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Village Of Deposit
Local Law #4 - 2008
Subdivision Regulations

ARTICLE I. GENERAL PROVISIONS

101. Authority

By the authority of the resolution of the Village Board of the Village of Deposit pursuant to the provisions of Article 7 of the Village Law of the State of New York, the Planning Board of the Village of Deposit is authorized and empowered to review and approve plats for the subdivision of land.

102. Jurisdiction

Land within the Village of Deposit may be subdivided into lots, blocks, or sites, with or without streets or highways, only if approved by the Village of Deposit Planning Board ("the Planning Board") in accordance with the procedures and requirements as set forth in this Local Law, and only if the approved plat is duly filed in the office of the County Clerk of Delaware County, New York, or Broome County, New York, as applicable. Construction, excavation, filling, re-grading, clearing of vegetation or other similar activities shall not begin within any area proposed or intended for subdivision until said subdivision shall have been approved, or conditionally approved, by the Planning Board.

103. Policy

It is declared to be the policy of the Village of Deposit to consider land subdivision as part of a plan for the orderly, efficient, and economical development of the Village. This means, among other things:

- A. That land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.
- B. That proper provision shall be made for surface drainage, water supply, sewage, and other needed improvements;
- C. That roads and streets shall be of such width, grade, and location as to accommodate the prospective traffic, to follow the natural contours of the land, to afford adequate light and air, and to facilitate fire protection.

- D. That all proposed lots shall be so laid out and of such size as to not cause any adverse effects, such as erosion, on neighboring properties.

104. Building Permits

No building permit shall be issued for the erection of any building within a proposed subdivision until said subdivision has been duly approved by the Planning Board and filed in the office of the appropriate County Clerk. However, the Building Inspector may issue a single building permit for a single family residence based upon the entire tract of land where there is no other existing residence within the proposed subdivision and where the location of the proposed building is in accordance with an approved Preliminary Plat.

105. Resubdivision

A resubdivision, as defined herein, is subject to the same procedures, rules, and regulations applicable to an original subdivision.

106. Conditions

Regulation of the subdivision of land and the attachment of reasonable conditions is an exercise of valid police power delegated by New York State to the Village. The subdivider or developer has the duty of compliance with reasonable conditions laid down by the Planning Board for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the village and to the safety and general welfare of the future plat owners in the subdivision and the community at large.

107. Waivers and Modifications

A. Waivers

Where the Planning Board finds that because of the special circumstances of a particular case, extraordinary hardship may result from strict compliance with this Local Law, the Planning Board shall have the authority to vary or modify the application of any of the requirements herein related to layout and platting of land for subdivision, provided, however, that any such waiver will not have the effect of nullifying the spirit and intent of these standards, the Comprehensive Plan, the Official Map, or any other regulations or local laws, if such exists.

B. Design Innovations

When design concepts which are imaginative and beneficial to the public interest are proposed by the subdivider, the Planning Board may modify the requirements of this Local Law and impose additional conditions as necessary to permit the accomplishments of such concepts. As authorized by resolution of the Village Board, the Planning Board may, simultaneously, with the approval of a plat, apply the provisions of Section 7-736 of the Village Law, when applicable.

C. Procedure

Applications for waivers or modifications shall be submitted in writing by the subdivider at the time the Sketch Plan is submitted to the Planning Board. All waivers will be considered by the Planning Board only if the written request states the reason for the waiver request and clearly defines what hardship the requirement being waived will cause to the Applicant. All waivers granted shall be reflected in the official record with specific reasons for granting the waiver.

108. Amendments

This Local Law may be amended by the Village Board of Trustees, upon a recommendation by the Planning Board and after a public hearing on such amendments. Any proposed Preliminary Plat which has not received conditional approval prior to the effective date of an amendment to this Local Law, or any conditionally approved Preliminary Plat where an application for Final Plat approval has not been received within six (6) months of the date of conditional approval, shall fully comply with any amendment to this Local Law.

109. Enforcement

A. General

- 1) It shall be the responsibility of the Planning Board or the Village Code Enforcement Officer to bring to the attention of the Village Attorney any violations or lack of compliance herewith.
- 2) No owner (or agent of the owner) of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Planning Board, in accordance with the provisions of this Local Law, and filed with the appropriate County Clerk.

- 3) The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading this Local Law, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in this Local Law.
- 4) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of this Local Law.

B. Civil Enforcement

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of this Local Law, or prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises; and these remedies shall be in addition to the penalties described in a separate local law.

110. Separability

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

111. Court Review

Any person aggrieved by any decision of the Planning Board relative to a subdivision may have such decision reviewed by a special term of the Supreme Court in the manner provided by Article 78 of the New York State Civil Practice Law and Rules and the New York State Village Law.

112. Liability

Nothing in this Local Law, including the approval and signature of any subdivision plat, shall be construed to insure or in any way guarantee any subdivision or building, structure, improvement, installation or use therein against defect, failure or other shortcoming, and the Village shall not be liable for same.

113. Title and Effective Date

In order that land subdivisions may be made in accordance with the authority, jurisdiction, and policy as set forth above, this Local Law, which shall be known and cited as the "Village of Deposit Local Law for Subdivision Review", has been duly adopted by the Village Board of Trustees on April 8, 2008.

ARTICLE II. DEFINITIONS

201. General Terms

Except where specifically defined, all words used in these standards shall carry their customary meaning. Words used in the present tense shall include the future; words used in the singular shall include the plural, unless the context clearly indicates otherwise.

The word "shall" is always mandatory. The word "may" is permissive. "Building" or "structure" includes any part thereof. The word "person" includes any individual person, a firm, a corporation, a partnership, or any other agency or voluntary organization.

202. Key Terms

For the purposes of this Local Law, certain words and terms shall have the following meaning:

APPLICANT - The owner of the land proposed to be subdivided or his duly appointed representative. Written consent shall be required from the legal owner when a representative makes application.

BOUNDARY LINE ADJUSTMENT - The adjustment of a boundary line between two (2) adjoining landowners.

BUILDING PERMIT - A permit issued by the Building Inspector which indicates the Applicant has submitted an approved application and plan for building construction in compliance with the Village of Deposit requirements.

COMPREHENSIVE PLAN - A comprehensive plan prepared by the Planning Board pursuant to Section 272(a) of the Village Law which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the Village and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

CONSTRUCTION DRAWINGS - The maps and/or drawings 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 the Planning Board as a condition of the approval of the plat.

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

EASEMENT, CONSERVATION - A legal document written in the form of a deed, in which a landowner permanently restricts the future development of real property for the purpose of preserving or maintaining the scenic, open, historic, agricultural, or natural condition, character, significance or amenities of that property.

ENGINEER - A person licensed as a professional engineer by the State of New York or licensed in a state with a reciprocal agreement with New York State.

ENVIRONMENTAL ASSESSMENT FORM (EAF) - A form used by the Planning Board in the State Environmental Quality Review process to assist in determining the environmental significance or non-significance of an action or project.

ENVIRONMENTAL IMPACT STATEMENT (EIS) - A written document required for each Type I and Unlisted Action which the Planning Board determines may have a significant effect on the environment.

ESCROW - A deposit of cash with the Village in lieu of an amount required and still in force on a performance or maintenance bond.

FINAL PLAT OR MINOR SUBDIVISION PLAT - A drawing in final form, showing a proposed subdivision containing all information and detail required by law and this law to be presented to the Planning Board for approval, and which, if approved, shall be duly filed or recorded by the Applicant in the Office of the County Clerk.

IMPERVIOUS MATERIAL - Soil having a percolation rate slower than 60 minutes.

LOT IMPROVEMENT - Any building, structure, place, work of art or other improvements to the land as may be required by the Planning Board, including clearing, final grading, and drainage improvements, that constitute a physical betterment of real property. Certain lot improvements shall be properly bonded as provided in this Local Law.

LOT OR PARCEL - A tract, plot, or portion of a subdivision or other parcel of land intended, as a unit for the purpose, whether immediate or future, of sale, lease, donation or separate use.

MODEL HOME - A dwelling unit used initially for display purposes which typifies the types of units that will be constructed in the subdivision.

OWNER - The person or persons actually holding title of a parcel or tract of land.

OFFICIAL MAP - A map established by the Village Board pursuant to Section 7-724 of the New York State Village Law showing roads, highways, parks, and drainage, both existing and proposed.

PERFORMANCE BOND - A bond as required by Section 7-730 of the New York State Village Law to assure the full and satisfactory completion of all required subdivision improvements as specified in the Planning Board resolution of approval.

PLANNING BOARD - The Planning Board of the Village of Deposit, Broome and Delaware Counties, New York.

PLANNING BOARD ASSISTANT - A person or committee appointed by the Planning Board and approved by the Village Board to assist the Planning Board with the administration of this Local Law. The person(s) will assist and instruct applicants with forms and procedures to ease administration and may be directed by the Planning Board to review the application, including a field trip to the site and to make recommendations.

PRELIMINARY PLAT - A drawing or drawings clearly marked "Preliminary Plat" showing the salient features of a proposed subdivision, as specified in this Local Law, submitted to the Planning Board for approval prior to submission of the Plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

PUBLIC IMPROVEMENTS - Any drainage ditch, road, sidewalk, pedestrian way, tree, off-road parking, recreation area, lot improvement, or other facility for which the Village *may* ultimately assume the responsibilities for maintenance and operation, or which may affect an improvement for which Village responsibility is established. All such improvements shall be properly bonded.

