

**LOCAL LAW #2 OF 2008  
SUBDIVISION LAW  
(Revised)**

**ARTICLE I**

**GENERAL PROVISIONS**

**SECTION 1.           AUTHORITY**

This Local Law is hereby adopted pursuant to the provisions of Section 10 of the Municipal Home Rule Law and Section 10 of the Statute of Local Governments. It is the intent of the Village Board pursuant to Section 10 of the Municipal Home Rule Law, to supersede any provisions of the Village Law which may be inconsistent herewith, including but not limited to §7-718(3) of the Village Law.

**SECTION 2.           JURISDICTION**

Land within the Village of Tannersville may be subdivided into lots, blocks, or sites, with or without roads or highways, only if approved by the Village Board in accordance with the procedures and requirements as set forth in these Regulations and in accordance with all local laws and ordinances of the Village of Tannersville and only if the approved plat is duly filed in the Office of the County Clerk of Greene County, New York. Construction, excavations, filling, grading, clearing of vegetation or other similar activities shall not begin within any area proposed or intended for subdivision until said subdivision plat shall have been approved, or conditionally approved by the Village Board.

**SECTION 3.           POLICY**

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

- A. That land to be subdivided shall be of such character that it can be used safely for building purposes without danger of health or peril from fire, flood, or other menace, and without resulting in significant and/or irreparable damage to the ecology of the area in which it is located;
- B. That proper provisions shall be made for surface drainage, water supply, sewage and other needed improvements;
- C. That all proposed lots shall be so laid out and of such size as to not cause any adverse effects, such as erosion, on neighboring properties or roadways;
- D. In order to facilitate fire protection, roads and/or right of ways shall have a minimum width (50 feet), grade and location so as to accommodate the prospective traffic. Roads shall also follow the natural contours of the land.
- E. Any Variances from Local Law must be obtained prior to the subdivision application being submitted.

**SECTION 4. AMENDMENTS**

This local law may be amended by the Village Board after public hearing relating to such amendments. Any proposed preliminary subdivision plat which has not received sketch plan approval prior to the effective date of any amendment to this local law, or any conditionally approved preliminary subdivision plat where an application for final plat approval has not yet been received within six (6) months of the date of conditional approval, will be required to fully comply with any amendment to this law.

**SECTION 5. WAIVERS**

Where the Village Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements or design features is not requisite in the interest of the public health, safety and general welfare or undo economic hardship or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Master Plan, Site Plan Review or any other local law or ordinance of the Village of Tannersville.

**SECTION 6. SEPARABILITY**

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

**SECTION 7. COMPLIANCE WITH STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)**

Notwithstanding any provisions of these subdivision regulations or any other laws or regulations to the contrary, the provisions and requirements of Article 8 of the Environmental Conservation Law, Sections 8-0113, Part 617, hereinafter referred to as "SEQR" regulations, shall be complied with.

**SECTION 8. EFFECTIVE DATE**

This local law shall take effect in accordance with the requirements of the New York State Municipal Home Rule Law.

## **ARTICLE II**

### **GENERAL SUBDIVISION APPROVAL PROCEDURES**

The definition of all capitalized terms is provided in the Definition Section of this local law.

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of or 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 or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

In considering applications for subdivision of land, the Village Board shall be guided by the standards set forth hereinafter. The said standards shall be considered to be minimum requirements and may be waived by the Board only under circumstances set forth in Article I, Section 5 herein.

In order to evaluate any proposed subdivision, members of the Village Board and its designees should have access to the site upon reasonable notice to and consent of the owner and such consent shall not be unreasonably withheld.

#### **SECTION 1. SKETCH PLAN**

##### **A. Submission of Sketch Plan**

Any owner of land shall, prior to subdividing or resubdividing land, submit to the Clerk of the Village Board at least ten (10) days prior to a regular meeting of the Board two copies of a Sketch Plan of the proposed subdivision for the purposes of classification and preliminary discussion at said meeting.

##### **B. Sketch Plan Requirements**

The sketch plan initially submitted to the Village Board shall be based on tax map information or some other similarly accurate base map at a scale, preferably not less than 200 feet to the inch, to enable the entire tract to be shown on one sheet. The Sketch Plan shall be submitted, showing the following information:

1. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing road intersection.
2. All existing structures, wooded areas, streams, wetlands, and other significant physical features, within the portion to be subdivided and within 200 feet thereof. Where topographic conditions are significant, contours shall also be indicated at intervals of not more than twenty (20) feet.
3. The name of the owner, the name of the professional person(s) responsible for the subdivision design, and the names of all contiguous land owners, owners across the street/ roadway or driveway and others the Village Board may deem appropriate, and as disclosed by the most recent municipal tax records. In the event the owner is a corporation, LLC or other similar entity, the names and addresses of all individuals with greater than a 5% interest in such entity.
4. The proposed subdivision name, the tax map sheet, block and lot numbers, scale, north arrow and acreage involved.

5. All the utilities currently available, including any existing or proposed easements, and all roads which are either proposed, mapped, or built.
6. The proposed pattern of lots (including lot width, depth, and acreage), road layout, recreation areas, system of drainage, sewerage and water supply within the subdivided area.
7. All existing restrictions on the use of land including easements or covenants.

C. Discussion of Sketch Plan and Classification

The subdivider, or his duly authorized representative, shall attend the meeting of the Village Board to discuss the requirements as outlined in B above.

The Village Board shall determine whether the Sketch Plan meets the purpose of these regulations and shall, where it deems it necessary, make specific recommendations to be incorporated by the applicant in the next submission to the Village Board.

Classification of the Sketch Plan is to be made at this time by the Village Board as to whether it is a Minor or Major Subdivision as defined in these regulations. The Board may require, however, when it deems it necessary for protection of the public health, safety and welfare, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions. If the Sketch Plan is classified as a Minor Subdivision, the subdivider shall then comply with the procedure outlined in Article III, Sections 1 through 6 of these regulations. If it is classified as a Major Subdivision, the subdivider shall then comply with the procedures outlined in Article IV, Sections 1 through 6.

D. State Environmental Quality Review (SEQR) Determination

After reviewing the Sketch Plan, the Village Board will have the subdivider complete a preliminary SEQR document. This document is either an Environmental Assessment Short Form or an Environmental Assessment Long Form. General guidelines to decide which document should be completed are:

1. Environmental Assessment Short Form – Use if the subdivision is less than ten lots and if no unusual environmental circumstances exist such as freshwater wetlands, agricultural districts, sites which are on or eligible to be on the National Register of Historical Places, and land adjacent to public lands.
2. Environmental Assessment Long Form – Use if the subdivision involves more than ten lots or has special environmental concerns. These special environmental concerns include the examples mentioned above and any other concerns that the Village Board considers special.

