

VILLAGE OF EAST NASSAU LOCAL SUBDIVISION REGULATION LAW

Article I Authority, Policy, Title, Effective Date

Section 1. Authority.

Pursuant to Article 7 of the Village Law and the Municipal Home Rule Law, the Board of Trustees is authorized and empowered to approve plats showing lots, blocks, or sites, with or without streets or highways, and to approve preliminary plats and minor plats within the municipal boundaries of the Village of East Nassau. To the extent that Article 7 of the Village Law, particularly sections 7-728(1) and 7-730(1), state that a village planning board is authorized and empowered to approve plats and preliminary plats, said provisions of the Village Law are hereby superseded pursuant to the authority of the Municipal Home Rule Law so that the Board of Trustees of the Village of East Nassau is authorized to review and approve plats and preliminary plats.

Also, pursuant to section 7-728(2) of the Village Law, the Board of Trustees is authorized and empowered to approve the development of plats, entirely or partially undeveloped, already filed in the Rensselaer County Clerk's office for the same purposes and under the same conditions. To the extent that Article 7 of the Village Law, particularly section 7-728(2), state that a village planning board is authorized and empowered to approve the development of such plats, said provisions of the Village Law are hereby superseded pursuant to the authority of the Municipal Home Rule Law so that the Board of Trustees of the Village of East Nassau is authorized to review and approve the development of such plats.

Finally, pursuant to section 7-738 of the Village Law, the Board of Trustees is authorized and empowered to approve a cluster development as that term is defined in said section simultaneously with the approval of a plat or plats pursuant to the provisions of Article 7 of the Village Law and this local law subject to the conditions set forth in said section 7-738 and this local law. Again, to the extent that Article 7 of the Village Law, particularly section 7-738, states that a village planning board is authorized and empowered to the approve cluster developments, said provisions of the Village Law are hereby superseded pursuant to the authority of the Municipal Home Rule Law so that the Board of Trustees of the Village of East Nassau is authorized to review and approve the development of such plats.

Section 2. Subdivider's Familiarity With Regulations. In order to facilitate the processing and review of subdivision applications, the Board of Trustees highly recommends that the potential subdivider examine and familiarize him/herself with these Regulations as well as the parcel of land sought to be divided so that the subdivider is aware of what may be required and the time-frames involved in reviewing and approving subdivisions pursuant to these Regulations.

Section 3. Adoption of Regulations and Title.

By authority of Article 7 of the Village Law and the Municipal Home Rule Law, these regulations were adopted by local law on April 12, 2000. These regulations shall be entitled and known as the “Subdivision Regulations of the Village of East Nassau.”

Section 4. Effective Date and Prior Regulations.

These regulations and local law are effective as of the date of the filing of same with the Secretary of State of the State of New York. These regulations and local law supersede, within the municipal boundaries of the Village of East Nassau, all prior subdivision regulations that are effective and have been effective in the Town of Nassau and the Village of East Nassau.

Section 5. Declaration of Policy.

It is hereby declared to be the policy of the Board of Trustees of the Village of East Nassau to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Village of East Nassau. This means, among other things, that land to be subdivided shall be of character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other such dangers; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that any proposed streets shall compose a convenient and orderly traffic system to accommodate and to facilitate prospective traffic, fire protection and emergency services; that proper provision be made for the conservation of open space, scenic views and vistas and the maintenance of the rural character of the Village of East Nassau in accordance with the policies set forth in the Comprehensive Plan of the Village of East Nassau, adopted on January 13, 1999, as amended or updated from time to time.

Article II Procedure In Filing Subdivision Applications

Section 1. Introduction - Requirement for Review

No person shall subdivide any parcel of real property without full adherence to these regulations. Whenever any subdivision of land is proposed to be made, and before any contract for the sale, rental, or lease of, or any offer to sell, rent, or lease any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, and before the commencement of any clearing, grading or preparation of the site in anticipation of a subdivision is commenced, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

Section 2. Exemption.

A. Criteria. The simultaneous division and transfer of land between adjacent property owners shall not be considered a subdivision within the meaning of these Regulations, and shall be exempt from the requirements of these Regulations provided such division of land does not (1) create a new lot or (b) reduce the size of any existing lot area, dimensions or building setbacks below the minimum requirements for the zoning district, as provided by the Zoning Law, in which such land is located. The purpose of this exemption is to encourage property owners to conform to existing lots to the minimum area requirements set forth in the Zoning Law with minimal delay and expense.

B. Procedure. If such a division of land falls within the exemption described above, the adjacent property owners shall submit a combined Sketch Plan to the Board of Trustees of the proposed division and transfer of land together with the proposed deed effectuating such transfer between the parties and schedule and attend a pre-application conference prior to effectuating such property transfer. The Board of Trustees at such conference will study the proposal and issue a determination as to whether such exemption applies to the division of land in question.

C. Submission of Deed Required. In order for the exemption to apply, the property owners must combine into one deed the divided portion of the one parcel with the parcel it is to be annexed to. If the Board of Trustees determines that the exemption applies, the property owners in question must thereafter submit to the Board of Trustees a certified copy of the executed deed filed with the Rensselaer County Clerk which shows that the transfer was made in compliance with the representation contained on the sketch plan and that the parcel divided is joined or annexed to the neighboring parcel. The parcel divided and transferred and the parcel to which it is being annexed or joined shall be considered one lot for purposes of all present and future uses.

Section 3. Sketch Plan.

A. Submission. Any owner of land shall, prior to subdividing or resubdividing land, submit to the Village Clerk at least fourteen (14) days prior to the regular monthly meeting of the Board of Trustees seven (7) copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of Article V, section 1, for the purposes of classification and preliminary discussion.

