LOCAL LAW 66-2
67-1

ARTICLE 1

DECLARATION OF POLICY

By the authority of the resolution of the Village Board of the Village of Cassadaga , adopted on the 15th day of February, 1967, pursuant to the provisions of Article VI-A of the Village Law of the State of New York, the Planning Board of the Village of Cassadaga 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 Cassadaga . 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 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 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, if such exists and shall be properly related to the proposals shown on the Master Plan, if such exists, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of firefighting equipment to buildings; and that proper provision shall be made for open spaces for parks and playgrounds. 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 Cassadaga Land Subdivision Regulations" have been adopted by the Planning Board on 19 August, 1968 and approved by the Village Board on 19 August, 1968

ARTICLE II

DEFINITIONS

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

SUBDIVISION

means the division of any parcel of land into two or more lots, blocks, or sites, with or without streets or highways and includes re-subdivision.

MAJOR SUBDIVISION

means 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 SUBDIVISION

means 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 Master Plan, Official Map, or Zoning Ordinance, if such exists, or these regulations.

SKETCH PLAN

means a sketch of a proposed subdivision showing the information specified in Article V , Section 1 of these regulations to enable the subdivider to save time and expense in reaching general agreement withthe Planning Board as to the form of the layout and objectives of these regulations.

PRELIMINARY PLAT

means a drawing or drawings clearly marked "preliminary plat" showing the salient features of a proposed subdivision, as specified in Article 5 Section 3 of these regulations, submitted to the Planning Board for pur-

poses 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.

SUBDIVISION PLAT OR FINAL PLAT

means 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 County Clerk or Register.

STREET

means and includes streets, roads, avenues, lanes, or other traffic ways, between right-of-way lines.

MAJOR STREET

means 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.

COLLECTOR STREET

means a street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

MINOR STREET

means a street intended to serve primarily as an access to abutting properties.

DEAD-END STREET OR CUL-DE-SAC

means a street or a portion of a street with only one vehicular traffic outlet.

STREET PAVEMENT

means the wearing or exposed surface of the roadway used by vehicular traffic.

STREET WIDTH

means the width of right-of-way, measured at right angles to the center line of the street.

EASEMENT

means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

PLANNING BOARD OR BOARD

means the Planning Board of the Village of Cassadaga

MASTER OR COMPREHENSIVE PLAN

means a comprehensive plan, prepared by the Planning Board pursuant to Section 179gg of the Village Law which indicates the general location 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.

OFFICIAL MAP

means the map established by the Village Board pursuant to Section 179e of the Village Law, showing streets, highways, and parks and drainage, both existing and proposed.

VILLAGE ENGINEER

means duly designated engineer of the Village of Cassadaga.

ENGINEER OR LICENSED PROFESSIONAL ENGINEER

means a person licensed as a professional engineer by the State of New York.

SURVEYOR

means a person licensed as a land surveyor by the State of New York.

SUBDIVIDER

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

ARTICLE III

PROCEDURE IN FILING SUBDIVISION APPLICATION

Whenever any subdivisions 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.

SECTION 1. SKETCH PLAN

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 ten days prior to the regular meeting of the Board two copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of Article 5 Section I , for the purposes of classification and preliminary discussion.

B. DISCUSSION OF REQUIREMENTS AND CLASSIFICATION

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.

Classification of the Sketch Plan 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 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. If the Sketch Plan is classified as a Minor Subdivision the subdivider shall then comply with the procedure outlined in Article III , Section 2 , of these regulations. If it is classified as a Major Subdivision, the subdivider shall then comply with the procedures outlined in Article III , Section 3 , Section 4 , and Section 5 .

C. STUDY OF SKETCH PLAN

The Planning Board shall determine whether the Sketch Plan meets the purposes of these regulations andshall, where it deems it necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board.

SECTION 2. APPROVAL OF MINOR SUBDIVISION

A. APPLICATION AND FEE

Within six months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the subdivider shall submit an application for approval of a Subdivision Plat. Failure to do so shall require resubmission of the Sketch Plan to the planning board for re-classification. The Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board. Said application shall also conform to the requirements listed in Article 5 , Section 2-A .

All applications for Plat approval for Minor Subdivisions shall be accompanied by a fee of $25.00 dollars.

B. NUMBER OF COPIES

Five copies of the Subdivision Plat shall be presented to the Secretary of the Planning Board at least ten 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 to be the date of the regular monthly meeting of the Planning Board at least ten days prior to which the application for Plat approval, complete and accompanied by the required fee and all data required by Article V , Section 2 of these regulations, has been filed with the Secretary of the Planning Board.

