

**Chapter 93**

**STREETS AND SIDEWALKS**

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**[HISTORY: Adopted by the Town Board of the Town of New Baltimore: Art. I, 5-15-60; Art. II, 3-7-89 as L.L. No. 3-1989. Amendments noted where applicable.]**

ARTICLE I  
**Laying Out of Streets**  
**[Adopted 5-15-60]**

**§ 93-1. Purpose.**

The purpose of this Article is to regulate the laying out of streets, thoroughfares and/or highways in the Town of New Baltimore, Greene County, New York.

**§ 93-2. Definitions and word usage.**

A. Definitions. As used in this Article, the following terms shall have the meanings indicated:

STREET - Shall also be construed to mean a thoroughfare or highway.

B. Word usage.

- (1) Wherever used in this Article, words in the singular number include the plural, and words in the plural number include the singular.
- (2) The word "shall" is mandatory and not directory.

(3) Words used in the present tense include the future.

**§ 93-3. Applications for approval of plans or for dedication of streets.**

- A. All applications for approval of plans shall be made in writing to the Town Board.
- B. All applications shall be accompanied by three (3) copies of the subdivision or street plan and profiles of each street showing existing and proposed grades.
- C. All applications for the dedication of a street to the Town of New Baltimore shall be accompanied by a proposed warranty deed conveying said street to the town, with all necessary releases from mortgagees or other claimants, together with a proper title search covering at least thirty (30) years up to the time the application is made and also a tax search. Such deed shall describe the street to be conveyed as shown on the map and shall state the date on which said map was filed in the Greene County Clerk's office and the number thereof.

**§ 93-4. Conformance required; survey and maps.**

- A. No street laid out after the date of the passing of this Article shall be accepted as a town street, except if it shall conform to the regulations hereinafter provided.
- B. The owner or all the owners shall have had the land comprising the street surveyed and mapped, and a map thereof shall have been filed in the Greene County Clerk's office.

**§ 93-5. Arrangement of streets.**

The arrangement of streets or highways hereinafter laid out shall, wherever possible, provide for the continuation of the principal streets existing in the adjoining subdivisions, or of their proper projection when the adjoining property is not subdivided, and shall be of a width as great as that of such existing streets, but in no case less than sixty (60) feet.

**§ 93-6. Minimum width.**

The minimum width of streets or highways hereinafter laid out shall be sixty (60) feet. These widths shall be measured from lot line to lot line. Said widths shall be measured normal to the lot lines on tangents, and on the radial lines on curves.

**§ 93-7. Reserve strips.**

There shall be no reserve strips controlling access to streets except where control of such strips is definitely placed in the town under the offer to dedicate.

**§ 93-8. Culs-de-sac.**

Streets designed to have one (1) end permanently closed shall be provided at the closed end with a turnaround roadway having a minimum diameter for the outside property line of at least sixty-six (66) feet.

**§ 93-9. Street grades.**

Street grades shall not exceed ten percent (10%) for main thoroughfares and fourteen percent (14%) for minor streets, nor be less than one-half percent (1/2 %) at the gutter.

**§ 93-10. Angles at intersections.**

As far as practical, acute angles between streets at their intersections are to be avoided, and where a deflective angle of more than ten degrees (10°) in a street line occurs at any point between two (2) intersecting streets, a curve of reasonably long radius is to be introduced.

**§ 93-11. Planting of street trees.**

The planting of street trees is optional with the subdivider, but if done, planting plans in duplicate shall be submitted to the Town Board and receive its approval before planting is begun.

**§ 93-12. Monuments.**

- A. Sufficient monuments shall be placed to properly reproduce each and any street laid out.
- B. Monuments shall be either granite with a crosscut in the top or of concrete.
- C. Monuments shall be three inches by three inches at the top, four feet long.

**§ 93-13. General grading and surfacing requirements; drainage.  
[Amended 7-11-1989; 12-11-2001 by L.L. No.7-2001]**

- A. Prior to being offered for dedication to the town, all streets shall be graded and surfaced as follows:
  - (1) All streets or roads offered for dedication shall be suitably and properly graded and shall meet with the approval of the Town Superintendent of Highways.
  - (2) Requirements.
    - (a) There shall be a carriageway of at least 24 feet in width.
    - (b) All trees, stumps and brush shall be cleared within the entire fifty-foot right-of-way width. On curves, an additional amount shall be cleared on the inside of the curve wherever necessary to maintain minimum visibility of 150 feet at the paving edge. On roads where curbs, catch basins and storm drains have been installed, specimen trees and shrubs may remain within the right-of-way. All stumps shall be removed.
    - (c) All topsoil and sod shall be stripped from areas to be paved, excavated or filled. Topsoil shall be stored in stockpiles during construction and replaced in planting areas between drainage ditches, woods and the right-of-way line.
    - (d) Soft areas in subgrades shall be removed and replaced with crushed stone, shale or gravel. Rough subgrades, including slopes and ditches, shall be formed and

maintained to provide proper drainage. Shaping and compacting of subgrade shall be done with a bulldozer or grader, and if a grader is used, compacting of crush run (stone), shale, or gravel shall be done with an eight- or ten-ton roller. The finished surface shall be smooth and even and true to grade within 1/2 inch of the finished grade.

