

**Chapter 175**  
**SUBDIVISION OF LAND**

[**HISTORY: Adopted by the Planning Board of the Village of Lloyd Harbor 4-18-1991,<sup>1</sup> approved by the Board of Trustees of the Village of Lloyd Harbor 7-15-1991 by L.L. No. 3-1991. Amendments noted where applicable.**]

**GENERAL REFERENCES**

**Environmental quality review — See Ch. 8, Art. V, and Ch. 106.**

**Application and hearing fees — See Ch. 8, Art. VII.**

**Approval of plats; development of filed plats — See Ch. 8, Art. VIII.**

**Excavations — See Ch. 172, Art. I.**

**Freshwater wetlands — See Ch. 120.**

**Zoning — See Ch. 205.**

**ARTICLE I**

**Purpose and Authority**

**§ 175-1. Statutory authority; adoption.**

By authority of Article 7 of the Village Law, as amended, the Planning Board on April 18, 1991, after a public hearing, adopted these regulations for the subdivision of land within the Village, which regulations were approved by the Board of Trustees on July 15, 1991.

**§ 175-2. Purpose; grant of power to Planning Board.**

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, the Board of Trustees has authorized and empowered the Planning Board to approve plats and to approve the development of plats, entirely or partially undeveloped and which have been filed in the office of the Clerk of Suffolk County prior to the appointment of the Planning Board and the grant to such Board of the power to approve plats.

**§ 175-3. Approval required prior to sale or development.**

No person, firm or corporation proposing to make or having made a subdivision, as defined herein, within

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<sup>1</sup>. **Editor's Note: A notice to subdividers which was included at the beginning of this legislation read as follows: "In these rules and regulations, a reference will be made to other governmental, public or public utility agencies or districts which may have the right to assert an interest in the proposed subdivision. It is of prime importance in furthering and expediting the subdivision, that the subdivider communicate with these agencies at an early stage. These agencies may include the State and County Departments of Health, the State Department of Environmental Conservation, the water or other improvement district of the township and the electric light, gas, telephone and cable television companies."**

the territorial limits of the Village of Lloyd Harbor shall make any unconditional contract for the sale of or shall unconditionally offer to sell such subdivision or any part thereof or shall proceed with any development, as defined herein, until he, she or it has obtained from the Planning Board of the Village of Lloyd Harbor approval of the proposed subdivision and/or development pursuant to the procedure outlined in this chapter.

**§ 175-4. Plats straddling municipal boundaries.**

Whenever access to the subdivision can be had only across land in another municipality or over an easement or right-of-way across land not owned by the owner of the premises to be subdivided, the Planning Board may request confirmation from the Village Attorney that an access road has been legally established and shall ascertain that such access road is adequately improved or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines shall be laid out so as not to cross Village boundary lines.

**ARTICLE II  
Definitions**

**§ 175-5. Word usage.**

A. Words in the singular include the plural, and words in the plural include the singular.

B. The word "person" includes a corporation, association and a partnership, as well as an individual. The word "building" includes "structure" and shall be construed as if followed by the words "or part thereof." The word "street" includes "road," "highway," "lane," "thoroughfare" and "way."

C. The word "shall" is mandatory; the word "may" is permissive.

**§ 175-6. Terms defined.**

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated:

**BOARD** — The Planning Board of the Village of Lloyd Harbor, Suffolk County, New York.

**BUFFER AREA** — A vegetated area comprising the outer 40% of the required setback area for side and rear yards. [Added 10-21-2002 by L.L. No. 4-2002]

**CONSTRUCTION PLAN** — The maps and engineering drawings described in § 175-46 of this chapter, accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of this chapter.

**CONSTRUCTION STANDARDS** — The standards and specifications adopted by the Board of Trustees for the construction of new streets and related improvements.

**DEVELOPMENT** — The act of building structures and/or installing site or street improvements and any land clearing or grading in connection therewith; also, such structures, improvements, grading and dredging.

**DRAINAGEWAY** — The lands required for the installation of storm sewers, drainage ditches or drainage systems, including land required along a stream or watercourse for protecting the channel and providing for the flow of water therein, to safeguard the public against flood and/or to conserve the water supply.

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

**ENGINEER** — The Engineer of the Village of Lloyd Harbor.

**LOT** — A parcel of land which qualifies for immediate or future transfer of ownership, improvement or building development and which complies with Chapter 205, Zoning.

**MASTER PLAN** — The Comprehensive Master Plan for the development of the Village

prepared by the Planning Board, pursuant to § 7-722 of the Village Law, which shows, among other things, desirable streets, parks, public reservations, sites for public buildings and such other features as will provide for the improvement of the Village and its future growth, protection and development, and including any part of such plan separately adopted and any modification or parts thereof.

**OFFICIAL MAP** — The map established by the Board of Trustees, pursuant to § 7-724 of the Village Law, showing the streets, highways and parks heretofore laid out, adopted and established by law and any amendments thereto adopted by the Board of Trustees, pursuant to § 7-724 of the Village Law, or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such plats pursuant to § 7-732 of the Village Law.

**PARTITIONING** — A subdivision which does not involve the layout of any new street nor the change in lines, drainage or grade of any existing street nor the installation of any street improvement.

**PLAN, SKETCH** — A sketch plan, described in § 175-44 of this chapter, of a preliminary plat to enable the subdivider to discuss informally with the Planning Board and Village officials the form of the proposed subdivision as related to the objectives and requirements of these regulations.

**PLAT, SUBDIVISION** — The final map or drawing, described in § 175-47 of this chapter, on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, will be submitted by the subdivider to the Clerk of Suffolk County for recording in accordance with law.

**PRELIMINARY PLAT** — The preliminary drawing or drawings, described in § 175-45 of this chapter, indicating the proposed manner and/or layout of the subdivision to be submitted to the Planning Board for its consideration.

**STREET** — A strip of public or private land devoted to movement over which the abutting owners have the right of access.

**STREET, DEAD-END** — A street with only one (1) outlet.

**STREET, LOCAL** — A minor street which serves or will serve primarily for access to abutting properties.

**STREET, MAJOR** — A principal thoroughfare of considerable continuity which is or will be primarily a traffic artery for intercommunication between communities or large areas.

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

**STREET, SECONDARY** — A street supplementary to the major highway system and primarily a means of intercommunication between this system and smaller areas or among smaller areas.

**STREET, WIDTH** — The street right-of-way or distance between property lines measured at right angles to the center line of the street.

**SUBDIVIDER** — Any person, firm, corporation, partnership or association who or which lays out or proposes to lay out for the purpose of sale or development any subdivision or part thereof as defined herein.

**SUBDIVISION** — The division of any parcel of land (including land that comprises contiguous parcels separately acquired and held in common ownership) by a person, firm, corporation, partnership or association as owner, lessee or contract vendee into two or more parcels, lots, plots or sites of land by sale, gift, devise, exchange, offer or unconditional

contract. [Amended 7-19-2004 by L.L. No. 1-2004]

VILLAGE — The Incorporated Village of Lloyd Harbor.

ZONING — Chapter 205, Zoning, of the Code of the Village of Lloyd Harbor, together with any and all amendments thereto.

### ARTICLE III Procedures

#### **§ 175-7. Approval required.**

Whenever any subdivision of land is proposed within the territorial jurisdiction of the Board and before any permit for the development of such land or for the erection of a structure thereon will be granted, the subdividing owner or his authorized agent shall apply for and secure approval of the proposed subdivision in accordance with this chapter. Three principal steps are involved, namely:

- A. The preapplication procedure.
- B. The procedure for conditional approval of the preliminary plat.
- C. The procedure for approval of the subdivision plat.

#### **§ 175-8. Preapplication procedure.**

A. Meeting. Prior to the filing of an application for conditional approval of the preliminary plat, the subdivider shall meet with the authorized representative of the Planning Board, Conservation Board, and any other Village Board employee or consultant having jurisdiction over the matter to discuss his/her sketch plan, which shall comply with the requirements of § 175-44 and the requirements for improvements and public facilities and services. This step does not require a formal application, fee or filing of a plat with the Board. [Amended 10-21-2002 by L.L. No. 4-2002]

B. Purpose. The purpose of the preapplication procedure is to afford the subdivider an opportunity to consult early and informally with the Board's representative before preparation of the preliminary plat and before formal application for its approval in order to save time and unnecessary expense.

