

# Village of Lowville Subdivision Law

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Subdivision of Land

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**SUBDIVISION OF LAND**

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LOWVILLE VILLAGE CODE

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[HISTORY: Adopted by the Board of Trustees of the Village of Lowville 10-20-1976; readopted 8-7-1984. Amendments noted where applicable.]

GENERAL REFERENCES

Planning Board — See Ch. 31.

Zoning — See Ch. 201.

ARTICLE I  
Enactment; Authorization;  
Purposes; Waivers

§ 165-1. Enactment.<sup>1</sup>

Pursuant to the authority conferred by the Village Law of the State of New York, the Board of Trustees of the Village of Lowville hereby adopts and enacts the following.

§ 165-2. Title.

This chapter shall be known as the "Subdivision Regulations of the Village of Lowville."

<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**§ 165-3. Authorization.**

The Planning Board is hereby authorized and empowered to:

- A. Approve plats showing lots, blocks or sites, with or without streets and highways.
- B. Conditionally approve preliminary plats.
- C. Pass and approve the development of entirely or partially undeveloped plats already filed in the office of the County Clerk.
- D. Modify applicable residential provisions of Chapter 201, Zoning, simultaneously with the approval of residential plats.

**§ 165-4. Purposes.**

It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical community development. Subdivision plats shall be guided and regulated in such a manner as to meet the following requirements:

- A. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, erosion or other menace.
- B. Proper provision shall be made for drainage, water supply, sewage disposal and other utility services and improvements.
- C. Proposed streets shall provide a safe, convenient and functional system for vehicular traffic and shall be of such width, grade and location as to accommodate prospective traffic as determined by existing and probable future land and building uses.
- D. Buildings, lots, blocks and streets shall be so arranged as to afford adequate light, view and air to facilitate fire protection and to provide access for fire-fighting equipment to buildings.
- E. Land shall be developed with due regard to topography so that the natural beauty of the land and vegetation shall be protected and enhanced.
- F. Adequate sites for schools, parks, playgrounds and other community services shall be located so that residents shall have convenient and safe access to such facilities.

**§ 165-5. Waivers and variances.**

- A. Where the Planning Board finds that, due to the special circumstances of a particular plat or because of exceptional and unique conditions of topography, access, location, shape, size, drainage or other physical features of the site, in its judgment provision of certain requirements or required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive or vary such requirements subject to appropriate conditions.

- B. In granting waiver or variance, the Planning Board shall require such reasonable conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived or varied.
- C. No such waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of Chapter 201, Zoning, the Comprehensive Plan, the Official Map or this chapter.

**§ 165-6. Administration and enforcement.**

This chapter shall be administered by the Planning Board and the Code Enforcement Official. No building permit or certificate of occupancy shall be issued by the Code Enforcement Official except where all the provisions of this chapter have been complied with.

**§ 165-7. Building permit.**

- A. No permit for the erection of any building shall be issued unless a street giving access to such proposed structure is an existing street or unless such street appears on a recorded plat approved by the Planning Board.
- B. No such permit shall be issued unless such street has been suitably improved or where a performance bond has been posted to cover the full cost of such improvement.

**ARTICLE II  
Terminology**

**§ 165-8. Word usage; definitions.**

- A. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings; definitions used in Chapter 201, Zoning, shall apply.
- B. As used in this chapter, the following terms shall have the meanings indicated:

**BOND** — A performance bond issued by a bonding or surety company approved by and with security acceptable to the Board or a performance bond duly issued by the developer-obligor accompanied by security in the form of cash, certified check or United States Government bonds.

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

**ENGINEER** — The engineer employed by or assigned to the Planning Board.

**GRADE** — The mathematical rate of ascent or descent from one point to another.

**IMPROVEMENTS, PERMANENT** — Any installation, structure, implement, device or part thereof such as, but not limited to, sanitary sewer pipe, curb and gutters, storm sewer pipe, manholes, catch basins, lateral sewers, bridges, water pipes, valves, pumps, open or enclosed culverts or any other facility which is or will be located on or in public property or could become public responsibility.

**PLAN, SKETCH** — Sketch of proposed subdivision to enable the subdivider and Planning Board to reach general agreement as to form and layout of a subdivision preliminary plat in meeting objectives of this chapter.

**SCREEN PLANTING** — Planting of trees and bushes with the object of minimizing visibility, sound and through access, as required by provisions of Chapter 201, Zoning, or the Planning Board.

**STREET** — Any public way for vehicular traffic which affords the principal means of access to abutting properties.

- (1) **STREET, COLLECTOR** — Streets which carry traffic from minor streets to a major system of arterial highways.
- (2) **STREET, MAJOR** — Streets used primarily for fast or heavy traffic, sometimes with complete or partial control over access from abutting property.
- (3) **STREET, MINOR** — Street used primarily for access to the abutting properties.

**SUBDIVIDER** — Any person, firm, corporation, partnership or association, or his or their authorized agent, who shall propose to lay out, for the purpose of sale or development, any subdivision or part thereof as defined herein.

