

CHAPTER 31

SUBDIVISION REGULATIONS

ARTICLE I

POLICY AND TITLE

§31.1 **Declaration of policy**

By the authority of the resolution of the Village Board of the Village of Avon, pursuant to the provisions of the Village Law, the Planning Board of the Village of Avon is authorized and empowered 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 Avon. It is declared to be the policy of the Village of Avon 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 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; that 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 street 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.

§31.2 **Title**

In order that land subdivision may be made in accordance with this policy, this chapter shall be known as, and may be cited as, the "Village of Avon Land Subdivision Regulations."

ARTICLE II

DEFINITIONS

§31.21 **Definitions**

When used in this chapter, unless otherwise expressly stated or unless the context or subject matter otherwise requires:

1. "Cul-de-sac" shall mean a short street having but one (1) end open to traffic and the other end being permanently terminated by a vehicular turnaround.

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2. "Development plan, comprehensive plan, Village plan or master plan" shall mean a composite of the mapped and written proposals recommending the physical development of the Village prepared by the Planning Board pursuant to the Village Law which indicates the general locations recommended for various public works and reservations and for the general physical development of the Village and includes any part of such plan separately adopted and any amendment to such plan or plans thereof.

3. "Drainage right-of-way" shall mean the lands required for the installation of storm water sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

4. "Easement" shall mean the lands created through authorization by a property owner for the use by another and for a specified purpose of any designated part of his property.

5. "Engineer" shall mean the duly designated engineer of the Village of Avon.

6. "Lot" shall mean a piece, parcel or plot of land intended as a unit for transfer of ownership or for development.

7. "Official map" shall mean the map established by the Village Board under the Village Law showing the streets, highways and parks heretofore laid out, adopted, and established by law and any amendments thereto adopted by the Village Board or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

8. "Official submission date" shall mean the date when a subdivision plat shall be considered submitted to the Planning Board and is hereby defined to be the date of a meeting of the Planning Board at which all required surveys, plans and data described in Article VI are submitted.

9. "Performance bond or guarantee" shall mean any security which may be accepted in lieu of a requirement that certain improvements be made before the Planning Board approves a plat, including performance bonds, escrow agreements and other similar collateral or surety agreements.

10. "Planning board" shall mean the Village of Avon Planning Board as established pursuant to the provisions of the Village Law.

11. "Preliminary plat" shall mean the preliminary drawing or drawings indicating the proposed manner of layout of the subdivision to be submitted to the Planning Board for its consideration and meeting the requirements of Article VI.

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12. "Resubdivision" shall mean revision of all or part of an existing filed plat including consolidation of lots.

13. "Street" shall mean any street, avenue, boulevard, road, lane, parkway, alley or other way which is an existing State, County, or Town roadway or way shown upon a plat theretofore approved pursuant to law or approved by official action or a street or way on a plat duly filed and recorded in the Office of the County Clerk of Livingston County prior to the appointment of a Planning Board and the grant to such Board of the power to review plats and includes the land between the street lines whether improved or unimproved and may comprise pavement, shoulders, gutters, sidewalks, parking area and other areas within the street lines. For the purpose of this chapter, streets shall be classified as follows:

a. Arterial streets are those which do or are intended to carry heavy traffic.

b. Collector streets are those which carry traffic from minor streets to the major system of arterial streets.

c. Minor streets or local residential streets are those which are used primarily for access to the abutting properties.

d. Marginal service streets are streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

e. Alleys are minor ways which are used primarily for vehicular service to the back or the side of properties otherwise abutting on a street.

14. "Street pavement" shall mean the wearing or exposed surface of the roadway used by vehicular traffic.
15. "Street width" shall mean the distance between property lines or right-of-way lines.
16. "Subdivider" shall mean any person, firm, corporation, partnership or association who shall lay out, for the purpose of sale or development, any subdivision or part thereof as defined herein, either for himself or others.
17. "Subdivision" shall mean the division of any parcel of land into two (2) or more lots, plots, sites or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development and shall include resubdivision provided, however, that the public acquisition by purchase of strips of land for the widening or opening of streets shall not be included within this definition nor subject to these regulations.

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- a. A major subdivision is any subdivision not classified as a minor subdivision including, but not limited to, subdivisions of five (5) or more lots or any size subdivision requiring any new street or extension of municipal facilities.
- b. A minor subdivision is any subdivision containing not more than four (4) 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, or zoning ordinance (being Chapter 30 of this Code) or these regulations.
18. "Subdivision plat or final plat" shall mean a drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations 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 Livingston County Clerk.
19. "Zoning ordinance" shall mean the officially adopted zoning ordinance of the Village of Avon together with any and all amendments thereto (being Chapter 30 of this Code).

