

## Chapter 165

### SUBDIVISION OF LAND

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**[HISTORY: Adopted by the Board of Trustees of the Village of Norwood 4-21-1997 by L.L. No. 1-1997. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Planning Board — See Ch. 38.	Sewers — See Ch. 150.
Uniform construction codes — See Ch. 72.	Zoning — See Ch. 200.
Flood damage prevention — See Ch. 85.	

**ARTICLE I**  
**General Provisions and Policies**

**§ 165-1. Authority to approve plats.**

By the authority of the resolution of the Village Board of the Village of Norwood, New York, pursuant to the provisions of Chapter 64 of the Village Law of the State of New York, the Planning Board of the Village of Norwood, New York, is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the county and to conditionally approve preliminary plats within the Village of Norwood.

**§ 165-2. Policy.**

It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Village. This means, among other things, that the site can be used safely for building purposes without danger to health or peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map and shall be properly related to the proposals shown on the Comprehensive Plan and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of fire-fighting equipment to buildings; and that proper provision shall be made for open spaces for parks and playgrounds.

**§ 165-3. Title.**

In order that land subdivisions may be made in accordance with this policy, these regulations, which shall be known as and which may be cited as the "Village of Norwood Subdivision Regulations," have been approved by the Village Board and adopted by the Village Planning Board.

## ARTICLE II

### Terminology

#### § 165-4. Definitions.

For the purpose of this chapter, certain words and terms used herein are defined as follows:

**COLLECTOR STREET** — A street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major street.

**COMPREHENSIVE PLAN** — A comprehensive plan, prepared by the Planning Board pursuant to § 7-718 of the Village Law, 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.

**CUL-DE-SAC STREET** — A street or a portion of a street with only one vehicular traffic outlet and having a turning loop or similar arrangement at the closed end.

**EASEMENT** — Authorization by a property owner for the use by another and for a specified purpose of any designated part of his property.

**MAJOR STREET** — A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic-generating areas.

**MAJOR SUBDIVISION** — Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five or more lots or any size subdivision requiring any new street or extension of municipal facilities.

**MINOR STREET** — A street intended to serve primarily as an access to abutting properties.

**MINOR SUBDIVISION** — Any subdivision containing not more than four lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, Chapter 190, Zoning, or this chapter.

**OFFICIAL MAP** — The map, if any, established by the Village Board of Trustees pursuant to § 7-724 of the Village Law, showing streets, highways and parks and drainage, both existing and proposed.

**PLANNING BOARD or BOARD** — The Planning Board of the Village.

**PRELIMINARY PLAT** — A drawing or drawings, clearly marked "preliminary plat," showing the salient features of a proposed subdivision, as specified in § 165-22 of this chapter, submitted to the Planning Board for purposes of consideration prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

**SKETCH PLAN** — A sketch of a proposed subdivision showing the information specified in § 165-20 of this chapter to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of this chapter.

**STREET** — Includes streets, roads, avenues, lanes or other trafficways between right-of-way lines.

**STREET PAVEMENT** — The wearing or exposed surface of the roadway used by vehicular traffic.

**STREET WIDTH** — The width of a right-of-way, measured at right angles to the center line of the street.

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

**SUBDIVISION** — The division of any parcel of land now or hereafter into two or more lots, blocks or

sites, with or without streets or highways, and includes resubdivision.

**SUBDIVISION PLAT or FINAL PLAT** — A drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by this chapter to be presented to the Planning Board for approval and which, if approved, may be duly filed or recorded by the applicant in the office of the County Clerk or Registrar.

**VILLAGE ENGINEER** — A duly designated engineer of the Village.

**ARTICLE III**  
**Procedure in Filing Subdivision Applications**

**§ 165-5. Application required.**

Whenever any subdivision of land is proposed to be made and before any contract for the sale of or any offer to sell any lots in such subdivision or any part thereof is made and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply, in writing, for approval of such proposed subdivision in accordance with the following procedures.

**§ 165-6. Sketch plan required.**

- A. Submission of sketch plan. Any owner of land shall, prior to subdividing or resubdividing land, submit to the Secretary of the Planning Board at least 10 days prior to the regular meeting of the Board 10 copies of a sketch plan of the proposed subdivision, which shall comply with the requirements of Article V, § 165-20, for the purpose of classification and preliminary discussion.
- B. Discussion of requirements and classification.
  - (1) The subdivider or his duly authorized agent shall attend the meeting of the Planning Board to discuss the requirements of this chapter for street improvements, drainage, sewerage, water supply, fire protection and similar aspects as well as the availability of existing services and other pertinent information.
  - (2) Classification of the sketch plan as a minor or major subdivision is to be made at this time by the Planning Board. The Board may require, however, when it deems it necessary for the protection of the public health, safety and welfare, that a minor subdivision comply with all or some of the requirements of a major subdivision. As a minor subdivision, the subdivider shall then comply with, as a minimum, but not limited to, the procedures outlined in this section. As a major subdivision, the subdivider shall then comply with the procedures outlined in §§ 165-8, 165-9 and 165-10.
- C. Study of sketch plan. The Planning Board shall determine whether the sketch plan meets the purposes of this chapter and shall, where it deems necessary, make specific recommendations, in writing, to be incorporated by the applicant in the next submission to the Planning Board.
- D. SEQR process. The State Environmental Quality Review (SEQR) process should also be initiated at this time. The developer should be prepared to submit the appropriate completed SEQR form for Board review.