RESUBDIVISION - Any change in a map of an approved or recorded subdivision plat if such change affects any road layout or any lot line shown on such plat or if it affects or changes any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

ROAD, COLLECTOR - A road which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major road.

ROAD, DEAD-END or CUL-DE-SAC - A road or portion of a road with only one vehicular traffic outlet.

ROAD, EXISTING - An existing State, County, or Village road or highway, or other private roadway shown on a plat approved by the Planning Board or shown on a plat duly filed and recorded in the Office of the applicable County Clerk prior to the effective date of this Local Law.

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

ROAD, MINOR - A road intended to serve primarily as an access to abutting properties

ROAD, PAVEMENT - The wearing or exposed surface of the road right-of-way designed to be used by vehicular traffic.

ROAD PERIMETER - An existing road to which the parcel of land to be subdivided abuts on only one side.

ROAD, PRIVATE RIGHT-OF-WAY - A new road intended to provide access to no more than three (3) lots that have been classified as a Minor Subdivision.

ROAD REVIEW COMMITTEE - A committee appointed by the Village Administrator of Public Works to review plans and make periodic inspections during the construction phase of required improvements. The committee shall consist of one (1) member of the Planning Board, one (1) member of the Village Board, and the Village Administrator of Public Works or his designee.

ROAD WIDTH - The width of the right-of-way between property lines measured at right angles to the centerline of the road at any given point.

SEASONAL HIGH WATER TABLE - The elevation of groundwater during the extended wet season of a typical year, as determined by a soil scientist or licensed engineer.

SEWERAGE AREA - The area that is required to meet the sewerage site criteria.

SKETCH PLAN - A sketch of a proposed subdivision showing the information specified in Article V, Section 501, of this Local Law to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of this Local Law.

SOILS MAP - A map of the proposed subdivision, at the scale of 1" = 200' or larger, showing the types of soils that are found there, and in accordance with the Broome or Delaware County Soil and Water Conservation District's soils mapping standards.

SOIL PROFILE ANALYSIS - The information derived from a deep test pit used to determine the suitability of a site for a septic system, depth to high seasonal water table, depth to fragipan (hardpan), depth to bedrock where present, depth to loose sand and gravel, the slope of the land through the location of the deep test pit, the estimate of the area having similar soil characteristics, and the percolation rate.

SOIL SCIENTIST - A person having the qualifications of a qualified soil scientist as described in the Broome or Delaware County Soil and Water Conservation District's criteria.

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR) - Article 8 of the New York State Environmental Conservation Law and its implementing regulations, which governs local environmental review of various actions.

STREET - See "ROAD"

SUBDIVIDER - Any person, firm, corporation, partnership, or any legal entity which shall lay out any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION - The division of any parcel of land into two (2) or more lots, blocks, or sites for any purpose with or without the creation of new roads or highways and includes resubdivision and planned unit developments.

SUBDIVISION, MAJOR - Any subdivision of land not classified as a Minor Subdivision, including, but not limited to any subdivision of six (6) or more lots, or any size subdivision requiring any new road to provide access or requiring the extension of municipal facilities, including all lots previously divided off from the original parcel after the adoption of these subdivision regulations.

SUBDIVISION, MAJOR REALTY - Any tract of land which is divided into five or more parcels where each lot is five acres or less and as defined under the New York State Public Health Law, Article 1115.

SUBDIVISION, MINOR - Any subdivision of land containing not more than five (5) lots, where all the lots have frontage on an existing public road, not involving any new road or the extension of municipal facilities, and not adversely affecting the development of the remainder of the parcel or adjoining property, including all lots previously divided off from the original parcel after the adoption of these subdivision regulations.

VILLAGE CONSTRUCTION STANDARDS - The standards and specifications adopted by the Village Board of Trustees for the construction of new roads and related improvements.

USABLE LOT SIZE - The required minimum area suitable for sewerage and housing construction.

USABLE SOIL - Soil which possesses a satisfactory percolation rate and is above a boundary condition (bedrock, seasonal high water table, loose sand or gravel, or impervious material), as determined by a deep test pit and measured from the soil surface.

ARTICLE III - PROCEDURES

301. Basic requirements

Whenever any subdivision of land, as hereinbefore defined, is proposed to be made and before any contract for the sale of or any offer to sell such subdivision or any part thereof is made, the subdivider or a duly authorized agent shall apply in writing to the Planning Board for the approval of such subdivision. The application of the subdivider shall conform to the specifications in the appropriate section of these subdivision regulations as well as with the requirements of Sections 7-728 and 7-730 of the Village Law, where applicable.

302. Initial Conference

Before preparing a Sketch Plan, the applicant may meet with the Planning Board to discuss the procedure for approval of a subdivision and the requirements as they may pertain, including general layout of lots, new roads, reservation of lands, road improvements, drainage, sewer, fire protection, and other similar matters.

The applicant will also be advised of the necessary forms for Sketch Plan review and of the requirements for compliance with New York State Environmental Quality Review Act. (SEQR).

303. Sketch Plan Review

- A. The subdivider shall file a Sketch Plan of the proposed subdivision with the Secretary of the Planning Board or its assistant at least ten (10) days prior to the regular meeting of the Board. Three copies of a Sketch Plan of the proposed subdivision and other relevant materials shall be submitted for Planning Board review and recommendation prior to application for preliminary layout or final approval. There shall also be filed with the application for Sketch Plan a key map (location map) which shows the location of the proposed subdivision within the municipality.

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

- B. The Sketch Plan shall be drawn on a topographical survey map. The sketch shall show in general form the proposed number of lots, the general layout of lots, their relationship to existing streets, layout of proposed streets or private roads, and other site conditions and facilities which will serve or influence the proposed subdivision.

C. Sketch Plan Review Procedures:

1) Classification of Sketch Plan:

At the time of Sketch Plan, the Planning Board shall classify the subdivision as to whether it is a Minor, Major, Major Realty or Boundary Line Adjustment, as defined in this Local Law. If the subdivision is classified as a Minor subdivision, the subdivider shall then comply with the applicable procedure outlined in Article III, Section 304 of this Local Law. If it is classified a Major Subdivision, the subdivider shall then comply with the procedures outlined in Article III, Section 305 and 306. If the subdivision is classified as a Major Realty Subdivision, the subdivider shall comply with all procedures for a Major Subdivision and Article IV, Section 407 of this Local Law. If the Sketch Plan is classified as a Boundary Line Adjustment, the applicant shall follow procedures as outlined in Article IV, Section 408.

2) Copies, Review, Comments:

The Planning Board may transmit copies of the Sketch Plan to other interested officials or agencies of government for review and comment as may be deemed necessary or as may be required by law. Written comments, if any, from these officials and agencies shall be required within thirty (30) days of their receipt of Sketch Plan.

3) **Board Recommendations:**

After reviewing the submitted Sketch Plan and reports, the Planning Board shall determine whether the Sketch Plan meets the purposes of this Local Law and shall, where it deems necessary, make specific recommendations in writing to be incorporated by the Applicant into the next submission to the Planning Board. Such recommendations shall be made within sixty-two (62) days from the time the Sketch Plan was initially submitted to the Planning Board.

D. The subdivider shall prepare the preliminary layout of the subdivision in accordance with these subdivision regulations and the recommendations of the Planning Board after Sketch Plan review is complete.

304. Application and Approval of Minor Subdivisions

A. Application and Fee

Within six (6) months after Planning Board classification of the Sketch Plan as a Minor Subdivision, the subdivider shall submit an application in triplicate for approval of a Minor Subdivision Plat. Failure to do so may require resubmission of the application to the Planning Board for reclassification.

The Plat shall conform to the requirements for Minor Subdivision as defined in this Section, plus any recommendations or conditions established by the Planning Board. All applications shall be accompanied by a fee established by the Village Board and on file in the Village Clerk's office.

Three (3) copies of the Minor Subdivision Plat and application shall be presented to the Secretary or clerk of the Planning Board at least ten (10) days prior to a regularly scheduled meeting of the Planning Board. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Minor Subdivision application.

An Environmental Assessment Form (EAF), completed by the applicant, for the proposed subdivision shall, if required, be available for review at this meeting of the Planning Board. The EAF should consider potential impacts of the development as anticipated by the developer.

The time of submission of the Minor Subdivision Plat shall be considered to be the date of the regular monthly meeting of the Planning Board, at least ten (10) days prior to which the application for Plat Approval, complete and accompanied by the required fee, has been submitted to the Planning Board Secretary or clerk.

B. Referrals

When applicable, the Secretary or clerk of the Planning Board, upon motion of the Planning Board, shall present a copy of the Minor Subdivision Plat and application, along with all applicable materials to the Delaware County Planning Board or Broome County Planning Department, as applicable, for their review and report in accordance with the provisions of Section 239-n of the New York State General Municipal Law and Article 25-AA of the New York State Agriculture and Markets Law.