ARTICLE III

PROCEDURE FOR FILING SUBDIVISION APPLICATIONS

§31.30 **Approval required before subdividing**

Whenever any subdivision of land is proposed, before any contract for the sale of any part thereof and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the procedures set forth in this article.

§31.31 **Preliminary plat submission**

- A. Discussion of requirements and classification.

Before preparing the preliminary plat, the applicant shall discuss with the Planning Board, or its representative, the requirements of land, street improvements, drainage, sewerage, water, fire protection, and similar aspects as well as the availability of existing services.

Classification of the proposed preliminary plat is to be made at this time by the Planning Board as to whether it is a minor or major subdivision as defined in these regulations. The Planning Board may require, however, when it deems it necessary for protection of the public health, safety, and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions in these regulations.

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B. Application procedure.

Prior to filing an application for the approval of a subdivision plat, the applicant shall file an application for the approval of a preliminary plat. The application shall:

1. Be made on forms available at the office of the Village Clerk.
2. Include all land which the applicant proposes to subdivide as well as all lands owned by the applicant adjacent to the area proposed for subdivision.
3. Be accompanied by three (3) copies of the preliminary plat, as described in Article VI, §31.61 of these regulations.
4. Comply in all respects with Article IV of these regulations and with the provisions of the Village Law, except where a modification may be specifically authorized by the Planning Board.
5. Be accompanied by a fee of Fifty Dollars (\$50.00) plus Ten Dollars (\$10.00) for each lot within the subdivision proposed for approval at least two (2) weeks before the next regularly scheduled Planning Board meeting. If the applicant subsequently elects not to file an application for approval of a subdivision plat, one-half (1/2) the fee shall be returned.

C. Study of preliminary plat.

The Planning Board will carefully 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 will be given to the arrangement, location and width of streets, their relation to the topography of the land, sewerage disposal, drainage, lot sizes and arrangement, the future development of adjoining land and the requirements of the comprehensive plan and the official map as they may be adopted.

D. Applicant to attend Planning Board meeting.

The applicant should be prepared to attend the next regular meeting of the Planning Board and any subsequent meetings deemed necessary by the Chairman of the Planning Board to discuss the preliminary plat.

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E. Required changes for conditional approval.

Within forty-five (45) days after the time of submission of a preliminary plat, the Planning Board shall take action to conditionally approve, with or without modifications, or disapprove such preliminary plat and the ground of any modification required or the ground for disapproval shall be stated upon the records of such Planning Board. Failure of the Planning Board to act within such forty-five (45) day period shall constitute a "conditional approval" of the preliminary plat.

§31.32 **Subdivision plat**

A. Application procedure.

Within six (6) months of the conditional approval of the preliminary plat, the applicant shall file with the Planning Board an application for approval of a subdivision plat. The application shall:

1. Be made on forms provided by the Planning Board at the time of conditional approval of the preliminary plat.
2. Include the entire subdivision.
3. Be accompanied, for a minor subdivision, by three (3) copies of the subdivision plat and conform to Article VI, §31.62 of these regulations.
4. Be accompanied, for a major subdivision, by three (3) copies of the subdivision plat and the construction detail sheets as described in Article VI, §31.63 of these regulations.
5. Comply in all respects with the preliminary plat as conditionally approved.
6. Be presented to the Chairman of the Planning Board at least two (2) weeks prior to a regular meeting of the Planning Board in order that a public hearing may be scheduled and the required notice given.

B. Official submittal date.

The subdivision plat shall be considered officially submitted only at the regular meeting of the Planning Board following completion of the application procedure outlined above.

C. Endorsement of State Health Department.

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The proposed subdivision plat shall be properly endorsed by the State Health Department as meeting the standards of the State Sanitary Code, Public Health Law or other applicable health codes, before any public hearing is scheduled. The plat should be in final form before State Health Department approval.

D. County official map notification.

The Planning Board shall also notify the Livingston County Planning Board and the County Superintendent of Highways if the subdivision plat proposes structures or new streets having frontage on, access to or is otherwise directly related to any County road, existing or proposed, as shown on the County official map. The County Planning Board shall report to the Planning Board within thirty (30) days on its approval or disapproval or on its approval subject to stated conditions of the proposed subdivision plat. The plat may be approved by the Village Planning Board subject to stated conditions, notwithstanding such report, when the application of such report will act to deprive the owner of the reasonable use of his land.

