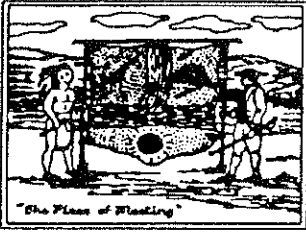


"The Village Beautiful"  
Home of Troop 1, B. S. A.

# VILLAGE OF UNADILLA

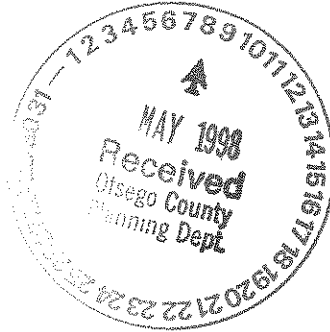
70 Main Street P.O. Box 386  
Unadilla, New York 13849

(607) 369-3421



May 5, 1998

Otsego County Clerk  
Otsego County Office Building  
197 Main Street  
Cooperstown, NY 13326



Att: Theodora Moore

Dear Ms. Moore:

Please find enclosed a certified copy of Local Law 98-1, Subdivision Regulations, as passed by Resolution by the Village of Unadilla Board of Trustees on April 21st, 1998. This local law has also been filed with the State of New York.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

Suzette E. Loitsch  
Village Clerk/Treasurer

sl  
enc.

cc: Otsego County Planning Board ✓

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

3-14-06

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

XXXXXX

City

of UNADILLA

XXXXX

Village

Local Law No. 1 of the year 1908

A local law SUBDIVISION REGULATIONS

(Insert Title)

Be it enacted by the BOARD OF TRUSTEES

(Name of Legislative Body)

of the

XXXXXXXXX

County

City

of UNADILLA

XXXXX

Village

as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1998 of the ~~(County)~~(City)(Town)(Village) of Unadilla was duly passed by the Board of Trustees on April 21st 1998, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

SUBDIVISION REGULATIONS

Chapter 137

SUBDIVISION REGULATIONS

Article 1 Purpose and Authority

- §137-1 Purpose
- §137-2 Authority

Article II Word Usage; Definitions

- §137-3 Definition of terms

Article III Procedures

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- §137-5 Preapplication procedure
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- §137-8 Minor subdivisions or resubdivisions

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Article V Clustered Development

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- §137-15 Map endorsement
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# SUBDIVISION REGULATIONS

## Article IX Fees

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§137-35 Penalties for offenses

ARTICLE I  
Purpose and Authority

§137-1. Purpose

It is hereby declared to be the policy of the Village of Unadilla that the subdivision and development of land for residential, commercial and industrial purposes shall be guided and regulated in such a manner as to meet the following requirements for orderly and harmonious growth. Land to be subdivided or developed shall be of such character that it can be used safely without danger to health or peril from fire, flood erosion, excessive noise or smoke or other menace. Proper provisions shall be made for drainage, water supply, sewerage and other appropriate utility service. The proposed streets shall provide a safe, convenient and functional system for vehicular circulation and shall be properly related to the Village of Unadilla Comprehensive Plan. Streets shall be of such width, grade and location as to accommodate prospective traffic as determined by existing and probable land and building uses. Buildings, lots, blocks and streets shall be so arranged as to afford adequate light, view and air, to facilitate fire protection and to provide ample access for fire-fighting equipment to buildings. Land shall be subdivided or developed with due regard to maintenance of the rural character and environmental quality of the village area and topography so that the natural beauty of the land and vegetation shall be protected and enhanced. Adequate sites for schools, parks, playgrounds and other community services shall be located so that residents of all neighborhoods shall have convenient access to such facilities.

§137-2. Authority

WHEREAS, this board did previously establish a village planning board in July of 1967 and confirmed its authority to approve plats for subdivision in April of 1987, and in December of 1996, and

WHEREAS, Section 7-728 of the Village Law provides that a village board may authorize a village planning board to approve plats; and

WHEREAS, the control of the platting of land is necessary for the purpose of providing for the future growth and development of the village and affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population; and

WHEREAS, Section 7-738 of the Village Law provide that a village board may authorize a planning board to approve a clustered development simultaneously with the approval of a plat, for the purpose of enabling and encouraging flexibility of design and development of land and to preserve the natural and scenic qualities of open lands;

NOW, therefore be it

RESOLVED, that pursuant to Section 7-728 of the Village Law, the Village of Unadilla Board of Trustees, by resolution on April 21, 1998, authorized and empowered the Village of Unadilla Planning Board to approve plats showing lots, blocks or sites, with or without streets or highways, and to conditionally approve preliminary plats, and to pass and approve the development of plats already filed in the office of the Clerk of Otsego County if such plats are entirely or partially undeveloped; and be it further

RESOLVED, that pursuant to Section 7-738 of the Village Law, the village planning board is hereby authorized simultaneously with the approval of any plat to approve clustered development in the manner and subject to the conditions and limitations specified in said section; and be it further

RESOLVED, that the Village Clerk be directed to forthwith file a certified copy of this resolution with the Clerk of Otsego County.

ARTICLE II  
Word Usage; Definitions

§137-3. Definition of terms

A. General. Words in the singular include the plural, and words in the plural include the singular. The word "persons" includes a corporation or an unincorporated association. "Building" includes "structure" and shall be construed as if followed by the words "or part thereof." The word "street" includes "road," "highway" and "lane"; and "watercourse" includes "drain," "ditch" and "stream." The word shall is mandatory unless otherwise indicated.

B. Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meanings indicated:

|                      |   |
|----------------------|---|
| ALLEY                | A strip of land over which there is a right-of-way, publicly or privately owned, on which no building fronts, serving as a secondary means of access to two (2) or more properties.   |
| BOND                 | Any security in the full amount of the obligation in the form of cash, certified check, surety bond, performance bond or certificate of deposit endorsed to the Village of Unadilla to ensure all improvements, facilities or work required by this law will be completed in compliance with this chapter. The surety may be withdrawn after the work has been performed as certified by a licensed engineer provided that the village board may withhold ten percent (10%) of the bond amount until it accepts all work performed. |
| COMPREHENSIVE PLAN   | A plan for the physical, social, economic, and environmental development of the village that includes a land use plan, a transportation and circulation plan, and a community facilities plan embodied in an overall report that presents the assumptions, standards, goals, and objectives of the community.   |
| CONVEYANCE, OFFER OF | An offer to give property rights over a road, street, sidewalk, park or other public place to the village. The subdivider may reserve such rights to himself, or to a property owners' or other such association, or offer them to the village. The village may accept or decline such an offer.  |
| CLUSTERING           | A planned development in which lots are platted with less than the minimum lot size and dimension requirements, but have access to common, permanently dedicated, open space that is a part of the subdivision plan approved by the planning board.   |
| CROSSWALK            | A right-of-way, publicly or privately owned, which cuts across a block to furnish access for pedestrians to adjacent streets or properties.   |
| DEEP HOLE TEST       | Soil borings used to determine depth to groundwater and bedrock, types of soils penetrated and other features such as root systems, land drains, etc.   |
| EASEMENT             | A right granted to use certain land for a special purpose not inconsistent with the general property rights of the owner.   |