**SUBDIVISION** — A division of any parcel of land into two or more lots, blocks or sites for the purpose of conveyance, transfer of ownership, improvement, building development or sale. The term "subdivision" includes "resubdivision." A subdivision shall not include division of land for agricultural purposes into two or more lots, each five acres or more in area, and which does not involve creation of a new street or highway.

**SUBDIVISION, MAJOR** — A subdivision containing five or more lots or any subdivision requiring a new street or extension of municipal facilities.

**SUBDIVISION, MINOR** — A subdivision containing not more than four lots fronting onto an existing street and not requiring a new street or extension of municipal facilities.

### ARTICLE III Subdivision Review and Approval Procedure

#### § 165-9. Application of regulations.

Whenever any subdivision or resubdivision of land is proposed to be made, before any contract for sale of any part thereof and before any permit for erection of a structure in such proposed subdivision shall be granted, the subdivider shall apply in writing to the Planning Board for and secure approval of the proposed subdivision in accordance with the following procedures.

#### § 165-10. Information required on all plan submissions.

Following information shall be submitted for consideration with any application:

- A. Subdivision name or title, address at which it is located, scale, North point, date and site location map.
- B. Name and addresses of subdivider and professional advisers, including license numbers and seals.
- C. Drawing sheet size, either 17 inches by 22 inches; 22 inches by 34 inches; or 34 inches by 42 inches.
- D. Scale either one inch to 50 feet; one inch to 100 feet; or one inch to 200 feet.
- E. Subdivision boundaries and approximate boundaries of contiguous properties and names of owners.
- F. Existing restrictions on the use of land, including easements, covenants and zoning boundaries.
- G. Existing and proposed streets and structures, watercourses, marshes, wooded areas, public facilities and other significant physical features on and near the proposed subdivision.
- H. Utilities available and streets which are proposed, mapped or built.
- I. Proposed pattern of lots, including typical lot width and depth, street layout, open space, systems of drainage, sewerage and water supply within the subdivided area.
- J. Total acreage of subdivision and number of lots proposed.
- K. Building types, approximate size and cost.

**§ 165-11. Official submission date.**

The official submission date for a subdivision plat shall be the date of the regular monthly meeting of the Planning Board, which is at least 15 days after the date when the application for approval of the subdivision plat, complete with all other requirements, has been filed with the Clerk.

**§ 165-12. Public hearing.**

Before any plat is approved, a public hearing shall be held by the Planning Board after public notice has been advertised, as required by law.

**§ 165-13. Sketch plan procedure.**

- A. The subdivider shall, prior to submitting an application for subdivision of land, submit to the Clerk at least 15 days prior to the regular meeting of the Planning Board two copies of a sketch plan of the proposed subdivision.
- B. The subdivider shall attend the Planning Board meeting to discuss the requirements of this chapter.



- C. **The Planning Board shall classify the proposed subdivision as either a major or minor subdivision. The Planning Board may require that a minor subdivision comply with some or all of the requirements specified for a major subdivision.**
- D. **The Planning Board shall study the sketch plan to determine whether or not it conforms to, or would be in conflict with Chapter 201, Zoning; the Comprehensive Plan; developments proposed by any public agency; existing private and public development, facilities and services, including reservations of land, street improvements, drainage, sewerage, water supply, fire protection, and availability of services; and for any special problems that may be encountered.**
- E. **The Planning Board shall determine whether the sketch plan meets the purposes of this chapter and shall, where it deems it necessary, make specific written recommendations to be incorporated by the subdivider in the next submission.**

**§ 165-14. Sketch plan data.**

The sketch plan should be either on a topographical survey map, or on an enlargement of the USGS quadrangle sheet enlarged to a scale of one inch to 200 feet. It may be a freehand sketch on a print of such map and must have all information required under § 165-310.

**§ 165-15. Minor subdivision plat approval procedure.**

Within six months after classification of the sketch plan as a minor subdivision, the subdivider shall file an application and four copies of the drawings for approval, and a fee as established by the legislative Board.

- A. **The plat shall conform to the layout shown on the sketch plan plus any recommendations made by the Planning Board.**
- B. **A public hearing shall be held by the Planning Board within 45 days from the time of submission of the plat for approval.**
- C. **The subdivider shall attend the hearing.**
- D. **The Planning Board shall within 45 days after the public hearing approve, modify and approve, or disapprove the subdivision plat. Grounds for disapproval shall be stated in the Planning Board minutes. Failure to so act shall be deemed approval.**
- E. **If the plat is approved, six copies shall be endorsed by the Planning Board in accordance with § 165-30 of this chapter.**
- F. **If the plat is approved it shall be filed in accordance with § 165-31 of this chapter.**

**§ 165-16. Minor subdivision plat data.**

In the case of a minor subdivision, the subdivision plat application shall include the following:

- A. **Information required under § 165-10 updated and accurate.**

- B. Field survey and boundary lines of the tract, giving complete description data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments and shall be referenced and shown on the plat.
- C. On-site sanitation and water supply facilities shall be designed to meet the specifications of the State Department of Health, and a note to this effect shall be stated on the plat and signed by a licensed engineer.
- D. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

**§ 165-17. Major subdivision preliminary plat procedure.**

Prior to filing application for approval of a major subdivision plat, the subdivider shall file an application and four copies of the drawings and a fee, as established by the legislative board, for consideration of a preliminary subdivision plat.