E. Public hearing.

Before the Planning Board acts on any subdivision plat, it shall hold a public hearing thereon with thirty (30) days after the time of official submittal date in accordance with the Village Law. If any zoning changes are to be requested at the time of approval of the subdivision plat, a public hearing thereon must be held in accordance with the Village Law. The two (2) public hearings may be held at the same time.

F. Action on proposed subdivision plat.

After careful study, the Planning Board shall within forty-five (45) days from the public hearing on the subdivision plat, approve, modify, or disapprove such plat. The grounds for disapproval of any plat shall be stated on the records of the Planning Board. A subdivision plat shall not be signed by the authorized officers of the Planning Board until the applicant has met all the conditions of the action granting approval of such plat.

G. Plat void if revised after approval.

No changes, erasures, modifications or revisions shall be made in any subdivision plat after approval has been given by the Board and endorsed, in writing, on the plat. In the event that any subdivision plat, when recorded, contains any such changes, the plat shall be considered null and void, and the Planning Board shall institute proceedings to have said plat stricken from the records of the County Clerk.

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H. Signing of plat.

Every subdivision plat submitted to the Planning Board for its approval shall carry the following endorsement:

"Approved by resolution of the Planning Board of the Village of Avon, New York, on the ___ day of _____, 19___, subject to all requirements and conditions of said resolution. Any change, erasure, modification or revision of this plat, as approved, shall void this plat, as approved, and shall void this approval. Signed this ___ day of _____, 19___, by

Chairman

Secretary

In the absence of the Chairman or Secretary, the Acting Chairman or Acting Secretary, respectively, may sign in his place. If there is a County official map, such endorsement shall stipulate that the plat does not conflict with the County official map or, in cases where the plat does front on, or have access to, or is otherwise related to roads or drainage systems shown on the County map, that such plat has been approved by the County Planning Board in the manner specified by §239-k of the General Municipal Law.

§31.33 **Required improvements and agreements**

A. Improvements and performance bond.

Prior to an action by the Planning Board approving a subdivision plat, the applicant shall be required to complete, in accordance with the Planning Board's decision and to the satisfaction of the appropriate Village Department, all the street, sanitary, and other improvements specified in the action approving said plat or, as an alternative, to file with the Village Board a performance bond in an amount estimated by the Planning Board to secure to the Village the satisfactory construction and installation of the uncompleted portion of the required improvements. A period of one (1) year, or such other period as the Planning Board may determine appropriate, within which required improvements must be completed, shall be specified by the Planning Board and expressed in the bond. Such performance bond shall comply with the requirements of the Village Law and shall be satisfactory to the Village Attorney as to form, sufficiency and manner of execution. The bond shall be retained for a period of one (1) year after the date of completion of the required improvements to assure their satisfactory condition. All required improvements shall be made by the applicant at this expense without reimbursement by the Village. Said

improvements shall include the following:

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1. Streets and street lighting facilities.
 2. Street signs.
 3. Curbs and gutters.
 4. Grass curb strips.
 5. Sidewalks.
 6. Street shade trees.
 7. Monuments.
 8. Storm water runoff system.
 9. Sanitary sewage collection system.
 10. Water supply system.
 11. Park and recreation facilities.
 12. Electrical, telephone and utility lines.
 13. Plantings and ground cover.
- B. Inspection of improvements.

The Zoning Enforcement Officer shall act as agent to the Planning Board for the purpose of assuring the satisfactory completion of improvements required by the Planning Board and shall determine an amount sufficient to defray costs of inspection. The applicant shall pay the Village costs of inspection before the subdivision plat is signed for filing. If the Planning Board or the Zoning Enforcement Officer finds, upon inspection, that any of the required improvements have not been constructed in accordance with Planning Board recommendations or the approved construction detail sheet, the applicant and the bonding company will be severally and jointly liable for the costs of completing said improvements according to specifications.

- C. Offers of cession and release.

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The plat shall be endorsed with the necessary agreements in connection with required easements or releases. Offers of dedication to the Village shall be presented prior to plat approval.

Formal offers of dedication to the Village of all streets and parks, not marked on the plat with notation to the effect that such dedication will not be offered, shall be filed with the Planning Board prior to plat approval. If

the owner of the land or his agent who files the plat does not add as part of the plat a notation to the effect that no offer of dedication of such streets, highways or parks or any of them is made to the public, the filing of the plat in the office of the County Clerk or register shall constitute a continuing offer of dedication of the streets, highways or parks or any of them to the public and said offer of dedication may be accepted by the Village Board at any time prior to revocation of said offer by the owner of the land or his agent.