|                                      |   |
|--------------------------------------|---|
| ENVIRONMENTAL ASSESSMENT FORM (EAF)  | The form used by government agencies to assist them in determining the environmental significance of a proposed action as required by the New York State Environmental Quality Review Act (SEQRA).  |
| ENVIRONMENTAL IMPACT STATEMENT (EIS) | A written document required by the New York State Environmental Quality Review Act (SEQRA) for certain actions that may have a potentially significant effect on the environment.   |
| FAMILY DWELLING UNIT                 | Housekeeping accommodations for one (1) or more persons living as a family.   |
| IMPROVEMENT                          | A physical change to the land necessary to produce useable lots from raw acreage, including grading, pavements, curb, gutter, storm sewers and drains and betterments to existing watercourses, sidewalks, street signs, crosswalks, shade trees, sodding or seeding, street name signs and monuments.  |
| LOT                                  | A parcel occupied or capable of being occupied by a principal building and accessory building, together with such open spaces as are required in the district in which the parcel is situated.  |
| LOT DEPTH                            | The horizontal distance from the street line of the lot to its opposite rear line, measured along the median between the two side lot lines. If the street line is curved, one end of the median shall be the midpoint of the arc of the curve. For grossly irregular lot shapes, the planning board will review lot depth determination, if necessary. |
| LOT, DOUBLE FRONTAGE                 | A lot, the generally opposite ends of which both abut on streets.   |
| LOT WIDTH                            | The mean distance of a lot, measured at right angles to its depth.  |
| MAJOR SUBDIVISION                    | See Subdivision.  |
| MONUMENT                             | An object, such as a stone shaft, set in the ground to mark the boundary of real estate.  |
| MINOR SUBDIVISION                    | See Subdivision.  |
| OFFICIAL MAP                         | A map established by the village board under §7-724 showing the streets, highways and parks theretofore laid out, adopted and established by law and all changes or additions thereto.  |
| OPEN SPACE                           | Land permanently reserved for recreational activities, conservation needs, and for its scenic and natural qualities.  |
| OWNER                                | Person whose name appears on the recorded deed of land proposed for subdivision.  |
| PERCOLATION TEST                     | A test to determine the movement of water downward through the pores of soil or other porous medium following infiltration through the soil interface.  |

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| PLANNING BOARD                                 | The agency empowered by the Village of Unadilla Board of Trustees under §7-728 of the Village Law to approve plats for the subdivision of land.  |
| PLAT   | A plan for developing a piece of undeveloped property. See also final plat and preliminary plat.   |
| PLAT, FINAL SUBDIVISION                        | A drawing, in final form, showing a proposed subdivision. The final plat must contain all information or detail required by law and by these regulations for presentation to the planning board and, if approved, the property owner must duly file or record the plat in the office of the Otsego County Clerk. |
| PLAT, PRELIMINARY                              | A drawing prepared as part of a subdivision application. The drawing must conform to these regulations and show the salient features of the proposed subdivision in sufficient detail to permit planning board consideration.  |
| PUBLIC RIGHT-OF-WAY                            | A strip of land, owned or controlled by a public agency, railroad, utility company, or like entity, that contains public roads, railroads, utility lines, etc.   |
| RESUBDIVISION                                  | A change in an approved or recorded subdivision plat if such change affects any street layout or any lot line or if it affects any plan legally recorded prior to the adoption of these regulations.   |
| SCALE  | Unit of measure on a map, plat or plan, showing the ratio of measured distance on the document to the actual dimension of the subject.   |
| SETBACK OR BUILDING LINE                       | A line, generally parallel to the street line, beyond which the front foundation wall of a building may not project into the front yard.   |
| SIGHT DISTANCE                                 | The distance an object eighteen (18) inches above the pavement (a taillight) is visible from an eye level four and one-half (4 1/2) feet above the pavement (average height of driver's eyes).   |
| SITE   | A body of land designated for a particular activity or use. A site may be single, multiple, or partial lots, tracts, parcels, or plots. The most common use of the term is in 'building site' but may also refer to the location of clustered buildings or recreational structures.                              |
| SKETCH PLAN                                    | An informal drawing of a proposed subdivision showing the information specified in these regulations.  |
| STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) | A New York State law that defines the process by which governmental agencies review certain actions with respect to potential environmental impacts..  |

|                   |  |
|-------------------|--|
| STREET            | <p>A general term used to describe a right of-way publicly or privately owned, serving as a means of vehicular and pedestrian travel and furnishing space for utilities. The following functional classification is used in these regulations.</p> <p>(1) LOCAL STREETS:</p> <p>(a) MINOR STREET:<br/>A street intended to serve and provide access exclusively to the properties abutting thereon and not connecting with other streets in such a manner as to encourage through traffic.</p> <p>(b) COLLECTOR STREET:<br/>A street connecting minor residential streets to each other, to community facilities and to arterial streets serving primarily neighborhood traffic and/or a street so designed on the village comprehensive plan.</p> <p>(c) MARGINAL ACCESS STREETS:<br/>Minor streets that are parallel to and adjacent to arterial streets and highways and that provide access to abutting properties and protection from through traffic.</p> <p>(d) CUL-DE-SAC STREET:<br/>A minor street with one end open for public vehicle and pedestrian access and the other end terminating in a vehicular turnaround.</p> <p>(e) SERVICE DRIVES:<br/>Minor private ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting a street.</p> <p>(2) PRIMARY AND SECONDARY STREETS:<br/>Streets with considerable continuity connecting district centers which serve or will eventually serve large volumes of traffic and/or streets so designated on the comprehensive plan.</p> |
| SUBDIVIDER        | The record owner of land proposed for subdivision or the owner's authorized agent.   |
| SUBDIVISION       | The division of a single lot into two (2) or more buildable lots, including present or future changes in street or lot lines for the purpose of transfer of ownership or of building development. Division of land for agricultural purposes into parcels of more than five (5) acres that does not involve any new street or access easement shall not be included within the meaning of 'subdivision'.   |
| MINOR SUBDIVISION | The division of any existing lot into a maximum of three lots that does not require the construction of a new street or the extension of any existing street or village facility. Further subdivision of any lot thus created will be considered a major subdivision if undertaken within five (5) years; otherwise, such subdivision shall be classified as a <u>minor subdivision</u> .  |

