

**VILLAGE OF UPPER NYACK SUBDIVISION LAW
LOCAL LAW #2 of 2022**

BE IT ENACTED by the Board of Trustees of the Village of Upper Nyack as follows:

A Local Law which shall be known and may be cited as the Subdivision Law of the Village of Upper Nyack, enacted under Article 7 of the Village Law and the Municipal Home Rule Law.

**SUBDIVISION LAW OF THE
VILLAGE OF UPPER NYACK**
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1. Section 1. PURPOSE.

1.1. **Purpose.** Pursuant to the provisions of Article 7 of the Village Law of the State of New York, the Planning Board of the Village of Upper Nyack is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, to conditionally approve preliminary plats and to approve the development of plats, entirely or partially undeveloped and to approve Lot Line Changes, to be filed in the office of the Rockland County Clerk. It is declared to be the policy of the Village to consider land subdivision regulations as part of a plan for the orderly, efficient and economical development of the Village. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed street pattern shall conform to the Official Map and shall be consistent with the Comprehensive Plan and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of fire-fighting equipment to buildings; and that proper provision shall be made for parks and playgrounds.

2. Section 2. DEFINITIONS.

2.1. **Definitions.** Unless the context shall otherwise clearly require, the terms, phrases, words and their derivatives used in this Local Law shall have the meanings ascribed to them below, or, if not defined below, the same meaning as those defined in the Zoning Law. Except where specifically defined herein or in the Zoning Law, all words used in this Local Law shall carry their customary and dictionary meanings.

2.1.1. **APPLICANT.** The owner of land proposed to be subdivided, or the owner's duly authorized representative which can include, but is not limited to, the Subdivider, the proposed developer of the Subdivision or the contract vendee for the Property.

2.1.2. **ARB.** The Architectural Review Board of the Village of Upper Nyack.

2.1.3. **BOARD OF TRUSTEES.** The Board of Trustees of the Village of Upper Nyack.

2.1.4. **COMPREHENSIVE PLAN.** The Village of Upper Nyack Comprehensive Plan, Comprehensive Guidelines for a Sustainable Community, dated April 20, 2021 as it may be from time to time amended.

- 2.1.5. COUNTY CLERK. The Rockland County Clerk.
- 2.1.6. DEC. The New York State Department of Environmental Conservation.
- 2.1.7. DRAINAGE AGENCY. The Rockland County Drainage Agency.
- 2.1.8. EASEMENT. Authorization by a property owner for the use by another and for a specified purpose of any designated part of his property.
- 2.1.9. ENGINEER. A person licensed as a professional engineer by the State of New York.
- 2.1.10. FINAL PLAT. A drawing prepared in a manner prescribed by this Local Law that shows a proposed Subdivision, containing in such additional detail as shall be provided by this Local Law all information required to be shown on the Preliminary Plat and the modifications, if any, required by the Planning Board at the time of approval of the Preliminary Plat, which, if approved, may be submitted to the County Clerk for filing.
- 2.1.11. HEALTH DEPARTMENT. The Rockland County Health Department.
- 2.1.12. LOT. A parcel of land located within the jurisdictional boundary of the Village established by a map or subdivision plat filed in the Office of the Rockland County Clerk, or as otherwise permitted by law, not divided by a street, to be separately owned, used or developed.
- 2.1.13. LOT LINE: A boundary line of a Lot.
- 2.1.14. LOT LINE CHANGE. Any adjustment, relocation or elimination of a Lot Line which:
 - 2.1.14.1. Does not result in the creation of an additional Lot;
 - 2.1.14.2. Is a minor modification to or elimination of an existing Lot Line, which may or may not involve or facilitate conveyance of a portion of one parcel to an adjoining parcel;
 - 2.1.14.3. Results in Lot(s) which each meet or exceed the minimum requirements of the Zoning Law; and
 - 2.1.14.4. Does not create any new zoning nonconformities with respect to existing buildings and structures.
- 2.1.15. OFFICIAL MAP: An official document that indicates the location of key features of the Village, including boundaries, village or public streets, streams and other key

drainage and infrastructure features, adopted in accordance with the requirements of Village Law §7-724.

- 2.1.16. PLANNING BOARD. The Village of Upper Nyack Planning Board.
- 2.1.17. PLAT. Subdivision plat.
- 2.1.18. PRELIMINARY PLAT. The preliminary drawing or drawings indicating the proposed manner of layout of the Subdivision to be submitted to the Planning Board for its approval.
- 2.1.19. PROPERTY. The Lots, parcel or parcels of real property which are the subject of the application for approval of a Subdivision or Lot Line Change.
- 2.1.20. RESUBDIVISION. A change in a map of an approved or recorded Plat, if such change: (1) affects any street layout shown on such map or area reserved thereon for public use; (2) affects any map or plan legally recorded prior to the adoption of any regulations controlling Subdivisions; or (3) relocates a Lot Line, but is not a Lot Line Change as defined in this Section.
- 2.1.21. SEQRA. The New York State Environmental Quality Review Act, collectively referring to Article 8 of the New York State Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (“SEQRA”).
- 2.1.22. SIGNIFICANT TREE Shall have the same meaning as such term defined in the Village of Upper Nyack Tree Preservation Law (LL 4 of 2021) as it may be from time to time amended.
- 2.1.23. STORMWATER MANAGEMENT LAW. The officially adopted Village of Upper Nyack Stormwater Management and Erosion and Sediment Control Law as it may be from time to time amended.
- 2.1.24. STREET. A State, County, Town or Village road, or other right of way that is included on the Official Map of the Village.
- 2.1.25. STREET RIGHT-OF-WAY WIDTH. The distance between property lines on opposite sides of the Street, measured at right angles to the center line of the Street.
- 2.1.26. SUBDIVIDER. Any person, firm, corporation, partnership or association who or which shall lay out and/or develop any Subdivision or part thereof as defined herein, either for himself or itself or others.
- 2.1.27. SUBDIVISION. The division of any parcel of land into 2 or more proposed Lots, plots, sites or other divisions of land, with or without new Streets, and shall include Resubdivision.

