

## **Bill WHD 25-01**

A local law adopting a new Chapter 486 of the Code of the Village of West Hampton Dunes entitled "Subdivision of Land" and providing therein regulations governing the constitution, procedures and powers of the Planning Board with respect to subdivisions of land in the Village.

**Section 1.** Village Code Chapter 486 is hereby adopted, to read as follows:

### **"Chapter 486 Subdivision of Land**

#### **ARTICLE I. Planning Board Powers.**

##### **§486-1. Planning Board Authority.**

- A.** The Planning Board shall have all the powers and duties provided by the Village Law (except as superseded and amended in this chapter), Real Property Law, General Municipal Law and any other general or special statutes, ordinances, rules and regulations now or hereafter in force.
- B.** Section 7-718, subsections 1, 3, 4, 5, 6, 7-a, 7-b, 7-c, 8, 9, 11, 13, 14 and 16 are hereby superseded and amended in relation to the Village of West Hampton Dunes, and the following provisions of this chapter shall apply in their place and stead. To the extent any provision in this chapter is in conflict with any provision of the Village Law, it is the intention of this chapter to supersede and amend said provision of the Village Law.
- C.** The requirements of the Suffolk County Department of Health that apply to subdivisions are hereby incorporated into this chapter. Regardless of the action taken by the Department of Health, no waiver of any such laws, requirements, codes or regulations shall apply to the subdivision unless the waiver also is approved by the Planning Board.
- D.** This chapter is established to provide for the orderly growth and coordinated development of the Village of West Hampton Dunes so as to assure the comfort and convenience, health, safety and general welfare of its people with consideration being given to the following: vehicular and pedestrian traffic, adequate drainage of surface water, encouragement of the preservation of such natural resources, provision

of adequate utility services and adequate and effective sewage disposal, and establishment of standards of subdivision design so as to provide suitable building sites for the land use so permitted in the Zoning Law.

**§486-2. Constitution of Planning Board.**

- A.** The Mayor, with the approval of the Board of Trustees, shall appoint a Planning Board consisting of five members, and each of whom shall serve for a term of five years in the position to which he shall be appointed. Every member of the Planning Board shall be considered a public officer, shall take and sign a constitutional oath of office prior to assuming his duties and commencing his term of office and shall be subject to all of the provisions of law applicable to public officers. The Chair of the Planning Board shall be appointed from among the five members by the Mayor, with the approval of the Board of Trustees. Any member of the Planning Board may be removed by the Mayor for cause after a public hearing.
- B.** Initially, the terms of the members of the Planning Board shall be so fixed that one member's term shall expire at the end of each official Village year. At the expiration of the term of each current member's appointment, the replacement member shall be appointed by the Mayor, subject to Board of Trustees approval for a term which shall be equal in years to the number of members of the Planning Board.
- C.** A person who is a member of the Board of Trustees of the Village of West Hampton Dunes shall also be eligible for membership on the Planning Board of the Village of West Hampton Dunes. The entire Board of Trustees may serve on the Planning Board at any time, subject to the appointment process provided in this subdivision.
- D.** In the Chair's absence, the Planning Board members present and participating in any meeting may designate a member to serve as the Acting Chair for any particular application, hearing or pending Planning Board discussed at such meeting. The Planning Board members shall serve without compensation. The Village Attorney shall serve as counsel to the Planning Board, and the Mayor may appoint special counsel for any particular application subject to approval of the Board of Trustees.
- E.** On behalf of the Planning Board, the Board of Trustees may employ

experts and consultants and such reasonable costs as determined from time to time by the Board of Trustees by resolution, together with actual administrative fees and costs, including stenographic fees, advertising fees, mailing fees and application processing fees in an amount determined to be reasonable, shall be borne by and paid for by the applicant.

- F.** The Mayor may appoint up to three (3) alternate Planning Board members, subject to approval by the Board of Trustees, to serve in the order as designated by the Planning Board Chair in place of any Planning Board members who are unable for any reason, to attend any particular meeting of the Board in person or, where permitted, by videoconference. The term of office for an alternate shall be one (1) official year and shall terminate at the end of the official year. The alternate member shall have all the powers and duties of regular Planning Board members at such time as the alternate members are serving. Such alternate members shall serve without compensation.
- G.** Subject to approval of videoconferencing as permitted by state law or emergency order and the proscriptions and regulations applicable to the Village in respect of such authority, Planning Board members may appear by videoconference.
- H.** No subdivision of land shall be made within the Village and no map, plat or plan of any proposed subdivision thereof shall be approved by the Planning Board unless it conforms substantially to the regulations and provisions of this chapter. Any subdivision previously granted by the Board of Trustees serving as the Planning Board shall be deemed approved and shall not require further subdivision approval unless any lot on the previously approved subdivision map is proposed to be modified in terms of size and/or configuration.
- I.** No plat of a subdivision of land shall be filed or recorded in the office of the County Clerk of Suffolk County or the Village Clerk until it has been approved by the Planning Board and such approval endorsed in writing on the plat.
- J.** No owner and no agent of the owner of any lot or parcel of land located within a subdivision shall transfer or sell or agree to sell or negotiate to

sell any land by reference to or exhibition of or by other use of a plat of a subdivision before such plat has been approved by the Planning Board, as provided in this chapter, and recorded or filed in the office of the County Clerk of Suffolk County and the Village Clerk; and the description of such lot or parcel by metes or bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided by this chapter.

