

COPY

# VILLAGE OF CHAUMONT

## SUBDIVISION LAW



### LOCAL LAW # 1 FOR THE YEAR 2016

REPEALING ALL PRIOR LAWS AND ORDINANCES AND PROVIDING FOR A REVISED COMPREHENSIVE ZONING LAW FOR THE VILLAGE OF CHAUMONT, NEW YORK, ENACTED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF CHAUMONT ON APRIL 19, 2016

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# Table of Contents

- ARTICLE 1: INTRODUCTORY PROVISIONS.....3
  - SECTION 105 – Enactment and Authorization .....3
  - SECTION 110 – Title .....3
  - SECTION 115 – Purpose.....3
  - SECTION 120 – Administration.....3
  - SECTION 125 – Application Fees and Review Costs .....3
  - SECTION 130 – Area Variance .....4
  - SECTION 135 – Applicability .....4
- ARTICLE 2: DEFINITIONS .....5
- ARTICLE 3: LOT LINE ADJUSTMENTS.....8
  - SECTION 305 – Lot Line Adjustment Procedure.....8
  - SECTION 310 – Optional Pre-Application Meeting.....8
  - SECTION 315 – Action on Lot Line Adjustments .....8
  - SECTION 320 – Application Requirements.....8
  - SECTION 325 – Waiver of Submission Requirements .....9
- ARTICLE 4: MINOR SUBDIVISIONS.....10
  - SECTION 405 – Procedure .....10
  - SECTION 410 – Optional Pre-Application Meeting.....10
  - SECTION 415 – Sketch Plan Conference (recommended).....10
  - SECTION 420 – Application Requirements.....11
  - SECTION 425 – Waiver of Submission Requirements .....12
  - SECTION 430 – Final Plat Procedure .....12
  - SECTION 435 – Public Hearing.....12
  - SECTION 440 – Action on Final Plat.....12
- ARTICLE 5: MAJOR SUBDIVISIONS .....14
  - SECTION 505 – Procedure .....14
  - SECTION 510 – Optional Pre-Application Meeting.....14
  - SECTION 515 – Sketch Plan Conference.....14
  - SECTION 520 – Application Requirements.....15
  - SECTION 525 – Final Plat Requirements.....16
  - SECTION 530 – Waiver of Submission Requirements .....16
  - SECTION 535 – Preliminary Plat Procedure.....16
  - SECTION 540 – Public Hearing.....16

SECTION 545 – Action on Preliminary Plat .....17

SECTION 550 – Final Plat Procedure .....17

SECTION 555 – Second Public Hearing .....17

SECTION 560 – Action on Final Plat.....18

SECTION 565 – New York State Department of Health.....19

ARTICLE 6: GENERAL REQUIREMENTS AND DESIGN STANDARDS.....20

SECTION 605 – Design Standards .....20

SECTION 610 – Specifications for Required Improvements .....21

SECTION 615 – Lots and Streets .....22

SECTION 620 – Cluster Development.....23

SECTION 625 – Guarantees for Installation and Maintenance of Improvements .....25

# ARTICLE 1: INTRODUCTORY PROVISIONS

## SECTION 105 – Enactment and Authorization

Pursuant to the provisions of § 7-728 of New York State Village Law, and Section 10 of Municipal Home Rule Law, the Chaumont Village Board of Trustees (Village Board) authorizes the Village Planning Board (Planning Board) to review and approve, conditionally approve with or without modification, or disapprove subdivision plats showing lots, blocks or sites, with or without streets, within the Village of Chaumont (Village). The Planning Board is additionally authorized to approve the development of plats, entirely or partially undeveloped, which were filed in the Office of the County Clerk prior to the granting of plat approval to the Planning Board.

Once adopted, this law supersedes all previous Village of Chaumont Subdivision Laws and ordinances.

## SECTION 110 – Title

These provisions shall be known as the Village of Chaumont Subdivision Law.

## SECTION 115 – Purpose

The purpose of the subdivision review procedure is to provide for orderly efficient growth within the community, and to afford adequate facilities for the transportation, housing, distribution, comfort, convenience, safety, health and welfare of its population. Furthermore, it is the intent of this law to ensure that development within the Village will not harm the environment or the character of neighborhoods.

Land to be subdivided shall be such that it can be used safely for building or development purposes without danger to health or peril from fire, flood or other menace and without resulting in significant damage to the ecology of the area. Proper provision shall be made for drainage, potable water, sewage systems, electric, telephone, gas and other needed improvements. The proposed streets shall compose a convenient system conforming to the Village Comprehensive Plan. Streets shall be of such width, grade and location as to accommodate traffic, and to facilitate fire and police protection.

## SECTION 120 – Administration

This Subdivision Law shall be administered by the Planning Board.

## SECTION 125 – Application Fees and Review Costs

- A. All applicants are required to pay an application fee to cover the administrative expenses of the Village. The application fees are set by resolution of the Village Board. Failure to pay the application fee shall constitute an incomplete application.
- B. The Planning Board may seek the assistance of consultants, including but not limited to, engineers or attorneys. When this is necessary, the Planning Board shall require that an escrow account be established to cover these review expenses. The Planning Board shall, if necessary, obtain an estimate of the consultants' expenses prior to setting the amount of the escrow account.
- C. The Planning Board may request additional security for the review expenses in the event that the Village's potential liability for such expenses exceeds the initial amount deposited.
- D. All unused funds or proceeds from the escrow account shall be refunded to the applicant upon completion of the following:



1. Final approval or rejection of any application, or
2. Final approval of all completed improvements and submission of all final bills to the Planning Board for its review of expenses incurred as a result of the applicant's proposed plan.