**§ 165-7. Approval of minor subdivision.**

- A. Application and fee. Within six months after the classification of the sketch plan as a minor subdivision, the subdivider shall apply for approval of a subdivision plan. Failure to do so shall require resubmission of the sketch plan to the Planning Board for reclassification. The plat shall conform to the sketch plan, plus any recommendations made by the Planning Board. Said application shall also conform to the requirements listed in Article V, § 165-21. All applications for plat approval for minor subdivisions shall be accompanied by the fees as set forth from time to time by the Board of Trustees by resolution.<sup>1</sup>

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1. Editor's Note: The fee schedule is on file in the Village offices.

- B. Number of copies. Five copies of the subdivision plat shall be presented to the Secretary of the Planning Board at least 10 days prior to a scheduled monthly meeting of the Planning Board.
- C. Subdivider to attend Planning Board meeting. The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the subdivision plat.
- D. When officially submitted. The time of submission of the subdivision plat shall be considered the date that the application, accompanied by the required fees and all data required by § 165-21 of this chapter, has been filed with the Secretary of the Planning Board.
- E. Action on subdivision plat.
  - (1) Coordination with the State Environmental Quality Review Act. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.
  - (2) Receipt of a complete minor subdivision plat. A minor subdivision plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for review of a minor subdivision plat shall begin upon filing of such negative declaration or such notice of completion.
  - (3) Planning Board as lead agency under the State Environmental Quality Review Act: public hearing; notice; decision.
    - (a) Public hearing on minor subdivision plats. The time within which the Planning Board shall hold a public hearing on the minor subdivision plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act, as follows:
      - [1] If the Planning Board determines that the preparation of an environmental impact statement on the minor subdivision plat is not required, the public hearing on such plat shall be held within 62 days after the receipt of a complete minor subdivision plat by the Secretary of the Planning Board; or
      - [2] If the Planning Board determines that an environmental impact statement is required and a public hearing on the draft environmental statement is held, the public hearing on the minor subdivision plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the public hearing on the minor subdivision plat shall be held within 62 days of filing the notice of completion.
    - (b) Public hearing; notice, length. The hearing on the minor subdivision plat shall be advertised at least once in a newspaper of general circulation in the Village at least five days before such hearing if no hearing is held on the draft environmental impact statement or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of the minor subdivision plat. The hearing on the minor subdivision plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

(c) Decision. The Planning Board shall approve, with or without modification, or disapprove such minor subdivision plat as follows:

- [1] If the Planning Board determines that the preparation of an environmental impact statement on the minor subdivision plat is not required, such Board shall make its decision within 62 days after the close of the public hearing; or
- [2] If the Planning Board determines that an environmental impact statement is required and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the hearing on the minor subdivision plat. Within 30 days of the filing of such final environmental impact statement, the Planning Board shall issue findings on the final environmental impact statement and make its decision on the minor subdivision plat.

(d) Grounds for decision. The grounds for modification, if any, or the grounds for disapproval shall be stated upon the record of the Planning Board. When so approving a minor subdivision plat, the Planning Board shall state, in writing, any modifications it deems necessary for final approval of the plat.

(4) Planning Board not as lead agency under the State Environmental Quality Review Act: public hearing; decision.

- (a) Public hearing on minor subdivision plats. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the minor subdivision plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning Board shall hold the public hearing on the minor subdivision plat within 62 days after the receipt of a complete minor subdivision plat by the Secretary of the Planning Board.
- (b) Public hearing; notice, length. The hearing on the minor subdivision plat shall be advertised at least once in a newspaper of general circulation in the Village at least five days before such hearing if held independently of the hearing on the draft environmental impact statement or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such minor subdivision plat. The hearing on the minor subdivision plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.
- (c) Decision. The Planning Board shall by resolution approve, with or without modification, or disapprove the minor subdivision plat as follows:
  - [1] If the preparation of an environmental impact statement on the minor subdivision plat is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing on the minor subdivision plat.
  - [2] If an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the minor subdivision plat within 62 days after the close of the public hearing on such minor subdivision plat or within 30 days of the

adoption of findings by the lead agency, whichever period is longer.

- (d) Grounds for decision. The grounds for modification, if any, or the grounds for disapproval shall be stated upon the record of the Planning Board. When so approving a minor subdivision plat, the Planning Board shall state, in writing, any modifications it deems necessary for final approval of the plat.
- (5) Certification and filing of minor subdivision plat. Within five business days from the date of the adoption of the resolution approving the minor subdivision plat, such plat shall be certified by the Secretary of the Planning Board as having been granted approval, and a copy of the plat and resolution shall be filed in the Secretary's office. A copy of the resolution shall be mailed to the owner.
- (6) Filing of decision on minor subdivision plat. Within five business days from the date of the adoption of the resolution approving the minor subdivision plat, the Chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Village Clerk.
- (7) The subdivider shall, within 62 days of receiving such approval, file the minor subdivision plat in the office of the County Clerk. Failure to so file shall result in revocation of such approval.