C. Responsibilities of subdivider. [Amended 11-21-1994 by L.L. No. 2-1994; 10-21-2002 by L.L. No. 4-2002]

(1) Before preparing a sketch plan or attending the initial conference, the subdivider should familiarize himself/herself with the regulations, standards and requirements contained herein. It is recommended that the subdivider discuss with the Village's authorized representatives the requirements as to general layout of streets, lots, buffer areas, and reservations and similar matters and, with the Engineer of the Village, street improvements, drainage, sewerage, water and like matters, as well as the availability of existing services. In the case of land within 500 feet of Village boundaries and other facilities described in § 239-n of the General Municipal Law, the subdivider should also consult with the Suffolk County Planning Commission.

(2) The subdivider should also consult with parties potentially interested with him or her or with the ultimate users of the development with a view to reaching, at this initial stage, firm conclusions regarding the market demand, the suitability of the location of the proposed subdivision, the most advantageous subdivision plan and the arrangement of streets, lots and other features of the proposed development which shall be provided to the Board.

#### **§ 175-9. Preliminary plat procedure.**

A. Application and fee. If the subdivider after complying with § 175-8 shall request the consideration by the Board of a preliminary plat, 12 copies of the application, the

preliminary plat, a full environmental assessment form (EAF) for all Type I actions and a short-form EAF for others, and a coastal consistency assessment form (CAF) which shall in all respects comply with this chapter, shall be presented to the Village Clerk at least 45 days prior to the meeting of the Board at which it is requested to be considered. The preliminary plat shall be accompanied by a fee and deposits, payable to the Village of Lloyd Harbor, as established by the Board of Trustees, together with stamped envelopes addressed to each of the owners of property within 1,000 feet of the proposed subdivision. Upon receipt of the preliminary plat and payment of the fee, and deposits, the application shall be deemed to be officially submitted on the date it is certified, in writing, as being complete and correct by the Village Attorney, together with the subdivision plat, construction plans and all other items required by this chapter. The Village Clerk shall thereafter deliver the preliminary plat to the Board. [Amended 10-21-2002 by L.L. No. 4-2002]

B. Study of preliminary plat. The subdivider or his/her representative shall attend the Board meeting and any public hearing it may call when the preliminary plat is considered. The Board will study the practicability of the preliminary plat, taking into consideration the requirements of Article IV. If, in the opinion of the Board, the size character, effect on neighboring property or other aspects of the proposed subdivision warrant, the Board may hold a public hearing on the preliminary plat. [Amended 10-21-2002 by L.L. No. 4-2002]

C. Staking of proposed streets and field trip. To facilitate study of the preliminary plat in the field, the Board may require the subdivider to provide an aerial photograph of the premises and to stake certain roads at intervals of fifty (50) feet along their center lines. Each stake shall be marked for ready identification on the preliminary plat and shall show the approximate height of proposed cut and fill at that point. The Board may schedule a field trip to the site of the proposed subdivision, which the subdivider should attend.

D. Action on preliminary plat.

(1) After the submission of a fully completed application and preliminary plat, the Planning Board shall comply with the requirements of the State Environmental Quality Review Act<sup>2</sup> and thereafter take action within the time prescribed by Article 7 of the Village Law 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. The time period within which the Planning Board must act shall be extended by any time that is needed by the Board to comply with all applicable provisions of the State Environmental Quality Review Act (SEQRA) and Village environmental regulations. [Amended 10-21-2002 by L.L. No. 4-2002]

(2) Following review of the preliminary plat and other material submitted in accordance with this chapter and discussion with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him/her, the Board, after complete compliance with all applicable provisions of SEQRA and

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<sup>2</sup>. **Editor's Note: See § 8-0101 et seq. of the Environmental Conservation Law.**

Village environmental regulations, may conditionally approve the preliminary plat and authorize the preparation of the subdivision plat in accordance with the preliminary plat as submitted or modified by the Board.

(3) If the preliminary plat is entirely unsatisfactory, the Board shall either authorize the preparation of the subdivision plat in accordance with the preliminary plat, with suggested modifications by the Board, or reject the preliminary plat entirely, giving the reasons therefor.

E. Notation of action. The action of the Board shall be noted on two (2) copies of the preliminary plat, referenced and attached to any changes or conditions required, or in a written communication or decision of the Board, a copy of which shall be provided to the subdivider.

F. Effect of authorization. Authorization shall be deemed a tentative approval of the design submitted on the preliminary plat as a guide to the subdivider in the preparation of the subdivision plat.

**§ 175-10. Final plat procedure.** [Amended 10-21-2002 by L.L. No. 4-2002]

A. Final plat requirements. The subdivision plat shall conform substantially to the preliminary plat, as tentatively approved by the Board, and to the requirements of § 175-47.

B. Number of copies and time for submitting application. Twelve copies of the application for final approval, the subdivision plat, construction plans and all other items required by this chapter shall be prepared as specified in § 175-47 and shall be submitted to the Board within six months after the date of authorization of preparation of the subdivision plat; otherwise, such authorization shall expire unless an extension of time is applied for and granted, in writing, by the Board.

C. Application and submission date. A complete application for final approval of the subdivision plat shall be submitted by the owner or by his or her duly authorized agent, in writing, to the Board at least 30 days prior to the meeting at which it is to be considered. The application shall be deemed to be officially submitted on the date it is certified, in writing, as being complete and correct by the Village Attorney, together with the subdivision plat, construction plans and all other items required by this chapter.

D. Endorsement of Suffolk County Department of Health and public districts. Proposed water supply and sewerage service facilities in the subdivision shall be approved by the Suffolk County Department of Health and by any water, water supply, drainage, improvement or sewer district having jurisdiction. Endorsement of approval shall be obtained by the subdivider and submitted to the Board prior to the approval of the subdivision plat.

E. Approval by other planning authorities. Pursuant to § 239-n of the General Municipal Law and Section 1333 of the County Government Law of Suffolk County, each subdivision plat shall be referred to the Suffolk County Planning Commission if the plat of real property lies within one mile of a nuclear power plant or airport or within a distance of 500 feet from the boundary of the Village; the boundary of any existing or proposed county, state or federal park or other recreational area; the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; the existing or proposed right-of-way of any stream or drainage channel owned by Suffolk County or for which the county has established channel lines; the existing or proposed boundary of any other county, state or federally owned land; or the Long Island Sound

and any bay in Suffolk County or estuary or any of the foregoing bodies of water. If the County Planning Agency disapproves or recommends modification of such a proposed subdivision plat, the Planning Board shall not act contrary to such disapproval or recommendation of modification, except by a vote of a majority plus one of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action.

F. Public hearing. Upon receipt of the application and all required accompanying material, the Board shall advertise and hold a public hearing on the proposed subdivision. The Board shall submit notice to the official Village newspaper, which shall be published at least 15 days prior to the hearing, and the applicant shall mail notices to property owners within 1,000 feet of the premises at least 15 days before the hearing, and the applicant shall simultaneously file a copy of the subdivision plat and construction plans with the Village Clerk for public review prior to the hearing. At the hearing, the Board shall give opportunity to any interested person to examine or comment upon the subdivision plat and construction plans.

G. Action on subdivision plat. After the public hearing, the Board will consider the matter and, within the time period permitted by the Village Law, provided that there first has been compliance with all SEQRA requirements, will approve, modify and approve, or disapprove the subdivision application by resolution which will set forth in detail any conditions to which approval is subject or reasons for disapproval. Such conditions shall include preservation of buffer areas. If the subdivision plat is approved, the subdivider shall be required to file a formal declaration, executed by the applicant as owner of the land shown on the plat, covenanting on behalf of such owner and the successors in title and assigns of such owner with the Incorporated Village of Lloyd Harbor that the respective owners of all the lots abutting on each private street shown on the plat (which plat shall be identified in the declaration by name, map number and filing date) shall be jointly and severally responsible to the Incorporated Village of Lloyd Harbor for the maintenance of the surface and drainage facilities of such private street; and all owners of all lots shown on such plat who have or will have rights to enter upon and make use of any reserved or common land area, such as, without limitation, beaches, landing areas or other jointly used facilities, located in said plat shall be jointly and severally responsible to the Village of Lloyd Harbor for the maintenance of each such reserved or common land area and to keep such area in clean, safe and orderly condition, free from rubbish and debris; and that the Village shall be authorized to enforce each such responsibility above provided by appropriate action in the courts to obtain an injunction or for reimbursement of all expenses incurred by the Village for such maintenance when the owners have failed, after notice by certified mail, to perform such duty. Such declaration shall be in a form approved by the Attorneys for the Village and recorded, at the applicant's sole cost and expense, in the Suffolk County Clerk's office forthwith after the filing of the plat; and a certified copy thereof shall be filed with the Village Clerk as a condition precedent to the issuance of any building permit relating to land on the plat.