### **§486-3. Definitions.**

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

#### **BOARD**

The Planning Board.

#### **BUILDING LOT**

Any lot upon which a principal building can be constructed in conformance with the requirements of the Zoning Law.

#### **MEAN HIGH WATER (MHW)**

For each location, the geographically nearest and most recent determination by the United States Department of Commerce Coast and Geodetic Survey and the listed elevation above MLW as shown in its publications entitled "Tidal Bench Marks."

#### **MEAN LOW WATER (MLW)**

For each location, the geographically nearest and most recent determination by the United States Department of Commerce Coast and Geodetic Survey and 0.00 feet. All references shall be to the nearest tidal benchmark listed.

#### **PLAT**

A drawing, in final form, as described in this chapter, showing a proposed subdivision and containing all of the information required by these or other applicable regulations and certified by a licensed land surveyor or registered engineer.

#### **PRELIMINARY LAYOUT**

The preliminary drawing or drawings, described in this chapter, showing the basic features of a proposed subdivision.

**STORMWATER PREVENTION PLAN:**

A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

**SUBDIVISION:**

The division of any real property, regardless of use, into two or more lots, plots, blocks, sites, parcels or units, with or without the creation of new streets, for the purpose, whether immediate or not, of transfer of ownership or building development and the change of any lot line.

**VILLAGE BOARD**

The Board of Trustees.

**VILLAGE ENGINEER**

The official duly appointed by the Village Board to provide engineering services for the Board or, if there is no official, the consulting engineer retained by the Planning Board.

**ZONING LAW**

The zoning laws contained in Chapter 560 and all amendments thereto.

**Article II. Subdivision Application Steps.**

**§486-4. Approvals Required.**

Whenever any subdivision of land is proposed, before any contract for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision from the Board in accordance with the two step procedure provided herein. The two steps are: (a) preliminary layout, and (b) final subdivision plat.

**Article III. Preliminary Layout.**

**§486-5. Preliminary Layout Application Procedure.**

- A. Application procedure. Prior to filing an application for the approval of a subdivision plat, the applicant shall file an application for the approval of

a preliminary layout with the Village Clerk. The application shall include:

1. A petition verified by the owner or owners of the fee of the property stating precisely what action by the Board is sought. The petition shall state:
  - a. The number of lots proposed.
  - b. The name and address of the owner.
  - c. That the proposed subdivision complies with Chapter 560 or if not fully compliant, the applicant has obtained approval from the Board of Zoning Appeals for all items that are not compliant with Chapter 560.
  - d. The verified signature of an owner.
  - e. The names of all persons and consultants who are authorized to submit documents or provide testimony to the Planning Board on the applicant's behalf.
  - f. The school district and fire district.
  - g. The names of all public utilities proposed to service the subdivision.
  - h. The total acreage of the subdivision.
  - i. Identification of the proposed preliminary layout by title, preparer's name, date and sheet numbers.
2. Copies of a preliminary layout, including electronic format copies, in an amount as determined by the Building Inspector, that includes all land which the applicant proposes to subdivide, and all information identified in section 486-5(B).
3. A survey of the property showing existing conditions. The survey must be dated not more than one (1) year prior to the date of the application submission.
4. A zoning analysis demonstrating compliance with the Zoning Law and identifying any non-conformance to the Zoning Law.
5. Test hole data (as described in 486-5(B)).
6. Include a letter of availability from any proposed services and utilities.
7. Statement confirming that stakes have been placed around the perimeter of the premises and the proposed lots to allow convenient inspection by the Board.
8. An affidavit identifying all persons having a direct or indirect interest in the application. In the case of a partnership applicant, the affidavit shall identify each general and limited partner. In the case of a corporate applicant or where a corporation is a shareholder of a corporate applicant or a general or limited partner of a partnership applicant, the affidavit shall also state the name and address of each

beneficial owner of more than 10% of the corporation's outstanding shares or beneficial interests. A limited liability company shall be considered a partnership for the purposes of this article.

9. An abstract of title, certified by a title company licensed in the State of New York, showing the name of each owner of any part of the property which is included in the application and each owner of any interest or easement in any part of such property.
10. Be accompanied by a fee in an amount as set by the Board of Trustees from time to time by resolution.
11. Be accompanied by a deposit on account of reasonably necessary clerical, consultant, expert and attorney fees incurred by the Village and the Board on account of the processing and review of the application, in an amount as determined by the Board of Trustees by resolution from time to time sufficient to defray the costs of such services. Any amount remaining after payment by the Village for such expenses for the reasonable cost of such services rendered shall be returned to the applicant upon attainment of final approval or in the event said application is withdrawn.

