivision Regulations as the baseline standard for all new roads, a policy that could have the unintended consequence of encouraging road dedications (see additional discussion under *Subdivision Regulations*). The highway specifications have not been incorporated into local law.

- Junkyard Law

The Town adopted a Junkyard Law in 2002. This Law establishes licensing requirements for junkyards. It requires, also, that all junkyards be fenced. Authority for this Law is found in Sections 136 of both the Town Law and the General Municipal Law.

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

Gilboa's requirements are largely the same as the latter but leave out some of the aesthetic considerations. Although the Town could enact additional or higher standards (e.g. to require landscaping and natural buffering) they do not. The standards involved relate only to fencing and signage. There is no distinction made for existing versus new junkyards. Moreover, no provisions made for bringing existing junkyards into conformance.

The Town's land use regulations as a whole provide a reasonable basis for dealing with most of the development faced by Gilboa. However, many of them are recommended to be updated.

4.1.2 Future Land Use

The Town's most serious land use challenges are likely to come from continued residential growth, particularly second home growth and conversions of these units to permanent residences.

There is relatively little commercial or industrial activity and not likely to be much in the near future given the convenience of Grande Gorge, Middleburgh and Stamford where many residents already go for work. This is not to suggest the Town doesn't need more of these uses. It does need them, but one must be realistic in assessing the potential and knowing where growth will arise.

Meeting demands on the region for phosphorous reduction without imposing unreasonable restrictions on landowners can be difficult. Respondents to the planning survey were highly skeptical it could ever be accomplished.

Accordingly, land use controls must continue to provide the flexibility to accommodate development in all areas of the Town but in a manner that allows the Town to exercise reasonable control to deal with the impacts of the development. The existing Subdivision Regulations and Homesite Ordinance offer this strength, although they both should be updated.

As the Town further develops residentially, Gilboa and South Gilboa both may warrant further development as hamlets, with associated convenience for those residences. The Town's regulations should anticipate this trend and allow for traditional neighborhood development in these areas.

4.1.3 Land Use Recommendations

Specific recommendations relating to land use in the Town of Gilboa are provided below:

A. Homesite Law

The Town Homesite Ordinance should, to protect it from legal challenge, be reconstructed as local law under the authority of the Municipal Home Rule Law, with cross-references to specific authorities under the Town Law. This revised Homesite Law should be fashioned as a site plan review regulation with attention to the specific needs identified earlier (see Section 4.1.1). A draft version is attached as Appendix B.

B. Subdivision Regulations

The Town Subdivision Regulations should also be updated to address the issues identified in Section 4.1.1 and for Conservation Subdivisions. This type of subdivision is a distinct form of clustering where the emphasis is put on preserving usable open space, not just the lands that cannot be developed.

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

This concept can be used to avoid the carving of the entire into 5 and 10 acre lots and, instead, preserve some larger contiguous tracts. It can also facilitate the continuation of farming and forestry as enterprises on the saved open spaces.

A model set of Subdivision Regulations is found as Appendix C. It is recommended that these, too, be adopted under Municipal Home Rule authority to allow for some important modifications of Town Law (e.g. to provide more than six months to install improvements and file final plans).

C. Junkyard Law

The Town should also consider updating its Junkyard Law to establish some additional specific standards for such enterprises and an effective enforcement program. The screening standards now contained in the Junkyard Law are inadequate, requiring only a fence that can be as unappealing as the junkyard. Moreover, there is no effective mechanism in the Law to ensure the cleanup of existing junkyards that do not conform to the Law.

Merely requiring licenses will not work if there is no requirement that existing junkyards be eliminated or brought into conformance over a specified time-period. Finally, the classification of a single junk appliance as a junkyard, may be unrealistic.

Some simple revisions of the Town Junkyard Law would offer more detailed standards governing commercial junkyards and prohibiting backyard versions. Such regulations received strong support in the community survey conducted during the public participation phase of the planning process. A Sample Junkyard Law from which such provisions might be excerpted is attached as Appendix D.

D. Telecommunications Towers/Renewable Energy

Cellular phone towers are being erected at a steady rate in rural areas to meet cellular phone service demands. 5G Service may begin to spread into rural areas in the next decade. Routes 23 and 30 are logical locations for such towers. While cellular service could be valuable to the community and should not be discouraged, there are some issues warranting attention. These include aesthetics, erosion from steep access road construction and service coverage. The Town adopted a telecommunications law in 2000 and should revise to add regulation for 5G installation considerations.

Regulations should be updated for windmills and developed for solar power, both small scale and utility level. Regulation of both uses received considerable support (approximately 83%) in the community survey (see Appendix A) although it must be noted that people are not overly concerned about the impacts of these uses.

A sample Solar Law is attached as Appendix E.

E. Right to Practice Forestry

Timbering is a strong industry within the region. It builds on the Town's competitive natural resource advantages. The forestry industry directly and indirectly employs large numbers of Town

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

and County residents. The community survey revealed strong support (over 90%) for the Town to monitor the timber industry using sound management practices.

A local law modeled on the Town's existing Right to Farm Law and the Right to Practice Forestry provisions of the Environmental Conservation Law is, therefore, recommended. A Sample Right to Practice Forestry Law is attached as Appendix F.

4.2 Community Facilities

Although population continues to be low, there is a possibility that Gilboa's population will grow at a faster rate over the next decade.

Planning and budgeting now for the community facilities and public services these residents will need in the future is a major challenge for the Town. The following is a discussion of the major needs.

4.2.1 Parks and Recreation

The Town owns acreage along the Schoharie Creek that might be suitable for a park. This area could be improved and would serve very well for certain types of recreation uses not subject to flood damage. It presents some serious development limitations for those recreational uses involving new building construction, due to the floodplain conditions. There could also be some access issues. The community supports development of recreational uses (see Appendix A) including development of hiking, equestrian, and biking trails. These types of uses could also attract people to the area and increase the demand for some commercial services. The Town could explore using edges of existing roads for more multi-modal uses.

The Town should consider putting some facilities at a higher level near the Old Town Hall (current museum) where there is no risk of flood damage and access is both safe and convenient. Sports fields could be a good use of the floodplain area with the two areas linked by pedestrian paths and access from the north to the lower area, rather than 990V near the bridge.

Careful planning will be required, and it is recommended that a landscape architect or professional engineer with experience in park and recreation planning be employed to develop a park master plan that maximizes use of the two areas and avoids future conflicts.

The Town may find that the land it now owns is only suitable for a narrow range of uses but, could complement other facilities in the context of an overall plan.

Community survey results (Appendix A) indicate limited support for some additional recreation facilities, including trail systems (42% favoring increases), a senior center (37%) and the historical museum (34%).

However, a majority of respondents suggested support continue at present levels of funding or be decreased in the case of all recreation facilities listed in the survey. Construction of new facilities should, therefore, rely on volunteer support and contributions more than public expenditures. Also, trail development is not expensive and could take place on already public property.

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

4.2.2 Town Hall

The Gilboa Town Hall is a modern facility that can easily accommodate reasonably large groups of people. It offers adequate space for services now provided. Moreover, the space now rented by the Postal Service provides an excellent source of income and serves as buffer space in the event the Town should eventually need more building area for its own needs. The Town Hall does have some technology upgrades and maintenance that will need to be performed in the next 5 years. School facilities and other nearby community buildings are available for occasional large group events.

The Town also owns the old schoolhouse in South Gilboa which may be suitable for several uses, the feasibility of which is being explored. The building lacks infrastructure. It should continue to be principally used for Historical Society activities (along with the Gilboa Museum).



The Town salt shed located in the hamlet of Broome Center and the Town Highway buildings in Gilboa are adequate to serve expected future needs. The Town Highway Garage will need some upgrades, especially energy efficiency which the Town Board will explore.



4.2.3 Fire and Ambulance

There are eleven different emergency service providers serving Gilboa and its immediate environs. These include the following:

Gilboa Area Emergency Services

- *Blenheim Hose Company*
- *Conesville Fire Department*
- *Conesville Rescue Squad*
- *Grand Gorge Fire Department*
- *Grand Gorge Rescue Squad*
- *Stamford Fire Department*
- *Stamford Emergency Squad*

Residents rated fire and ambulance services much lower than in 2004. The Town considers this an important issue and is working on possible solutions.

The Town of Gilboa is working on making fire protection service and emergency medical service more efficient and is actively looking at options to find both a short-term solution for 2021 through 2022 while developing a long-term solution that is effective, permanent, sustainable, and affordable for taxpayers. The Town of Gilboa is covered by four Fire Protection and EMS providers, the Conesville Fire Department, the Grand Gorge Fire Department, the Stamford Joint Fire District, and Blenheim/MEVAC.

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

Options being considered include – do nothing, contract with a private firm, contract with Fire Protection Districts that may or may not currently serve the Town of Gilboa, changing which District may respond to a location, develop a County Ambulance Service, develop a Town of Gilboa Fire/EMS Department.

Currently volunteer support is provided from Gilboa residents in the case of many of these providers, but it is increasingly difficult everywhere to obtain daytime volunteers. Volunteer incentives, including awards and other recognition, high-quality meeting places, the best equipment and other support services need to be developed to maintain the high levels of commitment demanded of volunteers. The Town should participate with its neighbors in supporting emergency providers through these types of incentives.

4.2.4 Sewage Facilities

Given the scattered development within the Town and increased sophistication of design with respect to on-lot sewage disposal systems, continued use of such systems is warranted. Subsurface disposal is also the preferred option for reducing impacts on both ground and surface water from excess nutrients. Nevertheless, there are serious soils limitations throughout the Town for subsurface sewage disposal. At least one local malfunction within the Schoharie Reservoir watershed has proven impossible to correct, leading the New York City DEP to consider acquisition of the property as a remedy.

This experience suggests that, while a septic system management program could be useful, it would probably not do much resolve critical malfunctions. Fortunately, they are limited in number. Therefore, the Town should continue to rely as much as possible on voluntary upgrades using positive incentives. New York City's financial help with the replacement and upgrading of systems has offered an unusual opportunity to provide such incentives. The Town should seek to have funding for this program continued if possible. Similar funding is unlikely to be available for the remainder of the Town. Using the Town Homesite Law to reinforce County Department of Health requirements for soil testing and sewage system design in connection with new homes, consequently, remains vitally important. The Catskill Watershed Corporation (CWC) offers septic upgrade assistance to property owners in the New York City Watershed. One main source of assistance is 100% funding for septic design and installation is available for full-time residences and 60% funding for seasonal residences.

4.2.5 Water Supplies

There are no public water supply systems serving the Town of Gilboa, except for systems serving large uses such as the Nickerson Park Campground, Country Roads Campground, and Oorah Summer Camp. All homes and businesses are supplied by individual wells. The groundwater supply is both high-quality and plentiful. Given the relatively low-density nature of development taking place in the Town, water supply should not become a major issue.

4.2.6 Stormwater Management

There are no stormwater collection systems in the Town other than those connected with individual new construction projects. New York City DEP watershed regulations have required stormwater planning for some time. More importantly, however, new NPDES permitting requirements extending regulation to projects disturbing as little as one acre in size are now in effect. These Federal standards (being implemented through the State) effectively mandate stormwater management Town wide.

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

The Town, therefore, needs to integrate stormwater management into the provisions of its Homesite Law and Subdivision Regulations to ensure this issue is not neglected as the Planning Board processes development proposals. If it does not address stormwater management and related requirements under the State Environmental Quality Review Act, it runs a high risk of development approvals being successfully challenged by opponents, adding costs and discouraging other new development projects of economic benefit.

4.3 Transportation

Highways support economic development by allowing the efficient movement of people and goods and, thereby, influence the overall direction of Town growth as well as the location of specific commercial, industrial and residential activities. This plan addresses the needs of this highway system, as well as other modes of transportation to the extent they exist.

4.3.1 Functional Road Classifications

Every road plays a particular role in moving people and goods within and through the Town. The following table identifies roads by those functions based on future traffic expectations.

Town of Gilboa Highway Functional System	
ARTERIAL ROADS	
FUNCTION: Carries medium-to-heavy volumes of traffic at moderately high speeds and provides access to major traffic generators.	
ROADS:	<ul style="list-style-type: none">• Route 23• Route 30• Route 990V
COLLECTOR ROADS	
FUNCTION: Provides connections between Arterials and Local Roads at comparatively slower speeds and carries moderate traffic volumes.	
ROADS:	<ul style="list-style-type: none">• County Road 13• County Road 14• County Road 17• County Road 53
LOCAL ROADS	
FUNCTION: Provides direct access to abutting properties and channels Local Road traffic to Collector Roads.	
ROADS:	<ul style="list-style-type: none">• All other roads

Many of these highways are already functioning adequately in the above capacities. Nonetheless, increased subdivision activity and economic development needs both suggest some improvements are warranted to bring about a more functional system. These include the following:

A. County Road 14

The upgrading of County Road No. 14 from Route 23 to Route 30 is essential to its service in a

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

collector capacity. The sections between Route 23 and Deigman Road and between Parlman Road and Route 30 are in particularly poor condition. There is a large subdivision at the Route 30 end of this highway and another proposed at the Route 23 end (along the Blackberry Road feeder). There are also nine separate local roads feeding traffic onto County Road 14.

Other subdivisions are located along Parlman Road, Pom Road and near the intersection with Benjamin Road. Still others are found along Souer, Meeghan, and Bund Roads, that feed County Road 14. These developments will, over time, increase road use dramatically as they are built out. The large number of recorded lots remaining throughout the Town that remain available for building will also have a similar effect on other roads.

County Road 14, however, is particularly important as both a collector road and as a shortcut route between Routes 23 and 30. It offers a faster way for visitors and employees to reach the Mine Kill State Park, the NYPA facilities and other points north. Its poor condition relative to the Town and State Roads to which it connects doesn't support such use, however. The Town should work with the County to ensure upgrading of this road is a high priority in the near term.

B. County Road 13

County Road 13 serves some of the same local roads plus Cornell and Starheim Roads. It, too, is in need of upgrading, especially from Cornell Road to NYS Route 30. It provides a link between the Jefferson (Route 10) and Route 30. Conditions are poor from Cornell Road to Route 30.

While County Road 13 plays a somewhat less important role than County Road 14, it also serves a developing area of the Town and some of the subdivisions could be more easily accessible from that direction. This could also require some upgrading of Town roads as well.

Although a lesser priority than County Road 14, this route also demands attention by the County Department of Public Works.

C. County Road 17

County Road 17 serves the east side of the Town. Together with County Road 33, it collects traffic from numerous feeder roads. There is somewhat less subdivision activity in this area and clearly less through traffic. Therefore, the road is a lower priority than other collectors. Nevertheless, there has been some development off the feeder roads, including a subdivision off Guinea Road. These projects are far from being built out. Still further development can also be expected to come from the east as Albany expands outward. Upgrading of County Road 17 over its whole length is needed in the long term to meet those demands. After the August 2011 Hurricane Irene flooding, some upgrades were made to this road from 990V to Kingsley/Wyckoff Roads.

D. Town Roads

The Town is engaged in a long-term upgrade of its road system. Recently upgraded sections include Cornell Road which had the base upgraded and paved. Other recently paved roads include Starheim, Campbell, Bremer, Bailey, Charcoal, Lumber, Kingsley, Chapel, Harrington, Curtis, Souer, Meeghan, and Cape Horn. Recently oiled and stoned roads include Juried, Polen Hill, Hickory Hill, Cabin, and Harrington Extension. There are drainage issues along Cape Horn Road. A five-year capital budget for road improvements should be developed to address these and other issues.

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

Stryker Road is currently closed due to erosion of the banks of the Schoharie Creek. A FEMA alternate project is being pursued by the County to purchase equipment. While the County awaits that answer, both the Flood Committee and the Highway Committee are reviewing options to address concerns including:

- a. Access to Town Property, otherwise it becomes land locked
- b. Access to NYSEG Power Lines and Verizon Telephone Lines for repair and service
- c. Long Path Hiking Trail
- d. Alternate egress from Nickerson Park, a campground located downstream from a High Hazard Dam

E. Town Road Law

The Town should, for reasons articulated in Section 4.1.1, enact a Local Road Law incorporating its standards for highways being dedicated to the Town. This will address procedural and enforcement issues and ensure the Town is not burdened with unnecessary new upgrading or maintenance expenses for sub-quality roads. A Sample Road Law may be found as Appendix G.

F. Stormwater Management

The Town should consider using an engineer to develop a stormwater management plan for highway maintenance activities (e.g. culvert replacements) that will reduce nutrient loadings and stormwater flows to all water bodies. Implementation of best management practices used elsewhere in the watershed and by towns in other regions of the Northeast would simultaneously improve roads, reduce flooding, decrease pollution and help lower the area's burden for phosphorous reduction within the watershed. Grant funds may well be available through the Environmental Protection Agency, New York City DEP or other sources to develop such a plan. All major culverts have been replaced to DEC standards including Cape Horn and Starheim.

4.3.2 Other Recommendations

A. Highway Maintenance Program

Highway maintenance should, employing a highway capital improvement program, be directed towards reducing traffic hazards, cutting back the long-term cost of highway improvements and increasing capacity. The Town is striving to cover all dirt roads with oil and stone to reduce maintenance. The Town Highway Department strives to have no public dirt roads by 2027.

B. Accident Analysis

Accident-prone areas should be continually documented for justification of improvement projects, working cooperatively with the New York State Department of Transportation and the Schoharie County Department of Public Works.

C. Public Transportation

Schoharie County Transportation provides service to the Town of Gilboa on a regular basis. There are no serious unmet needs with regard to public transportation.

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

D. Rail and Air Service

Railroad freight service is available in nearby Chenango Bridge and other locations of similar distance away and the reasonable accessibility of the Albany International Airport suggests the Town has no further needs in either of these categories.

4.3.2 Other Recommendations

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Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

4.4 Economic Development

4.4.1 Economic Strengths, Weaknesses, Opportunities and Threats

Economic development planning begins with an analysis of the basic strengths, weaknesses, opportunities and threats of the Town economy:

Strengths

- *The Catskill region produces some of the best hardwoods in the world.*
- *The Northern Catskills offer very appealing scenery, history, and natural features that constitute a marketable tourism asset.*
- *Most of the population of the United States and Canada lies within a few hours of Gilboa offering a market of extraordinary size and wealth.*
- *Urban markets also deliver second home buyers and support a local construction industry.*
- *The area possesses a valuable recreation infrastructure in campgrounds, farm resorts, trails, reservoirs, the NYPA facilities, and the Mine Kill State Park that draws thousands of visitors.*
- *There are many niche businesses in the area, including commercial farm stands, dairy farms, specialty growers, sugaring enterprises, and equestrian facilities, demonstrating the potential to generate income from hill farms.*
- *Because the Town is located within the New York City Water Supply Watershed it has access to economic development funding made available by the City.*
- *The widespread availability of broadband service means residents can work from home and increases attractiveness of Town for full-time residency.*



Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

Weaknesses

- *The watershed protection regulations are a perceived detriment to doing business in the region.*
- *There is insufficient infrastructure to accommodate much any larger scale commercial or industrial development in the Town of Gilboa.*
- *There are no Town centers offering support services for other businesses.*
- *The area is somewhat isolated, being approximately 25 miles from any major highway.*
- *Soils and topography are distinct obstacles to some types of development.*

Opportunities

- *The Town's working landscapes, hunting, fishing, history, reservoirs and trail systems can easily be packaged and sold to tourists.*
- *There are additional opportunities to sell agricultural specialty products with the Catskill Family Farms label to New York City restaurants and other markets. Additionally, there are opportunities in agricultural tourism and equine activities.*
- *There are additional possibilities for secondary processing of hardwood products. The Catskill Watershed Corporation has helped to fund such enterprises and is a source of financing.*
- *Gilboa can market itself as a northern gateway to the Catskills and a southern gateway to the Schoharie Valley.*

Threats

- *Water pollution controls, both within and outside the New York City watershed, could reach the point that virtually all development is strangled unless systems are developed where tradeoffs for lowering nutrient levels can be made to accommodate new development. There is intense skepticism among residents as to whether fair tradeoffs are possible, although there is no real alternative.*
- *Growth tends to foster "no growth" attitudes. This can become a source of conflict and raise obstacles to further economic development, even when such development is fully environmentally compatible.*
- *Acquisition of conservation easements, if overdone, can render otherwise valuable land unsalable and create a real estate market that is purely second-home residential in nature. This would detract from establishing a balanced economy and tax base.*
- *Upstate New York suffers from high taxes compared to other rural regions of the U.S., a negative that is difficult to overcome in marketing the area.*

These development factors do not necessarily limit the Town's potential. The actions of individual entrepreneurs and the marketplace will do far more to determine Gilboa's future than any government action. Nevertheless, the factors do suggest the likely future direction of Gilboa's economy. They also indicate how the Town might assist in realizing the maximum benefits from economic development through specific actions. There are, additionally, some actions the Town could take that would unnecessarily interfere with the marketplace and, therefore, should be avoided in the interest of allowing economic development to take place.

Town of Gilboa, Schoharie County, New York

Comprehensive Plan - 2021

4.4.2 Recommendations

Given the above analysis, the following recommendations are offered for the economic development of the Town of Gilboa:

A. Town Website

Promotion of the Town for tourism purposes as well as home-based and other businesses can be also encouraged through improvement of the Town website. Although the site is now carried on Schoharie County's network, it may be advantageous to develop a local version that would not be handicapped by County limits on private advertising.

Use of the website will grow rapidly as new information is added and the Internet becomes a primary method of doing business. It should be used, for example, to provide more information on each Town business, make all Town regulations directly available to the public and advertise local tourist attractions. It should also be used to communicate information on assistance available to businesses from the Catskill Watershed Corporation (CWC) and others.

B. Hardwood Processing

The Town should, together with the County, encourage development of hardwood processing enterprises by documenting competitive advantages, developing tax abatement programs, conducting educational programs and promoting financial assistance programs available through CWC and others.

C. Home-Based Businesses

The Town should continue to encourage the development of home-based businesses by allowing them everywhere in the Town with minimal oversight under the Homesite Law. Broadband coverage further encourages home-based businesses in the Town.

D. Right to Practice Forestry Law

The Town should enact a Right-to-Practice Forestry Law (see Appendix F for sample) to protect the rights of forest industries to grow and expand, similar to the Right-to-Farm protections already enacted by the Town. See also, Section 4.1.3.E.

E. Welcome Signage

The Town should work with other organizations to create an effective welcome sign or signs to the Town of Gilboa, promoting the Town as the place where the Catskills and the Schoharie Valley meet. Distinctive high quality landscaped wooden signs should be used. One prominent location for potential sign placement is the intersection of NYS 990V and NYS Route 30.



Town of Gilboa, Schoharie County, New York

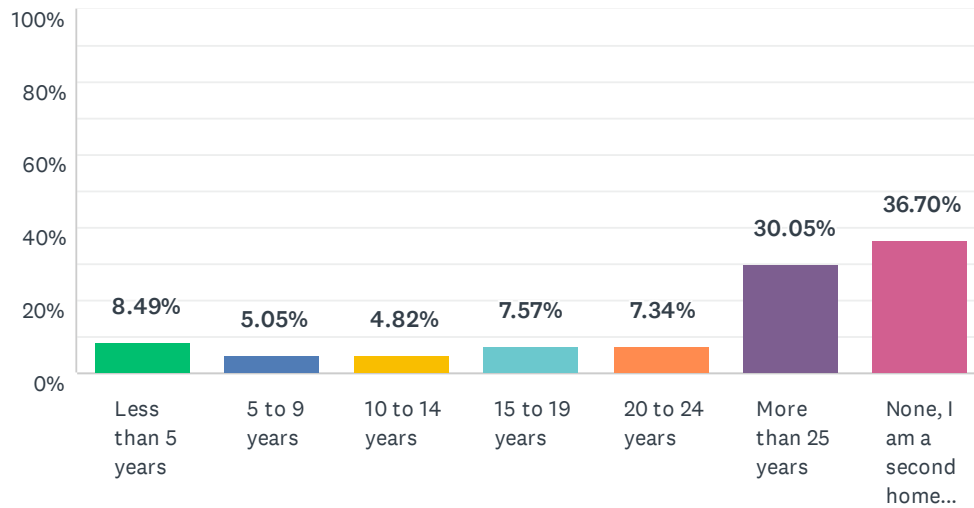
Comprehensive Plan - 2021

5.0 Appendices

- A - Community Survey Results
- B - Draft Revised Homesite Law
- C - Model Subdivision Regulations
- D - Sample Junkyard Law
- E - Sample Solar Law
- F - Sample Right to Practice Forestry Law
- G - Sample Road Law
- H - Maps

Q2 How many years in total has your primary residence been in the Town of Gilboa? Please check one.

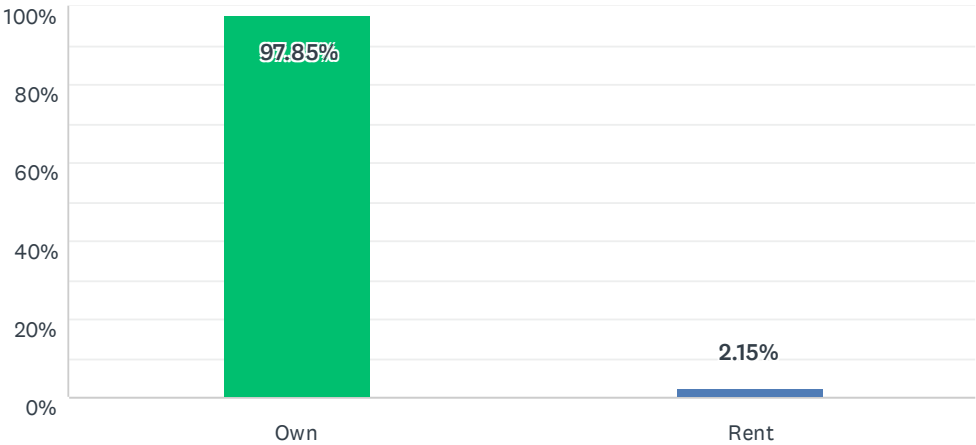
Answered: 436 Skipped: 11



ANSWER CHOICES	RESPONSES	
Less than 5 years	8.49%	37
5 to 9 years	5.05%	22
10 to 14 years	4.82%	21
15 to 19 years	7.57%	33
20 to 24 years	7.34%	32
More than 25 years	30.05%	131
None, I am a second home owner	36.70%	160
TOTAL		436

Q3 Do you own or rent?

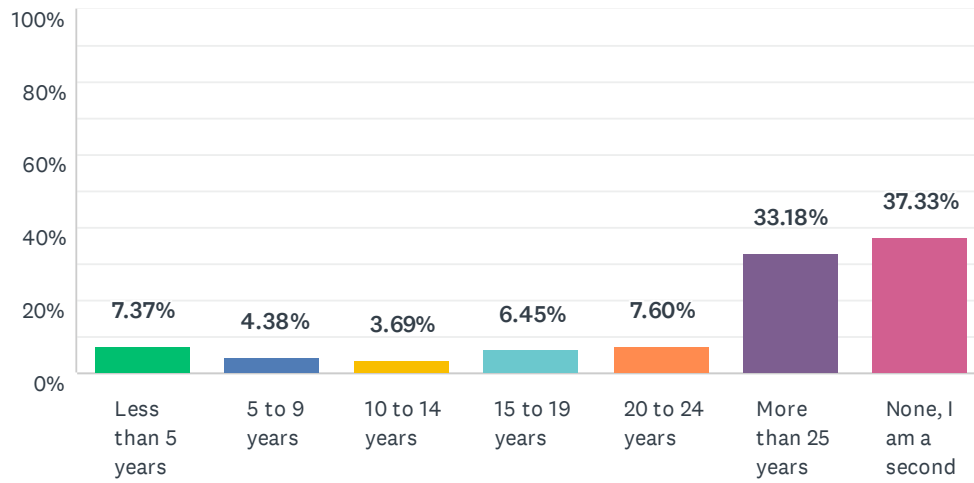
Answered: 418 Skipped: 29



ANSWER CHOICES		RESPONSES	
Own		97.85%	409
Rent		2.15%	9
TOTAL			418

Q4 How many years in total has your primary residence been in Schoharie County? Please check one.

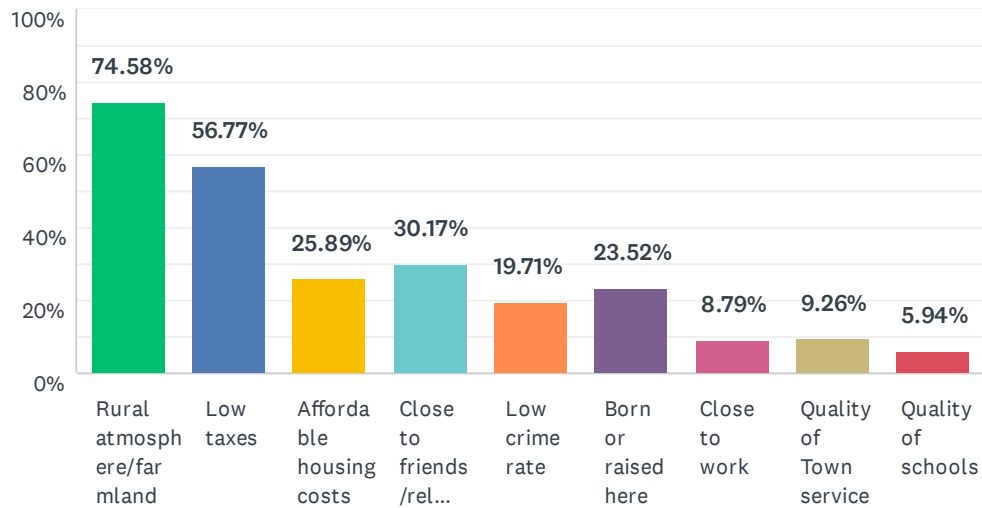
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ANSWER CHOICES	RESPONSES	
Less than 5 years	7.37%	32
5 to 9 years	4.38%	19
10 to 14 years	3.69%	16
15 to 19 years	6.45%	28
20 to 24 years	7.60%	33
More than 25 years	33.18%	144
None, I am a second home owner	37.33%	162
TOTAL		434

Q5 What most influenced your ORIGINAL decision to live here? Please check no more than 5.

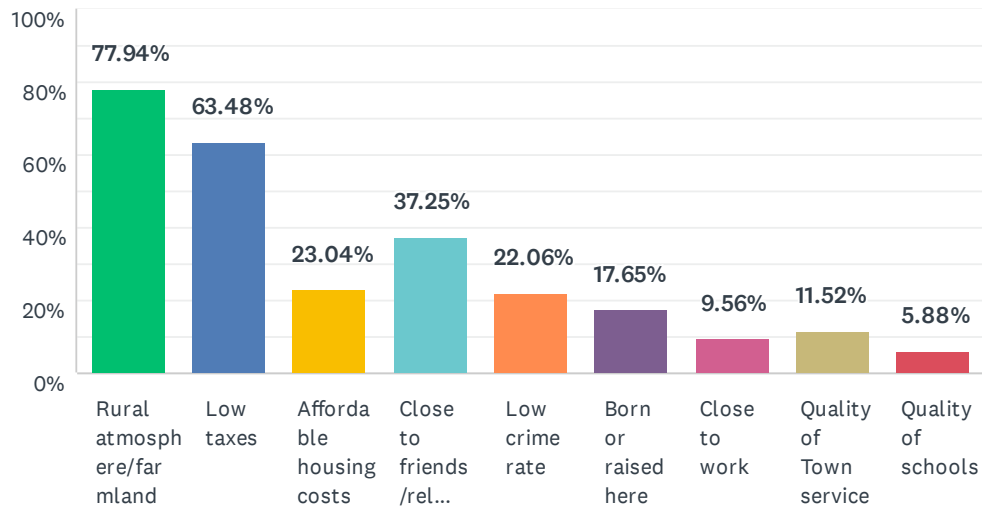
Answered: 421 Skipped: 26



ANSWER CHOICES	RESPONSES	
Rural atmosphere/farmland	74.58%	314
Low taxes	56.77%	239
Affordable housing costs	25.89%	109
Close to friends/relatives	30.17%	127
Low crime rate	19.71%	83
Born or raised here	23.52%	99
Close to work	8.79%	37
Quality of Town services	9.26%	39
Quality of schools	5.94%	25
Total Respondents: 421		

Q6 Why do you continue to live in the Town of Gilboa? Please check no more than 5.