H. Revision of subdivision plat. The subdivider will be given a copy of the Board's resolution and, in the event that modifications are required, shall revise the subdivision plat and construction plans to conform thereto.

**§ 175-11. Signing of plat; filing.**

A. Signing of subdivision plat.

(1)After completion of the final subdivision plat for recording and of construction plans in accordance with the Board's resolution, the original tracing and two (2) prints of each shall be submitted to the Chairperson or the Deputy Chairperson for final review within the time specified in said resolution. Approval of the subdivision plat shall be endorsed thereon as follows:

(a)When a bond is filed. Approval of the plat shall be endorsed thereon after the bond has been approved and filed and all of the conditions of the Board's resolution pertaining to the plat have been satisfied.

(b)When no bond is filed. Approval of the plat shall be endorsed thereon after all conditions of the Board's resolution have been satisfied and all required improvements completed to the satisfaction of the Board.

(2)Number of copies to be signed. Approval of the Board will be noted on the plat by the Chairperson of the Board or, in the absence of the Chairperson, the Deputy Chairperson, signing and dating the tracing cloth original of the subdivision plat, which will be returned to the subdivider and one (1) print of the plat, which will be retained by the Board.

B.Filing plat with County Clerk. In accordance with the Village Law, the approved subdivision plat shall be filed by the subdivider with the Suffolk County Clerk within ninety (90) days of the date of signing of the plat by the Planning Board representative. The approval of any plat not so filed shall expire ninety (90) days from the date of signing by the Board representative.

C.Submission of copies of filed maps. The subdivider shall submit ten (10) copies of the subdivision plat containing the endorsement of the Suffolk County Clerk to the Village Clerk within thirty (30) days of the date of filing.

D.Plat void if revised after signature. No changes erasures, modifications or revisions shall be made on any subdivision plat after approval has been granted by the Board and endorsed, in writing, on the plat. In the event that any subdivision plat, when recorded contains any such changes, the plat shall be considered null and void, and the Board shall institute proceedings to have said plat stricken from the records of the County Clerk. Any erasures made on a plat prior to its signing shall be initialed by the Chairperson or Vice Chairperson of the Board at the time of signing.

**§ 175-12. Partitioning procedure.**

The procedure for approval of a partitioning and/or the development thereof, including compliance with SEQRA, shall be the same as that for a subdivision. In cases where the Board finds, after study of the sketch plan, that the proposed lots would each front on a street duly placed on the Official Map, which street is improved to the satisfaction of the Board; meet the lot size requirements of Chapter 205, Zoning, and the objectives of this chapter; and would not be directly related to a drainageway, as later defined in this section, the Board may waive the requirements for submission and approval of a preliminary plat and authorize the subdividing owner to prepare a subdivision plat for approval of the Board and for recording upon fulfillment of the requirements of the applicable sections of this chapter and the conditions stipulated in such waiver and authorization, if any. The "drainageway" referred to above is defined to mean the lands required for the installation of storm sewers, drainage ditches or drainage systems, including land required along a stream or watercourse for protecting the channel and providing for the flow of water therein to safeguard the public against flood and/or to conserve the water supply.

**§ 175-13. Development procedure.**

The procedure for approval of the development, as defined in %%'entity-sect'%% 175-6, of a plat entirely or partially undeveloped and which has been filed in the office of the Clerk of Suffolk County prior to the appointment of the Board and the grant to such Board of authority to approve plats shall be the same as that for a subdivision, pursuant to § 7-728 of the Village Law.

ARTICLE IV  
**Design Standards**

**§ 175-14. General standards.**

- A. Considerations. In considering applications for subdivision of land and/or development, the Board shall be guided by the standards set forth herein. Said standards shall be deemed to be minimum requirements for the convenience, health, safety and welfare of the Village.
- B. Character of land. Land to be subdivided and/or developed shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, erosion or other menace. Land subject to such hazards shall not be subdivided nor developed for residential purposes nor for such other uses as may increase danger to health, life or property or aggravate a flood hazard, but such land may be set aside for such uses as shall not involve such danger nor produce unsatisfactory living conditions.
- C. Conformance to Master Plan and Official Map. Subdivisions and/or developments shall conform to the Official Map and shall be properly related to the proposals shown on the Master Plan. The plat shall include all streets shown on said plan and Map, which are within the site, and such other streets as the Board may require.
- D. Frontage on improved street. The area proposed to be subdivided and/or developed shall have frontage on and direct access to a street duly placed on the Official Map, and if such street is private, it shall be improved to the satisfaction of the Board or there shall be a bond held by the Village covering such improvement.
- E. Preservation of natural cover. Land to be subdivided and/or developed shall be laid out and improved in reasonable conformity with existing topography in order to minimize grading and cut and fill; to retain, insofar as possible, the natural contours; to limit stormwater runoff; and to conserve the natural cover and soil. No topsoil, sand or gravel shall be removed from any lots shown on any subdivision plat, except for the purpose of improving such lots and for the laying out of streets shown thereon. Topsoil so removed shall be restored to a depth of six (6) inches and properly seeded and fertilized on the areas of such lots not occupied by buildings or structures. No excess topsoil so removed shall be disposed of outside of the boundaries of the Village, except upon the approval of the Planning Board.
- F. Preservation of existing natural features. Existing natural features that enhance the attractiveness of the site and which would add value to residential or other development or to the Village as a whole, such as trees, buffer areas, watercourses, ponds and similar irreplaceable assets, shall be preserved, insofar as possible, by harmonious design of the subdivision. The Board may make reasonable modifications in standards for plats of streets to accomplish such purposes as well as the objectives noted in Subsection E. [Amended 10-21-2002 by L.L. No. 4-2002]

**§ 175-15. Streets.**

- A. General. The arrangement, character, extent, width, grade and location of all streets shall conform to the Master Plan and Official Map and shall be considered in their relation

to existing and planned streets, to existing topography and natural features and to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets.

B.Relation to topography. Street layouts and grades shall be related appropriately to the existing topography, and streets shall be arranged to obtain as many as possible of the building sites at or above the grades of the streets. Steep grades shall be avoided as well as combinations of steep grades and curves.

C.Streets not shown on Master Plan or Official Map. Where proposed streets are not shown on the Master Plan or Official Map, such streets shall be of sufficient width, suitably located and adequately constructed to accommodate the prospective traffic and to facilitate drainage and to afford access for fire-fighting, snow removal and road maintenance equipment. Such streets shall be coordinated so as to compose a convenient system and to cause no undue hardship to adjoining properties.

D.Arrangements. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection or efficient provision of utilities and also where such continuation is in accordance with the Master Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary circular turnaround shall be provided on all temporary dead-end streets, with the notation on the plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued.

E.Intersections.

(1)Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall not be permitted, except with the approval of the Board.

(2)Intersections of streets shall be at angles as close to ninety degrees (90°) as possible. Toward this end, an oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Where three (3) or more streets intersect, a turning circle or other special treatment may be required by the Board. Wherever two (2) streets intersect at an angle smaller than seventy-five degrees (75°), the right-of-way returns and the relation of the gutter grades shall be given special treatment, as determined by the Board, and islands to channelize traffic may be required.

(3)Intersections of major streets by other streets shall be at least eight hundred (800) feet apart, if possible. Cross (four-cornered) street intersections shall be avoided, insofar as possible, except as shown on the Master Plan or at other important traffic intersections. A distance at least equal to the minimum required lot depth, plus twenty-five (25) feet, shall be maintained between center lines of offset intersecting streets. Grades shall be limited to no more than two percent (2%) within fifty (50) feet of an intersection.

F.Treatment along major arterial streets. Where 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 nonaccess reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

G.Provision for future resubdivision. Where a tract is subdivided into lots substantially

larger than the minimum size required by Chapter 205, Zoning, the Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in this chapter.

#### H. Dead-end streets.

(1) Where a street does not extend to the boundary of the subdivision and its continuation is not required by the Board for access to adjoining property, its terminus shall normally not be nearer to such boundary than one hundred (100) feet or the minimum lot depth prescribed by Chapter 205, Zoning, whichever is greater. However, the Board shall require the reservation of a twenty-foot-wide easement to accommodate drainage facilities, pedestrian traffic or utilities.

