

**PART I – SUBDIVISION
REGULATIONS**

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ARTICLE I - ENACTMENT AND APPLICATION

Section 1 - Enactment

A. The Village Board of the Village of Speculator in the County of Hamilton, New York, does hereby ordain and enact the Village of Speculator Subdivision Regulations under and pursuant to the Municipal Home Rule Law, and in accord with the applicable provisions of the Village Law, of the State of New York.

Section 2 - Title

A. This Local Law shall be known and may be cited as the "VILLAGE OF SPECULATOR SUBDIVISION REGULATIONS" and is hereinafter referred to as "these Regulations."

Section 3 - Purpose

A. It is the purpose and intent of these Regulations to consider land subdivision plats as part of a Village Plan that will encourage the orderly, beneficial and economical development of the Village. This means, among other things, that land to be subdivided shall be in accord with the Village Plan and as the Plan may be amended subsequent to its initial preparation; that the land 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 natural hazard; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern or open space characteristics of adjacent properties; that the proposed streets shall compose a convenient system conforming to the Village Plan, as such exists at the time, and shall be of such width, grade and location as to accommodate the prospective traffic and to facilitate fire protection and other services that would need to be provided; and to insure that proper provision shall be made for recreation, open space and conservation considerations.

B. It is further the purpose of these Regulations to consider the subdivision of land in accord with the provisions of the Village Plan and established County and Adirondack Park policies as regards the proposed settlement and density patterns and rates of projected population increase; to consider proposals for sub-division relative to these

policies in order to preserve the character and quality of life enjoyed in the Village at present; and to consider the ability of the responsible units of government to provide such services as would be required by the sub-division and the appropriate manner of assuring equitable participation in these costs.

C. It is also the purpose of these Regulations to further the stated purposes of the Adirondack Park Agency Act by satisfaction, in part, of the criteria for approval by the Adirondack Park Agency of a local land use program pursuant to Section 807 (2) of the Act.

Section 4 - Scope

A. Pursuant to the provisions of the Municipal Home Rule Law and in accord with the applicable provisions of Village Law, these Regulations authorize and empower the Planning Board of the Village of Speculator to conditionally approve Preliminary Plats and to approve Final Plats according to the process and standards set forth herein.

B. These Regulations shall apply to the subdivision of any parcel of land as herein defined and shall be applicable to any entirely or partially undeveloped plat previously filed with the Clerk of Hamilton County prior to November 12, 1980.

C. Any subsequent enactment or amendment of Zoning Regulations affecting a previously filed or otherwise eligible subdivision plat shall entitle the subdivider to the applicable exemption from those Zoning Regulations as provided for under Section 7-708 of the Village Law.

D. No exemption specifically allowed for under Section 811 (1-b., 1-c., 3., 4.) of the Adirondack Park Agency Act shall be diminished or forfeited as such exemptions apply to that Act upon the enactment of these Regulations.

Section 5 - Appendices

A. The Appendices contained in Part V of this Code are hereby made a part of these Regulations and shall be deemed applicable thereto as specifically hereinafter provided for.

ARTICLE II - PROCEDURE

Whenever any subdivision of land is proposed to be made and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider shall make application for and receive final approval of such proposed subdivision in accordance with the following procedures. No grading, road construction, installation of utilities or other improvements or any land use and development preparatory or incidental to any proposed subdivision shall take place until the subdivision is approved by the Planning Board.

Section 6 - Pre-Application Conference

A. Prior to the filing of an application for approval of a subdivision plat, the subdivider or his agent may request a Pre-Application Conference. No formal application is thereby required. The purpose of such appearance and submission of information and data is primarily to afford the subdivider an opportunity to consult informally and at an early stage with the Planning Board for the purpose of conserving time and expense for the subdivider and creating mutual opportunities for exchange of information that will aid in assuring a desirable subdivision in the public interest.

Section 7 - Sketch Plan

A. Submission - Whenever any subdivision of land as herein defined is proposed and following any Pre-Application Conference, the owner or his agent shall submit to the Clerk of the Planning Board at least seven (7) business days prior to a regularly scheduled meeting two (2) copies of a Sketch Plan of the proposed subdivision.

B. Content - The Sketch Plan shall depict the entire contiguous property in the ownership of the landowner whether or not the subdivider proposes the entire property to be subdivided into lots for conveyance, lease or development. Required information to be included in the Sketch Plan is as stipulated in Appendix 'B' of Part V of this Land Use Code.

C. Action; Discussion of Requirements and Classification -

1. Within thirty (30) days of submission, the Planning Board shall meet with the subdivider or his agent to review the

proposed subdivision, the procedure to be followed and the required standards to be met. The Planning Board shall study the Sketch Plan and any additional materials provided by the subdivider in conjunction with the Village Plan and these Regulations to determine if the proposed subdivision is in an area where there are severe limitations to development. The Board may make advisory recommendations regarding the proposal.

2. Additionally, classification of the proposed subdivision as a "Major" or "Minor" subdivision is to be discussed at this meeting. Unless otherwise determined by the Board in its discretion, based on the considerations set forth in this Code, a Minor subdivision will be defined as any subdivision containing fewer than five (5) lots; a Major subdivision will be defined as any subdivision containing five(5) or more lots. If the subdivision as shown on the Sketch Plan is classified as a Minor Subdivision, the subdivider shall then comply with Section 3 of Article I. If it is classified as a Major Subdivision, the subdivider shall then comply with Section 4 of this Article and all other applicable sections.
3. The Planning Board may, at its discretion, require the subdivider of a subdivision to submit an alternative plan of clustering principal structures for the purpose of open space preservation.
4. The Board shall also consider whether the proposed subdivision is, or appears to be, a Class A or Class B Regional Subdivision in which case the Board shall notify the Adirondack Park Agency that the proposed project is, or may be, a Class A or B project.
5. Within forty-five (45) days of the date of submission, the Planning Board shall respond to the subdivider in writing regarding the Application and Sketch Plan and shall specify the procedure to be followed, advisory recommendations concerning potential existence of problem areas or concerns as to the location of the subdivision relative to the Village Plan and its constituent elements, and any suggestion for professional or technical areas of investigation that the Board feels would be useful to the subdivider.

Section 8A - Minor Subdivision Plat

A. Submission - Unless otherwise agreed by the Planning Board and the subdivider, the subdivider shall submit an application for Minor Subdivision Plat approval within six (6) months of classification of the subdivision as a Minor Subdivision. Failure to do so within such time period may require re-submission of the Sketch Plan to the Planning Board.

All applications for Minor Subdivision Plat approval shall be accompanied by the required fee set by the Village Board of Trustees.

The date of submission of the Minor Subdivision Plat shall be considered to be the date on which both a completed application for Minor Subdivision Plat approval and the required fee have been filed with the Clerk of the Planning Board. A certificate shall be issued to the subdivider by the Clerk of the Board, certifying the official date of submission.

B. Content - The application shall be on a form provided by the Clerk of the Planning Board, and shall include the elements described in Appendix 'B' of the Land Use Code. The subdivider shall provide the Board with an original Plat and application and five (5) copies. The plat shall substantially conform to the layout shown on the Sketch Plan with modifications to reflect any recommendations made by the Planning Board.

C. Referral and Response -

1. Whenever any proposed Minor Subdivision is located within five hundred (500) feet of any boundary of an adjoining municipality or the boundary of any State or County property or easement or falls into any other category requiring county review, a copy of the application for approval of Minor Subdivision plat will be referred to the Hamilton County Planning Board pursuant to Section 239n of the General Municipal Law. After such referral the County Planning Board shall have thirty (30) days in which to report its approval, disapproval or approval subject to conditions to the Village Planning Board. Failure of the County Planning Board to report within thirty (30) days may be construed to be approval by that Board.