- (e) The gravel, shale, crush run or stone base shall consist of four compacted layers, each five inches thick to a compacted finish thickness of 20 inches of gravel, crush run or stone; it shall meet the approval of the Superintendent of Highways and contain not more than 10% soil (dirt) binder. The top five inches shall be either crush run or item 4. Each layer shall be compacted by a roller weighing eight to 10 tons.
  - (f) The same gravel and soil binder used for the gravel base shall be used to construct a gravel shoulder compacted to a four-inch thickness and firm against the pavement. Shoulders shall be five feet wide and have a uniform slope of 1/2 inch per foot.
  - (g) Finish-grade all nonpaved surfaces within the right-of-way with a minimum of four inches of topsoil and sow with an approved grass seed. A good stand of permanent grass shall be required prior to the acceptance of the deed of the road by the Town Board.
- B. Proper drainage shall be installed where required. Reinforced pipe or corrugated plastic pipe shall be used throughout for all culverts or surface drains. When used, culvert pipes shall have a minimum size of 12 inches by 50 feet. Said pipe is to conform to the standard usage adopted by the Town Superintendent of Highways.
- C. The developer or owner laying out said street or highway shall obtain all necessary easements or rights-of-way to take care of any surface water caused by reason of development of said street or highway and by reason of the installation of culverts or surface drains. No street or highway will be taken over by the Town of New Baltimore nor approved by the Town Superintendent of Highways before such necessary easements or rights-of-way have been obtained and passed upon by the Attorney for the Town of New Baltimore.

- D. The grading and surfacing provisions set forth herein establish minimum requirements. The Town Superintendent of Highways, in his discretion and consistent with state law, may impose additional requirements in the public interest and for safety reasons.

**§ 93-14. Conditions to be met prior to Town's taking over of highway.**

No street or highway shall be taken over by the Town unless it meets all of the above requirements and the approval of the Town Superintendent of Highways. No special district improvements shall be placed or installed in any street or highway of the Town until such street or highway has been properly graded and drained as provided in this article and approved by the Superintendent of Highways.

**§ 93-15. Required approvals.**

- A. Approval in writing shall be obtained by the owners and/or developers from the New York State Department of Public Works<sup>1</sup> regarding drainage where proposed streets or highways intersect state roads and its permission to connect said streets with such roads.
- B. Approval in writing shall be obtained by the owners and/or developers from the Greene County Superintendent of Highways regarding drainage where proposed streets or highways intersect county roads and his permission to connect said street with such roads.
- C. Approval in writing shall be obtained by the owners and/or developers from the Town Superintendent of Highways regarding drainage where proposed streets or highways intersect Town roads and his permission to connect said streets with said roads.

**§ 93-16. Right to refuse to accept title.**

The Town Board may, in the exercise of its best judgment, refuse to accept title to any street, roadway or highway in said Town, notwithstanding that all of the foregoing rules and regulations have been performed and

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<sup>1</sup> The State entity now vested with this responsibility is the NYS Department of Transportation.

complied with.

**§ 93-17. Title.**

This article shall be known and may be cited as the "Street or Highway Resolution of the Town of New Baltimore."

ARTICLE II  
**Prior Notice of Defects**  
**[Adopted 3-7-89 as L.L. No. 3-1989]**

**§ 93-18. Written notice of defects required prior to civil actions.**

No civil action shall be maintained against the Town of New Baltimore, hereinafter referred to as the "town," or the Superintendent of Highways of the town or against any improvement district of the town for damages or injuries to any person or property sustained by reasons of any highway, bridge, culvert, highway marking, sign or device or any other property owned, operated or maintained by the town or any property owned, operated or maintained by any improvement district therein being defective, out of repair, unsafe, dangerous or obstructed unless proper written notice as specified herein of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, culvert, highway marking, sign or device or of any property owned, operated or maintained by the town or of any property owned, operated or maintained by an improvement district therein was actually given to the Town Clerk or the Town Superintendent of Highways and there was a failure or neglect within a reasonable time after the giving of said written notice to repair or remove the defect, danger or obstruction complained of. No such action shall be maintained for damages or injuries to a person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, culvert or any other property owned by the town or upon any property owned by any improvement district in the town unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or the Town Superintendent of Highways and there was a failure or neglect to cause said snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of said notice.

**§ 93-19. Contents of notice.**

The notice required by this Article shall contain the following:

- A. The full name, address and telephone number of the claimant.
- B. The particular property of the town or any improvement district thereof claimed to be defective, out of repair, unsafe, dangerous, obstructed and/or having snow or ice thereon, including the specific location of such property and/or condition described with such particulars as will provide the town with identification as to the whereabouts of such property and/or condition.
- C. The time such condition was first observed or made known to the claimant.
- D. A statement of the particulars in which property is defective, out of repair, unsafe, dangerous or obstructed or as to the condition complained of.

**§ 93-20. Service of notice.**

The written notice provided for by this Article shall be served by personal service within the town upon the Town Clerk or upon the Town Superintendent of Highways.

**§ 93-21. Submission of notices to Clerk.**

The Town Superintendent of Highways shall promptly transmit to the Town Clerk all written notices received pursuant to this Article.

**§ 93-22. Record of notices.**

The Town Clerk shall keep an indexed record, in a separate file, of all written notices received pursuant to this Article. The record shall state the date of receipt of said notice, the nature and location of the property, the condition stated to exist and the name and address of the person from whom the notice is received. The record of said notice shall be preserved for a period of five (5) years from the date it is received. The Town Clerk, upon receipt of such a written notice, shall immediately notify the Town Superintendent of Highways and the Town Board.

**§ 93-23. Interpretation.**

Nothing contained in this Article shall be held to repeal or modify or waive any existing requirement or statute of limitations which is applicable to these classes of actions but, on the contrary, shall be held to be additional requirements to the right to maintain such action, nor shall anything herein contained be held to modify any existing rules of law relative to the question of comparative negligence nor to impose upon the town any greater duty or obligation than that imposed by law.

**§ 93-24. Effect on state law.**

It is the purpose of this Article to supplement provisions of § 65-a of the Town Law and §§ 50-g and 50-f of the General Municipal Law of the State of New York.