

SANITARY CODE OF RENSSELAER COUNTY

ARTICLE 9

APPROVAL OF REALTY SUBDIVISIONS

ADOPTED BY

RENSSELAER COUNTY BOARD OF HEALTH  
TROY, NEW YORK

JUNE 17, 1993

9.1 Definitions. As used in this Article, the following words shall have the following meanings:

- (a) "subdivision" shall mean any tract of land which is divided into five or more parcels along an existing or proposed streets, highways, easements or rights-of-way for sale or rent as residential lots or residential building plots, regardless of whether the lots or plots to be sold or offered for sale, or leased for any period of time, are described by metes and bounds or by reference to a map or survey of the property or by any other description and regardless of whether the lots or plots are contiguous. A tract of land shall constitute a subdivision upon the sale, rental or offer for sale or lease of the fifth residential lot or residential building plot therefrom within any consecutive three year period, and at this time the provisions of section eleven hundred sixteen of the public health law shall apply to all such parcels thereof, including the first four parcels, regardless of whether said parcels have been sold, rented or offered for sale or lease singly or collectively. (See Public Health Law Section 1115).
- (b) "tract" shall mean any body of land, including contiguous parcels of land, under one ownership or under common control of any group of persons acting in concert as part of a common scheme or plan. (See Public Health Law Section 1115).
- (c) "residential lot or residential building plot" shall mean any parcel of land of five acres or less, any point on the boundary line of which is less than one-half mile from any point on the boundary line of another such lot in the same tract, unless any such lot may not be legally used for residential purposes. Without limiting the generality of the foregoing, the term "residential" shall include temporary, seasonal and permanent residential use. (See Public Health Law Section 1115).

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- (d) "suitable soil" shall mean soil exhibiting a percolation rate of between six (6) and sixty (60) minutes per inch.
- (e) "developer" shall mean any person, partnership, corporation or other legal entity undertaking or participating in the establishment of a subdivision.
- (f) "individual water supply system" shall mean a single system of piping, tanks or other facilities together with a source of water intended to supply a single lot only.
- (g) "individual sewage treatment system" shall mean a single system of piping, tanks or other facilities serving a single lot only and disposing of sewage or other liquid wastes into the soil of the lot.
- (h) "community water supply system" shall mean a source of water and necessary appurtenances together with a distribution system serving more than one lot in a subdivision, whether owned by a municipal corporation or private utility or otherwise.
- (i) "community sewerage treatment system" shall mean a system utilized for the collection and treatment of sewage or other wastes of a liquid nature, including the various devices for treatment of such wastes, serving more than one lot in a subdivision, whether owned by a municipal corporation or private utility or otherwise.
- (j) "comprehensive study" shall have the meaning ascribed to it in sections 15-1301(1) and 17-1901(1) of the New York State Environmental Conservation Law.
- (k) "Department" shall mean the Rensselaer County Department of Health.
- (l) "dry sewerage system" shall mean a system of pipes intended to carry domestic waste at such future time as sewerage treatment facilities are constructed.
- (m) "sanitary public improvement" shall include, but shall not be limited to, water supply, sewerage treatment, and drainage facilities and all related appurtenances.
- (n) "Board of Health" shall mean the Rensselaer County Board of Health.

9.2 Plans Required To Be Approved and Filed.

- (a) No subdivision, for the purpose of creating residential lots or residential building plots, or any portion thereof, shall be sold, offered for sale, leased or rented by any corporation, company or person, and no permanent building shall be erected thereon, until a plan or map of such subdivision has been approved by and filed with the Department, together with a statement as to the methods proposed for supplying the subdivision with water supply and sewerage treatment service and such other information may be required by the Department. If such plans meet the approval of the Department, the Department shall so indicate by endorsing thereon a statement of approval specifying the conditions of approval and the expiration date after which the approval will expire. Such expiration date shall be five (5) years after the date of approval. One set of such approved plans for a subdivision shall be filed or recorded in the Rensselaer County Clerk's Office. (See Public Health Law Section 1117).
- (b) Plans other than those for community water supply and/or sewerage treatment facilities shall not propose to furnish water to more than one lot or plot and/or to provide sewage treatment for more than one lot or plot.
- (c) Where a developer proposes to obtain and furnish water supply and/or sewerage treatment for a subdivision by connection to an existing community water supply and/or sewerage treatment system, the developer shall supply the Department with a written certification by the owner of such community water supply and/or sewerage treatment system that such facilities will be furnished and maintained for the subdivision.
- (d) If a subdivision plan submitted to the Department cannot be approved, such plan shall be returned to the person who submitted the plan along with a summary of the reasons for disapproval.
- (e) The Rensselaer County Clerk's Office will not file or record or accept for filing or recording any map or plan showing a subdivision unless there is endorsed thereon the statement of the Department as provided for in section 9.2(a) of this Article. (See Public Health Law Section 1117).

9.3 Application For Approval Of Plans.

- (a) Application for approval of water supply and/or sewerage treatment facilities to serve a subdivision conforming with the standards prescribed herein shall be made on forms provided by the Department.
- (b) Application for such approval shall be accompanied by such plans, maps, reports, specifications and data as the Department may require.
- (c) At the time of submitting an application for plan approval pursuant to this Article, a review fee computed from the latest fee schedule adopted by the Board of Health shall be paid to the Department. The Department shall not review or approve any such plan submitted for approval until such fee has been received.