C. Public Hearing

A public hearing shall be held by the Planning Board within sixty-two (62) days from the time of submission of the Minor Subdivision Plat for approval. The hearing must be advertised at least once in a newspaper of general circulation in the Village at least five (5) days prior to the hearing. The applicant shall notify by certified mail/return receipt requested, at least ten (10) days in advance, the owners of property abutting the proposed subdivision and directly across any adjoining road and shall furnish the Planning Board with post office receipts as proof of notification.

D. Action on Minor Subdivision Plat

The Planning Board shall, within sixty-two (62) days from the date of said public hearing, act to approve, conditionally approve with or without modifications, or disapprove such Minor Subdivision Plat and so indicate on the plat. The Planning Board resolution granting conditional approval, with or without modification of the plat, shall also empower a duly authorized officer to sign the plat, upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval.

Within five (5) business days of the resolution granting conditional approval, the plat shall be certified by the Planning Board as conditionally approved. A copy of such certification shall be filed in the office of the Planning Board Secretary and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat.

Conditional approval of a plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval. Within such 180-day period, or any extension thereof granted by the

- 6) The location of existing sewer, water, or other utility lines including culverts, drains, and easements on the property to be subdivided and plans to connect thereto.
- 7) The location, dimensions, grades, and profiles of all streets or other existing site conditions, including easements, rights-of-way, structures, trees and ponds, streams and marshes, or public areas and other public ways proposed by the subdivider, which shall comply with regulations, specifications, and standards of the Village Engineer.
- 8) Typical cross-sections of proposed roadways, sidewalks, and grades drawn at an appropriate scale.
- 9) The proposed layout of lots, showing lot lines, dimensions and area of lots, and any areas to be dedicated or reserved for parks or other public uses.
- 10) The proposed sanitary sewerage and water supply plan, showing methods for obtaining and furnishing adequate and satisfactory water supply and sewerage facilities in accordance with Broome County or Delaware County health regulations and in conformance with all local laws and ordinances of the Village of Deposit.
- 11) The proposed plan for collecting and discharging surface water drainage.
- 12) Proposed utilities.
- 13) If, in conjunction with the preparation of the site in the manner and for the use specified in the plat and its accompanying information, the subdivider intends to excavate or have excavated gravel, sand, rock, topsoil, or other similar materials for the sale or for use or reuse at another site other than the original location of the excavation, such intention shall be so stated on the plat or its accompanying information. This statement shall include an estimate of the amount in volume measurement units for such materials to be excavated. Also stated shall be the methods which the subdivider will use to control surface drainage and/or erosion and the final treatment of the borrow area, i.e., backfill, planting, etc.
- 14) Where the preliminary layout submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future street system as it relates to the remainder of the subdivider's holding.
- 15) A statement as to the land use permitted by the Village Zoning Ordinance as to the premises involved and a further statement as to whether any request for rezoning is contemplated in the development.
- 16) State Environmental Quality Review Act (SEQR) Requirements – The Planning Board shall also determine the applicability of SEQR. A long-form Environmental Assessment Form (EAF), to be completed by the applicant, is required to assist the Planning Board in determining the environmental significance of the project.

Planning Board, the conditionally approved Minor Plat must be submitted for the Planning Board signature of final approval. Upon receiving the signature of final approval, the Minor Subdivision Plat shall be filed in the office of the appropriate County Clerk in accordance with the provisions of Article III, Section 306(I), of this Local Law.

In the event of disapproval of a Minor Subdivision Plat, the Planning Board shall fully set forth the reasons for such disapproval in its resolution and formally notify the applicant, in writing, of the reason(s) for disapproval.

305. Preliminary Plat Application - Major Subdivisions

A. Application Requirements

In order to afford the subdivider an opportunity to receive preliminary review of a plat and to prevent the unnecessary expenditure of time and money which would be incurred if the major changes were required by the Planning Board in case a Final Plat was submitted directly to the Planning Board, the subdivider shall submit three (3) copies of a preliminary layout of the proposed subdivision to the Planning Board. These preliminary layouts shall be submitted to the Planning Board Secretary or the assistant ten (10) days prior to a regularly scheduled meeting of the Planning Board. They shall be drawn at a scale of not more than forty (40) feet to the inch, shall be clearly marked "preliminary layout" and shall show or be accompanied by the following information:

- 1) The proposed subdivision name and/or identifying title and the name and address of the owner of record, the subdivider and the designer of the preliminary subdivision layout, date, scale, and true north direction.
- 2) The deed description and a map or survey of the tract boundary made and certified by a licensed surveyor and, where applicable, tied into established reference points such as existing street corners, highways, or permanent boundary monuments.
- 3) A topographic map of the parcel of land to be subdivided, at the same scale as the preliminary layout, showing a contour interval of not more than five (5) feet.
- 4) The name, location, and dimensions of existing or proposed streets, highways, alleys, parks, and other public open spaces or uses of adjacent properties.
- 5) The location and dimensions of any street or other public way or place, platted upon the Official Map of the Master Plan of the Village, if such exists, for the property to be subdivided.

B. Planning Board Review

- 1) The Planning Board shall study the Preliminary Plat and accompanying information in connection with the topography of the area, the existing requirements of the Zoning Ordinance, the Master Plan and the Official Map, if such exists, and other local laws of the Village and shall take into consideration the general requirements of the community and the best use of land to be subdivided. Particular attention shall be given to matters enumerated in Article V of this Local Law as well as specific requirements for parks, playgrounds, school sites, highways and streets, the adequacy of street connections, and the suitability of the land for development.

The Planning Board may schedule a field trip to the proposed subdivision site accompanied by the Applicant or his agent. In order to facilitate field inspection and review of the site, temporary staking along the centerline of all proposed roads at fifty-foot (50') intervals and front lot corners may be required.

- 2). **Date of Official Submission:**
The date of submission of the Preliminary Plat shall be the date it is received and deemed complete and accompanied by the required fee and supporting information required by this Local Law and the Planning Board rules and regulations. A Preliminary Plat shall not be approved until a negative declaration has been filed or until a notice of completion of the draft Environmental Impact Statement has been filed in accordance with the provisions of SEQR.
- 3) **Subdivider to Attend Planning Board Meeting:**
The subdivider or a duly authorized representative shall attend the next meeting of the Planning Board after receipt of the application to discuss the Plat with the Planning Board.
- 4) **Referrals:**
When applicable, the Secretary of the Planning Board, upon motion of the Planning Board, shall present a copy of said plat and application to the Delaware County or the Broome County Planning Department for their review and report in accordance with the provisions of Section 239-n of the New York State General Municipal Law and Article 25-AA of the New York State Agriculture and Markets Law.

C. Review Procedures and Time frames

- 1) **Public Hearing - When Planning Board is lead agency under SEQR:**

The time within which the Planning Board shall hold a public hearing on the Preliminary Plat shall be coordinated with any hearings the Planning board may schedule pursuant to SEQR, as follows:

- (a) If the Planning Board determines that the preparation of an Environmental Impact Statement on the Preliminary Plat is not required, the public hearing on such plat shall be held within sixty-two (62) days after the receipt of a complete Preliminary Plat and application by the Planning Board; or
- (b) If the Planning Board determines that an Environmental Impact Statement is required, and a public hearing on the Draft Environmental Impact Statement is held, the public hearing on the Preliminary Plat and the Draft Environmental Impact Statement shall be held jointly within sixty-two (62) days after the filing of the notice of completion of such Draft Environmental Impact Statement in accordance with the provisions of SEQR. If no public hearing is held on the Draft Environmental Impact Statement, the public hearing on the Preliminary Plat shall be held within sixty-two (62) days of filing the notice of completion.
- (c) The hearing on the Preliminary Plat shall be advertised at least once in a newspaper of general circulation in the Village at least five (5) days before such hearing if no hearing is held on the draft Environmental Impact Statement, or fourteen days before if a hearing is held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of the Preliminary Plat. The hearing on the Preliminary Plat shall be closed upon motion of the Planning Board within one hundred twenty (120) days after it has been opened.
- (d) The Planning Board shall approve, with or without modification, or disapprove such Preliminary Plat as follows:
 - (i) If the Planning Board determines that the preparation of an Environmental Impact Statement on the Preliminary Plat is not required, the Planning Board shall make its decision within sixty-two (62) days after the close of the public hearing; or
 - (ii) If the Planning Board determines that an Environmental Impact Statement is required and a public hearing is held on the Draft Environmental Impact Statement, the Final Environmental Impact Statement shall be filed within forty-five (45) days following the close of such public hearing in accordance with the provisions of SEQR. If no public hearing is held on the Environmental Impact Statement, the Final Environmental Impact Statement shall be filed within forty-five (45) days following the close of the public hearing on the Preliminary Plat. Within thirty (30) days of the filing of such Environmental Impact Statement, the Planning Board shall issue findings on the Final

Environmental Impact Statement and make its decision on the Preliminary Plat.

- (iii) The grounds for a modification, if any, or the grounds for disapproval shall be stated in the official records of the Planning Board. When so approving a Preliminary Plat, the Planning Board shall state in writing any modifications it deems necessary for submission to the Plat in final form. When disapproving an application, the Planning Board shall notify the subdivider in writing of the decision and the basis for the decision within thirty (30) days of the final decision.
- e) Approval of a Preliminary Plat shall not constitute approval of the Subdivision Plat. Rather, it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Final Subdivision Plat, which will be submitted for approval of the Planning Board and for recording with the appropriate County Clerk. Prior to approval of the Final Subdivision Plat, the Planning Board may require additional changes as a result of further study or new information obtained.

