

Chapter 252

SUBDIVISION OF LAND

§ 252-1.	Authority of Commission; adoption of certain provisions by reference.	§ 252-4.	Design standards.
§ 252-2.	Definitions.	§ 252-5.	Required improvements.
§ 252-3.	Procedure.	§ 252-6.	Plats and data.
		§ 252-7.	Variances.

[HISTORY: Adopted by the Board of Trustees of the Village of Massena 8-5-1975 by L.L. No. 3-1975. Amendments noted where applicable.]

GENERAL REFERENCES

Planning Commission — See Ch. 59.

Zoning — See Ch. 300.

Building construction — See Ch. 114.

§ 252-1. Authority of Commission; adoption of certain provisions by reference.

- A. By a local law adopted by the Board of Trustees on the fifth day of August 1975, pursuant to the provisions of § 7-728 of the Village Law, the Planning Commission of the Village of Massena has power and authority to approve plats for subdivisions within the Village of Massena. As a basis for such approval, the Board of Trustees prescribes the following regulations governing subdivisions.
- B. All references herein to §§ 7-728, 7-730 and 7-732 of the Village Law are only for the purpose of incorporating by reference all of the provisions contained in such sections of the Village Law as though the same were set forth herein in full length, and adopting the contents of such provisions of the Village Law as a part hereof.

§ 252-2. Definitions.

For the purpose of these regulations, which shall be known and may be cited as the "Village of Massena Subdivision Regulations," certain words used herein are defined as follows:

MASTER OR COMPREHENSIVE PLAN — A plan which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the Village and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

PLAT — A plan for developing a piece of undeveloped property.

- A. **PRELIMINARY PLAT** — The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.
- B. **FINAL PLAT** — The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Planning Commission for approval, and which, if approved, will be submitted to the County Clerk for recording.

STREET AND ALLEY —

A. **STREET** — A way for vehicular traffic, whether designated as a street, highway, thoroughfare, road, throughway, parkway, avenue, boulevard, lane, place or however otherwise designated.

- (1) **ARTERIAL STREETS and HIGHWAYS** — Those streets which are used primarily for fast or heavy traffic.
- (2) **COLLECTOR STREETS or FEEDER STREETS** — Those streets which carry traffic from minor systems or streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
- (3) **MINOR STREETS** — Those streets which are used primarily for access to the abutting properties.
- (4) **MARGINAL ACCESS STREETS** — Minor streets which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.

B. **ALLEY** — A minor street or way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

SUBDIVIDER — Any person, firm, corporation, partnership or association, who shall lay out any subdivision or part thereof, as defined herein, either for himself or others.

SUBDIVISION — The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land, provided that a division of land for agricultural purposes into lots or parcels of five acres or more and not involving a new street shall not be deemed a "subdivision." The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

§ 252-3. Procedure.

A. Preapplication procedure.

- (1) Previous to the filing of an application for conditional approval of the preliminary plat, the subdivider shall submit to the Village Planning Commission plans and data as specified in § 252-6. This step does not require formal application, fee or filing of plat with the Planning Commission.
- (2) Within 15 days the Planning Commission shall inform the subdivider that the plans and data as submitted, or as modified, do or do not meet the objectives of these regulations. When the Planning Commission finds that the plans and data do not meet the objectives of these regulations, it shall express its reasons therefor.

B. Procedure for conditional approval of preliminary plat.

- (1) On reaching conclusions informally, as recommended in § 252-3, regarding his general program and objectives, the subdivider shall cause to be prepared a preliminary plat, together with improvement plans and other supplementary materials as specified in § 252-6. The preliminary plat, topographic map, street profiles, etc., and all procedures relating thereto shall in all respects be in full compliance with the provisions of §§ 7-728, 7-730 and 7-732, as amended, of the Village Law and these regulations, except where variation therefrom may be specifically

authorized in writing by the Commission.