B. Requirements and Classification. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for lot layout, street improvements, drainage, sewerage or septic capability, water supply, fire protection and emergency services access, and similar aspects, as well as the availability of existing services and other pertinent information as it applies to the proposal.

Classification of the Sketch Plan is to be made at this time by the Board of Trustees as to whether it is a Minor or Major Subdivision as defined in these regulations. The Board may require, however, when it deems necessary for protection of the public health, safety and welfare, that a Minor Subdivision comply with all or some of the requirements specified for Major

Subdivisions. If the Sketch Plan is classified as a Minor Subdivision, the subdivider shall then comply with the procedure outlined in sections 2 and 6 of this Article. If the proposal is classified as a Major Subdivision, the subdivider shall then comply with the procedures outlined in sections 3, 4, 5, 6 and 7 of this Article.

C. Study of Sketch Plan. The Planning Board shall determine whether the Sketch Plan meets the purposes of these regulations and shall, where it deems it necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Board of Trustees.

Section 4. Review and Approval of Minor Subdivision

A. Application and Fee. Within six months after classification of the Sketch Plan as a Minor Subdivision by the Board of Trustees, the subdivider shall submit an application together with a SEQRA environmental assessment form ("EAF") for approval of a Subdivision Plat. Failure to do so shall require resubmission of the Sketch Plan to the Board of Trustees for re-classification. The Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Board of Trustees. Said application shall also conform to the requirements listed in section 2-A of Article V.

All applications shall be accompanied by a fee in accordance with a fee schedule adopted by the Board of Trustees. Said fee schedule has been adopted as part of these regulations as Schedule A, and may be amended from time to time by the Board of Trustees by resolution.

B. Number of Copies. Seven (7) copies of the Subdivision Plat shall be presented to the Village Clerk at the time of the submission of the subdivision application and Plat.

C. Subdivider to Attend Meeting. The subdivider, or his duly authorized representative, shall attend the meeting of the Board of Trustees to present and discuss the Subdivision Plat.

D. When Plat Officially Submitted. The time of submission of the Subdivision Plat shall be considered to be the date on which the application for plat approval, complete and accompanied by the required fee and the proposed Plat containing all data required by section 2 of Article V as well as the environmental assessment form required by SEQRA, has been accepted as complete by the Board of Trustees.

E. Public Hearing. A public hearing shall be held by the Board of Trustees within sixty-two (62) days from the official submission of the subdivision Plat and acceptance of same as complete. Said hearing shall be advertised in the official newspaper of general circulation of the Village at least five (5) days before said hearing. In addition, the subdivider shall deliver a copy of the public hearing notice, by certified mail, return receipt requested, to all owners of the property which abut, are adjacent to, or are situated across an established road from the proposed boundary lines of the property which is subject of the hearing and shall also provide notice to such other persons as the Board of Trustees may direct. The subdivider shall provide the Board with all return receipts at the time of the public hearing.

F. Board Action on Subdivision Plat. The Board of Trustees shall, within sixty-two (62) days from the close of the public hearing, approve, approve with modifications or conditions or disapprove the Subdivision Plat.

If the Board of Trustees grants conditional approval with or without modification to the Plat, it shall empower a duly authorized Village officer to sign the Plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five (5) business days of the adoption of the resolution granting conditional approval, the plat shall be certified by the Village Clerk as conditionally approved, a copy shall be filed in the Village Clerk's office, and a certified copy mailed to the subdivider together with the resolution granting conditional approval and containing the conditions or requirements which, when completed, will authorize the signing of the conditionally approved plat as final. Upon completion of such requirements, the Plat shall be signed by the duly designated officer of the Board of Trustees. Conditional approval of the Plat shall expire one hundred and eighty (180) days after the date of the adoption of the resolution granting such approval unless the requirements have been certified as completed within that time. The Board of Trustees may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances, for not to exceed two additional periods of ninety (90) days each.

Section 5. Preliminary Plat For Major Subdivision.

A. Application and Fee. Within six months after classification of the Sketch Plan as a Major Subdivision by the Board of Trustees, the subdivider shall submit an application for approval of a major Subdivision Plat by filing a Preliminary Plat, an application for approval of said Preliminary Plat, a full SEQRA environmental assessment form (EAF) and the requisite fee. Failure to do so shall require resubmission of the Sketch Plan to the Board of Trustees for re-classification. The Preliminary Plat shall be clearly marked "Preliminary Plat," shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Board of Trustees. Said application shall also conform to the requirements set forth in the provisions of sections 7-728 and 7-730 of the Village Law and section 3 of Article V of these regulations, except where a waiver is specifically authorized by the Board of Trustees.

B. Number of Copies. Seven (7) copies of the Preliminary Plat shall be presented to the Village Clerk at the time of the submission of the subdivision application and Plat.

C. Subdivider to Attend Meeting. The subdivider, or his duly authorized representative, shall attend the meeting of the Board of Trustees to present and discuss the Preliminary Plat.

D. When Preliminary Plat Officially Submitted. The time of submission of the Preliminary Plat shall be considered to be the date on which the application for Preliminary Plat approval, complete and accompanied by the required fee and the proposed Plat containing all data required by section 2 of Article V as well as the environmental assessment form required by SEQRA, has been accepted as complete by the Board of Trustees.