## **ARTICLE III**

### **MINOR SUBDIVISION**

#### **SECTION 1. MINOR SUBDIVISION PLAT**

##### **A. Requirements**

###### **Water and Sewer**

Prior to applying for a building permit:

1. All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the State Department of Health, Department of Environmental Protection and Department of Environmental Conservation if applicable. If individual septic systems are proposed, soil percolation tests shall be performed for each proposed building lot.
2. If sewer and water service to the parcels is proposed to be accomplished with connection to the Village municipal systems, the applicant shall present designed plans for such connection from a licensed engineer. The Applicant must adhere to the requirements set forth in the Village Water and Sewer Use Laws, respectively.

In addition to the data set forth in the Sketch Plan, the Subdivision Plat application shall include the following:

1. A copy of such covenants or deed restrictions as is intended to cover all or part of the tract.
2. A completed Environmental Assessment Form or Draft Environmental Impact Statement, as required by the Village Board under the NYS Environmental Quality Review Act (SEQR).

##### **B. Filing the Plat with the County Clerk**

The Plat to be filed with the County Clerk shall be printed or be clearly drawn in ink on Mylar. The size of the sheet shall be 24 by 36 inches or otherwise required by the County Clerk.

#### **SECTION 2. APPROVAL OF MINOR SUBDIVISION PLAT**

##### **A. Application Requirements**

Within six months after classification of the Sketch Plan as a Minor Subdivision by the Village Board, the subdivider shall submit an application for approval of a Minor Subdivision Plat using the application available from the Clerk of the Village Board. Failure to submit an application within this time period shall require resubmission of the Sketch Plan to the Village Board for reclassification. The Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Village Board.

1. Fee – All fees applicable to subdivision approvals in the Village of Tannersville shall be set by resolution of the Village Board as it from time to time deems appropriate.

2. Number of Copies – At least five (5) copies of the Minor Subdivision Plat shall be presented to the Clerk of the Village Board. A greater number may be required in the event the County Clerk requires same for filing.
3. Official Submission Date – The time of submission of the Subdivision Plat shall be considered to be the date of the next regular meeting of the Village Board, after the acceptance by the clerk of the Village Board of the application for plat approval complete and accompanied by all required fees and data.
4. Village Board Meeting – The subdivider, or his duly authorized representative, shall attend the meeting of the Village Board at which the Minor Subdivision Plat is to be considered.

B. Public Hearing

A public hearing shall be held by the Village Board within sixty-two (62) days from the official submission date of the Minor Subdivision Plat. Said hearing shall be advertised in a newspaper of general circulation in the Village at least (5) days before such hearing and notice of such hearing shall be given by certified mail to all contiguous land owners, owners across the street/ roadway or driveway and others the village board may deem appropriate of any perimeter boundary of the subdivision with receipts indicating mailing of the notice at least ten (10) days prior to the Public Hearing

C. Action on Minor Subdivision Plat

The Village Board shall, within sixty-two (62) days from the date of the Public Hearing, approve, modify and approve, or disapprove the Subdivision Plat. Failure of the Village Board to act within such time period shall constitute approval of the plat. The Board may extend such period upon good cause shown or upon consent or request of the subdivider.

### **SECTION 3. FILING OF APPROVED MINOR SUBDIVISION PLAT**

A. Final Approval and Filing

Upon completion of the requirements in Section 2 above and notation to that effect upon the Subdivision Plat shall be deemed to have final approval and shall be properly signed by the duly authorized officer of the Village Board and shall be filed by the subdivider in the Office of the County Clerk. And Subdivision Plat not so filed or recorded within thirty (30) days of the date upon which such Plat is approved (or considered approved by reason of the failure of the Village Board to act), shall become null and void. However, in the event the subdivider or applicant shall apply to the Board within one (1) year of the approval, for re-approval of the plat, the Board may authorize the Mayor to restamp the plat if there are no changes to plat or the project site.

- B. The mylar subdivision plat and copies shall state in clear 12 point or larger type: "Subdivision Approval does not authorize the construction or design of water and sewage service and hookup to the premises. Permits for water and sewage are discretionary approvals that may or may not be granted."

C. Plat Void if Revised After Approval

No changes, erasures, modifications or revisions shall be made in any Subdivision Plat after approval has been given by the Village Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the Village 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

Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

D. Approval Denied if Subdivider is in Default

No Subdivision Plat shall be approved by the Village Board as long as the subdivider is in default on a previously approved Plat.

## **SECTION 4. REQUIRED IMPROVEMENTS**

A. Costs of Improvements

Before the Village Board grants final approval of a Subdivision Plat which contemplates that improvements will be made as a condition of such approval, the subdivider shall follow the procedure set forth in either sub-paragraph (1) or sub-paragraph (2) below:

1. In an amount set by the Village Board the subdivider shall either file with the Village Clerk a certified check to cover the full cost of the required improvements or the subdivider shall file with the Village Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of the Village Law and further shall be satisfactory to the Village Board and Village Attorney as to form, sufficiency, manner of execution and surety. A period of one year (or such other as the Village Board may determine appropriate not to exceed three years) shall be set forth in the bond within which required improvements must be completed.
2. The subdivider shall complete all required improvements to the satisfaction of the Licensed Engineer who shall be retained by the Village at the expense of the subdivider and who shall file with the Village Board a letter signifying the satisfactory completion of all improvements required by the Village Board. For any required improvements not so completed, the subdivider shall file with the Village Clerk a certified check or a performance bond covering the costs of such improvements and the cost of satisfactorily installing any improvement not yet approved by the licensed engineer. Any performance bond shall be satisfactory to the Village Board and Village Attorney as to form, sufficiency, manner of execution and surety.

B. Map of Improvements

The required improvements shall not be considered to be complete until the installation of the improvements has been approved by the Licensed Engineer and a map has been submitted showing all the completed improvements including the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to Article III, Section 4A, Subparagraph (2), the map shall be submitted prior to endorsement of the plat by the Village Board. If the subdivider elects to provide a bond or certified check for all required improvements as specified in Article III, Section 4, Subparagraph 1, such bond shall not be released until such a map is submitted.

C. Modification of Design of Improvements

If at any time before the construction of the required improvements it is demonstrated to the satisfaction of the Licensed Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the licensed Engineer may, upon approval by the Village Board, authorize modifications provided these modifications are within the spirit and intent of the Village Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Licensed Engineer shall issue any

authorization under this Section in writing and shall transmit a copy of such authorization to the Village Board at its next regular meeting.