- (2) Three copies of the preliminary plat and supplementary material specified shall be submitted to the Planning Commission with written application for conditional approval at least one week prior to the meeting at which it is to be considered.
- (3) The Commission shall then study the preliminary plat and supplementary material in connection with the topography of the area, existing requirements of Chapter 300, Zoning, etc., and shall take into consideration the general requirements of the community and the best use of the land to be subdivided. Particular attention shall be given to matters enumerated in § 7-730, as amended, of the Village Law, as well as to specific requirements for parks, playgrounds, school sites, boulevards and main thoroughfares, the adequacy of street connections and the suitability of the land for development. Following such review of the preliminary plat and other material submitted for conformity thereof to these regulations and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Commission shall hold a formal public hearing in compliance with § 7-728, as amended, of the Village Law. Within 62 days after the public hearing for conditional approval of the preliminary plat, the Planning Commission shall communicate in writing its decision on the application as submitted or modified, and if approved, the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefor. **[Amended 9-4-2001 by L.L. No. 2-2001]**
- (4) The action of the Planning Commission shall be noted on two copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the other retained by the Planning Commission.
- (5) Conditional approval of a preliminary plat shall specify the conditions prerequisite to the approval of the final plat, listing the specific changes which will be required for approval of the final plat which, upon fulfillment of the requirements of these regulations and the conditions of conditional approval, if any, will be submitted for approval of the Planning Commission and for recording.

C. Procedure for approval of final plat.

- (1) The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.
- (2) Application for approval of the final plat shall be submitted in writing to the Planning Commission at least one week prior to the meeting at which it is to be considered.
- (3) Three copies of the final plat and other exhibits required for approval shall be prepared as specified in § 252-6 and shall be submitted to the Planning Commission within six months after approval of the preliminary plat; otherwise such approval shall become null and void unless an extension of time is applied for and granted in writing by the Planning Commission.
- (4) The final plat shall be properly endorsed and approved by the County Planning Agency, and any other local, county or state agency that may be required. Final plats requiring the County Planning Agency's approval are those lying within a distance of 500 feet from the boundary of any city, village or town, or from the boundary of any existing or proposed county or state park

or other recreational area, or from the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, or from the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines, or from the existing or proposed boundary of any county- or state-owned land on which a public building or institution is situated. The term "proposed" shall be deemed to include only those recreation areas, parkways, thruways, expressways, roads or highways which are shown on any adopted county plan.

- (5) A public hearing shall be held by the Planning Commission within 62 days after the time of submission of the final plat for approval. This hearing shall be advertised in a newspaper of general circulation in the Village at least five days before such hearing. **[Amended 9-4-2001 by L.L. No. 2-2001]**
- (6) The Planning Commission shall then, within 62 days of the public hearing, approve, modify and approve, or disapprove such final plat. The action of the Planning Commission shall be noted on two copies of the final plat. One copy shall be returned to the subdivider and the other retained by the Planning Commission. If disapproved, reasons shall be stated in writing. **[Amended 9-4-2001 by L.L. No. 2-2001]**
- (7) Within 62 days after receiving final approval, the developer must file the plat with the County Clerk; otherwise such approval shall expire as provided in § 7-728, as amended, of the Village Law. **[Amended 9-4-2001 by L.L. No. 2-2001]**
- (8) No changes, erasures, modifications or revisions shall be made in any final plat after approval has been given by the Planning Commission and endorsed in writing on the plat, unless the said plat is first resubmitted to the Planning Commission and such Commission approves any modifications. In the event that any such final plat is recorded without complying with this requirement, the same shall be considered null and void, and the Commission shall institute proceedings to have the plat stricken from the records of the County Clerk.

D. Coordination with the State Environmental Quality Review Act. The Planning Commission shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations. **[Added 9-4-2001 by L.L. No. 2-2001]**

§ 252-4. Design standards.

A. Streets.

- (1) The arrangement, character, extent, width, grade and location of all streets shall conform to the Master Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (2) Where such is not shown in the Master Plan, the arrangement of streets in a subdivision shall either:
 - (a) Provide for the continuation of appropriate projection of existing principal streets in surrounding areas; or
 - (b) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuation

or conformance to existing streets impractical.