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|----------------------------|----------------------|--|
| SUBDIVISION<br>(Continued) | MAJOR<br>SUBDIVISION | Any subdivision not classified as a minor subdivision or as a minor transfer, including, but not limited to, subdivisions of a total of four (4) or more lots, the subdivision within a five (5) year period of parcels previously subdivided under the Minor Subdivision classification, or any size subdivision requiring any new street or extension of any street or village facilities. |
|                            | MINOR<br>TRANSFERS   | The transfers of property between owners of adjacent lots for the purpose of creating a buildable lot, in accord with zoning regulations, from an unbuildable lot by improving access or configuration. Minor transfer is exempt from subdivision requirements unless the lots are in a single ownership.  |
| TECHNICAL<br>CHECK LIST    |                      | A form, approved by the planning board, that specifies items the subdivider will prepare at each stage of the subdivision process.   |
| UNDEVELOPED<br>PLAT        |                      | A plat on file with the county clerk in which twenty percent (20%) or more of the lots are unimproved.   |
| VILLAGE BOARD              |                      | The Board of Trustees of the Village of Unadilla.  |
| VILLAGE<br>ENGINEER        |                      | The duly licensed professional engineer of the Village of Unadilla or, if there is no such official, a licensed professional engineer employed by the village board for the purpose.   |
| ZERO INCREASE<br>IN RUNOFF |                      | A technical term used in drainage calculations on a piece of property. An engineer must determine the runoff from the property prior to development to ensure that post-development runoff will not exceed predevelopment runoff.  |

**ARTICLE III  
Procedures**

**§137-4. Procedures to be followed.**

Except as provided in §137-8, when any major subdivision of land is proposed and before the owner enters into any contract for the sale of or makes any offer to sell such subdivision or any part thereof and before any building permit shall be issued, all procedures in this chapter shall be completed.

**§137-5. Preapplication procedure**

- A. The village planning board shall encourage discussion of any proposed subdivision. The subdivider may revise the project at this stage one or more times, and shall inform the planning board when he/she considers the preapplication ready for planning board action.
- B. Before filing an application for approval of a preliminary plat, the subdivider shall submit to the village planning board a sketch plan and data as specified in §137-26 and §137-11 through §137-13 (clustered development). Both the applicant and the planning board shall use the Technical Check List in all phases of the subdivision process.

- C. Within forty-five (45) days, the planning board shall inform the subdivider that the sketch plan and data as submitted do or do not meet the objectives of the Unadilla Village Comprehensive Plan and the village zoning law and it shall express its reasons therefor.
- D. When the subdivider has been notified that the sketch plan has met the objectives, he/she shall consult the New York State Health Department for guidelines for water supply and sewage disposal plans if the proposed subdivision will have five (5) or more lots of five (5) acres or less each.
- E. If the subdivider proposes to use a form of subsurface leaching for sewage disposal, the subdivider's engineer may not prepare a preliminary plat until soil tests are completed and the New York State Department of Health has inspected the property.
- F. If the subdivider proposes to install a sewer system, he/she shall consult the New York State Department of Environmental Conservation about its design, if required.
- G. The planning board shall require the applicant to complete an Environmental Assessment Form (EAF) and to satisfy all other applicable provisions of State Environmental Quality Review (SEQRA).

§137-6. Preliminary plat procedure

- A. If the planning board finds that the proposed subdivision meets the development objectives of the village as provided in §137-5 above, within six (6) months, the subdivider shall cause to be prepared a preliminary plat, together with improvement plans and other supplemental material as specified in Article VII §137-26 and §137-27. If the preliminary plat is not submitted within that time, the subdivider must obtain an extension from the planning board or begin the subdivision process anew.
- B. The subdivider shall submit six (6) copies of the preliminary plat and supplemental material specified to the planning board with six (6) copies of the application for conditional approval at least fourteen (14) days prior to the meeting at which it is to be considered. Materials submitted must include the application, the technical check list, the clustered development application, if applicable, and all information required by §137.27. The planning board, if required to do so or, at its option, will forward one copy of the preliminary plat and all supplemental material to the Otsego County Planning Board for its review.
- C. The planning board will review the preliminary plat and supplemental material for conformity with this law. Within sixty-two (62) days of this filing, the planning board shall hold a public hearing. The public hearing must be advertised at least once in a newspaper of general circulation in the village at least five (5) days before such hearing, or at least fourteen (14) days if a hearing is to be held jointly on the proposed subdivision and the draft EIS. The applicant must notify, in writing, all owners of property that is located within five hundred (500) feet of the proposed subdivision of the impending hearing.
- D. The planning board, within sixty-two (62) days of the public hearing on the proposed subdivision or within thirty (30) days of filing the final EIS, whichever period is longer, by resolution shall approve, with or without modification, or disapprove the preliminary plat. The board shall state, in writing, the grounds for its decision and any modification it deems necessary for final plat submission.
- E. For any subdivision or portion of a subdivision, the planning board shall state, in writing, the character and extent of required public improvements for which the subdivider has requested waivers. The planning board shall state which waivers have been denied and which have been granted, including any conditions thereto, and the reasons for its decision as provided in Article VII.

- F. The action of the planning board shall be noted on two (2) copies of the preliminary plat, referenced by date and resolution, certified by the village clerk with any required conditions attached. One (1) copy shall be returned to the subdivider and the other retained by the planning board.
- G. Approval of the preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval of the preliminary plat layout that the subdivider will use as a guide to the preparation of the final plat following the procedures given in §137-7 below.
- H. The planning board may not revoke its preliminary approval unless a substantial change in the character of the area or new information about the site and its surroundings indicate the unsuitability of the development as shown on the preliminary plat. Before revocation, the planning board shall inform the subdivider, in writing, of the reasons therefor and shall give him/her a chance to be heard before the board.
- I. The subdivider shall have six (6) months from the date of preliminary plat approval to submit a final plat to the planning board. If the final plat is not submitted within that time, the planning board may revoke the approval of the preliminary plat.