#### **§ 165-8. Preliminary plat for major and nonresidential subdivision.**

- A. Application and fee. Prior to the filing of an application for the approval of a major subdivision plat, the subdivider shall file an application for the consideration of a preliminary plat of the proposed subdivision in the form described in § 165-21 hereof. The preliminary plat shall, in all respects, comply with the requirements set forth in the provisions of § 7-728 of the Village Law and § 165-21 of this chapter, except where a written waiver may be authorized by the Planning Board.
  - (1) The application for approval of the preliminary plat for a major subdivision shall be accompanied by an application fee as set forth from time to time by the Board of Trustees by resolution.<sup>2</sup>
  - (2) In addition, the application shall include a signed agreement by the developer to pay the professional fees as set forth from time to time by the Board of Trustees by resolution.<sup>3</sup>
- B. Number of copies. Five copies of the preliminary plat shall be presented to the Secretary of the Planning Board at least 10 days prior to the regular monthly meeting of the Planning Board.
- C. Subdivider to attend Planning Board meeting. The subdivider or his duly authorized agent shall attend the meeting of the Planning Board to discuss the preliminary plat.
- D. Study of preliminary plat. The Planning Board shall study the practicability of the preliminary plat, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, environmental impact, the future development of adjoining lands and the requirements of the Comprehensive Plan, the Official Map and Chapter 200, Zoning.
- E. When officially submitted. The submission of the preliminary plat shall be considered the date that

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2. **Editor's Note:** The fee schedule is on file in the Village offices.

3. **Editor's Note:** The fee schedule is on file in the Village offices.

the application, accompanied by the required fees and all data required by § 165-22 of this chapter, has been filed with the Secretary of the Planning Board.

F. Action on preliminary subdivision plat.

- (1) Coordination with the State Environmental Quality Review Act. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.
- (2) Receipt of a complete preliminary plat. A preliminary plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.
- (3) Planning Board as lead agency under the State Environmental Quality Review Act: public hearing; notice; decision:
  - (a) Public hearing on preliminary plats. The time within which the Planning Board shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act, as follows:
    - [1] If the Planning Board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the public hearing on such plat shall be held within 62 days after the receipt of a complete preliminary plat by the Secretary of the Planning Board; or
    - [2] If the Planning Board determines that an environmental impact statement is required and a public hearing on the draft environmental statement is held, the public hearing on the preliminary plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the public hearing on the preliminary plat shall be held within 62 days of filing the notice of completion.
  - (b) Public hearing; notice, length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the Village at least five days before such hearings if no hearing is held on the draft environmental impact statement or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of the preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.
  - (c) Decision. The Planning Board shall approve, with or without modification, or disapprove such preliminary plat as follows:
    - [1] If the Planning Board determines that the preparation of an environmental impact statement on the preliminary plat is not required, such Board shall make its decision within 62 days after the close of the public hearing; or
    - [2] If the Planning Board determines that an environmental impact statement is required

and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the hearing on the preliminary plat. Within 30 days of the filing of such final environmental impact statements, the Planning Board shall issue findings on the final environmental impact statement and make its decision on the preliminary plat.

- (d) Grounds for decision. The grounds for modification, if any, or the grounds for disapproval shall be stated upon the record 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 plat in final form.
- (4) Planning Board not as lead agency under the State Environmental Quality Review Act: public hearing; decision.
  - (a) Public hearing on preliminary plat. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the preliminary plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning Board shall hold the public hearing on the preliminary plat within 62 days after the receipt of a complete preliminary plat by the Secretary of the Planning Board.
  - (b) Public hearing; notice, length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the Village at least five days before such hearing if held independently of the hearing on the draft environmental impact statement or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.
  - (c) Decision. The Planning Board shall by resolution approve, with or without modification, or disapprove the preliminary plat as follows:
    - [1] If the preparation of an environmental impact statement on the preliminary plat is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing on the preliminary plat.
    - [2] If an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the preliminary plat within 62 days after the close of the public hearing on such preliminary plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer.
  - (d) Grounds for decision. The grounds for modification, if any, or the grounds for disapproval shall be stated upon the record 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 plat in final form.
- (5) Certification and filing of preliminary plat. Within five business days from the date of the adoption of the resolution approving the preliminary plat, such plat shall be certified by the

Secretary of the Planning Board as having been granted preliminary approval, and a copy of the plat and resolution shall be filed in the Secretary's office. A copy of the resolution shall be mailed to the owner.

- (6) Filing of decision on preliminary plat. Within five business days from the date of the adoption of the resolution approving the preliminary plat, the Chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Village Clerk.
- (7) Revocation of approval of preliminary plat. Within six months of the approval of the preliminary plat, the owner must submit the plat in final form. If the final plat is not submitted within six months, approval of the preliminary plat may be revoked by the Planning Board.
- (8) Default approval of preliminary plat. The time periods described herein within which a Planning Board must take action on a preliminary plat are specifically intended to provide the Planning Board and the public adequate time for review and to minimize delays in the processing of subdivision applications. Such periods may be extended only by mutual consent of the owner and the Planning Board. In the event that the Planning Board fails to take action on a preliminary plat within the time prescribed therefor or within such extended period, the preliminary plat shall be deemed as having been granted approval. The certification of the Village Clerk as to the date of submission of the preliminary plat and the failure of the Planning Board to take action shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval.