E. PUBLIC HEARING

A public hearing shall be held by the Planning Board within thirty (30) days from the time of submission of the subdivision plat for approval. Said hearing shall be advertised in a newspaper of general circulation in the Village at least five (5) days before such hearing.

F. ACTION OF SUBDIVISION PLAT

The Planning Board shall, within forty-five (45) days from the date of the public hearing, approve, modify and approve or disapprove the Subdivision Plat.

SECTION 3. PRELIMINARY PLAT FOR MAJOR 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 Article V, Section 3, hereof. The Preliminary Plat shall, in all respects, comply with the requirements set forth in the provisions of Section 179 k and 179 l of the Village Law, and Article V, Section 3 of these regulations, except where a waiver may be specifically authorized by the Planning Board.

The application for conditional approval of the preliminary plat shall be accompanied by a fee of $50.00 dollars, plus $15.00 dollars per lot for each lot in the proposed subdivision.

B. NUMBER OF COPIES

Five copies of the Preliminary Plat shall be presented to the Secretary of the Planning Board at least ten days prior to a regular 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 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, the future development of adjoining lands as yet unsubdivided, and the requirements of the Master Plan, the Official Map, and Zoning Regulations, if such exist.

E. WHEN OFFICIALLY SUBMITTED

The time of submission of the Preliminary Plat shall be considered to be the date of the regular monthly meeting of the planning board at least ten days prior to which the application for conditional approval of the preliminary plat, complete and accompanied by the required fee and all data required by Article V, Section 3 of these regulations, has been filed with the Secretary of the Planning Board.

F. CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT

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 the Planning Board. Failure of the planning board to act within forty-five (45) day period shall constitute a conditional approval of the preliminary plat.

When granting conditional approval to a preliminary plat, the Planning Board shall state the conditions of such approval, if any, with respect to (1) the specific changes which it will require in the Preliminary Plat (2) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy

to the public health, safety, morals, and general welfare, (3) the amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the Subdivision Plat. The action of the Planning Board plus any conditions attached thereto shall be noted on three copies of the Preliminary Plat. One copy shall be returned to the subdivider, one retained by the Planning Board and one forwarded to the Village Board. Conditional approval of a Preliminary Plat shall not constitute approval of the Subdivision Plat, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations and the conditions of the Conditional Approval, if any. Prior to approval of the Subdivision Plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

SECTION 4. <u>PLAT FOR MAJOR SUBDIVISION</u>

A. Application for Approval and Fee

The subdivider shall, within six months after the conditional approval of the Preliminary Plat, file with the Planning Board an application for approval of the Subdivision Plat in final form, using the approved application blank available from the Secretary of the Planning Board. All applications for Plat approval for Major Subdivisions shall be accompanied by a fee of $50.00 dollars. If the final plat is not submitted within six months, after the conditional approvalaf the Preliminary Plat, the planning board may refuse to approve the final plat and require re-submission 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 three copies (one copy in ink on linen) of the Plat, the original and one true copy of all offers of cession, covenants, and agreements, and two prints of all construction drawings, at least ten days in advance of the regular monthly Planning Board meeting at which it is to be officially submitted.

C. When Officially Submitted

The time of submission of the Subdivision Plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least ten days prior to which the application for approval of the subdivision plat, complete and accompanied by the required fee and all data required by Article V , Section 4 of these regulations, has been filed with the Secretary of the Planning Board. In addition, if the applicant elects to construct any or all required improvements (as specified in Article III , Section 5-A 2), the Village Engineer must file a certificate with the Planning Board stating that these improvements have been satisfactorily installed before the Subdivision Plat shall be considered officially submitted.

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 ~~Cattaraugus~~ Chautauqua County Department of Health. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary Village, County and State agencies. Endorsement and approval by the ~~Cattaraugus~~ Chautauqua County Department of Health shall be secured by the subdivider before official submission of Subdivision Plat.

E. Public Hearing

A public hearing shall be held by the planning board within thirty (30) days after the time of submission of the subdivision plat for approval. This hearing shall be advertised in a newspaper of general circulation in

the Village at least five (5) days before such hearing.

F. Action on Proposed Subdivision Plat

The Planning Board shall, within forty-five (45) days from the date of the public hearing on the Subdivision Plat, approve, modify and approve or disapprove the Subdivision Plat. However, the Subdivision Plat shall not be signed by the authorized officers of the Planning Board for recording until the subdivider has complied with the provisions of Section 5 of this Article.