#### §137-7. Final plat procedure

- A. Within six (6) months of approval of the preliminary plat the applicant must make those changes required by the planning board and must prepare and submit a final plat with those corrections, additions and/or deletions.
- B. At the time of filing the final plat, the subdivider shall submit the following to the planning board:
  - 1. Four (4) copies of the final plat, printed in a manner consistent with real property law, and all required supplemental material as specified in §137-28, together with two (2) copies of the application for final approval;
  - 2. New York State Health Departments and Environmental Conservation certification of the adequacy of the proposed water and sewerage systems, where applicable;
  - 3. A performance bond, as defined in §137-3. B., approved by the planning board and village board as to form, sufficiency, manner of execution and surety, for the completion of any required improvements that the subdivider has not constructed.
  - 4. Offers of conveyance, in a form certified as satisfactory by the Village Attorney, of all land to be dedicated for streets, highways, easements, parks or other public facilities;
  - 5. A certified check in the amount of one percent (1%) of the cost of the required improvements to pay for their inspection. The village engineer, or another person officially designated by the village board, shall determine the total improvement cost; and
  - 6. Drawings, certified by a licensed land surveyor, showing the location of any required improvements that have been constructed prior to final plat submission.
- C. The planning board must schedule a public hearing on the final plat if the final plat differs in any substantial degree from the preliminary plat as approved by the planning board.
- D. If a public hearing is held it must be within sixty-two (62) days of the submission of the final plat and the other required material. The planning board must approve, with or without conditions or modifications, or disapprove the final plat by resolution recorded in the minutes within sixty-two (62) days of the close of the public hearing and notify the applicant of its decision. If no hearing is held, the decision must be made within sixty-two (62) days of submission of the complete final plat. The planning board shall state the reasons for any conditions or for disapproval in the recorded resolution.

- E. Within five (5) business days of the adoption of the resolution granting conditional or final approval of the final plat, the clerk of the planning board shall certify the approval and file a copy of the resolution with the village clerk, and shall send by certified mail a copy of the resolution to the owner together with a statement of any conditions which when completed will allow the planning board chairperson to sign the plat. When the conditions are met, or if approval was granted without conditions, the chairperson shall sign and date the plat upon its face. Three (3) copies shall be retained by the planning board and one copy filled with the village clerk.
- F. If the planning board approves a final plat with conditions, the subdivider shall have one hundred eighty (180) days to meet the conditions and certify their completion. The planning board may grant two ninety (90) day extensions of time if it deems the conditions warrant.
- G. The owner shall file the signed and dated final plat in the office of the county clerk within sixty (62) days of the planning board approval or such approval shall expire.

#### §137-8. Minor Subdivisions or Resubdivisions

In the case of a subdivision of land into not more than three (3) lots that does not involve any new street or easement, three (3) copies of a deed description of the lots to be thus created plus three (3) copies of a map showing lot dimensions, bearings, location of monuments and the relationship of the lots to the street or streets upon which they front shall be sufficient for the planning board to consider final approval. This map shall include the information required by §137-26 A, B and C and this submission shall be subject to the procedural requirements of §137-7D, E, F and G.

### ARTICLE IV

#### Required Improvements: Major Subdivision

#### §137-9. General provisions

All major subdivisions shall include water supply, fire hydrants, sanitary sewer or other method of sewage disposal, storm drainage, streets and sidewalks, provision for electric, telephone and other utility lines. The design and construction specifications are specified in Article VI, Sections 137-18 to 137-25. Additional details are listed in Article VII, Information The Subdivider Must Provide and on the Technical Checklist. Procedures governing waivers or variances from the required improvements are listed in Article VIII.

The subdivider shall comply with the following planning and design standards and the planning board may not require any higher standard unless it finds that, because of exceptional and unique conditions of topography, location, shape, size, drainage or other physical features of the site or compliance with the Village of Unadilla Comprehensive Plan or because of the special nature and character of surrounding development, the minimum standards specified would not reasonably protect or provide for public health, safety or welfare. If the planning board imposes a higher standard, it shall be reasonable and shall be limited to the minimum additional improvements necessary to protect the public health, safety or welfare.

The subdivider shall design the project to maintain clean air and water, and to encourage quiet in residential areas. Building on areas where the land slope equals or exceeds a fifteen percent (15%) grade should be held to a minimum. Development on slopes of twenty percent (20%) or greater must follow the standards set by the U.S. Soil Conservation Service.

**§137-10. Street Limitations**

- A. Street design and construction shall conform to current standards of the New York State Department of Transportation.
- B. No public municipal street utility or improvement shall be constructed by the village in any street or highway until it has become a public street or highway and is duly placed on the official map.
- C. No subsurface utility or improvement operated from public revenue by the village shall be constructed by the village in a private street or on other private lands unless a public easement satisfactory to the village board is obtained for such utility or improvement.

**ARTICLE V**  
**Clustered Development**

**§137-11. Clustered Development**

To maintain the rural character and environmental quality of the village area and to encourage flexibility of subdivision design and development of land in such a manner that the natural and scenic qualities of open lands are preserved, the Unadilla Village Planning Board may approve clustered development of a site in accord with the provisions of this section at the same time it approves a plat or plats. Clustered development is a modification of subdivision design provisions (of this chapter) with regard to layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks, and landscaping. Approval of clustered development is subject to the conditions set forth in this section.

**§137-12. Permitted districts**

The village planning board may approve clustered development in districts designated Residential Agricultural District, Residential District 2, Mobile Home District, Business District 1, Business District 2, or Planned Development Districts.

**§137-13. Conditions**

- A. The owner of property proposed for subdivision shall apply separately for clustered development. Clustering must be shown in the original sketch plan and the application itself must be a part of the preliminary plat materials.
- B. The number of building lots or dwelling units in a clustered development shall not exceed the total number of lots which could be allowed if the land were divided according to the lot size, density, and all other applicable requirements of the zoning district in which it is situated. If the proposed subdivision falls within two or more contiguous districts, the village planning board may combine all units allowed in all such districts and may authorize any actual construction to take place in any or all districts or portions thereof.
- C. The planning board may establish such conditions of ownership, use, and maintenance of open lands shown on the plat as it deems necessary to assure the preservation of their natural and scenic qualities.
- D. The plat showing a clustered development shall show areas for structures, height and spacing of buildings, open spaces and their landscaping, off-street parking, both open and enclosed, streets, driveways, utilities and all other features otherwise required for plat approval. In the case of a residential plat or plats, the planning board may approve dwelling units of detached, semi-detached, attached, or multi-story structures.

**§137-14. Public hearing**

The proposed clustered development shall be subject to review at a public hearing or hearings held pursuant to Article III.

**§137-15. Map endorsement**

When the final plat is filed in the office of the county clerk, the subdivider shall file a copy with the village clerk. The village clerk shall make appropriate notations and references thereto on the village zoning map.

**§137-16. Site plan review for common land changes**

After a plat with clustered development is filed with the county clerk, any alterations or development proposed for its common land are subject to site plan review as provided in village zoning law, Chapter 159 of the Unadilla Village Code.

**§137-17. Coordination with zoning law**

The provisions of this section shall not be construed to authorize a change in the permissible uses of land as provided in the village zoning law.

**Article VI  
Design and Construction Standards**

**§137-18. Trees and natural features**

- A. Reasonable requirements for the preservation of outstanding natural features may be specified. These include large trees or groves, watercourses and falls, historic spots, exceptional views and similar irreplaceable assets in which there is general public interest.
- B. No trees shall be planted within the street right-of-way. Required trees shall be located five (5) to ten (10) feet outside the right-of-way.