(2) For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited to a reasonable length and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least one hundred twenty-five (125) feet and a street property line diameter of at least one hundred (100) feet.

#### I. Design standards for streets. Streets shall meet the design standards set forth below. In cases where street classification is not shown on the Master Plan or Official Map, the Board shall determine the type of each street. The standards do not cover major streets which would be built by the state or county.

(1) Widths. Generally for streets not shown on the Master Plan, the right-of-way width shall be not less than:

(a) Local street: fifty (50) feet.

(b) Secondary street: sixty (60) feet.

(c) Major street: eighty (80) feet.

(2) Grades.

(a) Grades of all streets shall be the reasonable minimum and, unless warranted by extenuating circumstances, shall be:

[1] Local and marginal streets: not less than one percent (1%) or more than eight percent (8%).

[2] Secondary and major streets: not less than one percent (1%) or more than five percent (5%).

(b) Gradients shall be used to facilitate surface drainage to proper natural or artificial outlets.

(3) Changes in grade. All changes in street grades shall be connected by vertical curves of sufficient radius to provide a smooth transition and proper sight distance, as approved by the Board.

(4) Tangents. A tangent at least one hundred (100) feet in length shall be introduced between reverse curves on all streets, except where a greater length is required by the Board.

(5) Curves. When the alignment of the street changes more than ten degrees (10°), the tangents shall be connected by a curve with a radius of not less than two hundred (200) feet unless a greater radius is required by the Board to ensure a proper sight distance.

#### J. Reserve strips. In general, reserve strips controlling access to streets shall be prohibited, except where their control is placed in the Village under conditions approved by the Board.

#### K. Property lines at intersections. Property lines at intersections shall be established in such

a manner as to place within the street right-of-way the triangular area which is formed by the street lines extended and a straight line adjoining points on said street lines thirty (30) feet distant from their point of intersection.

L. Street names. All streets shall be named, and such names shall be approved by the Board. Names shall be sufficiently different in sound and in spelling from other street names in the Village or adjoining municipalities so as not to cause confusion. A street which is a continuation of an existing street shall bear the same name. In general, street names shall conform to the following classifications:

(1) Road: a major or secondary street.

(2) Drive, Lane, Way or Path: a local residential street, except as follows:

(a) Court or Place: a permanent dead-end street.

(b) Circle: a street that returns to its starting point or a street both ends of which intersect another street at different locations.

#### **§ 175-16. Easements.**

A. Utilities. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least twenty (20) feet wide.

B. Drainageway. Where a subdivision is traversed by a watercourse, channel or drainageway as defined herein, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose. The Board may require parallel streets or parkways in connection with such drainageway.

#### **§ 175-17. Lots.**

A. General. The lot size, width, depth, shape and orientation, buffer areas and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. [Amended 10-21-2002 by L.L. No. 4-2002]

B. Dimensions and corner lots. Lot area and dimensions shall conform to the requirements of Chapter 205, Zoning, and Health Department regulations. Corner lots for residential use shall have extra width to permit compliance with the front yard setback from both streets. Where lots are more than double the minimum area required by Chapter 205, Zoning, the Board may require that such lots shall be of such dimensions and arrangement as will allow further subdivision and the opening of future streets where necessary to serve potential lots all in compliance with Chapter 205, Zoning and this chapter.

C. Arrangement and access. The lot arrangement shall be such that there will be no foreseeable difficulty, for reasons of topography or other conditions, in obtaining building permits to build on all lots, in compliance with applicable regulations, and in providing, by means of a street approved by the Board and upon which each lot fronts, safe driveway access to buildings on such lots from an improved street duly placed on the Official Map.

D. Access across a watercourse. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure of a design approved by the Engineer.

E. Lot lines and setbacks. Side lot lines shall be substantially at right angles to straight streets and radial to curved street lines. Lot lines shall coincide with municipal boundary lines rather than cross them. Where extra width has been dedicated for widening an existing street, lots shall begin at such extra width line, and lot dimensions and setbacks shall

be measured from such line. The Board may, whenever it deems such lines desirable or necessary, require the showing on the plat of specific setback lines which may vary from lot to lot, provided that the front setback shall be not less than the zoning requirement nor more than twenty percent (20%) greater than the zoning setback.

## ARTICLE V

### **Required Improvements**

#### **§ 175-18. Certain improvements required.**

Pursuant to § 7-730 of the Village Law, before the approval by the Board of a plat or the development of a plat entirely or partially undeveloped, the Board, in its discretion, shall require the subdivider to complete the installation or, alternatively, to furnish a performance bond to insure the completion of all necessary improvements stipulated in said law and required by the Board. All required improvements shall be made by the subdivider at his expense without reimbursement by the Village. The subdivider shall give to the Village a written agreement, in form satisfactory to the Village Attorney, permitting entrance by the appropriate Village officials and employees to the land included within the subdivision for the purposes of inspection and for the purposes of installing the required improvements in the event of the failure or default of the subdivider to make or complete such improvements as required by the Board resolution.

#### **§ 175-19. Construction plans.**

A. Approval required before construction. The subdivider shall have prepared, at his expense, construction plans, as described in § 175-46, for all required improvements. No improvements, development or construction work of any kind shall be commenced until after said plans have been approved by the Village in accordance with this chapter and by the appropriate county or state or local agencies having jurisdiction pursuant to law, such approvals have been endorsed on said plans or drawings and the subdivider has paid to the Village an amount equal to the estimated Village engineering fees for inspecting and testing the construction and work.

B. Modifications. If, at any time before or during the construction of the required improvements, the Engineer finds or it is demonstrated to his or her satisfaction that unforeseen conditions make it necessary to modify the location or design of such required improvements or to provide additional improvements, the Engineer may require or authorize such modifications upon written request of the subdivider, provided that such modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any improvement required by the Board. The Engineer shall issue any authorization under this section, in writing, and shall transmit a copy of such authorization to the Board for its records.

#### **§ 175-20. Standards and specifications.**

All required improvements shall be installed in accordance with approved construction plans and shall conform to the Village construction standards and specifications and shall be approved by the Engineer as to design and specifications. A booklet containing the Village construction standards and specifications is available at the office of the Village Clerk.

#### **§ 175-21. Monuments.**

Monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as shall be required by the Engineer. The monuments shall be of such material, size and length as may be approved by the Engineer. Monuments shall be set three (3) inches above ground surface.

**§ 175-22. Grading.**

All streets shall be graded within right-of-way lines in accordance with approved construction plans. The grading of lots shall be done only in accordance with approved construction plans. In all grading work, the subdivider shall be required to proceed in such manner as will minimize any disturbance to and preserve undamaged, insofar as possible, existing trees, natural cover and soil.

**§ 175-23. Street paving.**

All streets shall be paved in accordance with the Village construction standards and specifications heretofore referred to in § 175-20.

**§ 175-24. Underground utilities.**

Electric, telephone, cable television and other utilities shall be placed underground and within the street or right-of-way. Where possible, they shall be located between the paved roadway and the property line to simplify locating and repair. Underground service connections to the property line of each lot, where the Board considers such appropriate, shall be installed, at the subdivider's expense, before the street is paved.

**§ 175-25. Public utilities.**

Where utilities required by the Board are to be installed by a public utility company, the Board may accept assurance from said company, in writing, that such installation will be furnished by the company within a specified period of time and in accordance with the approved construction plans.

**§ 175-26. Drainage improvements.** [Amended 10-21-2002 by L.L. No. 4-2002]

- A. Drainage review. The Village Engineer shall review each proposed subdivision and determine the scope of drainage improvements to be installed at the site.
- B. Spring and surface water. The subdivider may be required by the Board to carry away any spring- or surface water that may exist either previous to or as a result of the subdivision or development. Such drainage facilities shall be located in street rights-of-way, where feasible, or in perpetual unobstructed easements with the plats.
- C. Drainage and upstream development. A drainageway, culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision or development. The Engineer shall determine the design and necessary size of the facility based on the runoff anticipated from a ten-year storm under conditions of maximum potential watershed development permitted under existing zoning therein.
- D. Drainage downstream. The Engineer shall also determine the effect of each proposed subdivision or development on existing downstream drainage facilities outside the subdivision or development. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a ten-year storm, the Engineer shall notify the Board of such potential. In such case, the Board may disapprove such subdivision or development until provision, satisfactory to the Engineer and the Village Trustees, has been made for the improvement of said potential condition.
- E. Suffolk County requirements. The subdivider will be required to install such facilities for the subdivision and to comply with such conditions as may be required by the Suffolk County Planning Commission that are not superseded by Village action.