SECTION 5. REQUIRED IMPROVEMENTS

A. Improvements and Performance Bond

Before the Planning Board grants final approval of the Subdivision Plat, the subdivider shall follow the procedure set forth in either sub-paragraph (1) or sub-paragraph (2) below:

(1) In an amount set by the Planning Board the subdivider shall either file with theVillage Clerk a certified check to cover the full cost of the required improvements OR the subdivider shall file with the Village Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Section 179 l of the Village Law and shall be satisfactory to thevillage Board andvillage Attorney as to form, sufficiency, manner of execution and surety. 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 within which required improvements must be completed.

(2) The subdivider shall complete all required improvements to the satisfaction of the Village Engineer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed the subdivider shall file with the Village Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvements not approved by the Village Engineer. Any such bond shall be

satisfactory to the Village Board and Village Attorney as to form, sufficiency, manner of execution, and surety.

B. Modification of Design of 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 by a previously delegated member of the Planning Board, authorize modifications provided these modifications are 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 improvements 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 their next regular meeting.

C. Inspection of Improvements

At least five (5) days prior to commencing construction of required improvements the subdivider shall pay to the Village Clerk the inspection fee required by the Village Board and shall notify the Village Board in writing of the time when he proposes to commence construction of such improvements so that the Village Board may cause inspection to be made to assure that all Village specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

D. Proper Installation of Improvements

If The Village Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Village Board, Building Inspector, and Planning Board. The Village Board then shall notify the subdivider and, if necessary, the bonding

company, and take all necessary steps to prepare the Village's rights under the bond. No Plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plat.

SECTION 6. FILING OF APPROVED SUBDIVISION PLAT

A. Final Approval and Filing

Upon completion of the requirements in Sections 4 and 5 above 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 (Chairman or Acting Chairman) and may be filed by the applicant in the Office of the County Clerk. Any Subdivision Plat not so filed or recorded within ninety (90) days of the date upon which such 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 additional periods of ninety (90) days.

B. 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 Planning Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such Subdivision Plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

SECTION 7. 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

GENERAL REQUIREMENTS AND DESIGN STANDARDS

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. The 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.

SECTION 1. GENERAL

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 Master Plan

Subdivisions shall conform to the Official Map of the Village and shall be in harmony with the Master Plan, if such exists.

C. Specifications for Required Improvements

All required improvements shall be constructed or installed to conform to the Village specifications, which may be obtained from the Village Engineer.

SECTION 2. STREET LAYOUT

A. Width, Location and Construction

Streets shall be of sufficient width, suitably located, and adequately constructed to conform with the Master Plan, if such exists, 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

The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection 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.

C. Minor Streets

Minor streets shall be so laid out that their use by through traffic will be discouraged.

D. Special Treatment Along Major Arterial Streets

When a subdivision abuts or contains an existing or proposed major arterial street, the Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots withrear 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

is located, the Board may require that streets and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in these regulations.

F. Dead-End Streets

The creation of dead-end 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 dead-end streets, where needed or desirable, the Board may require the reservation of a 20-foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street. Subdivisions containing twenty (20) lots or more shall have at least two street connections with existing public streets, or streets shown on the Official Map, if such exists, or streets on an approved Subdivision Plat for which a bond has been filed.

G. Block Size

Blocks generally shall not be less than 400 feet nor more than 1200 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 20-feet 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 4-feet wide paved foot path be included.

H. Intersections with Collector or Major Arterial 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 topograph 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 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.

SECTION 3. STREET DESIGN

A. Widths of Rights-of-way

Streets shall have the following widths. (When not indicated on the Master Plan or Official Map, if such exists, the classification of streets shall be determined by the Board):

	Minimum Right-of-Way	Minimum Pavement
Major Streets	66 Feet	24 feet
Collector Streets	60 Feet	20 feet
Local Streets	50 Feet	18 feet

B. Improvements

Streets shall be graded and improved with pavements, curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, street lights and signs, street trees, and fire hydrants, except where waivers may be requested

and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Village Engineer. Such grading and improvements shall be approved as to design and specifications by the Village Engineer.

(1) Fire Hydrants. Installation of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York.

(2) Street Lighting Facilities. Lighting facilities shall be in conformance with the lighting system of the Village. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized Village electrical inspector.

C. Utilities in Streets

The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.

D. 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 otherwise 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.

E. Grades

Grades of all streets shall conform in general to the terrain, and shall not be less than one-half (½) nor more than 6 per cent for major or collector streets, or 10 per cent for minor streets in residential zones, but in no case more than 3 per cent within 50 feet of any intersection.