2.1.28. SUBDIVISION, MAJOR. Any Subdivision comprised of 3 or more proposed Lots, or requiring any new Street or extension of an existing one, involving the extension of municipal facilities, being developed for non-residential use or any Subdivision not otherwise classified as a Minor Subdivision.

2.1.29. SUBDIVISION, MINOR. Any Subdivision to be improved with single-family homes comprised of not more than 2 proposed Lots, which has frontage on an existing public street and which does not require any new Street or extension of an existing one, or extension of municipal facilities.

2.1.30. SUBDIVISION ROAD DESIGN STANDARDS AND SPECIFICATIONS. The standards and specifications for the construction and layout of subdivision streets and related improvements, which are included as Appendix A to this Local Law.

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

2.1.32. VILLAGE. The Village of Upper Nyack.

2.1.33. VILLAGE LAW. The Village Law of the State of New York.

2.1.34. WETLAND. Any state or federally regulated wetland.

2.1.35. ZONING INSPECTOR. The Zoning Inspector of the Village of Upper Nyack.

2.1.36. ZONING LAW. The officially adopted Zoning Law of the Village of Upper Nyack together with all amendments thereto.

3. Section 3. APPLICABILITY.

3.1. Requirement for Planning Board Approval. Whenever any Subdivision or Lot Line Change is proposed, and before less than the whole of the Property included therein may be conveyed and before any permit for the erection of a structure in such proposed Subdivision or on any Lot which has been reconfigured pursuant to a Lot Line Change shall be granted, the Applicant shall apply in writing for approval and obtain approval of such proposed Subdivision or Lot Line Change from the Planning Board in accordance with the procedures herein.

4. Section 4. CRITERIA FOR CONSIDERATION OF A SUBDIVISION.

4.1. Review Criteria. The Planning Board shall study the practicability of the proposed Subdivision, taking into consideration the requirements of the community and the best use of land being subdivided. Particular attention shall be given to:

4.1.1. Relationship and compatibility of the Subdivision with the surrounding neighborhood, as well as the Subdivision's potential impact on the future development of adjoining lands.

- 4.1.2. Adequacy of proposed Streets and culs-de-sac, including length, width and suitable grade, adequate sight lines and the ability of proposed Streets to facilitate and provide access, ingress, egress and maneuverability of fire-fighting equipment and waste collection vehicles.
- 4.1.3. Adequacy of proposed streets to create a safe vehicular traffic system to serve the Subdivision and adjacent properties.
- 4.1.4. Mitigation of impact of traffic generated by the Subdivision on nearby properties and Streets and the Village's roadway network.
- 4.1.5. Pedestrian and bicyclist circulation, including, but not limited to, the separation of pedestrian traffic from vehicular traffic, and locations of walkways and intersections.
- 4.1.6. Ecological considerations, including water supply, landscaping and preservation of topography, environmentally sensitive land, natural resources and trees. Land clearing, regrading, and site disturbance shall be minimized to the maximum extent practicable.
- 4.1.7. Adequacy of utility services to accommodate the Subdivision. All utilities shall be installed underground.
- 4.1.8. Adequacy of storm drainage facilities, sanitary sewer systems, waste disposal facilities and water mains, to ensure that the lots that result from the Subdivision can be adequately drained and otherwise accommodated without damaging neighboring properties or exacerbating preexisting drainage deficiencies or flooding.
- 4.1.9. Compliance of stormwater management infrastructure and practices with applicable Village, county, state and federal standards and guidelines.
- 4.1.10. Preservation of views to and from the Hudson River and Hook Mountain along existing public rights-of-way and the Hudson River.
- 4.1.11. Adverse impacts of construction of the Subdivision and ways to avoid or minimize them.
- 4.1.12. The optimal layout and sizes of lots.
- 4.1.13. Consistency with the Comprehensive Plan, Official Map and the Zoning Law.
- 4.1.14. The recommendations of the ARB.
- 4.1.15. The requirements and recommendations submitted by the Code Enforcement Official, Zoning Inspector and the Village Engineer.

5. Section 5. PROCEDURES FOR MAJOR SUBDIVISIONS.

5.1. Informal Preapplication Meeting.

- 5.1.1. Before filing a formal application for approval of a Subdivision, the Applicant may request a preapplication meeting. The purpose of a preapplication meeting is to provide an opportunity for an informal evaluation of an Applicant's proposal and to familiarize the Applicant with the salient provisions of this Local Law, the Comprehensive Plan, the Official Map, the Zoning Law and any other issues that may impact the application for Subdivision approval. A preapplication meeting is optional, but strongly recommended.
- 5.1.2. At the time of request for a preapplication meeting, the Applicant shall provide the Zoning Inspector with a description of the character, location and magnitude of the proposed Subdivision, along with any other supporting documents, maps, plans, etc., available. While detailed plans and other materials are not required, the amount and quality of material provided directly relates to the ability of the Zoning Inspector, the Village Engineer, other officials of the Village and/or the Planning Board to provide meaningful and reliable direction to the Applicant.
- 5.1.3. Based on the character of the application, the Zoning Inspector shall determine the appropriate parties to include in the preapplication meeting. In general, the preapplication meeting should include the Zoning Inspector, the Code Enforcement Official, the Village Engineer and a representative of the Planning Board. However, the Zoning Inspector may schedule an informal appearance before the entire Planning Board at one of the Planning Board's regularly-scheduled meetings.
- 5.1.4. The informal evaluation provided during the preapplication meeting is not binding upon the Applicant, the Planning Board or the Village, but is intended to serve as a guide to the Applicant in formulating and filing its application.

5.2. Preliminary Subdivision Plat Procedures.

- 5.2.1. **Submission of Proposed Preliminary Plat.** Applications for Preliminary Subdivision Plat Approval shall be submitted to the Zoning Inspector and shall include the materials set forth in Section 5.2.2 of this Local Law.
- 5.2.2. **Required Information and Materials.** The following shall be submitted as part of and/or accompanying the Preliminary Plat for a Major Subdivision. The Zoning Inspector shall determine the number of copies of the documents to be submitted. In addition to hard copy submissions, all Applicants shall provide digital copies of

all submission documents to the Planning Board secretary. All applications shall be accompanied by a fee as set forth in a fee schedule adopted by the Board of Trustees.