- A. The preliminary plat shall comply with the requirements of this chapter, except where a waiver may be specifically authorized by the Planning Board.
- B. The subdivider shall attend the Planning Board preliminary hearing.
- C. The Planning Board shall review the preliminary plat submitted for conformity to this chapter.
- D. Prior to preliminary approval, the Planning Board may hold another preliminary hearing.
- E. Within 45 days after the time of the official submission date, the Planning Board shall take action to approve, with or without modifications, or disapprove the preliminary plat. Grounds for any modification required or for disapproval shall be stated in the Planning Board minutes.
- F. When granting approval to a preliminary plat, the Planning Board shall state the conditions, if any, with respect to:
  - (1) Specific changes which it will require.
  - (2) Character and extent of the required improvements for waivers.
  - (3) Amount of improvement or the amount of all bonds which it will require.
- G. The action of the Planning Board plus any conditions attached thereto shall be noted on three copies of the preliminary plat. One copy shall be returned to the subdivider, and one to the legislative board.
- H. Approval of a preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted as a guide to preparation of the subdivision plat.
- I. Prior to approval of the subdivision plat, the Planning Board may require additional changes as a result of further study.

**§ 165-18. Major subdivision preliminary plat data.**

The following information shall be submitted for consideration of a major subdivision preliminary plat.

- A. Information required under § 165-10 updated and accurate.
- B. Contours with intervals of not more than 10 feet; however, if the grade is less than 5%, contours shall be at two-foot intervals for that area. Datum plane shall be that of the United States Geological Survey. Approximate grading plan if existing contours are to be changed more than three feet.
- C. Field survey of the boundary lines of the tract and deed description giving complete data by bearings and distances, made and certified by a licensed land surveyor.
- D. Location, width and approximate grade of proposed streets.
- E. Approximate location, dimensions, area and number of lots and blocks.
- F. Approximate location and dimensions of property to be dedicated for public use.
- G. Boundaries of proposed permanent easements over private property.
- H. Location of existing sewers, water mains, storm drainage culverts, with pipe sizes and direction of flow.
- I. Location of existing utilities, including gas lines, fire hydrants, electric and telephone facilities and streetlights.
- J. Proposed provision of water supply, fire protection, disposal of sanitary wastes, stormwater drainage and sidewalks.

**§ 165-19. Soil percolation tests.**

Soil percolation tests shall be conducted in proposed subdivisions where no public sewers are available, as follows:

- A. Soil percolation tests shall be conducted according to State Department of Health standards.
- B. Tests should be made to ascertain surface soil, rock and groundwater conditions, depth to groundwater unless test pits are dry at a depth of five feet below finished grade, location and results of soil percolation tests if individual sewage disposal is contemplated.
- C. Tests will be required on a basis of one test per acre of subdivision area, but in no case less than three test holes, taken in a logical pattern, and their locations shown on the plat.
- D. Soil test results shall appear on the final plat which is to be approved and recorded.

**§ 165-20. Endorsement by State Department of Health.**

Prior to the official submission of the subdivision plat to the Planning Board, the subdivider shall submit the plat to the District Engineer of New York State Department of Health to secure

their endorsement and approval of sewer and water facility proposals and construction drawings.

**§ 165-21. Endorsement by County Highway Superintendent.**

If the proposed subdivision is within 300 feet of an existing or proposed state or county highway, the subdivider shall submit the plat to the County Highway Superintendent and secure endorsement and approval of the plat and construction drawings.

**§ 165-22. Information required on construction detail drawings.**

The preliminary subdivision plat shall be accompanied by construction detail drawings. All plans shall be subject to approval of the Planning Board's engineer. The following information shall be required on construction detail drawings:

- A. Plans and profiles showing existing and proposed elevations along center lines of all streets within the subdivision.
- B. Plans and profiles showing the location of street pavements, curbs, gutters, sidewalks, manholes, catch basins and culverts.
- C. Plans showing the location, size and invert elevations of existing and proposed sanitary sewers, stormwater drains and fire hydrants; and the location and size of water, gas, electricity and any other utilities or structures.

**§ 165-23. Final major subdivision plat approval procedure.**

The subdivider shall, within six months after the approval of the preliminary plat, file with the Planning Board an application and six copies of the drawings for approval of the subdivision plat in final form.