#### SECTION 130 – Area Variance

Where a plat contains one (1) or more lots that do not comply with the Village of Chaumont Land Development Code, the official submission clock may stop at the request of the applicant and the applicant may apply for relief to the Zoning Board of Appeals for an area variance without the necessity of a decision or determination of the Enforcement Officer. The Planning Board minutes will reflect this. In reviewing such application, the Zoning Board of Appeals must request the Planning Board to provide a written recommendation concerning the proposed variance.

#### SECTION 135 – Applicability

- A. No subdivision or portion thereof shall be sold, offered for sale, leased, rented or otherwise disposed of by any corporation, company or person until a plan or map of such subdivision is submitted to the Planning Board for approval, and either approved or approved with conditions.
- B. Further, no such transaction shall take place until such approved plat has been duly filed in the Office of the County Clerk.
- C. No zoning or building permit shall be issued until the proposed property subdivision has been granted approval by the Planning Board and recorded by the Office of the County Clerk.
- D. No permit will be issued for any building or use on land that was not subdivided in accordance with this law.

## ARTICLE 2: DEFINITIONS

**ADMINISTRATIVE EXPENSES:** all actual expenses incurred by the Village in the processing of an application. Such expenses may include cost of copying and publication of legal notices.

**AGRICULTURAL DATA STATEMENT:** an identification of farm operations, within a Jefferson County agricultural district, located within five hundred (500) feet of the boundary of property upon which an application for subdivision is proposed.

**BOARD OF TRUSTEES:** the Village of Chaumont governing board.

**BUILDING LOT:** any lot upon which a principal residential or commercial building can be constructed in conformance with the requirements of the Land Development Code.

**CLUSTER DEVELOPMENT:** a development design technique that concentrates dwelling units in specific areas of a site, which allows the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. Cluster development allows reductions in lot area and bulk requirements (the combination of controls - lot size, lot coverage, height and setback) provided there is no increase in the gross density allowed on the site.

**CODE ENFORCEMENT OFFICER:** a Village official who is charged with enforcing the Land Development Code.

**COMPREHENSIVE PLAN:** a document designed to guide the future actions of a community, also known as a general plan, master plan or land use plan. It presents a vision for the future; with long-range goals and objectives for all activities that affect land use. A copy of the plan may be found in the Village Office.

**CONSOLIDATION:** The merger of separate lots into one lot.

**ENVIRONMENTAL ASSESSMENT FORM:** The New York State Department of Environmental Conservation (DEC) environmental assessment forms (EAFs) required by State Environmental Quality Review (SEQR).

**FINAL PLAT:** a drawing, in final form, showing a proposed subdivision or site plan review use containing all information or detail required by this Law to be presented to the Planning Board for approval. If approved, Final Plat must be duly filed or recorded by the applicant in the Office of the County Clerk.

**LAND DEVELOPMENT CODE:** the zoning law of the Village of Chaumont.

**LOT LINE ADJUSTMENT:** any transfer of property from one adjoining lot to another for the purposes of enlargement of the existing lot. A lot line adjustment shall not constitute a subdivision, provided that it is clear that the land being transferred is not intended to create a new lot, but is intended to be merged with the adjacent lot to which it is being transferred. Such transfer must not create any non-conformities.

**LOT:** a parcel of land as described on a survey or deed and filed with the Office of the County Clerk.

**MAINTENANCE BOND:** a bond to ensure the maintenance of required subdivision improvements following dedication of such improvements for such period as required by The Village Board of Trustees.

**MAJOR SUBDIVISION:** a subdivision containing five (5) or more lots, or any subdivision requiring a new street.

**MINOR SUBDIVISION:** a subdivision containing fewer than five (5) lots, fronting on an existing public street.

**OFFICIAL SUBMISSION DATE:** the date when a subdivision plat, accompanied by all other information and fees required by the application for subdivision review, is deemed complete and accepted, by a motion, by the Planning Board at an official Planning Board meeting. This begins the formal subdivision review process.

**OPEN SPACE:** open space is any piece of land that is undeveloped (has no buildings or other structures) and is accessible to the public. Open space may include green space (land that is partly or completely covered with grass, trees, shrubs, or other vegetation) parks, community gardens, playgrounds, public seating areas, and public plazas.

**PERFORMANCE BOND:** a bond obtained to ensure the full and satisfactory completion of all required subdivision improvements as specified in the approval of the Planning Board; such bond to run for a term fixed by the Village Board and with surety, form, sufficiency and manner of execution set forth by the Village Board.

**PLANNING BOARD:** the Village of Chaumont Planning Board.

**PRELIMINARY PLAT:** a drawing or drawings clearly marked “preliminary plat” showing the design of a proposed subdivision, submitted to the Planning Board for approval prior to submission of the plan in final form. It shall be of sufficient detail to apprise the Planning Board of the design of the proposed plan.

**PROFESSIONAL EXPENSES:** all actual expenses incurred by the Village in the application review process. Such costs may include consultant fees covering planning, engineering, environmental analysis, legal review and other technical services required for a proper and thorough professional review of the application.