D. Inspection of Improvements

At least five (5) days prior to commencing construction of any required improvements the subdivider shall pay to the Village Clerk the inspection fee required by the Village Board and shall notify the Village board in writing of the time when he proposes to commence construction of such improvements so that the Village Board may cause inspection to be made by the Licensed Engineer to assure that all Village specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Village Board. At this time, the subdivider shall pay to the Village Clerk the required inspection fee plus any additional amount deemed necessary to cover all costs incurred through inspection.

In the case where roads are to be constructed as part of a subdivision, a minimum of four inspections shall be undertaken by the Licensed Engineer:

1. Prior to commencement of construction
2. After cutting and filling and prior to installation of sub grade
3. Subsequent to installation of sub grade and before application of topcoat
4. Upon installation of topcoat or final pavement

E. Proper Installation of Improvements

If the Licensed Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Village Board, Building Inspector, and Village Board. The Village Board then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Village's rights under the bond.

## **SECTION 5. NO IMPLIED ACCEPTANCE OF ROADS AND RECREATION AREAS**

A. Public Acceptance of Roads

The approval by the Village Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any Acceptance by the Village of any street, easement, or other open space shown on such Subdivision Plat.

B. Ownership and Maintenance of Recreation Areas

When a park, playground, or other recreation area shall have been shown on a Plat, the approval of said Plat shall not constitute an Acceptance by the Village of such area. The Village Board shall require the Plat to be endorsed with appropriate notes to this effect. The Village Board may also require the filing of a written agreement between the applicant and the Village Board covering future deed and title, dedication, and provision the cost of grading, development, equipment, and maintenance of any such recreation area.

## **ARTICLE IV**

### **MAJOR SUBDIVISION**

#### **SECTION 1. PRELIMINARY PLAT**

Five copies of the Major Subdivision Preliminary Plat shall be submitted at a scale of not more than one hundred (100) but preferably not less than fifty (50) feet to the inch. The Plat shall be clearly marked "Major Subdivision Preliminary Plat."

##### **A. Requirements**

In addition to the data in the Sketch Plan, the Preliminary Plat application shall include the following:

1. Proposed subdivision name, name of Village and County in which it is located, date, north point, scale, name and address of record owner, subdivider and Engineer or surveyor including license number and seal.
2. The name of all subdivisions immediately adjacent and the names of the owners of record of all property adjacent to the subdivision and within five hundred (500) feet of any perimeter boundary.
3. Offers of cession of all land to be offered for dedication for roads, highways, easements, parks or other public facilities.
4. The location of all existing property lines, easements, structures, water bodies, watercourses, wetlands, flood hazard areas, rock outcrops, wooded areas and any other significant existing features that may influence the design of the proposed subdivision.
5. Accurate topographic mapping at a vertical contour interval of ten (10) feet or less as required by the Village Board.
6. Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades, direction of flow and existing easements.
7. The width, location and names of any roads or public ways or places within the area to be subdivided and the right-of-way width, location grades, and proposed easements of all roads or public ways proposed by the developer.
8. Approximate location and size of all proposed water lines and sewer lines or alternative means of water supply or sewage disposal and treatment, including sites for on-site systems as provided in the Public Health Law. Fire hydrants shall be shown and constructed not more than one every 200 feet on each road within the subdivision. If individual septic systems are proposed, soil percolation tests shall be performed for each proposed building lot. The results of these soil tests shall accompany the Major Subdivision Preliminary Plat.
9. If sewer and water service to the parcels is proposed to be accomplished with connection to the Village municipal systems, the applicant shall present designed plans for such connection from a licensed engineer. The Applicant must adhere to the requirements set forth in the Village Water and Sewer Use Laws, respectively.

10. Storm drainage plan indicating the approximate location and size of proposed lines, their profiles and connection to existing and proposed drainage easements. Temporary measures to control erosion during construction phase shall also be shown.
11. Plans and cross-sections showing the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits.
12. Preliminary designs of any bridges or culverts which may be required.
13. The proposed lot lines with approximate dimensions and area of each lot and the total acreage of the subdivision.
14. Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the Preliminary Plat shall show the boundaries of proposed permanent easement over or under private property, which permanent easements shall not be less than twenty (20) feet in width and which shall provide satisfactory access to an existing public road or other public road or public open space shown on the subdivision.
15. An actual field survey of the boundary lines of the parcel, giving complete descriptive data by bearings and distances, prepared and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Licensed Engineer and shall be referenced and shown on the Plat.
16. If the proposed subdivision covers only a part of the subdivider's entire holding, a map of the entire tract drawn at a scale of not less than 400 feet to the inch showing an outline of the platted area with its proposed roads and indication of the probable future road system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract shall be submitted. The part of the subdivider's holding submitted shall be considered in light of the entire holdings.

B. Covenants and Deed Restrictions

A copy of such covenants or deed restrictions that are intended to cover any lot in all or part of the tract shall be submitted along with the preliminary plat.

E. SEQR Documents

A completed Environmental Assessment Form or Draft Environmental Impact Statement, as required by the Village Board under the NYS Environmental Quality Review Act (SEQR) shall be submitted along with the preliminary plat.

## **SECTION 2. MAJOR SUBDIVISION FINAL PLAT**

A. Plat Requirements

The Plat to be filed with the County Clerk shall be printed on or be clearly drawn in ink on Mylar. The size of the sheets shall be 24 inches by 36 inches, including a margin for binding of two inches, outside of the border, along the left side and a margin of one inch outside of the border along the remaining sides or in dimensions otherwise required by the County Clerk. The plat shall be drawn at a scale no smaller than 100 feet to the inch and oriented with the north point at the top of the map. When more than one sheet is

required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.

#### B. Additional Data Required

In addition to the data on the Sketch Plan and the Preliminary Plat, the Final Plat shall include the following:

1. Proposed subdivision name or identifying title, the name of the Village and County in which the subdivision is located, the name and address of record owner and subdivider and the name, license number and seal of the licensed land surveyor.
2. Road lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
3. Sufficient data acceptable to a Licensed Engineer to determine readily the location, bearing and length of every road line, lot line, boundary line and to reproduce such lines upon the ground. Where applicable, these should be references to monuments included in the State system of plane coordinates, and in any event should be tied to reference points previously established by a public authority.
4. The length and bearing of all straight lines, rod length of curves and central angles of all curves and tangent bearings shall be given for each road. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The Plat shall show the boundaries of the property, location, graphic scale and true north point.
5. Public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the Subdivision Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.
6. Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Village practice.

#### C. Covenants and Deed Restrictions

All offers of cession and covenants governing the maintenance of unceded open space bearing a certificate of approval as to their legal sufficiency by an attorney representing the Village shall be submitted with the Plat.