- A. The application shall:
  - (1) Be accompanied by the construction detail drawings.
  - (2) Be endorsed by the State Department of Health.
  - (3) Be endorsed by the County Highway Superintendent.
  - (4) Include offers of cession to all streets and public areas.
  - (5) Include other information which Planning Board considers pertinent.
- B. A public hearing shall be held by the Planning Board within 30 days after the time of official submission of the plat for approval.
- C. The subdivider shall attend the hearing.
- D. The final subdivision plat shall conform to the approved preliminary plat, plus any recommendations made by the Planning Board.

- E. Planning Board may permit the final plat to be divided into parts comprising at least 20% of total number of lots shown on the plat, subject to such conditions as it deems necessary to assure orderly development.
- F. Either:
  - (1) The Planning Board's engineer must file a certificate stating that all required improvements constructed by the subdivider have been designed and inspected and meet standards in this chapter, and are as required by law; or
  - (2) A performance bond must be submitted and approved by the Planning Board and attorney as to form, sufficiency, manner of execution and surety for the completion of required improvements.
- G. Offers of cession, in a form certified as satisfactory by the Attorney, of all land to be dedicated for streets, easements, open space and other facilities shall be provided.
- H. A certified check, in the amount of 1% of the cost of the required improvements, as determined by the Planning Board's engineer to meet the costs of inspection of required improvements shall be provided.
- I. Drawings, certified by a land surveyor, showing the location of all required improvements that may have been constructed prior to final plat submission shall be submitted.

**§ 165-24. Final subdivision plat data.**

The following information shall be submitted for consideration as a final subdivision plat:

- A. All information required on the preliminary subdivision plat updated and accurate, indicating actual layout, areas and dimensions of the subdivision.
- B. Sufficient data to determine readily the location, bearing and length of all straight lines, radii, length of curves and central angles of all curves, tangent bearings and angles of all street lines, lot lines and boundary lines. These should be referenced to established monuments.
- C. The location, dimensions and names of all sites for residential, commercial, industrial, public and nonpublic uses.
- D. Boundaries and proposed uses of all property which is offered for dedication for public use.
- E. Boundaries and proposed uses of all property that is proposed to be reserved for the common use of property owners in the subdivision.
- F. The location, material and size of all monuments.

**§ 165-25. Performance bond.**

- A. Where a performance bond is required as a condition of plat approval, the subdivider shall file with the legislative Board a bond in an amount sufficient to provide for, and secure to

the public the full cost of completion of all streets, other required improvements and their maintenance for a period of two years after completion.

- B. The Planning Board shall specify the time period within which required improvements must be completed, but in no case for a longer term than three years. The term of the bond may, with the consent of the subdivider, be extended for an additional period not to exceed three years. The time period shall be expressed in the bond.
- C. If any required improvements have not been installed or maintained as provided within the term of such performance bond, it shall be forfeited, and upon receipt of the proceeds, the municipality shall install or maintain such improvements.

**§ 165-26. Offers of cession and release.**

- A. Formal offers of cession by the subdivider of all streets, rights-of-way, parks and other sites for public use shall be presented to the Planning Board prior to subdivision plat approval.
- B. Notation shall be made on the subdivision plat of any streets, rights-of-way, open space and other sites specifically reserved by the subdivider and for which formal offers of cession to the public are not made.
- C. The subdivision plat shall be endorsed with the necessary agreements in connection with required easements or releases.

**§ 165-27. Legal data.**

The subdivider shall submit the following data to the Planning Board before any subdivision plat can be approved; before acceptance, the Attorney shall certify as to their legal sufficiency:

- A. Deed descriptions and a map of survey of tract boundaries made and certified by a licensed land surveyor, tied into established boundary monuments.
- B. Offers of cession dedicating streets, rights-of-way and any sites for public uses.
- C. Copies of agreements or other documents showing the manner in which areas reserved by the subdivider are to be maintained.
- D. Draft protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.
- E. Any other data such as certificates, affidavits, endorsements or other agreements as may be required by the Planning Board in enforcement of this chapter.

**§ 165-28. Inspection of required improvements.**

- A. The Planning Board's engineer shall inspect all required improvements prior to acceptance to ascertain whether or not they have been completed satisfactorily.

- B. The subdivider shall inform the Engineer at least 48 hours before such inspection is required and shall not cover any part of a permanent improvement until inspection has been made and approval granted.
- C. Drawings showing the location of all required improvements as-built shall be certified by an engineer or land surveyor and filed with the Planning Board prior to the acceptance of the improvements. Until as-built plans are filed, no performance bond guaranteeing the completion of such improvements shall be released.
- D. If any of the required improvements have not been constructed in accordance with specifications and the approved construction detail drawings, the subdivider and the bonding company will be severally and jointly liable for the costs of completing the improvements.