## **B. Preliminary Layout Requirements.**

1. The preliminary layout shall include:
  - a. An original layout, which shall be clearly and legibly drawn on commercially acceptable reproducible material. The size of the sheets shall not exceed 36 inches by 48 inches. When more than one sheet is required, an additional key sheet 36 inches by 48 inches shall be filed, showing, on a reduced scale, the entire subdivision on one sheet with lot and block numbers. Each sheet shall be indexed with one-inch-high lines along the borders to assist in folding the sheets into 8 1/2 inches by 11 inches in size. The application shall contain the following additional detail, at a minimum.
  - b. Scale. A layout, at a scale of not more than 50 feet to the inch.
  - c. Topography. The topographic character of the land shall be shown by means of contours of existing and proposed surface, with intervals not to exceed two feet. Where the terrain is unusually flat or unusually steep, the Board may require a smaller contour interval or permit a greater contour interval. The existing topography may be drawn from an actual survey certified by a licensed land surveyor. Contours for

existing surfaces shall be extended to cover an area 200 feet beyond the boundaries of the parcel to be subdivided or for which the application is made, and further to cover the tributary drainage areas affected by the site for which the application is made. The topographic survey shall contain details concerning cutting and filling as necessary to accomplish plans of development. At its discretion, the Board may require the developer to submit photographs adequately depicting the topography.

- d.** Subdivision name. The proposed subdivision name or identifying title, which the applicant shall certify does not conflict with, and is not confusingly similar to, the name of any other subdivision in Suffolk County.
- e.** Owner of subdivision. The name and address of the record owner.
- f.** Licensed surveyor. The name, license number and seal of the licensed land surveyor and any other licensed professional participating in preparation of the preliminary layout.
- g.** Map reference. The Suffolk County Tax Map designation and any applicable GIS designation.
- h.** North arrow. The true North direction shall be at the top of the map or within 20° east or west thereof.
- i.** Adjacent land. The name and layout and dimensions of all adjacent subdivisions, names and owners of record of adjoining undeveloped properties and the uses and improvements of adjacent lands shall be accurately shown. This information shall be shown for the area extending 200 feet beyond the boundaries of the proposed subdivision.
- j.** Applicable use districts. The applicable use districts, as established in Chapter 560 of this Code, and the boundaries of such districts as affect the area to be subdivided and also the area extending 200 feet beyond the boundaries of the proposed subdivision.
- k.** District lines. The location of any Village, town, fire, school district and other special use district boundaries.



- l.** Other essential features. The location of existing buildings, watercourses, streams, ponds, recharge basins, storm sewers, sanitary sewers, water mains, gas mains, parks and other essential existing features, as well as easements, rights-of-way or other encumbrances.
- m.** Elevations. The approximate key elevations, the directions of water flow and the rate of grade on all proposed streets.
- n.** Street elevations. The established and existing elevations on existing streets, expressed to two decimal places.
- o.** Storm drains. The proposed provisions for collecting and disposing of stormwater.
- p.** Existing streets. The names, widths and proposed widening of existing streets located within the area to be subdivided or in the area extending 200 feet beyond the boundaries of the proposed subdivision. The location and type of sidewalk, curb and pavement, if any, shall also be shown. The layout shall also include indications of all locations where widening of roads may be required by any governmental authority with jurisdiction.
- q.** New streets. The names of all proposed streets, which names shall be the same as the names of the streets of which they are continuations. If such streets are not continuations of existing streets, such names shall not be similar to the names of any other street within the Village or the area served by the same fire department or post office. The Board shall have the power to require changes in any proposed street names. Names of historical or local significance shall be preferred in the selection of street names.
- r.** Dedicated areas. All parcels of land proposed to be dedicated for public use, such as parks, playgrounds, recharge basins, streets and street widening.
- s.** Firehouses and fire hydrants. The approximate distances to the nearest firehouse and fire hydrant serving the proposed subdivision.

- t.** Proposed easements. Boundaries of proposed easements over, under or through private property. Permanent easements shall be not less than 10 feet in width and shall provide satisfactory access to an existing public highway or other public open space shown on the layout.
- u.** Lot lines. Proposed lot lines, with appropriate dimensions.
- v.** Key map and location diagram. A key map at a scale of 400 feet to the inch and a location diagram at a scale of 3,000 feet to the inch.
- w.** Acreage and number of lots. The total acreage, total number of lots and total number of dwelling units in the proposed subdivision.
- x.** Test hole data.
  - i.** The date, location, elevation and graphic representation of findings for all test holes, including groundwater level, shall be included.
  - ii.** The locations shall include critical areas where drainage structures requiring seepage are to be constructed.
  - iii.** The Village Engineer may direct additional test holes to be located at such points as he may reasonably require.
- y.** Proposed location of all buildings, structures and improvements, including all recreational buildings.
- z.** Landscape and lighting plan. A plan showing the proposed streetlighting and the location of structures, public improvements, drainage and roads and all existing and proposed plantings by species, type, number and approximate location.
- aa.** A separate plan indicating trees shown in relation to existing and proposed contours and proposed buildings, structures, recreational facilities and streets. Trees shall be identified numerically, by size and species, and those trees proposed to be saved shall be indicated clearly
- bb.** Overall drainage plan. An overall drainage plan at a scale of one inch to 50 feet shall be prepared in the Village

grid system as shown on the Village Key Map and as required by the Village Engineer. Each grid shall have a plat size of 30 inches by 40 inches, which will be equivalent to 1,500 feet by 2,000 feet, and shall be submitted on sheets 36 inches by 48 inches. The overall drainage plan shall consist of the topography maps showing existing conditions prior to development, proposed development and as-built conditions. The mapping shall show existing contours at intervals of two feet or less, referred to 1927 North American Datum, United States Geological Survey (USGS) and the United States Coast and Geodetic Survey (USCGS); location of existing watercourses, marshes, wetlands, rock outcrops, wooded areas, trees with diameter of eight inches or more, soil types and other significant features. The overall drainage plan shall be prepared and certified by a licensed professional engineer or such other person duly licensed by the State of New York to make such certification.