2) Public Hearing – When Planning Board is NOT lead agency under SEQRA:

- a) The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the Preliminary Plat jointly with the lead agency's hearing on the Draft Environmental Impact Statement. Failing such agreement or if no public hearing is held on the Draft Environmental Impact Statement, the Planning Board shall hold the public hearing on the Preliminary Plat within sixty-two (62) days after the receipt of a complete Preliminary Plat and application by the Planning Board.
- b) The hearing on the Preliminary Plat shall be advertised at least once in a newspaper of general circulation in the Village at least five (5) days before such hearing if held independently of the hearing on the Draft Environmental Impact Statement, or at least fourteen (14) days before a hearing held jointly with the lead agency. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of the Preliminary Plat. The hearing on the Preliminary Plat shall be closed upon motion of the Planning Board within one hundred twenty (120) days after it has been opened.
- c) The Planning Board shall by resolution approve, with or without modification, or disapprove the Preliminary Plat as follows:

- (i) If the preparation of an Environmental Impact Statement on the Preliminary Plat is not required, the Planning Board shall make its decision within sixty-two (62) days after the close of the public hearing on the Preliminary Plat.
 - (ii) If an Environmental Impact Statement is required, the Planning Board shall make its own findings and decision on the Preliminary Plat within sixty-two (62) days after the close of the public hearing on such Preliminary Plat or within thirty days (30) of the adoption of the findings of the lead agency, whichever period is longer.
 - (iii) The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a Preliminary Plat, the Planning Board shall state in writing any modifications it deems necessary for submission to the plat in final form. When disapproving an application, the Planning Board shall notify the subdivider in writing of the decision and the basis for the decision within thirty (30) days of the final decision.
- d) Approval of a Preliminary Plat shall not constitute approval of the Subdivision Plat. Rather, it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Final Subdivision Plat, which will be submitted for approval of the Planning Board and for recording with the County Clerk. Prior to approval of the Final Subdivision Plat, the Planning Board may require additional changes as a result of further study or new information obtained.

D. Certification and Filing

- 1) Certification and Filing of Preliminary Plat:
Within five (5) business days of adoption of the resolution granting approval of such Preliminary Plat, such plat shall be certified by the Secretary or clerk of the Planning Board as having been granted preliminary approval and a copy of the plat shall be filed with the office of the Village Clerk and a copy shall be filed with the Planning Board Secretary
- 2) Filing of Decision on Preliminary Plat:
Within five (5) business days from the date of the adoption of the resolution approving the Preliminary Plat, the chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Village Clerk and a copy of the resolution shall be mailed to the Applicant or the duly authorized representative.

- 3) Approval of Preliminary Plat:
Within six (6) months of the approval of the Preliminary Plat, the owner or duly authorized representative must submit the plat in final form. If the Final Plat is not submitted within six (6) months, approval of the Preliminary Plat may be revoked to require submission to the Planning Board and may require resubmission.

306. Final Subdivision Plat Application – Major Subdivisions

A. Application

- 1) The Final Plat application shall be submitted within six (6) months after the approval of the Preliminary Plat, or by a mutually agreed upon extension, which shall be requested and granted in writing. The Planning Board may refuse a request for extension if it is deemed unreasonable and refuse approval of the Final Plat, requiring resubmission of the Preliminary Plat.
- 2) Number of Copies
A subdivider intending to submit a proposed Subdivision Plat for Final Plat approval of the Planning Board shall provide the Board with three (3) copies of the application; three (3) copies of the plat and one (1) mylar, (in form required for filing with the applicable County Clerk); one (1) true copy of all offers of cession, covenants, and agreements; deed descriptions for each lot; and two prints of all construction as-built drawings.
- 3) The Subdivision Plat shall show or be accompanied by the following information:
 - a) Proposed subdivision name and tax map number(s) of the properties forming a part of the subdivision; the name and address of the record owner and subdivider; name, license number, and seal of the professional engineer and/or land surveyor responsible for the design, survey of the subdivision, and/or the preparation of the plats; date, scale, and true north direction.
 - b) Lines and widths of streets, pedestrian ways, lots, reservations, easements, and all other areas to be dedicated to public use or to be held in reserve.
 - c) The length of all straight lines, the deflection angles, length of curves and central angles of all curves, tangent distances and tangent bearings for each street, and the dimensions and angles of the boundary lines of each lot. All dimensions shall be shown in feet and decimals of a foot.
 - d) Sufficient data acceptable to the Code Enforcement Officer or designated official to readily determine the location, bearing, and length of every street line, lot line, and boundary line and reproduce such lines upon the ground. Where practical, these

shall be referenced to monuments included in the state system of plane coordinates and, in any event, should be tied to reference points previously established.

- e) Typical cross sections of streets and roads, including drive strips, curbs, walks, and/or shoulders drawn to scale.
 - f) The layout of all permanent improvements such as sanitary sewers, storm sewers, water mains, curbs, gutters, and culverts, showing sizes, grades, elevations, the location of basins, manholes, and other underground conduits or appurtenances where such items are an integral part of the subdivision.
 - g) Lots and blocks within the subdivision numbered and lettered in alphabetical order in accordance with the prevailing Village practice.
 - h) Soil tests.
 - i) Permanent reference monuments.
 - j) By proper designation, all public open spaces, other than streets, for which deeds of cession are submitted and those spaces to which title is reserved by the subdivider. Together with copies of agreements or other documents showing the manner in which such areas are to be maintained. Offers of cession, deeds, and covenants governing the maintenance of conceded open spaces shall be approved by the Village Attorney as to their legal sufficiency.
- 4) The Village Clerk, as representative of the Village Board, shall deliver to the subdivider a certificate of submission which shall certify the date on which the subdivider submitted his Subdivision Plat.

B. Environmental Review

- 1) Final Plats may require further review under SEQR, in the event there are substantial changes from the approved Preliminary Plat that may have an impact on the environment.
- 2) When a Final Plat is submitted which the Planning Board deems to be in substantial agreement with a Preliminary Plat approved pursuant to this section, the Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within sixty-two days of its receipt by the clerk of the Planning Board.
- 3) Water and sewer facility proposals contained in the Subdivision Plat shall be properly endorsed and approved by the Broome or Delaware County Department of Health and the New York State Department of Health, as applicable. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary Village, County and State agencies. Endorsement and approval by the Broome or Delaware County and the New York State Department of Health shall be secured by the subdivider before official submission

of the Subdivision Plat. If the Health Department requires Village approval before its consideration of the plat, the Planning Board may approve subject to Health Department approval and subject to consideration of any such changes required by such Department.

C. Receipt of Complete Final Plat

- 1) When no Preliminary Plat is required to be submitted, a Final Plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the Draft Environmental Impact Statement has been filed in accordance with the provisions of SEQR. The time periods for review of such plat shall begin upon filing of such negative declaration or such notice of completion.
- 2) When a Final Plat is submitted which the Planning Board deems not to be in substantial agreement with a Preliminary Plat approved pursuant to this Local Law, or when no Preliminary Plat is required to be submitted and a Final Plat clearly marked "Final Plat" is submitted conforming to the definition provided by this Local Law, the following shall apply:
 - (i) When Planning Board IS lead agency: public hearing, notice, decision.
 - [1] Public Hearing on Final Plat:

The time within which the Planning Board may hold a public hearing on such Final Plat shall be coordinated with any hearings the Planning Board may schedule pursuant to SEQR, as follows:

 - [a] If the Planning Board determines that the preparation of an Environmental Impact Statement is not required, the public hearing on a Final Plat not in substantial agreement with a Preliminary Plat, or on a Final Plat when no Preliminary Plat is required to be submitted, shall be held within sixty-two (62) days after the receipt of a complete Final Plat by the clerk of the Planning Board; or
 - [b] If the Planning Board determines that an Environmental Impact Statement is required, and a public hearing on the Draft Environmental Impact Statement is held, the public hearing on the Final Plat and the Environmental Impact Statement shall be held jointly within sixty-two (62) days after the filing of the notice of completion of such Draft Environmental Impact Statement in accordance with the provisions of SEQR. If no public hearing is held on the Draft Environmental Impact Statement,

the public hearing on the Final Plat shall be held within sixty-two (62) days following filing of the notice of completion.

[2] Notice.

The hearing on the Final Plat shall be advertised at least once in a newspaper of general circulation in the Village at least five (5) days before such hearing if no hearing is held on the Draft Environmental Impact Statement, or at least fourteen (14) days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of the Final Plat. The hearing on the Final Plat shall be closed upon motion of the Planning Board within one hundred twenty (120) days after it has been opened.

[3] Decision.

The Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of the Final Plat.

[a] If the Planning Board determines that the preparation of an Environmental Impact Statement on the Final Plat is not required, the Planning Board shall make its decision, within sixty-two days after the date of the public hearing on the Final Plat; or

[b] If the Planning Board determines that an Environmental Impact Statement is required, the Planning Board shall make its own findings and its decision on the Final Plat within sixty-two (62) days after the close of the public hearing on the Final Plat or within thirty (30) days of the adoption of findings by the lead agency, whichever period is longer.

[4] Grounds for Decision.

The grounds for a modification, if any, or the grounds for disapproval shall be stated in the records of the Planning Board.

