

CHAPTER 233
SUBDIVISION REGULATIONS
Village of Painted Post

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CHAPTER 233
SUBDIVISION REGULATIONS

Village of Painted Post

ARTICLE I
GENERAL PROVISIONS

§ 233-1 **PURPOSE AND CONTENT.**

The purpose of establishing the Village of Painted Post Subdivision Regulations is to provide for the orderly growth and development of the Village and to afford adequate facilities for the housing, transportation, distribution, comfort, convenience, health, safety and welfare of the Village's population. These regulations establish requirements for action on subdivision plats, including a description of maps and supporting materials which the Planning Board requires to carry out its responsibilities under these regulations. These requirements include the four-step Conservation Subdivision Design Process (as described in Article III) and Cluster Development (Article III) whose purpose shall be to encourage flexibility of design and land conservation and to develop land in such manner as to preserve the natural and scenic qualities of open lands while reducing the construction and maintenance costs of infrastructure. The review and approval procedures contained herein are designed to safeguard the community.

§ 233-2 **AUTHORIZATION; PURPOSE.**

- A. **PLANNING BOARD AUTHORITY.** The Village Board of the Village of Painted Post in accordance with Section 7-728 of the Village Law of the State of New York, and by resolution adopted on **November 13, 2000** has assigned to the Village Planning Board the responsibility and the authority to review and approve, or disapprove plans for land subdivision within the Village which show lots, blocks or sites, with or without new streets or highways.

- B. **UNDEVELOPED PLATS.** Pursuant to the above authority, using procedures set forth in these regulations, the Planning Board has the power and authority to pass and approve the development of plats already filed in the Clerk of Steuben County if such plats are entirely or partially undeveloped.

- C. **CLUSTER DEVELOPMENT.**
 - 1. **Approval With Subdivision Plat.** In accordance with Section 7-738 of the Village Law of the State of New York, the Village Board of Trustees authorizes the Planning Board to approve a cluster development simultaneously with the approval of a plat pursuant to the provisions of these subdivision regulations.

2. **Permitted in Certain Zoning Districts.** Cluster development subdivisions are permitted in areas within the Village of Painted Post as noted in The Village of Painted Post Zoning Law Article III, Section 280.18, Use Regulations.

§ 233-3 **ENACTMENT, TITLE AND JURISDICTION.**

In order that land may be subdivided in accordance with this purpose, these regulations are hereby adopted, and shall be known and may be cited as "Subdivision Regulations of the Village of Painted Post" upon the adoption of these regulations by the Planning Board and their approval by the Village Board.

§ 233-4 **CONFLICT WITH EXISTING REGULATIONS.**

Where these regulations impose greater restrictions than are imposed by the provision of any law, ordinance, regulation or private agreement, these regulations shall control. Where greater restrictions are imposed by any law, ordinance, regulation or private agreement than are imposed by these regulations, such greater restrictions shall govern.

§ 233-5 **GENERAL POLICY FOR SUBDIVISION DESIGN AND REVIEW.**

- A. **APPROPRIATENESS.** It is declared to be the policy of the Planning Board to consider land subdivisions as part of a plan for the orderly, efficient and economical development of the Village in a manner that is reasonable and in the best interests of the community.
- B. **GUIDING PRINCIPLES.** The Planning Board will be guided in its consideration of an application for the subdivision of land by the following requirements:
 1. **Physical Characteristics.** The physical characteristics of the land to be subdivided shall be such that it can be used safely for building purposes without danger to health or peril from fire, flood, drainage or other menace to neighboring properties or the public health, safety and welfare. Proper provision shall be made for drainage, water supply, sewage and other needed improvements. All parcel developments shall meet Village, County, State, and Federal health requirements.
 2. **Natural and Historic Features.** Insofar as possible, all existing features of the landscape such as large trees, rock outcrops, unusual glacial formations, water and flood courses, historic sites and other such irreplaceable assets shall be preserved.
 3. **Conformance with Village Local Land Use Laws and Policies.** Subdivision plans shall be in conformance with the Village of Painted Post Zoning Law and shall be properly related to the Village Comprehensive Plan

as it is amended and used for guidance by the Planning Board.

4. **Neutral To Positive Tax Impact.** A subdivision's long and short term impacts on the site, the surrounding neighborhood and the Village as a whole, (such as police/fire/schools/road maintenance/pool parks/ and other Village infrastructure) are neutral or a positive contribution to the Village tax base, as described in the Long Environmental Assessment Form.
5. **Buildable Land Calculations.** Density of a subdivision is calculated on net acreage, not gross acreage, of buildable land according to the following guidelines:
 - A. **UNBUILDABLE LAND.** The subdivider shall identify and subtract all acreage considered to be unbuildable as follows:
 - (1) Steep slopes 25% or greater
 - (2) Floodways as defined by the Federal Emergency Management Agency (FEMA) Flood Hazard Boundary maps as amended
 - (3) Wetlands, including New York State designated wetlands, those regulated by the US Army Corps of Engineers and those on the National Wetlands Inventory
 - (4) Lands covered by water bodies
 - (5) Aquifer Protection Overlay Districts #1 and #2 as defined by the Village of Painted Post Zoning Law Article III
 - (6) Stream corridors (50' setback from each streambank)
 - B. **DENSITY CALCULATIONS.** The subdivider shall then calculate the acreage that is determined to be buildable and apply the bulk density control schedule minimum square footage per dwelling units or principal buildings as defined in Article IV of the Village Zoning Law to the buildable acreage. All density values shall be rounded to the nearest whole number of dwelling units or principal buildings.
6. **Cluster Development .** When five (5) or more acres are considered "buildable," the subdivider shall submit an application for a Cluster Development as described in Article III in which a percentage of the gross acreage, as determined by the Planning Board, is permanently set aside.
 - A. **MAXIMUM DENSITY.** A cluster development shall result in a

permitted number of building lots or dwelling units which shall in no case exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the zoning local law applicable to the district or districts in which such land is situated and conforming to all other applicable requirements. (see Village of Painted Post Density Control Schedule Article IV, Section 280.28).

B. **CUMULATIVE DENSITY.** In cases where the plat falls within two or more contiguous districts, the Planning Board may approve a cluster development representing the cumulative density as derived from the summing of all units allowed in such districts, and may authorize any actual construction to take place in all or any portion of one or more of such districts.

7. **Conventional Plat.** When less than five (5) acres are considered "buildable" or when the subdivider can demonstrate that a traditional subdivision layout would be in the best interest of the community and would be compatible with the characteristics of the site, the subdivider may submit a conventional subdivision plat.

8. **Incentive Zoning.** When the site is not buildable or if a proposal is inconsistent with the Master Plan, the subdivider is encouraged to submit a plat in accordance with the Village of Painted Post Zoning Law Article VII, Transfer of Development Rights.

§ 233-6 **SUBDIVISIONS STRADDLING MUNICIPAL BOUNDARIES.**

Whenever access to a subdivision can be had only across land in another municipality, the Planning Board may request assurance from the Highway Superintendent of the adjoining municipality that the access road is adequately improved or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines shall be laid out so as not to cross municipal boundary lines.

§ 233-7 **WAIVERS.**

The Planning Board may waive, when reasonable, any requirements or improvements as described in Article III, for the approval, approval with modifications, or disapproval of subdivisions submitted for its approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event any such requirements or improvements are found not to be requisite in the interest of the public health, safety and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

§ 233-8 VARIANCES.

Application for area variance. Notwithstanding any provision of law to the contrary, where a plat contains one or more lots which do not comply with the zoning regulations, application may be made to the zoning board of appeals for an area variance pursuant to Section 7-712-b of the Village Law of New York State without the necessity of a decision or determination of the Code Enforcement Officer. In reviewing such application, zoning board of appeals shall request the Planning Board to provide a written recommendation concerning the proposed variance.

§ 233-9 SEPARABILITY.

If any section, subsection, paragraph, sentence, clause or other part of these regulations are, for any reason, held invalid, the remaining portion of these regulations shall not be affected.

- § 233-10 (Reserved)
- § 233-11 (Reserved)
- § 233-12 (Reserved)
- § 233-13 (Reserved)

**ARTICLE II
INTERPRETATION AND DEFINITIONS**

§ 233-14 GENERAL INTERPRETATION.

In these regulations when not inconsistent with the context:

- A. The words "lot" includes the word "plot", "parcel", "sites", or other divisions of land.
- B. Words in the present tense imply also the future tense.
- C. The singular includes the plural and the plural includes the singular.
- D. The word "person" includes a partnership or corporation as well as an individual.
- E. The verb "shall" is mandatory.
- F. The verb "may" is permissive.
- G. The word "road" shall include "street".

§ 233-15 DEFINED TERMS.

For the purpose of these regulations, certain words and terms used herein are defined as follows except where the context shows otherwise:

EASEMENT: Authorization by a property owner for the use by another person of any designated part of the owner's property for a specified purpose.

FLOOD LIMITS: The land-water boundary of a natural water-course flowing at a flood stage frequency such as 10, 25, 50, 100-year as defined in the most recently enacted mapping by a responsible agency such as the US Army Corps of Engineers, National Flood Insurance Agency, the Natural Resources Conservation Service of the US Department of Agriculture or the Susquehanna River Basin Commission.