9.4 Water Supply Systems.

- (a) A community water supply system is required when:
  - (1) the subdivision is located in an existing water district or service area; or
  - (2) the subdivision is reasonably accessible to an existing water district or service area. This requirement shall apply in the absence of proof satisfactory to the Department that the developer cannot make arrangements for the installation and/or connection of the water supply system to the existing water district or service area facilities; or
  - (3) individual wells cannot provide an average yield of five (5) gallons per minute or greater; or
  - (4) the subdivision consists of fifty (50) lots or more; or
  - (5) ground waters are non-potable; or
  - (6) an approved comprehensive study exists for the area and requires public water supply facilities.

(b) Community water supply systems shall:

- (1) be capable of delivering water at an average rate of one hundred (100) gallons per person per day when service connections are unmetered, or seventy-five (75) gallons per person per day when service connections are metered. (Calculated at a maximum occupancy of two (2) persons per bedroom). Additional appurtenances requiring water supply service shall also be considered in the calculation of water demand.
- (2) be designed to deliver water meeting the quality requirements of Part 5-1 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York.
- (3) provide for continuity of water supply service. Ground water shall not be relied upon unless at least two (2) sources are available.
- (4) have available storage capacity equal to or greater than one (1) day design average consumption.

(c) The relevant provisions of the New York State Department of Health publication "Recommended Standards for Water Works" shall be the basis upon which all plans, specifications and reports for community water supply systems will be reviewed for approval by the Department.

(d) The relevant provisions of the New York State publication "Rural Water Supply" shall be the basis upon which individual water supply systems will be reviewed for approval.

9.5 Sewerage Treatment Systems.

(a) A community sewerage treatment system is required when:

- (1) a subdivision is located in an existing collection sewer district or service area; or

- (2) a subdivision is reasonably accessible to an existing sewer district or service area. This requirement shall apply in the absence of proof satisfactory to the Department that the developer cannot make arrangements for the installation and/or connection of the sewerage treatment system to the existing sewer district or service area facilities; or
  - (3) less than twelve (12) inches of suitable soil exists between the original ground surface and the highest elevation of the top of the zone of water saturation, hardpan or other impermeable material; or
  - (4) the minimum vertical separation distance as prescribed in 10NYCRR Appendix 75-A, as incorporated herein (See Appendix A), cannot be maintained between the proposed trench bottom and high ground water, impermeable soil or bedrock; or
  - (5) the subdivision consists of fifty (50) lots or more; or
  - (6) an approved comprehensive study exists for the area and requires public sewerage treatment facilities.
- (b) Only subsurface leaching systems utilizing a septic tank may be employed on an individual basis in place of the provision of a community sewerage treatment system. Septic tanks shall be designed and installed so as to be readily accessible for inspection and cleaning.
- (c) When a community sewerage treatment system is required pursuant to this section and where a minimum of four (4) feet of suitable soil exists, interim individual sewerage treatment systems may be permitted, provided that:
- (1) ~~dry sewers are designed and installed consistent with the community sewerage treatment plan; and~~
  - (2) plumbing is installed from the house to the dry sewer to facilitate individual connection to the sewerage treatment community system; and
  - (3) such interim sewerage treatment systems are designed in accordance with the applicable provisions of this Article.

- (d) The relevant provisions of 10NYCRR Appendix 75-A, as incorporated herein (See Appendix A), shall be the basis upon which all plans, specifications and reports for individual sewage treatment systems will be reviewed for approval by the Department.
- (e) The relevant provisions of the New York State Department of Environmental Conservation publication "Standards for Wastewater Treatment Works" and/or the Great Lakes-Upper Mississippi River Board of State Sanitary Engineers publication "Recommended Standards for Sewage Works" shall be the basis upon which all plans, specifications and reports for community sewerage treatment systems will be reviewed for approval by the Department.

9.6 Construction Of Facilities.

- (a) The developer of a subdivision shall furnish to each purchaser of a lot a legible reproduction of the approved plan showing the proposed arrangements for water supply and/or sewage treatment and a statement of the necessity of installing water supply and/or sewage treatment facilities in accordance with the plans approved by the Department.
- (b) If the installation of the water supply and/or sewerage treatment facilities is not completed prior to the expiration date of the plan, a new plan or map shall be submitted to the Department prior to the completion of the facilities for approval subject to compliance with the standards and requirements of the Department in effect at the time of the new submittal.
- (c) The construction of water supply, sewerage treatment, and drainage facilities shall be in accordance with the plans or any revisions thereafter approved by the Department.
- (d) All water supply, sewerage treatment, and/or drainage facilities shall be constructed under the supervision of a design professional licensed and registered in the State of New York and authorized by the State Education Law to design such systems. The Department shall be furnished with a certified copy of the design professional's certificate of inspection. Such certificate shall be in a form prescribed by the Department.

9.7 Variances.

- (a) The Public Health Director, upon written application, may grant a variance from specific provisions of this Article, subject to whatever conditions the Department may deem appropriate, where such variance is in harmony with the general purpose and intent of this Article and of the Public Health Law.

- (b) The Public Health Director may impose additional requirements in specific cases whenever the Department shall determine that such additional requirements are necessary to ensure an adequate and satisfactory water supply and/or sewerage treatment for the subdivision.
  
- (c) The Board of Health, upon written application, may hear an appeal from a decision of the Public Health Director regarding the denial of an application for a variance, and may grant such relief as it may determine to be just and equitable and in harmony with the general purpose and intent of this Article and of the Public Health Law.

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