#### **§ 165-9. Final plat for major and nonresidential subdivision.**

- A. Application for approval and fee. The subdivider shall, within six months after the approval of the preliminary plat, file with the Planning Board an application for approval of the subdivision plat in final form. This application shall be made on the official form available from the Secretary of the Planning Board.<sup>4</sup> All applications for plat approval for major subdivisions shall be accompanied by the appropriate fees and agreements as set forth from time to time by the Board of Trustees by resolution.<sup>5</sup> If the final plat is not submitted within six months after approval of the preliminary plat, the application will be considered withdrawn, and the Planning Board will require resubmission of the preliminary plat.
- B. Number of copies. A subdivider intending to submit a proposed subdivision plat for the approval of the Planning Board shall provide the Secretary of the Board with a copy of the application and five copies of the plat. The subdivider shall submit the original and one true copy of all offers of cession, covenants and agreements and four prints of all construction drawings at least 10 days in advance of the regular meeting of the Planning Board.
- C. When officially submitted. The submission of the subdivision plat shall be considered the date the application accompanied by the required fee and all data required by § 165-23 of this chapter has been filed with the Secretary of the Planning Board.
- D. Endorsement of state and county agencies. Water and sewer facility proposals contained in the subdivision plat shall be properly endorsed and approved by the State Department of Health and the Department of Environmental Conservation. Applications for approval of plans for sewer or water

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4. Editor's Note: Said forms are on file in the Village Clerk's office.

5. Editor's Note: The fee schedule is on file in the Village offices.

facilities will be filed by the subdivider with all necessary Village, county and state agencies. Endorsement and approval by the State Department of Health and the Department of Environmental Conservation shall be secured by the subdivider before official signing of the subdivision plat.

E. Action on final plat.

- (1) Final plats which are in substantial agreement with approved preliminary plats. When a final plat is submitted which the Planning Board deems to be in substantial agreement with a preliminary plat approved pursuant to §§ 165-7 and 165-8 above, the Planning Board shall by resolution conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of such plat within 62 days of its receipt by the Secretary of the Planning Board.
- (2) Final plats not in substantial agreement with approved preliminary plats. When a final plat is submitted which the Planning Board deems not to be in substantial agreement with the preliminary plat approved pursuant to §§ 165-7 and 165-8 above, the following shall apply:
  - (3) Planning Board as lead agency: public hearing; notice; decision.
    - (a) Public hearing on final plats. The time within which the Planning Board shall hold a public hearing on the final plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act, as follows:
      - [1] If the Planning Board determines that the preparation of an environmental impact statement is not required, the public hearing on a final plat not in substantial agreement with a preliminary plat shall be held within 62 days after the receipt of a complete final plat by the Secretary of the Planning Board; or
      - [2] If the Planning Board determines that an environmental impact statement is required and a public hearing on the draft environmental statement is held, the public hearing on the final plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the public hearing on the final plat shall be held within 62 days of filing the notice of completion.
    - (b) Public hearing; notice, length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Village at least five days before such hearing if no hearing is held on the draft environmental impact statement or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of the final plat. The hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.
    - (c) Decision. The Planning Board shall make its decision on the final plat as follows:
      - [1] If the Planning Board determines that the preparation of an environmental impact statement on the final plat is not required, the Planning Board shall by resolution conditionally approve, with or without modification, disapprove or grant final approval and authorize signing of such plat within 62 days after the date of the public hearing; or

- [2] If the Planning Board determines that an environmental impact statement is required and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the hearing on the final plat. Within 30 days of the filing of the final environmental impact statement, the Planning Board shall issue findings on the final environmental impact statement and by resolution conditionally approve, with or without modification, disapprove or grant final approval and authorize signing of such plat.
- (d) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the record of the Planning Board.

(4) Planning Board not as lead agency: public hearing; decision.

- (a) Public hearing. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the final plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning Board shall hold the public hearing on the final plat within 62 days after the receipt of a complete final plat by the Secretary of the Planning Board.
- (b) Public hearing; notice, length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Village at least five days before such hearing if held independently of the hearing on the draft environmental impact statement or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.
- (c) Decision. The Planning Board shall by resolution conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of such plat as follows:
  - [1] If the preparation of an environmental impact statement is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing on the final plat.
  - [2] If an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the final plat within 62 days after the close of the public hearing on such final plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.

(5) Approval and certification of final plats.

- (a) Certification of plat. Within five business days from the date of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the Secretary of the Planning Board as having been granted conditional or final approval, and a copy of the plat and resolution shall be filed in the Secretary's office. A

copy of the resolution shall be mailed to the owner. In the case of a conditionally approved plat, such resolution shall include a statement of the requirements which, when completed, will authorize the signing thereof. Upon completion of such requirements, the plat shall be signed by the Chairman of the Planning Board, and a copy of such signed plat shall be filed in the office of the Village Clerk.

- (b) Approval of plat in sections. In granting conditional or final approval of a plat in final form, the Planning Board may permit the plat to be subdivided and developed in two or more sections and may in its resolution granting conditional or final approval state such requirements as it deems necessary to ensure that the orderly development of the plat be completed before said sections may be signed by the Chairman of the Planning Board. Conditional or final approval of the sections of a final plat may be granted concurrently with conditional or final approval of the entire plat, subject to any requirements imposed by the Planning Board.
- (c) Duration of conditional approval of final plat. Conditional approval of the final plat shall expire within 180 days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The Planning Board may extend, by not more than two additional periods of 90 days each, the time in which a conditionally approved plat must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by the particular circumstances.
- (d) Default approval of final plat. The time periods described herein within which a Planning Board must take action on a final plat are specifically intended to provide the Planning Board and the public adequate time for review and to minimize delays in the processing of subdivision applications. Such periods may be extended only by mutual consent of the owner and the Planning Board. In the event that the Planning Board fails to take action on a final plat within the time prescribed therefor or within such extended period, the final plat shall be deemed as having been granted final approval. The certificate of the Village Clerk as to the date of submission of the final plat and the failure of the Planning Board to take action shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval.