- 5.2.2.1. Application Form. Completed application form for Preliminary Plat approval, including an affidavit of ownership or written authorization of the Property owner for the application to be made.
- 5.2.2.2. Existing Conditions Survey. An existing conditions survey prepared at a scale of not less than 1 inch = 20 feet giving complete descriptive data by bearings and distances, made and certified to by a Surveyor.
- 5.2.2.3. Preliminary Plat. The Preliminary Plat shall be prepared at a scale of not less than 1 inch = 40 feet and not more than 1 inch = 20 feet as adequate to show all pertinent information, including the following items:
 - 5.2.2.3.1. Proposed Subdivision name, Village of Upper Nyack, Rockland County, date, true north point, scale, name and address of record owner, Applicant and Engineer or Surveyor, including license number and seal.
 - 5.2.2.3.2. Location map at a scale not exceeding 1" = 1000'.
 - 5.2.2.3.3. The location of existing Property lines, Lot Lines and Easements.
 - 5.2.2.3.4. The locations of all proposed Lot Lines, including metes and bounds descriptions and the dimensions and area of each proposed Lot.
 - 5.2.2.3.5. The locations of all existing and proposed Streets.
 - 5.2.2.3.6. The location of all proposed means of ingress to and egress from each proposed Lot.
 - 5.2.2.3.7. The location of all proposed Easements within the Subdivision.
 - 5.2.2.3.8. The names of the owners of record of all property adjacent to the Property.
 - 5.2.2.3.9. The zoning district(s) in which the Property is located, including boundary lines of said district(s).
 - 5.2.2.3.10. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- 5.2.2.4. Site Plan. A Site Plan meeting the requirements of Section 10 of the Zoning Law as it may be from time to time amended.

- 5.2.2.5. SWPPP. A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of the Village's Stormwater Management Law shall be required for Preliminary Subdivision Plat approval. The SWPPP shall meet the performance and design criteria and standards in the Village's Stormwater Management Law. The approved Preliminary Subdivision Plat shall be consistent with the provisions of the Village's Stormwater Management Law.
- 5.2.2.6. Additional Property Map. If the Applicant or Property owner or any entity in which the Applicant or Property owner has an ownership interest owns any land that is contiguous to the Property to be subdivided, an accurate map of the entire tract, drawn at a scale of not more than 400 feet to the inch, showing an outline of the platted area with its proposed Streets and indication of the probable future street system and the probable future drainage layout of the entire tract. The part of the Subdivider's entire holding submitted shall be considered in the light of the entire holding.
- 5.2.2.7. EAF. A Full Environmental Assessment Form for any application that is not classified as a Type II Action under SEQRA.
- 5.2.2.8. Additional Submission Requirements for Cluster Developments. If the Applicant is seeking approval of its Subdivision as a Cluster Development under Section 8 of the Zoning Law and Village Law §7-738, then in addition to submitting the Preliminary Plat showing the proposed layout, it shall submit: (a) a hypothetical conventional plan showing all proposed Lots and a layout conforming to the requirements of the Zoning Law and other applicable regulations to establish the permitted number of Dwelling Units/Lots in the Cluster Development; and (b) a request in writing that Section 8 of the Zoning Law and Section 7-738 of the Village Law be employed, including a brief written explanation of the benefits that would be achieved for the Village by utilizing the cluster development technique.
- 5.2.3. Waivers. On request of the Applicant, the Planning Board may waive specific submittal requirements when such requirements are clearly unrelated to any project impacts. Such waiver(s) shall not limit the ability of the Planning Board to require such materials or additional materials during the course of the Subdivision review process, should it determine that such information is necessary to evaluate whether an application complies with the requirements of this Local Law.
- 5.2.4. Field trip. The Planning Board may schedule a field trip to the Property.
- 5.2.5. Receipt of a complete application for a Preliminary Plat.
- 5.2.5.1. An application for approval of a Preliminary Plat shall not be considered complete until a Negative Declaration has been adopted by the SEQRA lead agency, and, if such lead agency is not the Planning Board, has been filed with the Planning Board, or a Notice of Completion of the Draft Environmental Impact Statement ("DEIS") has been filed in accordance with the provisions of

SEQRA, and, if the Planning Board is not the SEQRA lead agency, the Notice of Completion has been filed with the Planning Board. The time periods for review of and a decision upon a Preliminary Plat shall begin once the application is deemed complete by the Planning Board.

5.2.5.2. Notwithstanding the foregoing, if the Planning Board determines that the application for Preliminary Plat approval includes all essential materials and is sufficient to serve as a basis for meaningful public review, but for which neither a Negative Declaration has been issued or a DEIS accepted as adequate as to scope and content for the purposes of commencing public review, it may open the public hearing on the Preliminary Plat, but must hold at least one session of that public hearing after the issuance of a Negative Declaration or the acceptance of the DEIS as complete.

5.2.6. **Timing of review process.** Except as set forth in this Section, the timing of the review and decision-making process on the Preliminary Plat application and its coordination with the SEQRA process shall be as set forth in Village Law §7-728(5).

5.2.7. **Public hearing notice.** Notice of all public hearings on Subdivision Applications shall be given in the manner provided in Zoning Law Section 11.5.

5.2.8. **Referrals.**

5.2.8.1. The Planning Board shall refer copies of any Subdivision application that it receives to the Village Engineer and may refer such application to other governmental agencies, officials, or consultants as it deems appropriate.

5.2.8.2. The Planning Board shall make all other additional referrals required by law.

5.2.9. **Decision.** Within the time periods provided by Village Law §7-728(5) and SEQRA, the Planning Board shall approve, with or without modification or conditions, or disapprove the Preliminary Plat. When approving a Preliminary Plat, the Planning Board shall provide in its resolution of approval any modifications and conditions it deems necessary for submission of the Plat in final form.

5.2.10. **Filing and dissemination of decision on Preliminary Plat.** The Planning Board clerk shall cause a copy of any resolution deciding an application for Preliminary Plat approval to be filed in the office of the Village Clerk and a copy thereof shall be mailed to the Applicant.