Before final approval of the subdivision plat, the Planning Board will require a certificate of approval from the Village Attorney as to the legal sufficiency of the offers of cession by the subdivider of the areas for public use such as parks, streets, playgrounds and other areas.

§31.34 **Filing of approved subdivision plat**

Upon completion of all requirements set forth in the action approving the subdivision plat and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Planning Board and may be filed by the applicant in the office of the Livingston County Clerk. Any subdivision plat not so filed and recorded within ninety (90) days of the date upon which said plat is approved or considered approved by reasons of the failure of the Planning Board to act shall become null and void unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two (2) additional periods of ninety (90) days. The applicant shall provide the Village Clerk with a copy of the plat certified by the County Clerk as to being the true and certified copy of said plat on file in the County office.

§31.35 **Resubdivision**

For a resubdivision, the same procedure, rules and regulations apply as for a subdivision.

§31.36 **Public streets, parks and playground areas**

The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or imply the acceptance by the Village of any street, park, playground or other open space shown on said plat. The Planning Board may require said plat to be endorsed with appropriate notes to this effect. If the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in any such plat or is otherwise not practical, the

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Board may require as a condition to approval of any such plat a payment to the Village of a sum to be determined by the Village Board, which sum shall constitute a trust fund to be used by the Village Board exclusively for neighborhood park, playground or recreation purposes including the acquisition of property. The Planning board may require the filing of a written agreement between the applicant and the Village Board covering future title, dedication and provision for the cost of grading, development, equipment and maintenance of any park or playground area.

§31.37 **Time of construction**

Upon posting of the performance bond in accordance with Subdivision A of §31.33 and after approval and filing of the subdivision plat, the subdivider may initiate land sales or construction of the subdivision itself.

ARTICLE IV

DEVELOPMENT STANDARDS FOR SUBDIVISIONS

§31.40 Considerations and standards

The Planning Board, in considering an application for the subdivision of land, shall be guided by the following considerations and standards.

§31.41 General provisions

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 streets and parks shown on the official map as may be adopted and shall be properly related to the comprehensive plan as it is developed and adopted by the Planning Board.

§31.42 Design standards

A. Streets.

The following regulations shall govern the layout of streets:

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1. Subdivisions shall be so designed as to provide a street pattern which shall be based upon a local residential or minor street pattern connected to a residential collector street system.
2. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas, or their proper protection where adjoining land is not subdivided, at the same or greater width insofar as such may be deemed necessary for public requirements.
3. When a subdivision abuts or contains an existing or proposed major arterial street, the Planning Board may require marginal access streets, reverse frontage with screen planting contained in a non-access 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.
4. Local residential streets shall be designed so as to discourage through traffic.
5. All right-of-way street widths and street payments shall be measured at right angles or radial to the center line of the street.
6. Whenever possible, streets should intersect at right angles and not intersect at angles of less than sixty (60) degrees unless approved by the Planning Board.
7. The grades of streets shall be in accordance with specifications established by the Village Engineer and such grades as submitted on subdivision plats shall be approved by him prior to final approval by the Planning Board.
8. All street right-of-way lines at intersections shall be rounded by curves of at least twenty (20) feet radius and curbs shall be adjusted accordingly.
9. All proposed subdivisions shall be designed to provide access to adjacent properties. When a proposed subdivision abuts an existing subdivision, the subdivider shall make every attempt to design the street

system of the proposed subdivision to connect with dead-end or "stub" streets of the existing subdivision.

10. The following standards shall apply to cul-de-sac streets:

a. A cul-de-sac should be located, if possible, so that it drains toward its entrance.

b. Unless there is the expectation of extending the street through to the adjoining property, a cul-de-sac street should never be brought to the property boundary line, but should be placed so that the lots can back on the property line of the subdivision.

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c. No cul-de-sac shall exceed five hundred (500) feet in length.

d. All cul-de-sacs shall have a turnaround at the end of the street which shall have a right-of-way radius of sixty (60) feet and pavement radius of fifty (50) feet.

11. If a dead-end street is of a temporary nature, a similar turnaround shall be provided and provisions made for future extension of the street through to adjacent property and reversion of the excess right-of-way to the adjoining properties.

12. Multiple intersections involving a junction of more than two (2) streets shall be prohibited.

13. Local residential streets and residential collector streets shall not intersect with arterial streets less than eight hundred (800) feet apart, measured from center line to center line.