F. Work may not start. No improvements shall be made to the parcel prior to the final approval of the plat by the Planning Board. Exceptions may be granted by the Planning Board to satisfy conditions as set forth in a conditional approval.

G. Sunset provision. If any approved major subdivision is not completed within three years of the date of final approval by the Planning Board, approval for the project or any uncompleted portions or sections of the project shall expire, and any further development of the project will require application and approval under the subdivision regulations then in effect. An extension of up to two years may be granted by the Planning Board when accompanied by appropriate security as determined by the Planning Board.

H. Security required. Before the Planning Board grants final approval of the subdivision plat, the subdivider shall follow the procedure set forth below:

- (1) In an amount set by the Planning Board, the subdivider shall file with the Village Clerk a certified check to cover the full cost of the required improvements, a performance bond to cover the full cost of the required improvements or an irrevocable letter of credit to cover the full cost of the required improvements.

- (2) Any such bond or letter of credit shall comply with the requirements of § 7-724 of the Village Law and shall be satisfactory to the Village Attorney and the Village Engineer as to form, sufficiency, manner of execution and surety.
- (3) A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond or letter of credit within which required improvements must be completed.
- (4) At the request of the subdivider, at six-month intervals, the project may be reviewed by the Planning Board and the Village Engineer. Security may be reduced by up to 80% of the value of the satisfactorily completed improvement as determined by the Village Engineer.
- (5) The form of the bond or letter of credit must be structured to preclude release without written consent of the Planning Board.

**§ 165-10. Required improvements.**

- A. Modification of design improvements. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Village Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Village Engineer may, upon approval of the Chairman of the Planning Board, authorize modifications. These modifications must be within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvement required by the Board. The Village Engineer shall issue any authorization under this section, in writing, and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.
- B. Inspection of improvements. At least five days prior to commencing construction of required improvements, the subdivider shall notify the Village Engineer, in writing, of his proposed date to start construction. The Village Engineer shall cause inspection to be made to assure that all specifications and requirements shall be met during the construction of the required improvements and to assure the satisfactory completion of improvements and utilities required by the Planning Board. The Village Engineer has the authority to issue stop-work orders when in his sole discretion he deems it necessary.
- C. Proper installation of improvements. The Village Engineer shall inspect the improvements performed 30 days before the expiration date of the performance bond. If any of the required improvements have not been constructed in accordance with plans and specifications, he shall so report to the Village Board, Code Enforcement Officer and Planning Board, and he shall direct the subdivider to correct the work to conform with the plans and specifications. If necessary, the Village Board shall take steps to preserve the Village's rights under the bond. **[Amended 12-19-2006 by L.L. No. 1-2006]**

**§ 165-11. Filing of approved subdivision plat.**

- A. Approval for filing and final approval. The subdivider shall, within 62 days of receiving final approval by the Planning Board, file the plat with the office of the County Clerk.
- B. Plat void if revised after approval. No changes, erasures, modifications or revisions shall be made in any subdivision plat after final approval has been given by the Planning Board and endorsed, in writing, on the plat. In the event that any such subdivision plat is recorded without complying with this requirement, the Planning Board shall disapprove the plat and institute proceedings to have the plat stricken from the records of the County Clerk.

C. Failure to file. Failure by the subdivider to meet conditions in Subsection A above shall result in disapproval of the plat.

**§ 165-12. Public streets; recreation areas.**

- A. Public acceptance of streets. The approval by the Planning Board of a subdivision 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 subdivision plat.
- B. Ownership and maintenance of recreation areas. When a park, playground or other recreation area shall have been shown on a plat, the approval of said plat shall not constitute an acceptance by the Village of such area. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Village Board covering future deed and title, dedication and provision for the cost of grading, development, equipment and maintenance of any such recreation area.

**ARTICLE IV**  
**Design Standards**

**§ 165-13. General provisions.**

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. Said standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article VI herein.

- A. Character of land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- B. Conformity to Official Map and Comprehensive Plan. Subdivisions shall conform to the Official Map of the Village and shall be in harmony with the Comprehensive Plan.
- C. Specifications for required improvements. All required improvements shall be constructed or installed to conform to the Village specifications listed herein and any other applicable Village specifications.

**§ 165-14. Street layout.**

- A. Width, location and construction. Streets shall be of sufficient width, suitably located and adequately constructed to conform with the Comprehensive Plan and to accommodate the prospective traffic and afford access for fire fighting, snow removal and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.
- B. Arrangement.
  - (1) The arrangement of streets in the subdivision shall provide for the continuation of principal streets of any adjoining subdivision and for proper protection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services, such as sewers, water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.
  - (2) Subdivisions containing 20 lots or more shall have at least two street connections with existing public streets or streets shown on the Official Map or streets on an approved subdivision plat for which a bond has been filed.
- C. Minor streets. Minor streets shall be so laid out that their use by through traffic will be discouraged.
- D. Special treatment along arterial streets. When a subdivision abuts or contains an existing or proposed arterial street, the Board may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- E. Provision for future resubdivision. 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 Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in this chapter.

