

PART II – GENERAL LEGISLATION

Chapter 223 – Land Use Subdivision Regulations

[Adopted by Resolution 10-26-92, Amended and Adopted, December 27, 2012, as Chapter 223 of the Code]

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Article I Declaration of Policy

Sections 223-1 – It is declared to be the policy of the Planning Board to consider land subdivision plats as a 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 streets shall compose a convenient system of traffic flow; 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 open spaces for parks and playgrounds.

In order that land subdivisions may be made in accordance with this policy, these regulations which shall be known as, and which may be cited as, the "Village of Marcellus Land Subdivision Regulations," have been adopted by the Planning Board on December 9, 1991 and approved by the Village Board on December 16, 1991.

Article II – Definitions

Sections 223-2 – For the purpose of these regulations, certain words and terms used herein are defined as follows:

COLLECTOR STREET – Means a street that serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

DEAD-END STREET OR CUL-DE-SAC – Means a street or a portion of a street with only one vehicular, traffic outlet.

EASEMENT – Means authorization by a property owner for the use of another, and for a specified purpose, of any designated part of his property, which has been recorded with the Onondaga County Clerk.

ENGINEER OR LICENSED PROFESSIONAL ENGINEER – Means a person licensed as a professional engineer by the State of New York.

MAJOR STREET – Means a street that serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or heavy traffic generating areas.

MINOR STREET – Means a street intended to serve primarily as an access to abutting properties.

PLANNING BOARD OR BOARD – Means the Planning Board of the Village.

PRELIMINARY PLAT – Means a drawing or drawings prepared by a New York licensed surveyor clearly marked "preliminary plat" showing the salient features of a proposed subdivision, as specified in Article V, Par. B of these regulations, submitted to the Planning Board for purposes of consideration prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

SKETCH PLAN – Sketch of a proposed subdivision showing the information specified in Article V, Par. A of these regulations, to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of layout and objectives of these regulations.

STREET – Means and includes streets, roads, avenues, lanes, or other traffic ways, between right of way lines whether public or private.

STREET PAVEMENT – Means the wearing or exposed surface of the roadway used by vehicular traffic.

STREET WIDTH – Means the width of right of way, measured at right angles to the center line of the street.

SUBDIVIDER – Means any person, firm, corporation, partnership or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION – Is the division of any parcel of land into two or more lots, plots, or sites, with or without streets or highways, or alteration of any lot line.

SUBDIVISION PLAT OR FINAL PLAT – Means a drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval, and which, if approved, may be duly filed or recorded by the applicant in the office of the County Clerk.

SURVEYOR – Means a person licensed as a land surveyor by the State of New York.

VILLAGE ENGINEER – Means the duly designated engineer of the Village or the Engineer designated by the Planning Board.

Article III – Procedure in Filing Subdivision Applications – Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures:

A. SKETCH PLAN

3.01 Submission of Sketch Plan – Any owner of land shall, prior to subdividing or re-subdividing land, submit to the Village Clerk at least ten (10) days prior to the regular meeting of the Board, six (6) copies of an application for review of a proposed subdivision and a sketch plan of the proposed subdivision, which shall comply with the requirements of Article 5, Par. A for preliminary discussion.

3.02 Discussion of Requirements – The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.

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

B. PRELIMINARY PLAT FOR SUBDIVISION

3.04 Application and Fee – The subdivider shall file an application for the consideration of a preliminary plat, so identified, of the proposed subdivision, in the form described in Article C, Par. C, hereof. The preliminary plat shall, in all respects, comply with the requirements set forth in the provisions of the Village Law, and Article V, Par. C, of these regulations except where a waiver may be specifically authorized by the Planning Board. The application for conditional approval of the preliminary plat shall be accompanied by a non-refundable fee, per lot for each lot in the proposed subdivision and payment for all actual engineering costs incurred by the Village through the date of submission.

3.05 Number of Copies – Ten (10) copies of the preliminary plat shall be presented to the Village Clerk at least ten (10) days prior to a regular monthly meeting of the Planning Board.

3.06 Subdivider to Attend Planning Board Meeting – The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the preliminary plat.

3.07 Study of Preliminary Plat – The Planning Board shall study the practicability of the

preliminary plat, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets; their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement; the future development of adjoining lands as yet unsubdivided, the official map, and zoning regulations.