5.2.11. **Expiration of Approval of the Preliminary Plat.** Approval of a Preliminary Plat and associated plans shall expire if no application for Final Plat approval has been filed within one year following the adoption of a resolution granting approval of the Preliminary Plat, except where such time limit is extended by the Planning Board

after a request for an extension is submitted by the Applicant to the Planning Board. For good cause shown, the Planning Board may grant an extension for a period of 12 months. No public hearing on an approval extension request shall be required.

5.3. Final Plat Procedures.

5.3.1. Application for Final Plat Approval. Applications for Final Subdivision Plat Approval shall be submitted to the Zoning Inspector and shall include the following:

- 5.3.1.1. Completed application form for Final Plat approval, including an affidavit of ownership or written authorization of the Property owner for the application to be made.
- 5.3.1.2. An Affidavit or Letter from the Town of Clarkstown Receiver of Taxes and the Village Clerk that all taxes due on the Property have been paid.
- 5.3.1.3. An updated title abstract, and a municipal violation report indicating that the Property is free from violations
- 5.3.1.4. The Final Plat, prepared in accordance with the requirements of Section 5.3.2 hereof.
- 5.3.1.5. The final Site Plans.
- 5.3.1.6. To the extent not specifically referenced in this Section, updated final versions of the plans and materials that were filed in support of the application for approval of the Preliminary Plat.
- 5.3.1.7. Statements from the Applicant's Engineer or Surveyor certifying the total amount of acreage within the Subdivision and the total amount of acreage within all Street rights-of-way and within each separate Street and right-of-way. The length of a Street shall be the horizontal distance along the center line of a proposed Street to the farthest point of the turnaround circle pavement. Intersections shall be counted only once.
- 5.3.1.8. Detailed quantity cost estimates for all improvements proposed in the Subdivision with the quantities certified by the Applicant's Engineer.
- 5.3.1.9. Formal offers of cession to the public, in a form satisfactory to the Village Attorney, of all Streets, parks and Easements, unless the Applicant has noted on the Plat that no offer of dedication is to be made, in which case the Applicant shall include documents providing for, and fixing responsibility for, their suitable maintenance. Offers of cession and related documents shall be held in escrow by the Village until such time as such offers are formally accepted for dedication by the Village Board of Trustees.

- 5.3.1.10. Formal offers of Easement to the Village, in a form satisfactory to the Village Attorney, for all intersection line-sightline areas, drainage facilities and other aspects of the Subdivision as may be required under the provisions of this Local Law. Offers of easements and related documents shall be held in escrow by the Village until such time as such offers are formally accepted for dedication by the Village Board of Trustees.
- 5.3.1.11. A list of all waivers or adjustments of provisions of these regulations which the applicant requests that Planning Board grant under Section 5.3.3, together with the reasons for each requested waiver or adjustment.
- 5.3.1.12. Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan consistent with the requirements of the Village's Stormwater Management Law and with the terms of Preliminary Plat approval shall be required for Final Subdivision Plat approval. The SWPPP shall meet the performance and design criteria and standards in the Village's Stormwater Management Law. The approved Final Subdivision Plat shall be consistent with the provisions of the Village's Stormwater Management Law.

5.3.2. Requirements for Final Plat.

- 5.3.2.1. A Final Plat shall, in all respects, comply with the requirements set forth in this Section 5.3.2 and Village Law §§ 7-728 and 7-730.
- 5.3.2.2. The Plat to be filed with the County Clerk shall be printed upon Mylar and shall meet all requirements of the County Clerk for such filing.
- 5.3.2.3. The Plat shall be drawn at a scale of not less than 1 inch = 40 feet and not more than 1 inch = 20 feet, or as specified by the Planning Board, as adequate to show all pertinent information and oriented with the true North point at the top of the map. A vicinity plan at a scale of not more than 1 inch = 1,000 feet shall be included. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.
- 5.3.2.4. The Final Plat shall also show the following items:
 - 5.3.2.4.1. Proposed Subdivision name or identifying title, the name of the Village (and any other municipality in which a portion of the Property is located) and Rockland County, the name and address of the record owner of the Property and the name, license number and seal of the Surveyor.
 - 5.3.2.4.2. Street lines, pedestrian ways, proposed Lots, reservations, Easements, Conservation Easements and areas to be dedicated to public use.

- 5.3.2.4.3. Sufficient data acceptable to the Village Engineer to determine readily the location, bearing and length of every Street line, Lot Line, boundary line and to reproduce such lines upon the ground. Where applicable, these should 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.
- 5.3.2.4.4. The length and bearing of all straight lines, radii, length of curves and central angles of all curves and tangent bearings for each Street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the Property, location and graphic scale.
- 5.3.2.4.5. By proper designation thereon, all public open spaces for which deeds are included and those spaces title to which is reserved by the Property owner. For any of the latter, there shall be submitted with the Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.
- 5.3.2.4.6. All offers of cession and covenants governing the maintenance of unceded open space shall be in a form acceptable to the Village Attorney as to their legal sufficiency.
- 5.3.2.4.7. A signature block for the Health Department confirming that it has granted approval for the realty subdivision.
- 5.3.2.4.8. A signature block for the Drainage Agency confirming that it has approved the Subdivision in accordance with the Rockland County Stream Control Act.
- 5.3.2.4.9. Lots and blocks within a Subdivision shall be numbered in accordance with the prevailing Village practice and shall bear tax lot designations as duly assigned.
- 5.3.2.4.10. Permanent reference monuments shall be shown and shall be constructed in accordance with specifications of the Village Engineer. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Village Engineer and their location noted and referenced upon the plat.
- 5.3.2.4.11. All Lot corner markers shall be permanently located satisfactorily to the Village Engineer, at least 3/4 inch in diameter and at least 24 inches in length and located in the ground to existing grade.