**SEQR:** provisions of the State Environmental Quality Review Act under Article 8 of the New York State Environmental Conservation Law and its implementing regulations.

**SKETCH PLAN:** a sketch of a proposed subdivision 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 law.

**STREET:** an existing State, County or Village road or highway; a street shown upon a plat approved by the Planning Board or duly filed and recorded in the Office of the County Clerk prior to adoption date of this law.

**STREET, DEAD-END:** a street or a portion of a street with only one vehicular traffic outlet.

**STREET, RIGHT-OF-WAY WIDTH:** the distance between property lines measured at right angles to the center line of the street.

**SUBDIVISION:** the division of any parcel of land, regardless of use, into two (2) or more lots, plots, blocks, sites or parcels, with or without the creation of new streets, for the purpose, whether immediate or future, of transfer of ownership or building development.

**VARIANCE:** a request to deviate from the Village of Chaumont’s Land Development Code.

**VILLAGE CONSTRUCTION STANDARDS AND SPECIFICATIONS:** the standards and specifications adopted by the Village Board for the construction of streets and related subdivision improvements and all amendments thereto.

**WETLANDS:** an area identified as having wetland soils and/or vegetation or an area identified as having poorly drained soils on maps of the Jefferson County Soil and Water Conservation District or other county, state or federal agency.

**ZONING BOARD OF APPEALS:** a board that hears requests for variances to the Village's Land Development Code.

**ZONING LAW:** see Land Development Code.

## ARTICLE 3: LOT LINE ADJUSTMENTS

### SECTION 305 – Lot Line Adjustment Procedure

- A. All Lot Line Adjustments shall be subject to review and approval by the Planning Board. No fee is required for a lot line adjustment.
- B. Lot Line Adjustment Applications shall be processed as follows:
  - 1. Optional Pre-application Meeting
  - 2. Final Plat Decision

### SECTION 310 – Optional Pre-Application Meeting

The subdivider *may* opt for a meeting with the Planning Board to discuss options for subdividing. Prior to the preparation of a plat for approval, the subdivider should gather the necessary information and data on the existing conditions of the site. A preliminary layout in sketch form may be submitted to the Planning Board for advice and assistance.

- A. Review or discussion at the pre-application meeting shall include a review of both procedural and submission requirements as well as the technical application of the standards provided within the Land Development Code related to lot layout and required improvements.
- B. The pre-application meeting does not require formal application, fee or filing with the Planning Board. This is an optional step in review of subdivisions and shall not constitute an application, nor initiate any time periods for review, hearing, or approval as described below.

### SECTION 315 – Action on Lot Line Adjustments

The Planning Board shall have a maximum of sixty-two (62) days from the official submission date to approve, approve with conditions, or disapprove the Lot Line Adjustment.

- A. The Planning Board must hold a Public Hearing on the Lot Line Adjustment to receive public comments. The hearing shall be advertised in a newspaper of general circulation in the Village at least five (5) days before the hearing. The hearing may be held open for one hundred and twenty (120) days.
- B. The decision of the Planning Board shall be filed in the Office of the Village Clerk and a copy shall be sent to the applicant. The decision shall include reasons for any conditions for disapproval.

### SECTION 320 – Application Requirements

All applications for Lot Line Adjustments shall include the following:

- A. Six (6) copies of the application form
- B. Six (6) copies of the plat, which includes:
  - 1. An actual field survey of the boundary lines of both tracts, giving complete descriptive data by bearings and distances, the location and type of all survey markers, and



referenced corners of the tract; and shall be made by and attested to by a licensed land surveyor

2. Zoning district
3. Location of all structures on lot

#### SECTION 325 – Waiver of Submission Requirements

The Planning Board may waive any of the submission requirements above where it deems that the information is either not applicable or necessary for a particular review.

## ARTICLE 4: MINOR SUBDIVISIONS

### SECTION 405 – Procedure

- A. All proposed Minor Subdivisions shall be subject to review and approval by the Planning Board. See fee schedule for required fees.
- B. Minor Subdivision Applications shall be processed as follows:
  - 1. Optional Pre-application Meeting
  - 2. Sketch Plan Conference (recommended)
  - 3. Final Plat Submission (starts official timeline)
  - 4. Public Hearing
  - 5. Final Plat Decision

### SECTION 410 – Optional Pre-Application Meeting

The subdivider *may* opt for a meeting with the Planning Board to discuss options for subdividing. Prior to the preparation of a plat for approval, the subdivider should gather the necessary information and data on the existing conditions of the site. A preliminary layout in sketch form may be submitted to the Planning Board for advice and assistance.

- A. Review or discussion at the pre-application meeting shall include a review of both procedural and submission requirements as well as the technical application of the standards provided within the Land Development Code related to lot layout and required improvements.
- B. The Pre-Application Meeting does not require formal application, fee or filing with the Planning Board. This is an optional step in review of subdivisions and shall not constitute an application, nor initiate any time periods for review, hearing, or approval as described below.

### SECTION 415 – Sketch Plan Conference (recommended)

The subdivider should request an appointment with the Planning Board through the Village Clerk for the purpose of reviewing the sketch plan. The Village Clerk will notify the subdivider of the time, date, and place that the Planning Board will meet to consider and review such sketch plan. This meeting is intended to assist the subdivider in the preparation of the Preliminary or Final Plat to save both time and money in preparing maps and plans. Subdivisions classified as Minor may proceed directly to preparation of a Final Plat without submission and approval of a Preliminary Plat.