**§ 165-29. Public acceptance of streets, reservations and required improvements.**

- A. Every street shown on a plat filed or recorded as provided in this chapter shall be deemed to be a private street until such time as it has been formally accepted by the municipality by local law or resolution.<sup>2</sup>
- B. No public street, utility or improvement may be constructed by the municipality in or on any street until it has become a public street.
- C. Approval of the subdivision plat shall not be deemed to constitute or imply acceptance of any street or other open space shown on the plat.
- D. The Planning Board shall require the filing of a written agreement between the subdivider and the municipality covering future title, dedication and provision for the cost of grading, development, equipment and maintenance of any open space.
- E. Upon completion of the construction and installation of required improvements in accordance with the approved plans, the subdivider shall deliver to the municipality deeds, abstracts and easements for streets, water lines, storm sewers, sanitary sewers and any other required improvements.
- F. Prior to public acceptance of any required improvements, the subdivider shall submit an affidavit stating that all bills and accounts for material and labor used in the construction of improvements have been paid in full.

**§ 165-30. Planning Board action on final subdivision plat.**

- A. The Planning Board shall within 45 days from the public hearing on the final subdivision plat approve, modify and approve or disapprove the plat.
- B. If the final plat is disapproved, grounds for such action shall be stated in the Planning Board minutes.
- C. Every final subdivision plat shall carry the following endorsements:

<sup>2</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

"Approved by resolution of the Planning Board of the Village of Lowville, New York on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, subject to all requirements and conditions of said Resolution. Any change, erasure or revision of this plat as approved, shall void this approval.

Signed this \_\_\_\_ day of \_\_\_\_, 19\_\_ by \_\_\_\_\_, \_\_\_\_\_,"  
 Chairman Secretary

- D. If the final plat is approved, the Planning Board officers shall sign the plat. One copy shall be retained by the Planning Board.

**§ 165-31. Filing of approved final subdivision plat.**

- A. If the final subdivision plat is approved, the subdivider shall:
  - (1) File one approved copy drawn in ink on Mylar with the County Clerk within 90 days from the date of approval, or the approval of the subdivision plat will be void.
  - (2) File one approved copy with the legislative board before building permits are made available.
  - (3) File one approved copy with the Assessor.
- B. The plat is void if changes are made to it after the Planning Board has endorsed it in writing.

**ARTICLE IV  
 Design Development Standards  
 and Required Improvements**

**§ 165-32. Planning and design standards.**

- A. The subdivider shall be guided by the minimum planning and design development standards in design of the subdivision.
- B. Where the Planning Board finds that, because of exceptional and unique conditions of topography, location, shape, size, drainage or other physical features of the site, or because of the special nature and character of surrounding development, the minimum standards specified herein would not reasonably protect or provide for public health, safety or welfare, a higher standard shall be required.
- C. Land to be subdivided for building purposes shall be of such character that it can be used safely without danger to health or peril from flood or other menace.
- D. Subdivisions shall conform to the Official Map and Chapter 201, Zoning, and be in harmony with the Comprehensive Plan.



**§ 165-33. Required improvements.**

- A. Required improvements shall be installed by the subdivider to the satisfaction of the Planning Board's engineer prior to approval of final subdivision plat, or alternatively, the subdivider shall post a performance bond sufficient in amount to cover estimated full costs of such construction, as determined by the Planning Board.
- B. The following are required improvements: monuments, lot markers; streets graded and improved with pavement; sidewalks; street signs; lighting standards; curbs and gutters; water mains; sanitary sewers; storm drains; fire hydrants; and trees, except where the Planning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of the public health, safety and welfare.

**§ 165-34. Streets; planning standards.**

- A. Streets shall be suitably located, of sufficient width and adequately constructed to accommodate prospective traffic and to afford satisfactory access to fire-fighting, snow removal and road maintenance equipment.
- B. Streets shall be arranged as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.
- C. The arrangement, width, grade and location of all streets shall be considered in relation to existing and planned streets, topographic conditions, public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such street.
- D. Minor streets shall be planned so their use by through traffic will be discouraged.
- E. Grades of streets shall conform as closely as possible to original topography and shall be arranged so that building sites are at or above street grade. A combination of steep grades and sharp curves shall be avoided.
- F. Where a tract is subdivided into lots much larger than the minimum size required in the zoning district in which a subdivision is located, the Planning Board may require that streets and lots be laid out to permit future resubdivision.
- G. Where the subdivision borders on an existing street and the Comprehensive Plan or Official Map indicates plans for realignment or widening of the street that would require reservation of some land of the subdivision, the Planning Board shall require that such areas be shown and marked on the subdivision plat "Reserved for Street Realignment (or Widening) Purposes."
- H. The minimum building setback on a major street shall be 100 feet from the center line of such street. The minimum building setback on a collector street shall be 80 feet from the center line of such street.
- I. **Other standards.**
  - (1) Intersections of major streets by other streets shall be held to a minimum and shall be at least 800 feet apart, if possible.
  - (2) Cross-street intersections shall be avoided, except at important traffic intersections.