HISTORIC SITE: A place and/or property as designated on the State and/or National Register of Historic Places or of historic significance to the community.

MONUMENT: Permanent survey markers usually placed at parcel corners, road intersections and other important points for the purpose of measurement.

PERFORMANCE GUARANTEE: Any security which may be acceptable to the Village Board on all public improvements specified in these regulations to be constructed by the subdivider. This guarantee shall be made before the Planning Board approves the final plat.

PLANNING BOARD: Planning Board of the Village of Painted Post as designated by Village Board per Section 7-728 of the Village Law of the State of New York.

PRIVATE ROAD: A non-dedicated road serving no more than two residential lots.

PUBLIC ROAD: A right-of-way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, alley, or however otherwise designated, that is built to Village specifications and dedicated to the Village for maintenance, but not including a private driveway serving no more than one property or a private road.

Alleys: Minor rights-of-ways which are used primarily for vehicular service access to the back or the side of lots which are otherwise abutting on another road.

Collector Roads: Roads which carry traffic from minor roads to major roads, including the principal entrance roads of a residential development and roads for circulation within a development.

Dead-end Road or cul-de-sac: A road or a portion of a road with only one vehicular access.

Major Roads: Roads which are used or designed primarily for through or heavy traffic (County and State roads).

Marginal Access Roads: Minor roads which are parallel to and adjacent to major roads, and which provide access to abutting properties and protection from through traffic.

Minor Roads: Roads which are used primarily for access to the abutting properties.

SUBDIVISION: The division of any parcel of land into a number of lots, blocks or sites as specified in this regulation, with or without streets or highways, for the purpose of sale, transfer of ownership, or development. The term “subdivision” includes any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the office of the Steuben County Clerk, (See “resubdivision” below).

Cluster Development: A subdivision plat or plats, approved pursuant to 7-738 of Village Law of the State of New York, provides a preferred method alternative to the strict adherence to the Village of Painted Post Zoning Local Law Bulk Density Control Schedule for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, common open space, parks and landscaping in order to preserve the natural and scenic qualities of open lands.

Conceptual Preliminary Plat: A scaled drawing in which ideas are illustrated before engineering costs are incurred in preparing such plat elements as detailed alignments and profiles for streets, and/or detailed calculations for stormwater management.

Conceptual Preliminary Plat Approval: The approval of the layout of a proposed subdivision as set forth in a conceptual preliminary plat but subject to the approval of the plat in final form.

Conservation Area, Primary : Unbuildable land areas comprising floodways, wetlands, slopes over twenty-five percent (25%), waterbodies, aquifer protection areas and fifty foot (50') stream corridors.

Conservation Area, Secondary: Natural and cultural resources and noteworthy features of the property (i.e.; mature woodlands, trails, stream corridors, prime farmland, hedgerows, historic sites, scenic views, etc.,) which are “buildable” but are recommended for inclusion in permanent open space.

Conservation Subdivision: A subdivision designed around the central organizing principle of land conservation in accordance with the four step conservation design process that is intended to be effective in laying out new full-density developments where all significant natural and cultural features have been preserved. (STEP ONE: Identify Primary and Secondary Conservation Areas, STEP TWO: Locate House Sites, STEP THREE: Align Streets and Trails, STEP FOUR: Draw in Lot Lines.)

Final Plat: A detailed drawing prepared in a manner prescribed by Article III, that shows a proposed conservation subdivision, containing all information required to be shown on a conceptual preliminary plat and modifications, if any, required by the Planning Board at the time of approval of the conceptual preliminary plat.

Final Plat Approval: The signing of a plat in final form by a duly authorized officer of the Planning Board pursuant to a Planning Board resolution granting final approval to the plat or after conditions specified in a resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in Steuben County Clerk’s Office.

Final Plat Conditional Approval: Approval by a Planning Board of a final plat subject to conditions set forth by the Planning Board by resolution conditionally approving such plat. Such conditional approval does not qualify a final plat for recording nor authorize issuance of any building permits prior to the signing of the plat by a duly authorized officer of the Planning Board and recording of the plat in the office the Steuben County Clerk.

Plat: Drawings and final plans for related improvements prepared in accordance with these regulations showing, in final form as specified in Article III, Section 233-19, a proposed subdivision of a tract of land which, if approved, is suitable for filing in the office of the Steuben County Clerk.

Resubdivision: A change in a map of an approved or filed subdivision plat if involving only lot line alterations, and does not cross a municipal boundary, and if such change does not affect any street layout shown on such major area reserved for public use.

Sketch Plan: The optional, rough, diagrammatic plan that precedes the Conceptual Preliminary Plat. The Sketch Plan may be prepared as an overlay sheet placed on top of the Existing Resources and Site Analysis Plan as detailed in Article III. The drawing/overlay is intended to show in sketch form the general manner in which a tract of land is proposed to be subdivided.

Subdivider: Any person, firm, corporation, partnership, or other organization which lays out any subdivision as defined herein.

Undeveloped Subdivision: Those plats where 20% or more of the lots within the plat are unimproved unless existing conditions such as poor drainage have prevented their development.

VILLAGE BOARD: The Village Board of the Village of Painted Post.

VILLAGE COMPREHENSIVE PLAN: A plan for the development of the Village prepared by the Planning Board pursuant to Section 7-722 of the Village Law of the State of New York.

ZONING DISTRICTS: Districts provided for in Section 7-702 of the Village Law of the State of New York.

ZONING LOCAL LAW: The Zoning Law of the Village of Painted Post.

**ARTICLE III
SUBDIVISION APPLICATION SUBMISSION REQUIREMENTS
AND PLAN/PLAT CONTENT**

§ 233-16 OVERVIEW.

This article describes the purpose, elements and specifications of sketch plans, conceptual preliminary plats and final plats so that each builds upon the other in an orderly manner.

§ 233-17 OPTIONAL SKETCH PLAN.

- A. **PURPOSE.** The purpose of this optional step is to afford the subdivider an opportunity to consult early and informally with the Planning Board. Sketch Plan submission is strongly encouraged by the Village as a way of helping applicants and officials develop a better understanding of the property and to help establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the zoning local law.

- B. **ELEMENTS.** The Sketch Plan should include any or all elements of the Conceptual Preliminary Plat. The Sketch Plan may be prepared as an overlay sheet placed on top of the Existing Resources and Site Analysis Plan. To encourage the use of this Plan and to offer incentives by defraying costs at this phase to subdividers, certain data will be available through the Village.

- C. **SPECIFICATIONS.** The sketch plan shall be drawn on paper or other suitable material at a standard scale of not more than two hundred (200) feet to the inch.

§ 233-18 CONCEPTUAL PRELIMINARY PLAT.

- A. **OVERALL PURPOSE.** A Conceptual Preliminary Plat sets the direction for development of the parcel and provides enough information on which to undertake environmental review without costly engineering expense to the developer.

- B. **ELEMENTS.** The Conceptual Preliminary Plat is made up of the following elements which are described in detail below.
 - 1. **Site Context Map**
 - A. **SPECIFIC PURPOSE:** to show the location of the proposed subdivision within its neighborhood context.

 - B. **ELEMENTS:**
 - (1) Location of the affected tax parcel on the Village of

Painted Post Zoning Map showing nearby creeks, roads, zoning districts, NYS certified Agricultural Districts, adjacent properties, public buildings such as schools and hospitals, public land such as parks, twenty foot (20') contours and other appropriate information to orient the Planning Board.

- (2) Title of the sketch, including name and address of the subdivider, north point, scale, and date.

C. SPECIFICATIONS:

- (1) For sites under 100 acres in area, such maps shall be at a scale not less than 1"=200', and shall show the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site.
- (2) For sites of 100 acres or more, the scale shall be 1"=400' and shall show the above relationships within 2,000 feet of the site.

2. **Existing Resources and Site Analysis Plan.**

- A. SPECIFIC PURPOSE: To provide the developer and the Village with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site.

Conditions beyond the parcel boundaries may be described on the basis of existing published data from governmental agencies, and aerial photographs. To help defray the cost to subdividers, some data will be available through the Village of Painted Post.

B. ELEMENTS:

- (1) A vertical aerial photograph (enlarged to a scale not less than 1"= 400'), with the site boundaries clearly marked overlaid by tax parcel boundaries noting vegetative cover conditions on the property such as cultivated land, permanent grassland, meadow, pasture, old field, hedgerow, woodland and wetland, trees with a DBH (Diameter at Breast Height) in excess of 15", the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition, if known.
- (2) USGS published topographic maps with 10 foot contour intervals. Interpolated or appropriate contour intervals shall be

determined by the Planning Board, which may specify greater or lesser intervals on exceptionally steep or flats sites.

- (3) Soils mapping, soil series, types and phases, as mapped by the USDA Natural Resources Conservation Service in the published Soil Survey for Steuben County, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability).

3. **Four Step Overlay Design Process.**

- A. REVERSE SEQUENCE. This approach reverses the sequence of steps in laying out conventional subdivisions. Streets and lot lines are the last features to be identified in this design process after the delineation of conservation areas/developable land and building locations.
- B. FOUR OVERLAYS. The subdivider shall submit four separate overlay sketches indicating the findings of each step of the design process, if requested by the Village Planning Board.