14. The minimum distance between center line offsets at street jogs shall be one hundred fifty (150) feet.

15. Minor or secondary street openings into collector or major arterial roads shall, in general, be at least five hundred (500) feet apart.

16. No street shall have a name which will duplicate or so nearly duplicate as to be confused with the names of existing streets. The continuation of an existing street shall have the same name.

17. The minimum radius of horizontal curve, minimum length of vertical curves and minimum length of tangents between reverse curves shall be in accordance with specifications established by the Village Engineer, and said items shall be approved by him prior to final approval of the subdivision plat by the Planning Board.

18. In general, street lines within a block, deflecting from each other at any one (1) point by more than ten (10) degrees shall be connected with a curve, the radius of which for the center line of street shall not be less than four hundred (400) feet on major streets, two hundred (200) feet on collector streets and one hundred (100) feet on minor streets.

19. When 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 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.

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B. Lots.

The following regulations shall govern the layout of lots.

1. The lot size, width, depth, shape, 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. All lots shown on the subdivision plat must conform to the minimum requirements of the zoning ordinance (Chapter 30 of this Code) as to area and dimensions for the zone in which the subdivision is located. However, in accordance with the Village Law, the Planning Board may use its discretion in determining lot sizes.
3. Each lot shall abut on a street built to the Village's specification.
4. Corner lots shall have width sufficient for maintenance of required building lines on both streets as required by the zoning ordinance (Chapter 30 of this Code).
5. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra line, and all setbacks shall be measured from such line.
6. Side lines of lots shall be, as far as practicable, at right angles to straight streets and radial to curved streets.
7. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions or similar circumstances, the Planning Board may, after adequate investigation, require modification of such lots.
8. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the zoning ordinance (Chapter 30 of this Code) and to provide for convenient access, circulation control and safety of street traffic.
9. Blocks intended for commercial or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.
10. Double frontage lots will not, in general, be approved.
11. The lot arrangement shall be such that in constructing a building in compliance with the zoning ordinance (Chapter 30 of this Code), there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear.

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12. Driveway access and grades shall conform to specifications as established by the Village Engineer and on file in the Village Clerk's office. Driveway grades between the pavement and setback line shall not exceed ten (10) percent.
13. 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 Planning Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these regulations.

C. Easements.

An easement shall be provided for all natural drainage ways and all utility lines when such utility line or

lines do not fall within a dedicated right-of-way. All easements shall be plotted on the preliminary plat and subdivision plat. A clause shall be inserted in the deed of each lot affected by an easement indicating that the easement exists and its purpose. Except as further required in this section, easements shall have a minimum width of ten (10) feet. Where a subdivision is traversed by a drainage way, channel or stream, a drainage way easement conforming substantially with the lines of such water-course shall be provided. The easement shall be twenty (20) feet wide or such width as will be adequate to preserve natural drainage and provide sufficient width for maintenance. Where it is found that additional easement width is needed, such width shall be determined by the Planning Board in consultation with the Village Engineer. All utility lines which are primarily intended to provide service to the lots within the subdivision shall be installed underground at a depth and at such location as will minimize risk of interruption of services. A five (5) foot easement running parallel with and contiguous to all street and highway rights-of-way shall be provided to the Village granting the Village the right to protect, plant, prune, spray, remove, control, regulate and improve shrubbery and shade trees thereon.

D. Landscaping and ground cover.

1. All lot areas which are not covered by structures or paving shall be properly seeded by the developer.
2. The developer shall provide a liberal and functional landscaping scheme for the entire subdivision. Each lot shall be provided with a minimum of two (2) trees which shall be in addition to the street shade trees. This requirement may be waived by the Planning Board in wooded areas where the subdivider intends to maintain existing trees.
3. Individual homeowners may, by written agreement with the subdivider and builder, seed and landscape their yards independently.

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4. When a proposed subdivision borders upon an existing commercial or industrial establishment or any other use which, in the opinion of the Planning Board, may be visually detrimental to the tranquility of the future residents of the subdivision, the Planning Board may require a landscape screen to buffer the subdivision from the visually non-compatible use.

E. Preservation of natural features.

1. Top soil moved during the course of construction shall be redistributed so as to cover all areas of the subdivision and shall be stabilized by seeding or planting. At no time shall top soil be removed from the site without written permission from the Planning Board. There shall be a minimum of six (6) inches of top soil redistributed over all leach beds or fields.