E. Study of Preliminary Plat. The Board of Trustees shall study the practicability of the Preliminary Plat taking into consideration the requirements of the community, the land use policies set forth in the Village's Comprehensive Plan, and the proposed use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sanitary sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands, the policies of the Comprehensive Plan, the relation to the Official Map, if such exists, and the requirements of Zoning Law.

F. Approval Process and Public Hearing. Within sixty-two (62) days from the official submission of the Preliminary Plat, a public hearing shall be held by the Board of Trustees. Said hearing shall be advertised in the official newspaper of general circulation of the Village at least five (5) days before said hearing. In addition, the subdivider shall deliver a copy of the public hearing notice, by certified mail, return receipt requested, to all owners of the property which abut, are adjacent to, or are situated across an established road from the proposed boundary lines of the property which is subject of the hearing and shall also provide notice to such other persons as the Board of Trustees may direct. The subdivider shall provide the Board with all return receipts at the time of the public hearing. The Board of Trustees may provide that the hearing be further advertised in such manner as it deems appropriate. The Board of Trustees shall, within sixty-two (62) days from the close of the public hearing, approve, approve with modifications or disapprove the Preliminary Plat.

The time in which the Board of Trustees must take action on such Plat, may be extended by mutual consent of the subdivider and the Board of Trustees. Failure of the Board of Trustees to act within such sixty-two (62) day period shall constitute approval of the preliminary Plat unless extended by mutual consent.

When so approving a Preliminary Plat, the Board of Trustees shall state, in writing, the modifications, if any, it requires for submission of the Plat in final form. Within five (5) business days of the adoption of the resolution granting approval, with or without modifications, the plat shall be certified by the Village Clerk as granted preliminary approval, a copy shall be filed in the Village Clerk's office, and a certified copy mailed to the subdivider together with the resolution granting approval and containing the modifications required for submission of the plat in final form.

When granting approval to a Preliminary Plat, the Board of Trustees shall state the terms of such approval, if any, with respect to: (1) the modifications to the Preliminary Plat ; (2) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety and welfare; (3) the nature and extent of improvements and/or the amount of bonds therefore which it will require as a prerequisite to the approval of the final Plat..

Approval of the Preliminary Plat shall not constitute approval of the final or subdivision Plat, which must be submitted for approval to the Board of Trustees and fro recording upon

fulfillment of the requirements of these regulations and the Preliminary Plat approval, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the final Plat. Prior to approval of the final plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained during the review process.

Section 6. Final Plat for Major Subdivision.

A. Application and Fee. Within six months after the approval of the Preliminary Plat by the Board of Trustees, the subdivider shall submit an application for approval of the final major Subdivision Plat (the "Final Plat") by filing a Final Plat, an application for approval of said Final Plat, and the requisite fee. If the Final Plat is not submitted within six (6) months after the approval of the Preliminary Plat, the Board of Trustees may refuse to accept and approve the Final Plat and require re-submission of the Preliminary Plat. The Final Plat shall be clearly marked "Final Plat," shall conform to the layout shown on the Preliminary Plan plus any modifications required by the Board of Trustees. Said application shall also conform to the requirements set forth in the provisions of sections 7-728 and 7-730 of the Village Law and section 4 of Article V of these regulations, except where a waiver is specifically authorized by the Board of Trustees.

B. Number of Copies. Seven copies of the Final Plat shall be presented to the Village Clerk at the time of the submission of the Final subdivision application and Plat, together with seven copies of any construction drawings, deed covenants, agreements or other such documents pertaining to the subdivision.

C. Subdivider to Attend Meeting. The subdivider, or his duly authorized representative, shall attend the meeting of the Board of Trustees to present and discuss the Final Plat.

D. When Final Plat Officially Submitted. The time of submission of the Final Plat shall be considered to be the date on which the application for Final Plat approval, complete and accompanied by the required fee and the proposed Plat containing all data required by section 4 of Article V, has been accepted as complete by the Board of Trustees.

E. Endorsement off State and Count Agencies. Water and sanitary sewer or septic facilities proposed in the subdivision shall be properly approved by the Rensselaer County Department of Health and endorsed as such on the Final Plat. Applications for approval of sanitary sewer, septic or water facilities shall be filed by the subdivider with all necessary governmental agencies. Endorsement and approval by the Rensselaer County Department of Health shall be secured by the subdivider before official submission of the Final Plat.

F. Study of Final Plat. The Board of Trustees shall study the Final Plat taking into consideration the requirements of the community, the land use policies set forth in the Village's Comprehensive Plan, and the proposed use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sanitary sewage disposal, drainage, lot sizes and arrangement, the

future development of adjoining lands, the policies of the Comprehensive Plan, the relation to the Official Map, if such exists, and the requirements of Zoning Law.

G. Approval Process.

1. When a Final Plat is submitted which the Board of Trustees deems to be in substantial agreement with the approved Preliminary Plat, the Board of Trustees shall by resolution conditionally approve with or without modifications, disapprove, or grant final approval and authorize the signing of said Final Plat within sixty-two (62) days from the official submission of the Final Plat.

2. When a Final Plat is submitted which the Board of Trustees deems not to be in substantial agreement with the approved Preliminary Plat, the Board of Trustees shall, within sixty-two (62) days from the official submission of the Final Plat., hold a public hearing on the Final Plat. Said hearing shall be advertised in the official newspaper of general circulation of the Village at least five (5) days before said hearing. The Board of Trustees may provide that the hearing be further advertised in such manner as it deems appropriate. The Board of Trustees shall, within sixty-two (62) days from the close of the public hearing, conditionally approve with or without modifications, disapprove or grant final approval and authorize the signing of the Final Plat.