#### D. Construction Drawings

Construction drawings, including plans, profiles typical cross-sections as required showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements, sub-base, manholes, catch basins and other facilities shall be submitted.

#### E. Requirements for Monuments and Corner Markers

1. Monuments of a type approved by the Licensed Engineer shall be set at all corner and angle points of the boundaries of the original tract to be subdivided and at all road intersections, angle points in road lines, points of curve and such intermediate points as shall be required by the Licensed Engineer.
2. All lot corner markers shall be permanently located satisfactorily to the Licensed Engineer and located in the ground to existing grade.

## **SECTION 3. APPROVAL OF MAJOR SUBDIVISION PLAT**

### **A. Major Subdivision Preliminary Plat**

#### **1. Application Requirements**

Prior to the filing of an application for final approval of a Major Subdivision Plat, the subdivider shall file an application for approval of a Major Subdivision Preliminary Plat using the application form available from the Clerk of the Village Board. Such Preliminary Plat shall be clearly marked "Preliminary Plat" and shall, in all respects, comply with the requirements set forth in the provisions Village Law and Article IV, Section 3 of these regulations, except where a waiver may be specifically authorized by the Village Board.

- a) Fee – All fees applicable to subdivision approvals in the Village of Tannersville shall be set by resolution of the Village Board as it from time to time deems appropriate.
- b) Number of Copies – Five (5) copies of the Major Subdivision Preliminary Plat shall be presented to the Clerk of the Village Board, one copy of which will be sent to the New York City Department of Environmental Protection for their review prior to final approval with a request for their reply before the date of the Public Hearing.
- c) Official Submission Date – The time of submission of the Major Subdivision Preliminary Plat shall be considered to be the date of the next regular Meeting of the Village Board after the acceptance by the Clerk of the Village Board of the application for Plat approval, complete and accompanied by all required fees and data.

#### **2. Major Subdivision Preliminary Plat Review**

The Village Board shall study the practicability of the Major Subdivision Preliminary Plat taking into consideration the requirements of the community and the character of the land being subdivided. Particular attention shall be given to the arrangement, location and width of roads, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes, arrangement and the future development of adjoining lands as yet unsubdivided and the requirements of the Master Plan and Zoning Ordinance.

The subdivider or his duly authorized representative shall attend the Village Board meeting to provide and/or obtain additional reasonably relevant evidence or information related to the Major Subdivision Preliminary Plat. The Village Board may require that other Village officials including, but not limited to, the Highway Superintendent, Fire Chief and Building Inspector, review and comment on the Major Subdivision Preliminary Plat. If other Village officials are to participate in the review, the Clerk of the Village Board will provide a copy of the Major Subdivision Preliminary Plat to such officials. Comments from any other Village officials should be submitted to the Village Board prior to the scheduled public hearing.

#### **3. Public Hearing**

Within sixty-two (62) days after the official submission date of a Major Subdivision Preliminary Plat, the Village Board shall hold a public hearing, which hearing shall be advertised at least once in a newspaper of general circulation in the Village at least five (5) days before such hearing. The subdivider or his duly authorized representative shall attend the Public Hearing and shall give notice of such Hearing, by certified mail, to all contiguous land owners, owners across the street, roadway or

driveway and others the Village Board may deem appropriate of a perimeter boundary of such subdivision, with receipts indicating mailing of the notice at least five (5) days prior to the Public Hearing.

#### 4. Action on Major Subdivision Preliminary Plat

Within sixty-two (62) days after the date of such hearing, the Village Board shall approve with or without modification or disapprove the Major Subdivision Preliminary Plat and the grounds for modification, if any, or the grounds for disapproval shall be stated upon the records of the Village Board. The time in which the Village Board must take action on the plat may be extended by mutual consent of the subdivider and the Village Board. When approving the plat, the Village Board shall state in writing any modifications it deems necessary for submission of the plat in final form. Within five (5) days of the approval of such Major Subdivision Preliminary Plat, the Clerk of the Village Board shall certify that the plat has been granted preliminary approval. A copy will be retained in the Clerk's office, a certified copy will be mailed to the owner and a copy will be forwarded to the Village Board. Failure of the Village Board to act within such sixty-two (62) day period shall constitute approval of the Major Subdivision Preliminary Plats.

When granting approval to a Major Subdivision Preliminary Plat, the Village Board shall state the conditions of such approval, if any, with respect to (1) modifications to the Major Subdivision Preliminary Plat, (2) the character and extent of waivers of required improvements which the Village Board has agreed to waive without jeopardy to the public health, safety, morals, and general welfare, (3) the amount of improvements or the amount of all bonds therefore which will be required for approval of the Major Subdivision Plat. Approval of a Major Subdivision Preliminary Plat shall not constitute approval of the Major Subdivision Plat. Rather, it shall be deemed an expression of approval of the design submitted and as a guide to the preparation of the Final Plat. Prior to approval of the Major Subdivision Plat, the Village Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at a public hearing.

#### B. Major Subdivision Final Plat

##### 1. Application Requirements

The subdivider shall, within six months after the approval of the Major Subdivision Preliminary Plat, file with the Village Board an application for approval of the Major Subdivision Plat in final form, using the application form available from the Clerk of the Village Board. If the Major Subdivision Plat is not submitted within six months after the approval of the Major Subdivision Preliminary Plat, the Village Board may refuse to approve the Major Subdivision Plat and require re-submission of the Major Subdivision Plat.

- a) Fee – All fees applicable to subdivision approvals in the Village of Tannersville shall be set by resolution of the Village Board as it from time to time deems appropriate.
- b) Number of Copies – Three copies (one copy in ink on Mylar) of the Major Subdivision Plat, the original and one true copy of all offers of cession, covenants, and agreements and two prints of all construction drawings shall be presented to the Clerk of the Village Board at the time of submission of the Major Subdivision Plat.
- c) Official Submission Date – The time of submission of the Major Subdivision

Plat shall be considered to be the date of the next regular meeting of the Village Board after the acceptance by the Clerk of the Village Board of the application for final Plat approval, complete and accompanied by all required fees and data.

2. Endorsement of Other Agencies

Water and sewer facility proposals contained in the Major Subdivision Plat shall be properly endorsed and approved by the New York State Department of Health and the New York City Department of Environmental Protection if required. Applications for approval of plans for sewer or water facilities shall be filed by the subdivider with all necessary Village, County and State Agencies. Endorsement and approval by the New York State Department of Health and the New York City Department of Environmental Protection, when necessary, shall be secured by the subdivider before official submission of the Subdivision Plat.

3. Public Hearing

Within sixty-two (62) days of the submission of a Major Subdivision Plat for approval a hearing shall be held by the Village Board. The hearing shall be advertised and notice given to neighbors in accordance with the procedures set forth above in Preliminary Plat Review.