2. Whenever any proposed Minor Subdivision constitutes a Class 'A' or Class 'B' Regional Subdivision as set forth in Appendix 'E' of this Land Use Code, a copy of the application for approval shall be referred to the Adirondack Park Agency in accordance with the requirements of the Adirondack Park Agency Act and Appendix 'E'.

D. Public Hearing - A public hearing shall be held by the Planning Board within sixty-two (62) days of the date of submission of the Minor Subdivision Plat application. The hearing shall be advertised at least once in a newspaper of general circulation in the Village at least five (5) business days before such hearing. 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 plat.

Public advertisements shall include notice of any waivers requested by the subdivider.

E. Final Approval of Plat - Upon a grant by the Board of final approval of the Minor Subdivision Plat, the Planning Board chairman shall sign the plat.

F. Conditional Approval of Plat - Upon a resolution of the Board granting conditional approval of the plat, the Chairman of the Planning Board shall be empowered to sign the plat once the conditions have been satisfied. Within five (5) business days of a resolution granting conditional approval, the Plat shall be certified by the Clerk of the Planning Board as conditionally approved and a copy shall be filed in the Clerk's office. A copy of the resolution shall be mailed to the subdivider, which copy shall include a statement of the requirements imposed by the Board for final plat approval and signing.

Upon completion of such requirements, as certified by the Enforcement Officer, the plat shall be signed by the Chairman. Conditional approval of a Plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved Plan may be submitted for signature if in its opinion such extension is warranted under the circumstances for one or two additional periods of ninety (90) days each.

G. Approval by Default - In the event the Planning Board fails to

take action within the time specified herein or within such time as is established by mutual consent with the subdivider, the plat shall be deemed approved. A certificate of the Clerk of the Village certifying the date of submission and the failure of the Board to take action within the prescribed time shall be issued to the subdivider on demand.

Section 8b - Review of Major Subdivision

- A. Submission - The subdivider shall, within six (6) months of the date of response by the Planning Board to the Sketch Plan, file with the Planning Board an application for approval of the Preliminary Plat. Failure to file an application within the six-month period may require re-submission of the Sketch Plan to the Planning Board. Application for approval of the Preliminary Plat shall be filed with the Clerk of the Board not less than seven (7) business days prior to a regularly scheduled Board meeting. The date of the submission of the Preliminary Plat shall be considered to be the date on which both a completed application for Preliminary Subdivision Plat, all required copies and the required fee have been filed with the Clerk of the Planning Board. A Certificate of the Clerk shall be issued to the subdivider, certifying the official date of submission.
- B. Content - The subdivider shall cause to be prepared a Preliminary Plat which shall consist of, as a minimum, those items of information called for in Appendix 'B' of Part V of Land Use Code. Four (4) copies of the Preliminary Plat and supplementary materials required shall be submitted.
- C. Referral and Response - Shall be as follows:
1. Whenever any proposed subdivision is located within five hundred (500) feet of any boundary of an adjoining municipality or the boundary of any State or County property or easement or falls into any other category requiring county review, a copy of the application for approval of the Preliminary Plat will be referred to the Hamilton County Planning Board as is provided for under the applicable provisions of Section 239N of the General Municipal Law. In the instance of such referral, the County Planning Board shall have thirty (30) days in which to report its approval, disapproval or approval subject to conditions to the Village Planning Board. Failure of the County Planning Board to report within thirty (30) days may be construed to be approval by that Board.

2. Whenever any proposed subdivision constitutes a Class 'A' or Class 'B' Regional Subdivision as set forth in Appendix 'E' of Part V of this Code, a copy of the application for conditional approval of the Preliminary Plat will be referred to the Adirondack Park Agency in accord with the requirements of the Adirondack Park Agency Act and Appendix 'E'.
 3. Within sixty (60) days of the date of submission, the Planning Board shall conditionally approve, with or without modification, or disapprove the Preliminary Plat. Failure of the Planning Board to act within such sixty (60) day period shall constitute conditional approval of the Preliminary Plat. Notwithstanding the foregoing, the time within which the Board must act may be extended by mutual written consent of the applicant and the Board.
- D. Notification of Action Taken - Any conditional approval, required modification and the reasons therefor, or disapproval and the reasons therefor shall be stated in the records of the Planning Board, and the applicant so notified with a copy certified to by the Clerk of the Board within five (5) business days from the date of action taken.
- E. Public Hearing - A public hearing shall be held by the Planning Board within sixty-two (62) days of the date of submission of the Preliminary Plat application. The hearing shall be advertised at least once in a newspaper of general circulation in the Village at least five (5) business days before such hearing. The advertisement shall include notice of any waivers applied for. 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.
- F. Action on Preliminary Plat - Within sixty-two (62) days after the completion of the hearing, the Planning Board shall approve, with or without condition, or disapprove the Preliminary Plat. The resolution shall include a description of any waivers applied for, the Board's decision in each such request, and a statement of the reason for the decision on each request.

The grounds of a modification if any, or the grounds for disapproval shall be stated upon the records of the Board. When approving a Preliminary Plat, the Board shall state in

writing such modification, if any, as it deems necessary for submission of the Plat in final form. Within five (5) business days of the approval of such Preliminary Plat it shall be certified by the Clerk of the Planning Board as granted Preliminary Approval and a copy filed in the Clerk's Office, a certified copy mailed to the subdivider, and a copy forwarded to the Village Board of Trustees.

This time period may be extended by written agreement of the subdivider and the Planning Board.

In taking action on a proposed Minor Subdivision Plat, the Board shall apply the standards and requirements set forth in Appendix B.

- G. Extension of Time - Notwithstanding this deadline, the time period may be extended by written agreement of the subdivider and the Board. The basis for the Board's action shall be stated in the records of the Board and the same communicated to the subdivided.

Failure of the Planning Board to act within such sixty-two (62) days or the otherwise agreed-upon period shall constitute approval of the Preliminary Plat. A certificate of the Clerk of the Planning Board certifying failure to take action (hence approval) shall be issued to the subdivider on demand.

When granting approval to a Preliminary Plat, the Planning Board shall state the terms of such approval, if any, with respect to (1) the conditions of approval, including modifications to the Preliminary Plat, (2) the character and extent of any required improvements for which waivers may have been requested, the Board's decision regarding these requests and the reasons for each such decision, and (3) the amount of improvement or the amount of all bonds therefor which it will require as pre-requisite to final Subdivision Plat approval. Approval of a Preliminary Plat shall not constitute approval of the Subdivision Plat, but rather shall be deemed an expression of approval of the design submitted on the Preliminary Plat and as a guide to the preparation of the Major Subdivision Final Plat.

Section 9 - Major Subdivision Final Plat - Submission and Consideration

- A. Submission - The subdivider shall, within six (6) months after approval or conditional approval of the Preliminary Plat, file

with the Planning Board an application for approval of the Final Plat; otherwise such approval or conditional approval of the Preliminary Plat shall become null and void unless an extension of time is applied for prior to the expiration of the six-month period and is granted by the Board. Any conditionally approved Preliminary Plat, of which only a portion or section is submitted as a Final Plat, shall not be null and void after six (6) months so long as each subsequent phase is submitted for Final Plat approval in accord with a previously established timetable approved by the Board.

Application for Final Plat approval shall be filed with the Clerk of the Board not less than seven (7) business days prior to a regularly scheduled Board meeting. The date of submission of the Final Plat shall be considered to be the date on which a completed application for approval of the Subdivision Plat, including any endorsements required by Paragraph B1 of this Section, have been filed with the Clerk of the Planning Board. A certificate of the Clerk shall be issued to the subdivider certifying the official date of submittal.