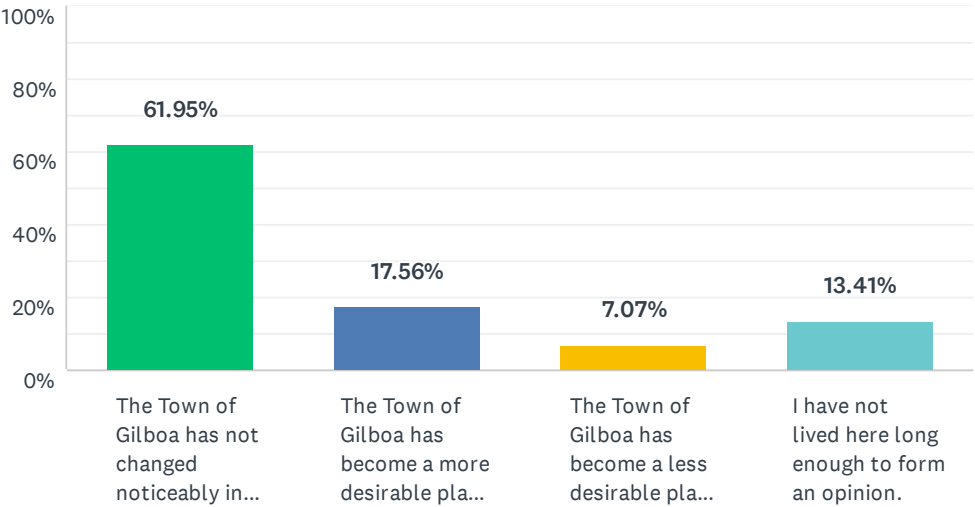
Answered: 408 Skipped: 39



ANSWER CHOICES	RESPONSES	
Rural atmosphere/farmland	77.94%	318
Low taxes	63.48%	259
Affordable housing costs	23.04%	94
Close to friends/relatives	37.25%	152
Low crime rate	22.06%	90
Born or raised here	17.65%	72
Close to work	9.56%	39
Quality of Town services	11.52%	47
Quality of schools	5.88%	24
Total Respondents: 408		

Q7 Which BEST describes how Gilboa has changed since you moved here? Please check one

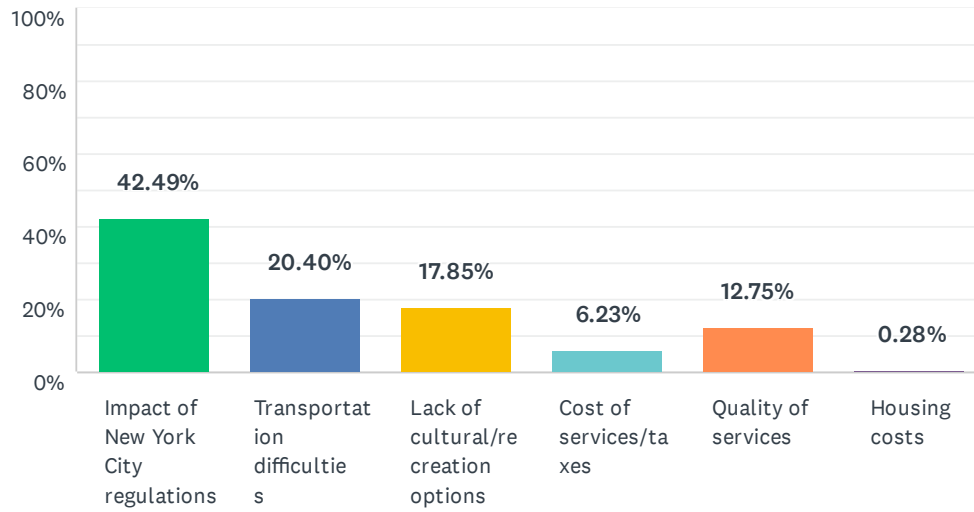
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ANSWER CHOICES	RESPONSES	
The Town of Gilboa has not changed noticeably in its desirability as a place to live.	61.95%	254
The Town of Gilboa has become a more desirable place to live.	17.56%	72
The Town of Gilboa has become a less desirable place to live.	7.07%	29
I have not lived here long enough to form an opinion.	13.41%	55
TOTAL		410

Q8 What do you like LEAST about the Town of Gilboa? Please check one

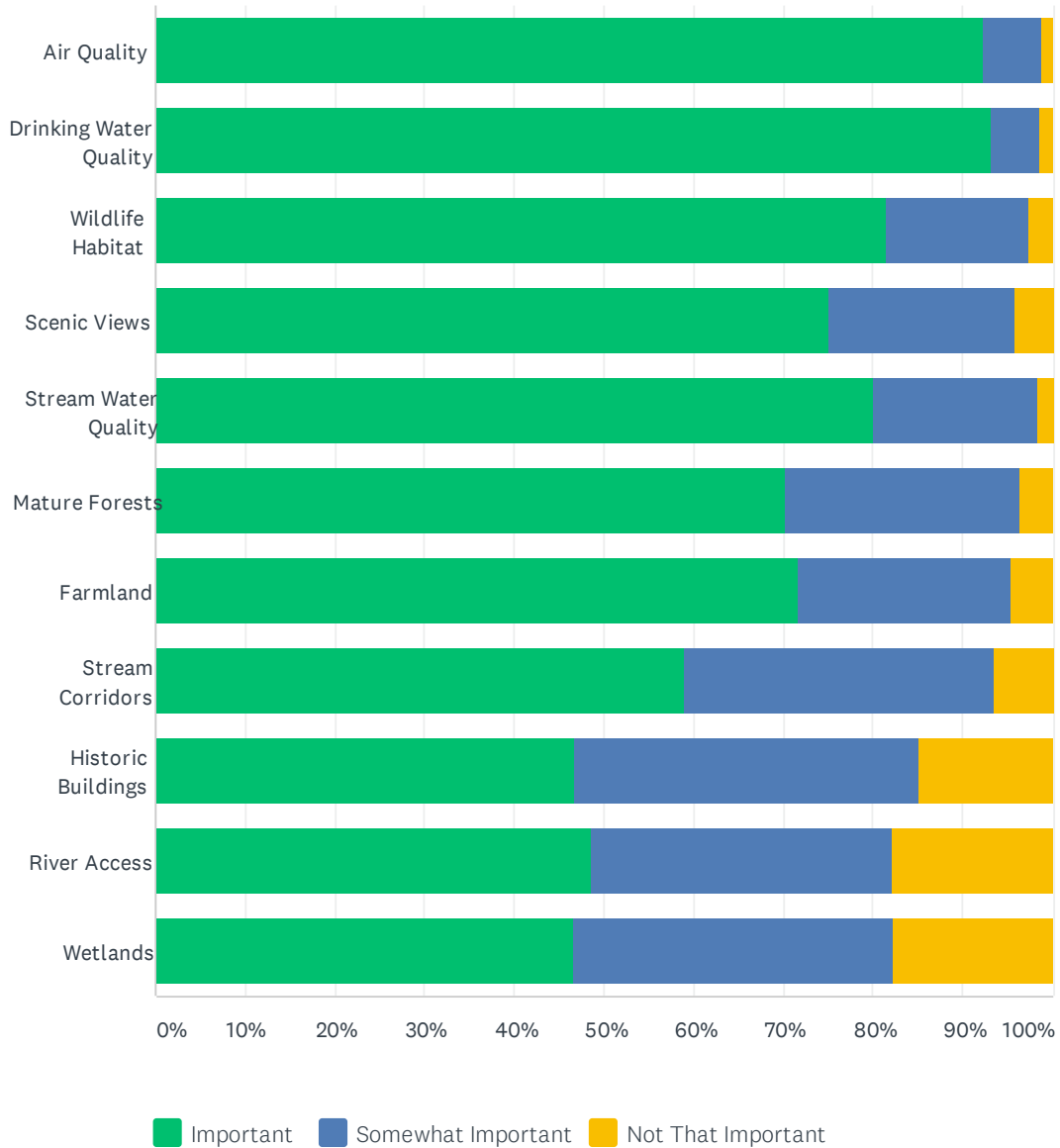
Answered: 353 Skipped: 94



ANSWER CHOICES	RESPONSES	
Impact of New York City regulations	42.49%	150
Transportation difficulties	20.40%	72
Lack of cultural/recreation options	17.85%	63
Cost of services/taxes	6.23%	22
Quality of services	12.75%	45
Housing costs	0.28%	1
TOTAL		353

Q9 Please indicate the importance of each of the following aspects of the Town's environment:

Answered: 431 Skipped: 16

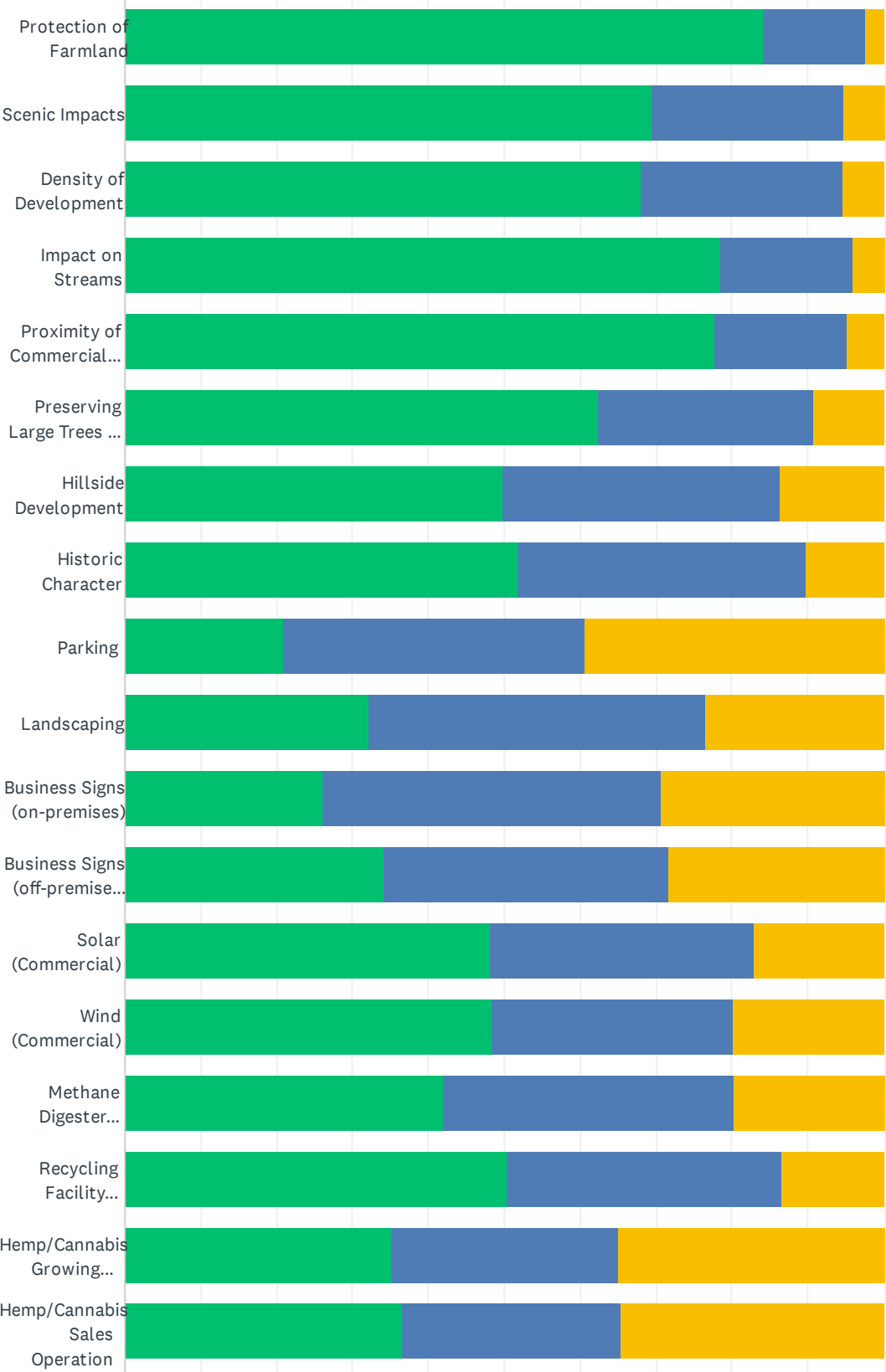


Gilboa Survey

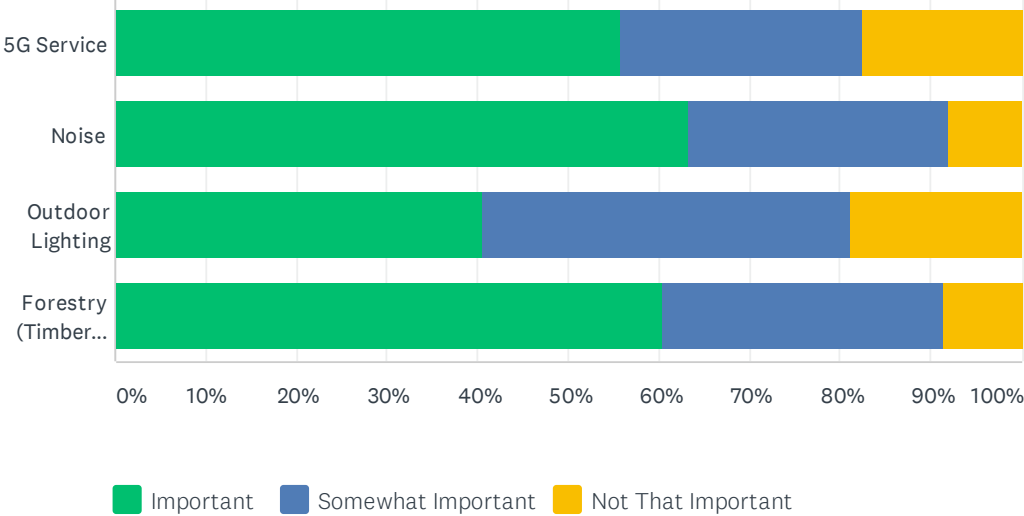
	IMPORTANT	SOMEWHAT IMPORTANT	NOT THAT IMPORTANT	TOTAL
Air Quality	92.45% 392	6.37% 27	1.18% 5	424
Drinking Water Quality	93.11% 392	5.46% 23	1.43% 6	421
Wildlife Habitat	81.47% 343	15.91% 67	2.61% 11	421
Scenic Views	75.18% 315	20.53% 86	4.30% 18	419
Stream Water Quality	80.05% 329	18.25% 75	1.70% 7	411
Mature Forests	70.22% 290	26.15% 108	3.63% 15	413
Farmland	71.67% 301	23.81% 100	4.52% 19	420
Stream Corridors	59.00% 236	34.50% 138	6.50% 26	400
Historic Buildings	46.70% 191	38.39% 157	14.91% 61	409
River Access	48.66% 199	33.50% 137	17.85% 73	409
Wetlands	46.68% 190	35.63% 145	17.69% 72	407

Q10 How important is it for the Town to review each of the following aspects of developments or actual developments?

Answered: 429 Skipped: 18



Gilboa Survey

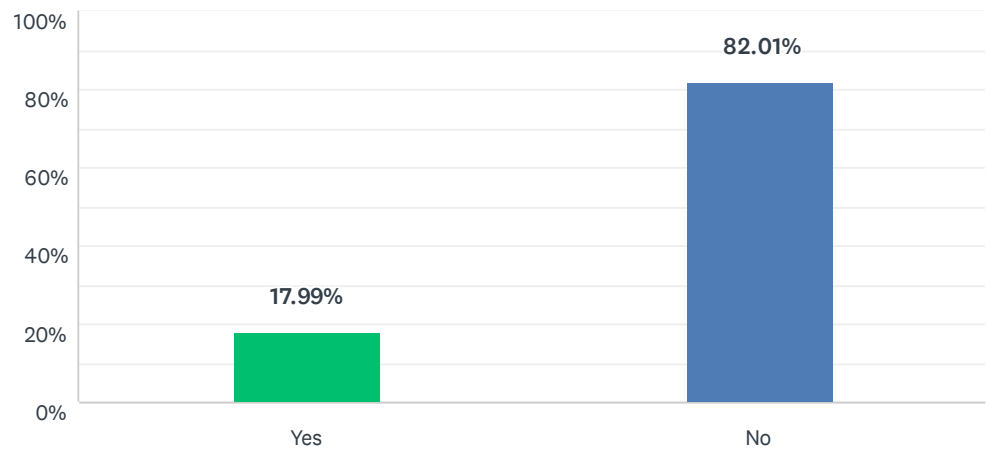


Gilboa Survey

	IMPORTANT	SOMEWHAT IMPORTANT	NOT THAT IMPORTANT	TOTAL
Protection of Farmland	84.12% 355	13.51% 57	2.37% 10	422
Scenic Impacts	69.52% 292	25.24% 106	5.24% 22	420
Density of Development	68.06% 277	26.54% 108	5.41% 22	407
Impact on Streams	78.57% 319	17.49% 71	3.94% 16	406
Proximity of Commercial Development to Streams	77.67% 320	17.48% 72	4.85% 20	412
Preserving Large Trees at Commercial Sites	62.47% 258	28.33% 117	9.20% 38	413
Hillside Development	49.75% 197	36.62% 145	13.64% 54	396
Historic Character	51.83% 212	37.90% 155	10.27% 42	409
Parking	20.80% 83	39.85% 159	39.35% 157	399
Landscaping	32.03% 131	44.50% 182	23.47% 96	409
Business Signs (on-premises)	26.05% 105	44.67% 180	29.28% 118	403
Business Signs (off-premises, such as billboard)	34.24% 139	37.44% 152	28.33% 115	406
Solar (Commercial)	48.14% 194	34.74% 140	17.12% 69	403
Wind (Commercial)	48.39% 195	31.76% 128	19.85% 80	403
Methane Digester (Organic Fuel)	41.94% 164	38.36% 150	19.69% 77	391
Recycling Facility (Private)	50.50% 202	36.00% 144	13.50% 54	400
Hemp/Cannabis Growing Operation	35.18% 140	29.90% 119	34.92% 139	398
Hemp/Cannabis Sales Operation	36.57% 143	28.90% 113	34.53% 135	391
5G Service	55.82% 211	26.72% 101	17.46% 66	378
Noise	63.34% 254	28.68% 115	7.98% 32	401
Outdoor Lighting	40.65% 163	40.40% 162	18.95% 76	401
Forestry (Timber Harvesting)	60.39% 247	31.05% 127	8.56% 35	409

Q11 Modern technology and ease of travel has made it possible to conduct more business from home. Do you have an existing home occupation?

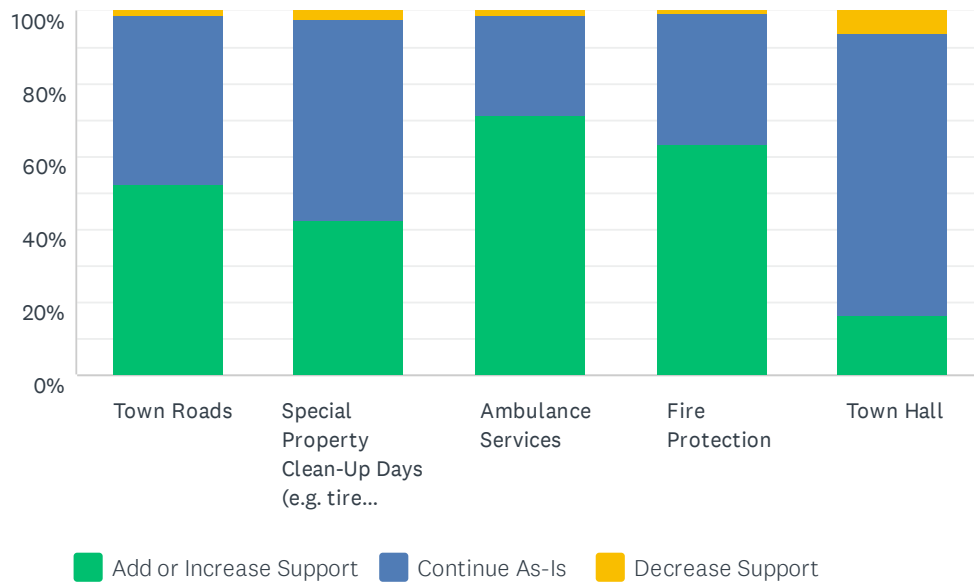
Answered: 389 Skipped: 58



ANSWER CHOICES	RESPONSES	
Yes	17.99%	70
No	82.01%	319
TOTAL		389

Q12 To what extent would you generally favor spending your tax money ADDING, EXPANDING, or IMPROVING each of the following public services and facilities?

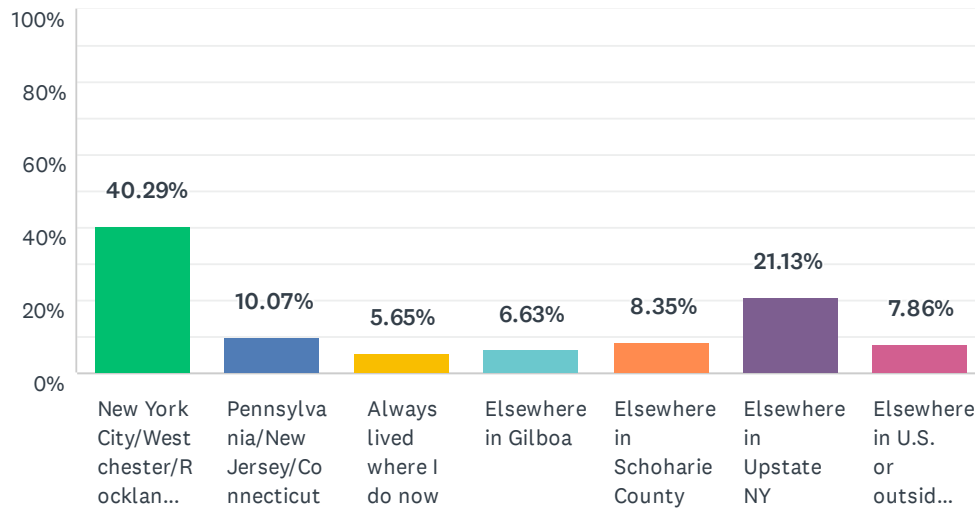
Answered: 428 Skipped: 19



	ADD OR INCREASE SUPPORT	CONTINUE AS-IS	DECREASE SUPPORT	TOTAL
Town Roads	52.40% 218	46.39% 193	1.20% 5	416
Special Property Clean-Up Days (e.g. tire day)	42.68% 172	55.33% 223	1.99% 8	403
Ambulance Services	71.36% 294	27.67% 114	0.97% 4	412
Fire Protection	63.59% 262	35.68% 147	0.73% 3	412
Town Hall	16.67% 67	77.36% 311	5.97% 24	402

Q13 Where is the last place you lived prior to moving to your current address?

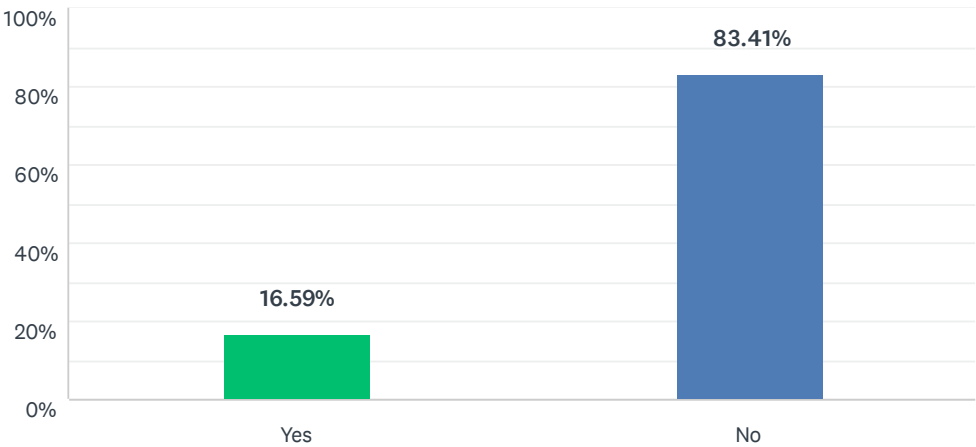
Answered: 407 Skipped: 40



ANSWER CHOICES	RESPONSES	
New York City/Westchester/Rockland/Long Island	40.29%	164
Pennsylvania/New Jersey/Connecticut	10.07%	41
Always lived where I do now	5.65%	23
Elsewhere in Gilboa	6.63%	27
Elsewhere in Schoharie County	8.35%	34
Elsewhere in Upstate NY	21.13%	86
Elsewhere in U.S. or outside U.S.	7.86%	32
TOTAL		407

Q14 Are there any children under age 18 living at home with you?

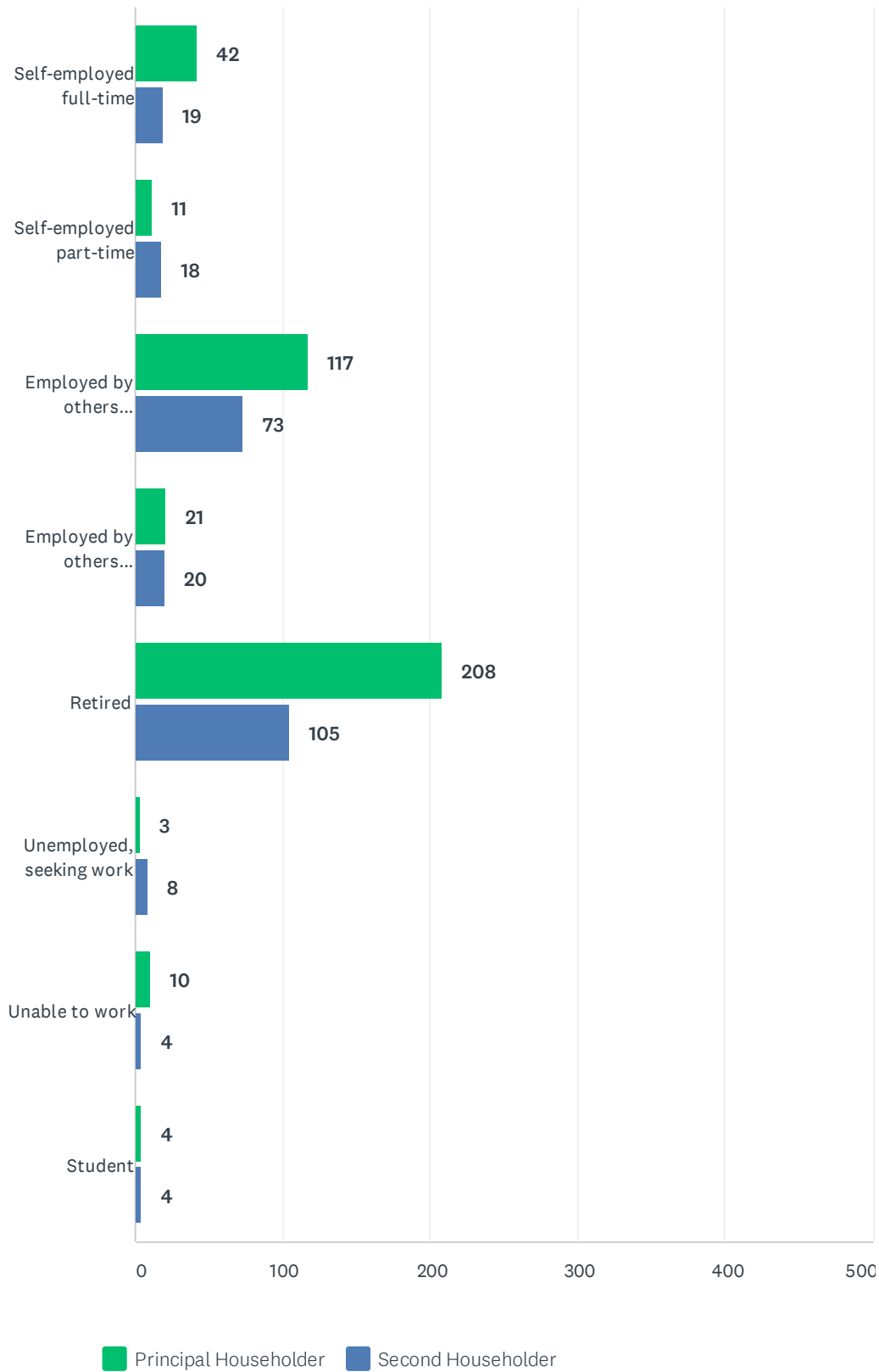
Answered: 416 Skipped: 31



ANSWER CHOICES	RESPONSES	
Yes	16.59%	69
No	83.41%	347
TOTAL		416

Q15 Which of the following best describes your current employment status?

Answered: 428 Skipped: 19

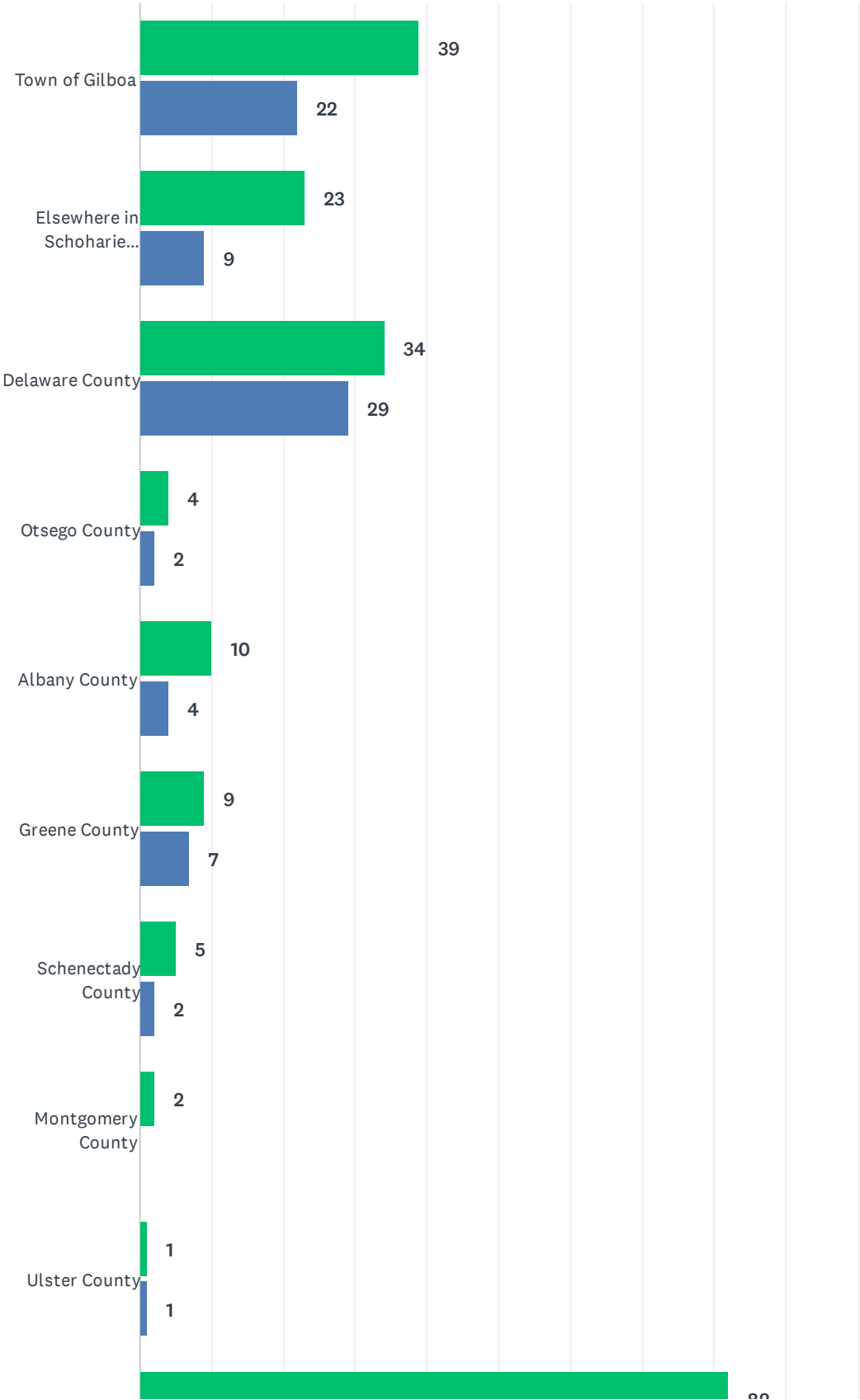


Gilboa Survey

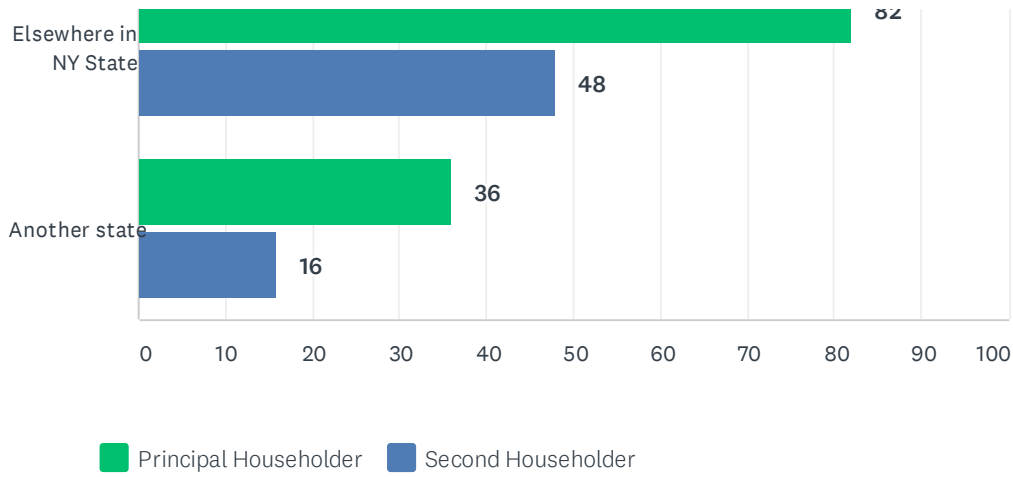
	PRINCIPAL HOUSEHOLDER	SECOND HOUSEHOLDER	TOTAL RESPONDENTS
Self-employed full-time	77.78% 42	35.19% 19	54
Self-employed part-time	39.29% 11	64.29% 18	28
Employed by others full-time	78.52% 117	48.99% 73	149
Employed by others part-time	51.22% 21	48.78% 20	41
Retired	85.25% 208	43.03% 105	244
Unemployed, seeking work	30.00% 3	80.00% 8	10
Unable to work	71.43% 10	28.57% 4	14
Student	50.00% 4	50.00% 4	8

Q16 Please indicate where you work.

Answered: 250 Skipped: 197



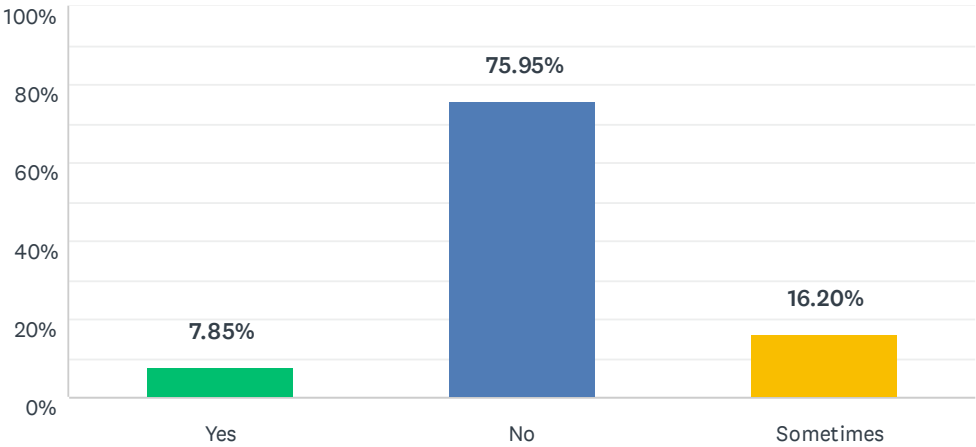
Gilboa Survey



	PRINCIPAL HOUSEHOLDER	SECOND HOUSEHOLDER	TOTAL RESPONDENTS
Town of Gilboa	75.00% 39	42.31% 22	52
Elsewhere in Schoharie County	74.19% 23	29.03% 9	31
Delaware County	64.15% 34	54.72% 29	53
Otsego County	66.67% 4	33.33% 2	6
Albany County	71.43% 10	28.57% 4	14
Greene County	60.00% 9	46.67% 7	15
Schenectady County	83.33% 5	33.33% 2	6
Montgomery County	100.00% 2	0.00% 0	2
Ulster County	50.00% 1	50.00% 1	2
Elsewhere in NY State	86.32% 82	50.53% 48	95
Another state	87.80% 36	39.02% 16	41

Q17 Do you work remotely from home?