**§137-19. Streets**

- A. General Planning Standards.
  1. The arrangement, character, extent, width, grade and location of all streets shall conform to the official map and the comprehensive plan. When planning streets, the subdivider shall consider their relation to the existing streets, other proposed streets, topography, public safety and convenience, and the proposed land uses that the streets will serve.
  2. If not included in the Unadilla Comprehensive Plan or Official Map, the subdivider shall arrange the streets to continue the existing principal streets in surrounding areas or he/she shall submit a street plan to the planning board for its approval.
  3. Where a subdivision abuts or contains an existing or proposed arterial street, the planning board may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the real property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
  4. 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 such as for park purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
  5. Barriers of any kind that control street access are prohibited, unless the planning board approves their design and conditions for use and they are under village control.
  6. Intersections of minor streets with arterial or collector streets shall be held to a minimum to avoid hazard and delay.

7. Half-width streets shall be prohibited except where it is necessary to provide the remaining half of a previously approved half-width street.
  8. No street names shall be used which will duplicate or be confused with the names of existing streets in the Village of Unadilla. Streets that are extensions of or in alignment with existing named streets shall bear the names of the existing streets.
  9. Where the subdivision abuts or fronts on an arterial street, the subdivider shall provide sidewalks if the planning board anticipates sufficient pedestrian traffic to warrant their construction.
  10. Dead-end streets shall be permitted only if a suitable turnaround is provided. The subdivider shall provide temporary turnarounds for dead-end streets that are planned for future extension, either in the subdivision or by connection to an adjoining tract. When the street is connected or extended, the portion of the temporary turnaround outside the right-of-way shall revert to the property owner of the abutting land.
  11. When continuing street lines (projected right-of way tangents) deflect from each other at any one (1) point by more than ten degrees ( $10^{\circ}$ ), they shall be connected by a curve with a radius at the street right-of-way line not less than three hundred fifty (350) feet; where continuous street lines of arterial streets deflect more than five degrees ( $5^{\circ}$ ) from each other, they shall be connected by a curve of a radius of not less than eight hundred (800) feet.
  12. Where street grades exceed five percent (5%), gutters shall be paved in accordance with the requirements of §137-19. B. (8)
  13. Minor streets leading from the same subdivision shall not intersect on the same side of a major thoroughfare at intervals of less than eight hundred (800) feet.
  14. Radius corners or diagonal cutoffs shall be provided on the property line. Radius corners shall be substantially concentric with the curb radius corners. Diagonal cutoffs shall be parallel to the chord of the curb radius corners.
  15. Where any street intersection will involve topographic features or existing vegetation inside any lot corner that might create a traffic hazard through limiting visibility, such ground and/or vegetation shall be cut and kept cut to a height not exceeding three and one half ( $3 \frac{1}{2}$ ) feet in conjunction with the grading of the public right-of-way to the extent deemed necessary to provide adequate sight distance.
  16. Alleys.
    - (a) Alleys may be provided in residential, commercial and industrial districts as private accessways.
    - (b) Intersections of alleys and sharp changes in alignment shall be avoided, but, where necessary, corners shall be cut off sufficiently to permit safe vehicular movements.
    - (c) Dead-end alleys shall be avoided when possible but, if unavoidable, shall be provided with adequate turn-around facilities at the dead end as determined by the planning board.
- B. Design and construction standards
1. Street design and construction shall conform to the current standards of the New York State Department of Transportation.
  2. Arterial street cross sections shall conform to the official map and comprehensive plan or to the specification of the village engineer, the planning board or state and county road authorities.

3. Collector streets, minor streets and cul-de-sacs may have two (2) sidewalks, each five (5) feet wide and one (1) foot from property lines, if required by the planning board.
4. Where marginal access streets are required, at least ten (10) feet from the edge of the street shall be reserved for use as part of the separation strip between the access street and the adjacent arterial or collector street.
5. The planning board, advised by the village engineer, shall determine the cross sections of streets along subdivision boundaries and of streets that connect with existing streets.
6. The planning board shall approve grading, centerline gradients, and street lighting specifications. Lighting must be controlled in both height and intensity to maintain the rural character of the village.
7. The subdivider shall place street name signs at all intersections. The village board must approve the street names and the design of the signs.
8. Street construction in residential areas must meet the specifications of the village engineer or other appointee of the village board. Where subgrade, slope or drainage are unsatisfactory, the planning board may require reasonably higher standards of gravel base or pavement or special subgrade treatment.
9. The planning board, advised by the village engineer, shall specify street construction standards for all non-residential areas.
10. The subdivider may construct the required improvements or the owner may furnish to the village, prior to planning board approval, a performance bond or other security sufficient to cover the full cost of construction as estimated by the planning board or an engineer designated by the planning board. The term of the bond or security agreement shall not exceed three (3) years, provided that the planning board may extend the term by consent of the parties. The planning board may recommend reduction in the amount of security if the amount of building that has taken place in the subdivision is not sufficient to warrant all the required improvements. Upon approval of the village board, the planning board may reduce its requirements for any or all such improvements with a corresponding reduction in the amount of the performance bond.
11. If the subdivider fails to install any required improvements within the term of the security agreement, and the term is not extended, the village board of trustees may declare the performance bond or security agreement to be in default and collect the sum remaining payable. Upon receipt of the proceeds, the village shall install those improvements listed in the agreement that are commensurate with the extent of building development that has taken place, but not to exceed the amount of such proceeds.
12. The subdivider must provide fire alarm systems if the planning board, advised by the village fire chief deems it necessary for public safety taking into account current practice and building code requirements.

C. Design guidelines

| Specification Type   | Major Arterial or Primary                         | Collector or Secondary | Minor  | Marginal Access | Cul-de-sac             | Alley |
|--|---|------------------------|--------|-----------------|------------------------|-------|
| Minimum right-of-way width (feet)                                      | As determined by state or county road authorities | 60                     | 50     | 50              | Turn around radius: 50 | 20    |
| Pavement width (feet)  | As determined by state or county road authorities | 36                     | 28     | 22              | 28                     | 18    |
| Maximum grade (percent)  | 3   | 8                      | 12     | 12              | 12                     | 10    |
| Minimum grade (percent)*   | 1   | 1                      | 1      | 1               | 1                      | 1     |
| Minimum center line radius of curves (feet)                            | 500   | 300                    | 100    | 300             | 100                    | †     |
| Minimum curb radii (feet)  | 30  | 30                     | 20     | 20              | 20                     |       |
| Minimum tangent length reserve curves (feet)                           | 200   | 100                    | †      | †               | †                      | †     |
| Maximum grades within 150 feet of center-line intersections (percent)  | 1.5   | 3                      | 3      | 3               | 3                      | 3     |
| Minimum braking sight distance (feet)                                  | 300   | 200                    | 100    | 100             | 100                    | 100   |
| Minimum distance between 400 center-line offsets at street jogs (feet) | 400   | 150                    | 150    | 150             | 150                    | †     |
| Maximum length of cul-de-sac (feet)‡                                   |   |                        |        |                 | 800                    |       |
| Minimum outside radius of cul-de-sac pavement (feet)                   |   |                        |        |                 | 46                     |       |
| Angle at intersections of street center lines (degrees)                | 90  | 80-100                 | 80-100 | 80-100          | 80-100                 |       |

† No standard

\* Grades under one percent (1%) acceptable when approved stormwater drainage facilities are provided.