**§ 175-27. Culverts and bridges.**

All required culverts and bridges, if any, shall be constructed in accordance with approved construction plans and shall conform to the standards and specifications of the Village or the

county or state agency having jurisdiction.

**§ 175-28. Curbs, gutters and sidewalks.**

Where deemed necessary and required by the Board, the subdivider shall install curbs, gutters and sidewalks or walkways in accordance with Village standards and specifications.

**§ 175-29. Street trees.** [Amended 10-21-2002 by L.L. No. 4-2002]

The Board shall require the planting of new street trees in a subdivision which lacks or is deemed deficient in trees. Such trees shall be of a size and type as recommended by the Village Arborists with the concurrence of the Conservation Board.

**§ 175-30. Street signs.**

Street signs of a type approved by the Board shall be provided by the subdivider and placed at all intersections in locations, within street lines, approved by the Engineer.

**§ 175-31. Streetlights and fire alarm devices.**

Where required by the Board, streetlighting fixtures of a design approved by the Board or other municipal agency having jurisdiction shall be placed in a manner and location approved by the Board. The Board may require the installation of fire alarm signal devices.

**§ 175-32. Water supply and sanitary sewers.**

Where required by the Board, the subdivider shall install water mains and fire hydrants and/or sanitary sewers of a type and in a manner prescribed by the regulations of the agency having jurisdiction. In cases where sanitary sewerage is not available to a subdivision or development, the subdivider shall install individual sewage disposal systems in accordance with regulations of the Suffolk County Department of Health.

**§ 175-33. Waiver of required improvements.**

The Board may waive, pursuant to § 7-730 of the Village Law, for such period as it may determine, the provision of any or all such improvements as, in its judgment of the special circumstances of a particular plat, are not requisite in the interests of the public health, safety and general welfare. In the case of any waiver granted, the Board shall enter upon its records the reason or reasons why the particular improvement is not necessary, and it shall attach appropriate conditions or require such guarantees as may be deemed necessary to protect the public interest and achieve the objectives of this chapter.

**§ 175-34. Estimated cost.**

The subdivider shall submit his or her engineer's estimate of the full cost of all required improvements to be installed by the subdivider, and the Board may request the Engineer to check the cost estimates for accuracy.

**§ 175-35. Guaranties of performance.**

With respect to required improvements, the subdivider shall follow the procedure set forth in either Subsection A or B below as shall be prescribed by the Board.

A. Completion of improvements. The subdivider shall complete all required improvements to the satisfaction of the Board before the Board signs the plat and before any building permits will be issued. The subdivider shall file with the Village a bond in an amount determined by the Board to be adequate to assure the preservation of existing topographic and natural assets, pursuant to § 175-22, as well as the satisfactory condition of the subdivision improvements for a period of one (1) year following their completion. Such bond shall be satisfactory to the Village Attorney as to form, sufficiency and manner of execution and to the Village Board as to surety. Such bond shall be released only by the Board of Trustees when all requirements have been satisfactorily met.

B. Performance bond. If the subdivider is required to post a performance bond to insure the completion of required improvements, he/she shall file with the Village Clerk a performance payment and maintenance bonds to cover the cost of required improvements in an amount set by the Board and to insure proper maintenance of the improvements for one (1) year after they are completed. Such bond shall comply with the requirements of § 7-730 of the Village Law and shall be satisfactory to the Village Attorney as to form, sufficiency and manner of execution and to the Board as to the surety. A period of one (1) year or such other period as the Board may deem appropriate, not to exceed three (3) years, within which required improvements must be completed, shall be set forth in the bond. The bond surety may be in cash, a letter of credit having a term not less than one (1) year or such longer period, as permitted by the Board, or partly in cash and partly guaranteed by a surety company acceptable to the Board; but in the latter case, not less than twenty-five percent (25%) shall be in cash. The cash surety shall become immediately available to the Village on the date when improvements are required to be completed for application toward the completion of such required improvements as have not been completed on said date. The bond shall provide that an amount in cash, deemed adequate by the Board, shall be retained for a period of one (1) year from the date of completion of the required improvements. All required improvements shall be completed to the satisfaction of the Engineer and the Board within the time stipulated in the Board's resolution. The bond shall be released only by the Board of Trustees when all required improvements have been completed to its satisfaction.

C. Subdivider's responsibility. If the Engineer or other authorized inspector finds, upon inspection, that any of the required improvements have not been constructed in accordance with approved construction plans and the Village standards and specifications, the subdivider shall be responsible for the completion of such improvements to the satisfaction of the Board. Wherever the cost of improvements is covered by a performance bond, the subdivider and the bonding company shall be severally and jointly liable for completing said improvements to the satisfaction of the Board.

D. Failure to complete improvements. For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the Board in its resolution approving the plat, the approval shall be deemed to have expired. In cases where a performance bond has been posted and required improvements have not been completed within the term of such bond, the Village Trustees may thereupon declare said performance bond to be in default.

**§ 175-36. Inspection of improvements.**

A. General requirements. The Board shall provide for the inspection of required improvements during construction to ensure their satisfactory completion. The subdivider shall pay to the Village an inspection fee in accordance with a fee schedule fixed by the Board<sup>3</sup> and at such time as may be stated in its resolution. The subdivision

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<sup>3</sup>. **Editor's Note: Said fee schedule is on file in the office of the Village Clerk and may be examined there during regular business hours.**

plat shall not be signed by the Board until such fee has been paid.

B. Timing of inspection. In order to facilitate inspection of required improvements during construction, the subdivider shall notify the Engineer:

(1) At least three (3) days before he/she proceeds with each of the following stages of construction:

(a) Grading of streets and/or lots.

(b) Backfilling of underground utilities and/or drainage facilities.

(c) Paving or surface treatment.

(2) Within three (3) days after completion of all improvements.

C. Copy of contract specifications. Prior to the start of construction of any required improvements, the subdivider shall furnish to the Engineer a copy of the specifications included in any contract entered into by the subdivider for such construction.

D. Supervision of construction. The construction of all required improvements shall be supervised by a registered professional engineer employed by the subdivider. After completion of construction said engineer shall certify to the Board that all required improvements have been constructed as required and approved by the Board or as such requirements have been modified under § 175-19B.

E. Reports. The Engineer shall make reports to the Board after each inspection. If the Engineer or his/her authorized inspector finds, upon inspection, that any of the required improvements have not been constructed in accordance with the approved construction plans and/or the Village standards and specifications, the Engineer shall inform the subdivider and the Board, in writing.

F. Responsibility for completion. The subdivider is solely responsible for completion of required improvements in accordance with the approved plans. See § 175-35C. In the event that the Engineer or his/her authorized representative is unable to carry out inspection of required improvements during construction, the subdivider and the bonding company, if any, shall not in any way be relieved of their responsibilities for satisfactory completion of required improvements.

G. Certificates of completion. The Board shall not give final approval of required improvements nor recommend to the Board of Trustees the release of a bond until the Engineer has submitted a report stating that all required improvements have been satisfactorily completed and until the subdivider's engineer or surveyor has furnished to the Engineer a certified set of record drawings, in the same detail required for the construction plan described in § 175-46, showing all improvements as constructed, and a statement certifying that all improvements conform to such record drawings and the standards and specifications of the agency having jurisdiction.

## ARTICLE VI

### Reservations and Dedications

#### § 175-37. General requirements.

Pursuant to § 7-730 of the Village Law, before the approval of a plat or plan of development by the Board, such plat or plan shall show, in proper cases and when required by the Board, a park or parks suitably located for playground or other recreation purposes. Reservation and/or dedication of land for street purposes, drainageways and easements also may be required by the Board and by county or state agencies having jurisdiction. Any land offered for dedication or reserved by the owner for a particular purpose and all easements shall be shown and appropriately marked on the plat or plan of development.