- 5.3.2.4.12. Monuments of a type approved by the Village Engineer shall be set at all corners and angle points of the boundaries of the Property 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 Village Engineer.
- 5.3.3. **Waivers.** On request of the Applicant, the Planning Board may waive specific submittal requirements for the application for approval of the Final Plat, when such requirements are clearly unrelated to any project impacts.
- 5.3.4. **Timing of review process and coordination with SEQRA.** The timing of the review and decision-making process on the Final Plat and its coordination with the SEQRA process shall be as set forth in Section 7-728(6) of the Village Law.
- 5.3.5. **Final Plats which are in substantial agreement with approved Preliminary Plats.**
 - 5.3.5.1. No public hearing shall be required for Final Plat where the Planning Board finds:
 - 5.3.5.1.1. The submission constitutes a complete application for final approval (including compliance with SEQRA).
 - 5.3.5.1.2. The Final Plat and required supporting materials fulfill any and all conditions in the resolution which approved the Preliminary Plat.
 - 5.3.5.1.3. The Final Plat is in substantial agreement with approved Preliminary Plat.
- 5.3.6. **Final Plats not in substantial agreement with approved Preliminary Plats.** When a Final Plat is submitted which the Planning Board deems not to be in substantial agreement with Preliminary Plat approved pursuant to this Local Law, a public hearing on that Final Plat shall be held in accordance with the requirements of Village Law §7-728(6) and the notice requirements of Section 5.2.7 of this Local Law.
- 5.3.7. **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: (1) within 62 days after the submission of a complete application that meets the requirements of Section 5.3.5, for a Final Plat that is in substantial agreement with the Preliminary Plat; and (2) within 62 days after the close of the public hearing on a Final Plat that is not in substantial agreement with an approved Preliminary Plat. The Clerk or Chair 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 and mailed to the Applicant
- 5.3.8. **Endorsement of a Final Plat by the Planning Board Chairman.**

5.3.8.1. Upon final approval of a Final Plat, or upon completion of the requirements of a conditionally approved Final Plat, including securing necessary endorsements on the Plat from the Health Department and the Drainage Agency, upon its submission to the Clerk of the Planning Board and completing all improvements or posting all required bonds or other performance securities as required by Section 8.1 of this Subdivision Law, it shall be signed by the Chair of the Planning Board and returned to the Applicant for filing in the Rockland County Clerk's Office.

5.3.8.2. After the Plat has been filed in the Rockland County Clerk's Office, one Mylar copy and 3 full-sized paper prints of such signed and filed plat and all other related plans, along with an electronic copy of the same, shall be filed with the Planning Board.

5.3.9. **Duration of conditional approval of Final Plat.** Conditional approval of the Final Plat shall expire within 180 days after the Planning Board's adoption of a resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The Planning Board may extend, by additional periods of 90 days each, the time in which a conditionally approved Plat must be submitted for signature if, in the Planning Board's opinion, extension is warranted by the particular circumstances. The Applicant shall request an extension of conditional approval in writing. No public hearing shall be required for requests to extend the duration of a conditional approval of a Final Plat.

5.3.10. **Plat void if revised after approval.** No changes, erasures, modifications or revisions shall be made in any Plat after approval has been given by the Planning Board and endorsed in writing on the Plat, unless the Plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any Plat is recorded without complying with this requirement, or contrary to this provision, the same shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

6. Section 6. MINOR SUBDIVISIONS AND LOT LINE CHANGES.

6.1. **Minor Subdivisions and Lot Line Changes.** To the extent applicable, a Minor Subdivision and Lot Line Changes shall be reviewed under the criteria listed in Section 4.

6.2. **One-step process.** Unlike a Major Subdivision, Minor Subdivisions and Lot Line Changes do not require approval of a Preliminary Plat. The Applicant need only apply for and obtain approval for a Final Plat for a Minor Subdivision or Lot Line Change.

6.3. **Submission Requirements.** Copies of the following documents shall be submitted as part of and/or accompanying the Plat for a Minor Subdivision or Lot Line Change. The Zoning Inspector shall require the number of copies of the documents to be submitted.

In addition to hard copy submissions, all Applicants shall provide electronic copies of all submission documents to the Planning Board secretary. All applications shall be accompanied by a fee as set forth in a fee schedule adopted by the Board of Trustees.

- 6.3.1. A completed application form;
- 6.3.2. Letters from the County Commissioner of Finance and Receiver of Taxes of the Town of Clarkstown and the Village Clerk stating that the taxes have been paid.
- 6.3.3. Statements from the Applicant's Engineer or Surveyor certifying the total acreage within the Subdivision.
- 6.3.4. Detailed quantity cost estimates for all improvements proposed in the Subdivision with the quantities certified by the Applicant's Engineer.
- 6.3.5. Formal offers of cession to the public, in a form satisfactory to the Village Attorney, of all parks and Easements, unless the Applicant has noted on the Plat that no offer of dedication is to be made. The Applicant shall include documents providing for, and fixing responsibility for, suitable maintenance of such parks and Easements which are being reserved, as well as for those offered for dedication, in the latter case to be effective until the Village accepts dedication. Offers of cession and related documents shall be held in escrow by the Village until such time as such offers are formally accepted for dedication by the Village Board of Trustees.
- 6.3.6. Formal offers of Easement to the Village, in a form satisfactory to the Village Attorney, for all intersection line-of-sight areas, drainage facilities and other aspects of the Subdivision as may be required under the provisions of this Local Law. Offers of cession and related documents shall be held in escrow by the Village until such time as such offers are formally accepted for dedication by the Village Board of Trustees.
- 6.3.7. A list of all waivers or adjustments of provisions of these regulations which the Applicant requests that the Planning Board grant under Section 6.4, together with the reasons for each requested waiver or adjustment.
- 6.3.8. Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan consistent with the requirements of the Village's Stormwater Management Law shall be required for Minor Subdivision/Lot Line Change Plat approval. The SWPPP shall meet the performance and design criteria and standards in Village's Stormwater Management Law. The approved Final Subdivision Plat shall be consistent with the provisions of the Village's Stormwater Management Law.
- 6.3.9. Existing Conditions Survey. An existing conditions survey prepared at a scale of not less than 1 inch= 20 feet, giving complete descriptive data by bearings and distances, made and certified to by a Surveyor.