### **C. Board Consideration of Preliminary Layout.**

1. Within 60 days after submission of a complete preliminary layout application, as determined by the Building Inspector, including the payment of all fees and deposits, the Board shall hold a public hearing on such application and act thereon by resolution either approving the preliminary layout, with or without modifications, or disapproving the preliminary plat.
2. The resolution shall state the ground or grounds for any modification or disapproval.
3. If the Board fails to act on the preliminary layout, such failure to act shall not constitute an approval thereof, notwithstanding any provision of law to the contrary.
4. Approval of the preliminary layout shall mean only that the general layout of the subdivision and its improvements has been reviewed by the Board and that it conforms to the basic design criteria. The plan may then be further detailed in accordance with those regulations and final plans may be submitted. Such approval does not constitute or imply that a final plan will be approved, nor should it be considered as any basis for the construction of site improvements or other commitments which depend upon its design characteristics.

Since such approval is made prior to consideration of a detailed final application, it shall not be construed to bar the Board from making major design revisions or rejecting the final plat in whole or in part.

**D. Expiration of Preliminary Layout Approval.**

The Board approval of the preliminary layout shall expire six (6) months from the date of the filing of such approval with the Village Clerk, and a new preliminary layout approval will be required.

**Article IV. Final Plat Procedure.**

**§486-6. Final Approval Procedures and Requirements.**

**A. Time to file.**

Within six months after the Board's action on the preliminary layout, the applicant or the applicant's agent shall file the final plat application in accordance with this chapter.

**B. Additional relief required.**

In any case where the approved preliminary layout would require a variance, permit or other approval of the Zoning Board of Appeals, no final application shall be submitted until after the Zoning Board of Appeals has acted on all such required variances, permits or approvals. No final application shall be approved if it includes any proposed development, layout, construction or structure or use which is not permitted by the Zoning Law and which has not been approved by the Board of Appeals. Where an application requires approval of the Board of Appeals and the applicant diligently has sought such approval, the Planning Board, in its discretion, may extend the time provided for filing of the final application.

**C. Application documents.**

The applicant or applicant's representative shall file with the Village Clerk copies of the application, including electronic copies, in a number as determined necessary by the Building Inspector, to include the following:

1. An application containing the same information as required in §486-5(A), except that the final plan shall be provided in lieu of the

- preliminary layout.
2. Consent of all persons having any legal interest in the filing of the plat, including any party with a legal interest by title, or any mortgagee.
  3. Final plat, including all of the information required in this section.
  4. Final roadway and drainage plans.
  5. A SWPPP.
  6. A statement, in writing, from each fire department servicing the area shown on the plat that the fire hydrants located on the plat submitted will, in the opinion of the department, comply with the requirements of the department and afford adequate protection for the area shown on the plat.
  7. A 1,000 foot radius map and list of the names of the owners and mailing addresses of the owners.
  8. The required filing fee.
  9. Be accompanied by a deposit on account of reasonably necessary clerical, consultant, expert and attorney fees incurred by the Village and the Board on account of the processing and review of the application, in an amount as determined by the Board of Trustees by resolution from time to time sufficient to defray the costs of such services. Any amount remaining after payment by the Village for such expenses for the reasonable cost of such services rendered shall be returned to the applicant upon attainment of final approval or in the event said application is withdrawn.

#### **D. Final Plat.**

The final plat shall contain the following information:

1. Original plat. The size of the sheets shall be not greater than 36 inches by 48 inches. The drawing shall be at a scale of not more than 50 feet to the inch. When more than one sheet is required, an additional key sheet 36 inches by 48 inches shall be filed, showing, on a reduced scale, the entire subdivision on one sheet with lot and block numbers. Each sheet shall be indexed with one-inch-high lines along the borders to assist in folding into sheets to 8 1/2 inches by 11 inches in size.
2. Survey data. Sufficient data to locate every street line, lot line and boundary line and to reproduce such lines upon the ground. This data shall be made by a licensed land surveyor and shall be tied in with reference points previously established by an authorized public

authority or by a licensed land surveyor.

3. Dimensions. The length and bearing of all straight lines and the radius, length and central angle of all curves. All dimensions shall be shown in feet and decimals of a foot. The total acreage of the lot, and the breakdown of lot area of the proposed lots and any areas beyond the MHW or reserved as easements, rights-of-way or covenants.
4. Open public spaces/easements. All public open spaces for which deeds or easements are to be given and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted, with final plat, copies of agreements or other documents showing the manner in which such areas are to be used and maintained and the provisions made therefor.
5. Conformity to laws. A representation that all lots conform to and are in accordance with the minimum requirements of the Zoning Law. Exceptions to the foregoing statement shall be duly noted, with acknowledgment that application for approval of each variance shall be made to the Zoning Board of Appeals. No variance from rules, regulations or zoning ordinances shall be deemed to have been granted by approval of any final plat on which such variance is shown, and a specific application, in writing, shall be made for each such variance to the Board of Appeals.
6. Lot and block numbers. Lot and block numbers in accordance with the Suffolk County Tax Map.
7. Monuments.
  - a. Existing reference monuments shall be shown with their symbol.
  - b. Additional monuments shall be set at all points required by the Board.
  - c. The applicant shall propose locations for such monuments to be approved by the Board.
8. Title and location. The title of the proposed subdivision, as approved by the County Clerk, and the location of the proposed subdivision.
9. North arrow. The true North direction shall be at the top of the map or within 20° east or west thereof.