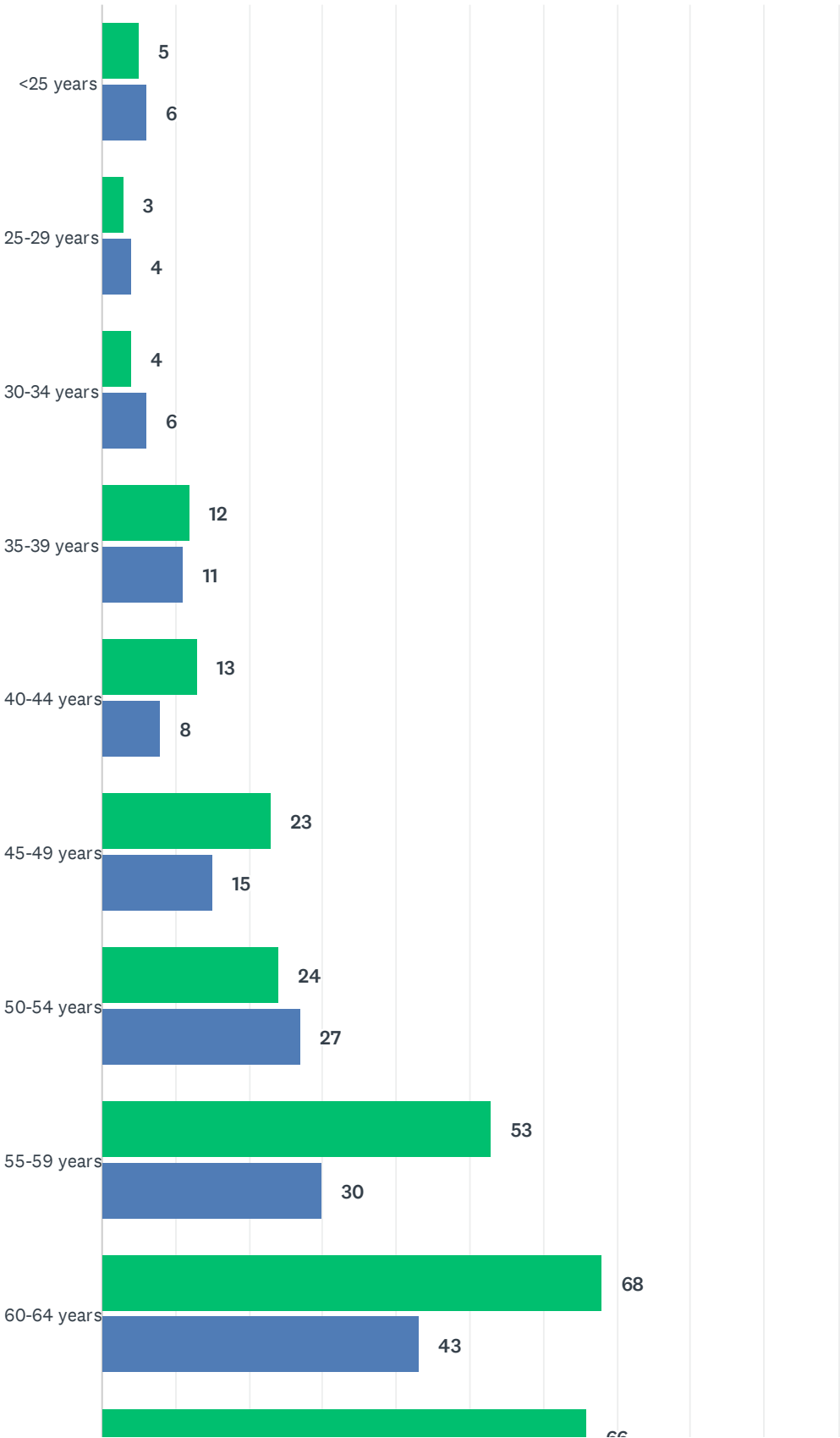
Answered: 395 Skipped: 52



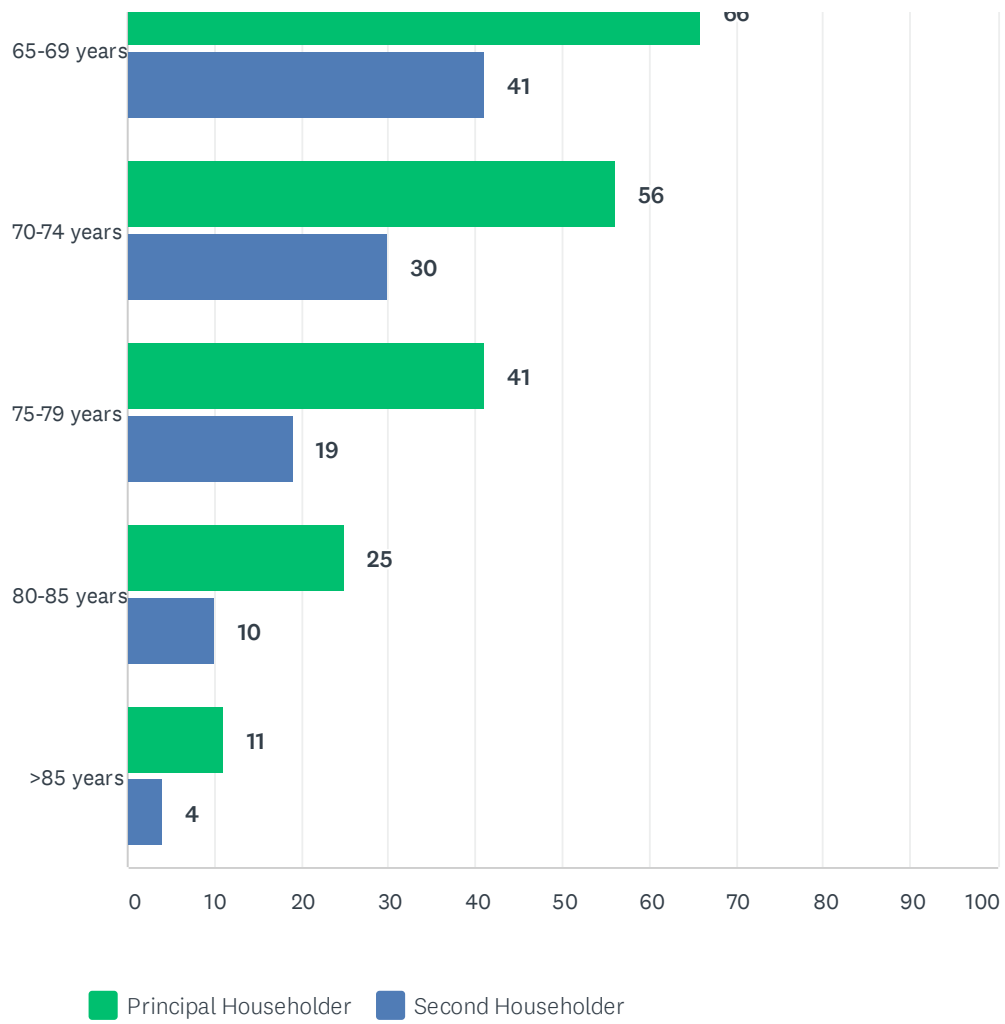
ANSWER CHOICES		RESPONSES	
Yes		7.85%	31
No		75.95%	300
Sometimes		16.20%	64
TOTAL			395

Q18 Please indicate your age bracket.

Answered: 429 Skipped: 18



Gilboa Survey

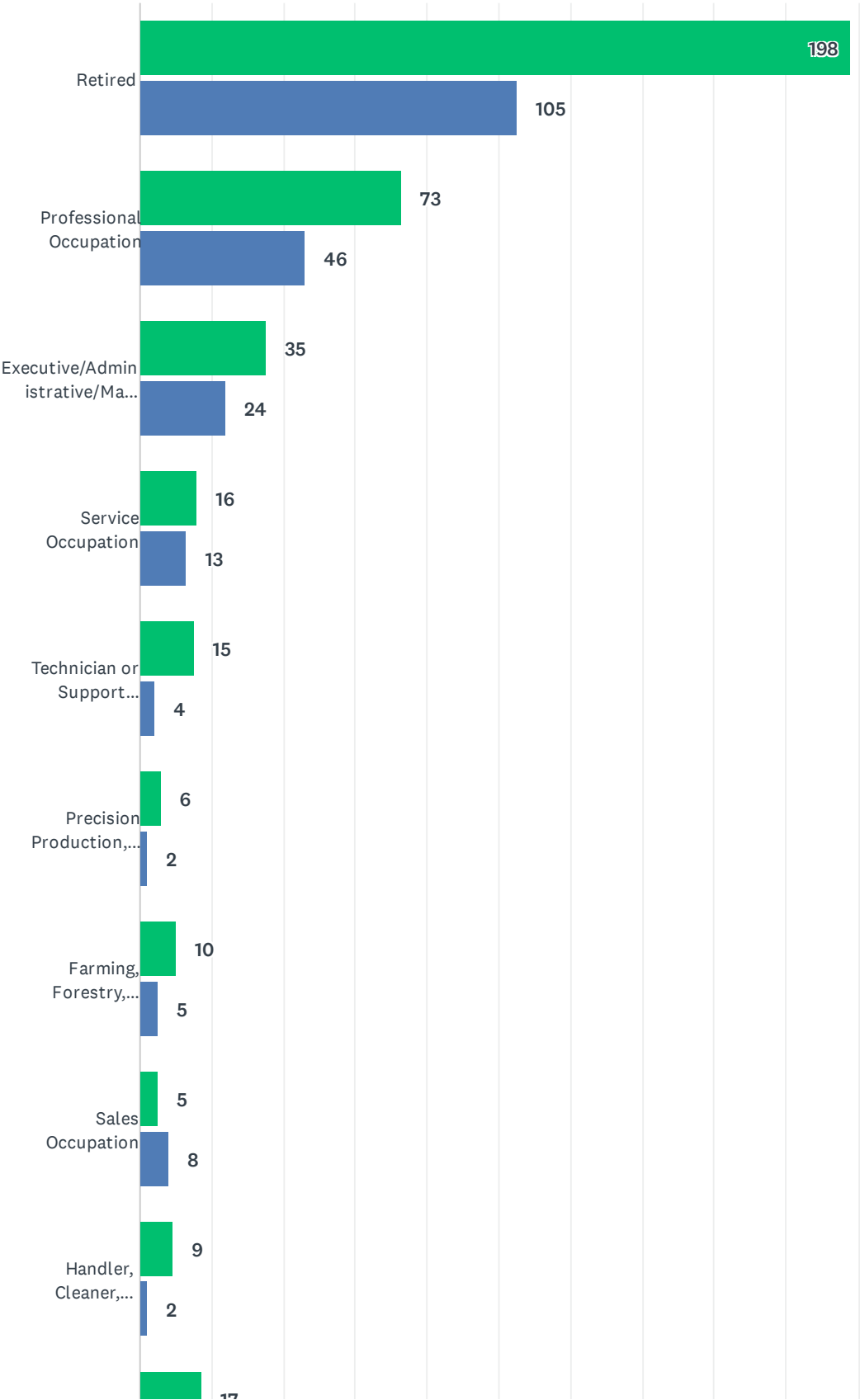


Gilboa Survey

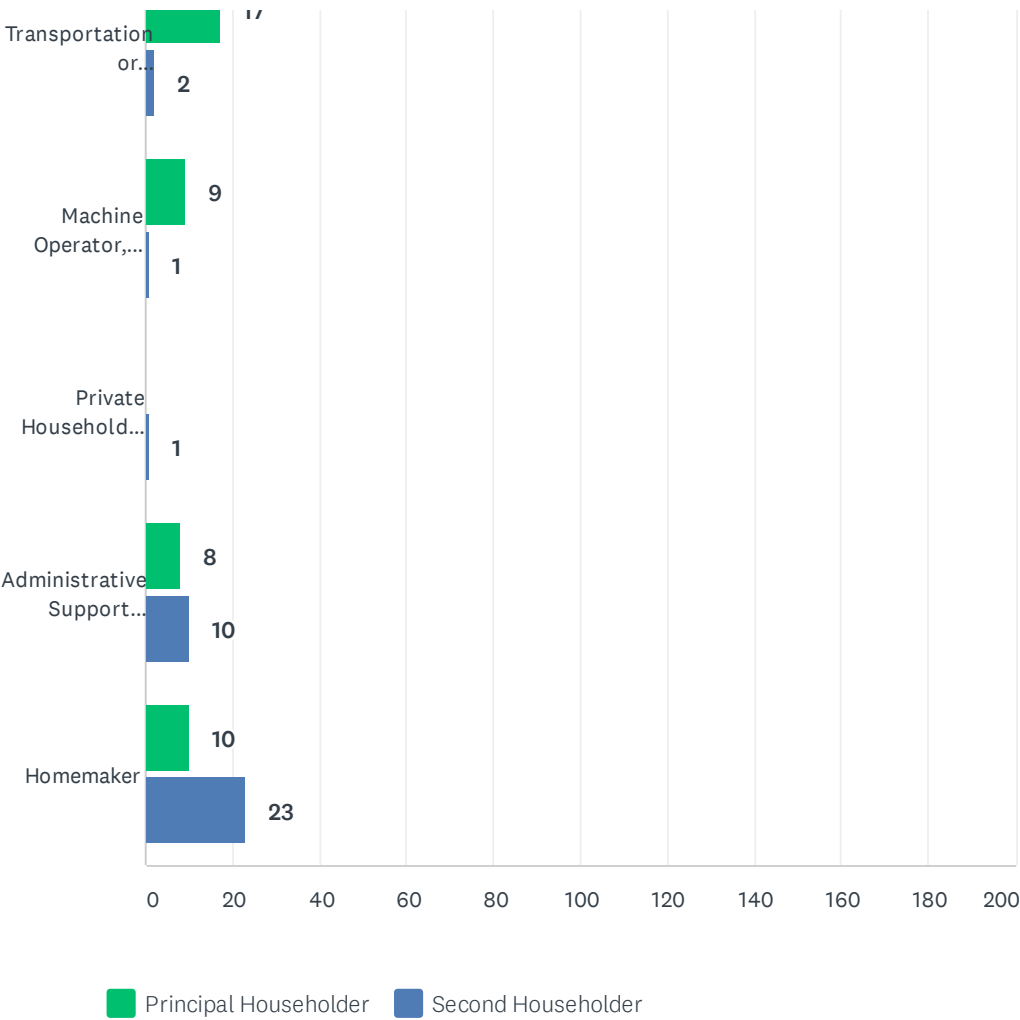
	PRINCIPAL HOUSEHOLDER	SECOND HOUSEHOLDER	TOTAL RESPONDENTS
<25 years	50.00% 5	60.00% 6	10
25-29 years	42.86% 3	57.14% 4	7
30-34 years	50.00% 4	75.00% 6	8
35-39 years	66.67% 12	61.11% 11	18
40-44 years	68.42% 13	42.11% 8	19
45-49 years	79.31% 23	51.72% 15	29
50-54 years	58.54% 24	65.85% 27	41
55-59 years	73.61% 53	41.67% 30	72
60-64 years	76.40% 68	48.31% 43	89
65-69 years	76.74% 66	47.67% 41	86
70-74 years	74.67% 56	40.00% 30	75
75-79 years	82.00% 41	38.00% 19	50
80-85 years	86.21% 25	34.48% 10	29
>85 years	84.62% 11	30.77% 4	13

Q19 How would you describe your present occupation?

Answered: 410 Skipped: 37



Gilboa Survey

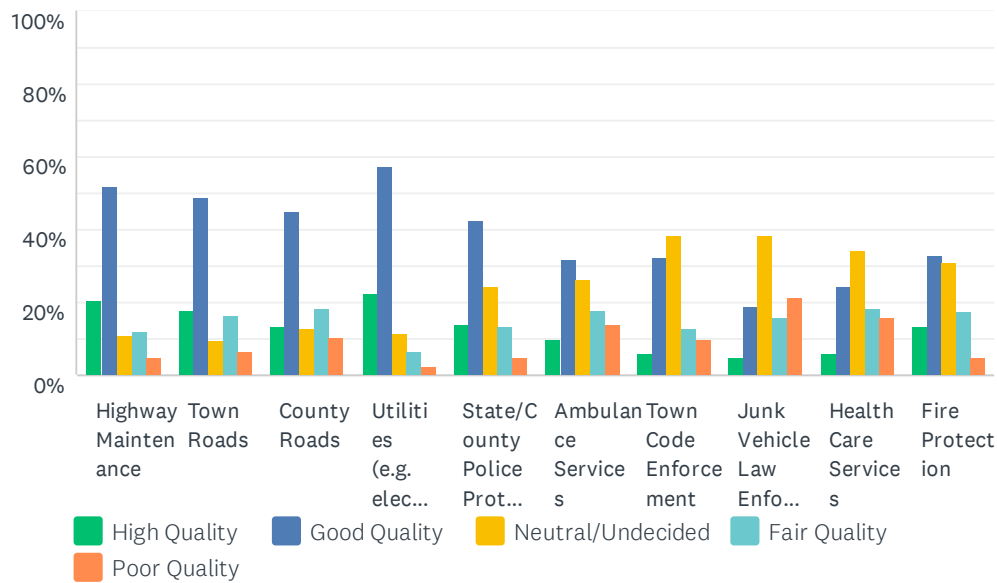


Gilboa Survey

	PRINCIPAL HOUSEHOLDER	SECOND HOUSEHOLDER	TOTAL RESPONDENTS
Retired	86.46% 198	45.85% 105	229
Professional Occupation	75.26% 73	47.42% 46	97
Executive/Administrative/Managerial	66.04% 35	45.28% 24	53
Service Occupation	55.17% 16	44.83% 13	29
Technician or Support Occupation	78.95% 15	21.05% 4	19
Precision Production, Craft or Repair	75.00% 6	25.00% 2	8
Farming, Forestry, Mining	83.33% 10	41.67% 5	12
Sales Occupation	41.67% 5	66.67% 8	12
Handler, Cleaner, Helper, Laborer	81.82% 9	18.18% 2	11
Transportation or Material-Moving	89.47% 17	10.53% 2	19
Machine Operator, Assembler, Inspector	90.00% 9	10.00% 1	10
Private Household Occupation	0.00% 0	100.00% 1	1
Administrative Support Occupation	44.44% 8	55.56% 10	18
Homemaker	31.25% 10	71.88% 23	32

Q20 How would you rate the quality of the following public and semi-public services?

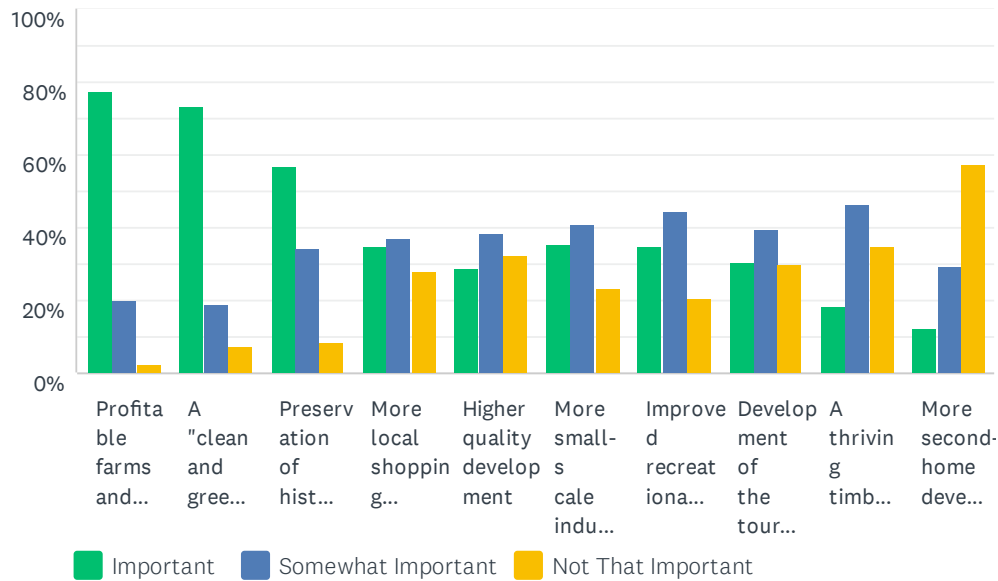
Answered: 416 Skipped: 31



	HIGH QUALITY	GOOD QUALITY	NEUTRAL/UNDECIDED	FAIR QUALITY	POOR QUALITY	TOTAL RESPONDENTS
Highway Maintenance	20.41% 79	51.94% 201	10.85% 42	11.89% 46	4.91% 19	387
Town Roads	18.18% 74	48.89% 199	9.58% 39	16.71% 68	6.63% 27	407
County Roads	13.61% 55	44.80% 181	12.87% 52	18.32% 74	10.40% 42	404
Utilities (e.g. electric)	22.39% 88	57.51% 226	11.45% 45	6.36% 25	2.29% 9	393
State/County Police Protection	14.00% 56	42.75% 171	24.50% 98	13.50% 54	5.25% 21	400
Ambulance Services	9.95% 40	31.84% 128	26.62% 107	17.91% 72	13.93% 56	402
Town Code Enforcement	6.01% 23	32.38% 124	38.64% 148	12.79% 49	10.18% 39	383
Junk Vehicle Law Enforcement	4.85% 19	19.13% 75	38.27% 150	16.07% 63	21.68% 85	392
Health Care Services	6.12% 24	24.49% 96	34.69% 136	18.62% 73	16.07% 63	392
Fire Protection	13.57% 54	32.91% 131	30.90% 123	17.59% 70	5.03% 20	398

Q21 Where would you like to see the Town of Gilboa in the next 10-20 years – what is the most important?

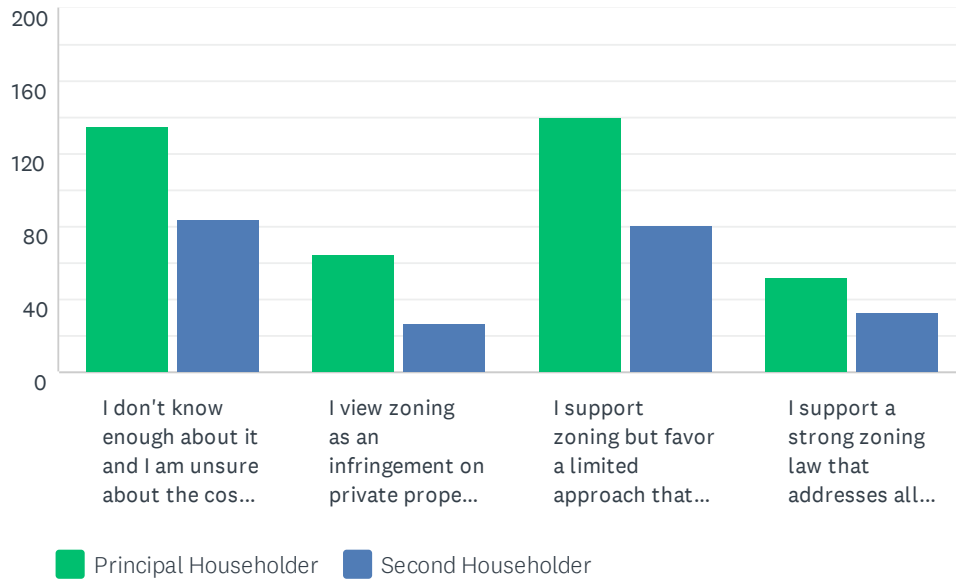
Answered: 416 Skipped: 31



	IMPORTANT	SOMEWHAT IMPORTANT	NOT THAT IMPORTANT	TOTAL RESPONDENTS
Profitable farms and farmland protection	77.61% 312	19.90% 80	2.49% 10	402
A "clean and green" environment	73.55% 292	18.89% 75	7.56% 30	397
Preservation of historical heritage	56.96% 225	34.68% 137	8.35% 33	395
More local shopping opportunities	35.10% 139	37.12% 147	27.78% 110	396
Higher quality development	29.02% 110	38.52% 146	32.45% 123	379
More small-scale industrial jobs	35.64% 139	40.77% 159	23.59% 92	390
Improved recreational facilities for residents	35.25% 135	44.39% 170	20.37% 78	383
Development of the tourism industry	30.59% 119	39.59% 154	29.82% 116	389
A thriving timber industry	18.64% 71	46.46% 177	34.91% 133	381
More second-home development	12.63% 49	29.64% 115	57.73% 224	388

Q22 Which of the following statements BEST describes your view of Land Use Management (Zoning) techniques? (Choose only 1 option per respondent)

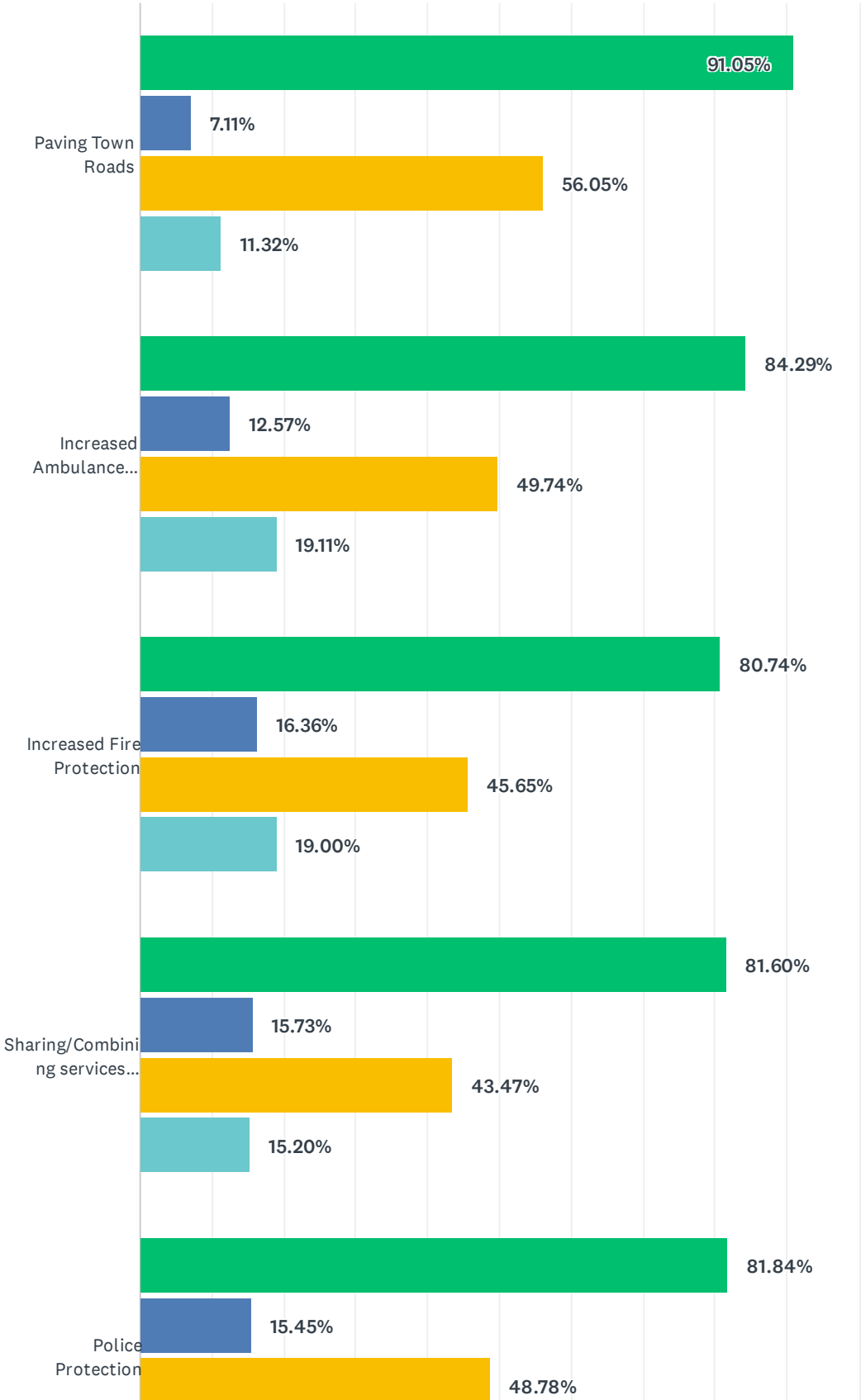
Answered: 411 Skipped: 36



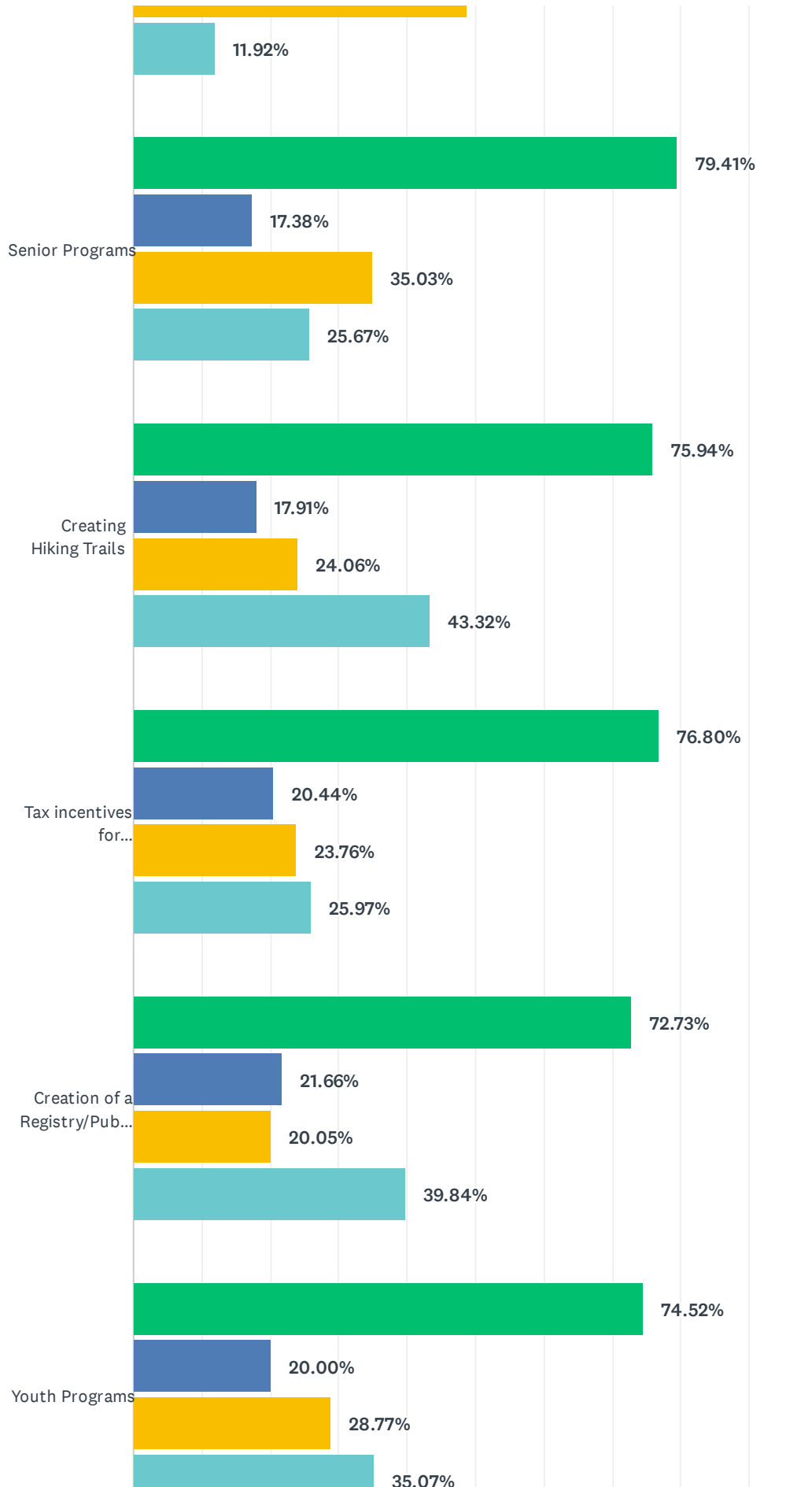
	PRINCIPAL HOUSEHOLDER	SECOND HOUSEHOLDER	TOTAL RESPONDENTS
I don't know enough about it and I am unsure about the costs and benefits of zoning for the community.	87.10% 135	54.19% 84	155
I view zoning as an infringement on private property rights.	90.28% 65	37.50% 27	72
I support zoning but favor a limited approach that balances property rights and development regulation.	88.61% 140	51.27% 81	158
I support a strong zoning law that addresses all major land development issues.	83.87% 52	53.23% 33	62

Q23 Are you in favor of the following:

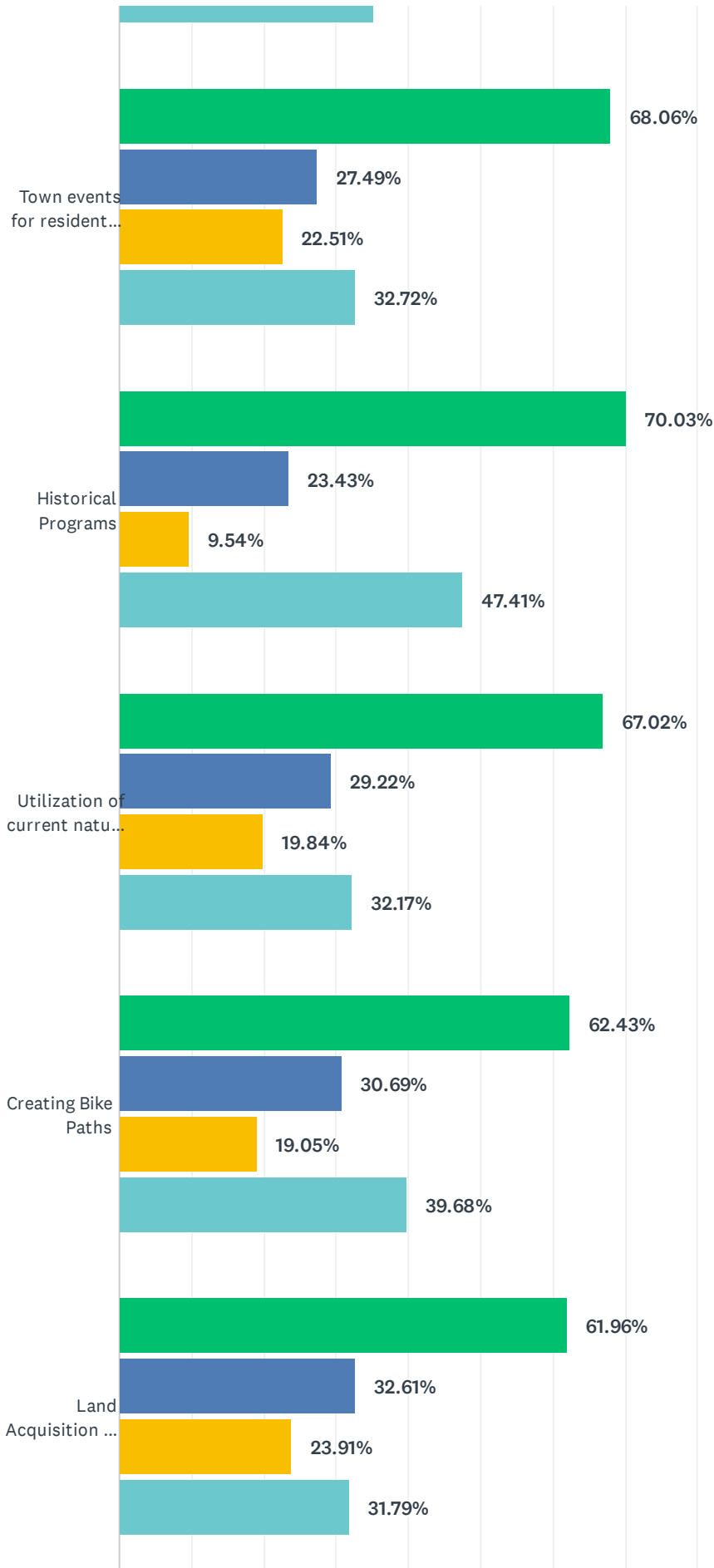
Answered: 409 Skipped: 38



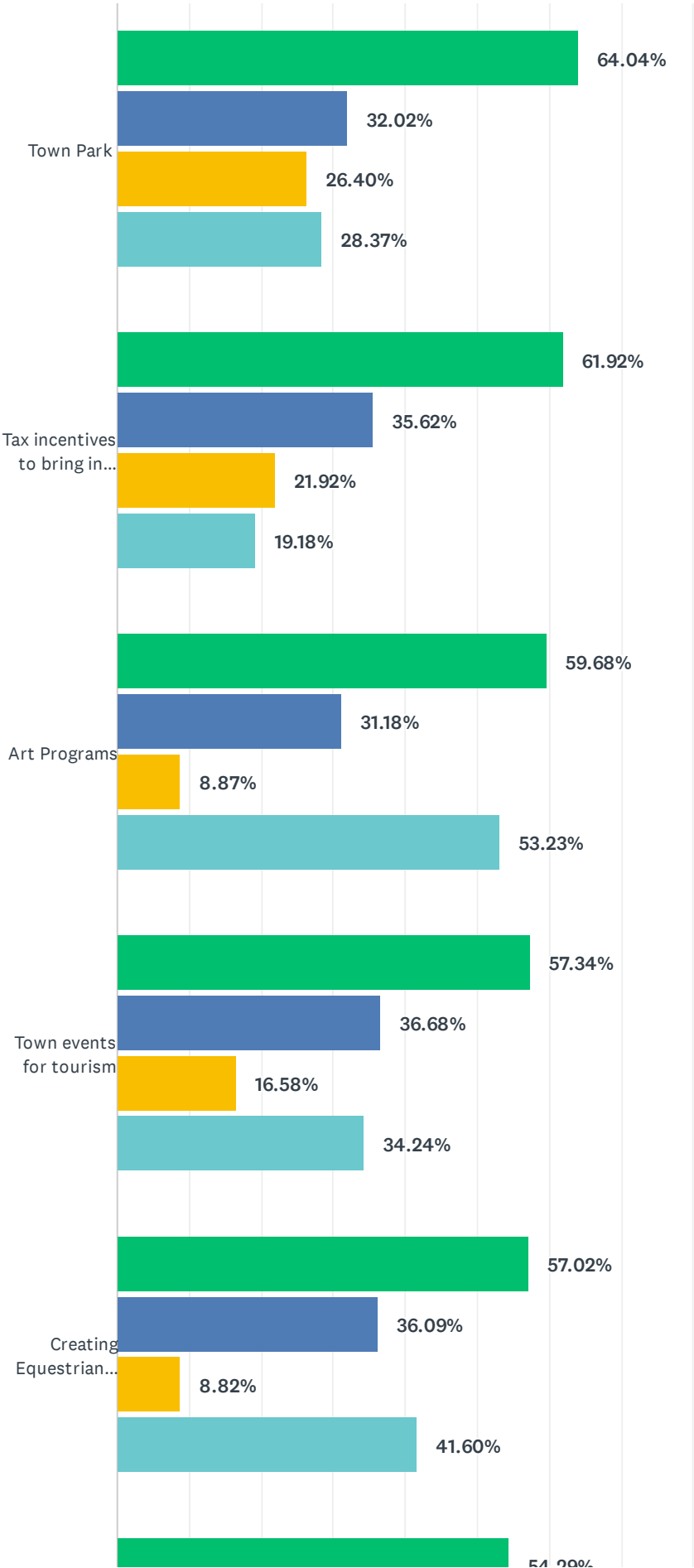
Gilboa Survey



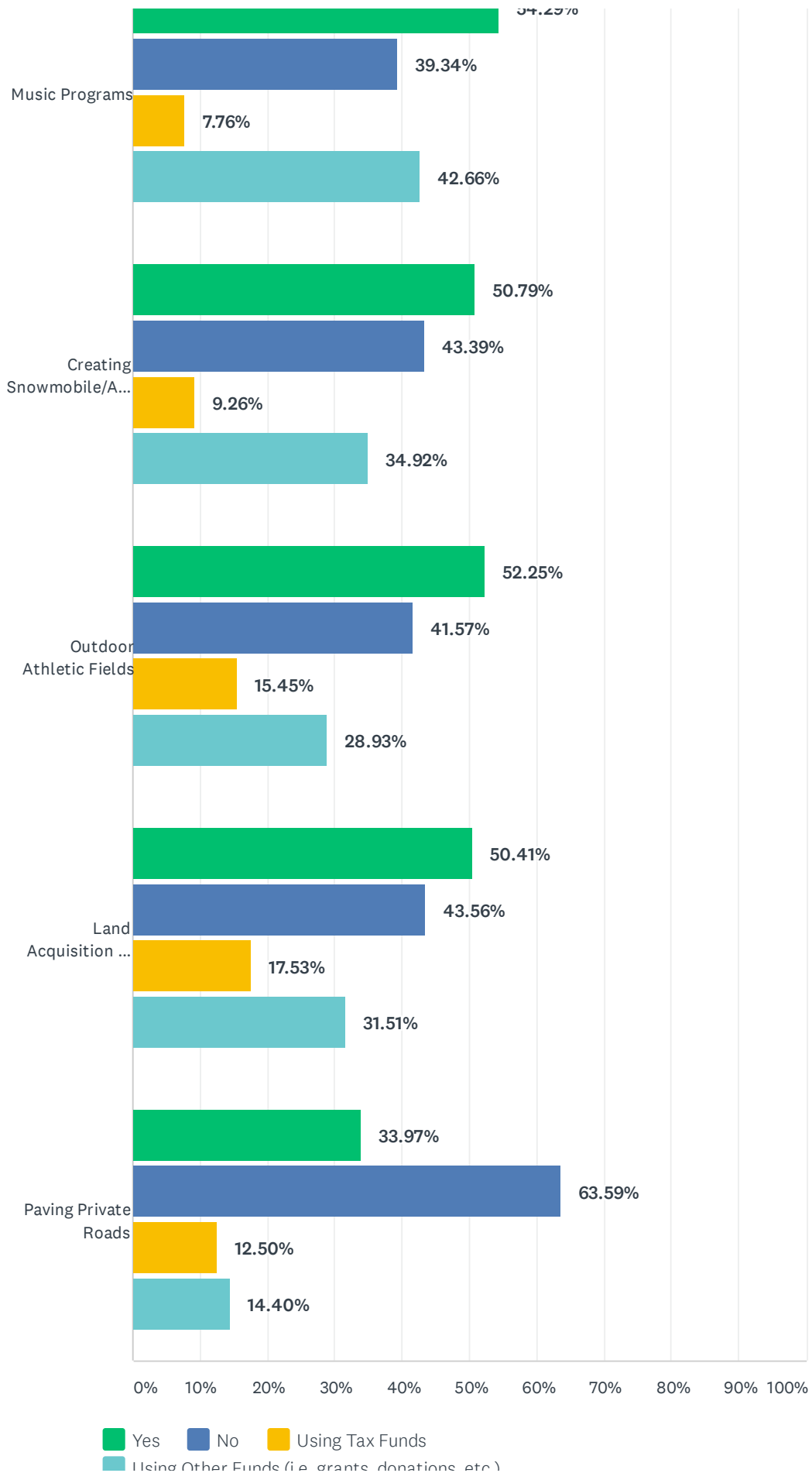
Gilboa Survey



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■ Using Other Funds (i.e., grants, donations, etc.)

Gilboa Survey

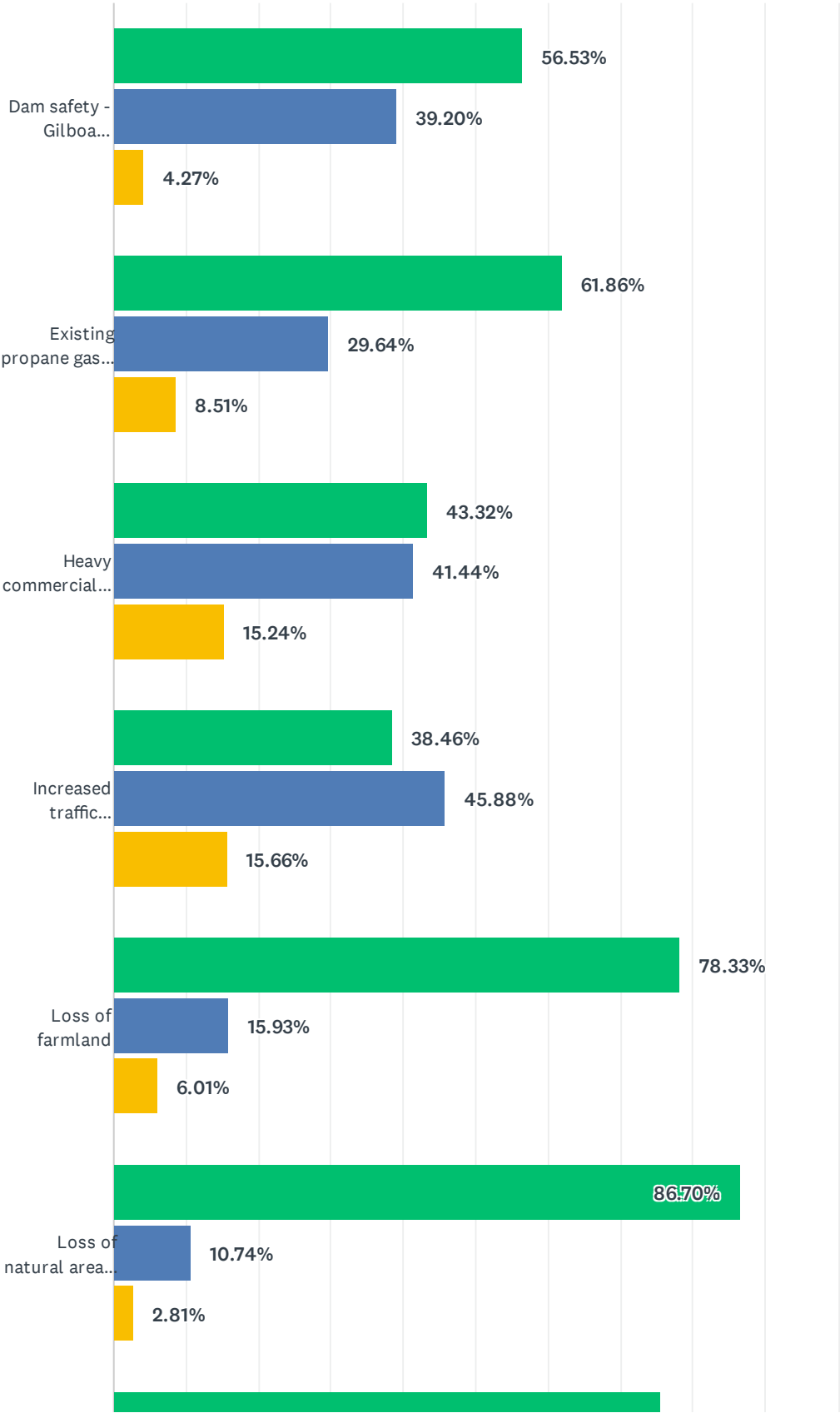
	YES	NO	USING TAX FUNDS	USING OTHER FUNDS (I.E. GRANTS, DONATIONS, ETC.)	TOTAL RESPONDENTS
Paving Town Roads	91.05% 346	7.11% 27	56.05% 213	11.32% 43	380
Increased Ambulance Service	84.29% 322	12.57% 48	49.74% 190	19.11% 73	382
Increased Fire Protection	80.74% 306	16.36% 62	45.65% 173	19.00% 72	379
Sharing/Combining services with nearby towns (i.e. road maintenance, snow removal, code enforcement)	81.60% 306	15.73% 59	43.47% 163	15.20% 57	375
Police Protection	81.84% 302	15.45% 57	48.78% 180	11.92% 44	369
Senior Programs	79.41% 297	17.38% 65	35.03% 131	25.67% 96	374
Creating Hiking Trails	75.94% 284	17.91% 67	24.06% 90	43.32% 162	374
Tax incentives for preservation of open space	76.80% 278	20.44% 74	23.76% 86	25.97% 94	362
Creation of a Registry/Publication of Historic Sites in Gilboa	72.73% 272	21.66% 81	20.05% 75	39.84% 149	374
Youth Programs	74.52% 272	20.00% 73	28.77% 105	35.07% 128	365
Town events for residents (i.e. fireworks, parades, picnics, etc.)	68.06% 260	27.49% 105	22.51% 86	32.72% 125	382
Historical Programs	70.03% 257	23.43% 86	9.54% 35	47.41% 174	367
Utilization of current natural resources/areas to bring in tourism	67.02% 250	29.22% 109	19.84% 74	32.17% 120	373
Creating Bike Paths	62.43% 236	30.69% 116	19.05% 72	39.68% 150	378
Land Acquisition for Conservation	61.96% 228	32.61% 120	23.91% 88	31.79% 117	368
Town Park	64.04% 228	32.02% 114	26.40% 94	28.37% 101	356
Tax incentives to bring in businesses	61.92% 226	35.62% 130	21.92% 80	19.18% 70	365
Art Programs	59.68% 222	31.18% 116	8.87% 33	53.23% 198	372
Town events for tourism	57.34% 211	36.68% 135	16.58% 61	34.24% 126	368
Creating Equestrian Trails	57.02% 207	36.09% 131	8.82% 32	41.60% 151	363
Music Programs	54.29% 196	39.34% 142	7.76% 28	42.66% 154	361
Creating Snowmobile/ATV Trails	50.79% 192	43.39% 164	9.26% 35	34.92% 132	378

Gilboa Survey

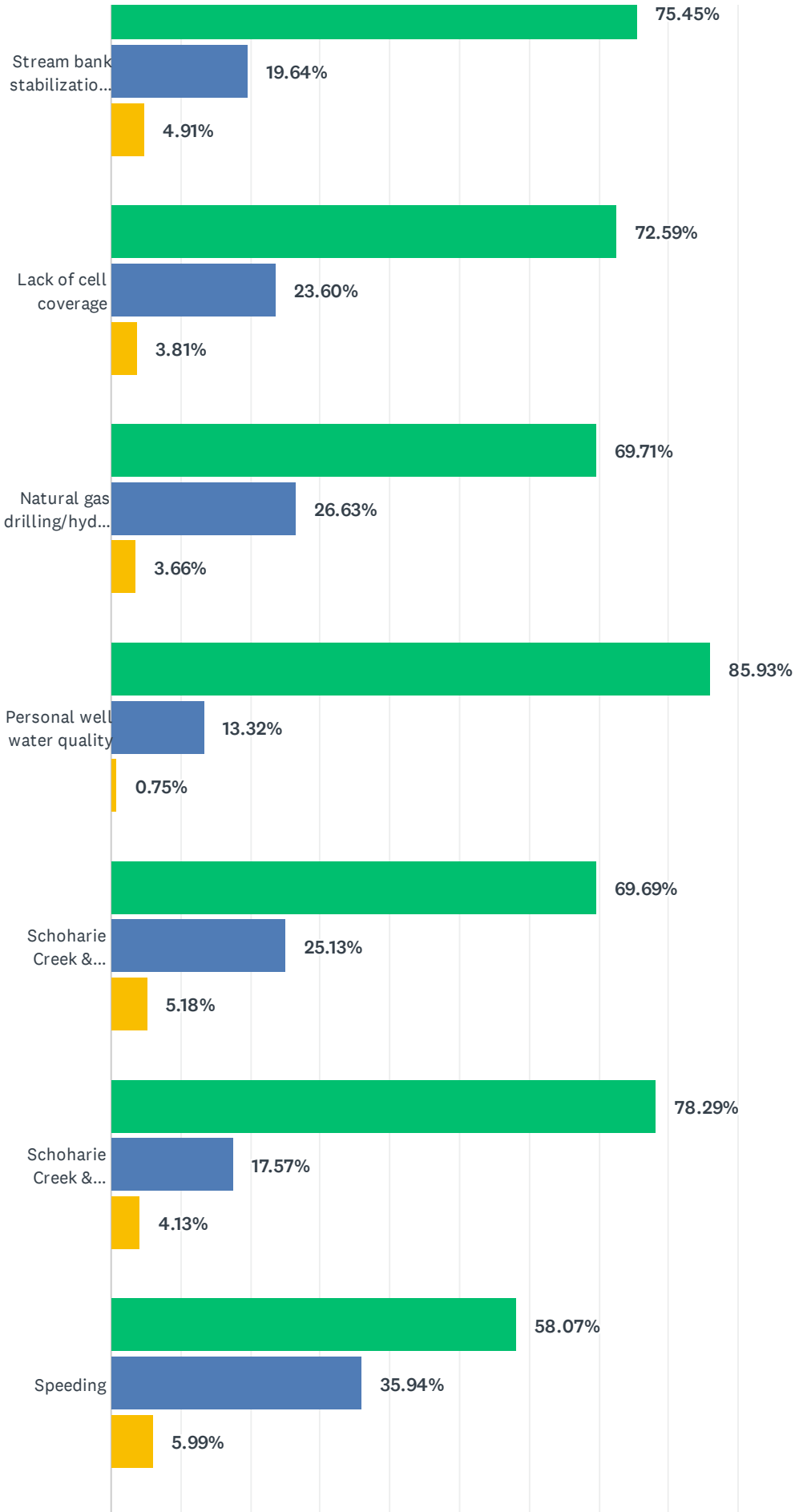
Outdoor Athletic Fields	52.25% 186	41.57% 148	15.45% 55	28.93% 103	356
Land Acquisition for Future Town Recreational Areas	50.41% 184	43.56% 159	17.53% 64	31.51% 115	365
Paving Private Roads	33.97% 125	63.59% 234	12.50% 46	14.40% 53	368

Q24 How concerned are you about the following:

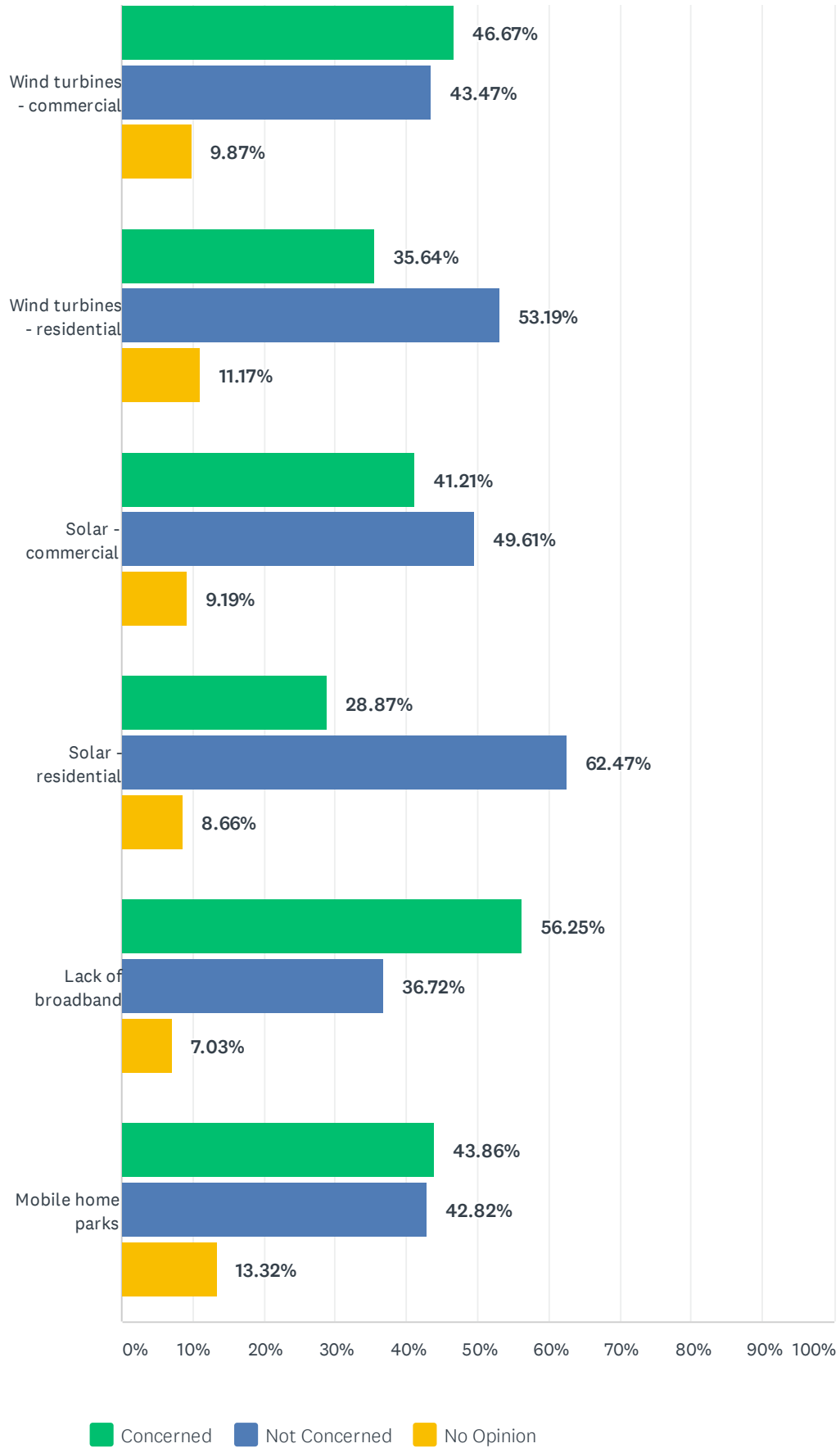
Answered: 410 Skipped: 37



Gilboa Survey



Gilboa Survey

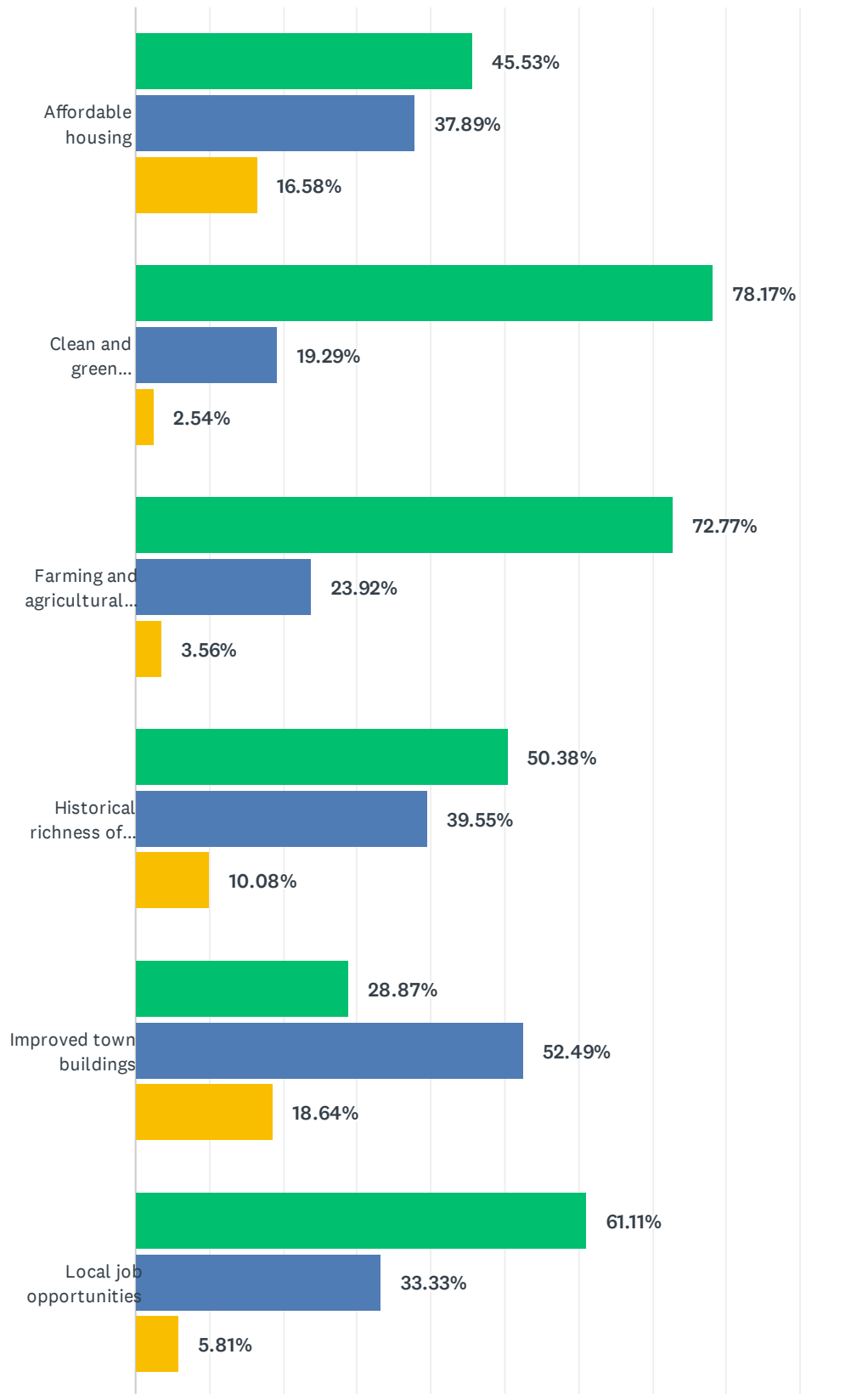


Gilboa Survey

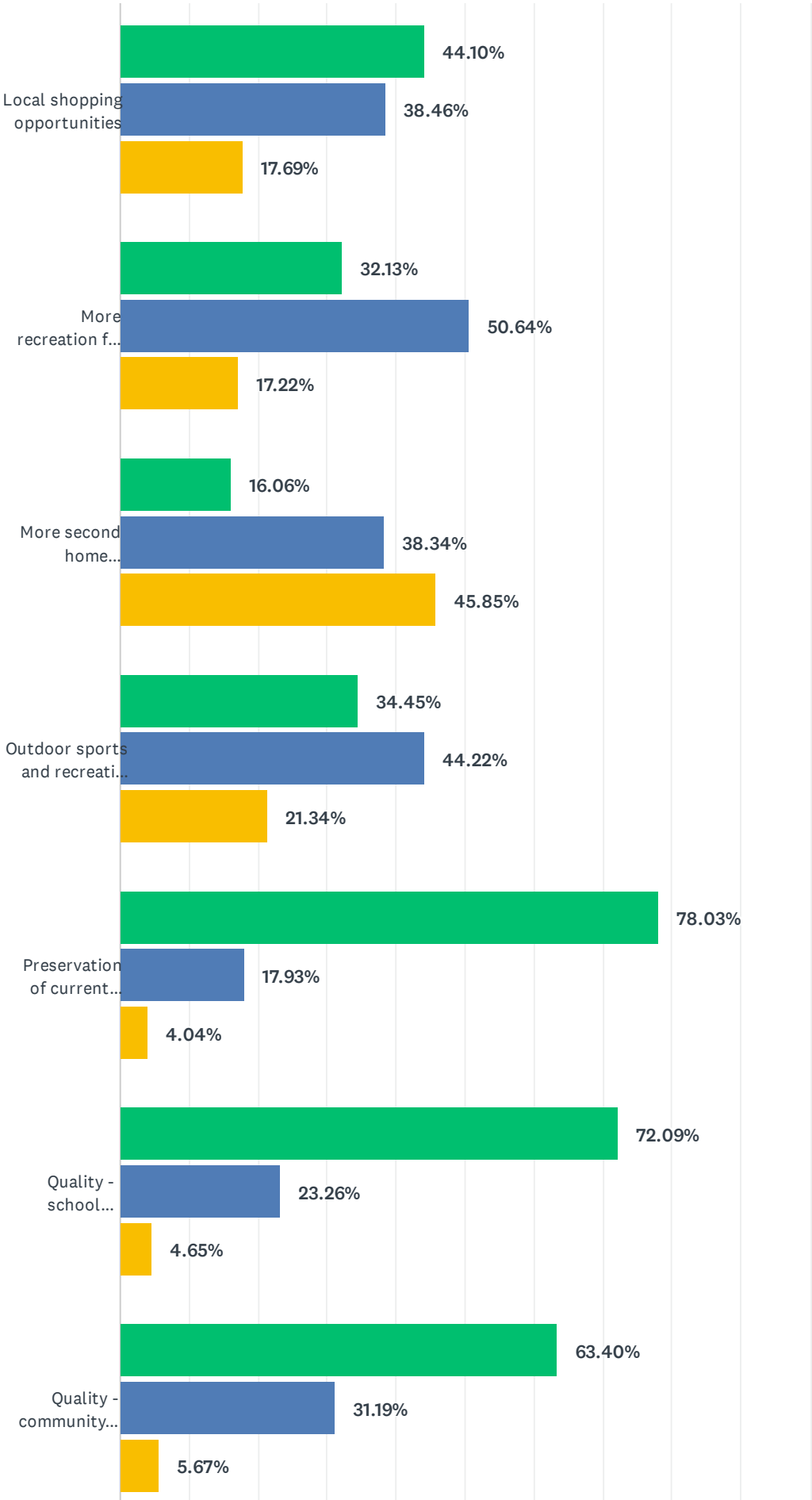
	CONCERNED	NOT CONCERNED	NO OPINION	TOTAL RESPONDENTS
Dam safety - Gilboa Reservoir	56.53% 225	39.20% 156	4.27% 17	398
Existing propane gas pipeline	61.86% 240	29.64% 115	8.51% 33	388
Heavy commercial truck traffic (specify road)	43.32% 162	41.44% 155	15.24% 57	374
Increased traffic (specify road)	38.46% 140	45.88% 167	15.66% 57	364
Loss of farmland	78.33% 300	15.93% 61	6.01% 23	383
Loss of natural areas (i.e. forest land, meadows, streams, etc.)	86.70% 339	10.74% 42	2.81% 11	391
Stream bank stabilization/creak erosion control	75.45% 292	19.64% 76	4.91% 19	387
Lack of cell coverage	72.59% 286	23.60% 93	3.81% 15	394
Natural gas drilling/hydrofracking	69.71% 267	26.63% 102	3.66% 14	383
Personal well water quality	85.93% 342	13.32% 53	0.75% 3	398
Schoharie Creek & tributaries flooding	69.69% 269	25.13% 97	5.18% 20	386
Schoharie Creek & tributaries water quality	78.29% 303	17.57% 68	4.13% 16	387
Speeding	58.07% 223	35.94% 138	5.99% 23	384
Wind turbines - commercial	46.67% 175	43.47% 163	9.87% 37	375
Wind turbines - residential	35.64% 134	53.19% 200	11.17% 42	376
Solar - commercial	41.21% 157	49.61% 189	9.19% 35	381
Solar - residential	28.87% 110	62.47% 238	8.66% 33	381
Lack of broadband	56.25% 216	36.72% 141	7.03% 27	384
Mobile home parks	43.86% 168	42.82% 164	13.32% 51	383

Q25 Please rate the FUTURE importance of the following town characteristics:

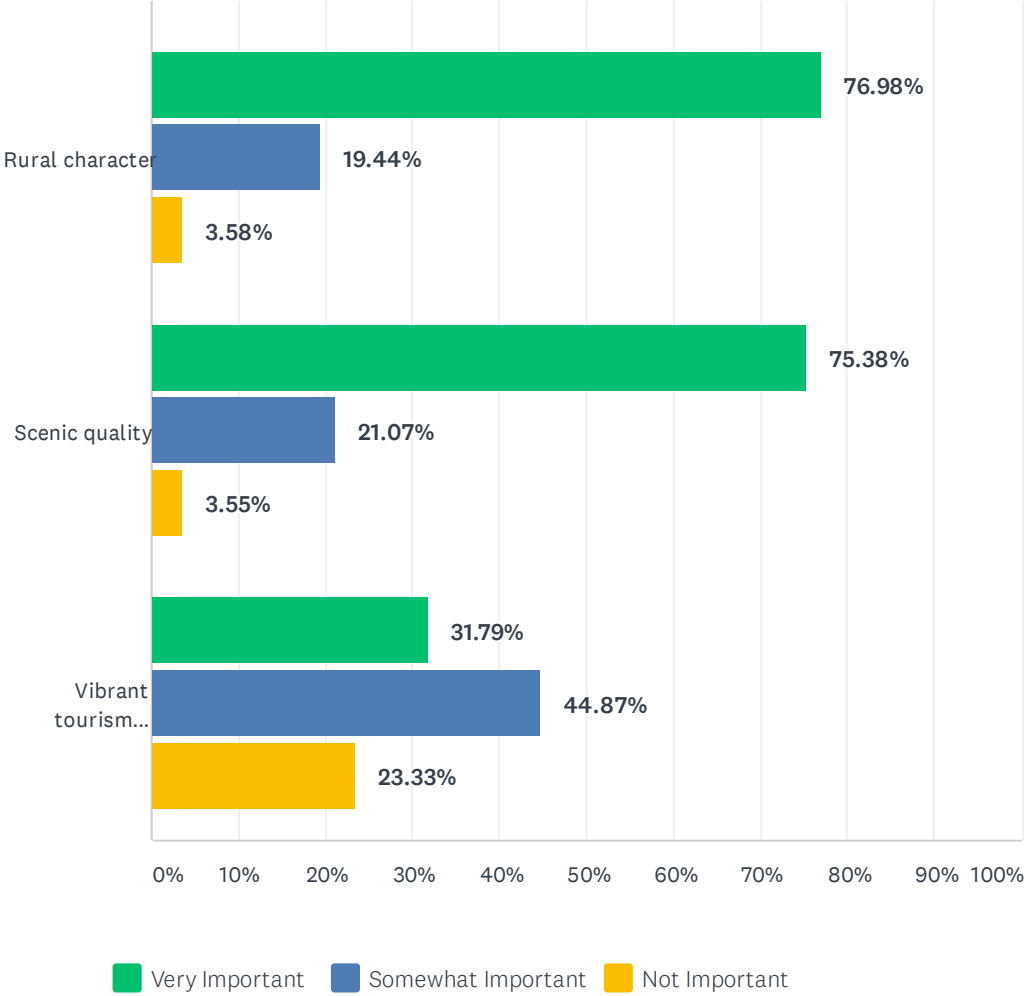
Answered: 407 Skipped: 40



Gilboa Survey



Gilboa Survey



Gilboa Survey

	VERY IMPORTANT	SOMEWHAT IMPORTANT	NOT IMPORTANT	TOTAL RESPONDENTS
Affordable housing	45.53% 173	37.89% 144	16.58% 63	380
Clean and green environment (i.e. air & water quality)	78.17% 308	19.29% 76	2.54% 10	394
Farming and agricultural business opportunities	72.77% 286	23.92% 94	3.56% 14	393
Historical richness of area	50.38% 200	39.55% 157	10.08% 40	397
Improved town buildings	28.87% 110	52.49% 200	18.64% 71	381
Local job opportunities	61.11% 242	33.33% 132	5.81% 23	396
Local shopping opportunities	44.10% 172	38.46% 150	17.69% 69	390
More recreation for residents	32.13% 125	50.64% 197	17.22% 67	389
More second home development	16.06% 62	38.34% 148	45.85% 177	386
Outdoor sports and recreation opportunities	34.45% 134	44.22% 172	21.34% 83	389
Preservation of current farms	78.03% 309	17.93% 71	4.04% 16	396
Quality - school districts	72.09% 279	23.26% 90	4.65% 18	387
Quality - community services	63.40% 246	31.19% 121	5.67% 22	388
Rural character	76.98% 301	19.44% 76	3.58% 14	391
Scenic quality	75.38% 297	21.07% 83	3.55% 14	394
Vibrant tourism industry	31.79% 124	44.87% 175	23.33% 91	390

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX B - Draft Revised Homesite Law

BE IT ENACTED by the Town Board of the Town of Gilboa, Schoharie County, New York, as follows:

§ 10-1. Title.