However, the Village Board may waive the requirement for such public hearing when the Village Board deems the Major Subdivision Plat to be in substantial agreement with the Major Subdivision Preliminary Plat approved under Section 3A of the Article or, if such Major Subdivision Preliminary Plat has been approved with modification, when the Village Board determines that the plat has been modified in accordance with the requirements of such approval.

4. Action on Major Subdivision Final Plat

The Village Board shall, by resolution, approve with or without conditions or modifications or conditionally approved and authorize the signing of the Major Subdivision Plat, or the Village Board may disapprove said Plat within sixty-two (62) days of its official submission date if no hearing is held, or if a hearing is held, within sixty-two (62) days after the date of such hearing. This time may be extended by mutual consent of the subdivider and the Village Board. Failure to take action on a Major Subdivision Plat within this time shall be deemed approval of the Plat.

Upon the Village Board's conditional approval by resolution of such a Major Subdivision Plat, the Village Board shall empower a duly authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution. Within five (5) days of the adoption of such resolution the plat shall be certified by the Clerk of the Village Board as conditionally approved and a copy filed in his/her office and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved Major Subdivision Plat. Conditional approval of a Major Subdivision 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 Village Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted under the circumstances, for not to exceed two additional periods of ninety (90) days each.

## **SECTION 4. FILING OF APPROVED MAJOR SUBDIVISION FINAL PLAT**

### **A. Final Approval and Filing**

Upon completion of the requirements in Section 3 above and notation to that effect, upon the Subdivision Plat, the Subdivision Plat shall be deemed to have final approval and shall be properly signed by the duly authorized officer of the Village Board and shall be filed by the subdivider in the Office of the County Clerk. Any Subdivision Plat not so filed or recorded within thirty (30) days of the date upon which such Plat was approved (or considered approved by reasons of the failure of the Village Board to act), shall become null and void.

### **B. Plat Void if Revised After Approval**

No changes, erasures, modifications or other revisions shall be made in any Subdivision Plat after approval has been given by the Village Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the Village 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 upon learning of such revisions the Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

### **C. Approval Denied if Subdivider is in Default**

No Subdivision Plat shall be approved by the Village Board as long as the subdivider is in default on a previously approved Plat.

## **SECTION 5. REQUIRED IMPROVEMENTS**

### **A. Conditions of Approval**

Before the Village Board grants final approval of a Subdivision Plat, which contemplates that improvements will be made as a condition of such approval, the subdivider shall follow the procedure set forth in either subparagraph 1 or subparagraph 2 below:

1. In an amount set by the Village Board the subdivider shall either file with the Village Clerk a certified check to cover the full cost of the required improvements or the subdivider shall file with the Village Clerk a Performance Bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Section 7-730 of the Village Law and further, shall be satisfactory to the Village Board and Village Attorney as to form, sufficiency, manner of execution and surety. A period of one year (or such other time period as the Village Board may determine appropriate, not to exceed three (3) years) shall be set forth in the bond within which time required improvements must be completed. Bonds may be renewed upon the consent of all parties.
2. The subdivider shall complete all required improvements to the satisfaction of the Licensed Engineer who shall be retained by the Village at the expense of the subdivider and who shall file with the Village Board a letter signifying the satisfactory completion of all improvements required by the Village Board. For any required improvements not so completed, the subdivider shall file with the Village Clerk a certified check or a performance bond covering the costs of such improvements and the cost of satisfactorily installing any improvement not yet approved by the Licensed Engineer. Any performance bond shall be satisfactory to the Village Board and Village Attorney as to form, sufficiency, manner of execution and surety.

### **B. Map of Improvements**

The required improvements shall not be considered to be complete until the installation of the improvements has been approved by the Licensed Engineer and a map satisfactory to the Village Board has been submitted showing all the complete improvements including location of monuments marking all underground utilities as actually installed. If the subdivider completed all required improvements according to Section 5A Subparagraph 2, the map shall be submitted prior to endorsement of the plat by the Village Board. If the subdivider elects to provide a bond or certified check for all required improvements as specified in Section 5A, Subparagraph 1, such bond shall not be released until such a map is submitted.

C. Modification of Design of Improvements

If at any time before the construction of the required improvements it is demonstrated to the satisfaction of the Licensed Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Licensed Engineer may, upon approval by the Village Board, authorize modifications provided these modifications are within the spirit and intent of the Village Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Licensed Engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Village Board at its next regular meeting.

D. Inspection of Improvements

At least five (5) days prior to commencing construction of any required improvements the subdivider shall pay to the Village Clerk the inspection fee required by the Village Board and shall notify the Village Board in writing of the time when he proposes to commence construction of such improvements so that the Village Board may cause inspection to be made by the Licensed Engineer to assure that all Village specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities required by the Village Board. At this time, the subdivider shall pay to the Village Clerk the required inspection fee plus any additional amount deemed necessary to cover all costs incurred in connection with the inspection. In case where roads are to be constructed as part of a subdivision, a minimum of three inspections shall be undertaken by the Licensed Engineer:

1. Prior to commencement of construction
2. After cutting and filling and prior to installation of the roadbed
3. Upon installation of the topcoat or final pavement.

E. Proper Installation of Improvements

If the Licensed Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Village Board and Building Inspector. The Village Board then shall notify the subdivider and, if necessary, the bonding company and take all necessary steps to preserve the Village's rights under the bond.

## **SECTION 6. NO IMPLIED ACCEPTANCE OF ROADS AND RECREATION AREAS**

A. Public Acceptance of Roads

The approval by the Village Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any Acceptance by the Village of any street, easement or other open space shown on such subdivision Plat.

**B. Ownership and Maintenance of Recreation Areas**

When a park, playground or other recreation area shall have been shown on a plat, the approval of said plat shall not constitute an Acceptance by the Village of such area. The Village Board may also require the filing of a written agreement between the applicant and the Village Board covering future deed and title, dedication, and provision for the cost of grading, development equipment and maintenance of any such recreation area.

## **ARTICLE V**

### **WAIVERS**

#### **SECTION 1. INTENT**

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these regulations, the Village Board, in the process of acting upon a proposed subdivision application, shall have the power to grant waivers relating to the requirements herein.

#### **SECTION 2. PROCEDURE**

If the applicant is seeking a waiver in order to approve either a minor or major subdivision, the applicant shall include in his application in what manner the proposed subdivision will be in violation of the Subdivision Local Law and why the applicant should be granted the waiver. The applicant must show that practical difficulties or unnecessary hardships exist, which are not a result of his own actions.

When a waiver is under consideration by the Village Board in the course of its review of the entire subdivision application, the required notice to property owners and publication in the newspaper of the Public Hearing shall include reference to said waiver.