- F. Dead-end streets. The creation of cul-de-sac or loop residential streets will be encouraged wherever the Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of such streets, where needed or desirable, the Board may require the reservation of a twenty-foot-wide easement to provide for the continuation of pedestrian traffic and utilities to the next street.
- G. Block size. Blocks generally shall not be less than 600 feet nor more than 1,200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a twenty-foot-wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four-foot-wide paved footpath be included.
- H. Intersections with collector, major or arterial streets or roads. Minor or secondary street openings into such roads shall, in general, be at least 500 feet apart.
- I. Street jogs. Street jogs with center-line offsets of less than 125 feet shall be avoided.
- J. Angle of intersection. In general, all streets shall join each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it joins.
- K. Relation to topography. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.
- L. Other required streets. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to 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.

#### **§ 165-15. Street design.**

- A. Widths of rights-of-way and street pavements. Streets and pavements shall have the following widths. The classification of streets shall be determined by the Board.

<b>Type of Street</b>	<b>Minimum Right-of-Way</b>		<b>Minimum Pavement (feet)</b>
	<b>Way (feet)</b>	<b>Minimum Pavement (feet)</b>	
Major	66	40	
Collector	60	30	
Local	60	22	
			(28 with parking on one side)

- B. Required street improvements. Not later than 90 days after the granting of final approval, the subdivider shall have installed or shall have furnished adequate bond or other security for the installation within a specified time of the required improvements listed and described in this section. All of the required improvements shall be made by the subdivider in full compliance with the

specifications for each of the various units of work, as required by Village, county or state authorities, according to the nature of the improvements.

- (1) Subgrade. All topsoil, muck, quicksand, spongy material and other objectionable material shall be removed from an area on each side of the center line sufficient to provide the required base course for the pavement and shoulder width called for. After it has been properly shaped to the approved profile, the subgrade should be rolled and compacted. Drainage ditches at least 18 inches below the crown of the finished pavement shall be provided on each side of the road. Fills shall be made with material approved by the Village Engineer and shall be placed in layers not over six inches thick, and each layer shall be properly rolled and compacted. No gravel or stone for the base course is to be placed on the subgrade until the subgrade is approved by the Village Engineer.
- (2) Base course. The thickness and method of constructing the base course may vary, depending upon the amount of traffic anticipated, the type of material used and the condition of the subgrade. A base course consisting of not less than 12 inches of compacted stone or gravel approved by the Village Engineer shall be installed. All materials and construction procedures shall be subject to the approval of the Village Engineer and shall comply with current construction and material specifications of the New York State Department of Transportation.
- (3) Final course. The final course of the street pavement shall be as specified by the Village Board.

C. Street drainage.

- (1) Street and road culverts, headwalls or other appurtenances shall be installed by the developer where necessary. Where there is no natural stream or watercourse for the drainage of surface water from the proposed street or road, the developer shall secure rights-of-way and construct ditches or install stormwater drains to a natural waterway or as the Village Engineer directs. All street storm and sanitary sewers shall be constructed according to the grades on the plat submitted at the public hearing. Any changes in grade shall require the approval of the Village Board.
- (2) Driveway culverts shall be not less than 12 inches in diameter and 20 feet in length and shall be of corrugated metal or reinforced concrete. Installation is to be approved by the Village Engineer.

D. Utilities in streets. Waterlines and sewer lines shall be placed in the street right-of-way between the street pavement and the street right-of-way line wherever possible to simplify location and repair of lines when they require attention. Electrical and telephone service, gas mains and other utility installations shall be arranged for by the developer within each subdivision. Consideration shall be given to placing these utilities underground where warranted to increase safety, enhance aesthetic values, improve practicality on curving streets and to reduce maintenance costs and utility failures due to accidents and storm damage.

E. Utility easements. Where topography is such as to make impractical the inclusion of utilities within the street rights-of-way, perpetual unobstructed easements at least 20 feet in width shall be provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

F. Grades.

- (1) Grades of all streets shall conform in general to the terrain and shall be not less than 1/2% nor more than 6% for major streets, 8% for collector streets or 10% for minor streets in residential areas, but in no case more than 3% within 50 feet of any intersection.
- (2) All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Village Engineer so that clear visibility shall be provided for a safe distance.
- (3) A combination of steep grades and curves shall be avoided.

G. Curves and visibility at intersections.

- (1) All street right-of-way lines at intersections shall be rounded by curves of at least twenty-foot radius, and curbs shall be adjusted accordingly.
- (2) In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new street with an existing street) which is within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at 30 feet distant from the point of intersection shall be cleared of all growth (except isolated trees) and obstructions more than three feet higher than the center line of the street. If directed, the ground shall be excavated to achieve visibility.

H. Culs-de-sac. Where cul-de-sac streets are designed to be so permanently, they should in general not exceed 500 feet in length and shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and a pavement radius of 50 feet. At the end of temporary dead-end streets, a temporary turnaround with a pavement radius of 50 feet shall be provided, unless the Planning Board approves an alternate arrangement.

I. Watercourses.

- (1) Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Village Engineer.
- (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 as required by the Village Engineer.

J. Curve radii. 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 street shall not be less than 400 feet on major streets, 200 feet on collector streets and 100 feet on minor streets.

K. Reserve strips prohibited. Reserve strips of land to be used to control access from the proposed subdivision to any neighboring property or to any land within the subdivision itself shall be prohibited.

L. Free flow of vehicular traffic abutting commercial developments. In front of areas zoned and designed for commercial use or where a change of zoning to a zone which permits commercial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles and to provide adequate and safe parking space for such commercial or business district.