This Local Law shall be known and may be cited as the Homesite Law of the Town of Gilboa. It supersedes and replaces the Trailer Ordinance of the Town of Gilboa enacted in 1968, the Town of Gilboa Homesite Ordinance adopted February 1, 1982 and any other laws of the Town with which it may be inconsistent.

§ 10-2. Purposes and Authority.

- A. The purpose of this ordinance is to promote the health, safety, and general welfare of the community, including the protection and preservation of the property of the Town of Gilboa and of its inhabitants by establishing specific requirements and regulations governing the construction, occupancy and maintenance of homes, mobile homes, mobile home parks, travel trailers and trailer camps.
- B. This Law is enacted by the authority granted the Town of Gilboa by the New York State Town Law. Section 130.2 pertaining to sewer and water supply, Section 130.7a pertaining to driveways, Section 130.21 pertaining to manufactured home and campground regulations and Section 130.25 pertaining to building setbacks. It is enacted also under the authority granted by the provisions of Town Law, Sections 274 and 274-a, and pursuant to the procedures and purposes set forth in Town Law Sections 261, 264, 266, 267, 268, 280 and 280-a and § 10 of the Municipal Home Rule Law.

§ 10-3 Definitions.

- A. HOME SITES - The term HOME SITES as used in this ordinance shall be defined as any lot, piece or parcel of ground whereon a residence, used as living or sleeping quarters is located or intended to be located.
- B. MANUFACTURED HOME - A MANUFACTURED HOME (formerly known as a "Mobile Home") is any portable vehicle which is designed to be transported on its own wheels or those of another vehicle; which is used, designed to be used and capable of being used as a detached single family residence; and which is intended to be occupied as permanent living quarters ordinarily containing sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities and plumbing and electrical connections for attachment to outside systems.
- C. CAMP SITE - The term CAMP SITE as used in this ordinance shall be defined as any lot, piece or parcel of ground on which camp trailers or tents are parked or located, which sites are designated for temporary use for camping, hunting, fishing, or other recreational use and not intended for use as a permanent mobile home park.
- D. RECREATIONAL VEHICLE - A RECREATIONAL VEHICLE is any vehicle which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes; and which may or may not include one or all of the accommodations and facilities included in a mobile home.
- E. MANUFACTURED HOME LOT - A MANUFACTURED HOME LOT is a designated site of specific total land area which is located within a mobile home park for the accommodations of one mobile home and its occupants.
- F. MANUFACTURED HOME PARK - A MANUFACTURED HOME PARK is any parcel of land which is planned and improved for the placement of two (2) or more mobile homes.
- G. MANUFACTURED HOME STAND - A MANUFACTURED HOME STAND is a durable surface located on a mobile home lot which is to be used for the placement of and capable of supporting a mobile home.
- H. CAMPGROUND - A CAMPGROUND is any parcel of land which is planned and improved for the placement of two (2) or more recreational vehicles or tents which are used as temporary living quarters and for occupancy of not more than ninety (90) consecutive days.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX B - Draft Revised Homesite Law

- I. IMPROVED ROAD AND STREET - An IMPROVED ROAD OR STREET is one that meets the street improvement standards found in the Town of Gilboa Subdivision Regulations.

§ 10-4. Permit Requirements.

Any person, partnership, association or corporation, being the owner or occupant of any land within the Town of Gilboa, shall not use or allow the use of such land for a home site, mobile home park, or campground, unless a proper permit has been obtained as herein provided. This permit shall not be transferable or assignable.

A. Home Site Building Permits.

The Town Clerk of the Town of Gilboa shall issue a permit to be effective from the day of issuance. This permit will not be issued, until the Town Clerk has received:

- (1) A written application from the applicant.
- (2) The required fee as provided in the application.
- (3) Approval of the application by the Schoharie County Department of Health (or the New York State Department of Health District) where applicable.
- (4) Approval by the Town Building Inspector.
- (5) If the application is disapproved by the Town Building Inspector, the Town Clerk shall notify the applicant in writing. The applicant shall have the right to appeal within 30 days to the Town Planning Board. The Planning Board shall have 60 days to respond to the appeal.
- (6) If disapproved by the Town Planning Board, the applicant may appeal to the Town Board within 30 days. The Town Board shall have 60 days to respond to the appeal.

B. Manufactured Home Park and Campground Permits.

- (1) Application procedures shall follow Subsection A above regarding issuance of home site building permits.
- (2) This permit will be valid for one (1) year from the date of issuance.

C. Renewal of Manufactured Home Park and Campground.

- (1) An application for the renewal of any permit which was issued in accordance with this ordinance must be filed with the Town Clerk at least ninety (90) days prior to the expiration of the permit.
- (2) Upon the approval of the Building Inspector and by resolution of the Town Planning Board, the Town Clerk shall issue a renewal permit, to be effective upon the expiration of the previous permit and to continue in force for a period of one (1) year.
- (3) At the time the renewal permit issued, the applicant shall pay the required fee.
- (4) Renewal permits shall not be transferable or assignable.

D. Permit Fees.

The applicant shall pay the Town Clerk an annual fee as required by the application.

§ 10-5. Requirements for Home Sites.

A. Setbacks.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX B - Draft Revised Homesite Law

No new building, structure or addition of any kind shall be located closer to any public highway or road than seventy-five (75) feet from the center line of said street or road, nor closer to any property or boundary line than twenty-five (25) feet. Set back dimensions shall not apply to reconstruction of existing structures.

B. Driveways.

Home sites abutting a public road shall have a driveway culvert as designated by the governmental body having jurisdiction over the highway or road. All driveways shall have a minimum unobstructed sight distance of two hundred forty (240) feet in either direction and be well drained.

C. Sewage Systems.

Each home site shall have a sewage system that will comply with the standards as set forth in the document "WASTE TREATMENT HANDBOOK, INDIVIDUAL HOUSEHOLD SYSTEMS" by the New York State Department of Health, Division of Sanitary Engineering. The requirement for sewage disposal systems will also apply to any replacement in whole or part of existing systems after the effective date of this ordinance. Recreational vehicles, if not attached to a permanent septic system as described above, shall have an appropriate holding tank for septic waste to be emptied by a professional septic cleaner.

D. Water.

Each home site shall have an adequate supply of pure water for drinking and domestic purposes.

E. Supplementary Regulations for Manufactured Homes.

- (1) A manufactured home shall be adequately supported on a concrete slab six (6) inches or more thick or on bedrock and anchored with steel cables 1/4" in diameter or larger, attached from the mobile home to anchor bolts spaced at a maximum of every 10' in the concrete slab or bedrock. The concrete slab must have a minimum width and length no less than the mobile home it supports.
- (2) No mobile home shall be parked or allowed to remain upon any street, highway or other public place. Emergency stopping or parking, when caused by mechanical failure, will be permitted upon the shoulder of any street or highway for a period of not more than seventy-two (72) hours, subject to any prohibition or limitation imposed by other regulations or law.
- (3) A special permit may be issued by the Town Clerk, upon the recommendation of the Town Planning Board, to the owner of any land within the Town of Gilboa to place or park two or more mobile homes on such land for his own occupancy or his employees' occupancy provided the mobile home is located on a lot of at least 100 feet by 150 feet and no closer than 40 feet to any house, or other mobile home or other buildings and provided that the site meets all requirements of this Law. The owner of the land shall file an application for a permit with the Town Clerk.

§ 10-6. Manufactured Home Parks.

A. License Required.

No person, partnership, association or corporation, being the owner or occupant of any land within the Town of Gilboa, shall use or allow the use of such land for a manufactured home park unless a license has been obtained as herein provided.

B. Issuance of license.

- (1) The Town Clerk of the Town of Gilboa shall issue a license after review and approval of the site plan by the Town Planning Board. Said license shall be effective from the date of issuance until surrendered by the licensee or revoked by the Clerk and shall be renewed annually based on an inspection by the Clerk as to continued compliance with the standards of this Law.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021
APPENDIX B - Draft Revised Homesite Law

- (2) No license shall be issued until the Clerk has received;
 - (a) A written application from the applicant on the form provided by the Town Clerk.
 - (b) The required fee as herein provided. Such fees shall be set by resolution of the Town Board.
 - (c) Evidence there is a or will be a New York State Approved sewage disposal system designed by a Licensed Professional Engineer.
 - (3) The license shall be transferred to a new owner of a manufactured home park provided all of the requirements of this Law are met and provided the Town is so notified.
- C. Supplemental license.
- (1) Any person holding a license for a manufactured home park who desires to add additional lots to such park shall file an application for a supplemental license.
 - (2) The application for such supplemental license must be accompanied by four sets of plans and specifications and shall be filed and processed as provided herein for new manufactured home parks.
 - (3) When approved, the Town Clerk shall issue a supplemental license which will be effective from the date of issuance and continue until surrender by the licensee or revocation by the Clerk.
- D. The applicant shall pay the Town such a fee(s) as are established by resolution of the Town Board. Fees may be assessed for both the initial license and to cover subsequent inspections on a periodic basis.
- E. Each application for a manufactured home park license shall be in writing and signed by the applicant. Four (4) copies of the application and plans and related information shall be filed with the Clerk on a form supplied by the Clerk. No application shall be deemed filed until all required information shall have been filed with the Town of Gilboa Planning Board. The Planning Board shall advise the applicant of any such deficiencies within thirty (30) days of its receipt thereof. The Clerk promptly shall transmit copies of the application and plans to the Town Planning Board. The Clerk, within ten (10) days of the filing of the Planning Board decision shall issue the license provided approval has been granted and all other requirements of this Law are met.
- F. Any disapprovals shall be in writing and include the reasons therefore. The Clerk shall not issue a license, in any instance, where the Planning Board has not approved the Site Plan. If the application is disapproved, the applicant shall have the right to appeal pursuant to Article 78 of the Civil Practice Law and Rules.
- G. Each application shall be accompanied by four (4) complete sets of plans which have been prepared by a licensed land surveyor or engineer.
- H. Each application shall contain the following information:
- (1) The name and address of the applicant; or the name and address of each partner if the applicant is a partnership; or the name and address of each officer and director if the applicant is an association or corporation including principal shareholders (more than 5% ownership).
 - (2) The description of the land that is proposed to be used as a manufactured home park, together with a map showing its location in the Town.
 - (3) The number of lots to be provided in such manufactured home park.
 - (4) The names and addresses of the owners of the property on which the manufactured home park is to

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX B - Draft Revised Homesite Law

be located and a written statement signed by the owners consenting that the premises be used for a manufactured home park.

- I. Four (4) copies of a location map shall be presented with the application which shows all land within 300 feet of the park, the location of all streets and roads adjacent to and within the park and the location of all water and sewer lines and utilities adjacent to and within the park.
- J. Proposed development. The application shall be accompanied by four copies of a development plan showing the following:
 - (1) The location and widths of all entrances, exits and streets.
 - (2) The location, size and arrangement of each lot within the park.
 - (3) The method and plan for electric lighting.
 - (4) The location and plan of all proposed structures and improvements.
 - (5) Plans for landscaping.
 - (6) Storm water drainage.
 - (7) Utilities.
 - (8) Off-street parking facilities.
 - (9) Fencing and screening.
 - (10) Signs and other structures.
 - (11) Names of owners of adjoining properties.
 - (12) Recreational facilities.
 - (13) Location and type of trash receptacles.
 - (14) All other applicable information required by the Town Site Plan Review Law.
- K. Site.
 - (1) The park shall be located on a well-drained site which is properly graded to ensure rapid drainage and free at all times from stagnant pools of water.
 - (2) The park shall be at least ten (10) acres in size and have at least three-hundred (300) feet frontage on a public road. Additional park land must be contiguous to the existing park and shall not be bisected by a public road except to the extent a new such road may be approved as part of the plan.
- L. Manufactured Home Lots
 - (1) Each manufactured home park shall be marked off into manufactured home lots.
 - (2) Reserved.
 - (3) Each manufactured home lot shall have a total area of not less than 8,000 square feet.
 - (4) No more than (1) manufactured home shall be placed on any manufactured home lot.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX B - Draft Revised Homesite Law

- (5) The lot numbers shall be legibly noted for each lot on the plans submitted
- M. Manufactured Home Placement
- (1) All manufactured homes shall be parked or otherwise be located:
 - (a) At least fifty (50) feet from an adjacent manufactured home.
 - (b) At least seventy-five (75) feet from an adjacent property line.
 - (c) At least seventy-five (75) feet from right of way line of public street or highway.
 - (d) At least twenty-five (25) feet from the nearest edge of any roadway located within the park.
- N. Manufactured Home Stand. Each manufactured home lot shall have a manufactured home stand which will provide for the practical placement on a permanent foundation or the lot of both the manufactured home and its appurtenant structures and provide for the retention of the home on the lot in a stable condition.
- O. Accessibility and Lighting
- (1) Each manufactured home park shall be accessible from an existing public highway or street.
 - (2) Where a manufactured home park has more than sixteen (16) manufactured homes, two (2) points of entry and exit shall be provided.
 - (a) Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out of the park and to minimize friction with the free movement of traffic on a public highway or street.
 - (b) No individual manufactured home shall have direct access to a State, County or Town road without first entering a street or driveway in the manufactured home park leading to an exit. This requirement may be waived by the Planning Board for good cause in the case of individual park lots.
 - (c) All entrances and exits shall be free of any material which would impede the visibility of the driver on a public highway or street.
 - (d) All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with manufactured homes attached and shall be at least fifty (50) feet in width.
 - (3) Each manufactured home park shall have roads to provide for the convenient access to all manufactured home lots and other facilities within the park.
 - (a) The road system shall be so designed to permit the safe and convenient vehicular circulation within the park. All streets shall be provided with safe, dustless all-weather surfaces.
 - (b) All roads shall have the following minimum pavement widths:
 - [1] One way traffic movement - 12 feet
 - [2] Two-way traffic movement - 20 feet
 - (c) The roads shall be constructed in accord with the requirements set forth in the Town Subdivision Law and Town highway specifications.
 - (d) Except in cases of emergency, no parking shall be allowed on such street unless such street is at least 28 feet wide, in which case parallel parking shall be allowed on one side

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX B - Draft Revised Homesite Law

of the street only.

- (4) All means of egress, drives and public places shall be adequately lighted.
- (5) One non-flashing, illuminated sign shall be permitted on the park. Such sign shall not be greater than thirty-two (32) square feet in area and shall not extend more than eight (8) feet above ground level. Such sign shall be located at least 20 feet from any property line or street right-of-way line.

P. Parking

- (1) Two (2) off-street parking spaces shall be provided on each manufactured home lot. Each space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet
- (2) One off-street parking space or common area, readily accessible to the occupants of the manufactured homes it is intended to serve, shall be provided for each five (5) manufactured home sites to accommodate guests and delivery and service vehicles.

Q. Utilities and Service Facilities

The following utilities and services shall be provided in each manufactured home park in accordance with the regulations and requirements of the New York State Department of Health:

- (1) An adequate supply of pure water meeting New York State Department of Health standards for drinking and domestic purposes shall be supplied by pipes to manufactured home lots and buildings within the park. Documentation of compliance with the Department of Health's requirements in Part 17 of the Sanitary Code shall be provided.
- (2) Each manufactured home lot shall be provided with a sewer, which shall be connected to the manufactured home situated on the lot, to receive the waste from the shower, tub, flush toilet lavatory and kitchen sink in such home. The sewer shall be connected to a public or private offsite sewer system meeting New York State Department of Health standards so as not to present a health hazard. Sewer connections in unoccupied lots shall be so sealed to prevent the emission of any odors and the creation of breeding places for insects.
- (3) Garbage containers with tight fitting covers shall be provided in quantities adequate to permit the disposal of all garbage and rubbish. The containers shall be kept in sanitary condition at all times. The containers shall be located no farther than two-hundred-fifty (250) feet from any manufactured home lot, shall be stored in covered collecting enclosures and garbage shall be removed and disposed of as frequently as may be necessary to ensure that such containers shall not overflow. The operator of the manufactured home park shall provide for all trash removal services.
- (4) Manufactured homes which do not contain toilets, lavatory and tubs or showers shall not be permitted in any manufactured home park. Service buildings shall be provided as deemed necessary for the normal operation of the park. Such buildings shall be maintained by the owner or manager or the park in a clean, sightly and sanitary condition.
- (5) Each manufactured home lot shall be provided with weatherproof electric service connections and outlets which are a type approved by the New York State Board of Fire Underwriters.

R. Recreation and Open Space

- (1) Each manufactured home park shall provide common open space for the use of the occupants of the park.
- (2) Such open space shall be conveniently located in the park. Such space shall have a total area equal to at least fifty (50) percent of the gross land area of the park such that the net overall density of the park shall not exceed one (1) dwelling unit or manufactured home per 16,000 square feet of park land area.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021
APPENDIX B - Draft Revised Homesite Law

- (3) Any manufactured home park or more than ten (10) manufactured home sites shall provide, as part of its open space, areas for active recreational use. These recreation areas shall not include any wetlands, steep slopes or other land areas unusable for development and shall consist of contiguous land areas which can be used for active recreational activities such as ballfields. No less than 20% of the open space provided shall be dedicated to such recreational areas and no individual area so designated shall be less than two (2) acres in size. Each manufactured home park affected by this section shall provide at least one developed picnic area, including tables and benches, and a system of marked and improved trails or sidewalks connecting each manufactured home to the recreation and other open space areas created. Unless the park shall be restricted to senior citizens, it shall also include at least one improved ball field. These recreational improvements shall be included on the landscaping plans presented as part of the application package.
- S. Landscaping
- (1) Ground cover shall be provided on those areas not used for the placement of manufactured homes and other buildings, walkways, roads and parking areas.
- (2) Screening acceptable to the Planning Board shall provide for adequate shade and a suitable setting for the manufactured homes and other facilities. A side or rear yard adjacent to an existing developed area shall be a minimum width or depth of 100 feet and the 50 feet nearest to the existing developed area shall be planted or screened with materials approved by the Planning Board. Such screening shall be designed to create and maintain a high-quality neighborhood character for existing residents as well as new manufactured home park residents. Natural landscape buffers shall be required as opposed to fencing or other artificial measures. It shall provide, to the maximum extent practical, for the effective screening of other development from the view of manufactured home residents and of all manufactured homes and accessory structures from view by adjoining. The Planning Board shall also require and approve a landscaping plan for the interior of the manufactured home park to buffer individual manufactured homes, provide shade and green areas and ensure a wholesome living environment.
- (3) Skirting acceptable to the Planning Board shall be installed along the perimeter of each manufactured home, extending from the manufactured home stand to the floor of the manufactured home unit and fully screening the area beneath the unit from view. The landscaping plan required above shall also address landscaping of individual manufactured home sites and ensure effective separation of manufactured homes from each other for purposes of privacy as well as aesthetics.
- T. The owner or operator of each manufactured home park shall keep a register wherein there shall be recorded the name and permanent address of the owner and occupant of each manufactured home situated in the court, the registration number of the same, the date it was admitted and the date of its removal. Such register shall be signed by the owner of the manufactured home or the person bringing the same into the court. Such register shall be open for inspection to the Town Clerk, the Town Planning Board, the Town Board or the Town Assessor at all reasonable times. Registers shall be kept for a period of seven (7) years.
- U. Fire District Approval and Firefighting Requirements
- (1) No application for a manufactured home park license shall be approved unless and until the appropriate officer of the applicable Town fire district shall have reviewed the plans as well as the site and determined the district firefighting equipment can provide adequate coverage of the park and that there are no major obstacles in the design or layout of the facility to providing fire protection. The applicant shall document to the fire district and the Planning Board, that there is a fire hydrant(s), with sufficient capacity to meet the firefighting needs associated with the development, located on the site and convenient for easy access. Water storage facilities may be provided as an alternative to hydrants if the same are secured from access by small children.
- (2) If the fire district approval cannot be obtained because the district lacks the specific services and facilities needed to serve the proposed park, the Town shall be authorized, through its Planning

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX B - Draft Revised Homesite Law

Board and Clerk, to require a condition of special use and site plan approval as well as licensing hereunder, a financial contribution from the applicant toward providing those services or facilities. Such contribution shall be reasonable and directly related to the costs of serving the manufactured home park.

V. Sales and Storage

- (1) No sales of manufactured homes for offsite placement shall be permitted within the manufactured home park, excepting for previously occupied manufactured homes sold individually by residents of the manufactured home park. Also, no manufactured home shall be used for rental purposes except for temporary periods in those instances where an individual owner of such home, not including the manufactured home park operator, shall have placed such home on-site for purposes of personal occupancy and is no longer, for reasons of health or circumstance able to live there.
- (2) No individual manufactured home shall be placed anywhere within the Town of Gilboa for a period of six (6) months or more for any purpose other than use as a dwelling.
- (3) Storage of any unlicensed vehicles within a manufactured home park for a period six (6) months or more is prohibited.

§ 10.7. Campgrounds.

- A. The procedures applicable to Manufactured Home Parks shall apply.
- B. Campgrounds shall be marked off into camp sites.
- C. Camp sites shall not exceed ten (10) per acre.
- D. Utilities and service facilities shall be provided in accordance with the regulations and requirements of the Schoharie County Department of Health, the New York State Department of Health and the Sanitary Code of New York State.
- E. Any camp site provided with electric service connections or outlets must meet National Fire Protection Association requirements.
- F. No less than 25% of the campground shall be devoted to open space and recreation use.
- F. Landscaping shall meet the provisions found in Section 10.6 of this Law.
- G. The owner or operator of each campground shall keep a written record of all persons occupying or using the facilities of such camp. This record shall be available for a period of at least one (1) year from date of occupancy. The record shall include:
 - (1) The name and address of the occupant of each site.
 - (2) The name and address of the owner of each trailer which is not occupied by such owner.
 - (3) State in which the trailer is registered and the registration number.
 - (4) Name and address of owner of automobile or other vehicle which propelled the travel trailer.
 - (5) State in which automobile is registered and the registration number.

§ 10-8. Existing Home Sites.

A home site lawfully in existence prior to the enactment of this ordinance may be continued to be used as a home site without permits hereunder.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX B - Draft Revised Homesite Law

§ 10-9. Recreational Vehicles.

The provisions found in Sections 10-5 with the exception of Subsection E shall apply.

§10-10. Enforcement.

The Building Inspector of the Town of Gilboa shall enforce all of the provisions of this ordinance. Such Building Inspector shall have the right at all times to enter and inspect any home site, mobile home park, campground and other areas used for parking or placement of a mobile home. The Building Inspector is to monitor all construction in the Town of Gilboa.

- A. The Building Inspector shall have a supply of blank building permits. A similar supply shall be maintained at the Town Clerk's office.
- B. The Building Inspector must approve or disapprove within 15 days after receiving the building permit application. If disapproved, the notification must be in writing to the applicant and to the Town Clerk.
- C. Violators of the homesite ordinance must stop activity immediately. Noncompliance can result in the issuance of a written notice of violation by the Building Inspector to the landowner or his representative.
- D. In the case of Mobile Home Park or Campground violations the Building Inspector shall notify the Town Planning Board and the procedure outlined below for Revocation of Mobile Home Park and Campground Permits shall be followed.

§ 10-11. Revocation of Manufactured Home Park and Campground Permits.

- A. The Town Planning Board may serve a written notice of violation upon the holder of the permit directing that the condition or conditions therein specified be remedied within ten (10) days after the service of the notice.
- B. If the holder of such permit shall refuse or fail to correct the condition or conditions specified in such notice within (10) days after the personal service of such notice, the Town Planning Board may, by resolution, revoke such permit. The holder of the permit shall thereupon terminate the operation of such mobile home park or campground.
- C. If the owner or operator of such manufactured home park or campground shall thereafter correct such conditions and bring the mobile home park or campground into compliance with this ordinance, such owner may then apply for the issuance of a new permit for such park or campground. If the application is approved and a permit is granted, the applicant shall pay the Town Clerk the fee required by this Law without any credit for the fee paid for the revoked permit.

§ 10-12. Penalties.

If, after a notice of violation, any person, partnership, association or corporation continues to willfully violate any provision of this ordinance, they shall be guilty of an offense against this ordinance and subject to a fine of not less than one hundred (\$100.) dollars or more than five hundred (\$500.) dollars or to imprisonment for a period for a period of not more than thirty (30) days or both fine and imprisonment. When a violation of any of the provisions of this Law is continuous, each week or portion thereof shall constitute a separate and distinct violation.

§10-13. Exceptions.

None of the provisions of this ordinance shall be applicable to the following:

- A. The business of mobile home or recreational vehicle sales, except that where units are used as living quarters, they shall conform with the provisions of the ordinance.
- B. A manufactured home or recreational vehicle located on the site of a construction project, survey project, or other similar work project and which is used solely as a field office or work or tool house in connection

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX B - Draft Revised Homesite Law

with such project, provided that such manufactured home or recreational vehicle is removed from such site within thirty (30) days after the completion of such project.

§ 10-14. Validity.

If any section, paragraph, subdivision, or provision of this ordinance shall be found invalid, such invalidity shall apply to the section, paragraph, subdivision or provision adjudged invalid and the remainder of the ordinance shall remain valid and effective.

§ 10-15. Waivers.

The Town of Gilboa Planning Board shall, pursuant to Section 274-a(5) of the Town Law, have the right to waive, when reasonable, any of the above submission requirements for the approval, approval with modifications, or disapproval of site plans submitted for approval. This waiver authority may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety, or general welfare or are inappropriate to a particular site plan. Waivers shall generally be limited to those situations where the full application of the requirements contained herein would generate unnecessary data and create unnecessary costs with regard to deciding the matter at hand, due to the scope or nature of the project involved. The Planning Board shall consider a site plan as adequate when, in its judgment, the information submitted is sufficient to make a determination of compliance with the development standards contained herein and the intent of site plan review criteria found herein.

§ 10-16. Reliability.

Meeting the requirements of the Homesite Law should not be construed as a guarantee that the systems will function reliably.

§ 10-17. Other Regulations.

These regulations in no way waive the requirements of the other regulatory organizations or the requirements of the State Environmental Quality Review Act which are incorporated herein by reference and made a part of these procedures for all applications subject to review thereunder.

§10-18. Effective Date.

This Local Law shall take effect ten (10) days after posting, publication and filing thereof, and immediately against any person who is personally served with a certified copy thereof in accordance with the Town Law of the State of New York.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

1.0 General Provisions

1.1 Authority

- 1.1.1 This Law is adopted under the authority provided to the Town of Gilboa by the New York State Town Law, Municipal Home Rule Law and the State Environmental Quality Review Act.
- 1.1.2 The Town of Gilboa Planning Board shall be authorized and empowered to approve preliminary and final plats of subdivisions showing lots, blocks, or sites, with or without streets or highways, within the Town of Gilboa, pursuant to § 276 of the Town Law.
- 1.1.3 The Planning Board shall be also authorized and empowered, to approve the development of those plats, filed in the office of the County Clerk prior to February 8, 1975, where twenty percent or more of the lots are unimproved unless existing conditions such as poor drainage have prevented their development.
- 1.1.4 The Planning Board shall be further authorized and empowered, pursuant to § 278 of the Town Law pertaining to cluster development and simultaneously with the approval of a plat or plats, to modify applicable provisions of the Town of Gilboa Zoning Law, subject to the conditions set forth in § 278 and later herein.
- 1.1.5 The regulations which follow have been prepared by the Town of Gilboa Planning Board and are approved and adopted by the Town Board of the Town of Gilboa as local law pursuant to the authority of the New York State Municipal Home Rule Law. They repeal previously enacted Subdivision Regulations. Section 276.5(a) of New York State Town Law is hereby specifically superseded so as to permit exemption of certain subdivisions from the requirement to file plats for Planning Board approval, pursuant to Section 1.3.3 hereof. The definition of subdivision is also superseded to encompass divisions of lands for purposes of immediate or future sale, lease, partition by the court for distribution to heirs or devisees, transfer of ownership, building or lot development. Finally, the requirement for final plans to be submitted within six months of preliminary approval is superseded to provide for extensions of up to five years for this purpose.

1.2 Purposes

This Law is adopted for the following purposes;

- 1.2.1 Promoting the orderly growth and development of the Town in accordance with the Town of Gilboa Comprehensive Plan.
- 1.2.2 Affording adequate facilities for the housing, transportation, distribution, comfort, convenience, health and safety of Town residents.
- 1.2.3 Minimizing foreseeable maintenance and improvement problems as well as economic burdens associated with development of land.
- 1.2.4 Conserving the Town's natural resources and protecting its attractive environment so as to maintain property values and otherwise provide for the general welfare of residents of the Town of Gilboa.

1.3 Jurisdiction

- 1.3.1 Regardless whether or not any formal conveyance by metes and bounds shall be made, when any subdivision of land is proposed and before any offer is made to sell any part or all of a subdivision and before any permit for the erection of any structure in such subdivision shall be issued or any grading, clearing, construction or other improvements shall be undertaken, the subdivider or his authorized agent shall first obtain the appropriate approval of the proposed subdivision in accordance with the requirements of this Law.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

- 1.3.2 It shall further be the obligation of each prospective purchaser or developer of a lot which forms any part of a subdivision to ensure that appropriate subdivision approval has been obtained. In the absence of such subdivision approval, a prospective purchaser shall not commence the erection of any structure on such lot, nor commence any grading, clearing, construction or other improvements.
- 1.3.3 The regulations of this Law shall not apply to lot improvements and natural subdivisions as defined herein (see § 3.7). The Planning Board shall be authorized, where requested and for legal recording purposes, to indicate in writing on any qualifying plat presented that "These plans are acknowledged by the Town of Gilboa, and for recording purposes only, to represent an exempt lot improvement in accord with Section 3.7 of the Town of Gilboa Subdivision Regulations. No subdivision approval is required or given." No plat so submitted, however, shall indicate that a subdivision is being created or approved through action of the Planning Board.
- 1.4 Interpretation, Conflict and Separability
 - 1.4.1 The provisions of this Law, in their interpretation and application, shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
 - 1.4.2 This Law is not intended to interfere with, abrogate, or annul any other law, rule or regulation statute or provision of law. Where any of the provisions of these regulations impose restrictions different than any other law, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control. This Law, however, shall repeal and replace in their entirety the Subdivision Regulations approved by the Town Board on March 8, 1975, including all amendments thereto preceding the enactment of this Law as local law.
 - 1.4.3 If any part or provision of these regulations is judged invalid by any court of competent jurisdiction, such judgment shall be confined in application to the part or provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of these regulations even without such part or provision or application.
- 1.5 Waivers and Modifications
 - 1.5.1 Applications for waivers of standards or procedures shall ordinarily be submitted in writing by the subdivider at the time the preliminary plat is filed. The application shall state fully the grounds on which it is made.
 - 1.5.2 The Planning Board may, by resolution, authorize a waiver or modification of the regulations of this Law when, in its opinion, unreasonable restriction will result from strict compliance.
 - 1.5.3 Waiver applications shall, in those instances where the Planning Board determines they could, if granted, have an impact on adjoining properties, be subjected to a public hearing at the applicant's expense.
 - 1.5.4 Any resolution by the Planning Board authorizing a waiver of these regulations shall include the basis for its finding that unreasonable hardship will result from strict compliance with this Law.
 - 1.5.5 In authorizing a waiver, the Planning Board shall attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of these regulations. No waiver shall be granted which would substantially change the character of an area or compromise the purposes of these regulations.
- 1.6 Appeals

Any person or persons, jointly or severally aggrieved by the decision of the Planning Board or Town in regard to

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

the administration of this Law may apply to the supreme court for review under article seventy-eight of the civil practice laws and rules.

1.7 Violations and Penalties

- 1.7.1 Any person who shall lay out, construct or open any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings located or abutting thereon, or who sells, transfers, rents, leases, conveys by other means, or agrees or enters into an agreement to do the same with any land in a subdivision, unless and until a final plat has been prepared, approved and recorded in full compliance with the provisions of this Law, shall be deemed to have committed a violation of this Law and shall be liable for such violation.
- 1.7.2 Any person found in violation of this Law shall be subject to a fine not exceeding three hundred fifty dollars (\$350) per lot, parcel or dwelling. All fines collected for such violations shall be paid over to the Town of Gilboa.
- 1.7.3 Each day that a violation continues shall be a separate violation, but nothing herein shall require the Town to post separate notice each day that a violation continues.
- 1.7.4 The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- 1.7.5 The Town shall be authorized to initiate and maintain a civil action to obtain a writ of injunction against subdividers who attempt the improper sale, lease, or conveyance of land, or to set aside and invalidate any conveyance of land made prior to Town approval. It shall take other action as necessary to prevent or remedy any violation.