(ii) When Planning Board **IS NOT** lead agency: public hearing, notice, decision.

[1] Public Hearing on Final Plat.

The Planning Board shall, with agreement of the lead agency, hold the public hearing on the Final Plat jointly with the lead agency's hearing on the Draft Environmental Impact Statement. Failing such agreement, or if no public hearing is held on the Draft Environmental Impact Statement, the Planning Board shall hold the public

hearing on the Final Plat within sixty-two (62) days after the receipt of a complete Final Plat by the clerk of the Planning Board.

[2] Notice.

The hearing on the Final Plat shall be advertised at least once in a newspaper of general circulation in the Village at least five (5) days before such hearing, if held independently of the hearing on the Draft Environmental Statement, or at least fourteen (14) days before a hearing held jointly with the lead agency. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of the Final Plat. The hearing on the Final Plat shall be closed upon motion of the Planning Board within one hundred twenty (120) days after it has been opened.

[3] Decision.

The Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such Final Plat as follows:

[a] If the preparation of an Environmental Impact Statement on the Final Plat is not required, the Planning Board shall make its decision within sixty-two (62) days after the close of the public hearing on the Final Plat.

[b] If an Environmental Impact Statement is required, the Planning Board shall make its own findings and its own decision on the Final Plat within sixty-two (62) days after the close of the public hearing on such Final Plat or within thirty days of the adoption of the findings by the lead agency, whichever period is longer.

[4] Grounds for Decision.

The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.

D. Approval and Certification of Final Plats

1) Certification of Plat:

Within five (5) business days of the adoption of the resolution granting conditional or final approval of the Final Plat, such plat shall be certified by the clerk of the Planning Board as having been granted conditional or final approval and a copy of such resolution

and plat shall be filed in the record of the Planning Board and in the Village Clerk's office. A copy of the resolution shall be mailed to the owner. In the case of a conditionally approved plat, such resolution shall include a statement of the requirements which when completed will authorize the signing thereof. Upon completion of such requirements, the plat shall be signed and dated by said duly authorized officer of the Planning Board and a copy of such signed plat shall be filed in the record of the Planning Board and filed with the Village Clerk as determined by the Village Board of Trustees.

2) **Approval of Plats in Sections:**

In granting conditional or final approval of a Final Plat, the Planning Board may permit the plat to be subdivided and developed in two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the plat be completed before said sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a Final Plat may be granted concurrently with conditional or final approval of the entire plat, subject to any requirements imposed by the Planning Board.

3) **Duration of Conditional Approval of Final Plat:**

Conditional approval of the Final Plat shall expire within one hundred eighty (180) days after the resolution granting such approval, unless all requirements stated in such resolution have been certified as completed. The Planning Board may extend by not more than two (2) additional periods of ninety (90) days each, the time in which a conditionally approved plat must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by the particular circumstances.

E. Time Periods

The time periods prescribed herein within which a Planning Board must take action on a Preliminary Plat or a Final Plat are specifically intended to provide the Planning Board and the public adequate time for review and to minimize delays in the processing of subdivision applications. Such periods may be extended only by mutual consent of the Applicant and the Planning Board.

F. Filing of Decision on Final Plat

Within five (5) business days from the date of the adoption of the resolution approving the Final Plat, the chairperson or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the record of the Planning Board and the office of the Village Clerk.

G. Additional Requirements

Approval of the Subdivision Plat shall, however, not be deemed final until the subdivider has complied with the following:

- 1) The subdivider shall complete, in accordance with the Planning Board's decision, to the satisfaction of the Village Engineer and/or any other official or body authorized by the Village Board of Trustees to act, all the streets and other improvements specified in Subsection 7-730 of the Village Law and not specifically waived by the Planning Board and/or shall file with the Village Board of Trustees a performance bond or other security sufficient to cover the full cost of the same as estimated by the Village Board of Trustees acceptable to the Village Attorney as to form, sufficiency, manner of execution, and surety for the completion of such improvements.
- 2) The subdivider shall tender offers of cession, in a form certified as satisfactory by the Village Board of Trustees, of all lands included in streets, highways, or parks not specifically reserved, but approval of the plat by the Planning Board shall not constitute an acceptance by the Village of the dedication of any street, highway, park, or other public open spaces.
- 3) The subdivider shall obtain the approval of the Broome and Delaware County Health Department and the New York State Health Department as required.

H. Notice to County Planning Board or Department

The clerk of the Planning Board shall refer all applicable Preliminary and Final Plats to the applicable County Planning Board or Department, as provided in Section 239-n of the New York State General Municipal Law.

I. Filing of Final Plat

Within sixty-two (62) days of the final approval of the Final Plat by the Planning Board, the subdivider shall file a copy of the Final Plat in the office of the appropriate county clerk. Said Final Plat shall be endorsed in writing on the plat in such a manner as the Planning Board may designate. Such endorsement shall stipulate that the plat does not conflict with the County Official Map, if one exists, or in cases where plats do front on or have access to or are otherwise related to roads or drainage systems shown on the County Map, that such plat has been approved in the manner specified by the New York State General Municipal Law. Such final approval shall have been deemed to expire if the plat is not so filed within the said sixty-two (62) days. The subdivider shall within ten (10) days after filing the Final Plat with the applicable County Clerk, file a copy of the same plat with the Village Board of Trustees.

J. Permission

After such plat has been filed with the appropriate County Clerk and the Village Clerk, the subdivider shall be granted permission to proceed with the work necessary to construct and install the proposed streets and other improvements in accordance with the approved Final Plat. Such construction and installations shall be in accordance with all applicable local laws, rules, regulations, and ordinances as established by the Village Board of Trustees or its Code Enforcement Officer and/or any other official so designated by the Village Board of Trustees.

- 1) Once subdivision site work is underway, the subdivider shall cooperate with the Code Enforcement Officer or any other duly designated official who shall be responsible for inspections necessary to ensure that all work is in accordance with the approved subdivision plat and in conformity with the applicable standards set forth in this Local Law.
- 2) Permanent reference monuments of a type approved by the Code Enforcement Officer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Code Enforcement Officer. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the New York State Department of Transportation.
- 3) All lot corner markers shall be permanently placed to the satisfaction of the Code Enforcement Officer, at least three-fourths (3/4) inch (if metal) in diameter and at least twenty-four (24) inches in length and located in the ground to existing grade.

307. Acceptance of Improvements for Public Use and Maintenance

- A. Upon completion of the acceptable construction and installation of streets and other improvements in accordance with the approved subdivision plat and upon submission to the Village Board of Trustees of satisfactory deeds, abstracts of title or fee policies of title insurance and easements for streets, storm sewers, sanitary sewers, water lines, and other utilities as required, the Village Board of Trustees shall take all necessary steps to accept these improvements for public use and permanent maintenance, in accordance with the provision of the New York State Village Law and any other applicable law, and the subdivider shall thereupon be released from any performance bonds posted and filed with the Village to guarantee any of the aforesaid proposed construction and installation. The subdivider shall also provide to the municipality as-built plans indicating the exact location of below-ground utilities.

- B. Notwithstanding any of the foregoing, the Village Board of Trustees shall require from the subdivider an affidavit stating that all bills and accounts for materials and labor used in the construction of improvements have been paid before said improvements will be accepted by the Village Board of Trustees for public use and maintenance.
- C. The subdivider must follow all pre-existing Village street specifications, unless otherwise authorized.

ARTICLE IV. SUBDIVISION STANDARDS

401. General Standards and Requirements

A. General Standards

The subdivider shall observe the following general land subdivision standards:

- 1) The proposed subdivision shall conform to the Official Map, Zoning Ordinance, Master Plan, and all other local laws and regulations of the Village of Deposit.
- 2) The arrangement of streets in the subdivision shall provide for the continuation of collector streets in adjoining subdivisions or for their proper projection when adjoining property is not subdivided and shall be of a width at least as great as that of such existing connecting streets. When streets are completed for only a portion of an approved subdivision, the extension of which are to be completed at a later date, the subdivider shall provide a turnaround roadway as specified for dead-end or cul-de-sac streets.
- 3) Dead-end or cul-de-sac streets shall not in general exceed five hundred (500) feet in length and shall be equipped with a turnaround roadway with a minimum radius of forty (40) feet for the outside curb at the closed end. The turnaround, where the end of the street abuts adjoining property of other owners, shall have the perimeter of the one-hundred (100) foot diameter circle touch but not intersect such property line. Where a plat submitted shows a turnaround at the end of a street and such turnaround does not touch the property line of adjoining property, the Village Engineer may, when in his judgment the terrain is suitable for an extension of such dead-end street, at some future date require that a strip of land of the same width as the proposed street and extending from the dead-end of the proposed street to the property line of adjoining property be dedicated to the Village as a right-of-way for future extension of such dead-end street. No reserve strips shall be retained by the owner of any plat or map submitted to the Village Board of Trustees.