**§ 165-16. Street names.**

All street names shown on a preliminary plat or subdivision plat shall be approved by the Planning Board. In general, streets shall have names and not numbers or letters. Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street should change direction by more than 90° without a change in the street name.

**§ 165-17. Lots.**

- A. Lot size. All lots shall have area and width equal to minimum requirements of Chapter 200, Zoning, and County and State Department of Health regulations applying to the district in which they are located.
- B. Side lines. Side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a variance from this rule will give a better street or lot plan.
- C. Corner lots. In general, corner lots should be larger than interior lots to provide a desirable building site with proper building setback from each street.
- D. Driveway access. Driveway grades between the street and the setback line shall not exceed 7%.
- E. Access from private streets. Lots on private streets shall be deemed acceptable only if such streets are designed and improved in accordance with this chapter.
- F. Monuments and lot corner markers. Permanent monuments meeting specifications approved by the Village Engineer as to size, type and installation shall be set at such block corners, angle points, points of curves in streets and other points as the Village Engineer may require, and their location shall be shown on the subdivision plat.

**§ 165-18. Drainage improvements.**

Adequate storm drainage systems shall be required in all new subdivisions. The drainage system shall be designed by a person licensed to perform such work.

- A. Removal of springwater and surface water. Any springwater or surface water that may exist either previous to or as a result of the subdivision shall be carried away by pipe or open ditch. Such drainage facilities shall be located in the street right-of-way where feasible or in perpetual unobstructed easements of appropriate width.
- B. Drainage structure to accommodate potential development upstream. 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 of the subdivision. The Village Engineer shall approve the design and size of the facility based on anticipated runoff from a ten-year storm under conditions of total potential development permitted by Chapter 200, Zoning, in the watershed. The cost of a culvert or other drainage facility in excess of that required for the particular subdivision may be deemed to be the responsibility of the Village or may be prorated among the upstream property owners.
- C. Responsibility from drainage downstream. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; and this study shall be reviewed by the Village Engineer. When 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 Board shall notify the Village Board of such potential

condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.

- D. Land subject to flooding. Land subject to flooding or land deemed by the Planning Board 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 Board to remedy said hazardous conditions.
- E. All subdividers shall present an individual lot drainage plan for each lot in their proposed subdivision. Such plan shall be used in the grading of lots before a certificate of occupancy is granted, as required by Chapter 200, Zoning. No roof leaders or footing drains which carry stormwater will be permitted to use a sanitary sewer nor a so-called dry well in an area where the dominant soil is hardpan, but shall be adequately disposed of upon the ground surface.

### **§ 165-19. Parks, open spaces and natural features.**

- A. Recreation areas.
  - (1) The Planning Board shall require that the plat show sites of a character, extent and location suitable for the development of a park, playground or other recreation purpose in the vicinity of the subdivision. Where a proposed park, playground or open space shown on the Village Plan is located in whole or in part in the subdivision, the Board shall require that such area or areas be shown on the plat in accordance with the requirements specified above. Such area or areas may be dedicated to the Village by the subdivider if the Village Board approves such dedication.
  - (2) In the event that an area suitable for a park or playground is located in the subdivision, the subdivider shall submit to the Board, prior to final approval, three prints (one on Mylar) drawn in ink, showing, at a scale of not less than 30 feet to the inch, such area and the following features thereof: **[Amended 12-19-2006 by L.L. No. 1-2006]**
    - (a) The boundaries of said area.
    - (b) Existing features such as brooks, ponds, clusters of trees, rock outcrops and structures.
    - (c) Existing and, if applicable, proposed changes in grade contours of said area and of the area immediately adjacent.
- B. Waiver of plat designation of area for parks and playgrounds.
  - (1) In cases where the Planning Board finds that, due to the size, topography or location of the subdivision, land for a park, playground or other recreation purpose cannot be properly located therein or if, in the opinion of the Board, it is not desirable, the Board may waive the requirement that the plat show land for such purposes. The Board may then require, as a condition to approval of the plat, that a payment to the Village of \$500 per gross acre of land which otherwise would have been acceptable for recreation purposes (up to 10% of the total area) be applied to the purchase and/or improvement of a suitable adjacent site.
  - (2) Such amount shall be paid to the Village Board at the time of final plat approval, and no plat shall be signed by the authorized officer of the Planning Board until such payment is made. All such payments shall be held by the Village Board in a special Village Recreation Site Acquisition and Improvement Fund to be used for the acquisition of land that is suitable for permanent park, playground or other recreational purposes and is so located that it will serve

primarily the general neighborhood in which the land covered by the plat lies and shall be used only for park, playground or other recreational land acquisition or improvements. Such money may also be used for the physical improvement of existing parks or recreation areas serving the general neighborhood in which the land shown on the plat is situated, provided that the Planning Board finds there is a need for such improvements.

C. Preservation of natural features. The Planning Board 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 eight inches 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 subdivision plat or individual house sites and driveways. Removal of additional trees shall be subject to the approval of the Planning Board.

**ARTICLE V**  
**Documents To Be Submitted**

**§ 165-20. Sketch plan.**

The sketch plan initially submitted to the Planning Board shall be based on Tax Map information or some other similarly accurate base map at a scale (preferably not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet. The sketch plan shall show the following information:

- A. The location of that portion which is to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection.
- B. All roads, structures, wooded areas, streams, utilities and other physical features within the portion to be subdivided and within 100 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet.
- C. The name of the owner and all adjoining property owners as disclosed by the most recent municipal tax records.
- D. The Tax Map sheet, block and lot numbers, if any.
- E. The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage and water supply (see §§ 165-21 and 165-22 below) within the subdivided area.
- F. All existing restrictions on the use of land, including easements, covenants or zoning lines.