- (3) A distance of at least 250 feet shall be maintained between offset intersections.
- (4) Within 100 feet of an intersection right-of-way, streets shall be approximately at right angles.
- I. Half streets and privately owned reserve strips controlling access to streets or adjacent property shall be prohibited.
- K. A circular turnaround shall be provided at the end of a permanent cul-de-sac street.
- L. Arrangement of streets shall provide for continuation of existing streets between adjacent properties where such continuation is necessary for convenient movement of traffic, effective fire protection and efficient provision of utilities.
- M. If adjacent property is undeveloped and the street must be a dead end temporarily, rights-of-way and improvements shall be extended to property line. A temporary circular turnaround shall be provided on all temporary dead-end streets, with the notation on the plat that land outside the street right-of-way shall revert to abutting lots whenever the street is continued.

**§ 165-35. Streets; design standards.**

A. Street design standards shall be as follows:

	Major	Minor	Cul-de-sac
Minimum right-of-way width	80 ft.	50 ft.	50 ft.
Minimum pavement width	48 ft.	24 ft.	24 ft.
Maximum grade	5%	8%	5%
Minimum grade	0.5%	0.5%	0.5%
Minimum radius of curves, inner street line	800 ft.	150 ft.	150 ft.
Minimum tangent length between reverse curves	200 ft.	100 ft.	100 ft.
Minimum grades within 100 feet of center line intersections	1%	3%	3%
Minimum breaking sight distance	400 ft.	200 ft.	200 ft.
Minimum distance between center line offsets	400 ft.	250 ft.	250 ft.
Angle at intersections of street center lines	90°	85-95°	85-95°

B. Additional design standards for culs-de-sac:

- (1) Maximum length: 900 feet.
- (2) Turnaround radius: 60 feet.
- (3) Minimum outside radius of pavement: 50 feet.

**§ 165-36. Required street construction standards.**

- A. Street improvements shall be installed at the expense of the subdivider.
- B. Streets must be constructed to comply with the detail specifications of the Planning Board.
- C. Streets shall be built with:
  - (1) A subgrade which shall be rough graded the full width of the street right-of-way and compacted the full width between the outer edges of the curbs and gutter.
  - (2) A base course which shall be gravel.
  - (3) A surface course which shall be bituminous asphalt.
  - (4) Curbs and gutters which shall be concrete.

**§ 165-37. Required sidewalk construction standards.**

- A. Sidewalks shall be installed at the expense of the subdivider, at such locations as the Planning Board may deem necessary.
- B. Sidewalks must be constructed to comply with the detail specifications of the Planning Board.
- C. Sidewalks shall be concrete and have a minimum width of four feet in residential areas and five feet in commercial and industrial areas.

**§ 165-38. Blocks; planning and design standards.**

- A. The length, width and shape of blocks shall be determined with due regard to:
  - (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
  - (2) Zoning requirements as to lot sizes and dimensions.
  - (3) The need for convenient access, circulation, control and safety of street traffic.
  - (4) Limitations and opportunities of topography.
- B. Blocks indented by culs-de-sac, parking courts or loop streets and containing interior block parks or playgrounds will be acceptable when properly designed under provisions of a planned unit development in Chapter 201, Zoning, as determined by the Planning Board.

**§ 165-39. Lots; planning and design standards.**

- A. Lot size and shape shall comply with standards of Chapter 201, Zoning, and be appropriate for the type of development and use proposed, and shall be arranged so that there will be no foreseeable difficulties in securing building permits and gaining access to buildings from streets.

- B. Subdivision plans shall provide each lot with satisfactory access to a public streets; driveway grades shall not exceed 10%.
- C. Double-frontage and reverse-frontage lots shall be avoided where possible.
- D. Where lots are more than double the minimum required area for the zoning district, the Planning Board may require that such lots be arranged so as to allow further subdivision.
- E. Side lot lines shall be either at right angles or radial to street lines, unless a variation will give a better street or lot plan.
- F. Corner lots shall have at least 10 feet more than minimum lot width specified in Chapter 201, Zoning, to permit compliance with building setback requirements.

**§ 165-40. Required easements for utilities, drainage and access.**

- A. Where conditions are such as to make impractical the inclusion of utilities or drainage facilities within street rights-of-way, perpetual unobstructed easements shall be provided, centered on rear or side lot lines with satisfactory access to the street.
- B. Permanent utility easements shall be at least 10 feet in width and shall be so indicated on the plat.
- C. The Planning Board may require perpetual unobstructed easements to facilitate pedestrian access to schools, public open space or streets. Pedestrian access easements shall be at least 20 feet in width, and shall be so indicated on the plat. The Planning Board may require a paved walk to be installed within the easement.

**§ 165-41. Required monuments and lot markers.**

- A. Permanent monuments shall be set at all corners and angle points of the subdivision boundaries; and at all street intersections, points of curve and at approximately five-hundred-foot intervals and their location shall be shown on the subdivision plat.
- B. Monuments shall be stone or concrete with a one-inch diameter metal pipe at least two feet long set in the center, and located in the ground at final grade level.
- C. Lot corner markers shall be  $\frac{3}{4}$  of an inch diameter metal pipe at least two feet long.