3.08 When Officially Submitted – The time of the submission of the preliminary plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least ten (10) days prior to which the application for conditional approval of the preliminary plat, complete and accompanied by the required fee and all data required by Article 5, Par. B, of these regulations, has been filed with the Secretary of the Planning Board.

3.09 Public Hearing – A public hearing shall be held by the Planning Board within forty-five (45) days after the time of submission of the preliminary plat. Such hearing shall be advertised in a newspaper of general circulation in the Village at least ten (10) days before such hearing. After discussion of the proposed subdivision and opportunity for public comment, such hearing may be closed or it may be adjourned until after the subdivider has submitted a final plat.

3.10 Referral to County Planning Board

Before action is taken on certain preliminary plats, such plats must be referred to the Onondaga County Planning Board for review and report in accordance with Sec. 230-n of the General Municipal Law. Plats covered by this requirement include those that are within 500 feet from the boundary of the Town of Marcellus, or from the right-of-way of any County road or highway, or from the right- of-way of any stream or drainage channel owned by the County.

Within thirty (30) days of receipt of such referred preliminary plat, the County Planning Board shall report on its approval, conditional approval or disapproval of the proposed subdivision. The Village Planning Board shall not act contrary to any County recommendation for conditional approval or disapproval of the subdivision except by a vote of a majority plus one of all its members.

3.11 Conditional Approval of the Preliminary Plat

Within sixty (60) days after the time of submission of a complete preliminary plat, the Planning Board shall take action to conditionally approve, with or without modifications, or disapprove such preliminary plat and the ground for any modification required or the ground for disapproval shall be stated upon the records of the Planning Board. Failure of the Planning Board to act within such sixty (60) day period shall constitute a conditional approval of the preliminary plat.

When granting conditional approval to a preliminary plat, the Planning Board shall state the conditions of such approval, if any, with respect to (1) the specific changes which it will require in the preliminary plat; (2) the character and extent of the required improvements for which waivers may have been requested and which, in its opinion, may be waived without jeopardy to the public health, safety, morals, and general welfare; and (3) the amount of

improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the subdivision plat. The action of the Planning Board, plus any conditions attached thereto, shall be noted on three (3) copies of the preliminary plat. One (1) copy shall be returned to the subdivider, one (1) retained by the Planning Board and one (1) forwarded to the Village Board. Conditional 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 on the preliminary plat as a guide to the preparation of the plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations and the conditions of the conditional approval, if any. Prior to approval of the subdivision plat, the Planning Board may require additional charges as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

C. FINAL PLAT FOR SUBDIVISION

3.12 Application for Final Approval and Fee – The subdivider shall, after the conditional approval of the preliminary plat, file with the Planning Board an application for approval of the subdivision plat in final form. Such application shall be accompanied by a non-refundable fee, per lot in the proposed subdivision and payment for all actual engineering costs incurred by the Village through the date of submission. If the final plat is not submitted within six (6) months after the conditional approval of the preliminary plat, the Planning Board may refuse to approve the final plat and require resubmission of the preliminary plat.

3.13 Number of Copies – A subdivider intending to submit a proposed subdivision plat for the approval of the Planning Board shall provide the Secretary of the Board with a copy of a final map in black line print, which will comply with the requirements of Part 5. The map of the plat, the original and one (1) true copy of all offers of cession, covenants, and agreements, and two (2) prints of all construction drawings, at least ten (10) days in advance of the regular monthly Planning Board meeting at which it is to be officially submitted.

3.14 When Officially Submitted – The time of submission of the subdivision plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least ten (10) days prior to which the application for approval of the subdivision plat, complete and accompanied by the required fee and all data required by Article V, Par. C of these regulations, has been filed with the Secretary of the Planning Board.

3.15 Endorsement of State and County Agencies – Water and sewer facility proposals contained in the subdivision plat shall be properly endorsed and approved by the Onondaga County Department of Health. Application for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary Village, County, and State agencies. Endorsement and approval by the Onondaga County Department of Health, shall be secured by the subdivider before official submission of the subdivision plat.