B. Content -

1. The subdivider shall cause to be prepared a Major Subdivision Final Plat which shall consist of, as a minimum, those items of information called for in Appendix 'B' of this Code. The original and four (4) copies of the Final Plat and supplementary materials required shall be submitted. Evidence shall be provided with the Final Plat application that any proposed water supply and sewage disposal facilities associated with the Subdivision Plat requiring approval by the Department of Environmental Conservation and/or the Department of Health have received at least preliminary approval(s).
2. If desired by the sub-divider, the Final Plat may constitute only that portion or section of the approved or conditionally approved Preliminary Plat which the subdivider proposes to record and develop at the time, provided however, that such portion conforms to all requirements of these Regulations.

C. Referral and Response -

1. Any proposed subdivision previously referred to the County Planning Board under Section 239 of the General Municipal Law at the Preliminary Plat stage may, at the discretion of

the Village Planning Board, be referred at the Final Plat stage and shall be referred if there are material changes from the Preliminary Plat. In the instance of such referral, the County Planning Board shall have thirty (30) days in which to report its recommendations to the Village Planning Board. Failure of the County Planning Board to report within thirty (30) days may be construed to be approval by that Board.

2. Any proposed subdivision determined to be a Class 'A' or Class 'B' Regional Subdivision and previously referred to the Adirondack Park Agency at the Preliminary Plat stage will be referred to the Agency at the Final Plat stage as well.

D. Public Hearing - A public hearing shall be held by the Planning Board on any Final Plat not in substantial agreement with the approved Preliminary Plat. The hearing shall be held not later than sixty-two (62) days of the date of submission of the application for Final Plat approval. The public hearing shall be properly advertised in a newspaper of general circulation in the Village and the notice of hearing posted in three (3) prominent places at least five (5) business days prior to the date of hearing.

E. Action -

1. If the County Planning Board recommends disapproval or modification, the Planning Board shall not approve such sub-division, other than in accord with the recommendation, except by a vote of a majority plus one of all the members of the Board after adoption of a resolution setting forth their reasons. Whatever the final action of the Board, where referral under Section 239N of the General Municipal Law is called for, the County Planning Board will be notified of the same within seven (7) business days following such action.
2. Whenever a proposed subdivision has been determined to be a Class 'A' or Class 'B' Regional Subdivision, Planning Board action thereon shall be in accord with the additional provisions of Appendices 'C' and 'E' of Part V of this Land Use and in conformity with the requirements of the Adirondack Park Agency Act.
3. The Planning Board shall, by resolution, approve, modify and approve, or disapprove the Final Plat within sixty-two

(62) days of the date of submission or of the public hearing, if any. Upon failure of the Board to act within the prescribed period of time, the Final Plat shall be deemed approved and the Village Clerk shall issue a Certificate of Compliance indicating the date of submission and the failure of the Board to take action within the prescribed time, such Certificate to be sufficient in lieu of written endorsement or other evidence of approval. Notwithstanding the foregoing, the time within which the Planning Board must act may be extended by mutual written consent of the subdivider and the Board.

4. Upon resolution of the Planning Board to approve, or modify and approve, the Final Plat, the Chairman of the Planning Board shall be authorized to sign the Final Plat subject to such modifications and requirements as may be stated in the resolution.

5. The Final Plat shall not be signed by the Chairman when improvements to the subdivision as may be required under Article III are to be made until either paragraph G.1-a or G.1-b. is complied with as required hereunder.

F. Notification of Action Taken - Any approval, including any required modification and the reasons therefor, or disapproval and the reasons therefor, shall be stated in the records of the Planning Board, and the applicant so notified with a copy certified to by the Clerk of the Board within five (5) business days from the date of action taken.

G. Required Improvements - In any subdivision where improvements are required, the following shall apply:

1. The applicant shall either:

a) In an amount set by the Planning Board, file with the Village Clerk a certified check, performance bond or other acceptable security to cover the cost of the required improvements. Any such security shall be satisfactory to the Village Board and Village Attorney as to form, sufficiency, and manner of execution and surety. A period of one (1) year or such other period as the Planning Board may determine appropriate, not to exceed three (3) years, shall be set forth in the terms of the security deposit within which time required improvements must be completed; or

b) Complete all required improvements to the satisfaction of the Enforcement Officer and Planning Board and file with the Board a letter and required drawings signifying the satisfactory completion of all such required improvements. For any required improvements not so completed and approved, the subdivider shall file with the Village Clerk an acceptable security deposit covering the cost of such improvements and the cost of satisfactorily installing any improvement not approved, in accordance with the requirements of paragraph 1-a. above.

2. If the subdivider elects to provide a certified check, performance bond or other acceptable security for all required improvements as specified in subparagraph G.1-a., such security deposit shall not be released until As-Built Drawings as called for in Appendix 'B' of Part V of this Code are approved. If, however, the subdivider completes all required improvements according to subparagraph G.1-b., then any required As-Built Drawings shall be submitted and approved prior to signature of the Final Plat by the Planning Board Chairman.

H. Satisfaction of Approval - Within the time specified in the resolution granting approval, such time not to exceed ninety (90) days, the applicant shall have met all requirements of the approval, including those set forth in paragraph G. above where applicable, and have submitted the Final Plat for signature as required to denote final approval.

I. Signature and Filing - Upon satisfactory completion of the above requirements, including any set forth in the resolution of approval, the Chairman of the Planning Board shall affix his signature to the Final Plat. Which signature shall execute and be evidence of the prior resolution of approval of the Final Plat.

1. Within ninety (90) days from the date of resolution granting approval to the Final Plat or from the date of issuance of a Certificate of Compliance issued by the Village Clerk noting failure of the Board to act within the prescribed time, the Final Plat or approved sections thereof shall be duly filed by the applicant in the office of the Hamilton County Clerk.

2. Within thirty (30) days from the date of filing with the Hamilton County Clerk, the Final Plat or filed sections thereof shall be filed with the Village Clerk.
3. In the event that the approved Final Plat is filed in sections, each section shall constitute at least ten (10) percent of the total number of lots contained in the Final Plat and all sections subsequent to the first shall be filed prior to the date of expiration of any exemption provided for under Article I, Section 4-C. of these Regulations.
4. The Planning Board may extend the time requirement for filing the Final Plat and the time within which improvements shall be completed or performance security filed, where in their opinion it is warranted, for a period not to exceed two (2) additional periods of ninety (90) days each.

Section 10 - Coordination with Zoning Regulations

- A. Under and pursuant to the provisions of Section 7-738 of the Village Law, the Planning Board may, at its discretion, entertain as part of the application for any subdivision plat a request to adjust the appropriate and applicable Zoning Regulations of the Village as set forth in Part IV of this Code coincidental with its review and approval of any such subdivision plat.
- B. The purpose of this provision is to introduce flexibility in the design of a subdivision in the manner consistent with the public interest, the wise use of the land, and the efficient provision of services. The use of this provision shall in no way be contrary to the Village Plan or the purpose and intent of these Regulations or the Zoning Regulations.
- C. Such adjustment of the Zoning Regulations shall not result in a greater number of building lots or dwelling units than would be allowable under the Zoning Regulations and no change in the types of uses or activities provided for in the applicable zoning district shall be allowed under this provision.
- D. If the subdivision involves any shoreline subject to the shore- line lot width restrictions contained in the Zoning Regulations, any modification of such restrictions shall not result in an overall intensity of development exceeding the allowable number of principal buildings per linear mile of

shoreline for the respective zoning district involved. If the subdivision involves any shoreline subject to the shoreline lot width restrictions contained in the Zoning Regulations and utilizes the special provisions of this Section, the Planning Board shall specifically find, in connection with any approval thereof, that the sub- divider will provide the means, whether by deed restriction, restrictive covenant or other similar appropriate method, to insure the retention in open space of the undeveloped portions of the total shoreline considered under this provision.