10. District lines. The location of Village, town, school and special district lines.
11. Existing and proposed streets. The names, widths and proposed widenings of existing or proposed streets located within the area to be subdivided or in the area extending 200 feet beyond the boundaries of the proposed subdivision. The location and type of sidewalk, curb and pavement, if any, shall be shown. The plan shall also include indications of all locations where widenings of roads may be required by the County Department of Public Works, the Village or the Town.
12. Street grades and drainage. Approval of street grades and drainage by the Suffolk County Department of Public Works and the Village Engineer.
13. Water and sewerage. Approval of water supply and sewage disposal by the Suffolk County Department of Health.
14. Key map and location. A key map at a scale of 400 feet to the inch and a location diagram at a scale of 3,000 feet to the inch.
15. Street cross section. A typical cross section of the proposed streets, showing general specifications for the public improvements.
16. Intention of dedication. If any lands or portions thereof shown on said plan are to be offered for dedication, a note signed by the owner stating: "The lands shown on this map as roads, streets or highways or for the widening thereof and, also, easements for the installation of sewers or drainage, as indicated, as dedicated for other public use, are hereby irrevocably offered for dedication to the municipality having jurisdiction thereof."
17. Certification by surveyor. A certification by a licensed land surveyor attesting to the accuracy of the survey affixed to the plat.
18. Plot grading and drainage plan.
19. As part of the final application, the applicant shall submit a separate grading and drainage plan for each plot, which plan shall be sufficiently large to provide the following information in a clear and legible manner:
20. Identification of each plot.

21. Existing and proposed finish grade elevations at each corner of the plot.
22. Proposed finish grades at both sides of abrupt changes of grades such as retaining walls, slopes, etc.
23. Other elevations which may be necessary to show grading and drainage.
24. Indication of approximate location and direction of drainage swales.
25. Indication of all dunes, watercourses, water bodies, wetlands, FEMA zones, MHW and MLW.
26. Nothing herein provided shall prevent an applicant from applying to the Board at any time for a change or amendment of the grading and drainage plan.
27. Filing legends. Legends in substantially the following form:
  - a. Plat filed with Village Clerk on \_\_\_\_\_  
 (Date)  
 (Date)  
 Endorsed plat filed with County Clerk on \_\_\_\_\_  
 (Date)  
 Endorsed plat filed with Village Clerk on \_\_\_\_\_  
 (Date)  
 Resolution filed with the Village Clerk on \_\_\_\_\_
28. Open space or parkland dedication or covenants, if any.
29. Notations explaining any drainage, sight, slope, road widening, park area or other reservations or easements, including any self-imposed restrictions or covenants.
30. An endorsement or approval by the Suffolk County Department of Health or waiver of jurisdiction.



## **E. Final roadway and drainage plans.**

The final road and drainage plans shall include detail plans of all stormwater drainage facilities, street plans and profiles. These plans are an integral part of the final submission and are the basis for the performance bond estimate and inspection fee. The final road and drainage plans shall be prepared by a licensed professional engineer and shall conform to the following requirements:

1. The drawing.
  - a. The size shall be 22 inches by 34 inches or 20 inches by 36 inches.
  - b. The scale shall be one inch equals 100 feet for the plan.
  - c. The scale shall be one inch equals 40 feet horizontal and one inch equals four feet vertical feet for the profile.
  - d. Material shall be ink on linen. Two copies must be furnished to remain the property of the Village of West Hampton Dunes.
  
2. The following general notations shall be included:
  - a. The North arrow and scale.
  - b. The name of the subdivision.
  - c. The name, address, license number and seal of the professional engineer who prepared the drawings.
  
3. The following shall be indicated on the plan:
  - a. Storm sewers. Include sizes, gradients in percent, and invert elevations.
  - b. Manholes numbered in accordance with design calculations.
  - c. Catch basins numbered in accordance with design calculations.
  - d. Concrete headwalls or bulkheading of any kind.
  - e. Valley gutters.
  - f. Recharge basin at a scale of one inch equals 20 feet.
  - g. Special structures, if any.
  - h. Seepage pools.
  - i. Contour information shall refer to the United States Coast and Geodetic Survey bench mark to which the contours are related.
  - j. The profile including existing and proposed grades, vertical

- curve data and drainage pipes and structures.
- k. Snow and deer fencing, including their location, height and materials, when proposed.
- l. Berms, including their location and proposed height, when proposed.
- m. Bulkheading, when proposed.
- n. Erosion protections.
- o. Protections from sea level rise and climate change.

#### **F. Design Calculations.**

Final design calculations shall be submitted on sheets in a form acceptable to the Village Engineer or the Building Inspector and shall be signed by the developer's engineer.