**§ 165-42. Required street name signs.**

- A. All streets shall be named subject to the approval of the Planning Board. A street which is a continuation of an existing street shall bear the same name.
- B. Street name signs shall be furnished and installed by the subdivider. The type, size and location shall be to the approval of the Planning Board.

**§ 165-43. Preservation of natural features and trees.**

- A. Outstanding natural features of the site, including groves of trees, watercourses and falls, historic spots, exceptional views and similar irreplaceable assets, shall be preserved as far as possible by harmonious design.
- B. Trees over 10 inches in trunk diameter shall be preserved unless such trees are within the right-of-way of a proposed street.
- C. Topsoil removed in the process of grading the subdivision site shall be replaced, except in proposed street, driveways and building locations.

**§ 165-44. Required trees.**

On a residential lot, where none exists, at least three new trees shall be planted, located at least five feet outside the right-of-way. New trees shall measure at least two inches in diameter at a point six inches above finished grade level. Trees shall be hardy, suitable to local soil and climate and shall be of a species approved by the Planning Board.

**§ 165-45. Required stormwater drainage improvements.**

- A. Adequate stormwater drainage systems shall be required in all new subdivisions. An adequate drainage system shall mean one which has been designed by a licensed engineer to perform such work, who shall arrive at a logical conclusion based upon facts and estimates of a given situation and approval by the Planning Board.
- B. Rights-of-way for stormwater drainage must be sufficient for facilities to handle not only the anticipated discharge from the property being subdivided but also the anticipated runoff that will occur when property at a higher elevation in the drainage basin is developed, based on a ten-year storm as defined by the USGS under conditions of total potential development.
- C. The subdivider's engineer shall study the effect of the subdivision on existing drainage facilities downstream outside the subdivision. Where it is anticipated that runoff incident to the development of the subdivision will overload existing drainage facilities during a ten-year storm, the Planning Board shall not approve the subdivision until provision has been made for improvement of the downstream facility.
- D. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater drainage easement conforming substantially with the lines of such watercourse, and of such width as to encompass the twenty-five-year flood area of such watercourse, which easement shall be so indicated on the plat.
- E. Storm drainage system shall be constructed by the subdivider, in accordance with procedures and standards of the State Department of Health, if such drainage system is to be connected to or served by other municipally maintained drainage systems.
- F. The subdivider shall present an individual lot drainage plan for each lot in the subdivision. Such plan shall be used in grading of lots before final approval of structures is granted.

- G. Land subject to flooding or unsuitable for residential occupancy due to flood hazard shall be set aside for such uses as are not endangered by periodic inundation.

**§ 165-46. Floodland.**

Floodland, areas bordering on major watercourses and drainage ways which cannot be used safely for building purposes without danger to health or peril from flood, may be offered as a gift, to be used as public open space or for recreational purposes.

**§ 165-47. Required water supply improvement.**

- A. A public water supply system shall be installed at the expense of the subdivider to the approval of the Planning Board's engineer.
- B. The water supply system must be constructed to comply with the detail specifications of the Planning Board.

**§ 165-48. Alternative water supply improvements.**

If, in the opinion of the Planning Board, service to each lot by a public water supply system is not feasible, the Planning Board may allow individual wells to be used, which shall be installed at the expense of the subdivider to the approval of the Planning Board's engineer, as follows:

- A. Minimum lot sizes shall be 20,000 square feet in area, or in accordance with requirements of § 165-52, whichever is greater.
- B. The water supply system shall be designed and installed to standards and procedures of the State Department of Health.

**§ 165-49. Required sewage disposal improvements.**

- A. A sanitary sewer system shall be installed at the expense of the subdivider to the approval of the Planning Board's engineer.
- B. The sanitary sewer system must be constructed to comply with the detail specifications of the Planning Board.

**§ 165-50. Alternative sewage disposal improvements.**

If, in the opinion of the Planning Board, service to each lot by a sanitary sewer system is not feasible, the Planning Board may allow individual septic tanks to be used, which shall be installed at the expense of the subdivider to the approval of the Planning Board's engineer, as follows:

- A. Minimum lot sizes shall be in accordance with requirements of § 165-52.
- B. The sewage disposal system shall be approved by the State Department of Health.

**§ 165-51. Minimum distances between wells and possible contaminants.**

- A. The standards of the State Department of Health shall govern the minimum distances between wells, septic tanks, sewer lines and disposal tile field.
- B. Where possible, the well shall be located in the rear yard.
- C. Where possible, the wellhead shall be at a higher elevation than any disposal tile field.

