

ARTICLE III

Violations

§ 52-14. Penalties for offenses.

Any person committing an offense against any provision of this chapter shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding two hundred fifty dollars (\$250.) or imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment. In addition to the above provided penalty the Village Board of Trustees may also maintain an action or proceeding in the name of the village in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

¹Editor's Note: See Ch. 65, Zoning, for provisions pertaining to designation of zones.

Chapter 53

SUBDIVISION OF LAND

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[HISTORY: Adopted by the Board of Trustees of the Village of Port Dickinson 6-10-75 as Local Law No. 5-1975. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 49.
Street construction — See Ch. 51.
Streets and sidewalks — See Ch. 52.
Water — See Ch. 62.
Zoning — See Ch.

ARTICLE I
Preamble and Title

§ 53-1. Preamble.

Whereas it is deemed necessary to promulgate certain regulations in order to improve, maintain and protect the interests of the Village of Port Dickinson, New York, in its public health, safety and general welfare and in order to provide for the future growth and development of the village, and

Whereas the Village Planning Board of the Village of Port Dickinson, New York, being duly convened in regular session and by authority of the resolution adopted by the Village Board on May 6, 1975, pursuant to the provisions of § 7-728 of the Village Law authorizing and empowering the Planning Board to approve subdivision plats within the limits of the incorporated village hereby ordains and enacts these rules and regulations being in addition to any applicable rules, regulations, ordinances and laws of the State of New York and for the County of Broome and for the Village of Port Dickinson, New York.

§ 53-2. Title.

This chapter may be known and cited as the “Village of Port Dickinson Subdivision Regulations.”

ARTICLE II
Definitions

§ 53-3. Definitions and word usage.

- A. Word usage. For the purpose of the Subdivision Regulations, words used in the present tense include the future, the plural includes the singular, the word “lot” includes the word “plot,” the word “building” includes the word “structure,” the word “shall” is intended to be mandatory, and the word “occupied” includes the words “designed for occupancy” or “intended to be occupied.”
- B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

BUILDING — Any structure other than a boundary wall or fence.

CLERK or MUNICIPAL CLERK — The duly designated Clerk of the municipality concerned.

COMPREHENSIVE PLAN — A Master Plan for the future growth and development of the municipality to ensure adequate housing, transportation, recreation, public health, safety and the general welfare of the population.

CROSSWALK or WALKWAY — An access through a subdivision dedicated to public use, to facilitate pedestrian traffic.

CUL-DE-SAC — A designed turnaround area for vehicles at the dead end of a street.

EASEMENT — A legal access stipulated in a recorded acquisition in the County Clerk’s office for a specific use of the designated area by public, corporate or specified persons.

ENFORCEMENT OFFICER — The administrative officer or his representative, duly appointed by the empowered authorities of the municipality, who shall be authorized to administer and enforce these subdivision rules and regulations.

ENGINEER or MUNICIPAL ENGINEER — The Engineer duly designated by the Village of Port Dickinson.

HIGHWAY — A public right-of-way generally designed to carry high volumes of traffic between major centers of development.

- (1) PRIMARY HIGHWAY — A highway usually under state or county jurisdiction, principally designed for high-speed through traffic between centers of development such as commercial centers, industrial areas and concentrated residential communities, both within and outside the county or state boundaries.

(2) **SECONDARY HIGHWAY** — Similar to a primary highway, generally under local jurisdiction, designed for traffic between important centers of development within municipal limits and as a highway link to primary highway systems.

LOT — An area of land occupied or capable of being occupied by a structure or structures and/or uses, such as open spaces. “Lot” shall also mean parcel, plot, site or any similar term.

LOT DEPTH — The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT WIDTH — The mean width measured at right angles to its depth.

MASTER PLAN — A comprehensive plan prepared by the Planning Board, which plan shows general locations desirable for various functional classes of public works, places, structures and other general physical developments, and any amendment to such plan or part thereof.