#### § 175-38. Recreation and public use.

- A.Features shown on Master Plan. Where a proposed park, playground, school or other public use is shown on the Master Plan in a location which is entirely or partially within a subdivision or development, the Board shall require the dedication or reservation of such area within the subdivision.
- B.Recreation area not shown on Master Plan. In cases where the Master Plan does not show a recreation area within a proposed subdivision and the Board deems that recreation space would be desirable and appropriate, the Board may require the dedication or reservation of designated sites for park, playground or other recreation purposes. Such sites shall be of suitable size, dimension, topography, location and general character for the particular purposes envisioned by the Board. In no case shall the Board require that more than ten percent (10%) of the gross area of the subdivision be dedicated or reserved for such purposes. In calculating such percentage, the Board may give due credit for open areas reserved, by covenants in all deeds, for the common use of all property owners in the proposed subdivision. [Amended 10-21-2002 by L.L. No. 4-2002<sup>4</sup>]
- C.Recreation sites. Land offered for dedication or reservation for recreation purposes shall be of a character, shape and location suitable for such purposes. In the case of a playfield or playground, the land shall be relatively level and dry, and no dimension of the site shall be less than two hundred (200) feet. Generally, a recreation site shall have a frontage of at least two hundred (200) feet on one (1) or more streets.
- D.Waiver on land for recreation. In cases where the Board finds that, due to the size, topography or location of the subdivision or for other reasons, a requirement that land be dedicated or reserved for recreation would be unreasonable or undesirable, the Board may waive such requirement subject to the condition that the subdivider shall, in lieu of such dedication or reservation, pay to the Village, in cash, an amount equal to an amount required by the Board of Trustees for each proposed lot in the subdivision. Such moneys shall be deposited in a special Village Recreation Site and Improvement Fund.
- E.Public use not shown on Master Plan. The Board may require that land in a subdivision be temporarily reserved for a public school or other essential community facility, although not shown on the Master Plan, when the Board deems it desirable and appropriate. In such cases, if the agency having jurisdiction does not acquire such land within two (2) years after the date of the signing of the plat by the Board, the subdivider, upon written notice to the Board, shall, thirty (30) days after such notice, be relieved of the responsibility of further reservation of said land for said public purpose.

**§ 175-39. Streets.**

- A.General requirements. All streets shown upon the plat may be offered for dedication or reserved for such purposes. When a street is not offered for dedication, the reservation shall ensure to abutting owners a perpetual unobstructed right of access.

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<sup>4</sup>. **Editor's Note: This local law also provided for the repeal of former Subsection C, Minimum size of recreation area, and the renumbering of former Subsections D through F as C through E, respectively.**

B. Widening or realignment of existing streets. Where a subdivision borders an existing narrow street or when the Master Plan indicates the realignment and/or widening of a street that would require use of some of the land in a subdivision or development, the Board may require the subdivider to offer to dedicate or reserve areas for such widening and/or realignment.

**§ 175-40. Other open land uses.**

A. Storage basins and easements. Where land is required by the Village for storage basins and easements, such land shall be offered for dedication to the Village.

B. Easements. Easements for drainageways, utilities or pedestrian and/or emergency access and for planting strips shall be provided by the subdivider in the location and at the width required by the Board. Generally, easements for drainage and utilities shall be unobstructed and perpetual; easements for planting strips shall be perpetual.

C. Preservation of natural features. The subdivider shall reserve and may offer for dedication for open recreational or conservation purposes existing natural features when the Board finds that features, such as large trees, wooded areas, watercourses, ponds, historic sites, vistas or other irreplaceable assets, enhance the attractiveness of the site and will add value to residential or other development, or to the Village as a whole. Whatever of such natural features, in the opinion of the Planning Board with the advice of the Conservation Board, should be offered for dedication to public uses shall be offered for dedication to the Village or other appropriate authority, except when, after approval of the Board pursuant to § 175-41A, such features are deeded to a property owner's association membership running with all of the land in the subdivision and preserving such features. [Amended 10-21-2002 by L.L. No. 4-2002]

D. Reservation of additional land. None of the sections of this Article VI shall be constructed as preventing a subdivider or developer from reserving other land for open recreational purposes, in addition to the requirements of this Article.

**§ 175-41. Future status.**

A. Responsibility for reservations. In any case where title to streets or other reservations is not offered for dedication to the Village, the ownership shall be clearly established in a manner satisfactory to the Board in order to ensure the continued maintenance and responsibility for such reservation, including the creation of a homeowners' association.

B. Offers of cession. Pursuant to § 7-732 of the Village Law with respect to streets and parks, the subdividing owner may add, as a part of the plat, a notation, if he/she so desires, to the effect that no offer of dedication of such streets or parks or any of them is made to the public. Formal offer of cession to the Village of all streets and parks not so marked with such notation on the plat shall be filed by the owner with the Board prior to approval of the plat by the Board.

C. Acceptance by the Village. Acceptance of any offer of streets, parks, recreation or other land shall rest with the Village Board of Trustees. In the event that the subdivider elects not to file the subdivision plat in the office of the County Clerk within the ninety-day period required by law, then such formal offer of cession shall be deemed to be void. The approval by the Board of a plat shall not be deemed to constitute or imply acceptance by the Village of any street, park or other open space shown on said plat. The Board may require said plat to be endorsed with appropriate notes to this effect.

**§ 175-42. Self-imposed restrictions.**

If the subdivider intends to place restrictions on any of the land contained in a subdivision, such restrictions shall be clearly indicated on the plat. The subdivider shall submit to the Board for its approval a copy of any additional restrictions as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect title to the land proposed to be subdivided.

ARTICLE VII

**Specifications for Maps and Plans**

**§ 175-43. Compliance required.**

The maps and drawings required with an application to the Board for approval of a subdivision plat or plan of development shall be prepared by the subdivider in accordance with this chapter and shall be submitted to the Board, together with a written application on forms supplied by the Board.

**§ 175-44. Sketch plan.**

A. The sketch plan may be drawn in pencil and shall be at a convenient scale, not less than one (1) inch equals one hundred (100) feet, and shall show:

- (1) A boundary survey of the property; municipal boundaries, if any, within three hundred (300) feet of the property.
- (2) Contour lines at intervals of no more than ten (10) feet [may be obtained from field survey or county topographic maps at contour intervals of five (5) feet].
- (3) A sketch of: [Amended 10-21-2002 by L.L. No. 4-2002]
  - (a) The proposed layout of lots and streets.
  - (b) The existing streets and natural features.
  - (c) The existing buildings and structures.
  - (d) Location of all individual trees exceeding eight inches in caliper.
  - (e) Buffer areas based upon minimum required setback areas.
  - (f) Such other features as the subdivider may deem pertinent or the Board may require.

B. If the sketch plan covers only a part of the subdividing owner's entire holding, a sketch map of the entire tract (may be shown on the Village Tax Map or on a print of a county topographic map), at a scale of not less than one (1) inch equals two hundred (200) feet, shall show the platted area with its proposed streets and the probable future streets, lots and drainage systems in the entire tract.

**§ 175-45. Preliminary plat and topographic map.**

A. Preliminary plat.

- (1) The preliminary plat shall be drawn to a convenient scale, not less than one (1) inch equals one hundred (100) feet, and shall show or be accompanied by the following information:
  - (a) The name or identifying title of the subdivision, graphic scale, North point and date.
  - (b) The name and address of the record owner of the property and of his/her authorized agent, if any, and the name of the land planner responsible for the layout and of the engineer responsible for the property survey.
  - (c) The property lines of the land to be subdivided and existing permanent buildings thereon; the names of all subdivisions immediately adjacent, if any; the names of all record owners of all adjacent lands.
  - (d) The zoning districts, including exact boundary lines if more than one (1)

district; the location of any special district and/or municipal boundaries within three hundred (300) feet of the property.

- (e) A topographic map, as described in Subsection B, and a tentative grading plan.
  - (f) The locations and widths of all proposed streets and of all existing streets (noting whether public or private) in and within two hundred (200) feet of the proposed subdivision.
  - (g) The proposed lot lines with approximate lot dimensions and areas.
  - (h) The location and size of all proposed and of any existing water mains; drainage systems, including culverts, drains and sewers; other underground utilities and sanitary sewers, if any. The direction of flow shall be shown for drains and sewers.
  - (i) The existing and proposed easements, if any, with designation of the purposes therefor.
  - (j) Any land intended to be dedicated for public use or reserved in the deeds for the use of property owners in the subdivision, as well as any land which the owner may propose to reserve, with designation of the purpose therefor.
  - (k) Preliminary cross sections and center-line profiles for each proposed street and preliminary designs for all improvements, including any bridges or culverts that may be required.
  - (l) Plans for water supply and sewage disposal.
  - (m) The preliminary plan for surface drainage of the subdivision.
  - (n) The results of test hole borings and percolation or other tests when required by the Board.
  - (o) Buffer areas based upon minimum required setback areas. [Added 10-21-2002 by L.L. No. 4-2002]
- (2) Where the preliminary plat covers only a part of the owner's entire holding, a sketch of the prospective future street system of the submitted part shall be furnished, and the street system of the submitted part will be considered by the Board in the light of adjustments and connections with future streets in the unsubmitted part.