- 4) Block lengths generally shall not exceed one thousand two hundred (1,200) feet in length, nor shall they be less than three hundred (300) feet, unless unusual topographic limitations make this impractical.
- 5) Each normal block shall be planned to provide two (2) rows of lots, but irregularly shaped blocks indented by cul-de-sac streets and containing interior parks will be acceptable when properly designed and covered by agreements as to maintenance of interior parks.
- 6) Curb radii at intersections shall not be less than twenty (20) feet. Property lines shall be adjusted accordingly.
- 7) Side lines of lots, so far as practicable, shall be at right angles or radial to street lines.
- 8) Reversed frontage of lots at street intersections shall be avoided where possible, and a series of narrow lots shall not be encouraged.
- 9) Corner lots shall be increased in size whenever necessary so as to provide that any structure to be placed thereon shall conform to the building line of each street.
- 10) Land subject to flooding and deemed by the Planning Board to be uninhabitable, shall not be platted for residential occupancy, nor for such other use as may increase danger to health, life, or property or aggravate the flood hazard.
- 11) In case a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further subdivisions.
- 12) No reserve strips controlling access to land dedicated or to be dedicated to public use shall be permitted.
- 13) In general, street lines with a block deflecting from each other at any one (1) point more than ten (10) degrees shall be connected with a curve, the radius of which, for the inner street lines, shall not be less than two hundred fifty (250) feet on secondary thoroughfares and one hundred (100) feet on local streets. The outer street line in each case shall be parallel to such inner street lines.
- 14) Areas of reasonable size shall be set aside for neighborhood parks or other recreation uses. In lieu thereof, the Planning Board may require payment by the subdivider to the Village of an amount to be determined by the Village Board of Trustees. Such amount shall be available for use by the Village for park and playground purposes. In general the location, size, and type of park or other recreation facility shall be determined by the Planning Board. Recreation space shall be provided by the subdivider on the basis of six hundred (600) square feet of usable land for each lot shown on the final plat drawing. In cases where the Planning Board deems it impracticable or undesirable for the subdivider to meet these requirements, he will be required to make payment equivalent to the value of land which would otherwise be donated, prior to approval of the final plat. The amount of payment will be determined by the Village Board of Trustees.

- 15) Adequate storm drainage systems shall be required in all new subdivisions. In lieu thereof, the Planning Board may require the subdivider to contribute a lawful and reasonable sum for placement in a fund to be used by the Village for the construction of storm drainage systems in the subdivision at some future date when the Planning Board and/or the Village Board of Trustees deems it to be necessary.
- 16) The subdivision design shall encourage the preservation of existing trees.
- 17) In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, emergency vehicles, fire fighting, snow removal, sanitation, and road maintenance equipment and school buses, the following design standards are required: All roadway and related construction, whether to be offered for dedication or not, shall be the responsibility of the subdivider, unless otherwise indicated, and shall be in accord with the standards of this Local Law and other relevant road standards developed by the Village of Deposit.
- 18) All street, sidewalk, and apartment construction shall be pursuant to the street standards of the Village of Deposit by the applicant as specified in Preliminary Plat approval. This hearing may be waived by the Planning Board.

B. Accommodations of Upstream Drainage Areas

Drainage facilities shall in each case be large enough to accommodate potential runoff from their entire upstream drainage area, whether inside or outside the subdivision, based on a fifty (50) year storm and assuming conditions of maximum potential development within the watershed. The applicant shall be responsible for submitting such computations to the Planning Board in sufficient detail to make possible the ready determination of the adequacy of the proposed drainage installations. Concentrated drainage from lots onto the right-of-way shall not be permitted.

C. Drainage Improvements

The Planning Board may require that the subdivider make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system.

D. Removal of Spring and Surface Water

The subdivider may be required by the Planning Board to carry by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of, the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed

easements of appropriate width, and shall be constructed in accordance with the Village construction standards and specifications.

E. Effect on Downstream Drainage Area

The Planning Board may also require a study of the effects of the subdivision on existing downstream drainage facilities. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Board shall notify the owner of such downstream facility and the Village Board of such potential condition and may withhold approval of the subdivision until provision has been made for the correction of said condition.

F. Wetlands

Areas shown on DEC maps as official freshwater wetlands shall be regulated according to the provisions contained in Article 24 of the New York State Environmental Conservation Law, including subsequent amendments.

G. Flood Plain Areas

Flood plain areas shall be those defined on the Official Flood Hazard Maps as prepared by the Federal Emergency Management Agency (FEMA). These flood areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps, except at the discretion of the Planning Board.

H. Dedication of Drainage Easements

1) General Requirements

Where a subdivision is traversed by a watercourse, drainage, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose.

- 2) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-way, perpetual unobstructed easements shall be provided across such properties outside the road lines and with satisfactory access to the road. Drainage easements shall extend from the road to the water course or other drainage facilities, and shall convey to the holder of fee title of the road the perpetual right to discharge storm water runoff from the road and the surrounding area onto and over the affected premises by means of pipes, culverts, or ditches or a combination thereof, together with the right to enter said premises for the purpose of making such installations and doing such maintenance work as the holder of such fee title may deem necessary to adequately drain the road and the surrounding area. When a proposed drainage system will carry water across a private

land outside the subdivision, appropriate drainage rights must be secured in a form satisfactory to the Village Attorney and suitable for recording in the office of the appropriate County Clerk.

A note to this effect shall be shown on the Final Plat.

402. Water Facilities

A. General Requirements

The subdivider will be required to connect the water system to the Village water system, subject to the rules and regulations of the Village. Where the public water system is not available, the Planning Board may require the use of individual wells or a central water system provided that an adequate supply of potable water will be available to every lot in the subdivision.

B. Wells and Central Water Systems

Wells and central water systems must conform to Part 75 of New York State Department of Health and Regulations and other applicable regulations governing community water systems.

403. Sewage Facilities

A. Community Systems

The applicant shall install sanitary sewer facilities in a manner prescribed by the Village of Deposit, any instituted sewer district, and in accordance with the regulations of the New York State Health Department.

B. Individual Systems

All lots shall be of sufficient size, width, and depth to insure that an individual on-site sewage disposal system may be installed in compliance with New York State Department Health Standards.

404. Utility Improvements

A. General

In order to insure greater safety and improved appearance, all utility lines and related equipment for providing electric power and communication services shall, whenever required by law, be installed underground in the manner prescribed by the regulations of the utility company having jurisdiction. Underground utilities shall be located outside of the traveled way of roads but, except in unusual circumstances, within the road right-of-way. The subdivider shall install underground service connections to the property line of each lot for such required utilities before the road is paved. All utilities shall be shown on the construction drawings.

B. Easements

Where topography or other conditions are such as to make impractical the inclusion of utilities within road rights-of-way, perpetual unobstructed easements shall be provided for such utilities across properties outside the road lines and with satisfactory access to road.

405. Non-Single Family and Commercial Subdivisions

A. General

The applicant, for approval of the subdivision, shall cause to be prepared and shall file with the application a plan showing that a development meeting all the above-described standards, as well as other Village applicable development standards and requirements, is feasible on each of the lots in the proposed subdivision. The Planning Board shall approve such a plan, and the approved plan shall be filed in the records of the Planning Board with the approved Subdivision Plat.

B. Standards

1) Vehicular Access:

Each lot shall have adequate width of space between the road frontage giving it vehicular access and the portion or portions of the lot where parking and loading areas can be located, allowing for the location of a building or buildings on the lot. Such width of access to such parking and loading areas shall be adequate for two directions of vehicular travel, unless a one-way traffic flow is to be planned, in which case a notation to that effect shall be placed on the Subdivision Plat in a form satisfactory to the Planning Board and Village Attorney.

2) Traffic Flow:

Areas planned for off-road parking and loading on adjoining lots in the subdivision shall be so located that movement of traffic between adjoining lots will be possible, thereby minimizing the number of necessary vehicular entrances and exits crossing the road sidewalk in the subdivision, increasing safety to pedestrians on the sidewalk, increasing convenience to those using the lots in the business or industrial buildings in the subdivision. An easement or easements, in form satisfactory to the Village Attorney, permitting such flow of traffic between areas on adjoining lots, shall be indicated on the plat.

3) Sidewalks:

Sidewalks, if deemed necessary and required, shall be at least four feet (4') in width, with a tree planting area of at least six feet (6') in width along the road curb.

4) **Buffer Planting Areas:**

An area of at least ten feet (10') in width, or more if required by the Planning Board as part of a development plat, shall be reserved along all boundaries of a lot adjoining residential areas. Where this part of the lot is on a slope, the buffer area shall be located at the top of each slope and shall be reasonably level to accommodate the buffer planting.

5) **Parking Requirements:**

The Planning Board shall require that off-road parking areas be provided for each dwelling and/or commercial unit in the subdivision to meet the needs of the occupants and their guests without interference with normal traffic.

406. Environmental Considerations

A. **Preservation of Natural Resources**

Existing natural features which are of ecological, aesthetic or scenic value to residential development or to the Village as a whole, such as wetlands, water courses, water bodies, rock formations, stands of trees, historic spots, views and vistas, man-made features indigenous to the area, such as stone walls and similar irreplaceable assets, shall be preserved, in so far as possible, through harmonious design of the subdivision and where appropriate, the Planning Board may require the inclusion of such features in permanent reservations. A conscious effort shall be made to preserve all worthwhile trees and shrubs which exist on the site.