- (3) Minor streets shall be laid out so that their use by through traffic will be discouraged.
- (4) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- (5) Reserve strips controlling access to streets shall be prohibited, except where their control is definitely placed in the Village under conditions approved by the Planning Commission.
- (6) Minor or secondary street openings into collector or major arterial roads shall, in general, be at least 500 feet apart.
- (7) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.
- (8) In general, street lines within a block, deflecting from each other at any one point by more than 10°, shall be connected with a curve, the radius of which for the center line of the street shall not be less than 400 feet on major streets, 200 feet on collector streets and 100 feet on minor streets.
- (9) Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 60°.
- (10) Property lines at street intersections shall be rounded with a radius of 10 feet, or of a greater radius where the Planning Commission may deem it necessary. The Planning Commission may permit comparable cutoffs or chords in place of rounded corners.
- (11) Street right-of-way widths shall be as shown in the Master Plan and where not shown therein shall be not less than as follows:

Street Type	Right-of-way (feet)
Arterial	75
Collector	66
Minor, for row houses and apartments	66
Minor, for other residences	60

- (12) Half streets shall be prohibited, except where essential to the reasonable development of subdivisions in conformity with other requirements of these regulations and where the Planning Commission finds that it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- (13) Dead-end streets, designed to be so permanently, shall not be longer than 400 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 80

feet and a street property line diameter of at least 100 feet.

- (14) No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Planning Commission.
- (15) Street grades, wherever feasible, shall conform to the terrain but shall not exceed the following, with due allowance for reasonable vertical curves:

Street Type	Grade
Arterial	5%
Collector	7%
Minor	10%

- (16) No street grade shall be less than 0.5%.
- (17) Driveway grades between the street and the setback line shall not exceed 10%.
- (18) The approval by the Planning Commission of a final plat shall not be deemed to constitute or be evidence of any acceptance by the Village of any street, easement or other open space shown on such final plat.

B. Alleys.

- (1) Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking, consistent with and adequate for the uses proposed.
- (2) The width of an alley right-of-way and pavement shall be not less than 20 feet.
- (3) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- (4) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the Planning Commission.

C. Easements.

- (1) Easements across lots or centered on the rear or side lot lines shall be provided for utilities where necessary and shall be at least 12 feet wide.
- (2) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

D. Blocks.

- (1) The lengths, widths and shapes of blocks shall be determined with due regard to:
 - (a) Provision of adequate building sites suitable to the special needs of the type of use contemplated.

- (b) Zoning requirements as to lot sizes and dimensions.
- (c) Needs for convenient access, circulation, control and safety of street traffic.
- (d) Limitations and opportunities of topography.
- (2) Block lengths shall not exceed 1,200 feet nor be less than 500 feet.
- (3) A pedestrian right-of-way at least 10 feet wide shall be provided near and through the center of every block over 800 feet long and shall be paved with a walk at least five feet wide.
- (4) Each block shall be planned to provide two rows of lots, but irregularly shaped blocks indented by cul-de-sac streets and containing interior parks will be acceptable when properly designed and covered by agreements as to maintenance of interior parks.

E. Lots.

- (1) The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (2) Lot dimensions shall conform to the requirements of Chapter 300, Zoning. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (3) The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.
- (4) Double frontage and reverse frontage lots should be avoided except where essential to provide separation of the residential development from topography and orientation.
- (5) Side lot lines shall be substantially at right angles or radial to street lines.
- (6) Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Commission may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these regulations.

F. Public sites, open spaces and natural features.

- (1) Where a proposed park, playground, school or other public use shown in a Master Plan is located in whole or in part in a subdivision, in those cases in which the Planning Commission deems such requirements to be reasonable, the Commission's approval shall be subject to such requirement.
- (2) Where deemed essential by the Planning Commission, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale neighborhood unit developments not anticipated in the Master Plan, the Planning Commission may require the dedication or reservation of such other areas or sites of a character, extent and location suitable to the needs created by such development for schools, parks and other neighborhood purposes.
- (3) Areas for parks and playgrounds shall be of reasonable size for neighborhood playgrounds or other recreation uses. No arbitrary percentage of area shall be insisted upon by the Commission,

but in general developers should set aside not less than 10% of the area for these purposes.