3. The time in which the Board of Trustees must take action on such Plat, may be extended by mutual consent of the subdivider and the Board of Trustees. Failure of the Board of Trustees to act within such sixty-two (62) day period shall constitute approval of the Final Plat unless extended by mutual consent.

4. When so approving a Final Plat, the Board of Trustees shall state, in writing, the conditions and/or modifications, if any, it requires for a duly authorized officer to sign the Final Plat upon satisfaction of said conditions and completion of the modifications as may be stated in it decision. Within five (5) business days of the adoption of the resolution granting conditional approval, with or without modifications, the plat shall be certified by the Village Clerk as granted conditional final approval, a copy shall be filed in the Village Clerk's office, and a certified copy mailed to the subdivider together with the resolution granting approval and containing the required conditions which, when completed and satisfied, will authorize the signing of the conditionally approved Plat as final by the duly authorized officer of the Village.

5. Conditional approval of a Final Plat shall expire one hundred and eighty (180) days after the date of the adoption of the resolution granting such approval unless the requirements have been certified as completed within that time. The Board of Trustees may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances, for not to exceed two additional periods of ninety (90) days each.

Section 7. Required Improvements.

A. The subdivider may propose or the Board of Trustees may require the installation of infrastructure and improvements to be performed as part of the subdivision approval as long as such infrastructure or improvements further the public health, safety and welfare, the purposes of these regulations, the policies set forth in the Comprehensive Plan and the requirements of the Zoning Law. The requirement of infrastructure and improvement installation shall be in

accordance with the authority and requirements set forth in sections 7-728 and 7-730 of the Village Law and these regulations.

B. Bond Or Security. If the installation of infrastructure and improvements is required by the Board of Trustees as part of the approval of the subdivision, the Board of Trustees may require completion of such infrastructure and improvements to the satisfaction of the Board of Trustees or Village engineer prior to final approval and signature of the Final Plat as completed or by the furnishing of a performance bond or other security as now set forth in section 7-730(9) of the Village Law and as said section may be amended from time to time.

C. Modification of Design of Improvements. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Board of Trustees and the Village Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements or infrastructure, the Board of Trustees may authorize modifications which are within the spirit and intent of the subdivision approval.

D. Inspection of Improvements. At least five (5) days prior to commencing construction of required improvements the subdivider shall notify the Board of Trustees and the Village Engineer of the time when he proposes to commence construction of improvements or infrastructure so that the Board of Trustees and/or the Village Engineer may cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements and to insure the satisfactory completion of improvements and infrastructure required by the Board of Trustees.

E. Proper Installation of Improvements. All improvements and infrastructure shall be installed pursuant to the requirements and specifications imposed by the Board of Trustees pursuant to the subdivision approval. If upon inspection, any improvement has not been installed properly in accordance with such requirements and specifications, the Board of Trustees may cause appropriate enforcement actions to be implemented, including, but not limited to, taking all necessary steps to preserve the Village rights under any bond or security furnished by the subdivider.

Section 8. Filing of Approved Final Plat.

A. The subdivider shall file in the office of the Rensselaer County Clerk the approved Final Plat within sixty-two (62) days from the date of final approval or such approval shall expire and the Plat shall become null and void. For purposes of this section, final approval shall mean the signing of the Plat by the duly authorized officer of the Village.

B. No changes, modifications, revisions, erasures or alterations of any kind shall be made to any Plat after approval has been given by the Board of Trustees, unless the Plat is first resubmitted to the Board of Trustees and any changes, modifications, revisions, erasures or alterations of any kind are expressly approved by the Board of Trustees. In the event that any such Plat is recorder without complying with this requirement, said Plat shall be considered null

and void, and the Board of Trustees shall take whatever action it deems appropriate, including but not limited to, instituting proceedings to have the Plat stricken from the records of the County Clerk.

Section 9. Streets, Recreation Areas, Water, Sewer Facilities

A. The Board of Trustees can not require the dedication of any street or land to the Village for any purpose and need not accept any offer of dedication by the subdivider of such street or land. The Board of Trustees can require a private street to be created as part of a subdivision and require said street to be improved pursuant to Village specifications whether or not an offer to dedicate said street to the Village as a public street is accepted or not. The Board of Trustees can also require land to be set aside to be held in private ownership and can also accept an offer of dedication of such land for public purposes. The Board may require the Plat to be endorsed with appropriate notes to this effect.

B. When a park, playground, recreation area or area set aside for open space shall have been shown on a Plat, the approval of said Plat shall not constitute acceptance by the Village of such area as Village property. The Board may require the Plat to be endorsed with appropriate notes to this effect. The Board of Trustees may also require the filing of a written agreement between the subdivider and the Board of Trustees covering future deed and title, dedication, maintenance and operation for any such park, playground, recreation area or area set aside for open space in accordance with the authority of the Board of Trustees pursuant to section 7-730(4) of the Village Law.

C. The approval of any Plat by the Board of Trustees shall not be deemed to constitute or be evidence of any acceptance by the Village of any responsibility to operate, maintain or assume ownership of any central water, storm and sanitary sewer facilities proposed as part of any subdivision unless the Board of Trustees expressly and specifically consents to such responsibility. The Board of Trustees may require as a condition of approval, that suitable arrangement be made, in accordance with Village policy as established by the Board of Trustees, to insure that any such facilities will be operated and maintained in a satisfactory manner.

Article III General Development, Design, and Improvement Standards

In considering applications for subdivision of land, the Board of Trustees will be guided by the standards set forth in this Article which are considered to be minimum requirements and may be varied by the Board of Trustees under circumstances set forth in Article V below.