2. To the fullest extent feasible, all existing trees and shrubbery shall be conserved by the subdivider. Special consideration shall be given to the arrangement and ultimate improvement or development of the lots to this end. Precautions shall also be taken to protect existing trees and shrubbery during the process of grading the lots and roads. Where there is a question as to the desirability of removing a group of trees which serve to add interest and variety to the proposed subdivision in order to allow for use of the land for a lot or lots, the Planning Board may after proper investigation require modification of such lots. Where any land other than that included in public rights-of-way is to be dedicated to the public use, the developer shall not remove any trees from the site without written permission from the Planning Board.

3. Where a subdivision is traversed by a natural lake, pond or stream, the boundaries or alignment of said watercourse shall be preserved unless, in the opinion of the Planning Board, a change or realignment will enhance the development and beauty of the subdivision or the utilization of such features by the future residents of the subdivision. All proposed changes in watercourse alignment shall be in accordance with the Environmental

Conservation Law.

4. Unique physical features such as historic landmarks and sites, rock out-croppings, hilltop look-outs, desirable natural contours and similar features shall be preserved if possible.

5. The subdivider shall not be permitted to leave any surface depressions which will collect pools of water.

6. The subdivider shall not be permitted to leave any hills or mounds of dirt around the tract. All surfaces shall be restored within six (6) months of the time of the completion of the section of the subdivision.

F. Floodplain.

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1. Mapping - if any portion of the land within the subdivision is subject to inundation or flood hazard by storm water, such fact and portion shall be clearly indicated on the preliminary plat and the prominent note on each sheet of such map whereon any such portion shall be shown.

2. Use - land subject to flooding and land deemed by the Planning Board to be otherwise 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.

G. Drainage improvements.

1. The subdivider may be required by the Planning Board 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 peripheral 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 run-off from a "ten (10) year" storm under conditions of total potential development permitted by the zoning ordinance (Chapter 30 of this Code) 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 run-off incident to the development of the subdivision will overload an existing downstream drainage facility during a "five (5) 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.

H. Parks, playgrounds or open space.

1. Subject to approval of the Board of Trustees, land shall be reserved for park, playground, open space or other recreational purposes in locations designated on the comprehensive plan or elsewhere where the Planning Board deems that such reservations would be appropriate. For a subdivision each reservation shall be of an area equal to ten (10) percent of the total land within the subdivision, but in any major subdivision the reservation shall be at least one (1) acre. The area to be preserved shall possess the suitable topography, general character and adequate road access necessary for its recreational purpose.

2. Where the Planning Board requires land to be set aside for parks, playgrounds or other recreational purposes, the Planning Board shall require that the site be graded, loamed and seeded and may require it to be fenced and existing trees shall be preserved where feasible.

3. When area for park, playground, recreational purposes or open space shall have been required on the subdivision plat, the approval of said subdivision plat shall not constitute an acceptance by the Village of such an area.

ARTICLE V

IMPROVEMENTS

§31.50 **Improvements required before approval; waiver**

The developer, before the approval of the subdivision plat, shall complete all improvements to the satisfaction of the Village Engineer or post a performance bond sufficient to insure the satisfactory completion of the following required improvements except where waivers may be requested and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of public health, safety and general welfare.

§31.51 **Required improvements**

A. Streets.

All streets shall be constructed, graded, and paved in accordance with the standards and specifications on file in the Village Clerk's office.

B. Storm drains, culverts, catch basins and other drainage structures.

All storm drains, culverts, catch basins and other drainage structures shall be installed in accordance with the standards and specifications on file in the Village Clerk's office and in accord with the final map approved by the Planning Board. All pipe shall comply with the requirements of the current New York State Highway Department specifications governing construction of these facilities. The location, length, depth, size, grade and type of pipe shall be designated in the plans. If unusual conditions are discovered at the time of construction which are not provided for on the plans, the Village Engineer shall determine the type and extent of construction required to overcome such conditions.

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C. Curbing.

All curbing shall be constructed on all streets shown on all proposed subdivision plats and in accord with the construction standards on file in the Village Clerk's office.

D. Sidewalks.

All sidewalks shall be required and constructed in accord with the standards on file in the Village Clerk's office.

E. Driveway aprons.

All driveway aprons shall be required between the curbing and the sidewalk and shall be constructed in accordance with standards on file in the Village Clerk's office.

F. Street signs.

All street signs shall be of metal and shall be installed at the intersection of all streets in conformity with Village specifications at the locations approved by the Planning Board.

G. Grass strips.

All grass strips shall be provided within the portion of the street right-of-way beyond the curb line and shall be properly graded and seeded.