- 6.3.10. Subdivision Plat. A Subdivision Plat that shall, in all respects, comply with the requirements set forth in Section 5.3.2.
- 6.3.11. Site Plan. A Site Plan meeting the requirements of Section 10 of the Zoning Law as it may be from time to time amended.
- 6.3.12. A title abstract, and a municipal violation report indicating that the Property is free from violations.
- 6.4. Waivers. On request of the Applicant, the Planning Board may waive specific submittal requirements for the application for approval of the Minor Subdivision, when such requirements are clearly unrelated to any project impacts.
- 6.5. Public Hearing. A public hearing on the Plat for a Minor Subdivision shall be required and shall commence within 62 days after receipt of a complete application. Notice of the public hearing shall be published in the manner set forth in Section 5.2.7.
- 6.6. Referrals. The Planning Board shall refer copies of any Minor Subdivision plan approval application that it receives to the Village Engineer and may refer such application to other governmental agencies or officials as it deems appropriate. The Planning Board shall make all other additional referrals required by law.
- 6.7. Decision. The Planning Board shall conditionally approve, with or without modification or conditions, disapprove, or grant approval and authorize the signing of the Plat, within 62 days after the close of the public hearing.
- 6.8. Post-Decision Procedures. Following the adoption by the Planning Board of its resolution upon the Plat for the Minor Subdivision, all procedures and time periods which are applicable to Final Subdivision Plats, as set forth in Sections 5.3.8 through 5.3.10, and Section 8.1(improvements and performance securities) shall apply.
- 7. Section 7. PARKLAND OR FEE IN LIEU THEREOF.
 - 7.1. Reservations for Parks and Playgrounds on Subdivision Plats Containing Residential Units.
 - 7.1.1. General standards. Before the Planning Board may approve a Subdivision Plat containing residential units, such Subdivision Plat shall also show, when required by the Planning Board, a park or parks suitably located for playground or other recreational purposes.
 - 7.1.2. Planning Board Findings. Land for park, playground or other recreational purposes may not be required until the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Village. Such findings shall include an evaluation of the present and anticipated future needs for park and

recreational facilities in the Village based on projected population growth to which the particular Subdivision Plat will contribute. Any lands reserved for such purposes shall be appropriately located and shall be of suitable size, dimensions, topography and general character and shall have adequate street access for the particular purpose or purposes envisioned. The area shall be shown and marked on the Subdivision Plat as "reserved for park or playground purposes."

7.1.3. Required Area. When lands are required to be reserved for park, playground or recreational purposes they shall have an area that is not less than ten percent (10%) of the gross area of all land shown on the Subdivision Plat.

7.1.4. Location. The Planning Board may require that such areas be located at a suitable place on the edge of the Subdivision so that additional land may be added at such time as adjacent land is subdivided.

7.1.5. Ownership. Ownership and maintenance requirements shall be clearly indicated for all reservations of land for park or playground purposes and established in a manner satisfactory to the Village Attorney so as to ensure the continuation of responsibility for ownership and maintenance of such land.

7.1.6. Unique Features or Landmarks. Where such park site incorporates a unique natural feature or a landmark, the Subdivider shall be responsible for the protection of such feature or landmark from any destructive action during the course of the Plat development.

7.2. Fee in lieu of reservation.

7.2.1.1. If the Planning Board makes a finding pursuant to Subsection 7.1.2 above that the proposed Subdivision Plat presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but determines that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such Subdivision Plat, the Planning Board may require a sum of money in lieu thereof, in the amount that has been established and included in an adopted schedule of fees by the Board of Trustees. In making such determination of suitability, the Planning Board shall assess the size and suitability of lands shown on the Subdivision Plat which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood of the Subdivision.

7.2.1.2. Any moneys required by the Planning Board in lieu of land for park, playground or other recreational purposes under Section 7-730 of the Village Law or Section 7.2 hereof, shall be deposited into a trust fund to be used by the Village exclusively for park, playground or other recreational purposes, including the acquisition of property.

- 7.2.1.3. No credit shall be given for the original lot in computing this payment, unless there is an existing residence on the Property that will occupy one of the newly-created lots.
- 7.2.1.4. Payment of a fee in lieu of parkland dedication shall be made before the plat is signed by the Planning Board Chair.
- 7.2.1.5. Additional Lands. None of the subsections above shall be construed as prohibiting a Subdivider from reserving land for recreational purposes in addition to the requirements of this Section.

8. Section 8. REQUIRED IMPROVEMENTS.

- 8.1. Improvements and Performance Securities. Before the Planning Board Chair signs the Plat, the Subdivider shall follow the procedure set forth in either 8.1.1 or 8.1.2:

- 8.1.1. Performance Security. The Subdivider shall file with the Village Clerk, in an amount set by the Planning Board, a performance bond, cash deposit or irrevocable letter of credit, which complies with the requirements of Section 7-730 of the Village Law, is satisfactory in form, content and manner of execution to the Village Attorney and is approved by the Board of Trustees. Such security shall run for a term to be fixed by the Planning Board, but in no case for a longer term than 3 years, provided, however, that the term of such security may be extended by the Planning Board at the request of the Applicant and with the consent of the Board of Trustees. If the Planning Board shall decide at any time during the term of any such security that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such security, or that the required improvements have been installed as provided in this section and by the Planning Board in sufficient amount to warrant reduction in the amount of said security, and upon approval by the Board of Trustees, the Planning Board may modify its requirements for any or all such improvements, and the amount of such security shall thereupon be reduced by an appropriate amount so that the new amount will cover the cost in full of the amended list of improvements required by the Planning Board. If any required improvements have not been installed as provided in this section within the term of the security agreement, the Board of Trustees may thereupon declare a default and collect the sum remaining payable thereunder; and upon the receipt of the proceeds thereof, the Village shall install such improvements as are covered by such security and as commensurate with the extent of building development that has taken place in the subdivision.

- 8.1.2. Completion of Improvements. The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Village Engineer and a summary report and map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the Subdivider completes all required improvements, then said map shall be submitted prior to endorsement of the plat by

the Chairman of the Planning Board. However, if the Subdivider elects to provide a performance bond, cash deposit or irrevocable letter of credit for all required improvements as specified in Subsection 8.1.1, such cash or letter of credit shall not be released until such a map is submitted.