- E. Any subdivision plat, approved, signed and filed which has included any adjustment to the Zoning Regulation allowed for under this provision shall be filed as required with the Village Clerk who shall make appropriate notation thereof in the affected Zoning Regulations, including the official Zoning Map(s).

ARTICLE III - DESIGN CONSIDERATIONS AND REQUIRED IMPROVEMENTS

Section 11 - General

- A. All standards set forth herein shall apply to the extent that they are applicable as determined by the Planning Board and are required minimum standards, only where exceptional conditions warrant, which conditions shall be fully documented, shall the Planning Board require such additional measures as are reasonable and appropriate under the circumstances to accomplish the purposes of these Regulations.
- B. 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 natural hazard and shall be in keeping with the objectives of the Village Plan.

Section 12 - Natural Features

- A. The utmost consideration shall be given to existing natural features of both the subdivision and adjoining lands and every effort shall be made to preserve and design around existing landforms, tree cover, waterways, vistas and other exceptional physical characteristics. These shall be shown as required in Appendix 'B' of Part V of this Code.
- B. Any proposed subdivision will be reviewed according to its relationship to Village Zoning Map No. 3 "Development Considerations" as set forth in Appendix 'C' of Part V of this

Code. An assessment will be made of this relationship with a view toward identifying potential limitations or problems that would need to be overcome in the site plan for the subdivision.

C. In the review of all Class 'B' Regional Subdivisions, the Planning Board will review the natural features according to the Natural Resource Considerations set forth in Appendix 'C' of Part V of this Code.

Section 13 - Block Design

A. The lengths, widths and shapes of blocks shall be determined with due regard to:

1. The type of development proposed;
2. Requirements as to lot sizes and dimensions as set forth in the Zoning Regulations, and to the corresponding requirements of these Regulations;
3. Need for convenient access, circulation, control and safety of vehicular traffic, with particular attention to limitation of the number and location of points of ingress and egress; and
4. Limitations and opportunities of topographic and other site characteristics.

B. Where the subdivision is laid out in conventional block form, block lengths shall generally not exceed fifteen hundred (1,500) feet, nor be less than seven hundred fifty (750) feet. Block width shall generally be two lots deep.

C. Nonresidential blocks intended for commercial or industrial use shall be of such length and width as is suitable for their prospective use. Such blocks shall include adequate provisions for off-street parking and service area.

Section 14 - Lot Arrangement

A. Lot size, width, depth, shape and orientation, and the minimum required yard dimensions shall be appropriate to the location of the sub-division, topographical conditions, the type of development and use contemplated, and shall as a minimum be in accord with the requirements of the Zoning Regulations.

- B. Corner lots shall have extra width to permit appropriate building setback from and orientation to both streets in accord with minimum required front yard setbacks as established under the Zoning Regulations.
- C. The subdividing of land shall be such as to provide each lot with direct access to an improved roadway and connection to the public road system. Access to more than five (5) lots by means of a private right-of-way shall be allowed only where such right-of-way meets all requirements for roadways under these Regulations.
- D. Double frontage lots with access to two roads shall not be approved except where no other arrangement is possible and then only where the minimum lot depth is two hundred (200) feet.
- E. Side lot lines shall be substantially at right angles to straight road lines or radial to curved road lines.
- F. Off-street parking space shall be required for all uses. In the case of dwellings, at least one hundred eighty (180) square feet of off-street parking space per dwelling unit shall be provided to the rear of the required building setback line, plus access drive and maneuvering space.
- G. Driveway access and grades shall conform in general to the terrain, but shall not exceed a fifteen (15) percent grade over any fifty (50) foot length, and shall not exceed three (3) percent within twenty-five (25) feet of the improved surface area of the roadway, as measured along the centerline of the driveway.

Section 15 - Easements

- A. Adequate easements centered on rear or side lot lines shall be provided for utilities, where necessary. A minimum easement width of fifteen (15) feet shall be required. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded, where required.
- B. A pedestrian easement, not less than fifteen (15) feet wide, in addition to any road, shall be provided for where required by the Planning Board to provide safe circulation or access to schools, recreation areas and other community facilities.

- C. Where a subdivision is traversed by a water course, drainageway, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose, as determined by the Planning Board.
- D. Where a subdivision is so situated as to involve a noteworthy scenic view or vista, either for the subdivision, along a travel corridor or for established residences, a scenic easement of appropriate configuration may be required by the Planning Board.
- E. When so required by the Planning Board, a screen-planted easement not less than fifteen (15) feet wide, across which there shall be no right of access, may be required along the line of lots between the subdivision and any adjoining industrial, commercial, roadway, railroad or other similar use.

Section 16 - Roadways

- A. General - 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 following criteria (Note: See Section 16 - C. 7. for criteria for roads and drives in Minor Subdivisions.):
 - 1. The arrangement, character, extent, width, grade and location of all roadways shall conform to the Village Plan, as such exists at the time, and shall be considered in their relation to existing and planned roads, to topographical conditions, to public convenience and safety, and to the proposed uses of the land to be served by such roadways. Road grades shall conform as closely as possible to the natural topography, and all roads shall be arranged so as to allow for a maximum number of the proposed number of building sites to be situated at or above the finished grade level of the roadway.
 - 2. The arrangement of roadways in a subdivision shall provide for the continuation, if appropriate, of residential roadways in the surrounding areas and be such as to compose a convenient system both for the subdivision and connection to the existing highway system.

3. Roadway layout shall consider the installation of utility distribution and service lines and shall be situated so as to best accommodate these installations in an acceptable manner. Roadbed to be "Item 4" gravel on top of required compactible gravel. Aluminum culverts and headwalls shall not be used in road construction. Water, sewer and electrical mains shall have a minimum separation of four (4) feet, one to the other.
4. Road layout shall minimize stream crossings, avoid traversing slopes in excess of twenty-five (25) percent, and avoid soils with a susceptibility to erosion or slippage.
5. Local roadways shall be so laid out that their use by through traffic will be discouraged.
6. Where a subdivision abuts, contains or has access to an existing or proposed major traffic artery, the Planning Board may require a frontage road or reverse frontage with screen-planting contained in a non-access reservation along the property line or such other treatment as may be necessary for adequate protection of both the subdivided properties and the scenic qualities of the Village and to afford separation of through and local traffic.
7. Reserve strips controlling access to roadways, whether public or private, or other improvements dedicated or to be dedicated to public use shall be prohibited unless control there- of is expressly placed in the Village under conditions approved by the Planning Board.
8. The arrangement of roadways in any subdivision shall consider provision for continuation of collector or key local roads to adjoining property which has the potential to be similarly subdivided and to existing road systems.
9. Clearing and grading for road and utility installation shall be limited to that which is necessary to construct safe roads, provide needed roadside and embankment drainage, construct stable cuts and fills and provide for utility installation. The subdivider shall include an appropriate typical clearing and grading cross section as required in Appendix 'B' of Part V of this Code.
10. The construction of roads and the installation of utilities shall be planned sequentially, so that

construction operations do not conflict and so that subsequent construction operations do not interfere with or destroy completed work.

11. No roadway names shall be used which will duplicate or be confused with the names of existing roads or highways in the Village. Road names shall be subject to the approval of the Planning Board.
12. Every roadway shown on the Plat that is hereafter filed or recorded in the office of the County Clerk shall be deemed to be a private road until such time as it has been formally offered for cession to the Village and formally accepted as a public road by resolution of the Village Board or; alternatively, until it has been condemned by the Village for use as a public roadway.