#### **G. Proposed dedication.**

Where applicable, applicant shall deliver to the Village deeds of dedication in recordable form for all roads, streets, rights-of-way, the widening thereof, easements and other public places shown on said plat, free and clear of all liens and encumbrances; and the owner shall pay all the necessary fees, taxes and charges attendant to the dedication, acceptance and recording of said deeds. The delivery of said deeds of dedication shall not constitute acceptance thereof by the Village unless and until the Board of Trustees shall adopt a resolution expressly accepting delivery of the same.

#### **H. Public hearing.**

Within 60 days after the Building Inspector determines that the application for final plat approval is complete and the required documents and details provided, the Board will hold a public hearing to consider the application. Notice of the public hearing shall be posted in the official paper at least 10 days before the public hearing, mailed by the applicant by registered or certified mail, return receipt requested, to the owners of property within 1,000 feet of the premises, at least 15 days prior to the public hearing. Proof of notice by affidavit shall be filed with the Village Clerk.

#### **I. Notice to other municipalities.**

Where the plat shows premises within 300 feet of the boundary of

another incorporated village or town, the applicant shall give notice of the hearing to the Clerk of such village or town and file proof of such notice in the same manner as for neighbors within 1,000 feet of the premises.

**J. Verification of Notice.**

No public hearing shall proceed until the Village Clerk determines that proper notice was given as required in this section.

**K. Decision.**

Within 60 days of the completion of the public hearing, and subject to timelines that may be extended by the Board's application of any required predicate State Environmental Quality Review Act procedures, the Board shall determine the application by adoption of a resolution approving the application, approving the application with modifications or conditions or disapproving the application.

**L. Endorsement of approval.**

After completion of the foregoing procedures to the satisfaction of the Board, payment of all required fees, including the application fees, park fees and any other applicable fees, submission of any required guaranty or bond, approval of roadway and drainage designs, approval of all other municipal agencies, issuance of a floodplain permit in accordance with Chapter 300, and if the Board shall approve the final plat, with or without modifications or conditions, the approval of the board shall be endorsed thereon, together with the date thereof. Said endorsement shall state that the approval is in accordance with the terms and conditions of the Board's resolution of approval and identify said resolution by date of adoption.

**M. Lapse of final plat approval.**

Every approval of a final plat granted by the Planning Board pursuant to the provisions of this chapter shall lapse and be of no further force or effect unless, within three years after the meeting in which said final plat is approved, there has been compliance with all of the conditions imposed by the Board that were required to be performed within said three years and a separate deed for each of the parcels (for example, if there are three parcels, there must be three deeds) has been recorded in the office of the Suffolk County Clerk. The Board, for good cause

shown, or upon a showing of no change in law or facts upon which the Board would then come to a different conclusion with regard to the subject application, may extend the three-year period set forth herein, upon written application to it for such extension. In no event, however, shall the Board grant an extension for more than three years beyond the original period hereinabove provided.

**Article V. General Requirements for Subdivision Design.**

**§486-7. Minimum general requirements.**

The Board, in considering an application for subdivision, shall be guided by the following considerations and standards, which standards shall be deemed to be the minimum requirements for the convenience, health, safety and welfare of the Village.

**§486-8. Natural Features.**

**A. 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 flood, fire or other menace. Land subject to such hazards shall not be subdivided nor developed for residential purposes nor for such other uses as may increase danger to health, life or property or aggravate a flood hazard, but such land may be set aside for uses as shall not involve such danger nor produce unsatisfactory living conditions.

**B. Preservation of natural features.**

1. Land to be subdivided shall be designed in reasonable conformity with existing topography to minimize grading, cut and fill and to retain, insofar as possible, the natural contours, to limit stormwater runoff and to conserve the natural vegetative cover and soil. No tree, topsoil or excavated material shall be removed from its natural position except where necessary and incidental to the improvement of lots and the construction of streets and related facilities in accordance with the approved plan. Topsoil shall be restored to a depth of at least six inches and properly seeded and fertilized in those disturbed areas not occupied by buildings or structures.

2. Existing natural features which are of ecological, aesthetic or scenic value to residential development or to the village as a whole, such as wetlands, watercourses, water bodies, rock formations, stands of trees, historic spots and similar irreplaceable assets, shall be preserved, insofar as possible, through harmonious design of the subdivision, and, where appropriate, the Planning Board may require the inclusion of such features in permanent reservations.

**C. Frontage on improved streets.**

The area proposed to be subdivided shall have frontage on and direct access to an existing village, town, county or state highway or a street shown on a plat duly filed in the office of the County Clerk prior to the effective date of this chapter. If such street is private, it shall be improved to the satisfaction of the Planning Board or there shall be a bond held by the village to guarantee such improvement.

**§486-9. Streets.**

- A. All streets shall be of sufficient width, suitably located, related to the topography, adequately constructed to accommodate the prospective traffic and afford access of emergency equipment, snow removal and other road maintenance equipment and shall be coordinated to compose a convenient system. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties.
- B. Streets shall be graded and improved with pavement, sidewalks, curbs, gutters, streetlighting standards, street signs, street trees, water mains, sanitary sewers, storm drains, fire alarm signal devices, fire hydrants and other utilities, except that the Planning Board may waive or vary, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of the public health, safety and welfare. The subdivider shall install underground service connections to the property line of each lot before the street is paved. Except where waivers are granted, all such grading and street improvements shall conform in all respects to these regulations. Wherever the area to be subdivided is to utilize existing road frontage, said road shall be improved as provided above.
- C. The arrangement of streets in the subdivision shall provide for the continuation of principal streets in adjoining subdivisions and for the proper projection of principal streets into adjoining properties which are

not as yet subdivided.