- (4) When a park, playground or other recreation area shall have been shown on a final plat, the approval of said plat shall not constitute an acceptance by the Village of such area. The Planning Commission shall require the plat to be endorsed with appropriate notes to this effect. The Planning Commission may also require the filing of a written agreement between the applicant and the Village Board of Trustees covering future deed and title, dedication and provision for the cost of grading, development, equipment and maintenance of any such recreation area.
- (5) The Planning Commission shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and falls, beaches, historic spots, vistas and similar irreplaceable assets. No tree with a diameter of one foot or more as measured three feet above the base of the trunk shall be removed unless such tree is within the right-of-way of a street as shown on the final plat. Removal of additional trees shall be subject to the approval of the Planning Commission. In no case, however, shall a tree with a diameter of one foot or more as measured three feet above the base of the trunk be removed without prior approval by the Planning Commission.

G. Drainage improvements.

- (1) The subdivider may be required by the Planning Commission to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width.
- (2) A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Village Engineer shall approve the design and size of facility based on anticipated runoff from a ten-year storm under conditions of total potential development permitted by Chapter 300, Zoning, in the watershed.
- (3) The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision. This study shall be reviewed by the Village Engineer. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year storm, the Planning Commission shall notify the Village Board of Trustees of such potential condition. In such case, the Planning Commission shall not approve the subdivision until the provision has been made for the improvements of said condition.
- (4) Land subject to flooding or land deemed by the Planning Commission to be uninhabitable shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Commission to remedy said hazardous conditions.

§ 252-5. Required improvements.

- A. Monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as shall be required by the Village Engineer. The monuments shall be of such material, size and length as may be approved by the Village Engineer.
- B. Utility and street improvements. Utility and street improvements shall be provided in each new

subdivision in accordance with the standards and requirements described in the following schedules.

- (1) The standards and specifications for each general type of development shall be as follows:
 - (a) For apartment, row house, and similar multifamily residential types, improvements shall be in accord with Standard A.
 - (b) For one-family detached dwellings with typical lot widths of 120 feet or less, improvements shall be in accord with Standard B.
 - (c) For country homes with typical lot widths greater than that specified in Subsection B(1)(b) above, improvements shall be in accord with Standard C.
 - (d) For commercial, industrial and other types, improvements shall be as determined by the Planning Commission with the advice of the Village Engineer.
- (2) Schedule of required utilities and street improvements.

Standard			Utility and Street Improvements
A	B	C	
X	X		Public water per §§ 1115, 1116, 1117 and 1118 of the Public Health Law of 1953, as amended, and per Massena Village Board water regulations
X	X		Public sewer per §§ 1115, 1116, 1117 and 1118 of the Public Health Law of 1953, as amended, and per plans approved by Village Engineer
X	X	X	Storm sewer system and other drainage improvements, per plans approved by Village Engineer
X	X	X	Arterial streets: cross sections in accordance with the Master Plan as determined by the Village Engineer and the Planning Commission
			Collector streets:

Standard

A	B	C	Utility and Street Improvements
X			75-foot right-of-way; 36-foot roadbed; 36-foot pavement, if required by Village Board; and if installed, 5-foot sidewalks on each side per Village specifications
	X	X	66-foot right-of-way; 36-foot roadbed; 36-foot pavement, if required by Village Board; and if installed, 5-foot sidewalks on each side per Village specifications

Minor streets:

X	66-foot right-of-way; 28-foot roadbed; 28-foot pavement, if required by Village Board; and if installed, five-foot sidewalks on each side
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			Standard
A	B	C	Utility and Street Improvements
	X		60-foot right-of-way; 28-foot roadbed; 28-foot pavement, if required by Village Board; and if installed, 5-foot sidewalks on each side
	X		50-foot right-of-way; 28-foot roadbed; and 28-foot pavement if required by Village Board
X	X	X	Streets along development boundaries and streets connecting development with existing improved street systems; cross sections as determined by Village Engineer and Planning Commission

			Standard
A	B	C	Utility and Street Improvements
X	X	X	Alleys: as determined by Village Engineer and Planning Commission
X	X	X	Grading and gradients: per plans and profiles approved by Village Engineer
X	X	X	Pavement base: per Village specifications

§ 252-6. Plats and data.