B. **Flood Areas**

Land subject to serious or regular flooding shall not be subdivided for residential occupancy or for such other uses as may increase danger to life or property or aggravate the flood hazard, but such land may be used for such uses, subject to any zoning regulations, or in such a way that the flood danger to this property and other upstream or downstream properties will not be increased and periodic or occasional inundation will not be a substantial threat to life or property. The provisions of this section shall apply to all land falling within the one hundred year (100) flood limit as shown on maps prepared by the Village and the Department of Housing and Urban Development as periodically amended.

C. **Steep Slopes**

Development of steep slope (over 15%) sites will be conditionally acceptable only if there is no prudent or feasible alternative site, and erosion and sedimentation control measures are incorporated in the design, construction, and operation of the development according to standards set by the U.S. Soil Conservation Service.

D. Sediment Control

The subdivider shall provide effective sediment control measures for planning and construction of subdivisions. Use of the following technical principles shall be applied as deemed appropriate by the County Soil and Water Conservation District:

- 1) The smallest practical area shall be exposed at any one time during the development.
- 2) When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
- 3) Temporary vegetation and/or emulsion shall be used to protect critical areas exposed during development.
- 4) Sediment basins, debris basins, (silting basins or silt traps) shall be installed and maintained to remove sediment from runoff waters on land undergoing development.
- 5) Provision shall be made to effectively accommodate the increased runoff caused by changing soils and surface conditions during and after development.
- 6) Permanent final vegetation and structures should be installed as soon as practical in the development.
- 7) The development plan should be fitted to the type of topography and soils so as to create the least erosion potential.
- 8) Wherever feasible, natural vegetation should be retained and protected.

E. Performance Standards

The interpretation and regulations of these subdivision regulations will be guided by the following performance criteria:

- 1) Will not result in undue water or air pollution.
- 2) Has sufficient water available for the reasonable foreseeable needs of the subdivision or development.
- 3) Will not cause unreasonable burden on an existing water supply, if one is to be utilized.
- 4) Will not cause unreasonable burden on an existing wastewater treatment system, if one is to be utilized.
- 5) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
- 6) Will not cause unreasonable highway congestion or unsafe condition with respect to use of the highway, existing or proposed.

407. Requirements for Major Realty Subdivisions

In addition to requirements for a Major Subdivision, the Planning Board may request any of the following from a Major Realty Subdivision, when applicable:

A. The Planning Board may require the following improvements to a Major Realty Subdivision: curbs, gutters, road lighting, road signs, road trees, school bus pickup areas, water mains, sanitary sewers, storm drains, fire alarm signal devices, fire hydrants or fire ponds and other utilities. The Planning Board may require such improvements as it considers necessary in the interest of the public health, safety and welfare. All construction drawings shall first be approved by the Village Administrator of Public Works, Planning Board, and Code Enforcement Officer in accordance with the Village street code and/or standards. Where required by the Planning Board, road lighting of a design and location approved by the appropriate utility company and the Planning Board shall be provided and installed by the subdivider.

B. Water Mains, Fire Hydrants

Where required by the Planning Board, the subdivider shall install water mains and fire hydrants of the type and in a manner prescribed by the regulations of the appropriate water or fire district or other municipal agency having jurisdiction. Where the installation of water mains and fire hydrants is not immediately required, the Planning Board may require installation of dry hydrants where it is determined that such hydrants are desirable and a satisfactory source of water supply can be made available in a reasonable future period of time.

C. Sidewalks

The Planning Board may require such sidewalks as it deems necessary to provide for the safety of pedestrians. Concrete sidewalks at least four feet (4') wide and four inches (4") thick shall be installed where required by the Planning Board.

The Planning Board may require, in order to facilitate pedestrian access from roads to schools, parks, public areas, and roads to neighboring areas, the preservation of perpetual unobstructed easements for such purposes.

408. Boundary Line Adjustment Procedure

A. Procedure

The applicant shall submit a Sketch Plan, showing the lot(s) involved in the boundary line adjustment and a notarized application.

The following shall be submitted to the Planning Board before classification is made:

- 1) A Boundary Line Adjustment application
- 2) A copy of the proposed deed(s) specifying that the incorporated land cannot be sold separately without subdivision review by the Planning Board.

- 3) A signed affidavit from the applicant certifying that the copy of the deed(s) presented to the Planning Board will be filed with the appropriate County Clerk's Office.

B. Study of Boundary Line Adjustment

The Planning Board shall classify and accept or disapprove the Boundary Line Adjustment. The chairperson or duly authorized representative shall sign the "Boundary Line Adjustment" form to be filed with new deed(s) in the appropriate County Clerk's Office, the record of the Planning Board, and the Village Clerk's Office.

ARTICLE V. General Regulations & Documents

501. Sketch Plan

The Sketch Plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate base map at a scale (preferably not less than four hundred feet (400') to the inch) to enable the entire tract to be shown on one sheet. The Sketch Plan shall be submitted showing the following information:

- A. A location map to indicate the relationship of the proposed subdivision to existing community facilities which will serve or influence the layout, such as existing road patterns, schools, parks, and other public lands, local villages and hamlets, and special districts, including schools, fire, agricultural, etc.
- B. All existing structures, burial grounds, railroad rights-of-way, existing property lines, wooded areas, streams or watercourses, flood hazard areas, wetland, quarries or excavations, bedrock outcrops, and other significant physical features within the area to be subdivided and within two hundred feet (200') thereof. Topographical conditions shall be indicated at contour intervals of not more than ten feet (10').
- C. The name of the owner, the name of the professional person(s) responsible for the subdivision design, and the names of all adjoining property owners as disclosed by the most recent municipal tax records within five hundred feet (500') of any perimeter boundary of the subdivision.
- D. The proposed subdivision name, the tax map sheet, block, and lot numbers, scale, north arrow and acreage involved.
- E. All the utilities currently available, including any existing easements, and all roads which are either proposed, mapped, or built.

- F. The proposed pattern and approximate dimensions and area of lots, road layout, recreation area, proposed surface water drainage, sewerage, and water supply within the subdivision area.
- G. All existing restrictions on the use of land, including easements, covenants, or zoning divisions.
- H. For Minor Subdivisions, a copy of a soils map of the area as prepared by the Broome/Delaware County Soil and Water Conservation District, shall be submitted prior to Final Plat submittal, to determine the necessity for a soil profile analysis.

502. Minor Subdivision Plat

In addition to the information required by this Local Law, the following shall be submitted for Minor Subdivisions only:

- A. A copy of such covenants or deed restrictions as are proposed to cover all or part of the tract.
- B. An actual field survey of the boundary lines of the tract, giving complete description data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Planning Board and shall be referenced and shown on the plat.
- C. All individual on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of any applicable State, County, or Village agencies having jurisdiction and a note to this effect shall be stated on the plat.
- D. The proposed subdivision name, date, north point, map scale and name and address of property owner and subdivider and the names of adjoining property owners as listed on Sketch Plan.
- E. The plat shall conform with the filing requirements of the applicable County Clerk's Office.
- F. Where private roads are proposed, the plat shall show the minimum right-of-way and other design requirements for roads in Minor Subdivisions, together with a notation on the map that it is not a Village road.
- G. A soil profile analysis, when applicable.

503. Major Subdivision Preliminary Plat

The Preliminary Plat shall be submitted at a scale of one inch (1") equals one hundred feet (100'), or another scale approved by the Planning Board, whichever most clearly illustrates the subdivider's proposal. The Preliminary Plat shall be clearly marked "Preliminary Plat" and shall include:

- A. Proposed subdivision name, name of Village and County, name and address of property owner, subdivider, engineer, or surveyor preparing the plan, including license number and seal, date, true north point and scale.
- B. The name of all subdivisions immediately adjacent, if any, and the names and addresses of owners of record of all property adjacent to the subdivision and within five hundred feet (500') of any perimeter boundary.
- C. The approximate location and dimensions of all property lines, the total acreage of the proposed subdivision, the location of any zoning district lines, special districts, or municipal boundary lines affecting the subdivision.
- D. All parcels of land proposed to be dedicated to public use for roads, highways, easements, parks, or other public facility and the condition of such dedications.
- E. The location of all existing structures and pertinent features, including railroads, water bodies, watercourses, wetlands, flood hazard areas, stonewalls, rock outcrops, wooded areas, and any other significant existing features that may influence the design of the proposed subdivision area and within two hundred feet (200') of any outside perimeter, plus accurate topography at a vertical contour of not less than ten feet (10'). The topographic data shall be determined by field survey unless the Planning Board specifically waives this requirement and/or permits the substitution of topographic information obtained from other sources determined satisfactory for the particular case.
- F. Location of existing sewers, water mains, culverts, and drains serving the property, with pipe sites, grades, direction of flow, and existing easements.
- G. The width, location, and names of any roads or public ways or places shown on the Official Map or Master Plan, if such exists, within the area to be subdivided and the right-of-way width, location, grades, proposed and existing easements, and road profiles of all roads or public ways proposed by the developer; and the contours with intervals of five feet (5') or less as required by the Planning Board, including elevations on existing roads.