Step One, Part One Identify Primary Conservation Areas.

These are “unbuildable” lands as described in Article V, Section 233-5 B.5.A. Buildable Land Calculations.

Step One, Part Two. Identify Secondary Conservation Areas.

These are those areas recommended for conservation/preservation, but which could be disturbed or removed by development upon approval by the Planning Board.

- A. VEGETATIVE COVER. Vegetative cover types to be considered secondary conservation areas as designated by the Planning Board. See Article V, Section 233-55 Woodlands and Article V, Section 233-57 Significant Natural Areas and Features.
- B. SOILS. Soils unsuitable for construction or onsite sewage disposal.
- C. NATURAL BOUNDARIES. Ridge lines and watershed boundaries.
- D. VIEWSHED. A viewshed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.

- E. GEOLOGY. Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information.
- F. CONSTRUCTED FEATURES. All existing constructed features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.
- G. HISTORIC SITES. Locations of all historically significant sites or structures on the tract, including but not limited to cellar holes, stone walls, earthworks, and graves.
- H. TRAILS. Location of existing and proposed trails (pedestrian, equestrian, bicycle, etc.).
- I. EASEMENTS. All easements and other encumbrances of property which are or have been filed of record with the Steuben County Clerk.
- J. ACREAGE. Total acreage of the tract, plus Buildable Acreage with detailed supporting calculations per Article V, Section 233.5.

Step One, Part Three Identify Potential Development Area.

After delineating the Primary and Secondary Conservation Areas, the remaining part of the property becomes the Potential Development Area Map.

Step Two Locate House Sites.

- A. LOCATION. Potential house sites shall be tentatively located using the Potential Development Area Map as a base map and other relevant data on the Existing Resources and Site Analysis plan (such as topography and soils).
- B. RELATION TO OPEN SPACE. Generally, house sites should be located not closer than 100 feet from Primary Conservation Areas and 50 feet from Secondary Conservation Areas.(considering the potential negative impacts of development to such areas as well as positive benefits (such as locations to provide attractive views.)

Step Three Align Streets and Trails.

- A. ALIGNMENT. After house sites have been designated, a preliminary street plan shall be designed to provide vehicular access to each

house, generally in accordance with standards in Article V, showing tentative rights-of-way and suggested street names.

- B. **IMPACTS.** Generally, street design shall be encouraged to minimize impacts on Primary and Secondary Conservation Areas and other open space.
- C. **TRAILS.** A system of trails providing pedestrian/bike access should be designed to link to neighboring trails and to provide access to open space as described in Article V, Section 233.56.

Step Four Draw in the Lot Lines.

After completion of the preceding three steps, lot lines, showing approximate dimensions, are to be drawn to delineate the boundaries of individual residential lots and the remaining permanent open space. The lots shall show setbacks and shall be numbered maintaining 50% or more of the parcel in open space is encouraged.

4. Long Environmental Assessment Form (EAF).

- A. **PURPOSE:** to demonstrate that the subdivider has minimized site disturbance, and impacts on the Village of Painted Post to the greatest extent practicable resulting in either a no-net-loss or in a gain to the Village tax base.
- B. **ELEMENTS:** A completed EAF with supporting documentation as required by the Planning Board.
- C. **SPECIFICATIONS:** Per direction by the Planning Board.

5. Preliminary Improvements Construction Plan.

- A. **PURPOSE:** To identify and describe related site improvements as an overlay to the Existing Resource and Site Analysis Plan.
- B. **ELEMENTS:**
 - (1) Description and tentative location of existing and proposed water lines or wells and a description of the source of water.
 - (2) Conceptual layout of proposed sewer lines, if applicable, where community sewage service is to be permitted. Location of all percolation test, including all failed test sites, for all on

site disposal systems, if applicable. All approved sites shall be clearly distinguished from unapproved site.

- (3) Approximate location of existing drains, culverts, proposed swales, drainage easements, stormwater management facilities.
- (4) Approximate location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
- (5) Location of all other proposed permanent open space and brief description of its ownership and long term maintenance.
- (6) Description of generalized landscaping plan including discussion of street trees and other plantings on dedicated and nondedicated open space.
- (7) If land to be subdivided lies partly in or abuts another municipality, the applicant shall submit information concerning the location and conceptual design of streets, layout and size of lots and provisions of public improvements on land subject to the applicant's control within the adjoining municipalities. Evidence of approval of this information by appropriate officials of the adjoining municipalities also shall be submitted.

6. Preliminary Studies and Reports.

A. **PURPOSE:** The Conceptual Preliminary Plat may include one or more of the following elements to assist the Board in the determination of the impact of the application upon municipal services and facilities.

B. **ELEMENTS:**

- (1) Municipal sewer and water feasibility study
- (2) Groundwater protection and recharge study
- (3) Erosion and sedimentation control plan
- (4) Stormwater management and preliminary drainage report
- (5) Flood impact study

- (6) Traffic impact study
- (7) Community services and tax base impact study

§ 233-19 **FINAL PLAT.**

A. **PURPOSE:** The Final Plat shall supply the highly detailed, engineered drawings and reports on which construction decision are based. It shall conform to the *Conceptual Preliminary Plat*, including any conditions specified by the Planning Board, and shall, upon final approval, be filed in the Steuben County Clerk's Office.

B. **ELEMENTS:** The Final Plat shall consist of the following elements:

1. **Field Survey**

An actual field survey of the boundary lines of the tract and lots giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments, and shall be referenced and shown on the plat. The survey should also show:

- A. **IDENTIFICATION.** Title of the subdivision, including the name and address of the subdivider, who shall have some interest in the land, or the owner of the parcel to be subdivided.
- B. **LEGEND.** North point, scale, date and location map.
- C. **CONTOURS.** A topographic survey showing ground contours adjacent to and within the tract to be subdivided at intervals of not more than two (2) feet of elevation, and all pertinent topographic and planimetric features within and adjoining the tract.
- D. **BOUNDARIES.** Location of all easements, municipal boundaries, special district boundaries, state certified Agricultural Districts, zoning districts, flood hazard boundaries, and the like.

2. **Existing Resources and Site Analysis Plan.**

A plan as stipulated in Article III, Section 233-18 (*Conceptual Preliminary Plat*) B.2. and modified as necessary to reflect the proposal for final approval.

3. **Long Environmental Assessment Form (EAF).**

As amended by the Village Planning Board with input from the public.

4. **Final Improvements Construction Plan.**

A. **PURPOSE:** Where public or private improvements (other than monuments and street traffic signs) are to be required, an Improvements Construction Plan, and specifications shall be filed. Prepared by a professional engineer, setting forth the precise nature and exact location of the work and all engineering data necessary for the completion of the work. The improvements construction plan and specifications shall be subject to the approval of the Village Planning Board as a prerequisite for approval of the Final Plat.

B. **ELEMENTS:**

- (1) All information required in *Existing Resources and Site Analysis Plan* (Article III) relating to existing features and resources on the site.
- (2) Width and location of any existing and proposed roads or public ways, sidewalks, the final lines, gradients, and detailed profile per Village of Painted Post Highway Specifications.
- (3) A plan, details, and specifications of street lights to be installed, together with the necessary contract for street light installation for approval by the Village.
- (4) Where off-site or community sewer service is to be provided, the final detailed design, showing location and size, type and elevations and gradients of all facilities including, but not limited to, sewer mains, manholes, pumping stations, and sewage treatment facilities.
- (5) Where off-site or central water service or water supply is to be provided, the final detailed design, showing location and size, type and elevations and gradients of water service facilities, including wells, storage tanks, pumps, mains, valves, and hydrants and easements for such facilities.
- (6) Location of all existing and proposed buildings with setbacks.
- (7) Grading plan.
- (8) Erosion and sedimentation control plan per specifications as defined in the Village of Painted Post Zoning Law Section Article IX, Section 280.112.

- (9) Stormwater management plan as described in the Village of Painted Post stormwater management specifications defined in the Village of Painted Post Zoning Law Article IX, Section 280.112 including design and location of facilities and maintenance agreement.
- (10) Final landscaping plan using native materials as much as possible in keeping with low maintenance of open space including:
 - (a) Conservation of designated open land in its natural state (i.e.: woodland, fallow field, meadow).
 - (b) Silviculture within existing standards.
 - (c) Coordinated planting of native deciduous shade trees within street right of ways. (Reference is made to “Street Tree Fact sheet, Henry Gershold, 1989,” for further information on criteria and recommended species).
- (11) Detailed designs of all other improvements as required by this regulation.

5. **Final Open Space Ownership and Management Plan.**

- A. PURPOSE: to define the long term maintenance and ownership requirements for all public and nondedicated open space.
- B. ELEMENTS: Using the Final Plat as a base map, show:
 - (1) precise boundaries
 - (2) exact acreage
 - (3) proposed ownership of all proposed Open Space Areas
 - (4) A narrative report indicating how and by whom such Open Space Areas will be managed.
 - (5) Declarations, easements and covenants governing the reservation and maintenance of undedicated open space.