- A. Following the initial Sketch Plan Conference, the Planning Board may schedule a site visit to the proposed subdivision site. The applicant, or his or her representative should attend the site inspection.
- B. The Sketch Plan Conference does not require formal application, fee or filing with the Planning Board. This is an optional step in review of subdivisions and shall not constitute an application, nor initiate any time periods for review, hearing, or approval as described below.

## SECTION 420 – Application Requirements

All applications for Minor Subdivisions shall include the following:

- A. A non-refundable application fee
- B. Six (6) copies of the application form
- C. Six (6) copies of the plat, which includes:
  - 1. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, the location and type of all survey markers, and referenced corners of the tract; and shall be made by and attested to by a licensed land surveyor
  - 2. Map of property, drawn to scale, at a scale of one (1) inch to twenty (20) feet or one (1) inch to fifty (50) feet or another Planning Board approved scale, showing the following:
  - 3. Subdivision name, scale, north arrow and date
  - 4. Subdivision boundaries
  - 5. Contiguous properties and names and addresses of owners
  - 6. Existing and proposed streets, utilities, and structures
  - 7. Water courses, marshes, wooded areas, public facilities and other significant physical features on or near the site
  - 8. Land contours at five (5) foot intervals, or other suitable indicators of slope
  - 9. The words “Final Plat”
- D. Copy of tax map(s)
- E. An Environmental Assessment Form (EAF) and, when applicable, a draft Environmental Impact Statement (EIS) pursuant to 6 NYCRR Part 617
- F. Total acreage of subdivision and number of lots proposed
- G. Building types, approximate size and cost
- H. The locations of all zoning front, side, and rear yard setback lines; zoning district lines and the names of all applicable zones; floodplains; wetlands and easements
- I. An Agricultural Data Statement, if necessary
- J. Existing restrictions on the use of land including easements and covenants, if any

K. A statement of the nature and extent of the interest in the application of any state or village employee pursuant to General Municipal Law Section 809, if applicable

L. Additional information as deemed necessary by the Planning Board

#### SECTION 425 – Waiver of Submission Requirements

The Planning Board may waive any of the submission requirements above where it deems that the information is either not applicable or necessary for a particular review.

#### SECTION 430 – Final Plat Procedure

##### A. APPLICATION SUBMISSION

All Minor Subdivisions shall be subject to these requirements. The subdivider shall file an application for approval of a Minor Subdivision with the Planning Board. Forms and all documents specified in this Article are available at the Village Office. The official submission date is established at an official Planning Board meeting by the members of the Planning Board.

##### B. STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)

The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the New York State Environmental Conservation Law and its implementing regulations.

#### SECTION 435 – Public Hearing

A. Following its review of the Final Plat, the Planning Board shall hold a Public Hearing. This hearing shall be held within sixty-two (62) days of the official submission date of the plat. The subdivider or the subdivider's agent shall attend the hearing. The hearing shall be closed upon motion of the Planning Board within one hundred twenty (120) days after it has been opened.

B. The hearing shall be advertised at least once in a newspaper of general circulation in the Village at least five (5) calendar days before the hearing. It is the responsibility of the applicant to submit the Agricultural Data Statement identifying all farm operations within five hundred (500) feet of the proposed subdivision in the application. The Village Clerk will mail notice of the hearing to farm operations identified in the Agricultural Data Statement at least five (5) days before the hearing.

#### SECTION 440 – Action on Final Plat

Within sixty-two (62) days of the closing of the Public Hearing or within sixty-two (62) days of the official submission date, whichever comes later, the Planning Board must act to approve, conditionally approve (with or without modifications), or disapprove the Final Plat. The decision of the Planning Board shall be filed with the Office of the Village Clerk and a copy shall be sent to the applicant. The decision shall include reasons for any conditions for disapproval.

Within five (5) business days of the adoption of the resolution granting approval of the Final Plat, two (2) copies of such plat shall be certified by the Chairperson of the Planning Board or other duly authorized member as having been granted approval. A copy of the plat and resolution shall be filed in the Office of the Village Clerk. A copy of the resolution and plat shall be mailed to the owner.

##### A. CONDITIONAL APPROVAL

Conditional approval of the Final Plat shall expire one hundred eighty (180) days after the granting the resolution approval unless all requirements stated in such resolution have been certified as completed. The Planning Board may extend 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.

**B. APPROVAL OF PLAT IN SECTIONS**

In granting conditional or final approval of a plat in final form, the Planning Board may permit the plat to be subdivided and developed in two (2) 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 Chairperson or 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.

**C. DEFAULT APPROVAL OF FINAL PLAT**

The time periods prescribed herein within which a Planning Board must take action on 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 owner and the Planning Board. In the event a Planning Board fails to take action on a Final Plat within the time prescribed herein, or within such extended period as may have been established by the mutual consent of the owner and Planning Board, such Final Plat shall be deemed granted approval.

**D. EXPIRATION OF APPROVAL**

If the Final Plat is not duly filed or recorded in the Office of the County Clerk within the sixty-two (62) days from the date of approval, signature of the Chairperson or other duly authorized member of the Planning Board constituting final approval by the Planning Board of a subdivision plat shall expire.



## ARTICLE 5: MAJOR SUBDIVISIONS

### SECTION 505 – Procedure

All Major Subdivisions shall be subject to review and approval by the Planning Board. See fee schedule for required fees.