MUNICIPAL BOARD — The legislative body of the municipality.

OFFICIAL MAP — The map established by the Village Board, pursuant to appropriate sections of the Village Law, showing streets, highways, parks and drainage theretofore laid out, adopted and established by law, and any amendments thereto adopted by the Village Board.

PLANNING BOARD — The Board created as such by the Municipal Board or the body of the duly appointed members of this Board.

RESUBDIVISION — Replacement of an existing filed plat with a changed or improved plat. “Resubdivision” shall be considered as a subdivision.

STREET — Any public or private right-of-way which affords the primary means of access to abutting properties.

(1) **ARTERIAL STREET** — A street or highway which is designated and constructed primarily to carry large volumes of traffic through and between communities.

(2) **COLLECTOR STREET** — A street or highway which is designed and constructed primarily to carry traffic from the service streets to the major arterial and highway. Also identified at times as a major street.

(3) **MARGINAL ACCESS STREET** — A street located on a separate right-of-way; a street parallel to and in the vicinity of a primary or secondary highway, designed to provide access to abutting properties without interrupting highway traffic except at designated intersections or access points.

(4) **MINOR STREET** — A street with limited capacity, designed to provide access to abutting properties within an area such as a neighborhood.

SUBDIVIDER — Any person, firm, corporation or agent thereof who shall file a subdivision submission.

SUBDIVISION — Land divided into two (2) or more lots, blocks or sites, with or without streets or highways, and including resubdivisions.

TIME OF SUBMISSION OF SUBDIVISION PLAT — The date of the regularly scheduled monthly meeting of the Planning Board following the date when the subdivider submits the final subdivision plat of all or a portion of the subdivision.

ARTICLE III Procedure

§ 53-4. Basic requirements.

Whenever any subdivision of land, as hereinbefore defined, is proposed to be made and before any contract for the sale of or any offer to sell such subdivision or any part thereof is made, the subdivider shall apply in writing to the Planning Board for the approval of such subdivision. The application of the subdivider shall conform to the specifications in §§ 53-5, 53-6 and 53-7 of these Subdivision Regulations as well as with the requirements of Article IV.

§ 53-5. Preapplication procedure.

- A. The subdivider shall file a preapplication sketch plan of the proposed subdivision with the Planning Board for its review and recommendation prior to the submission of the preliminary layout. There shall also be filed with the preliminary application sketch plan a key map (location map) which shows the location of the proposed subdivision within the municipality.
- B. The lot layout sketch plan, drawn on a topography survey, shall show in general form the proposed layout of streets, their relationship to existing traffic arteries, the general layout of lots and other site conditions and facilities which will serve or influence the proposed subdivision.
- C. The Planning Board shall study the sketch plan and any accompanying information and shall notify the subdivider that the sketch plan does or does not meet the objectives of these Subdivision Regulations.
- D. The subdivider shall prepare the preliminary layout of the subdivision in accordance with § 53-6 of these Subdivision Regulations and the recommendations of the Planning Board in regard to the preapplication subdivision sketch.

§ 53-6. Preliminary layout.

- A. Step I. In order to afford the subdivider an opportunity for receiving preliminary review of his plat and to prevent the unnecessary expenditure of time and money which would be incurred if major changes were required by the Planning Board in case a final plat was submitted directly to the Planning Board, the subdivider shall submit two (2) copies of a preliminary layout of the proposed subdivision to the Planning Board. These preliminary layouts shall be submitted at a regularly scheduled meeting of the Planning Board. They shall be drawn at a scale of not more than forty (40) feet to the inch, shall be clearly marked "preliminary layout" and shall show or be accompanied by the following information:
 - (1) The proposed subdivision name and/or identifying title and the name and address of the owner of record, the subdivider and the designer of the preliminary subdivision layout, date, scale and true North direction.