- H. Approximate location and size of all proposed water lines, valves, fire hydrants, and sewer lines or alternative means of water supply and sewage disposal and treatment, including sites for on-site systems as provided in the Public Health Law, including profiles of all proposed water and sewer mains. If septic systems are proposed, the results of soil bearing and soil percolation test shall accompany the Preliminary Plat. Where on-site water supply systems are proposed, the quality and quantity of water available shall be indicated.
- I. Storm drainage plan indicating the approximate location and size of proposed lines, their profiles and connection to existing lines or alternative means of disposal, including existing and proposed drainage easements. Temporary measures to control erosion shall also be shown.
- J. Construction plans, profiles, cross-sections, and other drawings as required to show the proposed location and types of all improvements required by the Planning Board.
- K. Preliminary designs of any bridges or culverts which may be required.
- L. The proposed lot lines with approximate dimensions and area of each lot. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances made and certified to be a licensed land surveyor. Corners of the tract shall also be located on the ground and marked by monuments as approved by the Planning Board and shall be referenced on the plat.
- M. Where the topography or design is such as to make difficult the inclusion of required facilities within the public area as laid out, the Preliminary Plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than twenty feet (20') in width and which shall provide satisfactory access to an existing or proposed public road or open public space shown on the subdivision or Official Map.
- N. A copy of any covenants or deed restrictions that are intended to cover any lot in all or part of the tract.
- O. If the Preliminary Plat submitted for approval covers only a part of the subdivider's entire holding in the area, then a map shall be prepared, at a scale of not less than one inch equals four hundred feet (1" = 400'), showing the entire tract as it relates to the parcel included on the Preliminary Plat.

- P. A site location sketch, at a maximum scale of one inch equals two thousand feet (1" = 2,000') showing the general situation of the Applicant's property with respect to surrounding properties and roads, including all utility lines.
- Q. Soil profile analysis.

504. Major Subdivision Final Plat

The Final Plat, to be approved by the Planning Board and filed in the Office of the County Clerk, shall be drawn at the same scale as the Preliminary Plat and shall conform to the filing requirements of the Delaware County or the Broome County Clerk, as applicable. When more than one (1) sheet is required, an additional index map on the same size sheet shall be prepared and included for filing showing to scale the entire subdivision with lot and block lines clearly legible.

The Final Plat submission shall show:

- A. Proposed subdivision name or identifying title, the name of the Village and County in which it is located, the name and address of the owner of record and of the subdivider (if other than owner), the name, certification and seal of the registered engineer or licensed land surveyor who prepared the plat, the names of the owners of record of adjoining properties directly across the road, the scale, true north point, and date.
- B. Location of existing buildings, wooded areas, wetlands, ponds, creeks, drainage ways, stone walls, large trees, and other features to be retained or removed.
- C. Sufficient data to enable the Planning Board to determine readily the location, bearing, and length of every road line, boundary line, and to reproduce such lines upon the ground. The length and bearing of all straight lines, radii, length of curves, and central angles of all curves and tangent bearings shall be given for each road. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. Where applicable, this data should be referenced to monuments and tied into other reference points previously established.
- D. The Final Plat shall show, by proper designation thereon, all public open spaces for which deeds are included and the title(s) to which is reserved by the developer. For any of the latter, there shall be submitted with the plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made thereto. All offers of cession and all covenants governing the maintenance of open

space shall bear the certificate of approval of the Village Attorney as to their form and legal sufficiency.

- E. Roads, pedestrian ways, lots, reservations, easements, and other areas to be dedicated to public use.
- F. Notations explaining any drainage, sight, slope, road widening, park area or other reservations or easements, as may be required by the Planning Board, including any self-imposed restrictions or covenants.
- G. The boundaries of the property, location, total acreage included in the entire subdivision, and the identification number and acreage of all lots and land reservations within the proposed subdivision. Lots and blocks shall be numbered or lettered in accordance with the prevailing Village practice.
- H. Permanent reference monuments and lot corner markers shall be shown and their location referenced on the Final Plat.
- I. A site location map, at a scale no greater than one inch equals two thousand feet (1"=2,000'), showing the location of the Applicant's property with respect to surrounding land and roads.
- J. Construction drawings including plans, profiles and typical cross-sections, as required, showing the proposed location, size, grade and type of roads, sidewalks, road lighting standards, road trees, curbs, water mains, sanitary sewers, storm drains, pavement and sub-base, manholes, catch basins, and other improvements as required by the Planning Board or proposed by the subdivider.
- K. The following notations shall be placed on the Final Plat:
 - 1) "No building Permit shall be issued to any property owner within this subdivision other than to the owner or applicant unless all improvements are completed and approved in accordance with the Planning Board's resolution of approval of this plat."
 - 2) "Sanding, snowplowing, and other similar maintenance of highways within this subdivision shall be the responsibility of the developer until such time as the Village of Deposit accepts the roads."
- L. Certification from the applicable Health Department of sewage disposal and water supply systems. No modification may be made after Department of Health certification.
- M. Statement from the appropriate Village Officials certifying that required improvements have been satisfactorily installed or that an acceptable bond for such installation has been filed with the Village Clerk.

N. Form for endorsement by Planning Board Chairman as follows:

"Approved by Resolution of the Deposit Village Planning Board"

Chairman

Date

ARTICLE 600 REQUIRED IMPROVEMENTS

601. General

A. Subdivision Requirements

After adoption of a resolution approving a Final Subdivision Plat and before the plat is endorsed by the Planning Board, the applicant shall be required to complete, at his expense and without reimbursement by the Village or any special district, all road, sanitary, storm drainage, and other improvements, including lot improvements as shown on the approved construction plans or otherwise specified in the resolution. The Planning Board may in a special or particular case, modify or waive a requirement only by specific resolution.

B. Performance Bond and Completion of Improvements

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

- 1) In an amount set by the Planning Board from an estimate proposed by the Village Administrator of Public Works or other duly designated officer, the subdivider shall either file with the Village Clerk a certified check to cover the full cost of the required improvements or the subdivider shall file with the Village Clerk a Performance Bond issued by a bonding or surety company approved by the Village Board to cover the full cost of the required improvements. Any such bond shall comply with the requirements and further shall be satisfactory to the Village Board and Village Attorney as to form, sufficiency, manner of execution and surety. A period of one (1) year or other such period as the Planning Board may determine appropriate, not to exceed three (3) years, shall be set forth in the bond within which required improvements must be completed; OR

- 2) The subdivider shall complete all required improvements to the satisfaction of the Planning Board or other representative designated by the Village Board to fulfill such duties who shall file with the Planning Board a letter signifying the satisfactory completion of the improvements required by the Board. For any required improvements not so completed, the subdivider shall file with the Village Clerk a bond or certified check covering the cost of satisfactorily installing any improvements required by the Planning Board. Any such bond shall be satisfactory to the Village Board and Village Attorney as to form, sufficiency, manner of execution, and surety.

C. Modification of Bond

- 1) Extension of Bond:
The time period specified for the completion of all required improvements, as set forth in the bond, may be extended only by resolution of the Planning Board upon request in writing by the applicant, setting forth in detail the amount of work which has been completed, reasons for failure to complete the remainder of the work within the specified period, the maximum estimated time required to complete the remainder of the work and the time period extension which is requested.
- 2) Reduction of Bond:
An applicant may request in writing that the Planning Board authorize a reduction in the amount of the bond. Such request shall itemize the extent of required improvements remaining to be completed and the bond reduction requested. Upon approval of the Village Board, the Planning Board may, if it determines that sufficient required improvements have been installed to warrant such action, reduce the face amount of the bond by an appropriate amount so that the new amount will cover the cost in full of all required improvements remaining to be completed, and any security deposited with the bond may be reduced proportionately.

602. Escrow Deposits for Lot Improvements

A. Acceptance

Whenever, or by reason of the season of the year, any lot improvements required by this Local Law cannot be performed, the Planning Board may, nevertheless, permit the issuance of a Certificate of Occupancy, provided there is no danger to health, safety, or general welfare, upon accepting a cash escrow deposit in an amount to be determined by the Planning Board for the cost of said improvements. The performance bond covering such lot improvements shall remain in full force and effect.

B. Procedures

All required improvements for which escrow monies have been accepted by the Village Board at the time of issuance of a Certificate of Occupancy shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the Certificate of Occupancy. In the event that the improvements have not been properly installed at the end of the time period, the Planning Board shall give two (2) weeks written notice to the developer requiring him to install same; and in the event the same are not installed properly in the discretion of the Planning Board, said Board may request the Village Board to authorize the Village to contract out the work for the sum not to exceed the amount of the escrow deposit. At the time of the issuance of the Certificate of Occupancy for which the escrow monies are being deposited with the Village, the applicant shall obtain and file with the Village, prior to obtaining the Certificate of Occupancy, a notarized statement from the purchaser or purchasers of the premises authorizing the Village to install the improvements at the end of the nine (9) month period, in the event the same have not been duly installed by the developer

603. Certificate of Occupancy

Certificate of Occupancy shall not be issued for a structure within a subdivision where the improvements are guaranteed by a Performance Bond unless it is determined by the Planning Board that the following conditions have been complied with:

A. Status of Road Improvements

The improvements of the road or roads giving access to the structure has progressed to a stage deemed adequate by the Planning Board to render safe all-weather access for both routine and emergency purposes.

B. Maintenance Agreements

Written agreements have been filed providing for the maintenance of the bonded road or streets in such all-weather passable condition, including snow removal and sanding, during the period between the issuance of the Certificate of Occupancy and the acceptance of the fully completed road by the Village Board. If the road is not to be offered for dedication to the Village, maintenance agreements shall have been required in accordance with this Local Law.