- A. Major Subdivision Applications shall be processed as follows:
  1. Optional Pre-Application Meeting
  2. Optional Sketch Plan Conference
  3. Preliminary Plat Submission (starts official timeline)
  4. Public Hearing
  5. Preliminary Plat Decision
  6. Final Plat Submission
  7. Second Public Hearing (if needed)
  8. Final Plat Decision

### SECTION 510 – Optional Pre-Application Meeting

Prior to the preparation of a plat for approval, the subdivider should gather the necessary information and data on the existing conditions at the site. The subdivider *may* opt for a meeting with the Planning Board to discuss options for subdividing. A preliminary layout in sketch form may be submitted to the Planning Board for advice and assistance.

- A. Review or discussion at the pre-application meeting shall include a review of both procedural and submission requirements as well as the technical application of the standards provided within the Land Development Code related to lot layout and required improvements.
- B. The pre-application meeting does not require formal application, fee or filing with the Planning Board. This is an optional step in review of subdivisions and shall not constitute an application, nor initiate any time periods for review, hearing, or approval as described below.

### SECTION 515 – Sketch Plan Conference

The subdivider should request an appointment with the Planning Board through the Village Clerk for the purpose of reviewing the sketch plan. The Planning Board will notify the subdivider of the time, date, and place that the Planning Board will meet to consider and review such sketch plan. This meeting is intended to assist the subdivider in the preparation of the Preliminary or Final Plat to save both time and money in preparing maps and plans. The subdivision will be classified as a minor or Major Subdivision by the Planning Board as defined by this Law. A subdivision classified as minor may proceed directly to

preparation of a Final Plat without submission and approval of a Preliminary Plat is required for a Major Subdivision.

- A. Following the initial Sketch Plan Conference, the Planning Board may schedule a site visit to the proposed subdivision site. The applicant, or his or her representative should attend the site inspection. Prior to this inspection, the center line of all proposed streets should be identified.
- B. The Pre-Application Meeting does not require formal application, fee or filing with the Planning Board. This is a recommended step in review of the subdivisions and shall not constitute an application, nor initiate any time periods for review, hearing, or approval as described below.

#### SECTION 520 – Application Requirements

- A. A non-refundable application fee
- B. Six (6) copies of the application form
- C. Six (6) copies of the plat, which includes:
  - 1. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, the location and type of all survey markers, and referenced corners of the tract; and shall be made by and attested to by a licensed land surveyor.
  - 2. Map of property, drawn to scale, at a scale of one (1) inch to twenty (20) feet or one (1) inch to fifty (50) feet or another Planning Board approved scale, showing the following:
    - 3. Subdivision name, scale, north arrow and date
    - 4. Subdivision boundaries
    - 5. Contiguous properties and names of owners with their addresses
    - 6. Existing and proposed streets, utilities, and structures
    - 7. Water courses, marshes, wooded areas, public facilities and other significant physical features on or near the site
    - 8. Proposed pattern of lots, including lot widths and depths, street layout, open space, drainage, sewerage, and water supply
    - 9. Land contours at five (5) foot intervals, or other suitable indicators of slope
    - 10. The words “Preliminary Plat”
- D. Copy of tax map(s)
- E. An Environmental Assessment Form (EAF) and, when applicable, a draft Environmental Impact Statement (EIS) pursuant to 6 NYCRR Part 617

- F. Total acreage of subdivision and number of lots proposed
- G. All building types, approximate size and cost
- H. The locations of all zoning front, side, and rear yard setback lines; zoning district lines and the names of all applicable zones; floodplains; wetlands and easements
- I. An Agricultural Data Statement, if necessary
- J. Existing restrictions on the use of land including easements and covenants, if any
- K. A statement of the nature and extent of the interest in the application of any state or village employee pursuant to General Municipal Law Section 809, if applicable
- L. Additional information as deemed necessary by the Planning Board

#### SECTION 525 – Final Plat Requirements

In addition to the application requirements listed in Section 520, all Final Plats for Major Subdivision shall show:

- A. The words “Final Plat”
- B. Any updated information and edits discussed on the Preliminary Plat
- C. Additional information as deemed necessary by the Planning Board

#### SECTION 530 – Waiver of Submission Requirements

The Planning Board may waive any of the submission requirements above where it deems that the information is either not applicable or necessary for a particular review.

#### SECTION 535 – Preliminary Plat Procedure

##### A. APPLICATION SUBMISSION

All Major Subdivisions shall be subject to these requirements. The subdivider shall file an application for approval of a Major Subdivision. Forms and all documents specified in this Article are available at the Village Office. The official submission date is established at an official Planning Board meeting by the members of the Planning Board.

##### B. STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)

The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the New York State Environmental Conservation Law and its implementing regulations.

#### SECTION 540 – Public Hearing

- A. The Planning Board must hold a Public Hearing on the Preliminary Plat to receive public comments. The hearing shall be advertised in a newspaper of general circulation in the Village at least five (5) days before the hearing. This hearing shall be held within sixty-two (62) days of



the official submission date of the plat. The subdivider or the subdivider's agent shall attend the hearing. The hearing may be held open for one hundred and twenty (120) days.