D. Streets shall conform to the Village Master Plan, if one exists.

**§486-10. Site grading.**

Proposed grades for streets and lot areas shall bear a logical relationship to the natural topography. It is the policy of the Village of West Hampton Dunes to discourage regrading of subdivision sites where such earthmoving would cause extreme cut or fill for streets or lots, stripping of natural ground cover and destruction of worthwhile topographical features. Trees and natural vegetation shall be preserved wherever possible.

**§486-11. Seeding.**

Areas disturbed by construction work will be smooth graded, will have objectionable material that is exposed removed from the surface and will be seeded to prevent erosion of slopes and gutters. An established stand of grass suitable for mowing will be required before a road can be accepted.

**§486-12. Street trees.**

Street trees shall be provided in all subdivisions, unless adequate trees acceptable to the Board and which exist in the proper locations are left in place and are in a healthy condition.

- A. Trees shall be of nursery stock of an approved species grown under the same climatic conditions as at the location of the development. They shall be of symmetrical growth, free of insect pests and disease, suitable for street use and durable under the maintenance contemplated.
- B. The average trunk diameter measured at a height of six feet above the finished ground level shall be at least two to three inches depending on good practice with reference to the particular species to be planted.
- C. Trees shall be planted at intervals of from 40 to 60 feet apart, depending on the species and location of lot lines, along both sides of the street and shall be located within the street right-of-way, eight feet from the property line, in such a way that they do not interfere with streetlighting.
- D. All planting shall be done in conformance with good nursery and landscaping practice.
- E. All trees, whether existing or transplanted, shall be in a healthy condition at the time of release of the bond or acceptance.

### **§486-13. Recreation Areas and Easements.**

All reservations and easements shall be clearly indicated on the final subdivision plat, along with appropriate notations indicating the rights which exist with respect to each such reservation and/or easement.

#### **A. Park reservations.**

- i. General standards. The Planning Board may require that land be reserved within subdivisions for a park or parks suitably located for playground or other recreational purposes. Each reservation shall be of suitable size, dimensions, topography and general character and shall have adequate street access for the particular purpose or purposes envisioned by the Planning Board. The area shall be shown and marked on the plat as "reserved for park purposes."
- ii. Minimum size. Area for parks shall be of reasonable size for neighborhood playgrounds or other recreational uses. Not more than 10% of the area of the subdivision shall be set aside for such purposes.
- iii. Ownership of park area. The ownership of reservations for park purposes shall be clearly indicated on the plat and established in a manner satisfactory to the Planning Board so as to assure their proper future continuation and maintenance.
- iv. Cash payment in lieu of reservation. Where the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in a subdivision or where such a reservation is otherwise not appropriate or practical, the Board may require, as a condition to approval of any such plat, a payment to the village of a sum to be determined by the Planning Board up to 3% of the fair market value of each lot in the subdivision. Moneys collected in such fashion shall constitute a trust fund, which shall be utilized only for park, playground or recreation purposes, including the acquisition of land or rights in land, or for historic preservation purposes or otherwise as provided by law. To the extent that Subdivision 1 of § 7-730 of the Village Law may be inconsistent with this section, said provision of the Village Law is superseded by this section

## **B. Easements.**

All proposed easements and covenants shall be shown on the plan, with a metes and bounds description identifying the location.

### **§486-14. Drainage improvements.**

A. The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring- or surface water that may exist either previous to or as a result of the subdivision. The subdivider may be required to continue the piping of upstream drainage systems. Such drainage facilities shall be located in the street right-of-way where feasible or in perpetual unobstructed easements of appropriate width.

B. Drainage facilities shall, in each case, be large enough to accommodate potential runoff from their entire upstream drainage area, whether inside or outside the subdivision, based on a one-hundred-year storm and assuming conditions of maximum potential development within the watershed as permitted by the Zoning Law. The applicant shall be responsible for submitting such computations to the Village Engineer in sufficient detail to make possible the ready determination of the adequacy of the proposed drainage installations, and the Village Engineer shall be responsible for reviewing these and preparing recommendations for the Planning Board.

C. The Board may also require the subdivider to prepare a study of the effects of the subdivision on existing downstream drainage facilities. Where such study or the Planning Board, after an independent analysis, determines that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Board shall notify the owner of such downstream facility of such potential condition and may withhold approval of the subdivision until provision has been made for the correction of said potential condition, or, in the alternative, the developer may deposit in escrow the full cost of the required improvement of said potential condition in such sum as the Planning Board shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

### **§486-15. Underground utilities.**

In order to assure greater safety and improved appearance, all utility lines and related equipment for providing power and communication services shall be



installed underground in the manner prescribed by the regulations of the utility company having jurisdiction. Underground utility lines shall be located outside of the traveled way of the streets but, except in unusual circumstances, within the street right-of-way. Underground service connections shall be provided to the property line of each lot before the street is paved and may pass under the traveled way of the street. Where existing utility facilities are located above ground, except on public rights-of-way, they shall be removed and placed underground. Cable television shall be considered a utility for the purposes of this section.