Section 1. General

A. Character of Land. Land to be subdivided shall be of such character that it can be safely and appropriately used for development purposes in accordance with the purposes of these regulations, the Village Zoning Law and Comprehensive Plan. Subdivisions shall conform to the Comprehensive Plan, Zoning Law and these regulations.

B. Specifications for Required Improvements. All required improvements shall be constructed or installed to the specifications set forth by the Board of Trustees.

Section 2. Design Standards.

A. Streets.

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

2. Minor Streets. Minor streets shall be so laid out that their use by through traffic will be unnecessary and will be discouraged.

3. Arrangement. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of any adjoining subdivision, and for proper projection of principal streets into adjoining properties which are not yet subdivided.

4. Frontage Streets. All subdivisions; residential and nonresidential, should be designed such that there will be complete internal circulation servicing all lots without frontage or access to a numbered state or county highway. Numerous driveway access points onto state or county highways should be avoided if practicable.

5. Cul-de-sac and Loop Streets. The creation of cul-de-sac or loop residential streets will be encouraged only where the Board of Trustees finds that such type of development will not interfere with normal traffic circulation in the area. In the case of such streets, where needed or desirable, the Board may require the reservation of a ten-foot or wider easement to provide for continuation of pedestrian traffic and utilities to the next street.

6. Relation to Topography. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property.

7. Street Widths. All streets shall have the minimum right-of-way width of fifty (50) feet and minimum pavement width according to the classification determined by the Board of Trustees. A minor street shall have an 18-foot minimum travel surface width and a collector street shall have a minimum travel surface width of 20 feet. Street rights-of-way and pavement width requirements may be modified for nonresidential subdivisions if the Board of Trustees finds that the needs of traffic and other usage so require.

8. Specifications. The Board of Trustees shall have the authority to establish and impose reasonable specifications on any type of street or other improvement in connection with a

proposed subdivision and such improvement shall be installed in accordance with such specifications.

B. Lots.

1. Area Requirements. All lots shall have area requirements at least equal to the minimum requirements established in the Zoning Law. Larger lots may be required by the Board of Trustees, if in their discretion, such larger lots are necessary to carry out the intent and purposes of these Regulations.

2. Specifications. The Board of Trustees shall have the authority to establish and impose reasonable specifications on any lots proposed in a proposed subdivision including the angles of lot lines to streets, depth of lots, access across watercourses or drainage courses and other such items in connection with an appropriate and suitable layout of proposed lots given all of the factors and circumstances involved in a proposed subdivision.

C. Flood Plains.

1. Mapping. If any portion of the land within the subdivision is subject to periodic inundation or flood hazard by storm water, this portion shall be clearly indicated on any submissions required by these Regulations. In cases where a flood plain is not clear as to location or extent, the Board of Trustees may require the submission of a flood hazard study delineating the limits and boundaries of the 100-year flood plain; such study to be conducted by a licensed professional engineer.

2. Land subject to flooding, and land deemed by the Board of Trustees to be otherwise uninhabitable or unsafe, shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property or increase the potential for a flood hazard.

3. Conditions for Approval. Any subdivision, including all proposed improvements and construction, must comply with all applicable provisions of the National Flood Insurance Act of 1968, as subsequently amended, and with all regulations promulgated thereto.

D. Preservation of Natural Features.

1. Top Soil. Top soil moved during the course of construction shall be redistributed on site and shall be stabilized by seeding and/or planting. At no time shall top soil be removed from the site without written permission from the Board of Trustees.

2. Existing Trees and Shrubbery. To the fullest extent possible, all existing trees and shrubbery shall be preserved on site. Special consideration shall be given to the arrangement and ultimate improvement or development of the lots to this end so that natural features and vegetation of the land are conserved in keeping with the rural character of the Village. Precautions shall also be taken to protect existing trees and shrubbery during the process of grading the lots and the roads. Where there is a question as to the desirability of

removing a group of trees which may serve to add interest and variety to the proposed subdivision, in order to allow for the use of the land for a lot or lots, the Board of Trustees may, after proper investigation require modification of such lots. Where any land is proposed to be dedicated to public use, the subdivider shall not remove any trees from the site without consent from the Board of Trustees.

3. Natural Watercourses. Where a proposed subdivision is traversed by a natural lake, pond or stream, the boundaries or alignment of such watercourse shall be preserved unless the Board of Trustees finds that a change or realignment will enhance the development and aesthetics of the subdivision. Any such changes and any or in and adjacent to watercourses shall be in accordance with the regulations of the NYS Department of Environmental Conservation and/or the U.S. Army Corps of Engineers.

4. Unique Features. Unique physical features such as historic landmarks and sites, rock out-croppings, hilltop lookouts, scenic views and vistas, desirable natural contours and open space areas, and similar features shall be preserved if possible.

5. Depressions and Hills. The subdivider shall not be permitted to create any surface depressions which will collect undesirable pools of water. The subdivider shall not be permitted to leave any undesirable hills or mounds of dirt around the tract. All surfaces must be restored within six (6) months of the time of the completion of the section of the subdivision.

E. Parks, Playgrounds and Recreational Areas.

The Board of Trustees may require the subdivider to set aside an appropriate area of the subdivision for park, playground or recreational purposes or to require a sum of money to be submitted to the Village in lieu thereof pursuant to and in accordance with section 7-730(4) of the Village Law governing the reservation of parkland on subdivision plats containing residential units.

Section 3. Improvements.

The subdivider, before approval of the Plat, shall complete all improvements to the satisfaction of the Board of Trustees in accordance with Article III, section 5 of these regulations.