**§ 165-52. Minimum residential lot sizes in areas without public sewer and water systems.**

The following are minimum single-family residential lot sizes in areas without public sewage disposal and/or water supply system:

- A. Where the average slope of lot does not exceed 10%:

Absorption Time for 1 Inch of Fall (minutes)	Public Water and Septic Tank (square feet)	Private Well and Septic Tank (square feet)
0 – 10	25,000	35,000
11 – 20	30,000	40,000
21 – 30	35,000	45,000
31 – 40	40,000	50,000
41 – 50	45,000	55,000
Over 50	50,000	Not permitted

- B. Where the average slope of lot is between 10% and 15%:

Absorption Time for 1 Inch of Fall (minutes)	Public Water and Septic Tank (square feet)	Private Well and Septic Tank (square feet)
0 – 10	30,000	40,000
11 – 20	35,000	45,000
21 – 30	40,000	50,000
31 – 40	45,000	55,000
Over 40	50,000	Not permitted

- C. Where the average slope of lot exceeds 15%:

Absorption Time for 1 Inch of Fall (minutes)	Public Water and Septic Tank (square feet)	Private Well and Septic Tank (square feet)
0 – 10	35,000	45,000
11 – 20	40,000	50,000
21 – 30	45,000	55,000
31 – 40	50,000	60,000
Over 40	55,000	Not permitted

**§ 165-53. Required public utility improvements.**

The following public utility improvements shall be installed:

- A. Fire protection. Hydrants shall be of a size, type and location specified by the National Board of Fire Underwriters, American Insurance Association.
- B. Streetlighting. Poles, brackets and lights shall be of a size, type and location approved by the local power company.
- C. Electricity. Poles and power lines shall be approved by the local power company.
- D. Utility services. Said services shall be located from six to eight feet from the front property line to the center line of the utility service between the sidewalk and curblin.

**ARTICLE V****Enforcement**

[Added 5-21-1985 by L.L. No. 3-1985]

**§ 165-54. Penalties for offenses.**

Pursuant to § 10 of the Municipal Home Rule Law and Article 7 of the Village Law, the Village Board of the Village of Lowville hereby provides for the enforcement of this chapter, as originally adopted by the Planning Board on July 23, 1984, and approved by the Village Board on August 7, 1984, and as amended from time to time, by enacting the following penalty provisions:

- A. Any person, firm or corporation who commits an offense against, disobeys, neglects or refuses to comply with or resist the enforcement of any of the provisions of this chapter shall, upon conviction, be deemed guilty of a violation, punishable by a fine of not more than \$250 or imprisonment not to exceed 15 days, or by both such fine and imprisonment. Each week an offense is continued shall be deemed a separate violation of this chapter.<sup>3</sup>
- B. In addition to the penalties provided above, the Village Board may also maintain an action or proceeding in the name of the Village in a Court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

<sup>3</sup> Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. I).



SUBDIVISION OF LAND

PRELIMINARY PLAT APPLICATION FORM

- Application No:..... Fee Received:..... By:.....
- 1. Subdivision Name:.....
- 2. Property Location:.....  
.....
- Tax Section:..... Block:..... Lot:.....
- 3. Name, Address, Owner:.....  
.....
- 4. Name, Address, Subdivider:.....  
.....
- 5. Name, Address, License No., Engineer/Surveyor:.....  
.....
- 6. Deed Recorded in the Clerk's Office:  
Date:..... Liber:..... Page:.....
- 7. Attach Statement of Easements Relating to Property; if none, state:.....
- 8. Attach Statement of Interest in Abutting Property; if none, state:.....
- 9. Property in Zoning District:.....
- 10. Preliminary Plat Area:..... Acres
- 11. Does Preliminary Plat Cover Applicant's Entire Holding:.....
- 12. Will Final Subdivision Plat Cover Entire Preliminary Plat:.....  
Or Will Plat Be Filed in Sections:.....
- 13. Does Applicant Propose to Dedicate All Streets and Parks Shown on Map:.....
- 14. Acres Dedicated to Public Use for Park and Open Space Purposes:.....
- 15. If Subdivision Regulation requirements waivers are requested, list and give reasons why requirements should be waived on attached sheet.

(Signed)..... (Signed).....  
 Owner Subdivider  
 Date..... (Signed).....  
 Agent  
 Form SR,1

SUBDIVISION OF LAND

ADMINISTRATIVE CHECK LIST: SUBDIVISION PLAT REVIEW

Application No:.....
Subdivision Name:.....
Name, Address, Owner:.....
Name, Address, Subdivider:.....
Name, Address, License No., Engineer/Surveyor:.....

Date Completed

SKETCH PLAN

\_\_\_\_\_

Informal Discussion

\_\_\_\_\_

Preliminary Plat

\_\_\_\_\_

Application in Accord with Subdivision Regulations

\_\_\_\_\_

Fee Paid. Amount \$.....

Prepared by:.....

Date of Layout:.....

Area of Proposed Subdivision:.....

Number of Lots;.....

\_\_\_\_\_

Technical Review Completed

\_\_\_\_\_

Presented to Planning Board Meeting

\_\_\_\_\_

Preliminary Approval by Planning Board

\_\_\_\_\_

Letter to Applicant re. Planning Board Action

\_\_\_\_\_

Lapse Date for Final Plat Application
(6 months from Preliminary Approval)

Comments.....