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Town Of Moira, New York

Highway and Private Road Specifications Policy

ARTICLE I - HIGHWAY CONSTRUCTION SPECIFICATIONS

§1 Purpose.

The purpose of this chapter is to regulate the laying out and construction of highways prior to their dedication to the Town of Moira as public highways.

§2 Definitions; word usage.

- a. As used in this chapter, the following terms shall have the meanings indicated:
“Highway” - Includes any type street, road, or thoroughfare constructed for dedication to the Town of Moira as a public highway pursuant to law.
- b. Wherever used in this chapter, words in the singular number include the plural, and words in the plural number include the singular.
- c. The word "shall" is mandatory and not directory. Words in the present tense include the future.

§3 Application.

- a. All applications for approval of plans shall be made as hereafter specified in this regulation.
- b. Before a permit is issued or construction begins, three copies of a highway plan shall be submitted to the Moira Town Clerk for review by the Town Board, the Moira Superintendent of Highways and the Franklin County Soil and Water Conservation Office. Permission, in writing, shall be obtained from the Moira Town Supervisor before construction is started. A fee determined by the Town Board will accompany the application.
- c. All applications for the dedication of a highway to the Town of Moira shall be accompanied by a proposed warranty deed conveying said highway to the town, with all necessary releases from mortgages or other claimants. Such deed shall describe the street to be conveyed as shown on a map and shall state the date on which said map was filed in the County Clerk's office and the number thereof. Maps are to be of size acceptable to the Franklin County Clerk.
- d. A SEQR Environmental Assessment Form Part 1 should be submitted. The Town Board will classify the action as either unlisted or SEQR Type I (likely to have a significant effect). They will also be the lead agency in the SEQR review.

§4 Highway Plan.

- a. The highway plan shall include:

- i. The name of the owner and all adjacent property owners as described by the most recent municipal tax records.
 - ii. The Tax Map section, block and lot numbers (SBL) where the road is to be located.
 - iii. An actual field survey by a New York State licensed land surveyor of the proposed road with corners located on the ground by monuments approved by the Town Board.
 - iv. Contours with intervals of 10 feet or less, as required by the Board, including elevations on existing roads. The plan must approximate grading if natural contours are to be changed more than two feet.
- b. A stormwater management, erosion and sedimentation control plan shall be submitted for use before, during and after construction.
 - c. All planned improvements shall be shown, including gutters, storm drainage facilities, the depth of fill, grades and the drainage profile map as described in §10 and §11.

§5 Surveying and mapping required.

The owner or all the owners shall have had the land comprising the highway surveyed and mapped, and a map thereof shall have been filed in the County Clerk's office, and adequate breakaway metal boundary markers shall be inserted in a permanent manner at intervals of not less than 500 feet on tangents and at the point of curve and the point of tangent (where the curve ends) of curves along all boundary lines of such highways. Boundary lines at street intersections shall have a minimum radius of 25 feet.

§6 Utility Service.

If sewer, water, gas or other utility service is to be installed in such highway, it shall be installed prior to the final surfacing of such highway, and all laterals and other service connections shall be installed and brought to the outer street line prior to such final surfacing.

§7 Right-of-way; turnarounds.

The minimum right-of-way width hereinafter laid out shall be 50 feet. These widths shall be measured from the lot lines. Said widths shall be measured perpendicular to the lot lines on tangents and on radius lines with curves. Approved turnarounds are to be used on dead-end roads. The recommended radius of turnarounds shall be 50 feet minimum.

§8 Easements.

There shall be no easements controlling access to highways, except where control of such easements is definitely placed in the town under the offer to dedicate.

§9 Highway Grades.

Highway grades shall not exceed 8% nor be less than 1% at the gutter. Changes may be made with the approval of the Town Superintendent of Highways.

§10 Shaping and crowning.