A. Streets. Required street improvements shall meet standards established by the Board of Trustees. These include provisions for grading, sub-base, wearing surface, construction methods and other relevant items.

B. Drainage.

1. Adequate storm drainage systems shall be required in all subdivisions. The Board of Trustees may require that the drainage system be designed by a licensed professional engineer when the circumstances warrant it.

2. Specifications. Storm drains, culverts, catch basins and other drainage improvements and structures shall be installed in accordance with the approved Plat and the standards established by the Board of Trustees. All pipe shall comply with the requirements of the current New York State Department of Transportation specifications governing such facilities. The location, length, depth, size, grade and type of pipe shall be designated on the plans which constitute the Plat. If unusual and unforeseen conditions are discovered at the time of construction, the Board of Trustees or Village Engineer shall determine the type and extent of construction required to overcome such conditions.

3. Removal of Surface Water. Any undesirable surface water that may exist either previous to, or as a result of, the subdivision, shall be carried away from the site by pipe or open ditch. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

4. Accommodation of Potential Development. A culvert or drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside of the subdivision. The Board of Trustees or Village Engineer shall approve the design and size of facilities based on anticipated runoff from a “ten-year” storm under conditions of total potential development permitted by the Zoning Law in the area.

5. Responsibility from Drainage Downstream. The Board of Trustees may also require a study to be submitted by the subdivider with respect to the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision for review by the Board. When it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a “ten-year” storm, the Board of Trustees shall not approve the Plat until provision has been made for the mitigation or avoidance of such condition.

6. Drainage Plan. When required by the Board of Trustees, a subdivider shall submit an individual lot drainage plan for each lot in the proposed subdivision. Such plan shall be followed in the grading of lots before any building permits are issued. Where a watercourse separates an existing street or proposed street from abutting property, a provision shall be made for access to all lots by means of culverts or other structures of design as approved by the Board of Trustees. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required by the Board of Trustees or Village Engineer. All such easements shall be at least twenty (20) feet in width.

C. Other Requirements.

1. Utilities. The Board of Trustees, wherever possible, require that utilities be placed underground in the street right-of-way of all proposed streets and that underground service connections are installed by the subdivider before completion of such streets. Alignments for major overhead utility lines shall be reviewed and provided for in such a manner

as to minimize detrimental impact on the development and the surrounding area.

2. Sidewalks. The Board of Trustees may require that provision be made for sidewalks or areas designated for bicycle and pedestrian traffic.

3. Monuments. Permanent markers or monuments shall be set at lot corners, angle points, points of curves and other appropriate points as the Board of Trustees may require in order to provide for clear and precise delineation of lot boundaries that will last over time.

4. Driveways locations, grade, and alignment for lots shall be approved by the Board of Trustees or Village Engineer, and shall also be approved by the County or State Department of Transportation whenever such driveways have access to County or State roads.

Article IV Documents to be Submitted

Section 1. Sketch Plan.

A. Map. The sketch plan shall be based upon tax map information or some other similarly accurate base map at a scale (preferably not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet. The sketch plan shall show at least the following information:

1. The location of that portion which is to be subdivided in relation to the entire tract of land and its relation to the nearest roads.

2. The location of all existing structures, wooded areas, streams, ponds, flood areas and other significant features should be indicated as best as practicable so that a fairly accurate approximation of the location of such features can be ascertained.

3. The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.

4. The tax map sheet, block and lot numbers of parcel proposed for subdivision.

5. The proposed pattern of lots (including lot width, depth and size) and street layout and recreation areas, if applicable.

6. All existing restrictions on the use of the parcel proposed to be subdivided including easements, covenants and the applicable land use districts and restrictions pursuant to the Zoning Law.

Section 2. Minor Subdivision Plat.

A. In the case of Minor Subdivisions only, the subdivision plat and supporting

application documents shall include at least the following:

1. An actual field survey of the boundary lines of that portion of the parcel to be subdivided from the remaining lands, giving complete descriptive data by bearings and distances. Said survey shall be prepared, certified, stamped and signed by a professional land surveyor duly licensed by the State of New York. The corners of the lot, angle points and points of curves shall also be located on the ground and marked by monuments pursuant to Article IV, section 2(c)(3) of these regulations.
2. The date, north point, map scale, name and address of record owner, and legend of map features.
3. A location insert, name of Village, Town and County.
4. The plat to be filed with the County and Village shall be on mylar (or such other format as required or accepted by the County Clerk for filing) in a size and form acceptable to the County Clerk and Board of Trustees. Each plat shall contain two blank spaces at least 3 by 5 inches for affixing the stamps of the County Department of Health and Board of Trustees.
5. A copy of any proposed deed covenants, easements, right-of-ways and deed restrictions as are intended to cover all or part of the entire parcel.
6. All on-site sanitation and water supply facilities shall be designed to meet the requirements of the County Department of Health and the Plat shall bear the stamp of said Department so stating.
7. The proposed building envelope, location of proposed driveway, and on-site water well and leach field.
8. An environmental assessment form (EAF) with Part 1 completed by the subdivider as required by SEQRA.
9. Completed Village of East Nassau subdivision application together with a check for the requisite subdivision fee.

Section 3. Major Subdivision Preliminary Plat Submission.