F. Changes in Grade

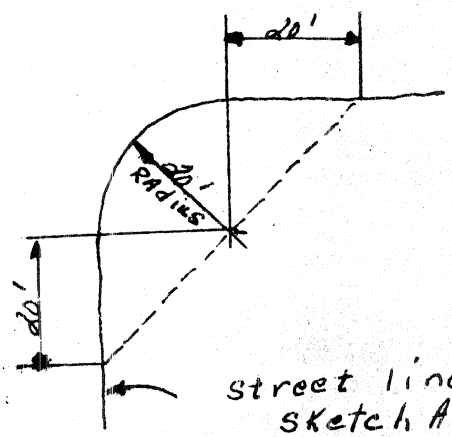
All changes in grade shall be connection by vertical curves of such length and radius as meet with the approval of the Village Engineer so that clear visibility shall be provided for a safe distance.

G. Curve Radii at Street Intersections

All street right-of-way lines at intersections shall be rounded by curves of at least 20 feet radius and curbs shall be adjusted accordingly.

H. Steep Grades and Curves; Visibility of Intersections

A combination of steep grades and curves shall be avoided. 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 shown shaded on Sketch A shall be cleared of all growth (except isolated trees) and obstructions above the level three feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.



Sketch A

I. Dead-End Streets (Cul-De-Sacs)

Where dead-end streets are designed to be so permanently, they should

in general, not exceed 500 feet in length, and shall terminate in a circular turn-around having a minimum right-of-way radius of 60 feet and pavement radius of 50 feet. At the end of temporary dead-end streets a temporary turn-around with a pavement radius of 50 feet shall be provided, unless the Planning Board approves an alternate arrangement.

J. Watercourses

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.

Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required by the Village Engineer, and in no case less than 20 feet in width.

K. Curve Radii

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

L. Service Streets or Loading Space in Commercial Development

Paved rear service streets of not less than 20 feet in width, or in lieu thereof, adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.

M. 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 commercail 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.

SECTION 4. STREET NAMES

A. Type of Name

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.

B. Names to be Substantially Different

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 degrees without a change in street name.

SECTION 5. LOTS

A. Lots to be Buildable

The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance, 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.

B.. Side Lines

All 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 for proper building setback from each street and provide a desirable building site.

D. Driveway Access

Driveway access and grades shall conform to specifications of the Village driveway ordinance, if one exists. Driveway grades between the street and the setback line shall not exceed 10 per cent.

E. Access From Private Streets

Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with these regulations.

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.

SECTION 6. DRAINAGE IMPROVEMENTS

A. Removal of Spring and Surface Water

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 perpetual unobstructed easements of appropriate width.

B. Drainage Structure to Accomodate Potential Development Upstream

A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off 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 year" storm under conditions of total potential development permitted by the Zoning Ordinance in the watershed.

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; 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 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.

SECTION 7. PARKS, OPEN SPACES, AND NATURAL FEATURES

A. Recreation Areas Shown on Village Plan

Where a proposed park, playground or open space shown on the Village Plan is located in whole or in part in a subdivision, the Board shall require that such area or areas be shown on the Plat in accordance with the requirements specified in paragraph (B) below. Such area or areas may be dedicated to the Village or County by the subdivider if the Village Board approves such dedication.

B. Parks and Playgrounds Not Shown on Village Plan

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. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the Plat.

The Board shall require THAT ~~that not less than~~ 3 ~~acres of~~ recreation space

be provided ~~per 100 dwelling units shown on the plat~~. However, in no case shall the amount be more than 10 per cent of the total area of the subdivision. Such area or areas may be dedicated to the Village or County by the subdivider if the Village Board approves such dedication.

C. Information to be Submitted

In the event that an area to be used for a park or playground is required to be so shown, the subdivider shall submit, prior to final approval, to the Board, three prints (one on cloth) drawn in ink showing, at a scale of not less than thirty (30) feet to the inch, such area and the following features thereof:

a. The boundaries of the said area, giving lengths and bearings of all straight lines; radii, lengths, central angles and tangent distances of all curves.

b. Existing features such as brooks, ponds, clusters of trees, rock outcrops, structures.

C. Existing, and, if applicable, proposed changes in grade and contours of the said area and of area immediately adjacent.

D. Waiver of Plat Designation of Area for Parks and Playgrounds

In cases where the Planning Board finds that due to the size, topography, or location of the subdivision, land for 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 shall then require as a condition to approval of the Plat a payment to the Village of FIVE HUNDRED dollars per gross acre of land which otherwise would have been acceptable as a recreation site. The amount of land which otherwise would have been acceptable as a recreation site shall be determined in accordance with the standards set forth in Article IV, Section 7B.

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 (a) is suitable for permanent park, playground or other recreational purposes, and (b) is so located that it will serve primarily the general neighborhood in which the land covered by the Plat lies, and (c) 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, providing the Planning Board finds there is a need for such improvements.