6. Additional Approvals, Certificates and Documents.

- A. DEDICATION OF PROPERTY OR STRUCTURES.
- B. RESTRICTIONS. Copy of deed restrictions, easements, covenants and declarations which are to be imposed upon the property to comply with the conditions established by the Planning Board.
- C. COMPUTER MAPPING. A digital copy of the Final Plat in a format compatible with the Village's computer system, geographically referenced so that the street(s) and lots layout and utility and other improvement locations can be added to the Village database and computerized map(s).
- D. OTHER. Any other documents as required by the Planning Board.

- § 233-20 (Reserved)
- § 233-21 (Reserved)
- § 233-22 (Reserved)
- § 233-23 (Reserved)
- § 233-24 (Reserved)
- § 233-25 (Reserved)

Article IV
SUBDIVISION APPLICATION PROCEDURES AND ACTION PROCESS

§ 233-26 GENERAL PROCEDURE.

Whenever any subdivision of land is proposed, before the conveyance or delivery of any title, deed or any other instrument that conveys equitable title, before any permit for the erection of a permanent building in such proposed subdivision shall be granted, and before any subdivision plat may be filed in the office of the Steuben County Clerk, the subdivider or authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the procedures outlined in these regulations.

§ 233-27 ACTION ON SKETCH PLAN.

- A. **SUBMIT SKETCH PLAN.** If the subdivider chooses to prepare a sketch plan, it must be submitted a minimum of ten (10) business days before the Planning Board meeting.

- B. **ACTION ON SKETCH PLAN.** The Planning Board shall provide written comments on the sketch plan to the subdivider and define the elements required for the conceptual preliminary plat.

§ 233-28 ACTION ON CONCEPTUAL PRELIMINARY PLATS.

- A. **SUBMISSION OF CONCEPTUAL PRELIMINARY PLATS.**
 - 1. **Requirements.**

The Planning Board shall require that the subdivider submit a conceptual preliminary plat for consideration. Such a conceptual preliminary plat shall be clearly marked “conceptual preliminary plat” and shall conform to the requirements outlined in Article III, unless waived by the Planning Board. (Article I, Section 233-7). The application shall be submitted in triplicate to the Village Clerk at least ten (10) business days prior to a scheduled Village Planning Board meeting.
 - 2. **Fees.**

An application fee as determined by the Village Planning Board shall accompany the submission. Technical engineering and planning review costs undertaken on behalf of the Village, as determined by the Village Planning Board, shall be charged to the subdivider.

- B. **COORDINATION WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT.** The Planning Board shall comply with the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations.

- C. **RECEIPT OF COMPLETE CONCEPTUAL PRELIMINARY PLAT.** A conceptual preliminary plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the state environmental quality review act. The time periods for review of a conceptual preliminary plat shall begin upon filing of such negative declaration or such notice of completion.
- D. **PLANNING BOARD AS LEAD AGENCY.** Planning Board as lead agency under the state environmental quality review act; public hearing; notice; decision.
1. **Public Hearing on Conceptual Preliminary Plats.** The time within which the Planning Board shall hold a public hearing on the conceptual preliminary plat shall be coordinated with hearings the Planning Board may schedule pursuant to the state environmental quality review act, as follows:
 - A. If such board determines that the preparation of an environmental impact statement on the conceptual preliminary plat **IS NOT REQUIRED**, the public hearing on such plat shall be held within sixty-two days after the receipt of complete conceptual preliminary plat by the Clerk of the Planning Board; or
 - B. If Planning Board determines that an environmental impact statement **IS REQUIRED**, and a public hearing on the environmental impact statement is held, the public hearing on the conceptual preliminary plat and the draft environmental impact statement shall be held jointly within sixty-two days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the state environmental quality review act. If no public hearing is held on the draft environmental impact statement, the public hearing on the conceptual preliminary plat shall be held within sixty-two days of filing notice of completion.
 2. **Public Hearing; Notice, Length.** The hearing on the conceptual preliminary plat shall be advertised at least once in a newspaper of general circulation in the Village at least five days before such hearing if no hearing is held on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such a manner as it deems most appropriate for full public consideration of such conceptual preliminary plat. The hearing on the conceptual preliminary plat shall be closed upon motion of the Planning Board within one hundred twenty days after it has been opened.
 3. **Decision.** The Planning Board shall approve, with or without modification, or disapprove such conceptual preliminary plat as follows:

- A. If the Planning Board determines that the preparation of an environmental impact statement on the conceptual preliminary plat IS NOT REQUIRED, such board shall make its decision within sixty-two days after the close of the public hearing; or
 - B. If the Planning Board determines that an environmental impact statement IS REQUIRED, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within forty-five days following the close of such public hearing on the conceptual preliminary plat in accordance with the provisions of the state environmental impact statement. Within thirty days of the filing of such final environmental impact statement, the Planning Board shall issue findings of the final environmental impact statement and make its decision on the conceptual preliminary plat.
4. **Grounds for Decision.** The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a conceptual preliminary plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the plat in final form.
- E. **PLANNING BOARD NOT AS LEAD AGENCY.** Planning Board not as lead agency under the state environmental quality review act; public hearing; notice; decision.
- 1. **Public Hearing on Conceptual Preliminary Plats.** The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the conceptual preliminary plat. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning Board shall hold the public hearing on the conceptual preliminary plat within sixty-two days after the receipt of a complete conceptual preliminary plat by the Village Clerk.
 - 2. **Public Hearing Notice, Length.** The hearing on the conceptual preliminary plat shall be advertised at least once in a newspaper of general circulation in the Village at least five days before such hearing if held independently of the hearing on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such conceptual preliminary plat. The hearing on the conceptual preliminary plat shall be closed upon motion of the Planning Board within one hundred twenty days after it has been opened.
 - 3. **Decision.** The Planning Board shall be resolution approve with or without modification or disapprove the conceptual preliminary plat as follows:

- A. If the preparation of an environmental impact statement on the conceptual preliminary plat is not required, the Planning Board shall make its decision within sixty-two days after the close of the public hearing on the conceptual preliminary plat.
 - B. If an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the conceptual preliminary plat within sixty-two days after the close of the public hearing on such conceptual preliminary plat or within thirty days of the adoption of findings by the lead agency, whichever period is longer.
4. **Grounds for Decision.** The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a conceptual preliminary plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the plat in final form.
- F. **CERTIFICATION AND FILING OF CONCEPTUAL PRELIMINARY PLAT.** Within five business days of the adoption of the resolution granting approval of such preliminary plan, such plat shall be certified by the Clerk of the Planning Board as having been granted preliminary approval and a copy of the plat and resolution shall be filed in such Clerk's office. A copy of the resolution shall be mailed to the owner.
 - G. **FILING OF DECISION ON CONCEPTUAL PRELIMINARY PLAT.** Within five business days from the date of the adoption of the resolution stating the decision of the board regarding the conceptual preliminary plat, the chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Village Clerk.
 - H. **REVOCAION OF APPROVAL OF CONCEPTUAL PRELIMINARY PLAT.** Within six months of the approval of the conceptual preliminary plat the owner must submit the plat in final form. If the final plat is not submitted within six months, approval of the conceptual preliminary plat may be revoked by the Planning Board.

§ 233-29 **ADDITIONAL REQUIREMENTS.**

- A. **STREETS AND HIGHWAYS.** The Planning Board shall also require that the streets and highways be of sufficient width and suitable grade and shall be suitably located to accommodate the prospective traffic, to afford adequate light and air, to facilitate fire protection, and to provide access of firefighting equipment to buildings. If there be an official map, Village comprehensive plan or functional/master plans, such streets and highways shall be coordinated so as to compose a convenient system conforming to the official map and properly related to the proposals shown in the comprehensive plan of the Village.

- B. **MONUMENTS.** Suitable monuments be placed at block corners and other necessary points as may be required by the Planning Board and the location thereof is shown on the map of such plat as described in Section 233-46 J.
- C. **IMPROVEMENTS.** All streets or other public places shown on such plats be suitably graded and paved ; street signs, sidewalks, street lighting standards, curbs, gutters, street trees, water mains, fire alarm signal devices (including necessary ducts and cables or other connecting facilities), sanitary sewers and storm drains be installed all in accordance with standards, specifications and procedures acceptable to the appropriate Village departments except as hereinafter provided, or alternatively that a performance bond or other security be furnished to the Village, as hereinafter provided.
- D. **COMPLIANCE WITH ZONING REGULATIONS.** Where a zoning ordinance or local law has been adopted by the Village, the lots shown on said plat shall at least comply with the requirements thereof subject, however, to the provisions of Section 7-738 of the Village Law of the State of New York.
- E. **CHARACTER OF THE DEVELOPMENT.** In making such determination regarding streets, highways, parks and required improvements, the Planning Board shall take into consideration the prospective character of the development.
- F. **PERFORMANCE BOND OR OTHER SECURITY.**
1. **Furnishing of Performance Bond or Other Security.** As an alternative to the installation of infrastructure and improvements, as above provided, prior to the Planning Board approval, a performance bond or other security sufficient to cover the full cost of the same, as estimated by the Planning Board of a Village department designated by the Planning Board to make such estimate, where such departmental estimate is deemed acceptable by the Planning Board, shall be furnished to the Village by the subdivider.
 2. **Security Where Plat Approved In Sections.** In the event that the subdivider shall be authorized to file the approved plat in sections, as provided in subdivision ten of Section 7-728 of the Village Law of the State of New York, approval of the plat may be granted upon the installation of the required improvements in the section of the plat filed in the office of the Steuben County Clerk or the furnishing of security covering the costs of such improvements. The subdivider shall not be permitted to begin construction of buildings in any other section until such section has been filed in the office of the Steuben County Clerk and the required improvements have been installed in such section or a security covering the cost of such improvements is provided.
 3. **Form of Security.** Any such security must be provided pursuant to a written security agreement with the Village, approved by the Village Board of

Trustees and also approved by the village Attorney as to form, sufficiency and manner of execution, and shall be limited to:

- A. Performance bond issue by a bonding or surety company;
- B. The deposit of funds in or a certificate of deposit issued by a bank or trust company located and authorized to do business in this state;
- C. An irrevocable letter of credit from a bank located and authorized to do business in this state;
- D. Obligation of the United States of America; or
- E. Any obligations fully guaranteed as to interest and principal by the United States of America, having a market value at least equal to the full cost of such improvements. If not delivered to the Village, such security shall be held in a Village account at a bank or trust company.