- 8.2. **Modification of Design of Improvements.** If, at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the Village Engineer that unforeseen conditions make it necessary or preferable to make Minor Changes as that term is defined in Section 10.4.2.1 of the Zoning Law the Village Engineer may authorize the Minor Changes, provided that the authorized modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Village Engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.
- 8.3. **Modifications of Site Plans.** Modification of Site Plans approved as a part of a Subdivision or Lot Line Change that do not require modification to the Final Plat (other than Minor Changes approved by the Village Engineer) shall be processed as applications for site plan approval pursuant to Section 10 of the Zoning Law.
- 8.4. **Inspection of improvements.** At least five days prior to commencing construction of required improvements, the Subdivider shall pay to the Village Clerk the inspection fee required by the Board of Trustees and shall notify the Village Engineer in writing as to the time when he proposes to commence construction of such improvements so that the Village Engineer may cause inspection to be made to assure that all Planning Board specifications and requirements shall be met during the construction of required improvements, to assure adequate protection of existing vegetation and historic resources, if any, and to assure the satisfactory completion of improvements and installation of utilities required by the Planning Board.
- 8.5. **Proper installation of improvements.** If the Village Engineer shall find, upon inspection of the improvements performed before the expiration date of the security posted in accordance with Section 8.1.1, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the Subdivider, the Village Engineer shall so report to the Board of Trustees, Zoning Inspector and Planning Board. The Board of Trustees shall notify the Subdivider and, if necessary, the bonding company and take all necessary steps to preserve the Village's rights under the bond. No Plat shall be approved by the Planning Board so long as the Subdivider is in default on a previously approved Plat.
- 8.6. **Waiver of Requirements.** The Planning Board may waive, when reasonable, any requirements other than compliance with the Zoning Law or improvements in connection with its approval, approval with modifications or disapproval of Subdivisions submitted for its approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event any such requirements or improvements are

found not to be requisite in the interest of the public health, safety, and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the Subdivision.

8.7. Other Requirements.

8.7.1. **Public Acceptance of Streets.** The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Village of any Street, Easement or other open space shown on such Subdivision Plat, which shall only be established by the execution of a recordable dedication document submitted by the Applicant to the Mayor after approval by the Village Attorney and authorization of the documents execution by the Board of Trustees.

8.7.2. **Ownership and Maintenance of Recreation Areas.** When a park, playground or other recreation area shall have been shown on a plat, the approval of said plat shall not constitute an acceptance by the Village of such area unless a map note on the plat indicates that the Village or another municipal entity is accepting the same. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Board of Trustees covering future deed and title dedication and provision for the cost of grading, development, equipment and maintenance of any such recreation area.

8.7.3. **Filing; notation on Zoning Map.** On the filing of a Cluster Development Plat in the office of the County Clerk, the Subdivider shall file a copy with the Village Clerk, who shall make appropriate notations and reference thereto in the Zoning Map. The Village Clerk shall notify the Zoning Inspector when such a plat is filed.

8.7.4. **Payment of Professional Fees.** Any professional fees incurred in connection with the subdivision review shall be paid by the Applicant in accordance with the requirements and procedures set forth in Section 13.2 of the Zoning Law.

9. Section 9. SEVERABILITY.

9.1. **Severability.** If any word, clause, sentence, paragraph, subdivision or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be limited in its application to the word, clause, sentence, paragraph, subdivision or part hereof directly involved in the controversy in which such judgment shall have been rendered.

10. Section 10. SUPERSESSON.

10.1. **Superseding Other Laws.** In their interpretation and application, the provisions of this Local Law shall be held to be the minimum requirements necessary for the promotion of the public health, safety and the general welfare of the Village. Wherever

the requirements of this Local Law conflict or are inconsistent with the requirements of any federal, state or county law, or of any other lawfully adopted rule, regulation, law or ordinance of the Village, the more restrictive requirement or that imposing the higher standards shall govern.

11. **Section 11. EFFECTIVE DATE AND REPEALER.** This Local Law shall take effect upon the later of April 15, 2022 or the filing in the Office of the Secretary of State. Upon such effective date, Village of Upper Nyack Local Laws 9 of 2004 and 13 of 2004 (Subdivision of Land Regulations) shall be deemed repealed and of no force or effect.

APPENDIX A ROAD DESIGN STANDARDS

Section 1: MINIMUM ROADWAY STANDARDS AND REQUIREMENTS

1. PURPOSE.

- a. It is the purpose of these standards and specifications to establish minimum acceptable criteria for the design and construction of roads in the Village of Upper Nyack. Such criteria shall include but are not limited to roadway geometry (widths, grades, horizontal and vertical alignment), and construction (sub- base, pavement), drainage structures, curbs and sidewalks.
- b. The intent of these standards is public safety and well-being. The minimum road standards serve to assure that all roads hereafter built in the Village, both for public dedication and private use:
 - i. Have a design of life of 20 years with routine maintenance;
 - ii. Incorporate drainage designs to accommodate stormwater runoff as required by current regulations;
 - iii. Meet minimum standards for access by emergency vehicles;
 - iv. Provide adequate visibility at turns and intersections;
 - v. Not exceed a maximum road grade of 10 percent;
 - vi. Allow for effective snow clearance;
 - vii. Ensure all Lots are served by a road which will provide the minimum road frontage required for the zone in which the lot is located.

2. DEFINITIONS.

- a. Designated Street Line: A line parallel to the Street center line and at the distance from such street center line not less than half the specified width of the Right of Way for each street classification as established on the Official Map of the Village of Upper Nyack.
- b. Road Widening Strip: That parcel of land lying between the existing Property line and the designated Street line.
- c. Right of Way: the width of land owned or controlled by the Village for the purpose of maintaining or constructing roads or the width of land dedicated to roadway pavement and utility easements for a private road.

- d. 50-year Storm: a runoff event with the probability of occurring in a given year equal to the inverse of the value of the year. A 50-year storm would have a 1 in 50 (2%) chance of occurring in a given year.
- e. 15" Diameter Equivalent Opening: an area of 1.23² feet.
- f. Design speed: the typical operating speed on a roadway. Also, the speed used in the geometric design off a roadway controlled by terrain, traffic volume and roadway classification.