#### **SECTION 3. APPEALS**

The applicant or any adjoining landowner contiguous to or across the road from the proposed subdivision may Appeal the decision of the Village Board to the Village Board of Appeals regarding a waiver to the Village Board. Notice of the Appeal must be filed with the Village Clerk within ten (10) days after the decision of the Village Board. The Village Board of Appeals shall then hear and decide the Appeal at the next following regular Village Board of Appeals meeting unless such regular meeting is within three (3) days of the Village Board decision in which case the Appeal shall be decided at the second following regular Village Board of Appeals meeting.

**ARTICLE VI  
GENERAL REQUIREMENTS & DESIGN STANDARDS**

**SECTION 1. GENERAL**

A. Character of Land

Land to be subdivided shall be of such character that it can be used safely for Building purposes without danger to health or peril from fire, flood or other menace. Flag Lots shall be allowed only upon the conditions specified in Section 4. H, hereinafter.

B. Compliance with State Environmental Quality Review Act (SEQR)

Notwithstanding any provisions of these Subdivision Regulations or any other laws or regulations to the contrary, the provisions and requirements of Article 8 of the Environmental Conservation Law, Section 8-0113, Part 617, hereinafter referred to as "SEQR" Regulations, shall be complied with beginning at the Sketch Plan stage.

C. Specifications for Required Improvements

All required improvements shall be constructed or installed to conform to the Village specifications and/or to the satisfaction of the Licensed Engineer.

**SECTION 2. ROAD LAYOUT**

The road layout standards included in this section shall be applicable to all roads providing vehicle access to subdivision lots, whether or not they are being dedicated to the Village.

A. Width, Location and Construction

Roads shall be of sufficient width, suitably located and adequately constructed to conform with the Village Comprehensive Plan and to accommodate the prospective traffic and afford access for fire fighting, snow removal and other road maintenance equipment. The arrangement of roads shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.

B. Arrangement

The arrangement of roads in a subdivision shall provide for the continuation of principal roads of adjoining subdivisions and for proper projection of roads into adjoining properties which are not yet subdivided. Such arrangements shall make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. In the event that topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

C. Provision for Future Resubdivision

Where a tract is subdivided into large lots, the Village Board may require that roads and lots be laid out to permit future resubdivision in accordance with the requirements contained in these regulations.

D. Dead-End Roads

The creation of dead-end or loop residential roads will be allowed wherever the Village Board finds that such type of development will not interfere with normal traffic circulation

in the area. In the case of dead-end streets, where needed or desirable, the Village Board may require the reservation of a twenty (20) foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street. Subdivisions containing twenty (20) lots or more shall have at least two street connections with existing public streets, or streets shown on the Official Map, if such exists, or streets on an approved Subdivision Plat for which a bond has been filed.

E. Relation to Topography

The road plan of a proposed subdivision shall bear a logical relationship to the topography of the property and all roads shall be arranged so as to locate as many of the building sites as possible at or above the grade of the roads. Grades of roads shall conform as closely as possible to the original topography.

F. Road Names & Signs

All road names shown on any plat shall be approved by the Village Board. Generally, roads shall have names and not numbers or letters. A road which is a continuation of an existing road shall bear the same name. The subdivider shall provide and erect road signs following approval thereof by the Village Highway Superintendent or other person designated by the Village Board.

### **SECTION 3. ROAD DESIGN AND CONSTRUCTION**

A. Construction Specifications

Roads shall be constructed according to the Minimum Road Standards specified in the Village of Tannersville ordinance entitled "Standard for Dedication of Village Roads" dated May 1, 1973.

B. Widths of Right-of-Way

Roads shall have a minimum right-of-way of fifty (50) feet and shall have a minimum pavement width of twenty-four (24) feet.

C. Utilities in Roads

The Village Board shall, wherever possible, require that utilities be placed in the right-of-way between the paved roadway and road line to simplify location and repair of lines when they require attention. Should the primary service line be underground, the subdivider shall install underground service connections from the primary line to the property line of each lot before the road is paved.

D. Utility Easements

Where topography is such as to make impractical the inclusion of utilities within the rights-of-way, perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to the road. Wherever possible, easements shall be continuous from lot to lot and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

F. Grades

**Roads**

Grades of all roads shall conform in general to the terrain and in no case shall grades of side roads ingressing or egressing to and from thru-roads be greater than four percent (4%) within fifty feet (50') of the edge of the thru-road pavement.

In no case shall grades of the roads be less than one per cent (1%) or greater than ten percent (10%).

#### Driveways

In no case shall grades of driveways be more than six percent (6%) within thirty feet (30') of their ingress/egress onto a road.

Maximum and Minimum specifications are subject to modification upon the approval of the Village Highway Superintendent and the Village Highway Committee.

All changes in grade shall be vertical curves of such length and radius as meet with the approval of the Licensed Engineer so that clear visibility shall provide for safe distance. A combination of steep grades and curves shall be avoided.

#### G. Curves

All road right-of-way lines at intersections shall be rounded by curves of at least twenty (20) feet radius.

#### H. Intersections

In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new road with an existing road) which is shown on the sketch above shall be cleared of all growth (except isolated trees) and obstructions three feet higher than the center line of the road. If directed, ground shall be excavated to achieve visibility. Visibility at the intersection of a driveway and road shall also be required to conform to the same safety requirements. In general, all roads shall intersect so that for a distance of at least one hundred (100) feet the road is approximately at right angles to the road it joins.

#### I. Dead-End roads (Cul-De-Sacs)

Where dead-end roads are designed to be so permanently, they shall terminate in a circular turn-around having a minimum right-of-way radius of sixty (60) feet and pavement radius of fifty (50) feet. The Village Board may require, where needed or desirable along a dead-end-road, reservation of a fifty (50) foot wide easement to the subdivision boundary to provide for the continuation of the road and/or pedestrian traffic, utilities and drainage facility to the next road.

#### J. Watercourses

Where a watercourse separates a proposed road from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Licensed Engineer.

Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required by the Licensed Engineer, in no case less than twenty (20) feet in width. All such easements or rights-of-way shall be subject to Article III, Sections 4 and 5 and Article IV, Sections 5 and 6 of these Regulations.

#### K. Dedication of Roads

No road with less than three (3) houses per ½ mile shall be accepted by the Village of Tannersville.

In addition, dedication of roads will not be Accepted until the Licensed Engineer or the Village Highway Superintendent have certified to the Village Board that the development of the road has been completed in accordance with the approved plans and Village specifications, including those described herein.