**§486-16. Other requirements/improvements.**

A. Monuments.

- i. Monuments shall be required wherever deemed necessary by the Planning Board to enable all property lines to be readily reproduced on the ground. Monuments shall be located at all lot corners.
- ii. Monuments shall be set vertically in solid ground three inches above the ground surface with accurate reference to a permanently identifiable fixed point.

B. Fencing of hazardous conditions.

Each subdivider and/or developer shall be required to furnish and install all fences wherever the Planning Board determines that a hazardous condition may exist. Said fences shall be constructed according to standards established by the Village Engineer and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until said fence improvements have been duly installed.

C. Streetlighting standards.

Streetlighting standards of a design and location approved by the Planning Board and Village Engineer shall be provided and installed by the subdivider. Said streetlights are to be installed by the subdivider prior to the issuance of any certificate of occupancy and are to be maintained at his sole expense until such time as the roads have been accepted by the Village of West Hampton Dunes. In the case of a subdivision involving a county or state highway, approval shall be obtained from the County Superintendent of Highways.

D. Sanitary sewers and sewerage facilities, water mains and water supply facilities and fire hydrants.

The subdivider shall install sanitary sewers, sewerage facilities, leaching pools and galleys, drywells, and/or water mains and water supply facilities and fire hydrants of the type and in a manner specified by the construction standards and specifications of the appropriate agency. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, shall be installed before any final paving of a street shown on the subdivision plat.

E. Performance Bonds.

In lieu of the completion of any improvements and utilities prior to the final approval of the plat, the Planning Board may require a bond with a surety company satisfactory to the Board as surety thereon, to secure to the Village the actual construction and installation of such improvements or utilities at a time and according to specifications approved by the Board. The amount of the performance bond or certified check will be based upon the Village Engineer's or Building Inspector's estimate of the total cost of the required improvements, plus a reasonable estimate of anticipated increased costs during the period of the life of the bond. The performance bond shall run for a period of no more than two (2) years. The Board may extend the term of the bond in appropriate cases where such action would be in the public interest.

F. Maintenance Bonds.

Prior to or at the time of the acceptance of the dedication and the release of the performance bond, a surety company bond or a certified check, made payable to the Village in an amount determined by the Planning Board, shall be posted to guarantee the maintenance, repair or replacement of any and all defects which appear in the improvements installed by the applicant for a minimum of two years from and after the acceptance by the Village of a deed of dedication of the streets and other public areas shown on the plat.

G. Environmental Review.

No application for final plat approval shall be deemed complete until either a negative declaration has been made for the application pursuant to the State Environmental Quality Review Act (SEQR) or the application is deemed to be a Type II action.

H. Department of Environmental Conservation Jurisdiction.

If the subject property is located within the jurisdiction of the New York State Department of Environmental Conservation with respect to fresh or tidal wetlands, the applicant shall provide documentation with the final application indicating that Articles 24 and 25 of the State Environmental Conservation Law have been complied with.

I. The Planning Board may also require the following items:

- i. A letter directed to the Board from the Suffolk County Department of Health Care Services relative to the subdivision's compliance with all appropriate standards.
- ii. A letter directed to the Board by a responsible official of the electric power agency and of the water service agency which have jurisdiction in the area assuring provisions of necessary services to the proposed subdivision.
- iii. Letters, in appropriate cases, directed to the Board and signed by the responsible official of the State Department of Transportation or the Suffolk County Department of Public Works approving proposed construction on state or county rights-of-way.

J. Waivers.

In any particular case where exceptional conditions of terrain or other factors do, in its judgment, impose undue hardship or practical difficulty, the Board shall have the right to vary the provisions, provided that it can be done in such a way as to grant relief and at the same time protect the general interest. The Planning Board may waive, subject to appropriate conditions, the provisions of any or all of such improvements and requirements as, in its judgment of the special circumstances of a particular plat or plats, are not requisite in the interest of the public health, safety and general welfare or which, in its judgment, are inappropriate because of inadequacy or lack of connecting facilities adjacent to or in proximity of the subdivision.

K. Plats predating this Chapter.

Subdivision maps that have been previously approved by the Village Board serving as the Board and have been duly filed in the office of the Clerk of Suffolk County prior to the date of the creation of the Board remain valid.

**Article VI. Fees.**

**§486-17. Fees.**

- A.** Upon filing an application for preliminary layout, the applicant shall pay to the Village Clerk a fee as established from time to time by resolution of the Village Board.
- B.** Upon filing an application for final subdivision approval, the applicant shall pay to the Village Clerk a fee as established from time to time by resolution of the Village Board.
- C.** Upon approval of a subdivision, the applicant shall pay to the Village Clerk a per lot fee as established from time to time by resolution of the Village Board.
- D.** Upon approval of a subdivision, where such approval includes a payment of a fee in lieu of a parkland reservation, the applicant shall pay to the Village Clerk the sum determined by the Board.
- E.** Upon approval of a subdivision providing for public improvements and utilities or work within a Village roadway, the applicant shall pay to the Village Clerk an inspection fee as established from time to time by resolution of the Village Board.
- F.** No final plat shall be signed by the Board Chair until the Village Clerk confirms that all application and other applicable fees have been paid by the applicant.

**Section 2. Severability.** If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 3.** Effective date. This local law shall take effect immediately upon filing with the Secretary of State.