- B. The hearing shall be advertised at least once in a newspaper of general circulation in the Village at least five (5) calendar days before the hearing. It is the responsibility of the applicant to submit the Agricultural Data Statement identifying all farm operations within five hundred (500) feet of the proposed subdivision in the application. The Village Clerk will mail notice of the hearing to farm operations identified in the Agricultural Data Statement at least five (5) days before the hearing.

#### SECTION 545 – Action on Preliminary Plat

- A. Within sixty-two (62) days from the closing of the Public Hearing, the Planning Board shall by resolution, approve, approve with modifications or disapprove the Preliminary Plat. When so approving a Preliminary Plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the plan in final form. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the subdivider and the Planning Board.
- B. Within five (5) business days of the adoption of the resolution granting approval of the Final Plat, two (2) copies of such plat shall be certified by the Chairperson of the Planning Board or other duly authorized member as having been granted approval and a copy of the plat and resolution shall be filed in the Office of the Village Clerk. A copy of the resolution and plat shall be mailed to the owner. The Planning Board shall have a maximum of sixty-two (62) days from the official submission date to review and approve, approve with conditions, or disapprove the Final Subdivision Plat.
- C. Approval of the Preliminary Plat shall not constitute approval of the Final Plat. The Preliminary Plat shall be a guide to the preparation of the Final Plat. Before submission of the Final Plat or any portion thereof for formal approval, the subdivider must comply with these regulations and all requirements set forth by the Planning Board in their review of the Preliminary Plat, as well as any NYS Department of Health requirements.

#### SECTION 550 – Final Plat Procedure

A Final Plat must be submitted to the Planning Board for all Major Subdivisions. If an applicant has Preliminary Plat approval for a subdivision, the Final Plat for that subdivision must be submitted within six (6) months of the Preliminary Plat approval. Otherwise, the Preliminary Plat is considered null and void. The Planning Board shall have a maximum of sixty-two (62) days from the official submission date to review and approve, approve with conditions, or disapprove the Final Plat.

#### SECTION 555 – Second Public Hearing

- A. The Planning Board will determine whether there is a need for a Public Hearing for the submitted Final Plat. If so, a second hearing will be established to receive final public comments. The hearing shall be advertised in a newspaper of general circulation in the Village at least five (5) days before the hearing. This hearing shall be held within sixty-two (62) days of the official submission date of the Final Plat. The subdivider or the subdivider's agent shall attend the hearing. The hearing may be held open for one hundred and twenty (120) days.

- B. The hearing shall be advertised at least once in a newspaper of general circulation in the Village at least five (5) calendar days before the hearing. Notice of the hearing shall be mailed to farm operations identified in the Agricultural Data Statement at least five (5) days before the hearing. (It is the responsibility of the applicant to submit all farm operations within 500 feet of the proposed subdivision.)

#### SECTION 560 – Action on Final Plat

Within sixty-two (62) days of the closing of the Public Hearing or within sixty-two (62) days of the official submission date, the Planning Board must act to approve, conditionally approve with or without modifications or disapprove the Final Plat. The decision of the Planning Board shall be filed with the Office of the Village Clerk, and a copy shall be sent to the applicant. The decision shall include reasons for any conditions for disapproval.

Within five (5) business days of the adoption of the resolution granting approval of the Final Plat, two (2) copies of such plat shall be certified by the Chairperson of the Planning Board or other duly authorized member as having been granted approval and a copy of the plat and resolution shall be filed in the Office of the Village Clerk. A copy of the resolution and plat shall be mailed to the owner.

##### A. CONDITIONAL APPROVAL

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 complete. The Planning Board may extend 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.

##### B. APPROVAL OF PLAT IN SECTIONS

In granting conditional or final approval of a plat in final form, the Planning Board may permit the plat to be subdivided and developed in two (2) or more sections. In this circumstance, the Board may grant conditional or final approval stating additional requirements as deemed necessary to insure the orderly development of the plat be completed before said sections may be approved by Chairperson or 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.

##### C. DEFAULT APPROVAL OF FINAL PLAT

The time periods prescribed herein within which a Planning Board must take action on 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 subdivider and the Planning Board. In the event a Planning Board fails to take action on a Final Plat within the time prescribed therefore, or within such extended period as may have been established by the mutual consent of the owner and Planning Board, such Final Plat shall be granted approval.

##### D. EXPIRATION OF APPROVAL

If the Final Plat is not duly filed or recorded in the Office of the County Clerk within sixty-two (62) days from the date of approval, signature of the Chairperson or other duly authorized member of the Planning Board constituting final approval by the Planning Board of a subdivision plat shall expire.



## SECTION 565 – New York State Department of Health

New York State Department of Health approval may be required for any subdivision containing five (5) or more lots. Early contact with the New York State Department of Health by the sub-divider is advised.

Compliance with NYS Environmental Conservation Law Title 15, as the same may be amended from time to time may be required.

## ARTICLE 6: GENERAL REQUIREMENTS AND DESIGN STANDARDS

Submitted subdivision plats all shall meet the following standards, subject to Planning Board review verification.

### SECTION 605 – Design Standards

The following requirements and guiding principles for land division shall be observed by all subdividers:

#### A. CHARACTER OF LAND

Land to be subdivided shall be of such character that it can be safely used for building purposes without danger to health or peril from fire, flood, or other menace.

#### B. CONFORMITY TO OFFICIAL MAP, ZONING, AND COMPREHENSIVE PLAN

Subdivisions shall conform to the Official Map of the Village, and the Village Land Development Code, and shall be in harmony with the Village Comprehensive Plan.