- (2) The deed description and a map or survey of the tract boundary made and certified by a licensed surveyor and, where practicable, tied into established reference points such as existing street corners, highways or permanent boundary monuments.
- (3) A topographic map of the parcel of land to be subdivided, at the same scale as the preliminary layout, showing a contour interval of not more than five (5) feet.
- (4) The name, location and dimensions of existing or proposed streets, highways, alleys, parks and other public open spaces or uses of adjacent properties.
- (5) The location and dimensions of any street or other public way or place, platted upon the Official Map or the Master Plan of the village if such exists, for the property to be subdivided.
- (6) The location of existing sewer, water or other utility lines including culverts, drains and easements on the property to be subdivided and plans to connect thereto.
- (7) The location, dimensions, grades and profiles of all streets or other existing site conditions, including easements, rights-of-way, structures, trees and ponds, streams and marshes or public areas and other public ways proposed by the subdivider shall comply as a minimal with regulations and specifications promulgated by the Village Engineer.
- (8) Typical cross sections of proposed roadways, sidewalks and grades drawn at an appropriate scale.
- (9) The proposed layout of lots, showing lot lines, dimensions and area of lots and any areas to be dedicated or reserved for parks or other public uses.
- (10) The proposed sanitary sewerage and water supply plan, showing methods for obtaining and furnishing adequate and satisfactory water supply and sewerage facilities in accordance with Broome County health regulations and in conformance with all local laws and ordinances of the Village of Port Dickinson.
- (11) The proposed plan for collecting and discharging surface water drainage.
- (12) Proposed utilities.
- (13) If, in conjunction with the preparation of the site in the manner and for the use specified in the plat and its accompanying information, the subdivider intends to excavate or have excavated gravel, sand, rock, topsoil or other similar materials for sale or for use or reuse at another site other than the original location of the excavation, such intention shall be so stated on the plat or its accompanying information. This statement shall include an estimate of the amount in volume measurement units for such materials to be excavated. Also stated shall be the methods which the subdivider will use to control surface drainage and, or erosion and the final treatment of the borrow area, i.e., backfill, planting, etc.
- (14) Where the preliminary layout submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future street system of the unsubmitted part will be considered in the light of adjustments and connections with the street system of the part submitted.
- (15) A statement as to the land use permitted by the Village Zoning Ordinance as to the premises involved and a further statement as to whether any request for rezoning is contemplated in the development.

- (16) A long form Environmental Assessment Form or Environmental Impact Statement as required by the Board at the sketch plan discussion.

B. Step II.

- (1) The Planning Board shall study the preliminary layout and accompanying information in connection with the topography of the area, the existing requirements of the Zoning Ordinance, the Master Plan and the Official Map, if such exists, and the other local laws of the village and shall take into consideration the general requirements of the community and the best use of the land to be subdivided. Particular attention shall be given to matters enumerated in § 7-730 of the Village Law as well as in specific requirements for parks, playgrounds, school sites, highways and streets, the adequacy of street connections and the suitability of the land for development.
- (2) 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.
- (3) Date of Official Submission.

The date of submission of the Preliminary Plat shall be the date it is received complete and accompanied by the required fee and all data required by these regulations and the Planning Board Rules and Regulations. A 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 Preliminary Plat shall begin upon filing of such negative declaration or such notice of completion.

- (4) Subdivider to Attend Planning Board Meeting.

The subdivider or his duly authorized representatives shall attend the next meeting of the Planning Board after such receipt to discuss the Plat with the Planning Board.

C. Step III.

- (1) Public Hearing.

- I. Planning Board as lead agency under the State Environmental Quality Review Act.

The time within which the Planning Board shall hold a public hearing on the Preliminary Plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act, as follows:

- (1) If the Planning Board determines that the preparation of an Environmental Impact Statement on the Preliminary Plat is not required, the public hearing on such Plat shall be held within sixty-two days after the receipt of a complete Preliminary Plat by the clerk of the Planning Board; or
- (2) If the Planning 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 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 Preliminary Plat shall be held within sixty-two days of filing the notice of completion.