A. Preapplication plans and data.

- (1) General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required below. This information may include data on existing covenants, land characteristics and available community facilities and utilities; and information describing the subdivision proposal, such as number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas and other public areas, proposed protective covenants and proposed utilities and street improvements.
- (2) The location map shall show the relationship of the proposed subdivision to the existing community facilities which serve or influence it and shall include the development name and location; main traffic arteries; shopping centers; schools; parks and playgrounds; other community features, such as hospitals and churches; title; scale; North arrow; and date.
- (3) The sketch plan on the topographic survey shall show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of the topographic survey. In any event, the sketch plan shall include either the existing topographic data listed in Subsection B(1) below or such of these data as the Planning Commission determined is necessary for its consideration of the proposed sketch plan.

B. Plats and data for conditional approval. (NOTE: All of the information set forth below is required by the Commission for the purpose of complying with §§ 7-728 and 7-730, as amended, of the Village Law and the Health Law and for the information of the public at public hearings. Due care in the preparation of this material will expedite the process of passing upon the plats and data for final

approval.)

- (1) Topographic data required as a basis for study of the preliminary plat, in Subsection B(2) below, shall include existing conditions as follows, except when otherwise specified by the Planning Commission:
 - (a) Boundary lines: bearings and distances.
 - (b) Easements: location, width and purpose.
 - (c) Streets on and adjacent to the tract: name and right-of-way width and location; type, width and elevation of surfacing; any legally established center-line elevations; walks, curbs, gutters, culverts, etc.
 - (d) Utilities on and adjacent to the tract: location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of fire hydrants, electric and telephone poles and streetlights. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers.
 - (e) Ground elevations on the tract, based on a datum plane approved by the Village Engineer: for land that slopes less than approximately 2%, show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions; for land that slopes more than approximately 2%, either show contours with an interval of not more than five feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings.
 - (f) Subsurface conditions on the tract, if required by the Planning Commission: location and results of tests made to ascertain subsurface soil, rock and groundwater conditions; depth to groundwater unless test pits are dry to a depth of five feet; location and results of soil percolation tests if individual sewage systems are proposed.
 - (g) Other conditions on the tract: watercourses, marshes, rock outcrop, wooded areas, isolated preservable trees one foot or more in diameter, buildings, houses, barns, shacks and other significant features.
 - (h) Other conditions on adjacent land: approximate direction and gradient slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatte land. For adjacent platted land refer to subdivision plat by name, recordation date and number, and show approximate percent buildup, typical lot size and dwelling type.
 - (i) Photographs, if required by the Planning Commission: camera locations, direction of views and key numbers.
 - (j) Zoning on and adjacent to the tract.
 - (k) Proposed public improvements: highways or other major public improvements planned by public authorities for future construction on or near the tract.

- (l) Key plan showing location of the tract.
- (m) Title and certificates: present tract designation according to official records in office of appropriate recorder; title under which the proposed subdivision is to be recorded, with names and addresses of record owners, subdivider and designer of preliminary layout, notation stating acreage, scale, North arrow, datum, benchmarks, certification of registered civil engineer or surveyor and date of survey.
- (2) The preliminary plat shall be at a scale of 200 feet to one inch, or larger. It shall be submitted on a permanent medium such as Mylar or its equivalent 20 inches wide by 20 inches long or 20 inches wide by 40 inches long. It shall show all existing conditions required in Subsection B(1), topographic data, and shall show all proposals including the following: **[Amended 9-4-2001 by L.L. No. 2-2001]**
 - (a) Streets: names; right-of-way and roadway widths; approximate grades and gradients; similar data for alleys, if any.
 - (b) Other rights-of-way or easements: location, width and purpose.
 - (c) Location of utilities, if not shown on other exhibits.
 - (d) Connection with existing water supply or alternative means of providing water supply to subdivision, as provided in § 89, as amended, of the Public Health Law.¹
 - (e) Connection with existing sanitary sewerage system or alternative means of providing water supply to a subdivision, as provided in § 89, as amended, of the Public Health Law.
 - (f) Provisions for collecting and discharging surface drainage.
 - (g) Lot lines and dimensions, lot numbers and block numbers.
 - (h) Sites, if any, for multifamily dwellings, shopping centers, churches, industry or other nonpublic uses, exclusive of single-family dwelling.
 - (i) Minimum building setback lines.
 - (j) Improvements, including proposed location of sidewalks, streetlighting standards, if any, and species of street trees, if any.
 - (k) Site data, including number of residential lots, typical lot size and acres in parks, etc.
 - (l) Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.
 - (m) Proposed subdivision name or identifying title, name of village and county in which subdivision is located, scale, true North arrow and date.
- (3) Other preliminary plans. When required by the Planning Commission, the preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross sections of the proposed grading, roadway and sidewalk; and preliminary plan of proposed sanitary and storm sewers with grades and sizes indicated. All elevations shall be based on a datum plane approved by the Village Engineer.