4. **Term of Security Agreement.** Any such performance bond or security agreement shall run for a term to be fixed by the Planning Board, but in no case for a longer term than three years, provided, however, that the term of such performance bond or security agreement may be extended by the Planning Board with consent of the parties thereto. If the Planning Board shall decide at any time during the term of the performance bond or security agreement that the extent of the building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such security, or that the required improvements have been installed as provided in this section and by the Planning Board in sufficient amount to warrant reduction in the amount of said security, and upon approval by the Village Board of Trustees, the Planning Board may modify its requirements for any or all such improvements, and the amount of such security shall thereupon be reduced by an appropriate amount so that the new amount will cover the cost in full of the amended list of improvements required by the Planning Board.

5. **Default of Security Agreement.** In the event that any required improvements have not been installed as provided in this section within the term of such security agreement, the Village Board of Trustees may thereupon declare the said performance bond or security agreement to be in default and collect the sum remaining payable thereunder; and upon the receipt of the proceeds thereof, the Village shall install such improvements as are covered by such security and as commensurate with the extent of building development that has taken place in the subdivision but not exceeding the cost of such proceeds.

G. **PROVISION FOR THE INSPECTION OF IMPROVEMENTS.**

1. **Improvement Inspections.** The Village Planning Board shall provide for the inspection of required improvements during and after construction to assure that all Village specifications and requirements shall be met:
 - A. DURING THE CONSTRUCTION of required improvements, and
 - B. AT COMPLETION.
2. **Inspection Fee.** The subdivider shall pay an inspection fee equal to a percentage (determined by the Village Planning Board) of the estimated cost of such required improvements and utilities.
3. **Payment.** Such fee shall be paid to the Village prior to the signing of the Final Plat.

H. **MAINTENANCE OF OPEN SPACE.**

1. **Land designated as open space:**
 - A. **SIZE.** Shall be contiguous and of such size and shape as to be usable for recreation, agriculture, or natural buffer areas.
 - B. **PROTECTION MEASURES.** Shall either be:
 - (1) assigned to the adjoining lot with a permanent deed restriction as defined by the Planning Board,
 - (2) deeded to the Village by a fee simple dedication
 - (3) have conservation easements given to or acquired by the Village or appropriate land trust,
 - (4) held in corporate ownership by the subdivider of the lots within the development forming a Homeowners' Association
 - (5) held in corporate ownership by a Condominium Association
 - (6) owned and managed by a private conservation organization or the County
2. **Taxation.** The open space lands shall be subject to taxation, unless deeded to the Village.
3. **Further subdivision prohibited.** Further subdivision of land designated as open space, or its use for other than non-commercial recreation, conservation,

or agriculture (except for easements for underground utilities), shall be prohibited.

4. **Failure to maintain common property.**

- A. **NOTICE.** In the event that the Code Enforcement Officer serves notice to the organization established to own and maintain common property, or any successor organization, that they have failed to maintain the common property in reasonable order and condition in accordance with the plan, said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof. If the deficiencies are not cured within this time, the Village Board of Trustees may serve written notice upon such organization or upon the residents and owners of the development setting forth the manner in which the organization has failed to maintain the common property in reasonable condition, and shall state the date and place of a hearing thereon, which shall be held within fourteen (14) days of the notice.
- B. **TIME EXTENSIONS.** At such a hearing, the Village Board of Trustees may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within thirty (30) days of any extension thereof, the Village may enter upon said common open space and maintain the same for a period of one (1) year. This action is to preserve the taxable values of the properties within the development and to prevent the common property from becoming a public nuisance. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of said year, the municipality shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common property, call a public hearing. Notice shall be served to such organization or to the residents and owners of the development at which hearing, to be held by the Village Board of Trustees, such organization or the residents and owners of the development shall show cause why such maintenance by the Village shall not, at the election of the Village, continue for a succeeding year.
- C. **CESSATION OF MAINTENANCE.** If the Village Board of Trustees shall determine that such organization is ready and able to maintain said common property in reasonable condition, it shall cease to maintain said common property at the end of said year. If the Village Board of Trustees shall determine that such organization is not ready and able to maintain said common property in a reasonable condition,

the Village may, at its discretion, continue to maintain said common property during the next succeeding year, subject to a similar hearing and determination in each year thereafter.

D. **COST.** The cost of such maintenance by the Village shall be assessed at the same proportion as each unit's assessed value bears to the total assessment of the development.

5. **Condition of Plat Approval.** The Planning Board as a condition of plat approval may establish such conditions on the ownership, use and maintenance of such open lands shown on the plat as it deems necessary to assure the preservation of the natural and scenic qualities of such lands. The Village Board of Trustees may require that such conditions shall be approved by the Board of Trustees before the plat may be approved for filing.

§ 233-30 **ACTION ON FINAL PLATS.**

A. **SUBMISSION OF FINAL PLATS.** Final plats shall conform to the requirements in Article III.

B. **FINAL PLATS WHICH ARE IN SUBSTANTIAL AGREEMENT WITH APPROVED CONCEPTUAL PRELIMINARY PLATS.** When a final plat is submitted which the Planning Board deems to be in substantial agreement with a conceptual preliminary plat approved pursuant to this section, the Planning Board shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within sixty-two days of its receipt by the Clerk of the Planning Board.

C. **FINAL PLATS WHEN NO CONCEPTUAL PRELIMINARY PLAT IS REQUIRED TO BE SUBMITTED; RECEIPT OF COMPLETE FINAL PLAT.**

When no conceptual preliminary plat is required to be submitted, a final plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the state environmental quality review act. The time periods for review of such plat shall begin upon filing of such negative declaration or such notice of completion.

D. **FINAL PLATS; NOT IN SUBSTANTIAL AGREEMENT WITH APPROVED CONCEPTUAL PRELIMINARY PLATS, OR WHEN NO CONCEPTUAL PRELIMINARY PLAT IS REQUIRED TO BE SUBMITTED.** When a final plat is submitted which the Planning Board deems not to be in substantial agreement with a conceptual preliminary plat approved pursuant to this section, or when no conceptual preliminary plat is required to be submitted and a final plat clearly marked "final plat" is submitted conforming to the definition provided by this section the following shall apply:

1. **Planning Board as Lead Agency; Public Hearing; Notice; Decision.**

A. PUBLIC HEARING ON FINAL PLATS. The time within which the Planning Board shall hold a public hearing on such final plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the state environmental quality review act, as follows:

- (1) if such board determines that the preparation of an environmental impact statement is not required, the public hearing shall be held within sixty-two days after the receipt of a complete final plat by the Clerk of the Planning Board; or
- (2) if such board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the final plat and the draft environmental impact statement shall be held jointly within sixty-two days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the state environmental quality review act. If no public hearing is held on the draft environmental impact statement, the public hearing on the final plat shall be held within sixty-two days following filing of the notice of completion.

B. PUBLIC HEARING; NOTICE, LENGTH. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Village at least five days before such hearing if no hearing is held on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the Planning Board within one hundred twenty days after it has been opened.

C. DECISION. The Planning Board shall make its decision on the final plat as follows:

- (1) if such board determines that the preparation of an environmental impact statement on the final plat is not required, the Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within sixty-two days after the date of the public hearing; or
- (2) if such board determines that an environmental impact statement is required, a public hearing is held on the draft

environmental impact statement, the final environmental impact statement shall be filed within forty-five days following the close of such public hearing in accordance with the provisions of the state quality review act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within forty-five days following the close of the public hearing on the final plat. Within thirty days of the filing of the final environmental impact statement, the Planning Board shall issue findings on such final environmental impact statement and shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat.

- D. **GROUND FOR DECISION.** The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.