- (3) The hearing on the 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 manner as it deems most appropriate for full public consideration of such Preliminary Plat. The hearing on the Preliminary Plat shall be closed upon motion of the Planning Board within one hundred twenty days after it has been opened.
- (4) The Planning Board shall approve, with or without modification, or disapprove such Preliminary Plat as follows:
 - (a) If the Planning Board determines that the preparation of an Environmental Impact Statement on the 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 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 final Environmental Impact Statement shall be filed within forty-five days following the close of the public hearing on the Preliminary Plat. Within thirty days of the filing of such final Environmental Impact Statement, the Planning Board shall issue findings on the final Environmental Impact Statement and make its decision on the Preliminary Plat.
 - (c) 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 Preliminary Plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the Plat in final form.

II. Planning Board not as lead agency under the State Environmental Quality Review Act.

- (1) The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the Preliminary 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 Preliminary Plat within sixty-two days after the receipt of a complete Preliminary Plat by the clerk of the Planning Board. (Amended Feb. 11, 1997 by Local Law 2-1997).
- (2) The hearing on the 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 Preliminary Plat. The hearing on the Preliminary Plat shall be

closed upon motion of the Planning Board within one hundred twenty days after it has been opened.

- (3) The Planning Board shall by resolution approve with or without modification or disapprove the Preliminary Plat as follows:
 - (a) If the preparation of an Environmental Impact Statement on the 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 Preliminary Plat. (Amended Feb. 11, 1997 by Local Law 2-1997).
 - (b) If an Environmental Impact Statement is required, the Planning Board shall make its own findings and its decision on the Preliminary Plat within sixty-two days after the close of the public hearing on such Preliminary Plat or within thirty days of the adoption of findings by the lead agency, whichever period is longer. (Amended Feb. 11, 1997 by Local Law 2-1997).
- (4) 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 Preliminary Plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the Plat in final form.

D. Step IV.

- (1) Certification and filing of Preliminary Plat.

Within five business days of the adoption of the resolution granting approval of such Preliminary Plat, 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.

- (2) Filing of decision on Preliminary Plat.

Within five business days from the date of the adoption of the resolution approving the 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.

- (3) Revocation of approval of Preliminary Plat.

Within six months of the approval of the Preliminary Plat, the owner must submit the Plat in final form. If the Final Plat is not submitted within six months, approval of the Preliminary Plat may be revoked by the Planning Board.

§ 53-7. Final subdivision plat.

A. Step I.

Application for approval.

- (1) The subdivider, after official written notification by the Planning Board with respect to the preliminary layout and the changes to be made thereon, if any, shall within six (6) months thereafter file with the Planning Board original drawings of the subdivision plat. These shall be clearly and legibly drawn in ink upon permanent material. The size of the sheets shall be twenty by twenty-two (20x22) inches and shall include a margin of one (1) inch outside ruled border line on three (3) sides and two (2) inches along the left twenty-inch side for binding.

The drawings shall be at a scale of not more than forty (40) feet to the inch. When more than one (1) sheet is required, an additional index sheet, at an appropriate scale, shall show the entire subdivision on one (1) sheet with lot and block numbers.

- (2) If the Final Plat is not submitted within six months after the approval of the Preliminary Plat, the Planning Board may refuse to approve the Final Plat and require resubmission of the Preliminary Plat.

Number of Copies.