H. Street trees.

All street trees shall be planted in every subdivision at intervals from forty (40) to sixty (60) feet along both sides of the street. Existing trees may be taken into consideration when determining the above. Trees shall be at least three (3) feet from any sidewalk and located on the building side of the walk rather than the street side wherever practicable. Where dwelling structures are oriented with their rear on the street, street trees shall be at least six (6) feet from the curb line. Trees should also be at least ten (10) feet from any utility line. The average trunk diameter shall be at least two (2) inches and an average height of six (6) feet above finished grade level is required. Such trees shall be of a species and at locations approved by the Planning Board. No tree shall be planted within twenty-five (25) feet from an existing or proposed street light or street intersection.

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I. Shade trees.

All shade trees, other than within the right-of-way, may be required when, taking into consideration the existing trees on the lots, the Planning Board shall deem it necessary. Such trees shall be in conformance with the standards of size, kind and locational limitations prescribed for trees along the street line.

J. Street lighting facilities.

All street lighting facilities shall be provided along all streets in the subdivision and along all streets upon which the subdivision abuts. Such lighting facilities shall be in accordance with the Village standards and shall be installed as approved and directed by the Village Engineer.

K. Sanitary sewers and treatment disposal facilities shall be required.

Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system required to make the sewer accessible to each lot in the subdivision. Sewer systems shall be approved by the Village and State Health Official(s) and be in accordance with other requirements of law. The construction is subject to the

supervision of the Village Engineer.

L. Public water main.

Where a public water main is within five hundred (500) feet the subdivider shall connect with such water main and provide a water connection for each lot in accordance with the Village standards, procedures and supervision. Fire hydrants shall be required and shall be installed in the locations approved by the Village Engineers and in accord with the New York State Board of Fire Underwriters.

M. Permanent monuments.

All permanent monuments shall be set at block corners and at intervals of approximately five hundred (500) feet or such other distance as the Planning Board may determine appropriate, and their location shall be shown on the subdivision plat. Iron pipes shall not be considered permanent monuments for the purpose of these regulations. Standards for monuments are on file in the Village Clerk's office.

N. All utilities to be underground.

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ARTICLE VI

SPECIFICATIONS FOR PRELIMINARY PLATS
AND SUBDIVISION PLATS

§31.61 **Preliminary plat**

Preliminary plats submitted to the Planning Board shall be drawn to a scale of not more than one (1) inch equals one hundred (100) feet and shall show the following information:

1. The location of the property with respect to surrounding property and streets. There shall also be included a key map at a scale of one (1) inch equals five hundred (500) feet showing all streets, streams and property within fifteen hundred (1,500) feet of the applicant's property. All property held by the applicant in the area should be identified.
2. The location and approximate dimensions of all existing property lines (include entire area proposed to be subdivided and remainder of the tract owned by the subdividing owner).
3. All pertinent features such as existing structures, streets, railroads, water bodies, streams, swamps and large trees that may influence the design of the subdivision and topography at a vertical contour interval of not more than five (5) feet, unless waived by the Planning Board.
4. The location, width and approximate grade of all proposed streets. Approximate elevations shall be shown at the beginning and end of each street, at street intersections, and at all points where there is a decided change in the slope or direction.
5. The approximate location, dimensions and area of all proposed or existing lots.
6. The approximate location and dimensions of all property proposed to be set aside for playground or park use.
7. The names of all property owners of record or the names of developments within five hundred (500)

feet.

8. The names and addresses of the owner or owners of land to be subdivided, the name and address of the subdivider, if other than the owner, and the name of the land surveyor and land planner or engineer.

9. The date, north point and scale.

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10. Acreage of tract to be subdivided to nearest tenth (1/10) of an acre.

11. Proposed provision of water supply, fire protection, disposal of sanitary waste, storm water drainage, street trees, street lighting fixtures, street signs and sidewalks, data on which must be available for consideration at this stage.

12. Each block shall be numbered and the lots within each block shall be numbered consecutively in accordance with the procedure established by the Village. The total number of residential lots shall be noted on the plat.

§31.62 **Minor subdivision plat**

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

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

2. 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.