3.16 Public Hearing – Within thirty (30) days after the time of submission of the subdivision plat for approval, the Planning Board shall reconvene the public hearing, if such hearing was adjourned, at the preliminary plat stage of the development, or shall hold a second hearing if the first hearing was not adjourned. A second hearing shall be advertised in a newspaper of general circulation in the Village at least ten (10) days before such hearing.

3.17 Action on Proposed Subdivision Plat – The Planning Board shall, within forty-five (45) days from the date of any reconvened hearing or second hearing on the subdivision plat, approve, modify and approve or disapprove the subdivision plat. However, the subdivision plat shall not be signed by the authorized officers of the Planning Board for recording until the subdivider has complied with the provisions of Article III, Par. D herein, Required Improvements.

D. REQUIRED IMPROVEMENTS

3.18 Improvements and Performance Bond – Before the Planning Board grants final approval of the subdivision plat, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider shall follow the procedure set forth in subparagraph (1) below:

(1) In an amount set by the Planning Board the subdivider shall either file with the Village Clerk a certified check or a letter of credit in a form approved by the Village Attorney to cover the full cost of the improvements required by the Planning Board or the subdivider shall file with the Village Clerk a performance bond to cover the full cost of required improvements. Any such bond shall comply with the requirements of the Village Law and shall be satisfactory to the Village Attorney, Village Board and the Village Engineer as to form, sufficiency, manner of execution and surety. A period of one (1) year (or such other period as the Planning Board may determine appropriate, not to exceed three (3) years) shall be set forth in the bond within which required improvements must be completed.

(2) The improvements required by the Planning Board shall not be considered to be completed until the installation of the improvements and the final site grading has been approved by the Village Engineer and a map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed.

(3) Upon satisfactory completion of the roads, utilities, and appurtenances, and certification of completion by the Village Engineer, security will be reduced to ten percent (10%) of the estimated construction cost. This amount will be retained by the Village Board for a period of one (1) year in order to secure the Village against any defective workmanship and/or materials.

3.19 Modification of Location or 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 modify the location or design of such required improvements, the Village Engineer may, upon approval by a previously delegated member of the Planning Board, authorize modifications, provided these 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 their next regular meeting.

3.20 Inspection of Improvements

(1) The subdivider shall be required to place on deposit with the Village Board an amount equivalent to five (5%) percent of the total estimated construction cost of the project. The Village Engineer will bill the Village for services rendered in connection with the said inspection based on the current per diem scheduled on file with the Village of Marcellus. The invoice amounts will be deducted from the monies on deposit. Following inspection completion, the remaining monies will be released to the subdivider. In the event the initial deposit is not sufficient to pay inspection costs, the subdivider shall be required to place on deposit an additional amount sufficient to cover the anticipated remaining inspection costs. This sum shall be deposited with the Village Clerk within thirty (30) days of notification by the Village Clerk.

(2) The subdivider shall be required to inform the Village Engineer of his construction schedule to enable inspection during construction of all facilities which are to be conveyed to the Village of Marcellus. At least five (5) days prior to the time that inspection of the required improvements is desired by the subdivider, such inspection shall be requested in writing by the subdivider.

(3) To assure that Village specifications and requirements have been met during installation and construction of necessary improvements and utilities, no such improvements and utilities shall be covered up or made inaccessible to the Village Engineer or anyone charged with the responsibility of approving such installation. The Village may require the subdivider to uncover any required improvements so that inspection can be made and to remove any such improvement that does not meet Village specifications.

3.21 Proper Installation of Improvements – If the Village Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Village Board, Building Inspector, and Planning Board. The Village Board then 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 as long as the subdivider is in default on a previously approved plat.

E. FILING OF APPROVED SUBDIVISION PLAT

3.22 Final Approval and Filing – Upon completion of the requirements in Paragraph 3.12 through 3.21 above and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Planning Board (Chairman or Acting Chairman) and may be filed by the applicant in the office of the County Clerk. Any subdivision plat not so filed or recorded within ninety (90) days of the date upon which such plat is approved shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two (2) additional periods of ninety (90) days.

3.23 Plat Void If Revised after Approval – No changes, erasures, modifications, or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and endorsed, in writing, on the plat, unless the said plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such subdivision plat is recorded without complying with this requirement, 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.