- (3) A subdivider intending to submit a proposed Subdivision Plat for the approval of the Planning Board shall provide the Board with a copy of the Application and three copies (one copy in form required for filing with the Broome County Clerk) of the Plat, the original and one true copy of all offers of cession, covenants and agreements, and two prints of all construction drawings.
- (4) The subdivision plat shall show or be accompanied by the following information:
 - (a) Proposed subdivision name or identifying title and Tax Map number of the properties forming a part of the subdivision, the name and address record owner and subdivider; name, license number and seal of the professional engineer and/or land surveyor responsible for the design, survey of the subdivision and/or the preparation of the plats; date, scale and true North direction.
 - (b) Lines and widths of streets, pedestrian ways, lots, reservations, easements and all other areas to be dedicated to public use or to be held in reserve.
 - (c) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street and the dimensions and angles of the boundary lines of each lot. All dimensions shall be shown in feet and decimals of a foot.
 - (d) Sufficient data acceptable to the Enforcement Officer or designated official in order that he might readily determine the location, bearing and length of every street line, lot line and boundary line and reproduce such lines upon the ground. Where practicable, these shall be referenced to monuments included in the state system of plane coordinates and, in any event, should be tied to reference points previously established by a public authority.
 - (e) Typical cross sections of streets and roads including drive-strip, curbs, walks and/or shoulders drawn to scale.
 - (f) The layout of all permanent improvements such as sanitary sewers, storm sewers, water mains, curbs, gutters and culverts, showing sizes, grades and elevations, the location of basins, manholes and other underground conduits or appurtenances where such items are an integral part of the subdivision.
 - (g) Lots and blocks within the subdivision numbered and lettered in alphabetical order in accordance with the prevailing village practice.
 - (h) Soil tests.

- (i) Permanent reference monuments shall be shown thus: "X".
 - (j) Lot corner markers shall be shown thus: "O".
 - (k) By proper designation, all public open spaces, other than streets, for which deeds of cession are submitted and those spaces to which title is reserved by the subdivider. Copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made thereto. Offers of cession, deeds and covenants governing the maintenance of conceded open spaces shall be approved by the Village Attorney as to their legal sufficiency.
- (3) The Village Clerk, as representative of the Village Board, shall deliver to the subdivider a certificate of submission which shall certify the date on which the subdivider submitted his subdivision plat.

B. Step II.

- (1) Environmental Review.

Final Plats may require further review under the State Environmental Quality Review Act.

- (2) Final Plats which are in substantial agreement with approved Preliminary Plats. When a Final Plat is submitted which the Planning Board deems to be in substantial agreement with a 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.
- (3) Endorsement of the State and County Agencies.

Water and sewer facility proposals contained in the Subdivision Plat shall be properly endorsed and approved by the Broome County Department of Health. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary Village, County and State agencies. Endorsement and approval by the Broome County Department of Health shall be secured by the subdivider before official submission of Subdivision Plat. If the Health Department requires Village approval before its consideration of the Plat, the Planning Board may approve subject to Health Department approval and subject to consideration of any such changes required by such Department.

C. Step III.

- (1) Final Plats when no Preliminary Plat is required to be submitted; receipt of complete Final Plat.

When no 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.

- (2) Final Plats; not in substantial agreement with approved Preliminary Plats, or when no 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 Preliminary Plat approved pursuant to this section, or when no 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:

I. Planning Board as lead agency; public hearing; notice; decision.

- (1) 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:
 - (a) if such Board determines that the preparation of an Environmental Impact Statement is not required, the public hearing on a Final Plat not in substantial agreement with a Preliminary Plat, or on a Final Plat when no Preliminary Plat is required to be submitted, shall be held within sixty-two days after the receipt of a complete Final Plat by the clerk of the Planning Board; or
 - (b) 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.
- (2) 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.
- (3) Decision. The Planning Board shall make its decision on the Final Plat as follows:
 - (a) 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
 - (b) if such 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 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 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.

- (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.

II. Planning Board not as lead agency; public hearing; notice; decision.

- (1) 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. (Amended Feb. 11, 1997 by Local Law 2-1997).
- (2) 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 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.
- (3) 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:
 - (a) 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. (Amended Feb. 11, 1997 by Local Law 2-1997).
 - (b) 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 a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. (Amended Feb. 11, 1997 by Local Law 2-1997).

D. Step IV.

- (1) Approval and certification of Final Plats.