2. Planning Board Not as Lead Agency; Public Hearing; Notice; Decision.

- A. **PUBLIC HEARING.** The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the final plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning Board shall hold the public hearing on the final plat within sixty-two days after the receipt of a complete final plat by the Clerk of the Planning Board.
- B. **PUBLIC HEARING; NOTICE, LENGTH.** The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Village at least once in a newspaper in the Village at least five days before such hearing if held independently of the hearing on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the Planning Board within one hundred twenty days after it has been opened.
- C. **DECISION.** The Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat as follows:

- (1) If the preparation of an environmental impact statement on the final plat is not required, the Planning Board shall make its decision within sixty-two days after the close of the public hearing on the final plat.
- (2) If an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the final plat within sixty-two days after the close of the public hearing on such final plat or within thirty days of the adoption of findings by the lead agency, whichever period is longer. The grounds for disapproval shall be stated upon the records of the Planning Board.

§ 233-31 **CERTIFICATION OF FINAL PLATS.**

- A. **CERTIFICATION OF PLAT.** Within five business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the Clerk of the Planning Board as having been granted conditional or final approval and a copy of such resolution shall be mailed to the subdivider. In the case of a conditionally approved plat, such resolution shall include a statement of the requirements which when completed will authorize the signing thereof. Upon completion of such requirements the plat shall be signed by said duly authorized officer of the Planning Board and a copy of such signed plat shall be filed in the office of the Village Clerk of the Planning Board or filed with the Village Clerk as determined by the Village Board of Trustees.
- B. **APPROVAL OF PLAT IN SECTIONS.** In granting conditional or final approval of a plat in final form, the Planning Board may permit the plat to be subdivided and developed in two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the plat be completed before said sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a final plat may be granted concurrently with conditional or final approval of the entire plat, subject to any requirements imposed by the Planning Board.
- C. **DURATION OF CONDITIONAL APPROVAL OF FINAL PLAT.** Conditional approval of the final plat shall expire within one hundred eighty days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The Planning Board may extend by not more than two additional periods of ninety days each the time in which conditionally approved plat must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by the particular circumstances.

§ 233-32 DEFAULT ACTION ON PRELIMINARY OR FINAL PLAT.

The time periods prescribed herein within which a Planning Board must take action on a conceptual preliminary plat or a final plat are specifically intended to provide the Planning Board and the public adequate time for review and to minimize delays in the processing of subdivision applications. Such periods may be extended only by mutual consent of the subdivider and the Planning Board. In the event a Planning Board fails to take action on a conceptual preliminary plat or a final plat within the time prescribed therefor after completion of all requirements under the state environmental quality review act, or within such extended period as may have been established by the mutual consent of the subdivider and the Planning Board, such preliminary or final plat shall be deemed granted approval. The certificate of the Village Clerk as to the date of submission of the preliminary or final plat and the failure of the Planning Board to take action within the prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

§ 233-33 FILING OF DECISION OF FINAL PLAT.

Within five business days from the date of the adoption of the resolution stating the decision of the board on the final plat, the chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Village Clerk.

§ 233-34 FILING OF FINAL PLAT; EXPIRATION OF APPROVAL.

The subdivider shall file in the office of the Steuben County Clerk such approved final plat or a section of such plat within sixty-two days from the date of final approval or such approval shall expire. The following shall constitute final approval: the signature of the duly authorized officer of the Planning Board constituting final approval by the Planning Board of a plat as herein provided; or the approval by such board of the development of the plat or plats already filed in the office of the Steuben County Clerk if such plats are entirely or partially undeveloped; or the certificate of the Village Clerk as to the date of the submission of the final plat and the failure of the Planning Board to take action within the time herein provided. In the event the subdivider shall file only a section of such approved plat in the office of the Steuben County Clerk, the entire approved plat shall be filed within thirty days of the filing of such section with the Village Clerk in each Village in which any portion of the land described in the plat is situated. Such section shall encompass at least ten percent of the total number of lots contained in the approved plat, and the approval of the remaining sections of the approved shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provision of Section 7-708 of Village Law.

§ 233-35 SUBDIVISION ABANDONMENT.

The subdivider of an approved subdivision may abandon such subdivision pursuant to the provision of section five hundred sixty of the real property tax law.

§ 233-36 **RECORD OF PLATS.**

A. **FILING OF PLAT WITH STEUBEN COUNTY CLERK**

1. No plat of a subdivision of land showing lots, blocks or sites, shall be filed or recorded in the office of the Steuben County Clerk until it has been approved by the Village of Painted Post Planning Board which has been empowered to approve such plats. Further, such approval must be endorsed in writing on the plat in such manner as the Planning Board may designate.
2. **Notification of filing.** It shall be the duty of the Steuben County Clerk to notify the Planning Board in writing within three days of the filing or recording of any plat approved by such Planning Board, identifying such plat by its title, date of filing or recording, and official file number.
3. **Filing of Plat.** On the filing of the plat in the office of the Steuben County Clerk, a copy shall be filed with the Village Clerk, who shall make appropriate notations and references thereto on the Village zoning map required to be maintained pursuant to Section 7-706 of the Village Law of the State of New York.
4. **Effect of Filing.** After such plat is approved and filed, the streets, highways and parks shown on such plat shall be and become a part of the official map or plan of the Village.

B. **CESSION OR DEDICATION OF STREETS, HIGHWAYS OR PARKS.**

1. All streets, highways or parks shown on a filed or recorded plat are offered for dedication to the public unless the subdivider of the affected land, or the subdivider's agent, makes a notation on the plat to the contrary prior to final plat approval. Any street, highway or park shown on a filed or recorded plat shall be deemed to be private until such time as it has been formally accepted by a resolution of the local legislative body, or until it has been condemned by the Village for use as a public street, highway or park.
2. In the event that such approved plat is not filed or recorded prior to the expiration date of the plat approval as provided in Section 7-728 of the Village Law of the State of New York , then such offer of dedication shall be deemed to be invalid, void and of no effect on and after such expiration date.

- C. **EFFECT.** The provisions of this section shall not be deemed to authorize a change in the permissible use of such lands as provided in the zoning local law applicable to such lands.

- § 233-37 (Reserved)
- § 233-38 (Reserved)
- § 233-39 (Reserved)
- § 233-40 (Reserved)
- § 233-41 (Reserved)
- § 233-42 (Reserved)
- § 233-43 (Reserved)
- § 233-44 (Reserved)

**ARTICLE V
DESIGN STANDARDS FOR REQUIRED IMPROVEMENTS**

§ 233-45 GENERAL.

The approval of a subdivision plat shall be guided by the considerations and standards presented in this Article. In its review, the Planning Board shall take into consideration the prospective character of the development and require that subdivision improvements be designed to such standards as are consistent with reasonable protection of the public health, safety, or welfare.

§ 233-46 ROAD DESIGN GUIDELINES.

A. **CONSTRUCTION.** Roads shall be designed to meet the Village of Painted Post Highway Specifications. The Superintendent of Public Works shall approve all street design and construction.

B. **LAYOUT.**

1. **Adjoining Land.** Where a subdivision adjoins undeveloped land, its roads shall be laid out so as to provide suitable future road connections between areas of buildable land while maintaining adjoining Primary and Secondary Conservation Areas intact.
2. **Major Road Access.** In so far as possible, lots shall not derive access from a major road. Access to lots adjacent to a major road shall in general be from marginal access roads or other roads within the subdivision.
3. **Topography.** Roads shall be logically related to the topography, and all roads shall be arranged so as to afford as many as possible of the building sites access to open space. Grades of roads shall conform as closely as possible to the original topography. A combination of steep grades and sharp curves shall be avoided.
4. **Buffer from Major Road.** Where a subdivision abuts on or contains an existing or proposed major road, the Planning Board may require marginal access roads, reverse frontage with screen planting contained in open space along the rear property line, deep lots with private conservation easements, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
5. **Railroad Right of Way.** Where a subdivision borders or contains an existing or proposed railroad right-of-way or controlled access highway right-of-way, the Planning Board may require a road approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts. Such

distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

6. Minimum Road Standards.

STANDARD	MAJOR ROAD	COLLECTOR ROAD	MINOR ROAD	CUL-DE-SAC
Minimum right-of-way width (feet)	60	50	50	80
Maximum grade (percent)	8	10	10	10 (5 within turnaround)
Minimum grade (percent)	0.5	0.5	0.5	0.5
Minimum radius horizontal curves (feet)	500	300	150	150
Minimum radius vertical curves (feet)	300	100	100	100
Minimum braking sight distance (feet)	200	200	200	150
Minimum distance between center line of street offsets (feet)	150	150	150	150
Minimum outside pavement radius (feet)				50
Angle at intersection of street center lines (degrees)	80-100	80-100	75-105	75-105
Maximum length (feet)				500*

*Planning Board may approve an absolute maximum of 1,250 ' in special cases where conditions warrant.

C. ROAD INTERSECTIONS.

1. **Distance Apart.** Intersections of major roads shall be held to a minimum and spaced at least one thousand (1,000) feet apart, and intersections of collector road by other roads shall be at least eight hundred (800) feet apart. Between offset intersections there shall be a distance of at least one hundred fifty (150) feet. Within fifty (50) feet of an intersection, roads shall be approximately at right angles and in no case shall the angle of intersection be less than seventy-five (75) degrees without additional channelization.