B. Design considerations shall be as follows:

1. Roadway jogs with centerline offsets of less than one hundred fifty (150) feet shall not be permitted, and any subdivision road intersecting an existing arterial or collector road shall be no closer to another intersecting roadway than the stopping site distance as determined by the configuration of the roadway at that point and the legal speed limit.
2. All roadway intersections shall be rounded by curves with a minimum radius of twenty-five (25) feet as measured from the edge of the improved travel surface. Within the triangular area formed by connecting two points fifty (50) feet from the intersecting road rights-of-way, visibility shall not be restricted by the natural landforms nor by the location of any structure or planting.
3. The length of a tangent between reverse curves on arterial and collector roadways shall be a minimum of one hundred fifty (150) feet; and on local roadways a minimum of one hundred (100) feet.
4. Roadways shall be laid out so as to intersect as nearly as possible at right angles. No roadway shall intersect any other roadway at less than seventy-five (75) degrees and all roadways shall join each other so that for a distance of at least one hundred (100) feet the roadway is approximately at right angles to the roadway it joins.

5. Roadway vertical gradients shall be not less than four-tenths of one (0.4) percent, nor more than twelve (12) percent over any one hundred (100) foot distance and shall not exceed three (3) percent within fifty (50) feet of any intersection.
6. Dead-end roadways shall not be permitted, except as provided herein:
 - a) A closed turn-around or cul-de-sac may be permitted where no through connection is possible or desirable providing it is designed with a turn-around having an outside roadway diameter of at least one hundred (100) feet and a right-of-way diameter of at least one hundred fifty (150) feet.
 - b) No such dead-end road shall exceed one-quarter mile (1,320 feet) in length nor provide the sole means of access to more than twenty-five (25) dwelling units.
 - c) Reservation of an easement of appropriate width shall be provided for pedestrian or utility connection to adjoining property or the existing roadway system, where desirable.
7. Proper roadway drainage facilities shall be installed where required. Reinforced concrete pipe or corrugated galvanized steel metal pipe shall be used throughout for all culverts or subsurface drainage systems. Drainage shall be accommodated by one or a combination of the following:
 - a) A roadside ditch a minimum of eighteen (18) inches below the finished centerline;
 - b) A concrete or asphalt gutter;
 - c) A concrete or asphalt curb with storm sewer; or
 - d) Such other method acceptable to the Planning Board.
8. Road ditches shall be designed to have a minimum hydraulic capacity equal to the peak runoff rate from a five- (5) year, 24-hour rainfall. Drainage culverts shall be of adequate size and so located as to maintain pre-construction surface drainage patterns, provided such patterns were acceptable prior to construction. The Village Highway Superintendent shall have the authority to require

the subdivider to install headwalls at the ends of culverts where the Superintendent has determined that future damage to the improved roadbed could occur if there were no headwalls.

9. Catchbasins, manholes, seepage drains, reinforced concrete pipe or other drain appurtenances and all underdrains shall be installed or constructed in accordance with the direction and requirements of the Planning Board, shall vary in size as conditions may require and shall be connected from basins or manholes to the proper lines and grades in such a manner as directed by the Board and all such underdrains shall connect with piping or ditches leading to a live stream or natural drainageway as required by the Board.
10. Stream crossings shall be roughly at right angles, and bridge structures or culverts shall be designed to carry the peak runoff rate from:
 - a) A ten- (10) year, 24-hour rainfall if the contributing drainage area is one (1) square mile or less;
 - b) A twenty-five- (25) year, 24-hour rainfall if the contributing drainage area is between one (1) and four (4) square miles; or
 - c) A one hundred- (100) year, 24-hour rainfall if the contributing drainage area is more than four (4) square miles.
11. Fill slopes shall not be steeper than two (2) horizontal on one (1) vertical (2:1) and cut slopes shall not be steeper than four (4) horizontal on one (1) vertical (4:1).
12. The classification of roadways shall be as determined by the Planning Board. Rights-of-way and pavement or improved surface area shall have the following widths:

Classification/	Minimum Right-of-way	Minimum Pavement or Improved Surface Area
Arterial	75' - 100'	36'+ curbs or two 8' shoulders
Collector	60' - 75'	26'+ curbs or two 6' shoulders
Local	50'	a. 18' + curbing or two 5' Shoulders (populated area or 25 lots or more) b. 16' + two 2' shoulders (rural area and less than 25 lots)

13. Where curbs exist on abutting properties, their extension by the subdivider may be required, at the discretion of the Planning Board, throughout all or a portion of the proposed subdivision. The Planning Board shall approve all curbs. Where curbs are not required, adequate ditches or gutters shall be constructed and protected by seeding or appropriate surfacing by the subdivider.

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

C. Construction considerations shall be as follows:

1. All topsoil, humus, tree stumps and like organic material shall be removed from the roadbed, and the sub-base shall be approved by the Village Highway Superintendent before any gravel is placed upon it.

2. Each road shall be constructed of a base course of suitable compactible run-of-bank gravel to a depth of eight (8) inches, size of stone not to exceed two (2) inches in diameter, extending ten (10) to fourteen (14) feet in each direction from the centerline of said road so that each roadway shall be comprised of a base course constructed of compacted gravel to a width of twenty (20) to twenty-eight (28) feet depending on its classification above. No gravel shall be laid on any roadway unless the type of gravel shall have been approved by the Highway Superintendent; provided, however, that the Highway Superintendent may, in any case where the nature of the soil over the roadway is to be laid out necessitates special construction, require that the sub- divider build said roadway with a base of

cinders, gravel or crushed stone and box it with run-of-bank gravel to a greater amount and extent than eight (8) inches as above set forth. Sleeves of PVC plastic with a minimum inside diameter of four (4) inches shall be installed under the center of the roadway perpendicular to the centerline and at a depth no less than six (6) feet from the highest portion of the finished roadway surface. A sleeve no less than twenty-eight (28) feet long shall be provided for each approved lot and the ends of the sleeves shall be indicated on an approved map of the roadway and tied-in with permanent survey monuments. Use of sleeves for other than water supply pipes shall be by prior written permission only.

3. The improved travel area shall be properly graded to consist of two (2) 8 to 9 foot lanes on twelve (12) inch gravel base pitched at a minimum of three-eighths (3/8) inch per foot. The Village Highway Superintendent shall approve the finished graveled roadway in writing.
4. The shoulder shall be constructed with a one (1) inch per foot pitch and be a minimum of two (2) to five (5) feet in width depending on the classification of the subdivision above,
5. In addition, the Planning Board may require for any subdivision of two (2) or more lots a double oil and stone surface treatment or an asphaltic concrete pavement surface where it determines such is needed based on the following considerations:
 - a) The street classification and the type and volume of anticipated traffic;
 - b) Whether access is to year-round or seasonal uses;
 - c) No water mains, sewer mains, or electrical primary supply lines shall be installed under areas that may, or will be blacktopped except where it is necessary to cross under an intersecting street or a driveway. In any event, where water, sewer and electrical mains cross under streets that may become a Village street, they shall be installed in appropriate sleeves; and
 - d) The schedule for completion of the roadway or sections thereof.

6. All cleared areas associated with the construction of roads and installation of utilities, excluding those areas comprising road surfaces or shoulders, all exposed borrow areas, and all cut and fill slopes including ditch banks, shall be successfully vegetated to grasses or legumes that are suited to site conditions and as approved by the Planning Board. Ditch bottoms shall be constructed and maintained to minimize soil erosion during periods of design flow by means of revegetation, sodding, mulching, netting, stone paving, riprap, and other materials or combinations of these, depending on hydraulics and soil properties.