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 and Plat shall be filed in such clerk's office. A copy of the resolution shall be mailed to the owner. 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 clerk of the Planning Board or filed with the Village Clerk as determined by the Village Board of Trustees.

(2) 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 a conditionally approved Plat must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by the particular circumstances.

(3) Default approval of Preliminary or Final Plat.

The time periods prescribed herein within which a Planning Board must take action on a Preliminary Plat or a Final Plat may be extended only by mutual consent of the owner and the Planning Board. In the event the Planning Board fails to take action on a 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 owner 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. (Amended Feb. 11, 1997 by Local Law 2-1997).

(4) Filing of decision on Final Plat.

Within five business days from the date of the adoption of the resolution approving 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.

E. Step V. Approval of the subdivision plat shall, however, not be deemed final until the subdivider has complied with the following:

- (1) The subdivider shall complete, in accordance with the Planning Board's decision, to the satisfaction of the Village Engineer and/or any other official or body authorized by the Village Board of Trustees to act, all the street and other improvements specified in § 7-730 of the Village Law and not specifically waived by the Board and/or shall file with the Board a performance bond or other security sufficient to cover the full cost of the same as estimated by the Village Board, complying with § 7-730 of the Village Law and satisfactory to the Village Board of Trustees as to form, sufficiency, manner of execution and surety, for the completion of such improvements as are not to be constructed and/or may not be approved by the Enforcement officer. (Amended Feb. 11, 1997 by Local Law 2-1997).

- (2) The subdivider shall tender offers of cession, in a form certified as satisfactory by the Village Board of Trustees, of all lands included in streets, highways or parks not specifically reserved by him, but approval of the plat by the Planning Board shall not constitute an acceptance by the village of the dedication of any street, highway, park or other public open spaces.
 - (3) The subdivider shall obtain the approval of the Broome County Health Department.
- F. Step VI. Within ninety (90) days of the final approval of the subdivision plat by the Planning Board, the subdivider shall file a copy of the subdivision plat in the office of the County Clerk. Said subdivision plat shall be endorsed in writing on the plat in such a manner as the Planning Board may designate. Such endorsement shall stipulate that the plat does not conflict with the County Official Map, if one exists or, in cases where plats do front on or have access to or are otherwise related to roads or drainage systems shown on the County Map, that such plat has been approved in the manner specified by Section 239-K of the General Municipal Law. Such final approval shall have been deemed to expire if the plat is not so filed within the said sixty-two (62) days. (Amended Feb. 11, 1997 by Local Law 2-1997).
- G. Step VII. The subdivider shall within ten (10) days after filing the subdivision plat with the County Clerk, file a copy of the same plat with the Village Board of Trustees.
- H. Step VIII. After such plat has been filed with the County Clerk and the Village Board, the subdivider shall be granted permission to proceed with the work necessary to construct and install the proposed streets and other improvements in accordance with the approved subdivision plat. Such construction and installations shall be in accordance with all applicable local laws, rules, regulations and ordinances as established by the Village or its Enforcement Officer and/or any other official so designated by the Village Board of Trustees.
- (1) Once subdivision site work is underway, the subdivider shall cooperate with the Enforcement Officer or any other duly designated official who shall be responsible for inspections necessary to ensure that all work is in accordance with the approved subdivision plat and in conformity with the applicable standards set forth in Article IV of these Subdivision Regulations.
 - (2) Permanent reference monuments of a type approved by the Enforcement Officer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Enforcement Officer. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the New York State Department of Transportation.
 - (3) All lot corner markers shall be permanently satisfactory to the Enforcement Officer, at least three-fourths (3/4) inch (if metal) in diameter and at least twenty-four (24) inches in length and located in the ground to existing grade.

§ 53-8. Acceptance of improvements for public use and maintenance.