All applications for the dedication of roads shall be filed with the Village Clerk for submission to the Village Board. All such applications shall be accompanied by a legal survey within one year from the date of application and in proper form for recording. Such survey is to be submitted in triplicate and be certified to the subdivider. Applications shall also be accompanied by a proposed warranty deed and any and all other necessary legal instruments to give clear and undisputed title to the Village.

## **SECTION 4. LOT REQUIREMENTS**

### **A. Lots to be Buildable**

The lot size, width, depth, shape and arrangement shall be such that in constructing a building there will be no foreseeable difficulty for reasons of topography or other natural conditions. In securing building permits to build on all lots in compliance with this local law, the New York State Health Department Regulations, the Uniform Fire Prevention and Building Code and the Village Zoning Ordinance shall be followed. Lots should not be of a depth as to encourage the later creation of a second building lot the front or rear.

### **B. Lot Requirements**

The lot size and width and yard depth requirements of lots shall conform to the requirements set forth in the Village of Tannersville Land Use Ordinance of 1972 and Local Law #1of 1971 known as the Set Back Ordinance, or any subsequent local law enacted by the Village governing such land use and/or minimum setbacks.

### **C. Limitation of One (1) Dwelling on Any Lot**

Not more than one building designed or available for use for dwelling purposes shall be erected or placed on any lot without prior approval from the Village Board.

### **D. Common Party Walls**

The requirements of this Section do not apply to dwellings having common party walls.

### **E. Corner Lots and Setbacks**

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

### **F. Access**

No lot shall be landlocked. All lots shall have frontage on or a driveway providing access to a public road.

### **G. Monuments**

Permanent monuments meeting specifications approved by the Licensed Engineer and or the Village Highway Superintendent as to size, type and installation shall be set at angle points, points of corners in roads and at other points to be determined by the Village Highway Superintendent with the approval of the Village Board Highway Liaison.

#### H. Flag Lots

1. A Flag lot may be approved only after determination by the Village Board that due to topography, natural conditions, location or configuration of the land, or due to a previous subdivision, it is the only reasonable option for use of the land.
2. A Flag Lot shall be accessed by a Narrow Corridor with a minimum width of thirty-feet of road frontage.
3. The Narrow Corridor area shall not be included in the area to be considered to meet the minimum lot size requirement under Paragraph B of this Section 4.
4. The Front yard of the Flag Lot shall be measured from the end of the Narrow Corridor.
5. No Flag Lot may be located behind another Flag Lot.
6. No Narrow Corridor may be located adjacent to another Narrow Corridor.
7. Any existing lot whose configuration meets the definition of a Flag Lot, and which was created prior to the date of adoption of this local law is exempt from the requirements hereunder.

### **SECTION 5. DRAINAGE IMPROVEMENTS**

#### A. Removal of Spring and Surface Water

The subdivider may be required by the Village Board to carry away, by pipe or open ditch, any spring or surface water that may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perceptual unobstructed easements of appropriate width and shall be constructed in accordance with the Village construction standards and/or to the approval of the Licensed Engineer. Applicants shall comply with any regulation, rule or design enacted by the NYSDEC, including requirements for a Stormwater Pollution Prevention Plan or other stormwater treatment.

#### B. Accommodation of Upstream Drainage

A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Licensed Engineer shall approve the design and size of the facility based on anticipated run-off from a "10 year storm" under conditions of maximum development within the watershed.

#### C. Responsibility for Drainage Downstream

The subdivider shall study the effect of the subdivision on the existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility during a "5 year storm," the Village Board shall notify the Village Board and shall not approve the subdivision until provision has been made for the improvement of said condition.

#### D. Land Subject To Flooding

Land subject to flooding or land deemed by the Village Board to be uninhabitable shall not be platted for residential occupancy, or for such other uses as may increase danger

to health, life or property or aggravate the flood hazard. Such land shall be set aside for uses that are not endangered by periodic or occasional inundation or shall be improved to remedy said hazardous conditions in a manner that is satisfactory to the Village Board.

E. Wetlands

Areas shown on New York State Department of Environmental Conservation maps as designated fresh water wetlands shall be regulated according to the provisions contained in Article 24, of the New York State Environmental Conservation Law.

## **SECTION 6. PARKS, OPEN SPACES AND NATURAL FEATURES IN MAJOR SUBDIVISIONS**

A. Parks and Playgrounds and Recreational Areas

In Major Subdivisions only, the Village Board shall require that the plat show sites of a character, extent and location suitable for the development of a park, playground or other recreational purpose. The Village Board may require that the developer satisfactorily grade any such recreation areas shown on the plat.

The Board shall require that not less than three (3) acres of recreational space be provided per three (3) lots shown on the plat. However, in no case shall the amount be more than ten (10) percent of the total area of the subdivision. Such area or areas may be dedicated to the Village by the subdivider if the Village Board approves such dedication. Appropriate legal measures shall be taken to ensure that such land can never be developed for other than recreational purposes.

B. Information to be submitted

For an area to be used for such a recreational purpose, the subdivider shall submit to Village Board, prior to final approval, a description of the recreational use proposed and three copies of drawings of the area (one on Mylar) at a scale of not less than thirty (30) feet to the inch, showing the following features thereof.

1. The boundaries of the said area, giving lengths and bearings of all straight lines, radii, lengths, central angles and tangent distances of all curves.
2. Existing features such as brooks, ponds, clusters of trees, rock outcrops and structures.
3. Existing, and, if applicable, proposed changes in grade and contours of the said area and of the area immediately adjacent.

C. Waiver of Plat Designation of Area for Parks, Playgrounds and other Recreational Uses

In cases where the Village Board finds that due to the size, topography, or location of the subdivision, land for park, playground or other recreational purpose cannot be properly located therein, or, if in the opinion of the Board it is not desirable, the Board may waive the requirement that the plat show land for such purposes. The Board shall require as a condition of approval of the plat a payment to the Village of Tannersville equal to three percent (3%) of the assessed value of the entire parcel at the time of application as determined by the Village of Tannersville Assessor.

Such amount shall be paid to the Village Board at the time of final plat approval and no plat shall be signed by the authorized officer of the Village Board until such payment is made. All such payments shall be held by the Village Board in a special Recreation Site Acquisition and Improvement Fund to be used for the acquisition of land that (a) is suitable for permanent park, playground, or other recreational purposes and (b) is so located that it will serve primarily the general neighborhood in which the land covered by the plat lies, and (c) shall be used only for park, playground, or other recreational land acquisition or improvements. Such money may also be used for the physical improvement of existing parks or recreational areas serving the general neighborhood in which the land shown on the plat is situated, provided the Village Board finds there is a need for such improvements.

D. Preservation of Natural Features

The Village Board shall, wherever possible, require the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, water courses and falls, historic spots, vistas and similar irreplaceable assets.