**§ 165-21. Minor subdivision plat.**

In the case of minor subdivision only, the subdivision plat application shall include the following information:

- A. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- B. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments, as approved by the Village Engineer, and shall be referenced and shown on the plat.
- C. All on-site sanitation and water supply facilities to be designed to meet the minimum specifications of the State Department of Health, and a note to this effect shall be stated on the plat and signed by a licensed engineer.
- D. The proposed subdivision name, the name of the village and county in which it is located.
- E. The date, North point, map scale, the name and address of the record owner and subdivider.
- F. The plat to be filed with the County Clerk to be printed upon Mylar or other acceptable material. The size of the sheet shall conform with Village standards. **[Amended 12-19-2006 by L.L. No. 1-2006]**

**§ 165-22. Major subdivision preliminary plat and accompanying data.**

The following documents shall be submitted for conditional approval of major subdivisions:

- A. Five copies of the preliminary plat prepared at a scale of not more than 100 but preferably not less

than 50 feet to the inch showing:

- (1) The proposed subdivision name, the name of the village and county in which it is located, the date, true North point, scale, the name and address of the record owner, subdivider and engineer or surveyor, including the license number and seal.
- (2) The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent unsubdivided property.
- (3) The zoning district, including exact boundary lines of the district, if more than one district, and any proposed changes in the zoning district lines and/or zoning text applicable to the area to be subdivided.
- (4) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- (5) The location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas, single trees with a diameter of eight inches or more as measured three feet above the base of the trunk and other significant existing features for the proposed subdivision and adjacent property.
- (6) The location of existing sewers, water mains, culverts and drains on and adjacent to the property, with pipe sizes, grades and direction of flow.
- (7) Contours with intervals of five feet or less as required by the Board, including elevations on existing roads, and the approximate grading plan if natural contours are to be changed more than two feet.
- (8) The width and location of any streets or public ways or places shown on the Official Map or the Comprehensive Plan within the area to be subdivided and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
- (9) The approximate location and size of all proposed waterlines, valves, hydrants and sewer lines and fire alarm boxes; connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law; profiles of all proposed waterlines and sewer lines.
- (10) Storm drainage plan indicating the approximate location and size of proposed lines and their profiles; connection to existing lines or alternate means of disposal.
- (11) Plans and cross sections showing the proposed location and type of sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains and the size and type thereof; the character, width and depth of pavements and subbase; the location of manholes, basins and underground conduits.
- (12) Preliminary designs of any bridges or culverts which may be required.
- (13) The proposed lot lines with approximate dimensions and area of each lot.
- (14) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width and which shall provide satisfactory access to a public highway or public open space shown on the subdivision or the Official Map.

(15) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The tract corners shall also be located on the ground and marked by substantial monuments of such size and type as are approved by the Village Engineer and shall be referenced and shown on the plat.

B. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 feet to the inch showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract, and the probable future drainage layout of the entire tract shall be submitted. The part of the subdivider's entire holding submitted shall be considered in the light of the entire holdings.

C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

**§ 165-23. Major subdivision final plat and accompanying data.**

The following documents shall be submitted for plat approval for major subdivisions:

A. The plat to be filed with the County Clerk shall be printed upon Mylar or other acceptable material. The size of the sheets shall conform with Village standards. The plat shall be drawn at a scale of no more than 100 feet to the inch and oriented with the North point at the top of the map. When more than one sheet is required, a key map or an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible. The plat shall show: **[Amended 12-19-2006 by L.L. No. 1-2006]**

(1) The proposed subdivision name or identifying title and the name of the village and county in which the subdivision is located, the name and address of the record owner and subdivider and the name, license number and seal of the licensed land surveyor.

(2) Street lines, pedestrianways, lots, reservations, easements and areas to be dedicated to public use.

(3) Sufficient data acceptable to the Village Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the state system of plane coordinates and in any event should be tied to reference points previously established by a public authority.

(4) The length and bearing of all straight lines, radii, length of curves and central angles of all curves 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 inches. The plat shall show the boundaries of the property, location, graphic scale and true North point.

(5) The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plat copies of agreements or other documents showing the manner in which such areas are to be used and maintained and the provisions made therefor.

(6) 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.

(7) Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in

accordance with the prevailing Village practice.

- (8) Permanent reference monuments shall be shown and shall be constructed in accordance with specifications of the Village Engineer. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Village Engineer and their location noted and referenced upon the plat.
- (9) All lot corner markers shall be at least 3/4 inches (if metal) in diameter and at least 24 inches in length and permanently located in the ground to existing grade in a manner satisfactory to the Village Engineer.
- (10) 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.

B. Construction drawings, including plans, profiles and typical cross sections, as required, showing the proposed location, size and type of streets, sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and subbase, manholes, catch basins and other facilities.

**ARTICLE VI**  
**Variances and Waivers**

**§ 165-24. Variances.**

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with this chapter, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan or Chapter 200, Zoning.

**§ 165-25. Waiver of requirements.**

Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions, except that it shall not waive any requirement of the State Health Department or other duly authorized agency.

**§ 165-26. Conditions and additional requirements.**

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