1.8 Amendments

Amendments to this Law shall be made pursuant to the New York State Municipal Home Rule Law. Also, should provisions of New York State Town Law be amended to require actions different from those specified herein, the State requirements shall prevail.

1.9 Effective Date

This Law shall be effective immediately upon enactment.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

2.0 Definitions

2.1 General

As used in this Law, words in the singular include the plural and those in the plural include the singular. The words "shall" and "will" for the purpose of this Law are defined as mandatory.

2.1.1 For the purpose of this Law, the following terms shall be considered interchangeable:

- (1) The words "Law," " regulation(s)" and "Law."
- (2) The terms "Town" and "Town of Gilboa."
- (3) The terms "subdivider" and "developer" and the terms "subdivision" and "development."
- (4) The terms "State Environmental Quality Review Act" and "SEQRA."

2.1.2 Unless otherwise expressly stated, the following definitions shall, for the purpose of this Law, have the meaning herein indicated. Any pertinent word or term not a part of this listing shall be construed to have its legal definition.

2.2 Glossary of Terms

The following is a list of specific terms, found elsewhere in the Law, along with definitions of their intended meaning:

ALLEY - A permanent service way providing a secondary means of access to abutting lands.

ALL-WEATHER SURFACED - The surfacing of a street, parking area, access or walkway to a mud-free or otherwise permanently passable condition during all seasons of the year and under adverse weather conditions. Macadam, gravel, crushed stone and shale surfaces will all suffice to meet this test, but the depth and installation of the material shall be subject to the approval of the Town Engineer.

APPLICANT - A landowner, developer or subdivider, as hereinafter defined, who has filed an application for subdivision plat approval, including heirs, successors and assigns.

BERM or SHOULDER - That portion of a roadway between the outer edge of the traveled way or pavement and the point of intersection of the slope lines at the outer edge of the roadway, for the accommodation of stopped vehicles and for lateral support.

BLOCK - A tract of land or a lot or group of lots bounded by streets, public parks, railroad rights-of-way, watercourses, bodies of water, boundary lines of the Town, or by any combination of the above.

BUILDING - A structure formed of any combination of materials which is erected on the ground and permanently affixed thereto, and designed, intended or arranged for the housing, shelter, enclosure or structural support of persons, animals, or property of any kind.

CENTRAL SEWAGE or WATER SUPPLY - A sewage system or water supply system designed to serve more than one dwelling unit or building; not including the use of a single well or disposal system for two dwellings on the same parcel of land. See "ON-SITE SEWAGE or WATER SUPPLY " for further information.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street centerlines.

COMMON OPEN SPACE - A parcel or parcels of land or an area of water, or a combination of land and water, within a subdivision, which parcel or parcels have been designed and intended for the use or enjoyment of residents of the development. It does not include streets, off-street parking areas and areas set aside for utility placement,

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

rights-of-way or similar public facilities.

COMMON PROPERTY - All of the land and improvements part of a subdivision which is to be jointly owned and maintained by the lot owners, lessees and/or members of the subdivision and identified as such by the subdivider on any plat offered to the Town for approval.

CONSERVATION SUBDIVISION - A form of development for single-family residential subdivisions that permits a reduction in lot area and other development standards, provided there is no increase in the number of lots permitted under a conventional subdivision, given the specific site conditions, and no less than 50% of the total land area is devoted to permanent open space.

COUNTY - The County of Schoharie, State of New York, and its planning agency.

CUL-DE-SAC - A minor street providing a single access to a group of lots with a turnabout area at the end of such street.

DEC - The New York State Department of Environmental Conservation

DEVELOPER - The owner, or authorized agent of the owner; including but not limited to, any individual, partnership or corporation that undertakes a subdivision or any of the activities covered by this Law, particularly the preparation of a subdivision plat showing the layout of the land and the public improvements involved therein. The term "developer" is intended to include the term "subdivider," even though the personnel involved in successive stages of this project may vary.

DRIVEWAY - A defined private access from an individual lot to a public or approved private right-of-way.

DWELLING - A building arranged, intended, designed, or used, as the living quarters for one or more families living independently of each other upon the premises. The term "dwelling" shall not be deemed to include hotel, motel, rooming house or tourist home.

A. **DWELLING, SINGLE-FAMILY** - A building arranged, designed and intended, for and occupied exclusively by, one family.

B. **DWELLING, TWO-FAMILY** - A building arranged, designed and intended for and occupied by two families living independently.

C. **DWELLING, MULTI-FAMILY** - A building arranged, designed and intended for and occupied by three (3) or more families living independently and having no cooking or sanitary facilities in common with any other dwelling unit; including apartment houses, apartment hotels, flats and garden apartments.

EASEMENT - A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public or private purpose, and within which the lessee or owner of the property shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

FRONTAGE - That side of a lot abutting on a street or way and ordinarily regarded as the front lot, but it shall not be considered as the ordinary side of a corner lot.

LOT - A tract or parcel of land held in single or joint ownership, not necessarily shown on a duly recorded map, which is occupied or capable of being occupied by buildings, structures and accessory buildings, including such open spaces as are arranged, designed, or required. The term lot shall also mean parcel, plot, site, or any similar term.

A. **LOT AREA** - The area of land contained within the limits of the property lines bounding that lot. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

B. **LOT IMPROVEMENT** - A division or redivision of land wherein lot area is shifted from one parcel to another so to improve the shape or dimension of each. See Section 3.7 for further clarification.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

C. LOT WIDTH - The average of the widths of a lot at the building setback line and the rear lot line.

ON-SITE SEWAGE or WATER SUPPLY - Any sewage system designed to; (1) treat sewage by subsurface means or (2) to provide water from a drilled well or spring; within the boundaries of an individual lot. See "CENTRAL SEWAGE or WATER SUPPLY " for further information.

PARCEL - An area of land resulting from the division of a tract of land for the purposes of transfer of ownership, use or improvement.

PAVEMENT - Improvement of the traveled portion of a roadway with a hard, solid surface material conforming to the standards of the Town of Gilboa Road Law.

PERFORMANCE or COMPLETION GUARANTEE - A surety bond, certified check or other security meeting the requirements of Section 277 of the Town Law, and the terms of which are satisfactory to the Town Attorney, guaranteeing the subdivider will install all required or planned improvements.

PERSON - Any individual, firm, trust, partnership, public or private association or corporation, or other entity. PLAT

- A drawing, map, chart, plan or plotting indicating the subdivision or resubdivision of land, which in its various stages of preparation can include the following:

A. SKETCH PLAN - A general plan, identified as such with the title "Sketch Plan" on the map, indicating existing site features of a tract and its surroundings and the general layout of the proposed subdivision, to be used as a basis for conceptual consideration by the Town, Planning Board site inspection and, in the case of conservation subdivisions, determining allowable density.

B. PRELIMINARY PLAT - A complete plan prepared by a registered professional engineer or licensed land surveyor, identified as such with the wording "Preliminary Plat" in the title, accurately showing proposed streets and lot layout and such other information as required by this Law.

C . FINAL PLAT - A complete and exact plan, identified as such with the wording "Final Plat" in the title, with a professional engineer's or registered surveyor's seal affixed, and prepared for official recording with modifications as required during the review and approval of the Preliminary Plat.

SECRETARY - The clerk or secretary designated to accept applications, plats, fees and correspondence on behalf of the Town of Gilboa Planning Board.

STREET - A highway or road intended primarily for the purposes of vehicular traffic, including the following:

A. STREET, MINOR - A road. the primary purpose of which is, to collect vehicular traffic from individual dwellings or places of business.

B. STREET, COLLECTOR - A road. the primary purpose of which is, to collect vehicular traffic from minor streets and deliver it major traffic streets.

C. STREET, MAJOR - A road. the primary purpose of which is, to collect vehicular traffic from collector streets and deliver it to destination points or arterial highways such Interstate Route I-86.

SUBDIVIDER - Same as DEVELOPER.

SUBDIVISION - The division; for purposes of immediate or future sale, lease, partition by the court for distribution to heirs or devisees, transfer of ownership, building or lot development; of any parcel of land into two (2) or more lots, plots, sites or other divisions of land; with or without streets or highways; excepting lot improvements as defined in Section 3.7 of this Law.

A. MINOR SUBDIVISION - Any subdivision conforming to all the following conditions:

- (1) Containing two (2) lots, including the original or parent parcel, but not more than (4) lots; and

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

- (2) Not requiring any new street or road or the extension of municipal facilities; and
- (3) With all lots fronting on an existing approved and improved street excepting that in situations where a minor subdivision is located more than three hundred (300) feet from the nearest Town road, in which case the Planning Board may vary this requirement to allow a fifty (50) feet wide right-of-way with a twelve (12) feet wide travel way; and
- (4) Not adversely affecting the development of the remainder of the parcel or adjoining property; and
- (5) Not in conflict with any provision or portion of the Town Zoning Law or these regulations.

Notwithstanding these requirements, the Planning Board may, however, by waiver classify any subdivision as minor which does not involve new improvements.

B. MAJOR SUBDIVISION - Any subdivision or land development which is not a minor subdivision or lot improvement. Any subdivision which involves the utilization of central sewage disposal systems or water supplies, the construction of any streets, or the utilization of conservation subdivision techniques shall also be considered a major subdivision, regardless of the number of lots.

SURVEYOR - A land surveyor licensed by the State of New York.

TOWN - Town of Gilboa, Schoharie County, New York.

TOWN BOARD - Governing council - the Town of Gilboa.

TOWN ENGINEER - A Professional Engineer licensed as such by the State of New York and appointed or hired on a consulting basis to provide engineering advice to the Town.

TOWN LAW - The New York State Town Law which governs the operation of all Towns within the State.

TOWN ROAD SPECIFICATIONS - The standards of the Town of Gilboa pertaining to the approval of streets by the Town Highway Superintendent and the acceptance of such streets for formal dedication to the Town.

WATERCOURSE - A discernible, definable natural course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations including intermittent streams but excepting drainage ditches, swales or diversion terraces.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

3.0 Plan Submission and Review Requirements

3.1 Procedures and Requirements for Minor Subdivisions

The following procedures and requirements shall apply to minor subdivisions only (See Definitions). All other subdivisions and re-subdivisions, regardless of the total number of lots involved, shall be processed as major subdivisions according to the procedures and requirements specified herein.

- 3.1.1 Sketch Plan required. Submission of a sketch plan showing existing site features and a tentative layout of the subdivision shall be required as part of the plat approval process for all minor subdivisions. The Planning Board shall use the sketch plan for determining the number of lots permitted, arranging and conducting a site inspection of the property and establishing whether the subdivision is located in an Agricultural District.
- 3.1.2 Application. Any person proposing to create a minor subdivision shall submit along with plans required below, five copies of an application for minor subdivision approval. This application may be in letter form and shall specify and/or be accompanied by:
 - (1) The name, address and telephone number of the property owner of record and those of the subdivider, if different.
 - (2) The name or number of the road where the proposed subdivision is to be located.
 - (3) The name, address and telephone number of the surveyor or engineer preparing the subdivision plans.
 - (4) The type of water supply proposed.
 - (5) The type of sewer system proposed.
 - (6) The required fee or receipt for the same from the Planning Board Secretary.
 - (7) A completed Environmental Assessment as required by SEQRA.
- 3.1.3 Final Plat. The subdivider shall submit seven (7) copies of a Final Plat and required supplementary data for the proposed subdivision. This plat shall be prepared by a Professional Engineer or Surveyor and shall show all the lots proposed to be created. The Final Plat shall meet the following requirements:
 - (1) The subdivision plat shall, ordinarily, be not less than 8 1/2" X 11" nor more than 24" X 36" in size.
 - (2) The names of all abutting property owners and the size of any remaining acreages in the tract from which lots are being taken shall be shown.
 - (3) The plat shall show the name of the municipality, name of the owner of record, North Point, graphic scale, and date.
 - (4) Soil types found on the site shall be shown unless the lots involved are lot improvements or contain existing sewage systems. Soil Conservation Service Classifications shall be used.
 - (5) Existing public roads shall be identified by traffic route numbers and private roads by their posted names and numbers.
 - (6) Proposed lot or parcel lines shall be drawn to scale and dimensions given in feet and hundredths of a foot. Lot areas shall be shown in acres or square feet. The plat shall depict the proposed subdivision as a part of the contiguous holdings of the subdivider,

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

and show adjacent lots already taken from the parcel.

- 3.1.4 Soil tests. Documentation as may be required by the New York State Department of Health, along with a soil evaluation by the test pit method and/or other required supplemental data relating to sewage disposal shall be submitted.
- 3.1.5 Street encroachment permits. A completed application to the Gilboa Highway Superintendent, the State Department of Transportation or County Department of Public Works, as the case may be, for a street encroachment permit, shall also be required.
- 3.1.6 Public Hearing. The Planning Board shall, within sixty-two (62) days of the receipt of a complete Final Plat by the Planning Board Secretary, shall hold a public hearing, advertising such hearing at least once in a newspaper of general circulation in the Town at least five (5) days prior to the hearing and providing such other notice as it deems appropriate. The hearing shall be closed on motion of the Planning Board within one-hundred-twenty (120) days after it is opened and be used to guide the Planning Board in acting upon the Environmental Assessment.
- 3.1.7 Action on Final Plat. The Planning Board shall, by resolution, conditionally approve with or without modification, disapprove or grant final approval and authorize signing such plat within sixty-two (62) days of the close of the public hearing, provided it has first acted upon the Environmental Assessment and made a Negative Declaration with respect to environmental impacts. Should the Board be unable to make a Negative Declaration, it shall proceed in the manner provided by New York State Town Law § 276.
- 3.1.8 Certification, filing and signing of Final Plat. Within five (5) business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the Secretary as having been granted conditional or final approval and a copy of such resolution and plat shall be filed in such Secretary's office and with the Town Clerk and shall be mailed to the subdivider. In the case of a conditionally approved plat, such resolution shall include the requirements which, when completed, will authorize the signing thereof. Upon completion of such requirements the plat shall be signed by a duly authorized officer of the Planning Board, filed with the Secretary.
- 3.1.9 Time limits on conditional approvals. A conditional approval of a final plat shall expire within one-hundred-eighty (180) days unless all conditions are satisfied and certified as completed. This period may be extended for not more than two additional periods of ninety (90) days where particular circumstances so warrant in the judgment of the Planning Board.
- 3.1.10 Approvals by default. In the event the Planning Board fails to take action on a plat within the time periods prescribed herein or within such extended periods as may have been established by mutual consent of the subdivider and Planning Board, the subscriber shall be entitled to an approval by default pursuant to the Town Law
- 3.1.11 Recording of final plats. All final plats shall be filed in the office of the County Clerk within sixty-two (62) days of approval, subject to the provisions of § 276 of the Town Law.
- 3.1.12 County Planning Board review. Applications for preliminary or final plat approval shall be subject to referral to the County Planning Board pursuant to Section 239-n of the General Municipal Law, if located within five hundred (500) feet of:
 - (1) the Town boundaries; or
 - (2) the boundaries of any existing or proposed County or State park or other recreation area; or
 - (3) the right-of-way of any County or State highway, or
 - (4) the right-of-way of any existing or proposed stream or drainage channel owned by the

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

County or for which the County has established channel lines; or

- (5) the boundary of any existing or proposed County or State land on which a public building or institution is situated; or
- (6) the boundary of a farm operation in an Agricultural District.

3.2 Procedures for Major Subdivisions

Major subdivision plat submissions shall be subject to SEQRA review and be processed as follows:

- 3.2.1 Sketch plan required. Submission of a sketch plan as provided in § 3.3 shall be required as part of the Preliminary Plat approval process for all major subdivisions. This plan shall be used to determine the number of lots permitted, determine whether the subdivision will involve other agencies and make a preliminary classification of the subdivision as a Type I or Unlisted SEQRA action. The Planning Board shall also use the sketch plan for purposes of determining lead agency status, arranging and conducting a site inspection of the property and establishing whether the subdivision is located in an Agricultural District. A sketch plan shall be considered filed at the first regular meeting of the Planning Board following the Secretary's receipt of the plan and all determinations with respect to the plan shall be made within twenty (20) days of said meeting.
- 3.2.2 When Planning Board is not lead agency or an EIS is required. Should the Planning Board not assume lead agency responsibilities in the SEQRA review of the subdivision, or should an Environmental Impact Statement be required, the provisions contained herein pertaining to public hearings, notices and decisions shall be modified as provided in § 276 of the Town Law.
- 3.2.3 When Planning Board is lead agency and no EIS is required. If the Planning Board acts as lead agency and determines an Environmental Impact Statement is not required, the subdivider shall complete preparation of the Preliminary Plat as required by § 75-15 and provide Part 1 of the SEQRA Long Form Environmental Assessment. The Planning Board, within sixty-two (62) days of the receipt by the Secretary of a Preliminary Plat which is complete except for a negative declaration filed pursuant to SEQRA, shall hold a public hearing on this Preliminary Plat, advertising such hearing at least once in a newspaper of general circulation in the Town at least five days prior to the hearing and providing such other notice as it may deem appropriate. The hearing shall be closed on motion of the Planning Board within one-hundred-twenty (120) days after it is opened and be used to guide the Planning Board in acting upon the Environmental Assessment.
- 3.2.4 Action on Preliminary Plat. The Planning Board shall approve, with or without modifications, or disapprove the Preliminary Plat within sixty-two (62) days of the close of the public hearing, provided a negative declaration has first been filed pursuant to SEQRA.
- 3.2.5 Grounds for action. The grounds for modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a Preliminary Plat the Planning Board shall state in writing any modifications it deems necessary for submission of the Final Plat.
- 3.2.6 Preliminary Plat certification. Within five (5) business days of the approval of any preliminary plat, such plat shall be certified by the Secretary as approved and a copy of the plat and approval resolution shall be filed in the Secretary's office with a copy of the resolution provided to the subdivider and also filed in the office of the Town Clerk. Disapproval resolutions shall be filed and mailed in the same manner.
- 3.2.7 Time to submit final plat. The subdivider, within six (6) months of the approval of the preliminary plat, shall install or, pursuant to § 3.5, financially guarantee all subdivision improvements and submit the plat in final form as provided in § 3.6. The Planning Board may revoke preliminary plat approval if a final plat is not submitted within six (6) months or grant an extension of the preliminary approval provided that no preliminary plat shall remain valid if a

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

final plat has not been submitted within five (5) years.

- 3.2.8 Action on final plat. When the final plat is in substantial agreement with the preliminary plat, the Planning Board shall, by resolution, conditionally approve with or without modification, disapprove, or grant final approvals and authorize signing of such plat within sixty-two (62) days of its receipt by the Secretary. No additional public hearing shall be required. When the final plat is not in substantial agreement with the preliminary plat, the preliminary plat procedures shall apply to a final plat insofar SEQRA review, public hearing, notices and decision.
- 3.2.9 Certification, filing and signing of final plats. Within five (5) business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the Secretary as having been granted conditional or final approval and a copy of such resolution and plat shall be filed in such Secretary's office and with the Town Clerk and shall be mailed to the subdivider. In the case of a conditionally approved plat, such resolution shall include the requirements which, when completed, will authorize the signing thereof. Upon completion of such requirements the plat shall be signed by a duly authorized officer of the Planning Board, filed with the Secretary.
- 3.2.10 Final plats by section. The Planning Board may permit any subdivision for which preliminary plat approval has been granted to be submitted in sections for final plat approval.
- 3.2.11 Time limits on conditional approvals. A conditional approval of a final plat shall expire within one-hundred-eighty (180) days unless all conditions are satisfied and certified as completed. This period may be extended for not more than two additional periods of ninety (90) days where particular circumstances so warrant in the judgment of the Planning Board.
- 3.2.12 Approvals by default. In the event the Planning Board fails to take action on a plat within the time periods prescribed herein or within such extended periods as may have been established by mutual consent of the subdivider and Planning Board, the subscriber shall be entitled to an approval by default pursuant to the Town Law.
- 3.2.13 Recording of final plats. All final plats shall be filed in the office of the County Clerk within sixty-two (62) days of approval, subject to the provisions of § 276 of the Town Law.
- 3.2.14 County Planning Agency review. Applications for preliminary or final plat approval shall be subject to referral to the County planning agency pursuant to Section 239-n of the General Municipal Law, if located within five hundred (500) feet of:
 - (1) the Town boundaries; or
 - (2) the boundaries of any existing or proposed County or State park or other recreation area; or
 - (3) the right-of-way of any County or State highway, or
 - (4) the right-of-way of any existing or proposed stream or drainage channel owned by the County or for which the County has established channel lines; or
 - (5) the boundary of any existing or proposed County or State land on which a public building or institution is situated; or
 - (6) the boundary of a farm operation in an Agricultural District.

3.3 Sketch Plans for Major Subdivisions

The Sketch Plan should be at a scale sufficient to show the entire tract on one sheet, and should show or include the following:

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

- 3.3.1 The location of that portion which is to be subdivided in relation to the entire tract.
- 3.3.2 An existing and natural site features analysis which depicts all structures, wood area, stream, natural features, stone walls, wetlands, outstanding views and other aspects of the property around which a subdivision plan should be designed.
- 3.3.3 The name of the owner and of all adjoining property owners as disclosed by the most recent deed or tax records.
- 3.3.4 All streets or roads, streams, water, sewage and gas and power lines within 500 feet of the subdivision.
- 3.3.5 The tentative layout of the remainder of the tract owned by the subdivider.
- 3.3.6 North Point, graphic scale, date and name/address of subdivider and landowner.
- 3.3.7 A location map with sufficient information to enable the locating of the property.
- 3.3.8 Proposed open spaces.
- 3.4 Preliminary Plat Requirements for Major Subdivisions
 - 3.4.1 The Preliminary Plan shall be clearly and legibly drawn and ordinarily shall be not less than 11" X 17" nor more than 24" X 36" in size and should, when possible, show the entire tract to be divided.
 - 3.4.2 The Plat shall be based on the concepts presented in the Sketch Plan and contain the following information:
 - (1) Proposed name of the subdivision. This name shall not duplicate in spelling or pronunciation any recorded subdivision within Schoharie County. The name and address of landowner and subdivider shall also be provided.
 - (2) Location by Town, County and State. The plan shall also include tax map numbers for affected and adjacent parcels and a 1" = 2000' location map.
 - (3) North point, date and graphic scale.
 - (4) Boundaries of total tract and acreage contained within it. (Also see Section 3.6.7)
 - (5) Locations, and where appropriate, dimensions of parks and public grounds, permanent buildings in, or adjacent to, the subdivision, open space easements and other significant existing site features.
 - (6) Approximate locations of existing sanitary sewers, public water mains, storm sewers, electric power and transmission lines, gas lines, and all other items above or below ground with direction of flow and pressure.
 - (7) Names of owners of abutting properties, and lines showing where they intersect.
 - (8) Existing contours at intervals of at least every twenty feet. U.S.G.S. maps may suffice for the basis of this item. The Town reserves the right to request greater detail when the scope or nature of the development demands the same.
 - (9) Proposed layout of streets, alleys and other public rights-of-way, including widths and proposed names which shall not duplicate existing names by spelling or pronunciation. The street proposals shall be accompanied by a submission of plans as required by the Town Road and Street Encroachment Laws, including profiles, cross-sections, and

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

preliminary designs for bridges and culverts.

- (10) The proposed layout, numbering and approximate dimensions and acreage of lots.
- (11) Parcels to be dedicated to the public, or reserved for their use, or to be reserved by covenant for residents, shall be shown and marked as such.
- (12) Building setback lines. Where lots are located on a curve, or side lines are not parallel, the width at the building line shall be shown.
- (13) All drainage easements shall be shown and marked as such.
- (14) Approximate final grades in areas of cut or fill shall be shown.
- (15) Any lots designated for uses other than residential shall be indicated.
- (16) Proposed covenants and restrictions.
- (17) Evidence of water supply. In cases where no public water supply is planned as part of the subdivision, the subdivider shall supply acceptable evidence of the availability of other potable water source. This evidence may be in the form of logs existing wells established by professional well drillers.
- (18) Letters from each utility servicing the area indicating that the utility company is aware of and will provide service to the proposed subdivision.
- (19) An erosion and sedimentation control plan indicating those measures to be employed during construction and as may be necessary to prevent loss of soil from erosion and to prevent resulting property damage, siltation and contamination of water courses or impoundments.
- (20) A storm water management plan prepared in accord with the requirements hereof and DEC guidelines and standards (see "Reducing the Impacts of Stormwater Runoff from New Development").
- (21) Documentation as may be required by the New York State Department of Health or the Planning Board, along with a soil evaluation by the test pit method and/or other required supplemental data relating to sewage disposal.
- (22) All applicable zoning data.
- (23) Completed applications to Town of Gilboa, County of Schoharie or the New York Department of Transportation, as the case may be, for street encroachment or highway occupancy permits.
- (24) Detailed landscaping plans for such common areas or improvements as may require new landscaping.

3.5 Requirements for Guarantee of Improvements

3.5.1 After approval of the Preliminary Plat, the subdivider, in a manner consistent with the New York State Town Law, shall provide for the installation of the required improvements (those physical additions and changes which may be necessary to provide usable and desirable lots). Before requesting Final Plat approval the subdivider must:

- (1) Install all the improvements approved on the Preliminary Plat or required by §4.0 standards, or

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021
APPENDIX C - Model Subdivision Regulations

- (2) File with the Town Board a performance guarantee to ensure installation and construction of those improvements at the standards required. Such guarantee shall meet with the approval of the Town Attorney as to form and procedure.
- 3.5.2 The subdivider shall meet with the Town Engineer to develop a schedule, so that at the time each improvement is to be installed and upon its completion, adequate inspections can be made.
- 3.5.3 This Section is designed to be consistent with § 277 of the New York State Town Law and the Town of Gilboa hereby incorporates all authorities and requirements contained therein as part of this Law.
 - (1) Posting - The performance guarantee must be approved by the Town Board and Town Attorney, with the advice of the Town Engineer, and must:
 - (a) Be a corporate surety bond, irrevocable letter of credit from a bank or certified check, provided the same is satisfactory to the Town Board and Town Attorney and meets Town Law § 277 requirements.
 - (b) Be payable to the Town of Gilboa.
 - (3) Be in an amount sufficient to complete the improvements in compliance with these regulations plus any expected cost increases over the period of the guarantee. Costs shall be assumed to escalate a minimum of 10% per year for purposes of determining the amount of a guarantee.
 - (4) In the case of cash or its equivalent, be held in an escrow fund in the name of the Town of Gilboa.
 - (5) Specify a satisfactory completion date for improvements which shall, unless extended by mutual consent of the subdivider and the Planning Board, be not more than three (3) years from the date of the Final Plat approval. Should an extension be granted the amount of the guarantee shall be increased as may be required to cover further cost increases as provided in subsection (3) above. Provisions may also be made, pursuant to the aforementioned Town Law § 277, for completion of improvements in phases.
 - (a) Return - When the improvements have been completed and approved for conformity with these regulations by the Planning Board and Town Engineer or other qualified individual designated by the Town and accepted by the Town Board, the guarantee must be released and returned. When any of the required improvements have been completed and approved or materials for the same have been secured on-site, a portion of the security commensurate with the cost of these improvements, may be released and returned.
 - (b) Default - In the event of default, the obligor and surety shall be liable thereon to the Town of Gilboa for the cost of the improvements or parts thereof not installed. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Town Board may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the subdivider, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.
 - (6) Prior to the certification of any improvements or release of any guarantee, the subdivider shall pay all inspection and related costs (for professional services, meetings,

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

advertisements and expenses) associated with the improvements or guarantees. These costs will be assessed as a special fee apart from the regular fees provided for in this Law. Said payment shall be made to the Town of Gilboa.

- 3.5.6 Where improvements are being dedicated to the Town, the subdivider shall comply with the applicable requirements of any other Town Laws governing dedication of improvements and submit a maintenance bond or other approved performance guarantee to guarantee maintenance and repair of those improvements for eighteen (18) months from the date of dedication. The maintenance bond shall generally be a maximum of 15% of the costs of improvements, subject to approval of the Town Board. Similar maintenance agreements may be required for private streets and nothing herein shall be deemed to require acceptance of dedication by the Town under any circumstances.

3.6 Final Plat Requirements for Major Subdivisions

The Final Plat shall be prepared on one or more sheets of a uniform size coinciding with requirements of the Schoharie County Clerk's office. Final Plat attachments and exhibits shall be numbered and labeled in accordance with the requirements of this Section and a "subdivision checklist" to be developed by the Town. The Final Plat shall include, in addition to the information required for the Preliminary Plat submission, the following:

- 3.6.1 Exact locations, widths and names of all streets and all crosswalks within the subdivision.
- 3.6.2 Complete curve data for all curves included in the Plat.
- 3.6.3 Exact descriptions of all easements being provided for services or utilities in the subdivision, and any limitations placed on the use of such easements.
- 3.6.4 Accurate outlines of any lots or areas to be reserved or dedicated for common use by residents of the subdivision, or for general public use, with the purpose indicated thereon, including all open space, conservation or drainage easements.
- 3.6.5 Front building lines, shown graphically with dimensions.
- 3.6.6 A final version of all restrictions and covenants, if any, the subdivider intends to place in the deeds to the lots in the subdivision. If no such restrictions or covenants are to be imposed, a statement to that effect shall be included.
- 3.6.7 The total tract boundary lines of the area being subdivided, with accurate distances to hundredths of a foot and bearings to one minute. These boundaries shall be determined by accurate survey in the field; provided, however, that the boundary(s) adjoining additional unplatted land of the subdivider (for example, between separately submitted Final Plat sections) are not required to be based upon field survey, and may be calculated. The location of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify the placement of the monuments.
- 3.6.8 The Final Plat shall contain a certificate signed by the project engineer indicating that all improvements have either been installed and approved by the proper officials or agencies, or that a guarantee in an amount satisfactory to the Town Engineer and sufficient to ensure their installation has been submitted to the Town.
- 3.6.9 Complete final construction plans and profiles of installed or proposed public sanitary sewage disposal systems and storm drains, with grades and pipe sizes, unless on-site sewage disposal systems are to be used.
- 3.6.10 Complete final construction plans of installed or proposed public water distribution systems showing pipe sizes and locations off valves and fire hydrants, if any, unless private wells are to be used.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

- 3.6.11 Evidence of actual arrangements made with utility companies or agencies for supplying each lot in the subdivision.
- 3.6.12 A key map for the purpose of locating the site to be subdivided, at a scale of not less than 2000 feet to one inch, showing the relation of the property to adjoining property and to all streets, roads and municipal boundaries existing within 4000 feet or any part of the property proposed to be subdivided. U.S.G.S. quadrangle maps may suffice as a base for such a key map.
- 3.6.13 Blank approval blocks for the Town Planning Board stamp and signatures shall appear on every sheet of the set of plans.
- 3.6.14 A statement that Erosion and Sedimentation and Storm Water Management Plans, as required, have been prepared and where appropriate approved by the Schoharie County Soil and Water Conservation District.
- 3.6.15 Copies of street encroachment or highway occupancy permits and complete final construction plans, including agreements as may be required to ensure maintenance of private streets.
- 3.6.16 Each Final Plat submission shall, in addition to the items required above, include new submissions of Preliminary Plat data in any instance where there has been a change in the plans or the circumstances surrounding them.

3.7 Lot Improvements

Lot improvements and natural subdivisions shall be exempt from other requirements of these regulations provided three (3) copies of a plan prepared by a licensed Land Surveyor have been submitted describing the conveyances involved by metes and bounds and in sufficient detail to determine the situation fits the criteria below.

- 3.7.1 Parcels shall, to qualify as lot improvements:
 - (1) Involve the addition of land to an existing parcel so as to:
 - (a) Improve ability of that parcel to comply with setback or other building standards; or
 - (b) Increase suitability of the parcel for building development; or
 - (c) Add to the availability of open space; or
 - (d) Resolve a boundary line dispute or produce a corrected deed if a map reflecting the same is desired for recording purposes.
 - (2) Not substantially reduce the ability of the lot, from which the lot improvement parcel is taken or reconfigured, to comply with the applicable standards of this Law.
 - (3) Include a map restriction to the effect the improvement parcel will never be considered a separate building lot apart from the tract to which it is being added.
- 3.7.2 Parcels shall, to qualify as a natural subdivision, be separated by an existing Town, County or State highway that is improved to passable condition for vehicular traffic.

The Planning Board shall, within forty-five (45) days of the receipt of the lot improvement plans, determine whether they comply with the exemption criteria found above. Should the Planning Board fail to act in the provided time or make a finding that the plans do not meet the criteria, such plans shall be deemed rejected unless an extension is granted by the Planning Board. If the Planning Board finds they do qualify as a lot improvement, the Board shall sign the plans with the following notation: "These plans are acknowledged by the Town of Gilboa, and for recording purposes only, to represent an exempt lot improvement in accordance with Section 3.7 of the Town of Gilboa Subdivision Regulations. No subdivision approval is required or given." No person shall record

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

plans for any lot improvement without so first obtaining the Planning Board's clearance.

3.8 Fees

At the time an application for subdivision approval is filed, a fee shall be paid to the Town by the subdivider; such fee to be determined from a schedule of fees as adopted by the Town Board by resolution. Additional fees may be imposed to cover the costs of inspections, professional reviews and SEQRA compliance, as well as the expenses connected with notices and hearings.

4.0 Design Standards

4.1 Application

The design standards and requirements set forth in this Article shall be observed as minimums by the subdivider in the design of each subdivision within Town of Gilboa. The Planning Board shall require more-restrictive standards where necessary to protect health, safety and welfare of the public, and where circumstances unique to the property so dictate.