- A. Upon completion of the acceptable construction and installation of streets and other improvements in accordance with the approved subdivision plat and upon submission to the Village Board of Trustees of satisfactory deeds, abstracts of title and easements for streets, storm sewers, sanitary sewers, water lines and other utilities as required, the Village Board of Trustees shall take all

necessary steps to accept these improvements for public use and permanent maintenance, in accordance with the provision of the Village Law and any other applicable law, and the subdivider shall thereupon be released from any performance bonds posted and filed with the village to guarantee any of the aforesaid proposed construction and installation. The subdivider shall also provide to the municipality as-built plans indicating the exact location of below-ground utilities.

- B. Notwithstanding any of the foregoing, the Village Board of Trustees shall require from the subdivider an affidavit stating that all bills and accounts for materials and labor used in the construction of improvements have been paid before said improvements will be accepted by the Village Board of Trustees for public use and maintenance.

ARTICLE IV Subdivision Standards

§ 53-9. Standards and requirements.

- A. General standards. The subdivider shall observe the following general land subdivision standards:
- (1) The proposed subdivision shall conform to the Official Map, Zoning Ordinance, Master Plan and all other local laws and regulations of the Village of Port Dickinson.
 - (2) The arrangement of streets in the subdivision shall provide for the continuation of collector streets in adjoining subdivisions or for their proper projection when adjoining property is not subdivided and shall be of a width at least as great as that of such existing connecting streets. When streets are completed for only a portion of an approved subdivision, the extension of which are to be completed at a later date, the subdivider shall provide a turnaround roadway as specified for dead-end or cul-de-sac streets.
 - (3) Dead-end or cul-de-sac streets shall not in general exceed five hundred (500) feet in length and shall be equipped with a turnaround roadway with a minimum radius of forty (40) feet for the outside curb at the closed end. The turnaround, where the end of the street abuts adjoining property of other owners, shall have the perimeter of the one-hundred-foot diameter circle touch but not intersect such property line. Where a plat submitted shows a turnaround at the end of a street and such turnaround does not touch the property line of adjoining property, the Village Engineer may, when in his judgment the terrain is suitable for an extension of such dead-end street, at some future date require that a strip of land of the same width as the proposed street and extending from the dead-end of the proposed street to the property line of adjoining property be dedicated to the village as a right-of-way for future extension of such dead-end street. No reserve strips shall be retained by the owner of any plat or map submitted to the Village Board of Trustees.
 - (4) Block lengths generally shall not exceed one thousand two hundred (1,200) feet in length, nor shall they be less than three hundred (300) feet unless unusual topographic limitations make this impractical.
 - (5) Each normal block shall be planned to provide two (2) rows of lots, but irregularly shaped blocks indented by cul-de-sac streets and containing interior parks will be acceptable when properly designed and covered by agreements as to maintenance of interior parks.

- (6) Curb radii at intersections shall not be less than twenty (20) feet. Property lines shall be adjusted accordingly.
- (7) Side lines of lots, so far as practicable, shall be at right angles or radial to street lines.
- (8) Reversed frontage of lots at street intersections shall be avoided where possible, and a series of narrow lots shall not be encouraged.
- (9) Comer lots shall be increased in size whenever necessary so as to provide that any structure to be placed thereon shall conform to the building line of each street.
- (10) Land subject to flooding and deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy, nor for such other use as may increase danger to health, life or property or aggravate the flood hazard. Such uses as shall be endangered by periodic or occasional inundation shall be permitted.
- (11) In case a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further subdivisions.
- (12) No reserve strips controlling access to land dedicated or to be dedicated to public use shall be permitted.
- (13) In general, street lines with a block deflecting from each other at any one (1) point more than ten degrees (10°) shall be connected with a curve, the radius of which, for the inner street lines, shall not be less than three hundred fifty (350) feet on main thoroughfares, two hundred fifty (250) feet on secondary thoroughfares and one hundred (100) feet on local streets. The outer street line in each case shall be parallel to such inner street lines.
- (14) Areas of reasonable size shall be set aside for neighborhood parks or other recreation uses. In lieu thereof, the Planning Board may require payment by the subdivider to the village of an amount to be determined by the Village Board of Trustees. Such amount shall be available for use by the village for park and playground purposes. In general the location, size and type of park or other recreation facility shall be determined by the Planning Board. Recreation space shall be provided by the subdivider on the basis of six hundred (600) square feet of usable land for each lot shown on the final plat drawing. In cases where the Planning Board deems it impractical or undesirable for the subdivider to meet these requirements, he will be required to make a payment equivalent to the value of land which would otherwise be donated, prior to approval of the final plat. The amount of payment will be determined by the Village Board of Trustees pursuant to § 7-730 of the Village Law.
- (15) Adequate storm drainage systems shall be required in all new subdivisions. In lieu thereof, the Planning Board may require the subdivider to contribute a lawful and reasonable sum for placement in a fund to be used by the village for the construction of storm drainage systems in the subdivision at some future date when the Planning Board and/or the Village Board of Trustees deems them to be necessary.
- (16) The subdivision design shall encourage the preservation of existing trees.
- (17) All street, sidewalk and appurtenant construction shall be pursuant to the street standards of the Village of Port Dickinson (Local Law No. 6-1975).¹