3. All on-site sanitation and water supply facilities shall 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.

4. Proposed subdivision name, name of the Village and County.

5. The date, north point, map scale, name and address of owner and/or subdivider, surveyor and planner or engineer.

6. The plat to be filed with the County Clerk shall be on uniform size sheets in accordance with New York State Law.

§31.63 **Major subdivision plat**

Major subdivision plats shall be accompanied by separate construction detail sheets and both shall be submitted to the Planning Board for approval, as follows:

A. Drawing, scale and size of plat and construction detail sheets.

The subdivision plat and construction detail sheets shall be clearly and legibly drawn on a stable transparent base (milar, cronflax, etc.). In areas zoned for lots of minimum size of twenty thousand (20,000) square feet or more, maps and profiles shall be a scale of one (1) inch equals one hundred (100) feet. In areas zoned for lots less than twenty thousand (20,000) square feet, maps and profiles shall be a scale of one (1) inch equals fifty (50) feet. Maps shall be on uniform size sheets in accordance with the New York State Law. Whenever any project is of such size that more than one (1) sheet is required, then an index map on the same size sheet shall accompany these sheets. The construction detail sheets shall show all items included in Subdivision C of this section and as actually constructed.

B. Information to be shown on plat.

Plats shall show the following information:

1. Proposed subdivision name or identifying title which shall not duplicate or too closely approximate that of any other development in the Village.
2. Date, north point and scale.
3. Name, address and signature of owner, subdivider and licensed engineer or land surveyor.
4. Names of owners on record of abutting properties or developments.
5. Locations, names and widths of existing streets, highways and easements, building lines, parks and other public properties.
6. Locations and widths of all streets and sidewalks, together with names of streets and location, dimensions and status of all existing and proposed easements on or adjacent to the proposed plat.
7. Lot area in square feet.
8. Lot lines with accurate dimensions and bearings of angles.
9. Sufficient data to determine readily the location, bearing and length of all lines and to reproduce such lines upon the ground.
10. Radii of all curves and lengths of arcs.

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11. Location, material and approximate size of all monuments.
12. The accurate outline of all property which is offered, or to be offered, for dedication for public use, with the purpose indicated thereon, and of all property that is proposed to be reserved by deed covenant for the common use of the property owners of the subdivision.
13. Acreage of tract to be subdivided to nearest tenth (1/10) of an acre.
14. Each block shall be numbered and the lots within such block shall be numbered consecutively in accordance with the procedure established by the Village. The total number of residential lots shall be noted on the plat.

B. In addition to the subdivision plat as described above, the following shall also be presented to the Planning Board:

1. A certificate that there are no tax liens on the property being subdivided.
 2. A performance bond in such amount as is necessary to complete street and utility improvements.
- C. Construction detail sheets.

Construction detail sheets shall show the following information, except that where requirements have been waived, applicable specifications may be omitted:

1. Profiles showing existing and proposed elevations along the center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets, within one hundred (100) feet of the intersection, in both directions, shall be shown. All elevations must be referred to established U.S. Government or approved local bench marks where they exist within one-half (1/2) mile of the boundary of the subdivision.

2. The Planning Board may require, where steep slopes exist that present elevations of all proposed streets shall be shown every one hundred (100) feet at five (5) points on a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street each property line, and points thirty (30) feet inside each property line.

3. Plans and profiles showing the location and a typical section of street pavements, including curbs and gutters, sidewalks manholes, and catch basins; the locations of street trees, street lighting standards and street signs; the location, size and invert elevations of existing proposed sanitary sewers, storm water drains, and fire hydrants; and the exact location and size of all water, gas, electric or other underground utilities or structures.

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D. All plans shall conform to the Village minimum road specifications and shall be subject to the approval of the Village Engineer.

ARTICLE VII

VARIANCES AND WAIVERS

§31.71 **Variances**

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, 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 the zoning ordinance (Chapter 30 of this Code).

§31.72 **Waivers**

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.

§31.73 **Conditions on granting variances or modifications**

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.

ARTICLE VIII

PENALTIES

§31.100 **Penalties**

The violation of any of the provisions of this chapter is an offense and shall subject the person violating the same to a fine not exceeding Two Hundred Fifty Dollars (\$250.00). When a violation of any of the provisions of this chapter is continuous, each week's continued violation shall constitute a separate and distinct violation.

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Cross-references:

Uniform Code Enforcement. Chapter 26
Housing Code. Chapter 27
Swimming Pools. Chapter 35
Unsafe Buildings. Chapter 33

References:

Planning Board. Vil L §7-718 - §7-740
appointments, terms of office. Vil L §7-718
investigations. Vil L §7-726
plats, approval of. Vil L §7-728, §7-730, §7-738
powers. Planning Board can render an advisory opinion only in zoning matters. Matter of Mobile Oil Corp. vs. Milton, 72 Misc. 2d 505
Plats, referral of certain subdivision to County Planning Agency, Gen Mun L §239-n