F. PUBLIC STREETS, RECREATION AREAS

3.24 Public Acceptance of Streets

(1) The approval of 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.

(2) The wearing surface of streets shall not be applied by the subdivider until danger of damage by subsequent construction can be minimized. The Village may refuse to accept a street until it has been determined that such street has been completed according to approved specifications and will not be damaged by subsequent construction. The subdivider may be required to provide a suitable guarantee that construction damage to finished street surfaces will be satisfactorily repaired. Construction damage to finished street surfaces shall be repaired by the subdivider within fifteen (15) days of notice of such construction damage. The time to repair may be further extended upon application to, and written approval by, the Village Clerk.

3.25 Ownership and Maintenance of Recreation Areas

A. Residential subdivision plats shall show thereon the reservation of at least five (5%) percent of the gross acreage thereof in a location suitable to the Planning Board for a park or parks, or playground, or other recreational purposes.

B. In the event the Planning Board determines that a suitable park or parks cannot be located in such subdivision plat or is not otherwise practical, the subdivider, as a condition to approval of such subdivision plat, shall make payment to the Village of Marcellus of sum as determined by a resolution of the Village of Board of Trustees to become part of a trust fund to

be used by the Village of Marcellus exclusively for neighborhood park, playground or recreation purposes including the acquisition of property as near as practicable in the general vicinity of and for the benefit of the occupants of the subdivision for which such sum was deposited. A copy of the said resolution establishing such sum shall be on file with the Village Clerk. Building permits shall not be issued until said sum is paid in full.

Article IV – General Requirements and Design Standards – In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. The said standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article 6 herein.

A. GENERAL

4.01 Character of Land – 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.

4.02 Conformity to Official Map and Master Plan – Subdivision shall conform to the official map of the Village and shall be in harmony with the master plan and zoning law.

4.03 Specifications for Required Improvements – All required improvements shall be constructed or installed to conform to the Village specifications, as amended, which may be obtained from the Village Engineer.

B. STREET LAYOUT

4.04 Width, Location and Construction – Streets shall be of sufficient width, suitably located, and adequately constructed to comply with Village specifications to conform with the master plan and to accommodate the prospective traffic and afford access for fire fighting, snow removal and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.

4.05 Arrangement – The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions and for proper projection of principal streets into adjoining properties which are not subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

4.06 Minor Streets – Minor streets shall be so laid out that their use by through traffic will be discouraged.

4.07 Special Treatment Along Major Streets – When a subdivision abuts or contains an existing or proposed major street, the Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

4.08 Provision for Future Re-subdivision – Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in these regulations.

4.09 Dead-End Streets – The creation of dead-end or loop residential streets will be encouraged wherever the Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a twenty (20) foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street. Subdivisions containing twenty (20) lots or more shall have at least two street connections with existing public streets, or streets shown on the official map, or streets on an approved subdivision plat for which a bond has been filed.

4.10 Block Size – Blocks generally shall not be less than 400 feet nor more than 1200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a twenty (20) foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four (4) foot wide paved foot path be included.

4.11 Intersection with Collector or Major Roads – Minor or secondary street openings into such roads shall, in general, be at least 500 feet apart.

4.12 Street Jogs – Street jogs with center line offsets of less than 125 feet shall be avoided.

4.13 Angle of Intersection – In general, all streets shall join each other so that for a distance of at least 100 feet, the street is approximately at right angles to the street it joins.

4.14 Relation to Topography – The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.

C. STREET DESIGN

4.15 Widths of Rights of Way – Streets shall have the following widths. (When not indicated on the master plan or map, the classification of streets shall be determined by the Board)

	MINIMUM RIGHT OF WAY	MINIMUM PAVEMENT
Major Streets	66 Feet	40 Feet
Collector or Minor Streets	60 Feet	28 Feet

4.16 Improvements – Streets shall be graded and improved with pavements, curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, street lights and signs, landscaping and fire hydrants to comply with Village specifications; except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to public health, safety and general welfare. Pedestrian easements shall be improved as required by the Village Engineer. Such grading and improvements shall be approved as to design and specifications by the Village Engineer.

(1) Fire Hydrants – Installation of fire hydrants shall be in conformity with all requirements of national standard thread and not as specified by the ISO Commercial Risk Services Inc. and the Division of Fire Safety of the State of New York.