#### C. DEVELOPMENT IN FLOODPLAINS

All subdivisions shall comply with the provisions of the Village of Chaumont Flood Damage Prevention Law No. 1-1999 as amended.

#### D. PRESERVATION OF ANY SIGNIFICANT EXISTING FEATURE

The Planning Board may require the preservation of natural features which add value to residential developments and to the community, such as large trees or wooded areas, watercourses and falls, beaches, historic spots, and similar irreplaceable assets. Existing vegetation should be conserved by the subdivider where possible. Care should be exercised in construction so as to avoid damage to existing trees and shrubs.

#### E. TOPOGRAPHY, EARTHMOVING AND GRADING

Where development involves changes to topography, including earthmoving, grading, and excavation or blasting, such procedures shall be done in accordance with all applicable codes and regulations. Topsoil moved during the course of construction shall be replaced so as to cover all areas of the subdivision and shall be stabilized by seeding and plantings.

#### F. WETLANDS/STREAMS

Any construction or disturbance within or near NYSDEC classified streams and wetlands will require a NYSDEC stream crossing or wetland disturbance permit, and must comply with their regulations and standards.

#### G. LOT LINES

Lot lines shall, where possible, follow municipal boundaries rather than cross them. Lots with access through other municipalities may require assurance from said municipality that access is adequate.

#### H. STORMWATER MANAGEMENT

No storm water shall be caused to be discharged upon neighboring properties, across public sidewalks or into public streets. Storm drainage systems shall be designed in accordance with the County Highway requirements. Storm drainage systems shall be designed based on anticipated runoff from a ten-year storm, and detention basins shall be designed based on anticipated runoff

from a fifty (50) year storm. Surface water drainage facilities shall be designed to handle all on-site runoff (twenty five [25] year storm frequency as the minimum design criteria). The Planning Board may approve alternative means of discharging storm water upon approval of a storm water management plan, where such alternative method adequately protects the public health, safety and welfare.

## SECTION 610 – Specifications for Required Improvements

All required improvements shall be constructed or installed to conform to the Village specifications.

### A. UTILITIES

Underground utilities shall be placed wherever possible, in the road right-of-way between the paved roadway and the road line to simplify location and repair of utilities. Underground service connections shall be installed to the lot line of each lot for all required utilities prior to road pavement. Where topography makes this impractical within the road right-of-way, perpetual unobstructed easements at least fifteen (15) feet wide shall be provided allowing satisfactory access to the road. Such easements shall be cleared and graded where required.

### B. WATER AND SEWAGE DISPOSAL

All on-site sanitation and water supply facilities shall be designed to meet or exceed the minimum specifications of the New York State Department of Health. Water mains shall be designed to provide anticipated usage demands and consistent water pressure for household use and for fire service for the proposed subdivision and all expected future demands.

### C. SURVEY MARKERS

Permanent monuments, or survey markers, shall be set at the subdivision boundaries at all corners, and at such other points as required by the Planning Board.

1. All survey markers shall be set under the direction of a licensed New York State land surveyor. A certificate signed by said land surveyor certifying the setting of all required survey markers must be provided to the Village prior to release of the last escrow account to the developer
2. Prior to Certificates of Occupancy being issued, the front corners of each lot must be marked by a capped iron rod or a concrete monument.

### D. PARK AND RECREATIONAL AREAS

The Planning Board may require that park/recreational space for playgrounds or other recreational purposes be suitably located on the plat. The Planning Board may require that the developer satisfactorily develop any such area shown on the plat.

### E. UNIQUE CONDITIONS

If the Planning Board finds that the minimum standards specified herein would not reasonably protect or provide for the public health, safety or welfare due to exceptional and unique conditions of topography, location, shape, size, drainage or physical features of the site, or because of the special nature and character of surrounding developments, the requirements may be waived or

special requirements may be imposed by the Planning Board in addition to or in substitution for the minimum standards to protect the public.

## SECTION 615 – Lots and Streets

### A. LOTS

#### 1. BUILDABLE LOTS

Lots shall be arranged so there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Land Development Code.

#### 2. LOT DIMENSIONS

All lot dimensions and areas shall conform to the requirements of the Land Development Code and the Zoning District, except where such requirements have been modified pursuant to the cluster provisions of the code or where a variance has been granted.

#### 3. LOT RATIO

Flag Lots and extremely elongated lots having a depth to width ratio greater than 5:1 shall be prohibited.

#### 4. LANDLOCKED LOTS

Landlocked lots are prohibited.

#### 5. SIDE LOT LINES

All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a variation from this rule will provide a better street or lot plan as determined by the Planning Board.

#### 6. CORNER LOTS

In general, corner lots should be larger than interior lots to provide for proper building setback from each street and to provide a desirable building site.

#### 7. ACCESS

Each lot shall have satisfactory access to an existing public street or to a proposed street within the subdivision.

- i) Each lot proposed must directly abut a street and have sufficient frontage to allow the ingress and egress of fire trucks, ambulances, police cars and other emergency vehicles.
- ii) All lots shall be designed to allow for the construction of driveways not exceeding a 10 percent (10%) grade within the road right-of-way.
- iii) Where driveway accesses for several adjoining lots to a major street are necessary, the Planning Board may require that such lots be served by a marginal access street in order to limit possible traffic hazards on such street.