The highway shall be shaped and crowned so as to slope laterally in order to drain surface water off the road onto the sides of the highway where shallow ditches or gutters shall be built to carry off said water. The recommended crown shall be 1/4 per foot for paved roads and 1/2 per foot for gravel roads. If the grade or pitch of the road is sharp so that the flow of surface water might washout said ditches or gutters, the same shall be lined with stone and bound with hard topping to prevent such washing out. These ditches or gutters shall be connected at all intersections by piping of a size and

length prescribed by the Superintendent of Highways of the Town of Moira. He or she may require the installation of catch basins or dry wells at such locations as he or she deems necessary to properly catch and carry off such surface water as he or she may estimate will accumulate along the highway or at said highway intersections. The Superintendent may require engineering certification for all drainage sizes and locations. Headwalls may be required by the Town Superintendent of Highways. Bridges shall be designed by a professional engineer licensed to practice in the State of New York.

§11 Drainage.

Proper drainage shall be installed where required. Drainage pipe is to conform to the standard usage adopted by the Town Superintendent of Highways. A profile map, in duplicate, shall be filed with Town Board, showing the grade and fall of surface water to be not less than 1% and also showing the final disposition of flow, which must be to a live stream or well-established natural drainage ditch. If the grade and fall of surface water is shown to be less than the above-prescribed, the Superintendent of Highways of the Town of Moira shall require the installation of a surface water drainage system consisting of piping and catch basins or dry wells of such size as he deems necessary under the circumstances. In cases where access to a live stream or well-established natural drainage ditch is required, easements or rights-of-way leading thereto shall be secured and conveyed to the Town of Moira as below set forth:

- a. 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 the development of said street or highway and by reason of the installation of culverts or surfaced rains.
- b. No street or highway will be taken over by the Town of Moira unless approved by the Town Superintendent of Highways before such necessary easements or rights-of-way have been obtained, and the legal sufficiency thereof shall be passed upon by the attorney for the Town of Moira. Such easements or rights-of-way shall be at least 20 feet in width.

§12 Grading and surfacing.

- a. Prior to being offered for dedication to the town, all streets shall be graded and surfaced as follows:
 - i. All highways or roads offered for dedication shall be suitably and properly graded and shall meet with the approval of the Town Superintendent of Highways.
 - ii. Fill shall be added using suitable run-of-bank gravel or a material acceptable to the Town Superintendent, properly crowned and compacted, to be approved by the Town Superintendent of Highways.
 - iii. All boulders, organic material, soft clay, spongy material and any other objectionable material shall be removed and replaced with suitable material.
 - iv. The subgrade shall be properly shaped, shall be uniformly compacted to a density of 95% of a modified proctor mold and shall conform to the accepted cross section and grades.
 - v. There shall be a gravel base of at least 26 feet in width, located in the center of the proposed highway, allowing for 18 feet of roadway and four feet of supporting shoulders on each side, and said gravel base shall be run-of-bank gravel of the quality described below and compacted to a minimum thickness of 12 inches. The top three inches shall be crushed run-of-bank gravel, the maximum size to be determined by the Town Superintendent of Highways. Greater thickness where poor subsoil is encountered may be ordered by the Superintendent.

- b. Run-of-bank gravel shall consist of hard durable particles of gravel and filler of sand or other finely divided mineral matter and lumps or balls of clay. Shale or crumbly rock will not be accepted.

§13 Maintenance.

When a road has been accepted by the town under the conditions outlined in § 277 of the Town Law pending final surfacing and approval, the responsibility and liability for maintenance of the drainage system and roadway shall rest with the owners and/or the developers. Until acceptance by the town, the developer and/or owner has responsibility and liability for snow removal and ice control.

§14 Authority of Franklin County Superintendent of Highways.

The Franklin County Superintendent of Highways shall make the final decision on sizes and quantities of materials, methods of construction and other details outlined in §8 through §11 if the Town Superintendent of Highways and the owners and/or developers are unable to agree.

§15 Road Names.

The use of proper names for road names is discouraged. Road names shall be in compliance with Franklin County 911 numbering standards. The Town Board of the Town of Moira must by law approve road names and may change any chosen by the developer or owner to avoid duplication or for any other reason of its own.

§16 Conditions for acceptance.

No street or highway shall be taken over by the town unless it meets all of the above requirements and 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 chapter and approved by the Town Superintendent of Highways. Periodic inspections will be made by the Town Superintendent of Highways during construction to assure compliance with the highway plan.

§17 Approval to connect streets required.