(2) Street Lighting – Lighting facilities shall be in conformance with the lighting system of the Village. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized Village electrical inspector.

(3) Landscaping

(a) Each lot shall have a minimum of one deciduous tree for every fifty (50) lineal feet of frontage or portion thereof. Trees shall be spaced generally evenly along and three (3) feet within the front lot line or as directed by the Planning Board. In addition, one additional tree for each 22,000 square feet of lot area or portion thereof shall be planted on each lot. Tree planting shall not interfere with the normal placement of structures or drives and generally be within the front yard. Minimum tree size shall be a height of eight (8) feet and a trunk diameter of 2 1/2 inches, measured 12 inches above the ground. Acceptable trees shall be varieties of oak, maple, linden, ash and thornless varieties of honey locust or as approved by the Planning Board.

(b) Trees shall conform to the latest edition of "Horticultural Standards of the American Association of Nurserymen", and shall be typical of their species or variety with normal habit of growth, healthy well developed root systems, free of disease and insect pests, and shall be guaranteed for one (1) year from date of planting.

(c) Upon completion of construction of any building on a subdivided lot, the depth of top soil shall be the equivalent of top soil depth prior to any construction.

4.17 Utilities in Streets – The Planning Board shall, wherever possible, require that underground utilities be placed in the street right of way between the paved roadway and street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.

4.18 Utility Easements – Where topography is such as to make impractical the inclusion of utilities within the streets rights of way, perpetual unobstructed easements at least twenty (20) feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

4.19 Grades – Grades of all streets shall conform in general to the terrain, and shall not be less than one-half (1/2) nor more than 6 percent for major or collector streets, or 10 percent for minor streets in residential zones, but in no case more than 3 percent within fifty (50) feet of any intersection.

4.20 Changes in Grade – All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Village Engineer so that clear visibility shall be provided for a safe distance

4.21 Dead-End Streets (Cul-de-sacs) – Where dead-end streets are designed to be so permanently, they should provide access to not more than ten (10) lots and shall terminate in a circular turn-around having a minimum right of way radius of sixty (60) feet and pavement radius of fifty (50) feet. At the end of temporary dead-end streets, a temporary turn-around with a pavement radius of fifty (50) feet shall be provided, unless the Planning Board approves an alternate arrangement.

4.22 Watercourses

Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Village Engineer.

Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right of way as required by the Village Engineer, and in no case less than twenty (20) feet in width.

4.23 Curve Radii – In general, street lines within a block, deflecting from each other at any one point by more than 10 degrees, shall be connected with a curve, the radius of which, for the center line of the street, shall not be less than 400 feet on major streets, 200 feet on collector streets and 100 feet on minor streets.