The following documents must be submitted to the Village Clerk for Preliminary Plat review for all Major Subdivisions:

A. Seven (7) paper copies of a map clearly marked "Preliminary Plat" prepared by a New York licensed land surveyor at a scale of not more than two hundred (200) feet to the inch, showing:

1. Proposed subdivision name, name of Village, Town and County in which it is located, date, true north point, scale, name and address of record owner, subdivider and surveyor,

including license number, seal and signature;

2. All existing and proposed property lines, present zoning and building setback lines, easement and right-of-way lines with dimensions, bearings or angle data, and curve data;

3. The bearings, distances and locations of all iron pipes and survey monuments, such pipes or monuments to be labeled existing or proposed;

4. All contiguous land owned or under purchase contract or option by the subdivider and/or record owner;

5. Existing and/or proposed streets and all parcels of land proposed to be dedicated to public use and the conditions of such dedication;

6. Names of record owners of all adjacent property;

7. Location of existing and/or proposed structures, water wells, septic systems; electrical utilities or easements and driveway locations;

8. Location and lines of all existing and intermittent water courses, lakes, ponds, wetlands, streams, drainage courses, one hundred (100) year flood plain boundaries and other important land features, such as bedrock outcroppings, steep slopes, historic sites, structures or districts;

9. Proposed use of each proposed lot;

10. Percolation test information and sites of percolation tests.

11. Contour lines with intervals of no more than 20 feet unless otherwise specified by the Board of Trustees;

B. Completed Village of East Nassau subdivision application, together with a full SEQRA EAF form with Part 1 completed and signed and a check for the requisite subdivision fee.

C. Grading, drainage, erosion control and/or landscaping plans if required by the Board of Trustees.

D. Design of all proposed on-site septic and water facilities which meet the minimum standards of the New York State Department of Health and Rensselaer County.

E. Proposed construction detail sheets for any proposed streets, drainage facilities, culverts and other facilities proposed to be constructed as part of the subdivision development.

F. Any other information required by the Board of Trustees as set forth as a result of the

sketch plan conference or initial review of the Preliminary Plat. The Board of Trustees may, where it deems appropriate, waive any of the above submission requirements.

Section 4. Major Subdivision Final Plat Submission.

A. Submission. Within six (6) months from the date that the Board of Trustees approved, with or without modification, the Preliminary Plat, the subdivider must submit the plat in final form (the "Final Plat") to the Village Clerk at least seven days prior to a regularly scheduled Board of Trustees meeting. If the Final Plat is not submitted within said six-month period without an extension granted by the Board of Trustees (one such extension may be granted), the Preliminary Plat approval automatically expires.

B. Submission Requirements. The Final Plat submission shall include the following drawings, documents and detail:

1. Seven (7) paper copies of a map clearly marked "Final Plat" prepared by a New York licensed land surveyor at a scale of not more than one hundred (100) feet to the inch, showing all information and detail required to be shown on the Preliminary Plat as set forth in the previous section and the modifications, if any, required by the Board of Trustees at the time of the approval of the Preliminary Plat if such preliminary Plat had been approved.

C. Completed Village of East Nassau final subdivision plat application and a check for the requisite subdivision fee.

D. Grading, drainage, erosion control and/or landscaping plans if required by the Board of Trustees.

E. Final design of all proposed on-site septic and water facilities which meet the minimum standards of the New York State Department of Health and Rensselaer County.

F. Final construction detail sheets for any proposed streets, drainage facilities, culverts and other facilities proposed to be constructed as part of the subdivision development.

G. Letters of recommendations or approvals with respect to the adequacy of the proposed water supply and septic system from the Rensselaer County Department of Health.

H. Deed covenants and restrictions, easements or grants of rights-of-way in proper form for recording.

I. Any other information required by the Board of Trustees as set forth as a result of the sketch plan conference or initial review of the Preliminary Plat. The Board of Trustees may, where it deems appropriate, waive any of the above submission requirements.

J. The plat to be filed with the County and Village shall be on mylar (or such other format as required or accepted by the County Clerk for filing) in a size and form acceptable to

the County Clerk and Board of Trustees. Each plat shall contain two blank spaces at least 3 by 5 inches for affixing the stamps of the County Department of Health and Board of Trustees.

Article V Cluster Development

Section 1. Authority

- A. Pursuant to the powers granted under section 7-738 of the Village Law, the Village Board authorizes itself to vary the zoning requirements of this law simultaneously with the approval of any proposed subdivision plat as part of the subdivision review process, subject to the purposes, standards, and procedures set forth in this Article and section 7-738.

- B. The Village Board may require and subsequently approve such variations in the zoning requirements where it finds that any of the following conditions exists on the development site and that nonclustered development of the site may impair conservation of the environment or preservation of the neighborhood or district character:
 - 1. Slopes over fifteen percent (15%) on twenty-five percent (25%) or more of the area of the site;
 - 2. Wetlands, including regulated and non-regulated freshwater wetlands;
 - 3. Flood-prone areas as shown on New York State Soil Conservation Service soils maps or Federal Emergency Management Agency (FEMA) maps;
 - 4. Historic structures or areas of local, state, or national importance, whether or not on a state or national register of historical structures or places;
 - 5. Unique or unusual natural or geological formations;
 - 6. Lakes, ponds, or other significant existing or potential recreation areas;
 - 7. Rare, threatened, or endangered vegetation or significant habitats of threatened or endangered wildlife, as determined by the New York State Department of Environmental Conservation;
 - 8. Significant scenic views or vistas; or
 - 9. To further the purposes as set forth in the Comprehensive Land Use Plan.