2. **Curb Radii.** Minimum curb radii shall depend on the intersecting road types; and shall be as follows:

Collector/minor with major	40'
Collector with collector:	35'
Minor with collector:	30'
Minor with minor:	25'

3. **Property Corners.** All property corners at road intersections shall be rounded with a radius of twenty (20) feet or have comparable cutoffs or chords.

4. **Grades at Intersections.** Within triangular areas formed by the intersecting road lines, for a distance of seventy-five (75) feet from their intersection and the diagonals connecting the end points of these lines, visibility for traffic safety shall be provided by exclusions of plantings or structures. Grades within the intersection shall not exceed one and one-half percent (1-1/2%) for a distance of fifty (50) feet from the intersection, from fifty (50) to one hundred (100) feet, the grades should not exceed three percent (3%).

D. **DEAD-END ROADS** The design of turnarounds and hammerhead which terminate dead-end roads shall be designed per the Village of Painted Post Highway Specifications. For greater convenience to traffic and more effective police and fire protection, the length of permanent dead-end roads shall be limited to six (6) times the minimum lot width for the zoning district, such length to be measured to the center point of the turn-around.

E. **ROAD GRADING AND SHOULDERS.** Areas within road rights-of-way shall be graded as necessary to eliminate any slopes steeper than one (1) foot vertical in two (2) feet of horizontal distance. Road shoulders shall not exceed a slope of ten percent (10%) at right angle to the road centerline. Shoulders at least eight (8) feet wide shall be provided on both sides of collector roads. Minor roads shall have a shoulder at least eight (8) feet wide on one side of the road and at least four (4) feet wide on the other. Shoulders and all other unpaved areas within the road right-of-way shall be treated with topsoil and seeded to grass.

F. **PRIVATE ROADS.** All roads as defined herein shall have a minimum fifty (50) feet of right of way granted by the Subdivider/developer to each lot owner served by the road. The middle twenty (20) feet shall be improved with base, gravel and drainage structures as described in the Town's Standards Specifications for Highway Construction, Water Distribution and Wastewater Collection System Construction, October, 1990, exclusive of any required paving costs.

G. **SIDEWALKS.** See Village of Painted Post Zoning Law, Article IX, Section 280.102.A

H. **TREES.** See Village of Painted Post Zoning Law, Article IX, Section 280.102.B.

- I. **STREET NAMES AND SIGNS.** See Village of Painted Post Zoning Law, Article IX, Section 280.102.C.

- J. **MONUMENTS.** Monuments shall be set in the boundary of rights-of-way at intersecting roads, PC (point of curve - beginning) and PT (point of tangent - end of curve) of curves, though the PI (point of intersection) of short curves may be used instead, where such is practical, at the discretion of the Village Superintendent of Highways. Monuments shall be placed on one (1) side of the road only and at only one (1) corner of intersecting roads. Monuments shall be tied into the New York State Coordinate System, or other acceptable datum. Monument locations should be shown on the subdivision plat; and field notes of ties to monuments or a tie sheet shall be submitted to the Village Highway Superintendent after installation of monuments. Monuments shall be of stone or concrete and not less than four (4) inches in diameter or square, and not less than forty-two (42) inches long. Concrete monuments shall be reinforced with steel rods, and a plug, brass plate, or pin shall serve as the point of reference and a reinforcing rod or other metal shall be placed adjacent to allow for magnetic recovery. After construction and fine grading is completed, the corners of each lot shall be staked with iron pipe or pins.

- K. **STREET LIGHTING.** Where required by the Planning Board, street lighting of a design approved by the Village, shall be installed by the subdivider in a manner and location approved by the Village, the appropriate power company and the Highway Superintendent. In the case of a subdivision involving a County or State highway, approval shall be obtained from the County Superintendent of Highways. Where a new lighting district is to be created or an existing district expanded, the applicant shall petition the Village Board to create said district or expansion before final subdivision approval.

§ 233-47 **STORMWATER MANAGEMENT AND EROSION CONTROL.**

See Village of Painted Post Zoning Law Article IX, Section 280.112.

§ 233-48 **FLOOD HAZARD PREVENTION.**

See Village of Painted Post Local Law, Local Law for Flood Damage Prevention, Local Law 1 for 2000 (as amended).

§ 233-49 **UTILITIES.**

See Village of Painted Post Zoning Law, Article IX, Section 280.114.

§ 233-50 EASEMENTS.

Easements within the subdivision shall be provided where required for storm drains, sanitary sewers, other utilities, or pedestrian traffic. The designation of any such easement on a subdivision plat shall constitute a restriction against the location of any building or conflicting use on such easement. Such easements shall generally be not less than fifteen (15) feet wide. Easements for natural watercourses for constructed channels shall be provided as needed, with the required width based on the needed cross-section of channel to pass the design flow specified in Stormwater Management Regulations, Village of Painted Post Zoning Law, Article IX, Section 280.112.

§ 233-51 NEIGHBORHOOD PARKS AND PLAYGROUNDS.

- A. **GENERAL REQUIREMENTS.** See Village of Painted Post Zoning Law, Article IX, Section 280.113, Open Space, Parks and Playgrounds.

- B. **PAYMENT-IN-LIEU.** If the Planning Board determines that a suitable park or parks of adequate size can not be properly located in any such plat or that it is otherwise impractical, the Board may require as a condition of approval of such plat a payment to the Village in an amount to be set by the Village Board. Such sum shall be paid to the Code Enforcement Officer at the time of the issuance of a building permit for new residential construction. Such sums shall be deposited with the Village Clerk and shall be used exclusively to purchase, develop and equip parks, playgrounds and other recreational uses.

§ 233-52 DRIVEWAY STANDARDS.

See Village of Painted Post Zoning Law, Article IX, Section 280.109.

§ 233-53 GROUNDWATER RESOURCES.

The proposed subdivision shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table, through careful planning of vegetation and land disturbance activities, and the placement of streets, buildings and other impervious surfaces in locations other than those identified on the *Existing Resources and Site Analysis Plan* (Article III) as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater.

§ 233-54 STREAM VALLEYS, SWALES, SPRINGS, AND OTHER LOWLAND AREAS.

The Village's *Master Plan* as updated describes and maps stream valleys (which include stream channels and flood plains), swales, springs and other lowland areas as resources that warrant restrictive land use controls because of flooding hazards to human life and property, their ground water recharge functions, their importance to water quality and the health of aquatic communities, and their wildlife habitats. They are generally poorly suited for on-site subsurface sewage disposal systems.

- A. **ACTIVITIES TO AVOID.** The following activities shall be minimized:
1. **Disturbance to Streams and Drainage Swales.**
 2. **Disturbance to Year-Round Wetlands,** areas with seasonally high water tables, and areas of surface water concentration.
- B. **DESIGNATION AS OPEN SPACE.** Because of their extreme limitations, stream valleys, swales and other lowland areas warrant designations as open space lands. They may also require adjoining buffer lands to be included in the open space, to be determined by an analysis of the protection requirements of such areas on a case-by-case basis. In certain instances, seasonal high water table soils may be excluded from the open space where it can be demonstrated that they are suitable for low density residential uses and conventional on-site sewage systems.

§ 233-55 **WOODLANDS.**

- A. **WOODLANDS AS RESOURCE.** Woodlands occur extensively throughout the Village, often in association with stream valleys and wet areas, poor and erodible soils, and moderate to steep slopes. Woodland conditions within the Village vary with respect to species composition, age, stocking, and health but are generally mature mixed-age forests. Most woodlands in the Village represent one or more of the following resource values:
1. **Erosion Control .** As soil stabilizers, particularly on moderate to steep slopes, thereby controlling erosion into nearby streams, ponds, impoundments and roads. A closely related function is their enhancement of ground water recharge.
 2. **Climate Moderation .** As a means of ameliorating harsh microclimatic conditions, in both summer and winter.
 3. **Economic Value .** As a source of wood products, i.e., poles, sawtimber, veneer and firewood.
 4. **Habitat.** As habitats for woodland birds, mammals and other wildlife.
 5. **Recreation.** As recreation resources for walkers, equestrians, picnickers and other related outdoor activities.
 6. **Visual Buffers.** As visual buffers between areas of development and adjacent roads and properties.
- B. **EVALUATION REQUIRED.** Because of their resource values, all woodlands on any tract proposed for subdivision or land development shall be evaluated by the

applicant to determine the extent to which such woodlands should be designated partly or entirely as open space or buildable lands. Evaluation criteria shall include:

1. **Configuration and Size.**
 2. **Present Conditions**, i.e., stocking health and species composition.
 3. **Site Potential**. i.e., the site's capabilities to support woodlands, based upon its topographic, soil and hydrologic characteristics.
 4. **Ecological Functions** . i.e., in protecting steep slopes, erodible soils, maintaining stream quality and providing for wildlife habitats.
 5. **Relationship to Woodlands on Adjoining and Nearby Properties** and the potential for maintaining continuous woodland areas.
- C. **REPORT REQUIRED** . The evaluation of the tract's woodlands shall be undertaken by a forester, landscape architect, horticulturist or another qualified professional acceptable to the Village. This evaluation shall be submitted as a report and made a part of the application for a final plat, if requested by the Village Planning Board. At a minimum, that report shall include one or more maps indicating boundaries and conditions of woodland areas accompanied by a report addressing the criteria in paragraph 1 above.
- D. **STANDARDS**. In designing a subdivision plat, the applicant shall be guided by the following standards:
1. **Over One Acre**. Healthy woodlands exceeding one acre shall be preserved and designated as open space areas, the maximum extent possible. Proposed site improvements shall be located, designed and constructed to minimize the loss or degradation of woodland areas.
 2. **Buffer Requirements** . Subdivisions shall be designed to preserved woodland along roadways, property lines and lines occurring within a site such as streams, swales, stone fences and hedgerows. Such lines and the native vegetation associated with them shall be preserved as buffers between adjacent properties and between areas being subdivided within a property. Preservation shall include ground, shrub, understory and canopy vegetation.
 3. **Sensitive Areas** . Disturbance or removal of woodlands occupying environmentally sensitive areas shall be undertaken only when approved by the Board and on a limited, selective basis to minimize the adverse impacts of such actions. This shall include but not necessarily be limited to, vegetation performing important soil stabilizing functions on wet soils, stream banks and sloping lands.