- a. Approval, in writing, shall be obtained by the owners and/or developers from the Franklin County Superintendent of Highways prior to constructing or connecting new streets, highways or drainage structures to existing county roads.
- b. Approval, in writing, shall be obtained by the owners and/or developers from the New York State Department of Transportation prior to constructing or connecting new streets, highways or drainage structures to existing New York State highways.

§18 Refusal to accept.

The Town Board may, in the exercise of its best judgment, refuse to accept title to any street, roadway or highway in the town, notwithstanding that all the foregoing rules and regulations have been carried out and complied with.

ARTICLE II – RULES FOR PRIVATE ROADS

§19 Applicability.

These rules apply to any private road that serves two or more lots.

§20 Requirements.

- a. A private road must connect to a Town, county or state road or street.
- b. A private road must be 50 feet wide with a fifteen-foot drivable surface and shall have proper drainage to protect the road and surrounding property. Compliance with the construction standards set forth in §26 shall be deemed adequate.

§21 Site plan required.

A site plan of the private road showing its location and the number and dimensions of lots to be served must be presented and approved by the Town Board prior to construction of the road.

§22 Inspections.

Private roads shall be inspected and approved by the Town Code Enforcement Officer, the Town Superintendent of Highways, the Fire Chief of the Volunteer Fire Department providing fire protection services at the location and may require approval by the Franklin County Soil and Water Conservation Department.

§23 Maintenance and repair.

Before a private road may be used for ingress and egress for vehicular and pedestrian traffic, there must be an agreement among the property owners providing for maintenance and repair of the private road. This agreement must be recorded in the deed records at the Franklin County Clerk's office prior to the issuance of a building permit for any lot served by this road.

§24 Street sign; 911 numbering.

- a. Upon approval and acceptance of the private road, an appropriate street sign shall be placed at the intersection of the private road and the connecting Town, county or state road or street. The sign will be furnished and maintained at the expense of the owners of the lots served by the private road. The sign will indicate that the road is a private road and will otherwise comply with such specifications as may be adopted by resolution of the Town Board from time to time. In adopting such specifications, the Town Board shall be guided by all federal and New York State laws, rules and regulations that may apply in such cases.
- b. Upon the issuance of a building permit and prior to a final inspection, a 911 number shall be assigned to the lot, as promulgated by Franklin County Emergency Services policies and procedures.

§25 Preexisting private roads; extensions.

Preexisting private roads may continue, and the dwellings thereon may continue to be used; provided, however, that if a preexisting private road is to be extended to provide access to a new dwelling, the extension shall comply with these rules. A preexisting private road serving only one dwelling is a driveway and shall not be considered a preexisting private road for the purpose of these rules, but no building permit shall be issued for the construction of a new dwelling to be served by that driveway unless the portion of the private road serving the new dwelling (which will thereafter be a private road) and any extension thereof complies with these rules.

§26 Private road construction standards.

- a. A private road shall be 50 feet wide with a hard-pack surface, which shall be a minimum of 15 feet wide.
- b. The private road shall have a surface graded to 1/4 inch per foot, minimum.

- c. The fifteen-foot-wide cleared surface area will have a GEO and EC mesh layer followed by an eight-inch layer of bank-run gravel compacted.
- d. The sides of the fifteen-foot hard-pack surface shall be tapered with a 3 to 1 slope.
- e. Cross culverts are to be installed where needed to promote drainage.
- f. Precast open drive gutters with iron grates are to be installed approximately 15 feet from the edge of the public highway on slopes of 10% or greater.
- g. Culverts a minimum length of 30 feet are to be installed where a private road meets a Town road. The diameter of the culvert is to be determined by the appropriate highway jurisdiction (Town of Moira/Franklin County/State of New York).
- h. Turnarounds shall be a minimum of 60 feet in diameter or an equivalent square or rectangle.

§27 Modification of standards and specifications.

If the conditions of a particular area are found to require additional or different standards and specifications in order to satisfy the requirements of § 280-a of the Town Law of the State of New York, the Town Board may vary these rules for a particular area when establishing that area as an open development area.

§28 Effective Date.

This Policy shall take effect immediately upon adoption.