8. The Planning Board may require that lots which are more than double the minimum required area for the zoning district be arranged so that any future subdivisions may also meet the requirements of the zoning law.
9. Where a watercourse separates the buildable area of a lot from the adjoining street, provision shall be made for installation of a culvert or other structure, as approved by the Village's Department of Public Works, or otherwise appointed individual.

#### B. STREETS

The arrangement and location of all subdivision streets shall be designed to meet the following general standards:

1. To create a safe vehicular and pedestrian traffic system, affording satisfactory access for emergency vehicles and maintenance equipment.
2. To mitigate the impact to adjacent properties and to minimize the impact on off-site properties from traffic generated by the development.
3. To efficiently route traffic between the development and collector or arterial highways.
4. To complement adjacent street systems and possible street systems of future nearby developments.
5. To minimize the number of cul-de-sac streets.
6. To respect the topography and preserve environmental features of the site, such as streams, dunes, steep slopes, wetlands, large trees and attractive green areas.

Street names and addresses.

1. All streets and shared access ways shall be named, and such names shall be subject to the approval of the Planning Board.
2. Names shall be sufficiently different in sound and in spelling from other street names to avoid confusion.
3. A street which is a continuation of an existing street shall bear the same name.

#### SECTION 620 – Cluster Development

A. The Planning Board may permit or require a residential cluster development when:

1. The natural and scenic quality, vital environmental features and resources of the land can be permanently preserved and maintained by clustering.
2. The overall aesthetic aspects of residential development in the area will be enhanced.



3. The overall population density of the subdivision will not be increased.
4. The adequate and economical provision of streets and utilities will be facilitated.
5. The health and general welfare of the community will be promoted.

B. General conditions:

1. Every residential cluster development shall include a provision for the preservation of open undeveloped area(s) within such subdivision.
2. The number of building lots in the proposed subdivision shall not exceed that otherwise permitted by the Land Development Code.
3. Minimum lot sizes and dimensions for single-family detached dwellings shall conform to the standards for residential cluster development.

C. Determination of number of lots:

1. The subdivider shall submit to the Planning Board a concept plan which includes a traditional subdivision design, using the regulations of the Village Land Development Code that demonstrates the maximum number of buildable lots on the entire parcel without use of a cluster technique.
2. Simultaneously, the subdivider shall submit to the Planning Board a concept plan demonstrating how the land would be developed with a cluster development design.
3. The Planning Board shall not permit a development to have more buildable lots in a residential cluster development than would be permitted in a non-cluster development.

D. Open space requirements:

1. The application of this procedure requires a plat showing land available for park, recreation, open space, or other community purposes. Common open space shall be provided in perpetuity for the use and beneficial enjoyment of all residents within the cluster development. Conditions as to ownership, use and maintenance of such lands necessary to assure the preservation of such lands for their intended purposes, shall be set forth upon discussion with the Planning Board.
2. The open space provided shall be comprised of one or more undivided parcels of land, of which at least one shall have a minimum area of three acres, exclusive of street rights-of-way.
3. The Planning Board may require that fifty percent (50%) of the open space be active open space, unless deemed otherwise.

4. Open space established as part of a residential cluster development shall be conveyed to and held in corporate ownership in such manner as approved by the Planning Board and the Village Attorney.
5. The use of open space shall be determined by the Planning Board and shall be limited to recreational and agricultural purposes. No structure shall be erected upon such open areas except such as shall be determined by the Planning Board to be incidental to such recreational or agricultural use.
6. The Planning Board may require the subdivider, developer or other owner of such subdivided tract to create an instrument or instruments as determined to be reasonably necessary to protect and/or restrict the use of such open space in accordance with this section.

## SECTION 625 – Guarantees for Installation and Maintenance of Improvements

### A. Installation Guarantee

In order that the Village has the assurance that the construction and installation of such improvements as storm sewer, water supply, sewage disposal, landscaping, road signs, sidewalks, parking, access facilities, and road surfacing will be constructed, the Village Board may require that the applicant complete said improvements before final approval is granted or that the applicant shall enter into one of the following agreements with the Village:

1. Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Village Board. Such bond shall require the approval of the Village Board and the Village Attorney as to form, sufficiency, and manner of execution and surety.
2. In lieu of the bond, the applicant may deposit cash, certified check, an irrevocable bank letter of credit, a certificate of deposit, or other form of financial security acceptable to the Village Board. Acceptable substitutes, if furnished, shall be kept on deposit in a separate account with the Village for the duration of the bond period.

### B. Maintenance Guarantee

In order that the Village has the assurance that the improvements mentioned above function properly for a reasonable period, the applicant may enter into an agreement with the Village upon completion of the work required under the installation guarantee so that:

1. Such work is guaranteed for a minimum of two (2) years after it is completed and inspected and
2. Such work is guaranteed for a minimum of ten percent (10%) of the total improvement costs, or \$5,000, whichever is greater.

- C. A maintenance bond shall be the preferred guarantee, but other methods are permitted, provided they are acceptable to the Village Board and the Village Attorney.

D. Acceptance of Road and Facilities

Following final inspection of the improvements, the Village Code Enforcement Officer, will in consultation with the Village Department of Public Works Superintendent, certify to the Village Board that all installation and improvements have been completed in accordance with the contract. The Village Board may, by resolution, proceed to accept the facilities for which bond has been posted or check deposited.