#### B. Topographic map.

- (1) The subdivider shall prepare and submit to the Board, with his/her application for conditional approval of the preliminary plat, a map showing the topography for the area covered by the proposed subdivision and such surrounding area as the Engineer may designate as necessary to determine drainage requirements. The map shall show the following:
  - (a) Contour interval. On the topographic map, the contour interval shall be not more than five feet for land with a natural slope of 10% or less, and not greater than two feet for more steeply sloping land. [Amended 10-21-2002 by L.L. No. 4-2002]
  - (b) Watercourses and drainage. The topographic map shall show existing watercourses, drainageways, streams and ponds.
  - (c) Natural features. The natural features, if any, mentioned in §§ 175-14F and 175-40C, including single trees with a diameter of eight (8) inches or more, shall be shown on the topographic map.
  - (d) Streets. The location of existing and proposed streets and the boundary line of property proposed to be subdivided shall be shown on the topographic

map.

(2)Preparation of map.

(a)All maps or plats shall be prepared by a professional engineer or land surveyor, duly licensed by the State of New York. The name, address and signature of such engineer or surveyor shall appear upon said map, as well the identifying title of the subdivision, date, North point and graphic scale.

(b)In appropriate cases and when approved by the Engineer as being sufficient for the particular situation, the Board may accept a reproduction, enlarged to the required scale, of the county topographic map in lieu of the above requirements. A map so prepared shall be properly identified, as required above, and shall bear an appropriate description of the method of reproduction. The Board may designate such of the above information as it will require the subdivider to show upon the reproduced map.

**§ 175-46. Construction plans.**

A.General. Construction plans shall be prepared for all required improvements and submitted to the Board with application for approval of the subdivision plat. All engineering drawings and designs shall be prepared by a licensed professional engineer whose name, address and signature shall appear upon such plans and drawings. When feasible, the scale of construction plans shall be the same as that of the plat, and plan sheets shall not exceed thirty-six by forty-eight (36 x 48) inches.

B.Information shown. The construction plans shall show:

(1)Typical cross-sections and profiles of all proposed streets showing existing and proposed grades as approved by the Engineer. The cross-sections shall show pavements and, where required, gutters, curbs and sidewalks.

(2)Profiles along the center lines of streets showing existing and proposed elevations. Where a proposed street intersects an existing street, the elevation along the center line of the existing street, within one hundred (100) feet of the intersection, shall be shown. All elevations shall be referred to Suffolk County datum.

(3)A grading plan showing present and proposed contours at intervals as per § 175-45B(1)(a) referenced to Suffolk County datum, together with natural features required to be preserved, if any. The Board may require, where steep slopes exist, that present elevations along all proposed streets shall be shown every one hundred (100) feet at five (5) points on a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, at each property line and at points twenty-five (25) feet inside each property line.

(4)Plans and profiles showing the location and a typical section of street pavements, including manholes and catchbasins; the location of street trees, streetlighting standards and street signs; the location, size and invert elevations of existing and proposed sanitary sewers, stormwater drains and fire hydrants; the exact location and size of all water mains, gas lines or other underground utilities or structures; and detailed descriptions of all other required improvements.

(5)The location, size, elevation and other appropriate descriptions of any existing facilities and utilities at the point of connection to proposed facilities and utilities within the subdivision.

(6)All specifications and references required by the Village's construction standards and specifications.

**§ 175-47. Subdivision plat.**

A. General. The subdivision plat shall be drawn in ink on tracing cloth or Mylar or equivalent material on a sheet or sheets which shall not exceed thirty-six by forty-eight (36 x 48) inches, at a convenient scale which shall be not less than one (1) inch equals one hundred (100) feet, and oriented with the North point at the top of the map. When more than one (1) sheet is required, an index sheet of the same size shall be prepared at convenient scale to show the entire subdivision with lot and block numbers clearly legible. [Amended 11-21-1994 by L.L. No. 2-1994]

B. Information to be shown on the plat. The subdivision plat shall show the following:

- (1) The subdivision name, graphic scale, North point and date.
- (2) The location and dimensions of all boundary lines of the property proposed to be subdivided; the name and address of the record owner or owners of the land to be subdivided; and the name and address of the subdivider if other than the owner.
- (3) The location and name of streets surrounding or adjacent to the proposed subdivision; the lines of adjacent properties and the names of the owners of record or the names of existing adjoining developments.
- (4) The location, name and width of all existing and proposed streets.
- (5) The lines, dimensions and areas of all proposed or existing lots; the proposed block, lot and section numbers as assigned by the Assessors' office.
- (6) The location, width and purpose of all proposed or existing easements.
- (7) The lines, dimensions and areas of all property intended to be dedicated for public use or reserved in the deeds of property owners in the subdivision, as well as any land which the owner may propose to reserve, with designation of the purposes thereof.
- (8) The location and identification of existing watercourses, bodies of water and natural features (described in §§ 175-14F and 175-40C) and, subject to the discretion of the Board, contours at such intervals as it may require.
- (9) Sufficient data acceptable to the Engineer to determine readily the location, bearing and length of each boundary line, street line and lot line and to reproduce such lines upon the ground. The lengths of all straight lines, the deflection angles, radii, lengths of curves and central angles of all curves tangent distances and tangent bearings for each street and each lot shall be given. All dimensions shall be shown in feet and hundredths of a foot.
- (10) Permanent reference monuments.
- (11) The name, address and signature of the licensed professional engineer or surveyor making the plat.
- (12) Buffer areas based upon minimum required setback areas, along with a note stating that said buffer areas are subject to change based upon proposed gross floor area. [Added 10-21-2002 by L.L. No. 4-2002]

C. Notations on the plat. The following notations shall be shown on the subdivision plat:

- (1) An endorsement of approval by the Suffolk County Department of Health.
- (2) Endorsements of approval by other planning agencies, if any, having jurisdiction.
- (3) The Town Receiver of Taxes as to payment of taxes.
- (4) The Treasurer of the Village as to payment of taxes.
- (5) The following statements:
  - (a) Streets and highways.

[1]"No offer of dedication of the streets or highways or roads or any of them, as they appear on this plat, is made to the Village of Lloyd Harbor nor is said Village in any way responsible for their maintenance."

[2]"The owners of all lots abutting on each private road shown on the plat shall be jointly and severally responsible to the Village for the maintenance of the surface and drainage facilities of such private road."

[3]"Each such street or highway or road shall be deemed a private road open to public motor vehicle traffic for the purpose of enforcing the Vehicle and Traffic Law of the State of New York and the traffic ordinance<sup>5</sup> and other ordinances and local laws of said Village."

Owner

\_\_\_\_\_  
Signed

(b)"All lots in this development comply fully with the zoning requirements of \_\_\_\_\_ Zoning District."

\_\_\_\_\_  
Signed  
License No.

(c)"I/We hereby certify that this plat is made from an actual survey completed by me/us \_\_\_\_\_ and concrete monuments have been set as shown."

\_\_\_\_\_  
Signed  
License No. \_\_\_\_\_

(d)"This is to certify that this subdivision plat has been approved by the Incorporated Village of Lloyd Harbor Planning Board on \_\_\_\_\_ , effective date of approval is \_\_\_\_\_ ."

\_\_\_\_\_  
Signed

(e)"The owners of all lots shown on the plat who have or will have rights to enter upon and make use of any reserved or common land area, such as, without limitation, beaches, landing areas or other jointly used facilities, located in said plat shall be jointly and severally responsible to the Village of Lloyd Harbor for the maintenance of each such reserved or common land area and to keep such in clean, safe and orderly condition, free from rubbish and debris."

D.No building permit shall be issued for any construction on any lot as shown on the plat until the proposed construction has received all site plan approvals required by the Village.

E.Accompanying material. When submitted to the Chairperson with application for

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<sup>5</sup>. **Editor's Note: See Chapter 190, Vehicles and Traffic.**

approval, the subdivision plat shall be accompanied by the following documents in a form approved by the Attorneys for the Village:

- (1) A certificate of title showing the ownership of the land to be vested in the subdivider or other applicant for plat approval and the identity of all mortgages and encumbrance holders.
- (2) A certificate of the licensed engineer or surveyor making such plat survey to the effect that the plat is correct and that the error of closure does not exceed such amount as is required by the Engineer.
- (3) A statement, duly acknowledged before an officer authorized to take acknowledgment of deeds and signed by the owner or owners of the property, to the effect that the subdivision shown on the plat is made with his/her or their free consent and in accordance with his/her or their desires.
- (4) All offers of dedication and covenants governing the maintenance of undedicated open space, which shall bear the certificate of approval of the Village Attorney as to their legal sufficiency.
- (5) A copy of such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided. Such restrictions shall be satisfactory to the Board and shall provide, in the case of any lot intended for residential use, against further division thereof by the grantee without approval by the Board.
- (6) Such other items or certificates of approval by proper public authorities as may have been required by the Board.