Section 2. Purposes

The purposes of cluster development are to enable and encourage flexibility of design and development of land in such a manner as to:

- A. Promote the most appropriate use of land;
- B. Facilitate the adequate and economical provision of streets and utilities;
- C. Result in improved living and working environments;
- D. Preserve open space and the natural and scenic qualities of open lands;
- E. Preserve significant tracts of forested lands;
- F. Preserve active agricultural lands;
- G. Protect flood plains, wetlands, lakes, ponds, streams, and other natural features; and
- H. Promote development in harmony with the goals and objectives of the Comprehensive Land Use Plan.

Section 3. Location

The provisions of this Article shall apply in all zoning districts where appropriate.

Section 4. Density and Development Standards

- A. Density. In the approval of a cluster subdivision, the maximum density shall in no case exceed the density which could be permitted, in the Village Board's judgment, if the land were subdivided into lots conforming to the minimum lot size, density, and other requirements otherwise applicable to the district or districts in which such land is located. Except as specified herein, all development standards and controls normally applicable to conventional subdivisions shall also be applicable to cluster developments.

The applicant shall submit a sketch plan for a conventional subdivision conforming to the minimum lot size and standards otherwise applicable to the district or districts in which the subdivision is located in order to establish the number of dwelling units permitted in a clustered development. The area of lands which may be required for parks, playgrounds or recreation lands in a clustered subdivision shall in no case exceed the area of such lands which would be required in a nonclustered subdivision. The area of lands which would, in a nonclustered subdivision, be required for parks, playgrounds or recreation lands, if any, pursuant to the Village Law section 7-730(4) and Article II section 7(B) of this Law shall be excluded in determining the number of dwelling units permitted in a clustered development.

B. Development Standards.

1. Vehicular Access. At least two (2) means of vehicular access shall be provided for cluster developments of twenty (20) dwelling units or more.
2. Maximum Coverage. The permitted gross building coverage on any cluster development site shall not exceed fifteen percent (15%) of the gross land area.
3. Minimum Lot Size. The minimum lot size allowed in a clustered development shall be determined by the Village Board.

Section 5. Open Space Requirements

- A. The setting aside of open space, forested land, or active agricultural land in a clustered subdivision shall in no case preclude the Village Board from requiring the dedication of parks, playgrounds or recreation lands within a subdivision pursuant to the Village Law section 7-730(4) and Article II section 7(B) of this Law.
- B. Lands set aside in a cluster development for parks, playgrounds or recreation purposes shall be provided in such a manner that the lands are usable for recreation or other activities and are accessible to all residents of the subdivision or, where such lands have been conveyed to the town, accessible to the public.
- C. If open space, forested lands, or recreation lands set aside in a cluster development are not dedicated to public use, such areas shall be protected by legal arrangements, satisfactory to the Village Board, sufficient to assure its maintenance and preservation of the areas for their intended purposes. Covenants or other legal arrangements shall specify: ownership of the cluster open space; method of maintenance; responsibility for maintenance, maintenance taxes, and insurance; compulsory homeowners association membership and compulsory assessment provisions, where applicable; guarantees that any association formed to own and maintain cluster open space will not be dissolved without prior consent of the Village Board; and, any specifications deemed necessary by the Village Board.

Section 6. Procedure

Notwithstanding any requirements established in this Article, the proposed site plan or subdivision plan of a cluster development shall be subject to the application procedures established herein for review of a proposed traditional subdivision plat and shall be subject to public review at the public hearing or hearings held pursuant to this law.

Article VI Definitions

Section 1. Meaning of Terms.

Unless otherwise expressly stated, the following terms shall, for the purposes of these regulations, have the meaning indicated as follows:

Subdivision - means the division of any parcel of land into two or more lots, blocks, or sites, with or without streets, for the purpose, whether immediate or future, of creating distinct parcels or lots for transfer of ownership, development, financing, or for any other reason.

Major Subdivision - means any subdivision not classified as a Minor Subdivision, including but not limited to, subdivision of three (3) or more lots, or any size subdivision requiring any new street or extension of municipal facilities or a subdivision of a parcel which had been previously subdivided within three (3) years of the present application.

Minor Subdivision - means any subdivision containing not more than two (2) lots all fronting on an existing street or highway, not involving any new street or road or extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Village Comprehensive Plan, Zoning Law or these regulations.

SEQRA - means the State Environmental Quality Review Act as set forth in the Environmental Conservation Law and in regulations at 6 NYCRR Part 617.

Article VII Fees

Section 1. Setting Fees.

The Board of Trustees has the authority to set a fee for the submission and review of a subdivision plat, including a minor subdivision plat, a preliminary plat and a final plat. The Board of Trustees hereby adopts the following fee schedule which may be amended from time to time by local law or resolution:

A. Minor Subdivision = \$50.00 fee

B. Major Subdivision:

Preliminary Plat = \$100 fee plus \$50 per lot in excess of three lots.

Final Plat = \$100 fee plus \$25 per lot in excess of three lots.

C. Consultant Services. Whenever the Board of Trustees deems it necessary and appropriate to retain a consultant (including an engineer, planner, attorney and/or surveyor) to

assist the Board in reviewing a subdivision proposal, the Board shall require the subdivider to submit a sum of money based on the consultant's estimate for services to be rendered in connection with the proposed subdivision. Said estimate for consultant services shall be approved by the Board of Trustees after consultation with the subdivider or its consultant. Said sum shall be held by the Village to pay its consultant for such services and shall be a part of the subdivision fee. The estimate shall not be increased unless the subdivider significantly modifies the subdivision application in any respect and any part of said estimate which is not used by the Village's consultant shall be returned to the subdivider. The consultant must submit detailed invoices describing the services rendered and the time spent for such services. The subdivider shall have the opportunity to review said invoices prior to payment.

Article VIII Severability

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

End of Law