7. Minimum Standards for Roads in Minor Subdivisions

- a) All topsoil, tree stumps, and organic material shall be removed from roadbed a minimum distance of 20 feet wide. (Standard Village road requirement.)
- b) At least 6 to 8 inches of bank run gravel shall be used for the subbase, with 2 or 3 inches of Item 4 or equivalent for the top.
- c) A width of 12 to 14 feet shall be used for a one-lane drive, and be widened and built up with more gravel should it be considered for dedication to the Village. It shall be the responsibility of the developer to consider wider portions on longer roads and driveways for vehicles to pass each other.
- d) Necessary ditches and culverts shall be installed. A culvert is necessary where attached to a Village street.
- e) If considered for future dedication to the Village, a 100-foot cul-de-sac area is required.
- f) Water mains, sewer mains and underground primary electrical supply cables shall be installed within the proposed right-of-way of the roadway or in an easement approved in writing by the Village Board. Water mains, sewer mains and primary electrical lines shall be in separate trenches the centers of which are no closer than four feet. The Village shall approve materials and methods used in the installation of water and sewer mains in writing before any installation commences. All materials and work methods shall conform to contemporary generally accepted standards. No water main, sewer

main or electrical primary line shall be laid so as to be under that portion of the road which will be, or may be, blacktop or concrete pavement except when necessary to cross under driveways or cross streets.

g) A copy of Village road specifications shall be made available to the developer to ensure requirements are met for Village streets if dedication is considered at a later date. Specifications and criteria for approval are found in Part I of this Code.

h) Final approval of the road shall be written and signed by Village authorities on the final plat plan of the development.

Section 17 - Utilities

A. Water Supply Systems - Shall be provided as follows:

1. Where, in the opinion of the Planning Board and the State agency having jurisdiction thereover, a subdivision can be reasonably served by the creation or extension of a public water supply system, the subdivider shall make application to create or extend such system and create a water district or to become part of or be serviced by an existing district. No subdivision shall be approved where it is intended to use individual water supply techniques where the facilities of an existing water system or district may be utilized. All connections to any existing public system shall be approved by the Village and an offer of cession to dedicate such installation to the Village or any special district shall be as required by the Village.
2. Where no public system exists or where extension and connection to a public water supply system is not feasible, but where, based on the size of the subdivision and the intensity of the development pattern, the Planning Board and responsible State agency determine a community supply system is necessary, such system shall be installed according to standards of the N.Y.S. Department of Health or Department of Environmental Conservation, as may be applicable.
3. Where public or community water supply is not feasible, the subdivider shall provide specifications including location for installation of individual systems for each lot in accordance with State requirements and upon specific

approval by the Planning Board in accord with the applicable requirements of the Building and Sanitary Regulations as set forth in Part III of this Code.

B. Sewage Disposal Systems - Shall be provided as follows:

1. Where, in the opinion of the Planning Board and the State agency having jurisdiction thereover, a subdivision can be reasonably served by the creation or extension of a public sanitary sewer system, the subdivider shall make application to create or extend such system and to create a sewer district or to become part of or be served by an existing district. No subdivision shall be approved where it is intended to use individual sanitary disposal techniques where the facilities of an existing sewer system or district may be utilized. All connections to an existing public system shall be approved by the Village and an offer of cession to dedicate such installation to the Village or any special district shall be as required by the Village.
2. Where no public system exists, or where extension and connection to a public sewage disposal system is not feasible, but where, based on the size of the subdivision and the intensity of the development pattern, the Planning Board and responsible State agency determine a community disposal system is necessary, such system shall be installed according to standards of the N.Y.S. Department of Health or Department of Environmental Conservation, as may be applicable.
3. Where public or community sanitary sewers are not feasible, the subdivider shall provide specifications including location for installation of individual systems for each lot in accordance with State requirements and upon specific approval by the Planning Board in accord with the applicable requirements of the Building and Sanitary Regulations as set forth in Part III of this Code.

C. Fire Hydrants - Installation, type and location of all fire hydrants shall be as approved by the Planning Board and shall be in conformity with the standards of the New York Fire Insurance Rating Organization, the Division of Fire Safety of the State of New York and any special requirements of the Village water district or fire district.

D. Other Utilities - Electric, telephone and other available utilities shall be arranged for by the subdivider and their

description shall be as required in Appendix 'B' of Part V of this Code.

- E. Location - Electric, telephone, Cable TV and like utilities shall be located and installed in accord with the rules and regulations of the Public Service Commission and Niagara Mohawk Power Corporation.

Section 18 - Flooding, Drainage, and Runoff

- A. Any subdivision involving lands designated as Flood Hazard Areas by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development and any other lands subject to repeated flooding or deemed by the Planning Board to be subject to flood hazard shall be reviewed by the Planning Board in accord with the applicable provisions of the Building and Sanitary Regulations as set forth in Part III of this Code.
- B. Storm and surface drainage shall be designed for the tract in relation to the drainage area above the tract and drainage outlets into adjacent tracts. Drainage systems must be sufficient to handle discharge from the entire drainage area whether inside or outside the subdivision, based on the following:
 - 1. A ten- (10) year, 24-hour rainfall if the contributing drainage area is one (1) square mile or less;
 - 2. A twenty-five (25) year, 24-hour rainfall if the contributing area is between one (1) and four (4) square miles; or
 - 3. A one hundred- (100) year, 24-hour rainfall if the contributing drainage area is more than four (4) square miles.
- C. No subdivision shall be approved where anticipated runoff incident to the subdivision development will overload existing downstream facilities or capacity.
- D. Drainage structures and facilities shall be installed as necessary to assure adequate drainage for the tract and drainage easements shall be provided, where necessary.
- E. The subdivider shall allow no holes, depressions or other undrained areas to remain, except such wetlands as may be

natural features or necessary retention basins which shall be protected or situated at the direction of the Planning Board.

- F. The grading plan and the design of roadways in relation to storm drainage shall be such that the runoff from roofs, driveways and other impervious surfaces will be collected in the ditches and/or gutters along the road in short runs of generally less than five hundred (500) feet and will then be diverted from the roadway surface into storm sewers or a natural drainage course.
- G. The use of open water courses for drainage involves considerations related to safety, erosion control, stagnant water, protection of capacity and appearance, which considerations will be recognized according to the following:
1. Safety - Broad, shallow courses shall be created wherever necessary to increase capacity or eliminate steep banks. Ditches shall, wherever feasible, be in the shape of a wide top "U" with rounded or squared invert.
 2. Erosion Control - Adequate measures shall be taken to prevent erosion. The Planning Board shall require seeding, sodding, planting, riprap or other such measures as may be necessary to prevent scouring.
 3. Drainage - The subdivider shall guard against the creation or continuation of swampy areas or stagnant pools. The Planning Board shall require fill and/or chemical improvements in order to forestall such problems.
 4. Capacity - The subdivider shall provide adequate measures for the protection of open drainage channels by establishing drainage easements sufficiently wide to enable the working of the channel by motorized equipment. All easements shall prohibit the erection of structures, the dumping of fill, the planting of shrubs or trees or the alteration or obstruction of the watercourse without the written permission of the Village Board. Property lines shall be so drawn as to allow drainage easements along side and rear lot lines, except that drainage easements may be allowed to cross lots larger than one (1) acre.
 5. Appearance - As a natural water course can be an attractive visual asset to the subdivision as well as to the community, the subdivider shall, where possible, retain and improve the appearance of the water course as is practical.

H. Design of storm sewers shall be as follows:

1. Storm sewers shall have a minimum diameter of twelve (12) inches and a minimum grade of one-half of one (0.5) percent
2. Manholes shall not be more than three hundred (300) feet apart where pipe sizes of twenty-four (24) inches or less are used and not more than five hundred (500) feet apart where larger sizes are installed.

I. Design of ditches and gutters shall be as follows:

1. Subdivisions shall be so designed that length of flow for water in a gutter or roadside ditch does not exceed five hundred (500) feet, except as permitted by the Planning Board. Runs exceeding the maximum shall be connected to storm sewers or diverted to a natural drainageway.
2. All enclosed drainage courses shall be designed with sufficient grade to create a water flow velocity of three feet per second.
3. Water in gutters and ditches shall not be allowed to flow over intersecting roadways, but shall be placed in adequate culverts.
4. Suitable headwalls, endwalls, ditch seeding or sodding and other procedures or devices to prevent erosion shall be used.