‡ Except where, in the judgment of the planning board, the cul-de-sac does not impose any problem and constitutes a positive design feature.

## §137 20. Blocks

## A. General Planning Standards.

1. The length, width and shape of blocks shall be determined with due regard to:
  - (a) the number and suitability of building sites to the intended land use;
  - (b) lot size and dimensions required by the zoning district;
  - (c) traffic circulation, safety, and control; and
  - (d) limitations and opportunities of topography.
2. The planning board may approve irregularly shaped or oversized blocks resulting from cul-de-sacs, parking courts, or loop streets, interior block parks or playgrounds, or clustered design. Such blocks shall include adequate off-street parking, safe pedestrian access from streets to all lots, proper easements for utilities and provision for maintenance or any park or open space.
3. The length, width and shape of blocks for commercial or industrial use shall be suitable to their purpose, the topography and traffic safety. Such blocks shall include provision for required off-street parking and servicing.

## B. Design standards. Unless the planning board approves otherwise, the subdivision block design shall conform to these guidelines:

1. Block lengths shall not exceed one thousand two hundred (1,200) feet nor be less than four hundred (400) feet, except that blocks abutting on designated arterial streets shall be no less than one thousand (1,000) feet and may exceed one thousand two hundred (1,200) feet.
2. Blocks over eight hundred (800) feet in length may be required to have a crosswalk, if necessary, to facilitate pedestrian circulation to a school, park, recreation area, shopping center or other similar neighborhood facility.
3. Minimum lot depth for single-frontage lots shall be one hundred twenty-five (125) feet.
4. Where double-frontage lots are necessary, the minimum depth of lots shall be one hundred fifty (150) feet.

## C. The subdivider shall place monuments at all block corners, angle points, points of curvature in streets, points of tangency and at such other points required by the village engineer or qualified appointee of the village board of trustees; however, in no case shall there be fewer than four (4) permanent monuments per block. In addition, the subdivider shall place markers at all points where street lines intersect the plat boundary and at all lot corners. The village engineer shall specify the material, size and length of the monuments.

## §137-21. Lots

## A. General planning standards.

1. The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use proposed according to the zoning district.
2. Except in clustered developments, side lots shall be substantially at right angles or radial to street lines.



3. Double-frontage or reverse-frontage lots shall be permitted only where essential for separation of residential lots from traffic arteries or other disadvantageous use or to accommodate topography. Lots abutting such traffic arteries or other disadvantageous use may require an easement across which there shall be no right of access.
4. The subdivision plat shall provide each lot with satisfactory access to an existing public street or to a subdivision street that may be ceded to public use at the time of final plat approval.

B. Design standards

Excessive depth of lots in relation to the width shall be avoided. A proportion of one and one-half to one (1 1/2:1) is normally considered to be desirable.

§137-22. Easements

- A. The subdivider shall arrange for utility easements across lots or centered on lot lines.
- B. Permanent utility easements should be thirty (30) feet wide or less except in unusual circumstances.

§137-23. Water and sewage systems

A. Water supply and fire hydrants.

1. The subdivider shall prepare a plan for water supply and submit it to the NY Department of Health for approval.
2. The design of the system, main sizes and location of fire hydrants shall conform to the regulations of the New York State Department of Health and additional specifications of the Water Department Rules and Regulations of the Village of Unadilla. The system shall provide a minimum water pressure of twenty pounds per square inch.
3. Under the supervision of the Unadilla Superintendent of Public Works, the subdivider shall connect all subdivision water supply systems to the existing Unadilla village water system.

B. Sanitary sewer facilities.

1. Public sewer available. No stormwater shall be allowed to enter sanitary sewers. The subdivider shall submit proof of New York State Department of Environmental Conservation approval of sewer extension plans, if required by law, the subdivider shall prepare an offer to dedicate sewers in a form acceptable to the village attorney.
2. Public sewers not available.
  - a) Project systems shall be designed by a licensed engineer, shall provide a six inch minimum size connection to each lot and shall have a sewage disposal plant with arrangements for the operation thereof. Construction plans and plans for the operation of the plant shall be approved by the New York State Health Department or Department of Environmental Conservation, if required.
  - b) Sewage disposal on the lot. Any on-lot system shall conform, at a minimum, to New York State Health Department standards. If water supply and sewage disposal are both on the lot, the plat shall show the general location of each and, in realty subdivisions, the plans shall be approved by the New York State Department of Health. In non-realty subdivisions, the planning board shall approve and the Otsego County Code Enforcement Officer shall inspect on-lot sewage disposal systems.



**§137-24. Storm drainage and erosion control**

- A. The subdivider shall include in the subdivision plan, a plan for managing storm water and controlling erosion. The plan shall show sufficient detail and specifications to allow the planning board, advised by the village engineer, to evaluate its environmental impacts and its effect on community waters and the effectiveness of proposed measures for reducing adverse impacts.
- B. Wherever possible, stormwater management shall provide for zero increase in runoff. The plan shall show potential surface runoff after development and provide adequate storm drainage. Storm drainage design shall be based on the natural drainage patterns on the land to be subdivided, the adjacent land, and any existing storm drainage facilities. The plan shall incorporate current stormwater management practices and standards of the New York State Department of Environmental Conservation as they apply to the project.
- C. The subdivider shall provide easements along existing streams, channels, drainageways or other watercourses as needed.
- D. The subdivider must arrange for inspections of the stormwater management and erosion control activity as follows:
  1. before approval of the plan;
  2. erosion control inspection during development;
  3. prior to covering underground structures; and
  4. final inspection when all work is completed.
- E. The village engineer, or a qualified person appointed by the village board, shall make all inspections and inform the subdivider, in writing, of any failure to conform to the approved plan. In addition to scheduled inspections, the inspector may conduct random inspections during any phase of construction.
- F. Storm drain construction
  1. Capacity. Storm drainage facilities shall provide a clear and protected channel fully adequate to handle runoff from a five year storm. If feasible, the storm drainage design should accommodate heavier runoff with minimum damage to improvements and structures. Data about the method used to compute anticipated runoff as well as the result shall be included in the plan.
  2. General design. Runoff from roofs, driveways and other impervious surfaces should be collected in short-run (300 to 400 feet) ditches and gutters and then diverted into storm sewers or natural watercourses. Streets should not be near watercourses unless storm sewers are planned. To prevent damage to downstream properties, storm drainage channels should empty into natural watercourses whenever possible subject to approval of the planning board.
  3. Open watercourses. The subdivider shall control erosion and prevent stagnant water and swampy land, protect the capacity and provide for the safety and good appearance of any open watercourses he/she develops. The use of shallow, V-shaped ditches, headwalls, endwalls, seeding, sodding, planting, rip-rap or other fill, and maintenance easements are measures which the planning board may require as part of the storm water management and erosion control plan.
  4. Easements. All easements needed for storm water drainage must prohibit erection of structures, dumping of fill or obstruction of watercourses without permission from the village board. The subdivider shall plan property boundaries to allow drainage easements wide enough for motorized equipment along the side and rear lot lines except that easements may cross properties larger than one (1) acre.