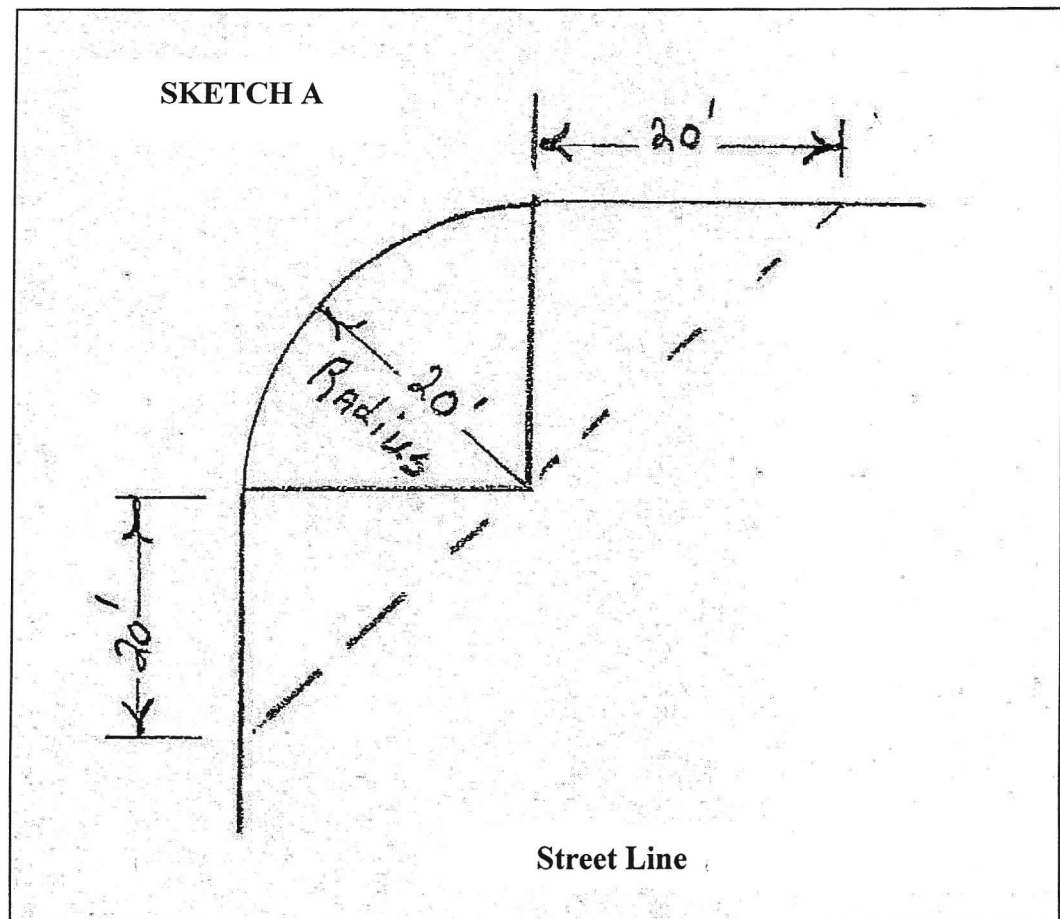
4.24 Service Streets or Loading Space in Commercial Development – Paved rear service

streets of not less than twenty (20) feet in width, or in lieu thereof, adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.

4.25 Free Flow of Vehicular Traffic Abutting Commercial Developments – In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district.

4.26 Curve Radii at Street Intersections – All street right of way property lines at intersections shall be rounded by curves of at least twenty (20) feet radius and curbs shall be adjusted accordingly.

4.27 Steep Grades and Curves – Visibility of Intersections – A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new street with an existing street) which is shown shaded on Sketch A, shall be cleared of all growth (except isolated trees) and obstructions above the level three (3) feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility



D. STREET NAMES

4.28 Type of Name – All street names shown on a preliminary plat or subdivision plat shall be approved by the Board of Trustees. In general, streets shall have descriptive names and not numbers or letters.

4.29 Names to be Substantially Different – Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street should change direction by more than 90 degrees without a change in street name.

E. LOTS

4.30 Lots to be Buildable – The lot arrangement shall be such that in constructing a building in compliance with the Village zoning regulations, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear.

4.31 Side Lines – All side lines of lots shall be of right angles to straight street lines and radial to curved street lines, unless a variance from this rule will give a better street or lot plan.

4.32 Corner Lots – In general, corner lots should be larger than interior lots to provide proper building setback from each street and provide a desirable building site.

4.33 Street Access – All subdivisions containing more than four (4) dwelling units shall have access onto a collector or major street both having at least a sixty (60) foot right-of-way.

4.34 Driveway Access – Driveway access and grades shall conform to Village specifications. Driveway grades between the street and the setback line shall not exceed 10 percent.

4.35 Access from Private Streets – Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with these regulations.

4.36 Monuments and Lot Corner Markers – Permanent monuments meeting specifications approved by the Village Engineer as to size, type and installation, shall be set at such block corners, angle points, points of curves in streets and other points as the Village Engineer may require, and their location shall be shown on the subdivision plat.

F. DRAINAGE IMPROVEMENTS

4.37 Removal of Spring and Surface Water – Subdivision plans shall be related to natural drainage patterns with proper provision to be made for adequate storm drainage facilities, retention facilities, or both. The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

4.38 Drainage Design

(1) Upstream. Culverts, channels and other drainage facilities shall be large enough to accommodate potential runoff from the development as well as all future development from the entire upstream drainage area, whether inside or outside the subdivision, based on the development density permitted in the watershed. The Village Engineer shall approve the design and size of drainage facilities based on a design glow with a minimum return interval as follows:

Watershed <u>Drainage Area</u>	Storm <u>Recurrence Interval</u>
Less than 1 sq. mile	25 year storm
1 sq. mile or more	50 year storm

(2) Downstream. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Village Engineer. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility during a 50-year storm, the Planning Board shall notify the Village Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.