Land to be subdivided shall be designed in reasonable conformity to existing topography in order to minimize grading, cut and fill, to retain the natural contours and to conserve the natural vegetative cover and soil. Removal of any standing timber shall be done in such a manner as to maintain vital and mixed (age and type) growth and in no case shall the subdivider remove more than ninety (90) percent of the existing trees, except with the approval of the Village Board. All disturbed areas not occupied by buildings or structures or within a roadbed shall be properly graded and seeded to control erosion.

E. Disposal of Waste and Debris

No waste or debris, including but not limited to cut timber, construction materials, junk, rubbish, chemical or other waste materials, shall be dumped, buried or used as fill within the subdivision, except with prior approval from the Village Board.

**ARTICLE VII**  
**ENFORCEMENT**

**SECTION 1. FINE AND IMPRISONMENT**

Pursuant to the authority vested in the Village of Tannersville Board under the Village Law of the State of New York, it is hereby declared that any person, firm, or corporation who shall fail to comply with the provisions of the Subdivision Regulations shall be guilty of an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this local law or the subdivision regulations shall constitute a separate additional violation. For the purposes of this local law "person" shall be deemed to include any legal entity which may be required to comply with said Subdivision Regulations.

**SECTION 2. COURT ACTION**

Pursuant to the further authority of the Village Law as aforesaid, the Village Board of the Village of Tannersville is hereby authorized and empowered to institute an action or proceeding in a court of competent jurisdiction, for an injunction or other appropriate relief against any person, firm or corporation who may use and occupy any land in said Village of Tannersville without having complied with the provisions of said Subdivision

## ARTICLE VIII

### DEFINITIONS

Except where specifically defined, all words used in these Regulations shall carry their customary meaning. Words used in the present tense shall include the future; words used in the singular shall include the plural, unless the context clearly indicates otherwise. The word "shall" is always mandatory. The word "may" is permissive. "Building" or "Structure" includes any part thereof. The word "person" includes an individual person, a firm, a corporation, a co-partnership and any other agency of voluntary action.

For the purpose of these regulations, certain words and terms used herein are defined as follows:

**ACCEPTANCE:** A transfer of ownership from a developer to the Village. Maintenance shall be borne by the Village.

**CLERK OF THE VILLAGE BOARD:** That person who shall be designated to perform the duties of the Clerk of the Village Board for all purposes of these regulations.

**COMPREHENSIVE (OR MASTER) PLAN:** The comprehensive plan of the Village Law which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the Village and includes any unit or part of such plan separately prepared or any amendment to such plan or parts therein.

**DEAD-END ROAD OR CUL-DE-SAC:** A road or a portion of a road with only one vehicular Traffic outlet.

**DRIVEWAY:** A private right-of-way providing access into a single lot with said driveway used for personal use only.

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

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

**ENVIRONMENTAL IMPACT STATEMENT (EIS):** A written document required for each subdivision which the Village Board determines may have a significant affect on the environment.

**FLAG LOT:** A lot behind other lots, with at least 50 feet frontage on a road and accessed by a narrow corridor.

**LICENSED ENGINEER:** An engineer who is retained by the Village at the expense of the subdivider. Whenever appropriate, acting without compensation, the Village Highway Superintendent, members of the Village Board or other appropriate responsible individuals may be designated to act as or substitute for the Licensed Engineer, upon specific authorization by the Village Board.

**NARROW CORRIDOR:** A strip of land which provides access to a Flag Lot. Narrow Corridors must be 50 feet in width.

**PARCEL:** A tract of land either unsubdivided or consisting of two or more contiguous lots recorded in a plat or deed under one ownership.

**PERFORMANCE BOND:** A bond as required by Section 277 of the Village Law to assure the full and satisfactory completion of all required subdivision improvements as specified in the Village Board Resolution.

**PLAT:** A plan for a proposed subdivision with all of its identifying data

**PRELIMINARY PLAT:** A drawing or drawings clearly marked "Preliminary Plat" showing the layout of a proposed major subdivision, as specified in Article IV Section 1 of these Regulations, submitted to the Village Board for approval prior to submission of the plat in final form and of sufficient detail to apprise the Village Board of the layout of the proposed subdivision.

**FINAL PLAT:** A drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these Regulations. Article IV, Section 2, to be presented to the Village Board for approval and which, if approved, may be duly filed and recorded by the applicant in the Office of the County Clerk.

**PUBLIC HEARING:** A meeting called by the Village Board to solicit the views of interested parties in connection with a proposed subdivision prior to a decision by said Board.

**ROAD:** Streets, roads, avenues, lanes or other traffic ways between right-of-way lines. The term "Road" does not include driveways.

**SKETCH PLAN:** A sketch of a proposed minor subdivision showing the information Specified in Article II, Section 1, of these Regulations to enable the subdivider to save time and expense in reaching general agreement with the Village Board as to the form of the layout.

**SEQR:** State Environmental Quality Review. A State form used to ascertain the Environmental impact of a proposal before the Board.

**SITE PLAN REVIEW:** The process by which approval is given to proposed construction in accordance with Local Law #2 of 1992.

**SUBDIVIDER OR APPLICANT:** Any person, firm, corporation, partnership or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

**SUBDIVISION:** The division of any parcel of land into two or more lots, with or without roads, including resubdivision.

**MAJOR SUBDIVISION:** Any subdivision not classified as a Minor Subdivision, including, but not limited to, subdivisions of three (3) or more lots, or any size subdivision requiring any new road or extension of municipal facilities.

**MINOR SUBDIVISION:** Any subdivision containing not more than two (2) lots fronting on an existing road, not involving any new road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Master Plan, Zoning Ordinance, or these Regulations.

**PROPOSED SUBDIVISION:** When two or more structures intended to be occupied as residences are constructed on a single parcel of land, said parcel shall be considered to be a proposed subdivision requiring a plot plan and application to be filed prior to the sale of said structures.

**RESUBDIVISION:** means a change in a map of an approved or recorded subdivision plat if such change affects any road layout on such map or any lot line or if it affects any map or plan legally recorded prior to the adoption of any regulation controlling subdivisions. Any resubdivision of a parcel which, together with a prior subdivision within any three year-period, will create a total of three (3) or more lots, shall be classified as a Major Subdivision.

**SURVEYOR:** A person licensed as a land surveyor by the State of New York.

**VILLAGE BOARD:** The Village Board of the Village of Tannersville.

**VILLAGE HIGHWAY LIAISON:** A member of the Village Board of Trustee, as designated by the Tannersville Village Board.

**VILLAGE STANDARDS:** The standards and specifications adopted by the Village Board for the construction of new roads and related improvements.