3. GENERAL

- a. The Village, has adopted these standards as the minimum for construction of Streets within the Village.
- b. All Lots hereafter created in the Village by subdivision shall be served by and have frontage on a Street in conformance with these standards.
- c. All Streets hereafter built in the Village shall be certified that they are in compliance with these standards by a Professional Engineer licensed to practice in New York State, herein referred to as the Project Engineer or Engineer of Record.
- d. Before the Street is accepted for dedication to the Village, a set of as-built plans approved by the Project Engineer shall be submitted to the Village Clerk and the Village Engineer at Village Hall. Approval by the Village Engineer that the project meets the standard shall be required prior to acceptance by the Board of Trustees. The Village Engineer and the Board of Trustees must accept the Street before it is accepted as part of the Village road system. The Village reserves the right, in its unfettered discretion, not to accept a Street, notwithstanding that all portions of these standards have been met.
- e. For Streets that remain private, inspection certificates and as-built plans shall be provided to the Village for record.
- f. All applications for the dedication of a Street to Village ownership shall be accompanied by a proposed Bargain and Sale Deed with Covenant against Grantor's Acts conveying said Street to the Village, free and clear of all mortgages, easements (other than those acceptable to the Board of Trustees), judgments, liens and other claims. All deeds and plans must meet requirements for filing with the County Clerk. Title insurance shall be provided insuring all dedications or agreements required to be made to the Village, insured by a title company licensed to do business in the State of New York in a form acceptable to the Village Attorney in the amount of \$30,000 or such higher amount as may be necessary in the opinion of the Village Attorney.

- g. As a minimum, the plans for all new Streets shall comply with the Design and Construction Standards shown below and shall include the following:
 - i. Original and finished grades;
 - ii. The layout and locations of all Rights of Way and their metes and bounds;
 - iii. The location of the existing Village's Rights of Way and Easements, including a statement of their allowable use;
 - iv. Provision for the gratuitous dedication of the road widening strip to the Village;
 - v. The location of all drainage structures;
 - vi. The location of any utilities in the Right of Way;
 - vii. The names of owners of property adjacent to the Street;
 - viii. A maintenance plan for the Street;
 - ix. Location of all signs and traffic control devices; and
 - x. Cross sections of typical Street sections (tangent, super elevated, etc.).

4. DESIGN AND CONSTRUCTION

- a. At a minimum, all Streets constructed after enactment of this Local Law shall meet the minimum standards specified herein.
 - i. Design Elements (Table 1)

Design Element	Local Road	Secondary or Collector Road	Major Road
Minimum Right of Way Width	50 feet	60 feet	80 feet
Minimum Clearing Width	50 feet	60 feet	80 feet
Minimum Grading Width	50 feet	50 feet	60 feet
Minimum Pavement Width	30 feet	40 feet	60 feet
Minimum radius of curve at center line	100 feet	200 feet	400 feet
Minimum length of tangents between reverse curves	100 feet	200 feet	300 feet

Design Element	Local Road	Secondary or Collector Road	Major Road
Minimum radius at intersections	Right of Way 25 feet Pavement 35 feet	Right of Way 25 feet Pavement 35 feet	Right of Way 25 feet Pavement 35 feet
Vertical Alignment Maximum Grade	10%	8%	8%
Minimum Grade	1%	1%	1%
Minimum Length of Vertical Curve	100 feet but not less than 200 feet for each 1% of algebraic difference in grade	200 feet but not less than 50 feet for each 1% algebraic difference in grade	300 feet but not less than 50 feet for each 1% algebraic difference in grade.
Minimum Sight Distance	200 feet	300 feet	400 feet
Minimum Sight District at an Intersection	Across Corner: 75 feet back from intersection	Across Corner: 75 feet back from intersection	Across Corner: 75 feet back from intersection
Pavement Requirements	1½" Top 1½" Binder 4" Base	1½" Top 1½" Binder 4" Base	1½" Top 1½" Binder 5" Base
Curbs	6"x8"x20" Dp	6"x8"x20" Dp	6"x8"x20" Dp
Concrete Sidewalks	Required	Required	Required
Monuments	Required	Required	Required
Street Name Signs	Required	Required	Required

ii. Turn- Arounds. Criteria for length to and dimensions of intersections and turn-arounds.

1. Minimum length between intersections:
 - a. Permanent: 6 times minimum lot width
 - b. Temporary 12 times minim lot width, provided that the Planning Board may require that permanent criteria be used based on the likelihood of the extension of the road.
2. Turnaround local roads, minimum requirements:
 - a. Diameter of right-of-way- 130 feet
 - b. Pavement 110feet

5. RIGHT OF WAY AND BULK REQUIREMENTS

- a. Access Streets for subdivisions resulting in 3 or fewer lots shall be by right of way not less than 50 feet in width with a 24 ft. paved travel area.
- b. Access Streets for subdivision resulting in 4 or more lots shall be by right of way not less than 50 feet in width with a 30 ft paved travel area.
- c. No portion of road intended to remain private shall be considered as part of the required bulk for any lot.

- d. The Planning Board may modify these requirements to reasonably adjust for terrain, environmental or other site conditions, but no waiver of bulk requirements is authorized.
- e. Where adjacent parcels are capable of development, this law does not exclude Planning Board approval of a shared entry road consisting of at least 25 feet of a planned 50-foot public right of way with not less than a 15-foot-wide paved travel area

6. ADDITIONAL CRITERIA

- a. Roadway design of life not less than 20 years with routine maintenance.
- b. Drainage facilities designed to handle a 100-year storm under the Street and a 50-year storm on all other facilities. The minimum size opening of any crossing pipe is 15 inches in diameter or equivalent. The minimum size of main line drain is 18" round or equivalent.
- c. The combined thickness of the base and the surface courses shall be at least 13 inches thick.
- d. A minimum design speed of 30 mph or greater for major roads.
- e. All materials and work shall meet the requirements of the latest revision of the *New York State Department of Transportation Standard Specifications of Construction and Materials, English Edition*, including any Engineering Instructions or Bulletins, unless alternatives are approved by the Village Engineer.
- f. All Streets created under this Local Law shall be provided with street lighting if so required by the Village Planning Board in consultation with the Village Engineer, Orange and Rockland Utilities or the Clarkstown Consolidated Lighting District.
- g. If street lighting is required, the general levels of illumination shall be consistent with the most recent edition of the IESNA Lighting Handbook by Illuminating Engineering Society of North America, New York, NY. The average illumination level may not exceed those specified in the IESNA Handbook by more than 0.2 foot-candles. If the street has a sidewalk, the streetlights shall be located on the side of the street that the sidewalk is on.