E. Reserve Strips Prohibited

Reserve strips of land, which might be used to control access from the proposed subdivision to any neighboring property, or to any land kwithin the subdivision itself shall be prohibited.

F. 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, water courses and falls, beaches, historic spots, vistas and similar irreplaceable assets. No tree with a diameter of 8 inches or more as measured 3 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. Removal of additional trees shall be subject to the approval of the Planning Board. In no case, however, shall a tree with a diameter of 8 inches or more as measured 3 feet above the base of the trunk be removed without prior approval by the Planning Board.

ARTICLE V

DOCUMENTS TO BE SUBMITTED

SECTION 1. SKETCH PLAN

A. The sketch plan initially submitted to the Planning Board shall be based on tax map information or some 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 be submitted, showing the following information:

(1) 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.

(2) All existing structures, wooded areas, streams and other significant physical features, within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet

(3) The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.

(4) The tax map sheet, block and lot numbers, if available.

(5) All utilities available, and all streets which are either proposed, mapped or built.

(6) The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage, and water supply (see Section 2-A3) within the subdivided area.

(7) All existing restrictions on the use of land including easements, covenants, or zoning lines.

SECTION 2. MINOR SUBDIVISION PLAT

A. 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 part 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 tract shall also be located on the ground and marked 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 specification 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 in which it is located.

(5) The date, north point, map scale, name and address of record owner and subdivider.

(6) The Plat to be filed with the County Clerk shall be printed upon linen or be clearly drawn in India ink upon tracing cloth. The size of the sheet shall be 11" by 17" inches, or 17" by 22" inches.

SECTION 3. MAJOR SUBDIVISION PRELIMINARY PLAT AND ACCOMPANYING DATA

The following documents shall be submitted for Conditional Approval:

A. Five copies of the preliminary plat prepared at a scale of not more than one hundred (100) but preferably not less than fifty (50) feet to the inch, showing:

(1) Proposed subdivision name, name of Village and County in which it is located, date, true north point, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal.

(2) The name of all subdivisions immediately adjacent and the

and the names of the owners of record of all adjacent property.

(3) Zoning District, including exact boundary lines of district, if more than one district, and any proposed changes in the zoning district lines and/or the zoning ordinance 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) Location of existing property lines, easements, buildings, water courses, marshes, rock outcrops, wooded areas, single trees with a diameter of 8 inches or more as measured 3 feet above the base of the trunk, and other significant existing features for the proposed subdivision and adjacent property.

(6) Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.

(7) Contours with intervals of 5 feet or less as required by the Board, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than 2 feet.

(8) The width and location of any streets or public ways or places shown on the Official Map or the Master Plan, if such exists, 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 water lines, 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 water 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, street lighting 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 sub-base, 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 preliminary plat shall show 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 an existing public highway or other 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 corners of tract shall also be located on the ground and marked by substantial monuments of such size and type as 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.

SECTION 4. MAJOR SUBDIVISION PLAT AND ACCOMPANYING DATA

The following documents shall be submitted for Plat approval:

A. The Plat to be filed with the County Clerk shall be printed upon linen, or be clearly drawn in India ink upon tracing cloth. The size of the sheets shall be 17" inches by 22" inches or 22" by 34" inches, including a margin for binding of two inches, outside of the border, along the left side and a margin of one inch outside of the border along the remaining sides. 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, 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:

(1) 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 record owner and subdivider, name, license number and seal of the licensed land surveyor.

(2) Street lines, pedestrial ways, 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, hot 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, tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. 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 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 prevailingvillage practice.

(8) Permanent reference monuments shall be shown, and shall be constructed in accordance with specifications of the Engineer. When referenced to the State system of plane

coordinates, they shall also conform to the requirements of the State Department of Public Works. 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 permanently located satisfactorily to the Village Engineer, at least three-quarter (3/4) inches (if metal) in diameter and at least 24 inches in length, and located in the ground to existing grade.

(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.

(11) A map shall be submitted to the satisfaction of the Planning Board, indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to Article III, Section 5 (2), then said map shall be submitted prior to final approval of the Subdivision Plat. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in Article III, Section 5 (1), such bond shall not be released until such a map is submitted in a form satisfactory to the Planning Board.

ARTICLE VI

VARIANCES AND WAIVERS

SECTION 1.

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 Master Plan, or the Zoning Ordinance, if such exists.

SECTION 2.

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.

SECTION 3.

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 VII

SEPARABILITY

Should any section or provision of the regulations contained herein or as amended hereafter be declared by a court of competant jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be invalid.