4.2 General Site Requirements

- 4.2.1 Those areas which are subject to such hazards of life, health, or property as may arise from fire, flood or noise, or are considered to be uninhabitable for other reasons, may not be subdivided for building purposes unless the hazards have been eliminated or the plans show adequate safeguards correcting the hazards.
- 4.2.2 In addition, the Town may rely upon information contained in its Comprehensive Plan and, in determining and evaluating potential hazards use historical records, soil evaluations, engineering studies, expert opinions, established standards used by licensed insurance companies or in professional practice, and Federal, State, or local policies.
- 4.2.3 All portions of a tract being subdivided shall be taken up in lots, streets, public lands, dedicated open space or other proposed uses, so that remnants and landlocked areas shall not be created. The layout of a subdivision shall also be planned with consideration to existing nearby developments or neighborhoods, so that the development is coordinated in terms of traffic movement, drainage, and other reasonable considerations.
- 4.2.4 In all subdivisions, care shall be taken to preserve natural features such as trees, water courses, views, and historical features which will add attractiveness and value to the remainder of the land. Where a subdivision of land is on a site that has a slope of more than 15% the Planning Board may require larger lot sizes than the minimum standards set forth herein.
- 4.2.5 Damming, filling, relocating or other interference with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Planning Board and, where appropriate, DEC.
- 4.2.6 Wherever possible, lot lines shall follow Town boundary lines rather than cross them, and reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.

4.3 Blocks and Lots

- 4.3.1 Blocks shall ordinarily not exceed 1,200 feet in length.
- 4.3.2 Pedestrian interior walks or trails may be required, where necessary to assist circulation or provide access to community facilities and open space. Such walks or trails shall have a right-of-way width of not less than 6 feet and be all-weather-surfaced for not less than 3 feet in width.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

- 4.3.3 Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a major street, or where it backs up to a railroad, creek, or other natural barrier unsubdivided area.
- 4.3.4 Where a subdivision adjoins a major highway (one which is designated and marked for two lanes or more and carries at least 1,000 vehicles per day), the greater dimension of the block shall front along said highway, and interior streets may be required to minimize the number of points of access. Such streets may be required whenever topographic conditions, traffic density or lack of proper sight distance dictate for reasons of health and safety. Any subdivision of five lots or more with frontages averaging less than 300 feet along the highway shall be subject to this requirement, if the Planning Board determines, after inspection, that safety demands restricting access.
- 4.3.5 Cul-de-sac streets, permanently designed as such, shall not exceed 2,500 feet in length and shall furnish access to not more than 50 dwelling units. Cul-de-sac streets shall have, at the closed end, a turnaround with the right-of-way having an outside diameter of not less than 80 feet and not more than 120 feet and shall be paved to a diameter of not less than 80 feet and not more than 100 feet. An inside landscaped area of not more than 60 feet in diameter shall be encouraged. Drainage of cul-de-sacs shall preferably be toward the open end. The Planning Board shall have authority to require the use of loop streets and other alternatives to cul-de-sacs where such alternatives are available and preferable as a means of providing safe access to lots, making street connections or limiting environmental impacts.
- 4.3.6 All side lines of lots shall be at approximate right angles to straight street lines and radial to curved street lines, except where a variation to this rule will provide a safer layout.
- 4.3.7 Double frontage lots shall ordinarily not be platted, except as specifically provided herein. In that event, a planting strip of at least 20 feet in width may be required along the back of the lot.
- 4.3.8 If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots, unless designated as common area or dedicated to open space.
- 4.3.9 Either of the two sides of a corner lot may be designated as the front, provided the rear yard shall always be opposite the frontage so designated.
- 4.3.10 All lots shall front on a public or private street (existing or proposed) and the right-of-way of the principal access to any subdivision shall be a minimum of fifty (50) feet in width. However, upon written request by the subdivider, the Town may grant a waiver from this and other street requirements of this Law to permit access to no more than three (3) single-family residential lots from a private drive, provided a release has been given the Town and approved by the Town Board making clear that the Town is exempted from all responsibility for the maintenance of the same and that the lot in question is not capable of being subdivided further or is so restricted. Evidence of satisfactory shared arrangements for ownership and maintenance of the drive shall also be provided. See Section 4.9.18 hereof.
- 4.3.11 Monuments shall be placed at perimeter corners and the corner of each street, and markers set at the corner of each lot, consistent with surveyors' professional practice, to permanently and accurately define the metes and bounds of the block and lots created.

4.4 Common Open Space

Except where such area would be less than one acre or the Planning Board shall waive the requirement, not less than 10% of the gross area of the entire tract, exclusive of lakes or ponds, shall be reserved for common open space directly accessible from the lots to be created. Such open space shall be suitable for recreational use of the residents of the subdivision or the general community. The following and similar facilities shall meet this requirement: swimming pools, tennis courts, riding and cycling paths, playgrounds, community centers, and other open areas. Such areas as are designated for play lots, parks and other outdoor recreational facilities shall be of a size, shape and other physical characteristics so as to be free of health and safety hazards and suitable for the designated use. No portion of the 10% requirement shall be met with wetlands, slopes exceeding 15% in grade or other otherwise undevelopable areas. Sites so dedicated shall not be deemed to be accepted by the Town unless and until the Town

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

Board has taken formal action to accept the same. The subdivider and the Town may also agree to otherwise provide recreational land for the use of residents pursuant to the authority of § 277 of the Town Law including fees in lieu of dedication.

4.5 Water supply

- 4.5.1 Where a central water supply is available within 1,000 feet of the proposed residential development, the subdivider shall, if legally and practically feasible, construct a system of water mains tied to such system and provide a connection for each lot.
- 4.5.2 Plans and specifications for central water systems (i.e. extension of an existing system or a proposed new facility) shall be prepared by a professional engineer and shall conform to requirements of the New York State Department of Health and the local fire district(s). Suitable agreements shall also be established for the ownership and maintenance of such distribution system.
- 4.5.3 The applicant proposed a central water supply must demonstrate ability to provide a minimum of 100 gallons of water per capita per day (GPCD) and/or 400 gallons per day (GPD) for each residential dwelling unit to be serviced. Service to industrial or commercial establishments shall meet standards established by the American Water Works Association or insurance industry underwriting standards.
- 4.5.4 New central water supply wells shall be sited, drilled, and tested under the direct supervision of a professional engineer or a professional groundwater geologist. Wells shall be so located that no potential pollution sources can exist within a 100-foot radius (200 feet if located downslope from the pollution source). Wells shall also be located on reserved parcels.

4.6 Sewage Disposal

- 4.6.1 All residential lots shall contain suitable areas for on-site sewage disposal systems or be served by an approved central sewage disposal system. Plans and specifications for central systems, as required by the New York State Department of Environmental Conservation ("DEC"), shall be submitted with all preliminary subdivision plats and design standards shall meet DEC requirements. Formal approval of DEC shall be required prior to final plat approval.
- 4.6.2 When a central sewage disposal system is located within 1,000 feet of the proposed residential development, the subdivider shall, if legally and practically feasible, provide a system of collection lines to connect to said system. Regardless of this requirement, all subdivision and land developments shall be provided with an adequate sewage disposal system(s). Central sewage disposal systems shall also be required for all residential lots and non-residential developments where on-site soil conditions are unsuitable for on-lot subsurface sewage disposal systems.
- 4.6.3 Where connection to a central sewage disposal system is not required, on-site systems shall be provided in accordance with criteria set forth by the New York Department of Health. The applicant's professional engineer, subject to the approval of the Planning Board, shall determine the number and location of test pits and soil percolation tests necessary to determine the general suitability of soils throughout the subdivision for on-site subsurface sewage disposal.
- 4.6.4 Sanitary sewers shall not be used to carry storm water.

4.7 Erosion and Sedimentation

In the event that any subdivider shall intend to make land changes by grading, filling, excavating or the removal or destruction of the natural topsoil or vegetative covering thereon in accordance with a subdivision plan submitted to the Town, the same shall only be approved and accomplished after the developer has submitted to the Town an Erosion and Sedimentation Control Plan. Erosion control measures shall be employed as necessary to prevent loss of soil from erosion and also to prevent resulting property damage, siltation and contamination of water courses or impoundments. Erosion control measures may include hay bales, silt fences or other provisions or combinations thereof.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

4.8 Storm Drainage

- 4.8.1 A storm water drainage plan shall be required for major subdivisions. Such a plan shall be prepared using DEC guidelines and standards (see "Reducing the Impacts of Stormwater Runoff from New Development") but complying with the following standards.
- 4.8.2 Stormwater drainage facilities shall be designed to accommodate storms of a 25-year frequency unless a more stringent standard shall be required by the Planning Board. The general performance standard shall be that the amount of uncontrolled stormwater leaving the site along any property line after development shall not exceed that estimated for the site prior to development. In instances where stormwater facilities are impractical for engineering reasons the Town may modify this standard as it applies to a particular project but shall provide for the maximum practical reduction in flow which can be achieved under the circumstances. The subdivider shall provide full information, prepared by a professional engineer, regarding the predevelopment stormwater flows and estimates at the time of application.
- 4.8.3 The following additional requirements shall apply:
- (1) Lots shall be laid out and graded to prevent cross-lot drainage away from proposed building areas. Natural drainage courses shall be maintained.
 - (2) The existing points of natural drainage discharge onto adjacent property shall not be altered, nor shall the rate of water runoff be increased because of development, without the written approval of all affected land owners.
 - (3) No storm water runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without complete approval of provisions being made by the developer for properly handling such conditions.
 - (4) Stormwater calculations and design shall be prepared by a professional engineer, land surveyor, landscape architect or others certified to perform such work.
 - (5) Storm drainage facilities should be designed to handle the anticipated peak discharge from the property being subdivided.
 - (6) Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement of at least 25 feet to each side of the stream from that stream bank, or such additional width as will be adequate to preserve the unimpeded flow of natural drainage.
 - (7) Drainage structures that are located on State highway rights-of-way shall be approved by the New York State Department of Transportation, and evidence of the same shall be provided to the Town prior to final plan approval.
 - (8) All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way. The slope of the crown on proposed streets shall be 1/4" per foot away from the center line.
 - (9) All proposed surface drainage structures shall be indicated on the preliminary plan.
 - (10) Drainage plans shall include all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials and elevations.
 - (11) Whenever storm drains are required by the Town, such storm sewer systems shall be separate from the sanitary sewer system. Storm drains or storm sewer facilities may be required in any development situation where the Town Board determine that surface drainage facilities are inadequate to prevent excessive erosion and lot or road maintenance problems.
 - (12) Drainage systems shall be designed in accordance with engineering practice, using

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

hydraulic computations to show effects of the flow of water. The general standard shall be that the amount of stormwater leaving the site along any property line after development shall not exceed predevelopment stormwater flows for that area. In no case shall any pipe system of less than 15" in diameter be used underneath a street or driveway.

- (13) Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainage way, channel or stream, and of such width (minimum 20 feet) as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities.
- (14) All drainage systems and structures shall be subject to the approval of the Town Engineer, or any such other qualified person as may be appointed for this purpose by the Planning Board.

4.9 Street Requirements

4.9.1 The arrangement, character, extent, width, grade and location of all streets shall conform to the provisions found herein.

- (1) In general, all streets shall be continuous and in alignment with existing streets and shall compose a convenient system to insure circulation of vehicular and pedestrian traffic.
- (2) Streets shall be logically related to the topography so as to produce usable lots and reasonable grades as required by this Law.
- (3) Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs.
- (4) Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the extension of streets.
- (5) Streets shall be laid out to intersect as nearly as possible at right angles; in any event, no street shall intersect another at less than sixty (60) degrees. Intersections of more than two streets shall be avoided. Where this proves impossible, such intersections shall be designed with care for safety, and suitable curbs, barriers, signs and other devices as may be required. Streets entering opposite sides of another street shall be laid out directly opposite one another or offset a minimum of one-hundred-twenty-five feet (125').
- (6) Street and driveway intersections with arterial streets shall not be so numerous, nor so close to each other, as to impede the flow of traffic.
- (7) Clear sight triangles shall be provided at all street intersections. Within such triangles, no structure or vision-obstructing object other than utility poles, streetlights, street signs, or traffic signs shall be permitted which obscures vision above the height of thirty- six (36) inches and below ten (10) feet measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of seventy-five (75) feet from the point of intersection of the centerlines.
- (8) Whenever, in connection with a major subdivision, the principal access (whether public or private) to such subdivision, by virtue of bridge weight limits of less than ten (10) tons or other comparable limitations, would restrict access to the property by emergency vehicles or school buses, the subdivider shall so indicate in writing on the final plats to be recorded and shall provide for notification to prospective lot buyers through deed covenant provisions which shall be approved by the Planning Board as to form.

4.9.2 Alleys may be permitted in residential areas under special circumstances, but in no case shall an alley provide the only means of access to a lot. Alleys are required on the rear of all commercial

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

and industrial lots, if no other provisions are made for adequate service access or for parking.

- 4.9.3 Profiles: No street grade shall be less than one (1) percent or exceed the following, with due allowances for reasonable vertical curves:

Type of Street or Way	Maximum Grade
Major Traffic Streets	8% (10% for up to 250 feet)
Collector Streets	10% (12% for up to 250 feet)
Minor Streets	12% (15% for up to 250 feet)

Streets shall have a grade not to exceed two percent (2%) for a distance within fifty (50) feet of the street right-of-way line of any intersecting street.

- 4.9.4 Cross Section: The cross-section gradients of streets shall be not less than two percent (2%).
- 4.9.5 Minimum vertical and horizontal visibility (measured 3.5 feet eye level to taillights 1.5 feet above ground level), for curves.

Type of Street or Way	Minimum Visibility Distance
Major Highways	500 feet
Collector Streets	300 feet
Minor Streets	300 feet
Streets shorter than 500 feet	150 feet

- 4.9.6 The minimum right-of-way widths for streets are as follows:

Type of Street or Way	Minimum Right-of-Way Width
Major Streets	50 feet
Collector Streets	50 feet
Minor Streets	50 feet
Alleys	25 feet
Private Drives	(See § 4.9.18)

- 4.9.7 On all dead-end roads a turnabout area with a eighty (80) foot diameter right-of-way and sixty (60) foot diameter traveled portion shall be provided.
- 4.9.8 The entire width of the travel way of each street in a proposed subdivision shall be graded and suitably prepared for installation of paving and drainage structures, in accordance with the appropriate standards for the class of street. The subgrade shall be free of sod, vegetative matter, or other similar material. Where poor subsurface drainage conditions exist, adequate drainage shall be installed. The subgrade construction shall conform to minimum standards of the Town Road Specifications.
- 4.9.9 The width of pavement required shall vary, depending upon the character of the development served and the amount of traffic expected to utilize the street. The following are minimum street pavement widths:

Type of Street	Minimum Shoulder Width	Minimum Clearance Beyond Shoulder	Minimum Pavement Width
Major Streets	5 feet	2 feet	24 feet
Collector Streets	5 feet	2 feet	24 feet
Minor Streets	3 feet	2 feet	18 feet
Private Drives	(See § 4.9.18)	None	(See § 4.9.18)

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

4.9.10 Unless otherwise specified herein, pavement construction shall be in accordance with specifications and standards contained in the Town Road Law, excepting that macadam pavement requirements may be waived for private streets.

- (1) Street shoulders shall be constructed with materials as specified by the Town Road Law. The entire shoulder area shall be uniformly and thoroughly compacted by rolling and must be level with the top of the road paving, or as directed by the Town Engineer.
- (2) Embankments at the sides of streets and cross-sections of drainage ditches shall not exceed a maximum slope of three (3) feet horizontally to one (1) foot vertically in a cut or fill section. In special cases, the Town Engineer may require more-rigid standards.

4.9.11 In commercial or multi-family subdivisions or any other case where other similar intensive uses exist or are anticipated, curbs may be required, if such construction is deemed necessary for public safety by the Planning Board, based on consultation with the Town Engineer and shall be constructed to according to good engineering practice. Curbs shall not be constructed, however, where pavements are less than 22 feet in width.

4.9.12 Where the grade of the street is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Planning Board, and shall be sufficient to support the street or the adjacent land, as the case may be. Where the grade of the street is three (3) feet or more above the grade of the adjacent land, guards shall be built to protect travel, if required by the Town Engineer.

4.9.13 All streets, including cul-de-sacs and alleys, shall be constructed as shown on the Preliminary and Final Plat approved by the Planning Board and in conformity with the Town Road Law. Where such Law does not provide a clear standard, the Town may rely upon the standards promulgated by the New York State Department of Transportation for local streets.

4.9.14 Four-way street name signs of a design approved by the Planning Board will be installed at each street intersection by the subdivider at his own expense. Streets that are extensions of, or obviously in alignment with, existing streets shall bear the name of existing streets. Street names shall not be repeated within the Town and shall be subject to Planning Board approval.

4.9.15 Street lighting is the responsibility of the applicant to provide, and the lot owners to maintain and operate. The Town Engineer will determine when and if street lighting is necessary, evaluating need on the basis of safety considerations and commonly accepted standards of lighting. Whether or not streetlights are initially installed, the developer shall be responsible for providing utility easements for future street lighting installation, upon consultation with the public service utility company involved.

4.9.16 Shade trees and other natural buffers along any proposed street right-of-way shall be retained to the maximum extent possible and cuts and fills which would necessitate removing such cover shall be minimized. Wide swath cuts or removal of natural vegetation shall not be permitted without compelling safety reasons.

4.9.17 No driveway, street or drainage facility or structure shall be constructed or altered within a state right-of-way, and no drainage facility of the New York State Department of Transportation shall be altered or connected onto without first obtaining a permit from the New York State Department of Transportation. No driveway, local road or drainage facility or structure shall be constructed or altered within a Town right-of-way, and no drainage facility of the Town of Gilboa shall be altered or connected onto without first obtaining a permit from the Town of Gilboa Highway Superintendent.

4.9.18 Individual driveways serving only one single-family each shall not be subject to street improvement requirements of this Law or in the Town Road Law. Also, private drives to service no more than three (3) single-family dwellings shall be permitted (see Section 4.3.10 hereof) provided the Town is given satisfactory evidence, in the form of declaration of restrictive covenants, that the private status of said road is permanent and the following standards are met:

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

Type of Street or Way	Minimum Right-of-Way Width
Minimum Right-of-Way	50 feet
Minimum Pavement Width	16 feet
Minimum Shoulder Width	3 feet

Pavement may consist of any all-weather surface satisfactory to the Town Engineer (if one shall be appointed) and Town Highway Superintendent. All drainage plans shall also be subject to approval of the Town Engineer (if one shall be appointed) and Town Highway Superintendent.

- 4.9.19 Nothing contained herein shall be construed in any way to require the Town of Gilboa to accept dedication of any street. These regulations are intended, rather, to set standards of construction for private streets and a proposed dedication of any such streets shall be subject to the specific dedication requirements of the Town Road Law.

4.10 Conservation Subdivisions.

Developments which provide for single-family dwelling units wherein dwelling units are grouped in sections in order to maximize the amount of common open space and to preserve the natural settings, shall be designated as conservation subdivisions. This section is intended to provide for such conservation subdivisions so that landowners might be able to preserve the equity in their land for development purposes while also preserving open space for public benefit. Conservation subdivisions can produce the same return for landowners, reduce the cost of public services, create a far more solid sense of community and truly preserve open space while conventional subdivisions tend to isolate, require more roads and services, reduce the potential for agriculture and consume vast amounts of open space in the name of "preserving rural character." Conservation subdivisions are encouraged and may be required by this ordinance. They shall be processed in the same manner as other major subdivisions and in accord with the standards and procedures which follow.

- 4.10.1 Sketch Plan Requirements. The Planning Board shall have the authority to require preparation of two Sketch Plans as provided herein, for any subdivision of ten (10) lots or more, one illustrating a conventional subdivision and the other depicting how the property might be developed using the conservation subdivision technique. If this latter Sketch Plan is determined to provide a superior design in accord with the purposes of this ordinance and the same density can be achieved, the Planning Board may then require use of this technique. This review and decision-making process shall take place within the total time frame provided for review of and action on a Preliminary Plan.

- 4.10.2 Permitted Number of Dwelling Units. The maximum permitted number of dwelling units shall be determined by deducting from the total tract area:

- (1) All areas within the rights-of-way of any existing or proposed streets; and
- (2) All areas occupied by public utility easements.
- (3) All wetlands, floodplains, slopes of 15% or more, water bodies and other undevelopable areas.

The net figure shall be divided by the minimum lot size applicable and rounded to the nearest whole number of dwelling units permitted.

- 4.10.3 Dwelling Types Permitted. Only single-family detached dwellings, not including manufactured (mobile) homes, shall be employed in this concept.

- 4.10.4 Reduction of Development Standards. Development standards for lot size, lot width and setbacks may be reduced as necessary to create a safe and workable design that maximizes preservation of open space, provided no dwelling structure (single-family or two-family) is located on less than one-acre of land where on-site sewer and/or water facilities are to be provided or one-fourth acre of

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX C - Model Subdivision Regulations

land where offsite sewer and water facilities are to be provided (half the normal requirements); and further provided the total density (in individual dwelling units) for the tract shall not exceed that which would result from a conventional subdivision plan designed in accord with these regulations, as determined from the basic Sketch Plan submission. No lot in a conservation subdivision shall exceed 150% of the minimum lot size that otherwise would apply excepting that up to 20% of the open space requirement may be met with estate lots exceeding ten (10) acres in lot area, provided that such lots are limited to one dwelling unit each.

- 4.10.5 Open Space Requirements. No individual parcel of common open space shall be less than one (1) acre except as to roadway median strips, traffic islands, walkways, trails, courtyards, play areas, recreation facilities, drainageways leading directly to streams, historic sites or unique natural features requiring common ownership protection. No less than 50% of the total land area of the conservation subdivision shall be dedicated to permanent open space. No less than 30% of this open space shall be usable for active recreational activities and not include wetlands, floodplain, slopes over 15% in grade or other undevelopable area.
- 4.10.6 Protection of Open Space. The open space resulting from conservation subdivision design shall be permanently protected through a conservation easement and generally titled to a property owner's association (POA) prior to the sale of any lots or dwelling units by the subdivider. Membership shall be mandatory for each property owner within the subdivision and successive owners with voting of one vote per lot or unit and the subdivider's control, therefore, passing to the individual lot/unit owners on sale of the majority of the lots or units. All restrictions on the ownership, use and maintenance of common open space shall be permanent and the POA shall be responsible for liability insurance, local taxes, and maintenance of all open space, recreational facilities and other commonly held amenities. Each property owner must be required to pay their proportionate share of the POA's cost and the POA must be able to file liens on the lot/unit owner's property if levied assessments are not paid. The POA must also have the ability to adjust the assessment to meet changing needs.
- 4.10.7 Trail Requirements. All lots and dwelling units shall have direct access to the open space provided in a conservation subdivision and there shall be a system of marked and/or improved trails developed to connect the open spaces with each other and with individual lots and dwelling units.
- 4.10.8 Density Bonus. If the permanent open space created by the conservation subdivision technique is in active agricultural use for the raising of farm animals or crops (not including forestry) and this use is continued and protected by an easement for this purpose, the total number of dwelling units permitted in the conservation subdivision may be increased by up to 20%. A similar bonus will be provided in those instances where no new lots are created along an existing public highway, but rather are fronted on interior or marginal access streets.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX D - SAMPLE JUNKYARD LAW

A local law regulating the operation of junkyards in the Town of Gilboa.

Be it enacted by the Town Board of the Town of Gilboa, Schoharie County, New York as follows:

§ 30-1. Purpose.

This Law is enacted for the purpose of establishing minimum health and safety standards for junkyards in the Town of Gilboa. The regulations contained are enacted pursuant to the authority granted towns by § 136 of the General Municipal Law and § 136(1) of the Town Law.

§ 30-2. Jurisdiction and Scope.

This Law shall apply to all junkyards hereafter proposed in the Town of Gilboa and expansions of existing junkyards. The following land uses shall be exempt from these requirements provided they do not include a junkyard operation:

- A. Storage areas for officially recognized and operable antique or classic automobiles or other operable special purpose vehicles.
- B. Agricultural equipment which is utilized as part of an active farming operation or contractors' construction equipment which is part of an active contracting business.
- C. Automobile repair businesses or automobile, vehicle and equipment sales operations managed by State licensed dealers.

§ 30-3. Definitions.

The term "junkyard" shall be interpreted and are hereby defined as follows:

- A. An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used materials, including but not limited to wastepaper, rags, metal, glass, building materials, house furnishings, machines, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other disposition of the same.
- B. Any place where three (3) or more old, secondhand, abandoned, partially disassembled, dilapidated or unlicensed vehicles or parts of vehicles, no longer intended or in condition for legal operation on the public highways, are stored outside for any purpose for a period of six (6) months or more. The Town of Gilboa Clerk(s) shall determine when a vehicle or part thereof shall meet these conditions and it shall be the burden of the landowner in such instance to demonstrate conclusively, within a period of seven (7) days after notice, that a vehicle is legally operable.

§ 30-4. License Required.

- A. No owner or occupant of any land within the Town of Gilboa shall use or allow the use of such land for a junkyard unless a license has been obtained and maintained as herein provided.
- B. The Clerk of the Town of Gilboa shall issue a license within ten (10) days after approval of the application by the Town Planning Board pursuant to this Law. Said license shall be effective from the date of issuance until renewal as provided herein, surrender by the licensee or revocation by the Clerk for failure to comply with this Law.
- C. No license shall be issued until the Clerk has received;
 - (1) A written application from the applicant on the form provided by the Town Clerk.
 - (2) The required fees.
- D. The license may be transferred to a new owner of a junkyard provided all of the requirements of this Law

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX D - SAMPLE JUNKYARD LAW

are met and the Town is so notified.

- E. Any disapprovals shall be in writing and include the reasons therefore.
- F. The Town of Gilboa Building Inspector shall enforce all of the provisions of this Law and shall have the right, at all reasonable times, to enter and inspect any junkyard. The Town Board shall specify the frequency of such inspections.
- G. If the Building Inspector finds that a junkyard for which a license has been issued, is not being operated in accordance with this Law, he may serve, personally or by certified mail to the holder of the license, a written order requiring the licensee to make the corrections specified in such order within ten (10) days.
- H. If the holder of such license shall refuse or fail to correct the condition or conditions specified in such order within ten (10) days after the service of such order, the Building Inspector may suspend or revoke such license and the holder of the license shall thereupon terminate the operation of such junkyard.
- I. Any license not used for the purpose intended within two (2) years of the date of issuance shall automatically expire.
- J. Junkyard owners shall be required to renew licenses every two years. Information required for renewal, however, shall be limited to ownership data, the number of vehicles stored on site, copies of State and other permits required and evidence regarding compliance with previously established conditions of site plan approval and/or license issuance. An inspection of the junkyard premises by the Building Inspector and/or other Town officials shall be made to ascertain compliance with these regulations and the license requirements as a condition of renewal.

§ 30-5. Standards Applicable to New Junkyards.

All new junkyards shall conform to the following standards:

- A. Junkyards shall be located no closer than five-hundred (500) feet to an existing public right-of-way or five-hundred (500) feet to any adjoining property.
- B. All new junkyards must erect and maintain a eight (8) foot fence or dense natural screening along the boundaries of the property adequate to discourage the entrance of children or others into the area and to contain, within such fence, all materials in which the owner or operator deals. Such fence or screening shall also substantially screen the junkyard from public view and otherwise comply with the requirements of § 136 of the General Municipal Law.
- C. No junkyard shall be used as a dumping area for refuse or for the burning of trash.
- D. All dismantling operations shall take place inside an enclosed structure and any parts of vehicles or equipment shall similarly be stored inside an enclosed structure. All vehicles awaiting dismantling or retained for sale or use intact shall be stored in improved parking areas specifically designated for this purpose.
- E. The Planning Board, in acting upon the application for any new junkyard, shall consider aesthetics and the impact on surrounding property consistent with the demands of § 136-7 and § 136-8 of the General Municipal Law.

§ 30-6. Standards Applicable to Existing Junkyards.

All existing junkyards shall conform to the following standards:

- A. Existing nonconforming junkyards shall, within a period of three (3) years following the effective date of this Law shall be removed unless a license shall have been obtained for continued operation and the facility has been made to conform to the regulations provided below, excepting that existing junkyards with approved licenses and site plans shall have a period of five (5) years to fully implement such plans

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX D - SAMPLE JUNKYARD LAW

provided a specific schedule for the same has been approved by the Planning Board and met by the applicant.

- B. Applications for licenses to continue operating existing non-conforming junkyards shall, unless the owners thereof have indicated in writing their intention to discontinue operations as provided above, be made within one (1) year following the effective date of this chapter.
- C. Applications for licenses to continue operation of existing non-conforming junkyards shall include a site plan prepared by a Professional Engineer depicting the existing operation and any planned improvements as may be required by this chapter.
- D. The plan shall comply with the requirements applicable to new junkyards to the maximum extent practical and shall include provisions for screening of the view of the junkyard from adjacent property as well as the public highway. A six (6) foot high fence along the side and rear boundaries of the property adequate to discourage the entrance of children or others into the area and to contain, within such fence, all materials in which the owner or operator deals shall be required unless physical circumstances would make such fencing wholly impractical.
- E. All fencing must be approved by the Town of Gilboa Planning Board and produce a screen through which one generally cannot see and children cannot enter. Dense evergreen screening shall be preferred and may be required in combination with other fencing. The Town Board shall be responsible for taking measures, including securing injunctive relief, to ensure maintenance of such fencing or screening.
- F. The license application and site plan for the existing non-conforming junkyard shall be processed in a manner identical to that for homesites under the Homesite Law and shall include other information as may be required to determine compliance with this chapter. The Planning Board, in acting upon the application, shall consider the following:
 - (1) The impacts of the use on the enjoyment and use of adjoining properties as well as the community as a whole.
 - (2) The degree to which the use can economically be made to comply with requirements for new junkyards.
 - (3) The effectiveness of screening available or to be provided, visibility from the highway and the extent to which the operator's plans address various health, safety and aesthetic concerns.
 - (4) The extent to which dismantling operations can or do take place inside an enclosed structure and whether or not all parts of vehicles or equipment are similarly stored inside an enclosed structure. Likewise, the Board shall consider whether or not vehicles awaiting dismantling or retained for sale or use intact are or will be stored in improved parking areas specifically designated for this purpose.
- G. Existing junkyards that are made to comply with the above requirements, continue to meet all licensing standards and for which the owners have implemented approved site plans may be expanded within the bounds of the existing parcels on which they are located but not onto new properties unless the requirements applicable to new junkyards are fully met, and in no case will any change in an existing junkyard which would lessen its conformity with these regulations or with approved site plans be permitted. The Town Board may also waive license renewal fees for owners of existing junkyards who offer specific evidence of progress in the implementation of approved site plans and meeting of the regulations contained herein.
- H. No junkyard shall be used as a dumping area for refuse or as a place for the burning or disposal of trash.

§ 30-7. Site Plans, Notifications and Fees.

- A. Any person or persons proposing to establish or expand a junkyard in the Town of Gilboa shall prepare site plans of the same to be submitted to the Planning Board. Plans shall be prepared by a professional

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX D - SAMPLE JUNKYARD LAW

engineer at a scale of one (1) inch equals one hundred (100) feet or larger. They shall be in sufficient detail to document compliance in every respect with the standards of this Law.

- B. Existing junkyards shall be identified and notified of any nonconformities with this chapter within sixty (60) days of the effective date of this chapter. The Town of Gilboa Clerk shall be responsible for this procedure and shall, additionally, inform all owners of existing non-conforming junkyards of the action which must be taken to comply with this chapter, the time available to take those actions and the consequences of violations.
- C. The Town Board shall establish and may, from time to time, revise a fee schedule for junkyard plan submissions, inspections, licenses and renewals.

§ 30-8. Variation of Standards.

Variations to the standards contained herein may be approved by the Town Board upon recommendation of the Town Planning Board or Clerk to accommodate unusual site conditions.

§ 30-9. Penalties for Offenses.

- A. Any person, partnership, association or corporation who violates any provision of this chapter shall be guilty of an offense against this Law and subject to a fine of not more than five hundred (\$500) dollars. Each day of continued violation after notice thereof shall constitute a separate and distinct violation.
- B. In addition to the above-provided penalties, the Town Board may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any portion of this Law.

§ 30-10. Separability.

Should any section of provisions of this chapter be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

§ 30-11. Effective Date.

This Local Law shall be effective immediately upon filing with the New York Secretary of State.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX E - SAMPLE SOLAR LAW

Be it enacted by the Town Board of the Town of Gilboa, Schoharie County, New York, as follows:

Preface

1. Title

This Local Law shall be referred to as “A Local Law to Regulate Solar Energy Systems in the Town of Gilboa”.

2. Authority

This Local Law is adopted and enacted to the authority and power granted by Articles 2 and 3 of the New York State Municipal Home Rule Law, Article 2 of the New York Statute of Local Governments, and Article 16 of the New York State Town Law and the powers pursuant to Sections 261 and 263 of Town Law, of the State of New York, which authorizes the Town of Gilboa to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and “to make provision for, so far as conditions may permit, the accommodation of Solar Energy Systems and equipment and access to sunlight necessary therefore.”

A. Purpose and Intent

1. The Town of Gilboa recognizes that solar energy is clean, readily available, and a renewable energy source. It further recognizes that energy generated from Solar Energy Systems can be used to offset energy demand on the grid where excess solar power is generated.
2. The Town of Gilboa has determined that comprehensive regulations regarding the development of Solar Energy Systems are necessary to protect the interests of the Town, its residents, and its businesses. In accordance with the Town Agriculture and Farmland Protection Plan, the Town does not support the conversion of productive farmland to support Utility-Scale Solar Energy System or Solar Farms. This Section aims to accommodate Solar Energy Systems while reducing negative impacts on neighbors and preserving the rights of property owners to install Solar Energy Systems. This Section is intended to promote the effective and efficient use of solar energy resources; set provisions for the placement, design, construction, and operation of such systems consistent with the Town of Gilboa land use planning, to uphold the public health, safety, and welfare; and to ensure that such systems will not have a significant adverse impact on the environment or the aesthetic qualities and character of the Town.
3. Intent; greater restrictions to prevail. It is not intended by this Section to repeal, except as herein stated, abrogate or impair existing conditions previously made or permits previously issued relating to the use of buildings or premises or to impair or interfere with any easements, covenants or agreements existing between parties. Except as otherwise provided herein, whenever this Section imposes a greater restriction upon the use of buildings or premises than is required by existing provisions of law, ordinance, regulations, or permits or by such easements, covenants or agreements, the provisions of this Section shall control.
4. Variances. Any requests for variances to this Law must be applied for to the Town of Gilboa Zoning Board of Appeals (ZBA) or Town Board and the ZBA or Town Board shall regard solar energy as a factor to be considered, weighed, and balanced along with other factors. The ZBA or Town Board shall send the variance request to the Planning Board for their recommendation prior to any decision made by the ZBA or Town Board.
5. Real Property Tax Law, Section 487; The applicant for a Utility Scale Solar Energy System or Solar Farm shall enter into an agreement for Payment In Lieu of Taxes (PILOT) prior to a final decision on their application. The Town of Gilboa opted out of the tax exemption provisions of Real Property Tax Law,

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX E - SAMPLE SOLAR LAW

Section 487, pursuant to the authority granted by Paragraph 8 of that law so as to enter into a host community agreement with any applicant to compensate the Town for expense and/or impacts on the community.