ARTICLE V
Variances and Modifications

§ 53-10. Variance of regulations due to hardship.

When the Planning Board finds that extraordinary and unreasonable hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done.

§ 53-11. Waiver of requirements.

When the Planning Board finds that, due to the special circumstances of a particular area, the provision of certain required improvements is not necessary in the interest of public health, safety and general welfare or is inappropriate due to the inadequacy or lack of existing or proposed connecting facilities in the area of a proposed subdivision, it may waive such requirements subject to appropriate conditions it may wish to impose.

§ 53-12. Modification of zoning regulations.

In the review and approval of subdivision plats, the Planning Board shall have the authority to modify applicable provisions of the Zoning Ordinance, as long as modifications are in accordance with § 7-738 of the Village Law.

ARTICLE VI
Enforcement

§ 53-13. Penalties for offenses.

Any violation of this chapter is an offense punishable by a fine not exceeding two hundred fifty dollars (\$250.) or by imprisonment not exceeding sixty (60) days, or by both such fine and imprisonment. Each day's continued violation shall constitute a separate additional violation. A first violation shall be deemed to have occurred from the date of written notification of violation issued by the Enforcement Officer or from such date as may be designated in such written notice.

§ 53-14. Complaints of violation.

Whenever a violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Enforcement Officer who shall properly record such complaint and immediately investigate any report thereon.

ARTICLE VII
Amendments

§ 53-15. Amendment of regulations.

These regulations may, from time to time, be revised, modified or amended as prescribed by local law.

Chapter 54

SWIMMING POOLS, PRIVATE

- § 54-1. Legislative intent.
- § 54-2. Definitions.
- § 54-3. Applicability.
- § 54-4. Permit required.
- § 54-5. Application for permit.
- § 54-6. Regulations.
- § 54-7. Use standards.
- § 54-8. Fees.
- § 54-9. Preexisting conditions.
- § 54-10. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Port Dickinson 7-9-74 as Local Law No. 4-1974. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 26.
Sewers — See Ch. 49.
Water — See Ch. 62.
Zoning — See Ch. 65.

- § 54-1. Legislative intent.

By enactment of this chapter of the Village Code, the Board of Trustees finds as a matter of legislative intent and public policy that the installation, construction and maintenance of private swimming pools present problems which directly affect the health, safety and welfare of residents of the village and others and, therefore, should be subject to certain regulations and controls.

- § 54-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PERSON — Any owner, lessee or occupant of any land or property within the Village of Port Dickinson, whether an individual, corporation, partnership, club, group or other association.

SWIMMING POOL — Any enclosure or container, whether prefabricated or individually constructed above or beneath the surface of the ground, which is designed, intended or used for swimming or bathing and which has a capacity in excess of three thousand seven hundred sixty (3,760) gallons of water.