#### ARTICLE VIII

#### **Miscellaneous Applications**

#### **§ 175-48. Dredging applications.**

All dredging applications shall include the original and ten (10) copies of:

- A. The application form specified by the Board having jurisdiction. [Amended 10-21-2002 by L.L. No. 4-2002]
- B. A topographic survey of the subject property with all existing features depicted.
- C. A site plan which should include:
  - (1) The existing topography of the parcel.
  - (2) Any proposed change in the topography of the parcel.
  - (3) Any other proposed features which are inherent as part of the dredging operation.
  - (4) A cross section showing the extent of the difference between existing levels and proposed levels.
  - (5) Additional structures, if any.
- D. A fully completed environmental assessment form (EAF) pursuant to the New York State Environmental Quality Review Act (SEQRA).<sup>6</sup>

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<sup>6</sup>. **Editor's Note: See § 8-0101 et seq. of the Environmental Conservation Law.**

E. Completed coastal assessment form (CAF). [Amended 10-21-2002 by L.L. No. 4-2002<sup>7</sup>]

F. Filing fees.

G. A disclosure affidavit.

**§ 175-49. Special use permits.**

All special use permit applications under Article IX of Chapter 205, Zoning, shall include an original and ten (10) copies of:

A. The application form specified by the Board having jurisdiction. [Amended 10-21-2002 by L.L. No. 4-2002]

B. A complete description of the proposed use.

C. A plot plan showing land contours.

D. A plan indicating all intended changes in the topography and vegetation that would be incurred in implementing the proposed use, including specifications of all excavating, grading, filling, dredging, draining, damming and removal of growth and final landscaping plans and provisions for parking of vehicles.

E. A fully completed environmental assessment form (EAF) pursuant to the State Environmental Quality Review Act (SEQRA).<sup>8</sup>

F. A fully completed coastal assessment form (CAF). [Added 10-21-2002 by L.L. No. 4-2002<sup>9</sup>]

G. Filing fees.

H. A disclosure affidavit.

**§ 175-50. Wetlands and floodplain construction permit.**

All applications to obtain a wetlands or floodplain construction permit shall include an original and ten (10) copies of:

A. The application form specified by the Board having jurisdiction. [Amended 10-21-2002 by L.L. No. 4-2002]

B. A topographic survey of the property showing any existing contours with vertical intervals of no more than two (2) feet; the location and extent of any wetlands and floodplains as set forth in § 205-8 of Chapter 205, Zoning; the location of any existing buildings, structures, driveways and utilities of the site; any existing easements and rights-of-way; the present use of land and structures; the specific type, size and location of trees with a diameter of twelve (12) or more inches at a height three (3) feet above ground

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<sup>7</sup>. **Editor's Note: This local law provided for the renumbering of former Subsections E and F as F and G, respectively.**

<sup>8</sup>. **Editor's Note: See § 8-0101 et seq. of the Environmental Conservation Law.**

<sup>9</sup>. **Editor's Note: This local law also provided for the renumbering of former Subsections F and G as G and H, respectively.**

level; and any other existing features or characteristics of the site which may be of environmental, historical, archaeological or other significance.

C.A plan for the proposed site development indicating building and driveway locations, parking areas, landscaping, grading and drainage, utilities and other planned site uses and improvements.

D.A fully completed environmental assessment form (EAF).

E.A fully completed coastal assessment form (CAF). [Added 10-21-2002 by L.L. No. 4-2002<sup>10</sup>]

F.A disclosure affidavit.

G.Filing fees.

**§ 175-51. Slope land construction permit.**

All applications to obtain a slope land construction permit shall include an original and ten (10) copies of:

A.The application form specified by the Board having jurisdiction. [Amended 10-21-2002 by L.L. No. 4-2002]

B.A topographic survey of the property showing any existing contours with vertical intervals of no more than two (2) feet; the location and extent of any slope lands as set forth in § 205-7 of Chapter 205, Zoning; the location of any existing buildings, structures, driveways and utilities of the site; any existing easements and rights-of-way; the present use of land and structures; the specific type, size and location of trees with a diameter of twelve (12) or more inches at a height three (3) feet above ground level; and any other existing features or characteristics of the site which may be of environmental, historical, archaeological or other significance.

C.A plan for the proposed site development indicating building and driveway locations, parking areas, landscaping, grading and drainage, utilities and other planned site uses and improvements.

D.A fully completed environmental assessment form (EAF).

E.A fully completed coastal assessment form (CAF). [Added 10-21-2002 by L.L. No. 4-2002<sup>11</sup>]

F.A disclosure affidavit.

G.Filing fees.

**§ 175-52. Coastal erosion hazard area applications.**

All applications to conduct regulated activity in a designated coastal erosion hazard area shall include an original and ten (10) copies of:

A.The application form specified by the Board having jurisdiction. [Amended 10-21-2002 by L.L. No. 4-2002]

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<sup>10</sup>. **Editor's Note: This local law also provided for the renumbering of former Subsections E and F as F and G, respectively.**

<sup>11</sup>. **Editor's Note: This local law also provided for the renumbering of former Subsections E and F as F and G, respectively.**

B.A topographic survey showing existing contours with vertical intervals of no more than two (2) feet down to a scale of no smaller than one (1) inch equals one hundred (100) feet, showing all of the features and data required by § 205-91 of Chapter 205, Zoning.

C.A plan for the proposed project drawn in accordance with accepted engineering standards.

D.A fully completed environmental assessment form (EAF).

E.A fully completed coastal assessment form (CAF). [Added 10-21-2002 by L.L. No. 4-2002<sup>12</sup>]

F.Filing fees.

G.A disclosure affidavit.

H.An application for site plan approval.

**§ 175-53. Procedure for approval.**

A.Hearing. A public hearing shall be held on all applications if required by the law or regulation giving the Planning Board jurisdiction over the application. Notice of hearing shall be published in the official newspaper of the Village and mailed to the owners of property within one hundred (100) feet of the premises which is the subject of the application at least five (5) days before the hearing.

B.Action on application. After a public meeting or hearing, the Board shall approve, modify and approve or disapprove the application by resolution which will set forth in detail any conditions to which the approval is subject or reasons for disapproval.

ARTICLE IX

**Administration and Enforcement**

**§ 175-54. Regulations deemed to be minimum necessary.**

This chapter shall be deemed the minimum requirements for the future growth and development of the Village which will provide adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population.

**§ 175-55. Variances.**

A.Special circumstances; hardship. Where the Board finds that, because of special circumstance of particular plat, substantial hardships, not of the owner's or subdivider's making, may result from strict compliance with this chapter, it may vary or waive any of the regulations so that substantial justice may be done and the public interest secured, provided that such variation or waiver shall comply with Chapter 205, Zoning, and will not have the effect of nullifying the intent and purpose of the Master Plan, the Official Map or this chapter.

B.Conditions. In granting any variance or waiver, the Board shall set forth such findings in its resolution of approval and such conditions as will substantially secure the objectives of the standards or requirements so varied or modified.

**§ 175-56. Penalties for offenses.** [Amended 11-21-1994 by L.L. No. 2-1994]

Any person who violates or fails to perform any duty imposed by any provision of this chapter

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<sup>12</sup>. **Editor's Note: This local law also provided for the renumbering of former Subsections E through G as F through H, respectively.**

shall be punished as provided in Chapter 1, General Provisions, Article II, of this Code, and, in addition thereto, each such violation shall constitute and is hereby declared to be a violation pursuant to the Penal Law. Each week that a violation under any provision of this chapter continues after the violator is provided written notice of the violation from the Village or enforcement officer, such violation for each such separate week shall be deemed a separate offense. In addition, the Board of Trustees may enforce obedience to any provisions of this chapter by injunction or any other civil remedy.

**§ 175-57. Enforcement.**

The Village Engineer, Village Highway Superintendent, Village Building Inspector, Code Enforcement Officer or peace officer is hereby authorized to enforce and issue appearance tickets relating to enforcement of this chapter.