## 5. Construction detail.

- a) Storm sewers shall have a minimum diameter of twelve (12) inches and a minimum grade of zero and five-tenths percent (0.5%).
- b) Manholes shall be no more than three hundred (300) feet apart where pipe sizes of twenty-four (24) inches or less are used and no more than five hundred forty (540) feet apart where larger sizes are installed. Manholes are required for changes in direction.
- c) All enclosed drainage courses shall have a sufficient grade to create a water flow velocity of three (3) feet per second. The planning board may permit a lesser grade when circumstance will not permit the standard grade.
- d) To prevent water in gutters and ditches from flowing over intersecting streets, the subdivider shall provide adequate culverts.
- e) Depth and shape of ditches.
  - 1) Where roadside ditches are permitted for runs of more than three hundred (300) feet or where subgrade drainage is necessary, the bottom of such ditch should be below the subgrade and, at a minimum, should be approximately eighteen (18) inches below the crown of the road.
  - 2) Ditches shall be V-shaped or parabolic with sides sloping at approximately one (1) inch vertical to three (3) inches horizontal, except where other cross-section plan is authorized.

## §137-25. Public sites and open spaces.

- A. If the comprehensive plan anticipates a school, park, playground or other public use on land within the proposed subdivision, the planning board may require that land be reserved for that use, if the board deems the reservation reasonable.
- B. The planning board may require reservation of land for parks, other recreation areas, schools, or other needs created by the subdivision.
- C. If the planning board finds that parkland or other recreational use is needed, the subdivider shall reserve one acre of land for each one hundred (100) dwelling units. If the total acreage to be reserved is less than two (2) acres or if the land is unsuitable for park development, the subdivider may pay a fee in lieu of reservation in an amount determined by the village board. The village shall deposit all such fees into a trust fund to be used exclusively for park, playground or other recreational purposes, including parkland acquisition.
- D. The planning board may consider unusable areas or areas bordering streams or other water for recreational or open space in addition to any land required under subsection C above.
- E. If it finds that the acreage required in subsection C above is inadequate to anticipated needs, the planning board may require additional reservation of parkland or open space. In making such a requirement, the planning board shall take into consideration the prospective character of the development and the anticipated population density.

**ARTICLE VII**  
**Information The Subdivider Must Provide**

**§137-26. Preapplication**

- A. Sufficient information to outline the existing site conditions and the proposed development. Information must include: data on land characteristics, including topography, soil composition, percolation and deep hole tests; current zoning district; existing covenants; available community facilities and utilities; data and description of the proposed project, such as number of lots, typical lot dimensions, proposed land uses, public areas, proposed easements, utilities, improvements and conformance with the comprehensive plan.
- B. A location map showing the relationship of the proposed subdivision to current community facilities. Such facilities include major traffic arteries, shopping areas, schools, parks, employment centers, railroads, churches, hospitals, fire houses, etc. The map scale shall be suitable to show the listed facilities, and the map shall show a north arrow, date and scale.
- C. A sketch plan of the proposed subdivision layout showing the project boundaries, proposed lot distribution, lot sizes, building types and approximate square footage, streets, and other features of the proposal. Existing topographical features, such as land slope and watercourses, must be indicated. The sketch plan may be a free-hand drawing made directly on an enlargement of a US Geological Survey map, its scale must be at least one inch for every two hundred feet (1"/200'), and it must show lands bordering the proposed subdivision. If the subdivider plans to use clustered development, it must be shown on this map.
- D. Before accepting the preapplication materials for preliminary decision, the planning board may modify the requirements for data and items to be included on the maps, if in its judgment, the project so warrants. A written list of additional items and any items that the subdivider may omit shall be provided to the applicant and recorded in the planning board minutes.

**§137-27. Preliminary plat.**

The preliminary plat shall cover the same area as the sketch plan and shall consist of one (1) or more maps or drawings which may be reproduced on paper, with dimensions shown in feet or decimals thereof, drawn to a scale of not more than one hundred (100) feet to the inch where the total land area is more than ten (10) acres and not more than fifty (50) feet to the inch where there is less than ten (10) acres, showing or accompanied by the following information:

- A. General information. Include on application or attachments thereto:
  1. Name of proposed subdivision, name of village, town and county;
  2. Names and addresses of property owner, subdivider and designer of preliminary plat;
  3. The number of acres within the proposed subdivision, the location of property lines, existing buildings, watercourses, unusual and desirable trees and other essential features;
  4. The names and locations of all adjacent subdivisions and the names of owners of adjacent property within two hundred (200) feet of any project boundary;
  5. The location of any existing sewage disposal system and the locations and sizes of water mains, culverts and drains immediately adjacent to the property to be subdivided;
  6. The location, name and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other proposed public open spaces for the proposed development and adjacent property;