Section 19 - Revegetation of Disturbed Soil Areas

A. Areas on which vegetation has been destroyed or removed, excluding areas proposed for road surfaces or shoulders, driveways, building sites or parking lots, shall be successfully revegetated or otherwise stabilized with structural measures to minimize the potential for soil erosion as soon as practicable.

B. Revegetation measures and efforts shall be evaluated by visual inspection, which shall include identification and measurement of the actual condition of new, healthy vegetation. Such evaluation shall be made not sooner than one hundred eighty (180) calendar days from the date of planting and not later than three hundred sixty (360) calendar days from the date of planting. Failure on the part of the Enforcement Officer to

make such evaluation and determination of compliance shall relieve the subdivider of any obligation under this Section.

- C. Corrective action shall be instituted and completed within the time specified by the Enforcement Officer upon determination of unsatisfactory compliance with this Section. In making any determination required by this Section, the Enforcement Officer shall consider significant rills, gullies, loss of mulch, loss of seed, or failure of seed germination as evidence of unsatisfactory compliance.
- D. Construction operations requiring revegetation of an aggregate area larger than twenty thousand (20,000) square feet shall be done in stages. Each stage shall consist of no more than twenty thousand (20,000) square feet of surface area. Each stage shall receive complete treatment for revegetation or mulching as if the stages were individual constructions.
- E. Upon completion of final grading of any area, revegetation operations shall begin within five (5) working days and shall be completed within ten (10) working days. In the event that more than five (5) working days shall elapse between any consecutive construction operations that materially disturb the soil, such areas shall be adequately mulched or otherwise stabilized with structural measures within five (5) working days of disturbance and shall be completed within ten (10) working days to minimize the potential for soil erosion.

Section 20 - Street Lights, Trees, Signs and Seeding

- A. Street lights shall be arranged for by the subdivider where appropriate, as determined by the Planning Board, and be of the type and at such interval as specified by the Board.
- B. Street trees are to be the responsibility of the subdivider. The Planning Board shall approve retention and preservation of existing trees and location and type of new trees.
- C. The area between the drainageway and the property line shall be seeded and otherwise improved by the subdivider and maintained by the owner.
- D. Street name signs shall be of the type and in the location determined by the Planning Board and shall be provided by agreement between the Planning Board and the applicant.

Section 21 - Public Sites and Open Space

- A. Where a proposed park, playground, school or other public use shown in the Village Plan, or desirable for use as same, is located in whole or in part in a subdivision, such area shall either be dedicated to the proper public agency, or it shall be reserved for acquisition by such agency within a specified period by purchase or other means and an agreement shall be entered into between the subdivider and the public agency regarding the time and method of acquisition, and the cost thereof.
- B. In the instance of a subdivision involving the creation of twenty-five (25) lots or more, the Planning Board shall, and in the instance of a subdivision of twenty-four (24) lots or less, the Planning Board may require up to ten (10) percent of the land area of such subdivision be reserved and improved for open space recreation purposes.
- C. If the Planning Board determines that suitable open space recreation area cannot be located in a given subdivision or it is otherwise not practical to do so, the Board may require as a condition to approval of any such plat, other or further conditions as may be authorized by law, including payment to the Village of an acceptable sum based on the size of the subdivision, the number of lots to be subdivided, and the value of the land in relationship to the ten (10) percent standard which might otherwise have been required for open space recreation purposes; which sum shall constitute a trust fund to be used exclusively for open space recreational purposes designed to serve such subdivision, including the improvement of existing facilities.

Section 22 - Monuments

- A. The tract boundary lines and the lines of all streets or roads shall be monumented with concrete, stone or iron monuments with monument caps.
- B. Individual properties shall be monumented with iron pins or pipe.
- C. The Planning Board may require that all such monuments be in place and capable of verification prior to the Planning Board Chairman recording his signature on the Final Plat.

ARTICLE IV - ADMINISTRATION AND ENFORCEMENT

Section 23 - Plat Approval

- A. No Class I subdivision as herein defined shall be developed, built upon or offered for sale nor shall any lot included in such subdivision be recorded with the County until a Final Plat has been approved, signed and filed in accord with these Regulations.
- B. Following approval of a Final Plat and before the Planning Board Chairman shall affix his signature to the Plat, the Village Attorney shall certify that:
1. Any required review by the N.Y.S. Department of Health, the Department of Environmental Conservation, the Adirondack Park Agency and the County Planning Board has been complied with and all requirements of any such review are adequately provided for.
 2. Offers of cession for dedicating streets, easements, rights-of-way and any sites for public use; agreements covering the improvement and maintenance of unceded public open spaces; and the conditions and limitations, if any, are satisfactory.
 3. Any protective covenants are in proper form for recording. A copy of the deed to be offered to prospective buyers shall be included as a part of the final plat information package.
 4. The required improvements have been completed or an acceptable security deposit satisfactory in form and sufficiency to the Village has been posted in lieu thereof in accordance with the provisions of Village Law.
 5. Any other data, such certificates, affidavits or other agreements as may be required in the administration and enforcement of these Regulations are satisfactory.
- C. Approval of the Final Plat shall not constitute acceptance by the Village Board of any offer of dedication without formal acceptance of such offer by the Village Board.
- D. If no substantial improvements have been accomplished in the approved subdivision within one year of the final approved date, then the approval shall become null and void except the

project sponsor may make application to the Planning Board for a one- (1) year extension.

Section 24 - Adjustments To An Approved Plat

- A. No changes, erasures, modifications or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless the said plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such subdivision plat is recorded without complying with this requirement, the same shall be considered null and void, and the Village shall institute proceedings to have the plat stricken from the records of the County Clerk.

- B. If at any time following approval and filing of a subdivision plat, it is demonstrated that unforeseen conditions make it necessary or desirable to modify the location or design of any required improvement or installation, the Planning Board may authorize such modification, provided it is within the spirit and intent of the original action and does not constitute a substantial departure from the approved and filed subdivision plat.

Section 25 - Waivers of Non-Applicability

- A. The Planning Board, upon application and in accord with any requirements they may establish, may authorize a waiver of non-applicability which shall release the applicant from compliance with these Regulations or a specified portion thereof for the specific action under consideration where such action is clearly not intended to be within the purview and Intent of these Regulations. The following shall be eligible for consideration of such waiver:
 - 1. The division of separate, noncontiguous and unrelated tracts of land held in one ownership.

 - 2. The division of property by bona fide testament, devise or court disposition.

 - 3. The division of property involving existing structures and installations, which do not permit the achievement of the standards and required improvements set forth in these Regulations.

4. The division of property into parcels of fifty (50) acres or more, not involving a new roadway or easement for access or any structure thereon, for open space recreation, woodland management or conservation purposes.

Section 26 - Amendments

- A. The Village Board may on its own motion, on petition or on recommendation of the Planning Board or Board of Appeals, amend the Regulations pursuant to the applicable requirements of law.
- B. All proposed amendments originating by petition, or by motion of the Village Board, shall be referred to the Planning Board for a report and a recommendation thereon. The Planning Board shall submit its report within thirty (30) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to constitute its recommendation for approval of the proposed amendment.
- C. Any proposed amendment governed by Section 239M or N of the General Municipal Law shall be referred to the Hamilton County Planning Board and, upon approval by the Adirondack Park Agency of the Village's local land use program, or the portion of such program embodied by these Regulations, any amendment will be referred to the Adirondack Park Agency in accord with the procedure identified under Section 28 below.
- D. Before any amendment, there shall be a public notice and hearing thereon as provided by law.
- E. After the public hearing, and referral to and report by the Planning Board, a majority vote of the members of the Village Board shall be required to amend these Regulations.