1. Editor's Note: See now Public Health Law §§ 1115, 1116, 1117 and 1118.

(4) Draft of protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

C. Plats and data for final approval.

(1) Final plat shall be submitted on a permanent medium such as Mylar or its equivalent 20 inches wide by 20 inches long or 20 inches wide by 40 inches long and shall be a scale of 100 feet to one inch or larger. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions the final plat may be submitted for approval progressively in continuous sections satisfactory to the Planning Commission. The final plat shall show the following: **[Amended 9-4-2001 by L.L. No. 2-2001]**

- (a) Primary control points, approved by the Village Engineer, or descriptions and ties to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred.
- (b) Sufficient data acceptable to the Village Engineer to determine readily the location, bearing and length of every street line, lot line and boundary line, and to reproduce such lines upon the ground. Where practicable, these should be referenced to monuments, and in any event should be tied to primary control points approved by the Village Engineer.
- (c) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves.
- (d) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot.
- (e) Permanent reference monuments shall be shown thus: "x." They shall be constructed in accordance with specifications of the Village Engineer. They shall be placed as required by the Village Engineer and their location noted and referenced on the plat.
- (f) Monuments of a type approved by the Village Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Village Engineer. Location and description of all such monuments shall be shown.
- (g) All lot corner markers shall be permanently located, satisfactory to the Village Engineer, at least 3/4 inch (if metal) in diameter and at least 24 inches in length, shown thus: "o," and located in the ground to existing grade.
- (h) Name and right-of-way width of each street or other right-of-way.
- (i) Location, dimensions and purpose of any easements.
- (j) Number to identify each lot or site.
- (k) Purpose for which sites, other than residential lots, are dedicated or reserved.
- (l) Minimum building setback line on all lots and other sites.

- (m) Names of record owners of adjoining unplatting land.
- (n) Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
- (o) Certification by licensed surveyor or professional engineer certifying to accuracy of survey and plat, including license numbers and seals.
- (p) All public open spaces for which deeds of cession are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the final plat copies of the agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.
- (q) All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Village Attorney as to their legal sufficiency.
- (r) Statement by owner dedicating streets, rights-of-way, lots, easements and any other sites for public uses.
- (s) Subdivision name or identifying title; name of the village, county and state; scale, true North arrow and date.

- (2) Cross sections and profiles of streets showing grades approved by the Village Engineer. The profiles shall be drawn to Village standard scales and elevations and shall be based on a datum plane approved by the Village Engineer.
- (3) A certificate by the Village Engineer certifying that the subdivider has complied with one of the following alternatives:
 - (a) All improvements have been installed in accord with the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the preliminary plat and to his satisfaction in accordance with standards and specifications prescribed by him.
 - (b) A bond or certified check has been posted, which is available to the Village and in sufficient amount to assure such completion of all required improvements. Such bond or certified check shall be accompanied by a certificate of the Village Attorney as to the sufficiency of the bond offered in lieu thereof.
- (4) Protective covenants in form for recording.
- (5) Other data: such other certificates, affidavits, endorsements or dedications as may be required by the Planning Commission.

§ 252-7. Variances.

- A. Hardship. Where the Planning Commission finds that in a specific and unusual instance extraordinary hardship may result from strict compliance with these regulations, it may, with specific approval by the Village Board of Trustees, vary the regulations so that substantial justice may be done and the public interest served, provided that such variation will not have the effect of nullifying the intent and purpose of the Master Plan or these regulations, and provided that a petition is submitted in writing explaining the need for a variance in each particular instance.
- B. Large scale development. The standards and requirements of these regulations may be modified by

the Planning Commission in the case of a plan and program for a large development or a neighborhood unit, which in the judgment of the Planning Commission provide adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provide such covenants or other legal provisions as will assure conformity to the achievement of the plan.

C. Conditions. In granting variances and modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.