7. The width and location of any streets or other public ways or places within the proposed subdivision shown upon any existing official map or comprehensive plan, and the width, location grades and street profiles of all streets or other public ways proposed by the subdivider;
  8. The location of all fuel storage containers, and gas, electric or other distribution or transmission lines, whether underground or overhead;
  9. A list of requests for waiver to specific regulations together with the reasons therefor;
  10. The appropriate environmental assessment form; and
  11. A separate application for clustered development, if applicable.
- B. Site maps:
1. Contour lines at intervals of two (2) feet based on United States Geological Survey datum of existing grades and the proposed finished grades. Such contour lines shall be shown at intervals of less than two (2) feet where required by the village engineer, other qualified appointee of the village board or the New York State Health Department.
  2. Typical cross sections of the proposed grading, roadways, sidewalks and unusual topographic conditions;
  3. The date, magnetic north points and scale;
  4. A metes and bounds description and map survey of the tract boundary made and certified by a licensed land surveyor tied into established reference points and, where possible, related to the state system of plane coordinates established by Chapter 545 of the Laws of 1938;
  5. Connection with existing water supply or alternative means of providing water supply to the proposed subdivision and water supply available for fire protection;
  6. A sewage disposal plan approved by the New York State Health Department or Department of Environmental Conservation, if required, together with the results of percolation and deephole tests and soils analysis unless this data was submitted with the preapplication. Location of the test sites must be included;
  7. A storm drainage plan as described in §137-24. and approved by the New York State Department of Environmental Conservation if required;
  8. Preliminary designs of any bridges or culverts that may be required;
  9. The proposed location and type of sidewalks, street lighting standards and species of street trees, the location of curbs, gutters, water mains and typical sewage disposal systems and the sizes and types thereof, the character, width and depth of pavement and subbase or other street improvement and the location of manholes and basins and underground conduit;
  10. All parcels of land proposed to be dedicated to public use and the conditions of such dedication; and
  11. The location of all trees on the site over one (1) foot in diameter four (4) feet above ground level. For wooded areas, the outline of said area shall be shown.
- C. Neighborhood map: The location of all existing and planned streets, public facilities and watercourses within four hundred (400) feet of any part of the subdivision shall be drawn as a separate map on a print of the village's official map.

## §137-28. Final plat.

The final plat shall be printed or drawn in pen and black water proof ink upon transparent tracing cloth or polyester film and be not less than eight and one-half (8 1/2) inches by fourteen (14) inches nor more than thirty (30) inches by forty two (42) inches in size. Said subdivision plats shall be drawn at a scale of not less than one hundred (100) feet to the inch and shall be oriented with a north point at the top of the map. Where necessary, the plat may be on several sheets accompanied by an index sheet for endorsement by the planning board, the New York State Health Department and the New York State Department of Environmental Conservation, where required. The final plat shall conform in all respects to the preliminary layout as approved by the board and shall show the following:

- A. All maps:
  1. The proposed subdivision name and the name of the village, town and county;
  2. The name and address of the record owner and subdivider; and
  3. The graphic scale, date and magnetic north point.
- B. General information:
  1. Certification of title showing that the applicant is the owner; and
  2. Certification by the licensed land surveyor who prepared the plat to the effect that the plat represents a survey made by him/her, that all monuments indicated thereon actually exist and that their location, size and material are accurately shown.
- C. Site maps:
  1. The boundaries of the subdivision and its general location in relation to existing streets;
  2. Street names and lines, pedestrian ways, lots, reservations, easements and areas for public use offered for conveyance to the village and those reserved to private ownership;
  3. Sufficient data acceptable to the village engineer or other qualified appointee of the village board to determine readily the location, bearing and length of every street line, lot line and boundary line and to reproduce such lines upon the ground. Where practicable, these should be referenced to monuments 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 of all straight lines, the deflection of angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street;
  5. The proper designation on such plat of all proposed public open space for which offers of conveyance are made by the subdivider and those spaces, title to which are reserved by him/her;
  6. Lots within the subdivision numbered in numerical order within blocks and blocks lettered in alphabetical order;
  7. The minimum building setback line on all lots;
  8. The location and description of monuments;
  9. The names of record owners of adjoining unplatted land; and
  10. Reference to recorded subdivision plats of adjoining platted land by record name, date and number.

- D. Development data: cross sections and profiles of all existing and proposed streets in the subdivision showing grades approved by the village engineer or qualified appointee of the village board. The profiles shall be drawn to standard scales and elevations and shall be based on a datum plane approved by the village engineer or qualified appointee of the village board.
- E. Legal data:
1. Written offers of conveyance to the village, in a form suitable to the village attorney, of those public streets, rights-of-way and open spaces not shown on the plat as reserved by the subdivider, and certified copies of agreements or other documents showing the manner in which public spaces, title to which is reserved by the owner, will be maintained;
  2. A certificate by the village engineer or qualified appointee of the village board certifying that the subdivider has complied with one (1) of the following alternatives:
    - a. All improvements have been installed in accord with the requirements of these regulations and the subdivision plan approved by the planning board. The village board, or its designated appointee, must approve street construction, in writing, and the village board must note in writing those offers of conveyance it accepts. The above documents must be duly filed with the planning board.
    - b. A performance bond or other security has been posted as required in §137-19 B.(10) and (11).
  3. Endorsement of approval for water, sewage and storm drainage plans by the New York State Health Department and the New York State Department of Environmental Conservation as appropriate;
  4. Access permits from New York State Department of Transportation where required;
  5. Protective covenants in form of recording; and
  6. Other data such as certificates, affidavits, endorsement or deductions as may be required by the planning board in the enforcement of these regulations.

#### ARTICLE VIII Variances and Waivers

##### §137-29. Hardship.

- A. Where the planning board finds that compliance with these regulations would cause unusual hardship or extraordinary difficulties because of exceptional and unique conditions of topography, access, location, shape, size, drainage or other physical features of the site, the minimum requirements of the regulations may be modified to mitigate the hardship, provided that the public interest is protected and the development is in keeping with the general spirit and intent of the regulations.
- B. No such modification may be granted if it would have the effect of nullifying the intent and purpose of the official map, the zoning ordinance, the comprehensive plan or these regulations.

**§137-30. Large Scale Development.**

The standards and requirements of these regulations may be modified by the planning board in the case of a plan and program for neighborhood unit or similar large-scale development which, in its judgment, provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

**§137-31. Subdivision improvement waivers.**

- A. The planning board may waive the requirements for those subdivision improvements that, in its judgment of the special circumstances of a particular plat do not advance the public health, safety and general welfare.
- B. The planning board may waive the requirements for those subdivision improvements that, in its judgment of the special circumstances of a particular plat, are inappropriate because connecting facilities adjacent or near the proposed subdivision are absent or inadequate.

**§137-32. Conditions to waivers and modifications.**

In granting waivers or modifications, the planning board may require such reasonable conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived or modified. In any case where variance is granted, the planning board shall make findings which disclose the basis for its decision, and these shall become a part of the record.

**Article IX  
Fees**

Beth Westfall:

**§137-33. Payment and amounts.**

Fees shall be paid at the time of filing the preliminary application. The fee shall be as designated by the planning board.

**ARTICLE X  
Enforcement; Penalties**

**§137-34. Action to prevent or abate offenses**

The village board may, by ordinance, provide for additional remedies to prevent or abate violations and to establish penalties for violations as provided by law.

**§137-35. Penalties for offenses.**

The village board may provide that:

- A. Each violation of this chapter shall be punishable by a fine not to exceed two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both; and
- B. Each week's continued violation shall constitute a separate additional violation.