Section 27 - Public Hearings

- A. Public Hearing shall be required prior to action on any subdivision plat, amendment or variance considered under these Regulations.
- B. The Planning Board shall hold any public hearing in consideration of a subdivision plat in accordance with the applicable provisions of law and may at the discretion of the Board, hold a public hearing in consideration of any application for a waiver of non-applicability.
- C. The Board of Appeals shall hold any public hearing in consideration of a request for any variance in accordance with the applicable provisions of law. In addition, the Board of Appeals may, at its discretion, hold a public hearing in the

consideration of any other matter within its jurisdiction, including a request for interpretation.

- D. Public Notice of any required public hearing will be advertised in a newspaper of general circulation in the Village at least five (5) business days prior to the date of such hearing and shall specify the date, time, place and purpose of such hearing.
- E. The instrument of the Village responsible for calling any public hearing may require any applicant in an action necessitating public hearing to notify by certified mail or
- F. other acceptable means adjoining and other specifically designated property owners and persons of legitimate interest concerning the public hearing.
- G. The hearing shall be conducted in accord with the guidelines established by the presiding officer. Any person or party of interest may appear in person or by agent or attorney and shall be given an opportunity to be heard, as it is relevant to the proceeding.

Section 28 - Required Referrals

- A. Whenever any subdivision plat, amendment, or variance would apply to real property within a distance of five hundred (500) feet from any boundary line of a neighboring municipality or within five hundred (500) feet of any County or State property or right-of-way, said proposed subdivision plat, amendment or variance shall be referred to the Hamilton County Planning Board, which Board shall have thirty (30) days in which to report its recommendations to the Board from which it was referred. Failure of the County Planning Board to report within thirty (30) days may be construed to be approval by the County Planning Board. Notification of action taken on any matter previously referred to the County Planning Board will be given within seven (7) business days of such action.
- B. At such times as these Regulations may become part of an approved local land use program for the Village under the Adirondack Park Agency Act, any amendment or variance and all matters deemed to have a regional impact and classified as either Class 'A' or Class 'B' Regional Subdivisions shall be referred to the Adirondack Park Agency in accord with the provisions for the administration of an approved local land use program as set forth in Appendix 'E' of Part V of this Code. Until such time as these Regulations become part of an Adirondack Park Agency approved program, the Village will administer the Regulations as herein provided and will notify any applicant of the need to comply with all applicable requirements of the Adirondack Park Agency Act.

Section 29 - Enforcement and Violation

- A. Enforcement - These Regulations shall be enforced by a person hereinafter called the 'Enforcement Officer,' designated by the Village Board, who shall in no case grant any approval, Permit or Certificate where any proposed subdivision or development therein would be in violation of any provision of these Regulations. The Enforcement Officer shall establish such procedure and make such inspections of the premises as are necessary to carry out his duties in the administration and enforcement of these Regulations. Further, the Enforcement Officer shall prepare and submit a written record and report of all official actions, including Permits and Certificates issued and denied, to the Village Board on a monthly basis or as otherwise directed by the Village Board with copies transmitted to the Planning Board and Board of Appeals.
- B. Coordination With County - Upon enactment, these Regulations shall be filed with the Hamilton County Clerk and thereafter no real property deed or other instrument of property transfer will be accepted for filing with the County where such transfer was subject to and not in compliance with these Regulations.
- C. Citizen Complaint - Any resident, property owner or other person of legitimate interest may file with the Enforcement Officer a written, signed complaint against any alleged violation of these Regulations. It shall be the duty of the Enforcement Officer to investigate such alleged violation and to report thereon to the Village Board in a timely manner, which report shall be filed and be part of the public record of the Village.
- D. Notification and Correction - Any subdivision determined to have been created or improved which does not comply with these Regulations shall be so recorded by the Enforcement Officer and a report thereof filed with the Village Board. The Enforcement Officer, at the direction of the Village Board, shall give official written notice to this effect to the owner of record thereof. The owner shall initiate measures to correct such non-compliance within thirty (30) days from the date of notification. If within this thirty (30) day period application is not made to initiate a process for correction and if thereafter such correction is not pursued according to an agreed-upon timetable and to the satisfaction of the Village Board, the Village Board shall instruct the Village Attorney to institute proceedings to compel compliance and assess such penalties in accord with the provisions hereinafter set forth for the violation of these Regulations.
- E. Violations and Penalties - Shall be as follows:

1. Any person or persons who are responsible for any acts contrary to the provisions of these Regulations and who have not complied with the direction to remedy such noncompliance as provided for above, shall be guilty of a violation of these Regulations and upon conviction therefor, shall be subject to the penalty provided below.
2. Any owner, lessee, contractor, agent, partnership, corporation, association, or other person or persons who violate or cause to be violated any provisions of these Regulations shall, upon conviction for such violation, be subject to a fine not to exceed two hundred fifty (\$250) dollars, imprisonment not to exceed fifteen (15) days, or both, for each violation; and every week, seven (7) business days that said violation continues shall constitute a separate and additional instance of violation.
3. In addition to the above provided penalties and punishment, the Village Board may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with, or to restrain by injunction, the violation of these Regulations.

Section 30 - Appeal and Court Review

- A. Appeal - All appeals for relief from the application of these Regulations in matters of interpretation or request shall be directed to the Board of Appeals whose duties and procedure for consideration of appeal are as set forth in Appendix 'A' of Part V of this Code. Where the Board of Appeals finds that practical difficulty or unnecessary hardship may result from strict compliance with these Regulations, it may vary the Regulations so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of these Regulations or the Village Plan. In granting such variances, the Board of Appeals shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied.
- B. Court Review - Any person or persons, jointly or severally aggrieved by any decision of the Planning Board, Board of Appeals, Village Board or any official instrument of the Village in the administration of these Regulations may have the decision reviewed in the manner provided by Article Seventy-Eight of the Civil Practice Law and Rules, provided the proceeding is commenced within thirty (30) days after the filing of the decision in the appropriate office of the Village. Costs shall not be allowed against the Village unless it appear to the Court that the Village or its representatives acted with gross negligence or in bad faith or with malice in making the decision appealed from.

Section 31 - Interpretation and Effectuation

- A. Interpretation - Terms and words used herein are as defined in Appendix 'D' of Part V of this Code. In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements, adopted for the promotion of the public health, safety or the general welfare; and only where exceptional conditions warrant, which conditions shall be fully documented, shall the responsible instrument of the Village require such additional measures as are reasonable and appropriate under the circumstances to accomplish the purposes of these Regulations. Whenever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standard shall govern.
- B. Separability - The invalidity of any provision of these Regulations shall not invalidate any other provision thereof.
- C. Invalidity - No approval, Permit or Certificate authorized or granted by any official instrument of the Village in contradiction to the provisions of these Regulations shall vest any rights or interest to the recipient irrespective of any action taken or obligation incurred in reliance on such authorization, nor shall the Village be liable for same, under any such invalid authorization.
- D. Liability - Nothing in these Regulations, 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.
- E. Fees - A schedule of fees for the administration of these Regulations in consideration of an application for a Preliminary Plat, Final Plat, waiver, amendment or variance shall be as established by resolution of the Village Board.
- F. Effective Date; Repealer - The "VILLAGE OF SPECULATOR SUBDIVISION REGULATIONS" shall become effective at the time and in the manner provided by law and any existing Village ordinances, statutes, resolutions, regulations or laws in conflict with its provisions shall be deemed repealed upon the effective date of these Regulations.
- G. Continuation - Nothing herein, however, shall be deemed to exempt or release any prior or current subdivision from any requirements, stipulations or pending actions under any Village requirements in force and effect prior to the effective date of these Regulations.