B. Definitions

The following terms shall have the meaning indicated. The definitions contained in the Town of GILBOA land use laws and ordinances shall also apply.

1. ***Building Integrated Photovoltaic (BIPV) System-*** A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semi-transparent skylight systems, roofing materials, and shading over windows.
2. ***Building-Mounted Solar Energy System-*** A solar energy system that is affixed to the roof or side(s) of a building or other structure either directly or by means of support structures or other mounting devices. Solar energy systems constructed over a parking lot are considered building-mounted solar energy systems.
3. ***Free Standing or Ground-Mounted Solar Energy System-*** A solar energy system that is affixed to the ground either directly or by supporting structures or other mounting devices and that is not attached or affixed to an existing structure. Pole mounted solar energy systems shall be considered free standing or ground-mounted solar energy systems for the purposes of this Local Law.
4. ***Net-Metering-*** A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they can only pay for their net electricity usage at the end of the month.
5. ***Reflector, Solar-*** A device for which the sole purpose is to increase the solar radiation received by a solar collector.
6. ***Small-Scale Solar Energy System-*** Any solar energy system that cumulatively on a lot meets all of the following provisions:
 - a) Is an accessory use or structure, designed and intended to generate energy primarily for a principal use located on site, and
 - b) Produce up to thirty (30) kilowatts (kW) per hour of energy or solar-thermal systems which serve the building to which they are attached, and do not provide energy for any other building beyond the lot. Small-Scale Solar Energy Systems located on a farm operation (as per AML, Section 301 (11) definition of that term) and located in a New York State Agricultural District can produce up to 110% of the farm's needs as per the Department of Agriculture and Markets guidance document.
7. ***Solar Access-*** Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of a solar energy system on individual properties.
8. ***Solar Array-*** A group of multiple solar panels or modules linked into a single unit for the purpose of harvesting solar energy.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX E - SAMPLE SOLAR LAW

9. ***Solar Collector-*** A solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure affixed to the ground, a building, or other structure that harnesses solar radiation to directly or indirectly generate thermal, chemical, electrical, or other usable energy, or that reflects or concentrates solar radiation to a solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure that directly or indirectly generates thermal, chemical, electrical, or other usable energy.
10. ***Solar Energy System-*** A complete system intended for the collection, inversion, storage and/or distribution of solar energy and that directly or indirectly generates thermal, chemical, electrical, or other usable energy. A solar energy system consists of, but is not limited to, solar collectors, mounting devices or structures, generators/turbines, water and energy storage and distribution systems, storage, maintenance and/or other accessory buildings, inverters, combiners boxes, meters, transformers, and all other mechanical structures.
11. ***Solar Skyspace-*** The space between a solar collector and the sun through which solar radiation passes.
12. ***Solar Panel-*** A device for the direct conversion of solar energy into electricity.
13. ***Solar Thermal System-*** A system that directly heats water or other liquid using sunlight.
14. ***Utility-Scale Solar Energy System or Solar Farm-*** Energy generation facility or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, designed and intended to supply energy solely into a utility grid for sale to the general public.

C. Applicability

1. The requirements of this Section shall apply to all Solar Energy Systems and equipment installations modified or installed after the effective date of this Local Law.
2. Solar Energy System installations for which a valid building permit has been issued, or, if no building permit is presently required, for which installation has commenced before the effective date of this Local Law shall not be required to meet the requirements of this Local Law.
3. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Building Code.

D. Requirements for Small-Scale Solar Energy Systems

1. No Small-Scale Solar Energy System shall be installed or operated in the Town of GILBOA except in compliance with this Section.
2. The installation of a Solar Collector or Solar Panel, whether attached to the main structure, an accessory structure, or as a detached Freestanding or Ground Mounted Solar Energy System are permitted as an accessory structure, shall meet all requirements of this subsection (D), and shall require a building permit and payment of fees as established by the Town Board prior to installation.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX E - SAMPLE SOLAR LAW

3. All Solar Collectors shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways. Exterior surfaces of Building-Mounted Solar Energy Systems and related equipment shall have a non-reflective finish and shall be color-coordinated to harmonize with roof materials and other dominant colors of the structure.
4. Solar Collectors or Solar Panels which are proposed to be installed in the Town of Gilboa must be setback from property lines a minimum of three hundred (300) feet.
5. Height limits for Small-Scale Solar Energy Systems mounted on buildings shall be mounted as flush as possible to the roof. To achieve proper solar orientation, panels may exceed the roofline by five (5) feet. Ground Mounted or Freestanding Solar Energy System height shall not exceed fifteen (15) feet when oriented at maximum tilt.
6. All Small-Scale Solar Energy Systems and their associated support elements shall, at the time of installation, be designed according to generally accepted engineering practice to withstand snow loads and wind pressures applied to exposed areas by snow or wind from any direction, to minimize the migration of light or sound from the installation and to minimize the development of sight obstructions for adjacent structures or land parcels.
7. Building Integrated Photovoltaic Systems that are integrated directly into building materials such as roof shingles, and that are a permanent and integral part of and not mounted on the building or structure are exempt from the requirements of this Local Law. However, all applicable building codes shall be met and necessary permits obtained. The Code Enforcement Officer may request assistance from the Planning Board to determine whether a Solar Energy System should be considered exempt or not.
8. In order to ensure firefighter and other emergency responder safety, all Building-Mounted Solar Energy Systems shall comply with the New York State Uniform Fire Prevention and Building Code (the "State Code") to insure firefighter and other emergency responder safety and access.-
9. Building-Mounted Solar Energy Systems shall incorporate, when feasible, the following design requirements: panels facing front yards must be mounted at the same angle as the roof's surface with a maximum distance of eighteen (18) inches between the roof and highest edge of the system.
10. Freestanding or Ground Mounted Solar Energy Systems are permitted as accessory structures subject to the following additional requirements:
 - a) A lot must have a minimum size of two (2) acres in order for a Freestanding or Ground Mounted Solar Energy System to be permitted.
 - b) Freestanding or Ground Mounted Solar Energy Systems shall be screened as much as possible and practicable from adjoining lots and street rights-of-way through the use of architectural features, earth berms, landscaping, fencing or other screening which will harmonize with the character of the property and surrounding area. The proposed screening shall not, however, interfere with normal operation of the Solar Energy Systems.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX E - SAMPLE SOLAR LAW

- c) The total surface areas of all Freestanding or Ground Mounted Solar Energy Systems shall not exceed the area of the ground covered by the building structure of the largest building on the lot measured from the exterior walls, not including patios and decks.
- d) Freestanding or Ground Mounted Solar Energy Systems shall not exceed fifteen (15) feet when oriented at maximum tilt.
- e) Freestanding or Ground Mounted Solar Energy Systems shall not be located in the following areas:
 - 1. Soils classified as prime farmland by the USDA, NYS, or NRCS.
 - 2. Areas of potential environmental sensitivity, such as floodplains, historic sites, airports, state-owned lands, conservation easements, trails, parkland, and wetlands as identified by the New York State Department of Environmental Conservation, United States Army Corps of Engineers, or other Town, County, State and/or Federal Agency.
 - 3. Development is prohibited on slopes of greater than fifteen percent (15%) unless the Solar Energy Applicant can identify through engineering studies and to the satisfaction of the Town Engineer that the proposed development will cause no adverse environmental impact that will not be satisfactorily mitigated.
 - 4. Placement within front yards of residential lots.

E. Utility-Scale Solar Energy Systems or Solar Farms

1. Applicability

- a) Any Utility-Scale Solar Energy System or Solar Farm erected, constructed, or substantially modified in the Town of Gilboa after the effective date of this Local Law shall be in compliance with this Section. Subsection E is applicable to Utility-Scale Solar Energy Systems or Solar Farms and shall not apply to Small-Scale Solar Energy Systems, as defined herein.
- b) A Special Use Permit and Site Plan Review by the Planning Board, with a public hearing, shall be required for all Utility-Scale Solar Energy Systems or Solar Farms.
- c) In order to promote innovative design and encourage the inclusion of alternative energy systems within the overall design of the building, Solar Energy Systems determined by the Code Enforcement Officer to be Building-Integrated Photovoltaic (BIPV) Systems, as defined herein, are exempt from the requirements of this Section. BIPV systems are still required to meet applicable building codes and obtain all necessary permits. The Code Enforcement Officer may request assistance from the Planning Board to determine whether a Solar Energy System should be considered a BIPV System.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX E - SAMPLE SOLAR LAW

2. Applications, Permits, and Approvals Required

- a) All applications for Utility-Scale Solar Energy Systems or Solar Farms shall be accompanied by an application for Special Use Permit and Site Plan Review, and all applicable fees as may be established by the Town Board. Both Site Plan and Special Use Permit reviews and approvals are required. The Planning Board shall however, concurrently review the Site Plan and Special Use Permit applications.
- b) All applications for Utility-Scale Solar Energy Systems or Solar Farms shall include the following:
 1. If the property of the proposed project is to be leased, legal consent between all parties, specifying use(s) of the land for the duration of the project, including easements and other arrangements, shall be submitted. The lease document must clearly delineate the party responsible and the procedure for decommissioning at the end of the life of the system and in the event the owner of the system abandons the system for any reason.
 2. Name, address, and phone number of the person preparing the reports.
 3. Postal address and Tax Map parcel number of the property.
 4. Identification on Site Plan of areas of potential environmental sensitivity, including slopes greater than fifteen percent (15%), floodplains, historic sites, airports, other government lands, conservation easements, trails, parklands, prime soils, and wetlands as identified by the New York State Department of Environmental Conservation, United States Army Corps of Engineers, or other State and/or Federal Agency.
 5. Plans and drawings of the Solar Energy System signed by a professional engineer or architect registered in New York State showing the proposed layout of the entire Solar Energy System along with a description of all components, whether on site or off-site, existing vegetation, and proposed clearing and grading of all sites involved. Clearing and/or grading activities are subject to review by the Planning Board and shall not commence until the issuance of Site Plan and Special Use Permit approval.
 6. Property boundaries and names of all adjacent landowners.
 7. The location of all other structures on the property.
 8. The maximum height of the proposed Solar Energy System, including all appurtenances.
 9. An electrical diagram detailing the Solar Energy System installation, associated components, and electrical interconnection methods, with all disconnects and overcurrent devices identified. A copy shall also be provided to the local fire department.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX E - SAMPLE SOLAR LAW

10. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
11. Documentation of access to the project site(s), including location of all access roads, gates, parking areas, etc.as per the Town of Gilboa Highway Superintendent, County Department of Public Works and/or the New York State Department of Transportation's specifications.
12. The location, type, and intensity of any lighting on the site.
13. Plan for clearing and/or grading the site.
14. A Stormwater Pollution Prevention Plan (SWPPP) as per NYS DEC requirements to detail stormwater runoff management and erosion control plans for the site will need to be completed by the Applicant prior to construction.
15. Documentation of utility notification, including electric service order number.
16. The system shall be designed to accommodate emergency vehicle access. The design may include, but not be limited to, items such as height, access ways for vehicles, firefighting capabilities, and other prominent features.
17. The location, nature, and extent of any proposed fencing, landscaping and screening.
18. A glare assessment survey and any mitigation efforts that may be utilized to minimize glare on contiguous parcels of land.
19. Property Operation and Maintenance Plan. Such a plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
20. Decommissioning Plan and financial surety (decommissioning bond) that satisfies the Town of Gilboa that all required improvements shall be made for Utility-Scale Solar Energy Systems or Solar Farms. Compliance with this Plan shall be made a condition of the issuance of a Site Plan and Special Use Permit under this Section. The Decommissioning Plan must specify that after the Utility-Scale Solar Energy System or Solar Farm can no longer be used, it shall be removed by the applicant or any subsequent owner. The Plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation including the reforestation of trees removed, shall be conducted to return the parcel to its original state prior to construction. The Plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Contractor. Cost estimations shall consider inflation. Removal of Utility-Scale Solar Energy System or Solar Farm must be completed in accordance with the Decommissioning Plan. If Utility-Scale Solar Energy System or Solar Farm are not

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX E - SAMPLE SOLAR LAW

decommissioned after being considered abandoned, the Town of Gilboa may remove the system and restore the property and may call in the decommissioning bond and /or impose a lien on the property to cover associated costs to the Town of Gilboa.

21. The Town of Gilboa shall require any applicant to pay all associated costs for any application review, including but not limited to engineering, legal, environmental, planning and the review required under SEQRA to the Town of Gilboa Town Clerk. When the Planning Board determines that a review will require engineering, legal, environmental, or planning costs, they shall provide an estimate to the applicant. Subsequently, such payment shall be made prior to commencement of any further Planning Board review.
22. Photo simulations shall be included showing the proposed Solar Energy System in relation to the building/site along with elevation views and dimensions, and manufacturer's specs and photos of the proposed Solar Energy System, Solar Collectors, and all other components. Photo simulation points of reference shall be approved in writing by the Planning Board prior to the applicant undertaking this work.
23. Part I of the Full Environmental Assessment Form to be filled out.
24. Details of the proposed noise that may be generated by inverter fans. The Planning Board may require a noise analysis to determine potential adverse noise impacts.
25. And any other documentation deemed necessary by the Planning Board during its review process.

3. General Provisions for Utility-Scale Solar Energy Systems or Solar Farms

All applications for Utility-Scale Solar Energy Systems or Solar Farms shall be in accordance with the following:

- a) All Utility-Scale Solar Energy Systems or Solar Farms shall adhere to all applicable New York State Building Codes.
- b) A minimum parcel size of ten (10) acres is required for Utility-Scale Solar Energy Systems or Solar Farms.
- c) Development and operation of Solar Energy Systems shall not have a significant adverse impact on fish, wildlife, or plant species or their critical habitats, or other significant habitats identified by the Town of Gilboa or other federal or state regulatory agencies. Applicants shall describe how the proposed Utility-Scale Solar Energy System or Solar Farm shall avoid or mitigate adverse impacts to these resources. Lands which have the highest ecological values as evidenced by large, contiguous areas of forest, undisturbed drainage areas, wetlands, prime soils, or NYSDEC identified critical habitats or rare plant and animal populations shall be avoided.
- d) There shall be a minimum three hundred (300) foot setback between any component of the Utility- Scale Solar Energy System or Solar Farm and the parcel boundary line. A wider setback

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX E - SAMPLE SOLAR LAW

may be required by the Planning Board after analysis of Site conditions and adjacent land uses.

- e) Any site containing a Utility-Scale Solar Energy System or Solar Farm shall be enclosed by perimeter fencing to restrict unauthorized access at a height of eight (8) feet. Such fencing shall be wildlife friendly by including gaps of 5" x 12" at ground level every seventy-five (75) feet along the perimeter to allow small animals unencumbered access in and out of the parcel. The fencing and the System may be further screened by any landscaping needed to avoid adverse aesthetic impacts.
- f) A locked gate at the intersection of the access way and public road may be required to obstruct entry by unauthorized vehicles. Such gates must be located entirely upon the lot and not on the public right-of-way.
- g) Previously cleared or disturbed areas are preferred locations for Solar Panel Arrays and existing on-site vegetation shall be preserved to the maximum extent practicable. The clearing of additional lands to accommodate a proposed Utility-Scale Solar Energy System or Solar Farm may be permitted, provided the percentage of newly cleared land on any parcel does not exceed thirty percent (30%) of the existing woodlands on that parcel.
- h) When proposed on an active farm within the New York State Certified Agricultural District in the Town of Gilboa, a Utility-Scale Solar Energy System or Solar Farm may occupy up to twenty percent (20%) of any farmed parcel but in no case, shall exceed ten (10) acres. Solar Arrays shall be located on a parcel in such a manner as to avoid soils classified as prime farmland by the USDA, NYS, or NRCS.
- i) Native grasses, flowering perennials, vegetation or geofabric or other configuration, as determined by the Planning Board shall be maintained below the Solar Arrays.
- j) The Utility-Scale Solar Energy System or Solar Farm, including any proposed off-site infrastructure, shall be located and screened in such a way as to avoid or minimize visual impacts as viewed from:
 - 1) Publicly dedicated roads and highways;
 - 2) Existing residential dwellings located on contiguous parcels;
 - 3) A berm, landscape screen, or other opaque enclosure, or any combination thereof acceptable to the Town capable of fully screening the site shall be provided, if deemed necessary by the Planning Board.
- k) The design, construction, operation, and maintenance of any Solar Energy System shall prevent the misdirection and/or reflection of solar rays onto neighboring properties, public roads and public parks in excess of that which already exists to the fullest extent possible. In addition, all structures and devices used to support Solar Collectors or Solar Panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways and shall be nonreflective and/or painted a subtle or earth-tone color to aid in blending the facility into the existing environment.
- l) All transmission lines and wiring with a Solar Energy System shall be buried and include necessary encasements in accordance with the National Electric Code and Town of Gilboa requirements. The Planning Board may recommend waiving this requirement if sufficient

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX E - SAMPLE SOLAR LAW

engineering data is submitted by the applicant to demonstrate that underground transmission lines are not feasible or practical. The applicant is required to show locations of all proposed overhead and underground electric utility lines, including substations and junction boxes and other electrical components for the project on the Site Plan. All transmission lines and electrical wiring shall be in compliance with the utility company's requirements for interconnection.

- m) Artificial lighting of Solar Energy Systems shall be limited to lighting required for safety and operational purposes and shall be shielded from all neighboring properties and public roads and shall be in compliance with the Town of Gilboa's Site Plan Regulations.
- n) Any signage used to advertise the Solar Energy Facility shall be in accordance with the Town of Gilboa's Site Plan Regulations. The manufacturers or installer's identification and appropriate warning signage shall be posted at the site and clearly visible.
- o) The average height of the Solar Panel Array shall not exceed fifteen (15) feet.
- p) Due to the need to keep the Solar Skyspace for Solar Energy Systems free from obstructions, the Planning Board may recommend modifying the landscaping requirements on an adjacent parcel when it is subject to a Site Plan Permit request to ensure that any landscaping proposed there is low-growth vegetation that will not obstruct the Solar Skyspace at mature height.
- q) Site disturbance, including but not limited to, grading, soil removal, excavation, soil compaction, and tree removal in connection with the installation of a Utility-Scale Solar Energy System or Solar Farm shall be minimized to the extent practicable.
- r) Following construction of a Utility-Scale Solar Energy System or Solar Farm, all disturbed areas where soil has been exposed shall be reseeded with grass and/or planted with low-level vegetation capable of preventing soil erosion and airborne dust.
- s) Special Use Permits and Site Plan approvals granted for Utility-Scale Solar Energy Systems or Solar Farms shall be assignable or transferable to future landowners of that system on the approved parcel so long as they are in full compliance with this article and all conditions, and the Code Enforcement Officer is notified of the property transfer at least thirty (30) days prior thereto.
- t) Any post-construction changes or alterations to the Utility-Scale Solar Energy System or Solar Farm shall be done by amendment to the Special Use Permit only and subject to the requirements of this Local Law.
- u) After completion of a Utility-Scale Solar Energy System or Solar Farm, the applicant shall provide a post-construction certification from a professional engineer registered in New York State that the project complies with applicable codes and industry practices and has been constructed and is operating according to the design plans. The applicant shall further provide certification from the utility that the facility has been inspected and connected.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDIX E - SAMPLE SOLAR LAW

F. Abandonment and Decommission of Utility-Scale Solar Energy Systems or Solar Farms

- a) Utility-Scale Solar Energy Systems or Solar Farms which have not been in active and continuous service for a period of one (1) year shall be removed at the owner's or operator's expense. Decommissioning shall include removal of all energy facilities, structures and equipment including any subsurface wires and footings from the parcel. Any access roads created for building or maintaining the system shall also be removed and re-planted with vegetation.
- b) Full restoration of the parcel is required unless restoration is unnecessary because the parcel is to be put into active agricultural use or approved for other development in accordance with the Town of Gilboa Land Use within that twelve (12) month period.
- c) All safety hazards created by the installation and operation of the Solar Energy System shall be eliminated and the site restored to its preexisting condition within six (6) months of the removal of the Utility-Scale Solar Energy System or Solar Farm.
- d) A surety bond or equal shall be required to be kept in escrow by the Town of Gilboa to assure satisfaction of the above.

In the event the Planning Board grants Site Plan approval for a Utility-Scale Solar Energy System or Solar Farm pursuant to this Local Law, it must also establish the amount of such surety to be established by the Town Board prior to the issuance of a Utility-Scale Solar Energy System or Solar Farm Permit. The surety may be in the form of escrowed funds, bonds or otherwise, but it is the intention of this provision to ensure that the Town has sufficient funds available to remove the installations and restore landscaping consistent with Section F above, in the event the applicant fails to comply with its decommissioning obligations.

G. Appeals

- a) If an individual is found to be in violation of the provisions of this Local Law, appeals should be made in accordance with the established procedures of the Town of Gilboa Code.

H. Enforcement

Any violation of this Solar Energy Law shall be subject to the same civil and criminal penalties provided for in the Land Use Regulations of the Town of Gilboa.

I. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision or phrase of the aforementioned sections as declared by the valid judgement of any court or competent jurisdiction to be unconstitutional shall not affect the validity or enforceability if any other section, subsection, paragraph, sentence, clause, provision or phrase, which shall remain in full force and effect.

J. Effective Date

This Law shall become effective immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2004

APPENDIX F - SAMPLE RIGHT TO PRACTICE FORESTRY LAW

BE IT ENACTED by the Town Board of the Town of Gilboa, Schoharie County, New York, as follows:

§ 50-1. Legislative Intent and Purpose.

The Town Board recognizes forestry as an essential enterprise and as an important industry that enhances the economic base, natural environment and quality of life in the Town of Gilboa. The Town Board further declares that it shall be the policy of this Town to encourage forestry and foster understanding by all residents of the necessary day to day operations involved in forestry so as to encourage cooperation with those practices.

The specific purposes of this Law are to:

- A. respect the existing common law right to engage in forestry practices and support the continuation such practices for the benefit of the Town of Gilboa;
- B. protect the existence and operation of existing forest activities;
- C. encourage the initiation and expansion of additional forestry businesses;
- D. discourage inadvertent impediments to the practice of forestry that may result from inappropriate regulation of forestry activities; and
- E. improve understanding of the economic and environmental contributions that well managed forests bring to the Town of Gilboa.

§ 50-2. Definition.

The Practice of Forestry shall mean practices related to growing, harvesting, or processing of timber on the site where grown, including, but not limited to, on-site and offsite road construction and maintenance, thinning, salvage, harvesting, reforestation, brush control, cutting of firewood, logging and the operation of portable sawmills.

§ 50-3. Right to Practice Forestry Declaration.

Landowners, as well as those employed, retained, or otherwise authorized to act on behalf of landowners, may lawfully engage in the practice of forestry within the Town of Gilboa at all times and all such locations as are reasonably necessary to conduct the business of forestry. Forestry practices conducted in the Town of Gilboa shall not be found to be a public nuisance under Town law if such practices are:

- A. Reasonable and necessary to the particular forestry operation,
- B. Conducted in a manner that is not negligent or reckless,
- C. Conducted in a manner generally consistent with the New York State Department of Environmental Conservation Timber Harvesting Guidelines,
- D. Conducted in a manner that does not constitute a threat to public health and safety or cause injury to health or safety of any person, and
- E. Conducted in a manner that does not obstruct the free passage or use of public roadways.

These criteria shall, in the absence of specific violations of other local, State or Federal law, or direct threats to public health and safety, be construed in favor of landowners and others engaged in the practice of forestry.

§ 50-4. Permit and Other Requirements

Nothing contained herein shall be construed to require a permit from the Town of Gilboa or impose any additional requirements beyond those of existing law. Notwithstanding this limitation, however, a landowner or other person engaged in the practice of forestry who is found, by the Town of Gilboa Town Board, to be operating in a manner

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2004

APPENDIX F - SAMPLE RIGHT TO PRACTICE FORESTRY LAW

that is specifically contrary to sound forestry management practices as defined above and that specifically imperils public health or safety may be notified of the same by the Town Board, offered an opportunity to remedy the specific problems identified by the Town within 10 days and, in the absence of such remedies, may be prohibited from continuing operations until such time as appropriate remedies have been accomplished. The Town Board shall, in such instance, be authorized to pursue such additional civil remedies as may be available from a court of competent jurisdiction. Failure of a landowner or other person to comply with the order of the Town Board shall be a violation of this Law and subject to a fine of \$350. Each day of continued failure to comply shall be a separate violation.

§ 50-5. Other Regulations

All local policies, rules and regulations of any agency or department of the Town of Gilboa affecting the practice of forestry in the Town shall be submitted to the Town Board, and to the New York State Commissioner of Environmental Conservation as provided by Section 9-0815 of the New York State Environmental Conservation Law, for review and comment prior to enactment or implementation. The Town Board and the Commissioner shall, in preparing comments and taking action, as the case may be, consider the impact of the proposed policy, rule or regulation upon the long-term viability of forests in the Town of Gilboa and any modifications or alternatives the agency or department could undertake to minimize the impacts to the practice of forestry. No action shall be taken by such agency or department until the Town Board and the Commissioner shall have had 45 days provide comments.

§ 50-6. Separability.

If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not effect the remainder of this Local Law. The Town hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

§ 50-7. Precedence.

This Local Law and its provisions are in addition to all other applicable laws, rules and regulations.

§ 50-8. Effective Date.

This Local Law shall be effective immediately upon filing with the New York Secretary of State.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2004

APPENDIX G - SAMPLE ROAD LAW

BE IT ENACTED by the Town Board of the Town of Gilboa, Schoharie County, New York, as follows:

§ 50-1. Title.

A Law regulating the construction and the dedication of any road ordained and other associated facilities (hereinafter referred to as improvements) offered to the Town of Gilboa, Schoharie County, New York. This Law may be referred to as the "Town of Gilboa Road Law."

§ 50-2. Purpose.

This Road Law is enacted to ensure all improvements offered for dedication to the Town of Gilboa meet the standards contained herein and have been reviewed and approved by the Town Board with the advice of the Town Engineer and the Town Highway Superintendent.

§ 50-3. Administration.

A. Application. Any person or persons proposing to dedicate any improvements to the Town of Gilboa shall submit to the Town Clerk of the Town of Gilboa, five (5) copies of a plan, prepared by a Professional Engineer setting forth the details of the proposed dedication. Said plan shall be submitted prior to commencing the construction or reconstruction of the road proposed for dedication. Similar as-built plans shall be required in those instances where existing roads are proposed for dedication. The plan shall include all information necessary to document compliance with this Law and shall include, as a minimum, the following information.

- (1) A map at a scale of one-inch equals 100 feet showing the following:
 - (a) Locations, distances and bearings of right-of-way lines.
 - (b) Locations of storm drainage systems and devices.
 - (c) Locations of any existing or proposed easements.
 - (d) Location of utilities.
 - (e) Locations and names of the record owners of real property over which the road passes, said properties abutting on the road proposed for dedication.
 - (f) Road name(s).
- (2) Plans, profiles and cross sections of the roads.
- (3) Detailed specifications for drainage facilities.
- (4) Detailed specifications for any bridges.
- (5) Documentation regarding the identity of each property owner along the right-of-way of the proposed road and certification that each such property owner has joined in the application for dedication and that each such property owner releases any right to assert any claim such property owner might otherwise have against any person, persons, partnership, corporation or political subdivision by reason of the dedication.

B. Plan Distribution. The Town Clerk shall distribute the filed plans as follows:

- (1) One with the Town Highway Superintendent ("the Superintendent").
- (2) One with the Town Engineer.
- (3) One with the Town Planning Board.

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2004

APPENDIX G - SAMPLE ROAD LAW

- (4) One with the Town Supervisor.
- (5) One in the Town Clerk's permanent files.

C. Plan Review.

- (1) No action shall be taken by the Town Board until such time as the Town Planning Board and the Town Engineer have reviewed the plan of the proposed dedication.
- (2) The Town Planning Board and the Town Engineer shall within forty-five (45) days of the Town Clerk's receipt of the application, review said application and make recommendations to the Superintendent.
- (3) The Superintendent shall, within sixty (60) days of receipt of said recommendations: (1) review the plans and make an inspection of the road site (the Superintendent may request the Town Engineer to assist with any inspection required by this Law); (2) notify the applicant of deficiencies, if any, in the plan, with such notification in writing, and (3) recommend acceptance or rejection of the plans to the Town Board.
- (4) The applicant shall make any necessary modifications to the plan and resubmit the plans to the Superintendent, who shall have an additional thirty (30) day review and notification period from the date of submittal. However, if more than one (1) year shall elapse between the original filing date and the amendment filing date, an additional filing fee shall be assessed.
- (5) Upon receipt of the Highway Superintendent's recommendation to accept the plans, the Town Board shall within sixty (60) days, vote to accept or reject the plans. The Town Board may make its own inspection of the road site prior to taking action. If the plans shall be rejected for any reason, the applicant shall be notified in writing within fifteen (15) days of the reasons for rejection and how the plans can be brought into compliance with the Law. The applicant may request a conference with the Town Board and Highway Superintendent to review the reasons the plans were rejected and how it can be corrected, which conference shall take place at the earliest date convenient to the Town Board. If the plans are accepted, the applicant shall be so notified and may proceed with construction pursuant to this Law.

D. Construction Procedure.

- (1) The construction or reconstruction of any improvements for dedication shall be in accord with approval plans.
- (2) Prior to the initiation of construction or reconstruction, the applicant shall propose an Inspection Schedule to the Superintendent for approval. The Inspection Schedule shall include inspections adequate to ensure compliance with this Law. Inspections shall be required at all phases of construction when a failure to inspect the construction would result in a physical impossibility to verify compliance at the time of the final inspection.
- (3) The applicant shall provide a minimum of two (2) working days notice prior to the time for each inspection required in the Inspection Schedule.
- (4) If the Superintendent discovers construction is not in compliance with the approved plans, all construction shall be terminated until such time as the identified deficiency is corrected.

E. Dedication Procedures.

When the improvements proposed for dedication are completed to the standards of this Law, the Superintendent shall make a final inspection and verify said completion to the Town Board. The Town Board, at their next meeting following receipt of the Superintendent's report, shall take action to initiate the dedication process as follows:

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2004

APPENDIX G - SAMPLE ROAD LAW

- (1) The applicant shall provide to the Town three (3) complete sets on mylar and three (3) complete sets on paper of all plans of the improvements which shall be certified by a Professional Engineer as "AS CONSTRUCTED" plans with the plans labeled as such. The plans shall include the information required by Section 401 of this Law.
- (2) The "Date of Completion" of the improvements shall be established by the Town Highway Superintendent confirmed by the Town Board.
- (3) No improvements shall be accepted by the Town for dedication until one (1) year from the "Date of Completion" has passed. During said one-year probationary period, the applicant shall be responsible for all maintenance and repair of the improvements proposed for the dedication.
- (4) At the end of the probationary period the Superintendent shall conduct an inspection of the improvements and verify to the Town Board the improvements integrity and functioning. Any deficiencies shall be corrected by the applicant.
- (5) Following the probationary period and upon the final verification by the Superintendent of compliance with this Law, the Town Board shall accept the improvements for dedication upon the receipt of the following:
 - (a) A maintenance guarantee in the amount of twenty-five (25) percent of the cost of the construction of the improvements as certified by the applicant's Professional Engineer. Such guarantee shall comply with Section 277 of the Town Law and shall be satisfactory to the Town Attorney as to form sufficiency, manner of execution and surety. The term of the guarantee shall be for twelve (12) months from the date of dedication. Upon the failure of any of the improvements, the Town shall enforce said guarantee and make any necessary repairs. If the proceeds of the guarantee are insufficient to complete the repairs, the Town shall institute legal or equitable action to recover the amount of the insufficiency.
 - (b) Deeds for the right-of-ways of all improvements which deeds shall be of a bargain and sale type with covenants against grantors acts and shall transfer all lands in fee simple.

§ 50-4. Standards.

A. Road Construction.

- (1) Private roads shall meet all Town construction requirements in compliance with AASHTO (American Association of State and Transportation Officials) standards for the design speed of 25 miles per hour. Bridges shall meet New York State Specification HS20-44 in compliance with AASHTO standards.
- (2) Road right-of-ways shall be a minimum of sixty (60) feet in width and surveyed by a licensed land surveyor with monument markers placed and shall be deeded to the Town by warranty deed with a clear title. The Town may also require title insurance.
- (3) The Town reserves the right to require verified core samples or other testing measures by approved agencies or other persons to ascertain compliance with these standards during construction and at the time of takeover.
- (4) No road less than 2,640 feet (one-half mile) in length shall be accepted by the Town of Gilboa.
- (5) No branch, spur or interior sections of a subdivision road shall be accepted apart from the entire subdivision road.
- (6) No road shall be accepted by the Town of Gilboa where less three homes have been constructed, or where less than 20% the total number of lots in the subdivision have been built upon, whichever

Town of Gilboa, Schoharie County, New York Comprehensive Plan - 2021

APPENDICIES

shall be greater.

B. Assessed Value Requirement.

- (1) Land and buildings accessed or abutted by a proposed road, with primary access being from said road, shall offer sufficient tax base (assessment value) at the time of takeover to raise, at current combined highway tax rates, sufficient tax revenue to support said road based on the current total highway levy. This amount shall be determined by dividing the total highway cost to the Town by the number of miles of road maintained by the Town. The required assessed value per mile shall be sufficient to generate those tax revenues required to pay the Town's share of these costs.
- (2) Total highway costs shall be determined on the basis of the amount to be raised by tax for the Town of Gilboa Highway Fund in the Town budget for the year of takeover.
- (3) Required assessed value per mile shall be determined by dividing the current cost per mile for Town highway maintenance (town share) by the rate of general levy for the Highway Fund, multiplied by one thousand (1,000).

§ 50-5. Variations.

Variations to the standards contained herein may be approved by the Town Board on the recommendation of the Town Highway Superintendent in cases where unreasonable hardship would result from strict application of the standard.

§ 50-6. Interpretation, Conflict and Separability.

A. Interpretation.

The provisions of this Law in their interpretation and application shall be held to the minimum requirements for the promotion of the public health, safety, and general welfare.

B. Conflict.

This Law is not intended to interfere with, abrogate, or annul any other Law, Law, rule or regulations, statute or provision of law. Where any of the provisions of these regulations impose restriction different than any other Law, Law, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

C. Separability.

If any part or provision of this Law or application thereof to any person or circumstances is judged invalid by any Court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in all controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. The Town hereby declares it would have enacted the remainder of this Law even without such part, provision or application.