4. **Clearing Restrictions.** No clearing or earth disturbance (except for soil analysis for proposed sewage disposal systems) shall be permitted on a site before the completion of subdivision agreements. The determination of sight distance clearances along roadways shall be made graphically and not by clearing on-site prior to final plan approval.

§ 233-56 **SLOPES.**

Moderately sloping lands (15 to 25 percent) and steeply sloping lands (over 25 percent) are prone to severe erosion if disturbed. Erosion and the resulting overland flow of soil sediments into streams, ponds and public roads, are detrimental to water quality and aquatic life, and a potential hazard to public safety.

- A. **PRESERVE STEEP SLOPES .** Areas of steep slope shall be preserved in accordance with the Village of Painted Post Zoning Law, Article IX, Section 280.111, and as required below.
- B. **MINIMIZE GRADING:** All grading and earthmoving on slopes exceeding 15 percent shall be minimized.
- C. **SLOPES > 25%.** No site disturbance shall be allowed on slopes exceeding 25 percent except grading for a portion of a driveway accessing a single family dwelling when it can be demonstrated that no other routing which avoids slopes exceeding 25 percent is feasible.
- D. **SLOPES 15% TO 25%.** On slopes of 15 to 25 percent, the only permitted grading beyond the terms described above, shall be in conjunction with the siting of a single family dwelling, its access driveway, and the septic system (which should be typically be designed with a long, narrow drainage field following the land contours) if appropriate.
- E. **CUTS/FILLS.** Grading or earthmoving on all sloping lands of 15 percent or greater shall not result in earth cuts or fills whose highest vertical dimension exceeds six feet, except where in the judgment of the Board no reasonable alternatives exist for construction of roads, drainage structures and other public improvements, in which case such vertical dimensions shall not exceed 12 feet. Roads and driveways shall follow the line of existing topography to minimize the required cut and fill. Finished slopes of all cuts and fills shall be as required to minimize disturbance of natural grades.

§ 233-57 **SIGNIFICANT NATURAL AREAS AND FEATURES.**

Natural areas containing rare or endangered plants and animals, as well as other features of natural significance exist throughout the Village. Some of these have been carefully documented, whereas for other, only their general locations are known. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features by the applicant's *Existing Resources and*

Site Analysis Plan (as required in Article III) by incorporating them into proposed open space areas or avoiding their disturbance in areas proposed for development.

§ 233-58 HISTORIC STRUCTURES AND SITES.

The Village's documented historical resources begin with the Seneca Indians of the Iroquois Nation in the early 18th century and extend through its colonial agricultural, residential and industrial development in the late 18th and 19th centuries. A number of the Village's historic structures and sites have been extensively researched and remain intact. The Village's extensive historic records are maintained by its Historical Society.

- A. **PROTECT HISTORIC RESOURCES** Plans requiring subdivision approval shall be designed to protect existing historic resources of all classes. The protection of an existing historic resource shall include the conservation of the landscape immediately associated with and significant to that resource, to preserve its historic context. Where, in the opinion of the Village Planning Board, a plan will have an impact upon an historic resource, the developer shall mitigate that impact to the satisfaction of the Board by modifying the design, relocating proposed lot lines, providing landscape buffers, or other approved means.

- B. **THE PLANNING BOARD MAY REQUIRE REVIEW** The Planning Board may require review by the Historical Society with regard to the preservation of historic resources including location of proposed sewage disposal systems.

§ 233-59 CORRIDORS AND SCENIC VIEWSHEDS.

All applications for subdivision shall attempt to preserve the scenic visual corridors along such roads by incorporating them into open space areas or otherwise providing for building setbacks and architectural designs to minimize their intrusion. In instances, where such designs fail to satisfactorily protect corridors, applicants will be required to provide naturalistic landscape buffers to minimize their adverse visual impacts. The species specified for such buffers shall be selected on the basis of an inventory of tree and shrub species found in existing hedgerows and along wooded roadside edges in the vicinity of the development proposal.

§ 233-60 TRAILS.

- A. **EXISTING TRAILS** . When a subdivision or land development proposal is traversed by or abuts an existing trail customarily used by pedestrians and/or equestrians, the Board may require the applicant to make provisions for continued recreational use of the trail.

- B. **ALTER COURSE.** The applicant may alter the course of the trail within the tract for which development is proposed under the following conditions:
 - 1. **Same Entrance/Exits.** The points at which the trail enters and exits the tract remain unchanged.

2. **Quality Design** . The proposed alteration exhibits quality trail design according to generally accepted principles of landscape architecture .
 3. **Not on Road.** The proposed alteration does not coincide with a paved road intended for use by motorized vehicles.
- C. **EASEMENT.** When trails are intended for public or private use, they shall be protected by a permanent conservation easement on the properties on which they are located. The width of the protected area in which the trail is located should be a minimum of ten feet. The language of the conservation easement shall be to the satisfaction of the Board.
- D. **DESIGN ELEMENTS** . Trail improvements shall demonstrate adherence to principles of quality trail design.
1. **Clearance.** Trails shall have a vertical clearance of no less than ten (10) feet.
 2. **Width.** Width of the trail surface may vary depending upon type of use to be accommodated, but in no case shall be less than three (3) feet or greater than six (6) feet.
 3. **Non-Motorized Traffic.** No trail shall be designed with the intent to accommodate motorized vehicles.

§ 233-61 OPEN SPACE DESIGN REVIEW STANDARDS.

- A. **PRIORITIZED LIST OF RESOURCE TO BE CONSERVED** . The design of open space lands in any subdivision plan shall reflect the standards set forth in article I and III, to the fullest extent possible, incorporate any of the following resources if they occur on the tract (listed in order of significance):
1. **Wet Lands.** Stream channels, floodplains, wet soils, swales, springs and other lowland areas, including adjacent buffer areas which may be required to insure their protection.
 2. **Wildlife.** Significant natural areas of species listed as endangered, threatened, or of special concern.
 3. **Slopes.** Moderate to steep slopes, particularly those adjoining water courses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
 4. **Woodlands.** Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.

5. **Groundwater.** Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
6. **Trees.** Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetational features representing the site's rural past.
7. **Agriculture.** Class I, II and III agricultural soils as defined by the USDA Natural Resource Conservation Service.
8. **Historic Sites.** Historic structures and sites.
9. **Distinctive Features.** Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features.)
10. **Trails.** Existing trails connecting the tract to other location in the Village.

B. OTHER DESIGN CONSIDERATIONS.

The configuration of proposed Open space lands set aside for common use in residential subdivisions shall comply with the following standards.

1. **Use.** They shall be free of all structures except historic buildings, stone walls, and structures related to open space uses. The Board may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the open space provided that such facilities would not be detrimental to the open space
2. **Configuration.** They shall generally not include parcels smaller than three acres, have a length-to-width ratio of less than 4:1, or be less than 75 feet in width, except for such lands specifically designed as neighborhood greens, playing fields or trail links.
3. **Accessibility.** They shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to open space land.
4. **Recreation.** They shall be suitable for active recreational uses to the extent deemed necessary by the Board, without interfering with adjacent dwelling units, parking, driveways, and roads.
5. **Interconnections.** They shall be interconnected wherever possible to provide a continuous network of open space lands within and adjoining the subdivision.

6. **Buffer.** They shall provide buffers to adjoining parks, preserves or other protected lands.
7. **Trails.** Except in those cases where part of the open space is located within private house lots, they shall provide for pedestrian pathways for use by the residents of the subdivision. Consideration shall be given to providing for public access on such trails if they are linked to other publicly-accessible pathway systems within the Village. Provisions should be made for access to the open space lands, as required for land management and emergency purposes.
8. **Contiguous Parcel.** They shall be undivided by public or private streets, except where necessary for proper traffic circulation.
9. **Landscaped.** They shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect open space resources.
10. **Easements.** They shall be made subject to such agreement with the Village and such conservation easements duly recorded in the Steuben County Clerk's Office as may be required by the Board for the purpose of preserving the common open space for such uses.
11. **Master Plan.** They shall be consistent with the Village's Master Plan.

§ 233-62 (Reserved)
§ 233-63 (Reserved)
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