(3) Storm Drainage. Storm drainage facilities shall be designed to take the runoff from streets, lawns, paved areas, and roof areas. Full engineering attention shall be given to the interception and conveyance of storm water by either the street drainage system, a system of back lot line drainage swales, main drainage channels through the subdivision, or a combination of such methods.

(4) Drainage Runoff Design Criteria. While the Village reserves the right to establish particular parameters in each individual instance, the general philosophy is to permit runoff from any particular development of an amount no more than would normally occur under a natural, undeveloped condition, for the particular design storm. That is, the Village generally agrees that the property owners along the downstream channel should be prepared to accept a rate of discharge from the upstream areas equivalent to the discharge from the upstream area under a natural or agricultural condition. (For undeveloped design runoff, a minimum runoff coefficient of 0.4 shall be used; see U.S. Soil Conservation Service, Technical Release Bulletin #55).

4.39 Erosion Prevention – In order to ensure that surrounding land and watercourses will not be subject to siltation or erosion, the Planning Board shall require the subdivider to follow certain erosion control practices as it deems necessary. The subdivider shall take steps to prevent erosion of topsoil and subsoil from all areas, whether inside or outside the subdivision. Such steps shall include, but not be limited to:

(1) Provision for adequate drainage facilities to accommodate effectively the increased runoff caused by changed soil and surface conditions during and after development including installing and maintaining temporary sedimentation basins at the point or points of storm water discharge from the property. The subdivider's engineer shall show, as part of submitted plans, the interceptor swales and sedimentation basins along the lower edges of all developments. Significant topographic data and design grades for the swales shall be shown on the plans.

(2) Fitting the plan to the topography and soils so as to minimize the erosion potential in areas affected by the subdivision.

(3) Retention and protection of natural vegetation wherever possible.

(4) Seeding or sodding, or the use of anti-erosion mats or spreading straw on denuded areas.

G. PARKS, OPEN SPACES, AND NATURAL FEATURES

4.40 Reserve Strips Prohibited – Reserve strips of land, which might be used to control access from the proposed subdivision to any neighboring property, to any land within the subdivision itself shall be prohibited.

4.41 Preservation of Natural Features – The Planning Board shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, water courses and falls, beaches, historic spots, vistas and similar irreplaceable assets.

Article V – Documents to be Submitted

A. SKETCH PLAN

5.01 Tax Map Information – The sketch plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate base map at a scale (preferably not less than 100 feet to the inch) to enable the entire tract to be shown on one sheet. The sketch plan shall be submitted showing the following information:

(1) Location. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection. Total acreage of subdivision and number of lots proposed.

(2) Physical Features. All existing and proposed structures, wooded areas, streams and

other significant physical features, within the portion to be subdivided and within 200 feet thereof. Contours shall also be indicated at intervals of not more than ten (10) feet.

(3) Municipal Tax Records. The name and address of the owner and subdivider and all adjoining property owners as disclosed by the most recent municipal tax records.

(4) Tax Map Sheet. The tax map sheet, block and lot numbers, if available.

(5) Utilities. All the utilities, available, and all streets which are either proposed, mapped or built.

(6) Pattern of Lots. The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage, and water supply within the subdivided area.

(7) Restrictions. All existing restrictions on the use of land including easements, covenants, or zoning lines.

(8) Buildings Types. Building types and approximate square footage of use area in each.

(9) SEQRA. The Planning Board shall require compliance with the State Environmental Quality Review Act in submissions before it. The Planning Board may require a full environmental assessment form in its discretion. The Planning Board in considering approval of plats hereunder shall be acting as lead agency pursuant to the State Environmental Quality Review Act.

B. SUBDIVISION PRELIMINARY PLAT AND ACCOMPANYING DATA – The following documents shall be submitted for conditional approval:

5.02 Copies of Plat – Ten (10) copies of the preliminary plat prepared at a scale of fifty (50) feet to the inch, showing:

(1) Proposed subdivision name, name of village and county in which it is located, date, true north point, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal.

(2) The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.

(3) Zoning district, including exact boundary lines of district, if more than one district, and any proposed changes in the zoning district lines and/or the zoning ordinance text applicable to the area to be subdivided.

(4) All parcels of land proposed to be dedicated to public use and the conditions of such deed

(5) Location of existing property lines, easements, buildings, water courses, marshes, rock outcrops, wooded areas, and other significant existing features for the proposed subdivision and adjacent property.

(6) Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades, invert elevations, pitch and direction of flow.

(7) Topography

(a) For land with average slope less than 2 percent, contour lines at not more than one (1) foot intervals.

(b) For land with average slope 2 percent to 10 percent contour lines at not more than two (2) foot intervals.

(c) For land with average slope exceeding 10 percent, contour lines at not more than five (5) foot intervals.

(d) Datum plane for all topographic information to be that of the U.S. Geological Survey.

(e) Such topographic information provided shall extend a minimum of twenty five (25) feet beyond the proposed subdivision boundaries and a minimum of twenty five (25) feet beyond right-of-way lines on the far side of abutting streets, streams or other rights of way.

(8) The width and location of any streets or public ways or land or places shown on the official map within the area to be subdivided, and the width, location, grades, cross section, and street profiles of all streets or public ways proposed by the developer.

(9) The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.

(10) Storm drainage plan indicating the approximate location, size and profiles of any proposed storm sewers, culverts, swales, channels and retention areas. Calculations for determining anticipated and potential storm water runoff shall be included.

(11) Plans and cross-sections showing the proposed location and type of sidewalks, street lighting standards, landscaping, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits.

(12) Preliminary designs of any bridges or culverts which may be required.

(13) The proposed lot lines with approximate dimensions and area of each lot.

(14) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than twenty (20) feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision or the official map.

(15) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Village Engineer, and shall be referenced and shown on the plat.

5.03 Map of Entire Plat – If the application covers only part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less 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 with its grades and drainage layout of the entire tract shall be submitted. The part of the subdivider's entire holding submitted shall be considered in the light of the entire holdings.

5.04 Covenants or Deed Restrictions – A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

C. SUBDIVISION PLAT AND ACCOMPANYING DATA – The following documents shall be submitted for plat approval:

5.05 Appropriate Filing to County Clerk – The plat to be filed with the County Clerk shall be printed on material acceptable to the County Clerk. The size of the sheets shall be 34" X 44", or as otherwise required by the Clerk of Onondaga County, including margin for binding of two (2) inches, outside of the border, along the left side and a margin of one (1) inch outside of the border along the remaining sides. The plat shall be drawn on a scale of fifty (50) feet to the inch and oriented with the north point at the top of the map. 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. The plat shall show:

(1) Proposed subdivision name or identifying title and the name of the village and county in which the subdivision is located, the name and address of record owner and subdivider; name, license number and seal of the licensed land surveyor.

(2) Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.

(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.

(4) The length and bearing of all straight lines, radii, length of curves and central angles of all curves, and tangent bearings shall be given 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, graphic scale and true north point.

(5) The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made thereof.

(6) All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Village Attorney as to their legal sufficiency.

(7) Lots and blocks within a subdivision shall be numbered or lettered in alphabetical or numerical order in accordance with the prevailing Village practice.

(8) Permanent reference monuments shall be shown, and shall be constructed in accordance with specification 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

Public Works. They shall be placed as required by the Village Engineer and their location noted and referenced upon the plat.

(9) All lot corner markers shall be permanently located satisfactorily to the Village Engineer, at least three-quarter (3/4) inches (if metal) in diameter and a least twenty-four (24) inches in length, and located in the ground to existing grade.

(10) Monuments of a type approved by the Village Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle point in street lines, points of curve and such intermediate points as such shall be required by the Village Engineer.

5.06 Construction Drawings – Construction drawings including plans, profiles and typical cross-sections, as required, showing the proposed locations, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes, catch basins and other facilities.

Article VI – Variances and Waivers

6.01 Hardships – Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map or the Zoning Law.

6.02 Special Circumstances – Where the Planning Board finds that, due to special circumstances of a particular plat, the provision of certain 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 such requirements subject to appropriate conditions.

6.03 Certain Conditions – In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

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