

*Village of Caledonia, NY  
Thursday, August 13, 2020*

## Chapter 186. Subdivision of Land

[HISTORY: Adopted by the Board of Trustees of the Village of Caledonia at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

### **GENERAL REFERENCES**

Flood damage prevention — See Ch. 121.

Zoning — See Ch. 215.

## Article I. General Provisions

### § 186-1. Authority to approve plats.

By the authority of the resolution of the Village Board of the Village of Caledonia adopted on May 14, 1962, pursuant to the provisions of Article 7 of the Village Law of the State of New York, the Planning Board of the Village of Caledonia is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways; to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the county; and to conditionally approve preliminary plats within the village.

### § 186-2. Statement of policy.

It is the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the village. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace, and that proper provisions shall be made for drainage, water supply, sewerage and other needed improvements.

### § 186-3. General requirements.

All proposed lots shall be so laid out and of such a size as to be in harmony with the development pattern of neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map, if such exists, and shall be properly related to the proposals shown on the Master Plan, if such exists, 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.

### § 186-4. Title.

In order that land subdivisions may be made in accordance with the policy herein stated, this chapter shall be known as the "Village of Caledonia Land Subdivision Regulations," having been originally adopted by the Planning Board on August 28, 1973, and approved by the Village Board on September 4, 1973.

## Article II. Definitions

### § 186-5. Words and terms defined.

For the purpose of this chapter, certain words and terms used herein are defined as follows:

#### **COLLECTOR STREET**

A street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major street.

#### **DEAD-END STREET or CUL-DE-SAC**

A street or a portion of a street with only one vehicular traffic outlet.

#### **EASEMENT**

Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

#### **ENGINEER or LICENSED PROFESSIONAL ENGINEER**

A person licensed as a professional engineer by the State of New York.

#### **MAJOR STREET**

A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic-generating areas.

#### **MAJOR SUBDIVISION**

Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five or more lots or any size subdivision requiring any new street or extension of municipal facilities.

#### **MASTER OR COMPREHENSIVE PLAN**

A Comprehensive Plan prepared by the Planning Board pursuant to § 7-722 of the Village Law, which indicates the general locations recommended for various functional classes of public works, places and structures and the general physical development of the village and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

#### **MINOR STREET**

A street intended to serve primarily as an access to abutting properties.

#### **MINOR SUBDIVISION**

Any subdivision containing not more than four lots fronting on an existing street and not involving any new street or road or the extension of municipal facilities.

#### **OFFICIAL MAP**

The map established by the Village Board pursuant to § 7-724 of the Village Law showing streets, highways, parks and drainage, both existing and proposed.

#### **PLANNING BOARD or BOARD**

The Planning Board of the village.

#### **PRELIMINARY PLAT**

A drawing or drawings clearly marked "preliminary plat," showing the salient features of a proposed subdivision as specified in Article V, § 186-23, of this chapter, submitted to the Planning Board for the 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.

#### **STREET**

Includes streets, roads, avenues, lanes or other trafficways, between right-of-way lines.

**STREET PAVEMENT**

The wearing or exposed surface of the roadway used by vehicular traffic.

**STREET WIDTH**

The width of the right-of-way, measured at right angles to the center line of the street.

**SUBDIVIDER**

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**

The division of any parcel of land into two or more lots, blocks or sites, with or without streets or highways, and includes resubdivision.

**SUBDIVISION PLAT or FINAL PLAT**

A drawing in final form showing a proposed subdivision, containing all information or detail required by law and by this chapter, 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 or Register.

**SURVEYOR**

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

**VILLAGE BOARD**

The Village Board of Trustees.

**VILLAGE ENGINEER**

The duly designated Engineer of the village or a position assigned with similar duties.

## Article III. Procedure for Filing Subdivision Application

### § 186-6. Application required.

Whenever any subdivision of land is proposed 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 procedures hereinafter specified.

### § 186-7. Sketch plan.

- A. Prior to submitting a final plat application for a minor subdivision or a preliminary plat application for a major subdivision, the subdivider may submit a sketch plan for informal review by the Planning Board. The sketch plan should show the location of the subdivision, all existing structures, wooded areas, significant physical features, available utilities and the proposed pattern of lots, drainage and sewer and water facilities.
- B. The Planning Board shall determine whether the sketch plan meets the purposes of this chapter and shall inform the subdivider of the necessary action he should take in meeting the requirements of this chapter.

### § 186-8. Minor subdivision.

- A. Application and fee.
- (1) Any owner of land shall, prior to subdividing or resubdividing land for a minor subdivision, submit an application for approval of a subdivision plat to the Secretary of the Planning Board at least 10 days prior to the next regularly scheduled meeting of the Planning Board. The plat shall conform to the requirements listed in Article V, § 186-22A.
  - (2) All applications for plat approval for minor subdivisions shall be accompanied by a fee in an amount as shall be set forth from time to time by resolution of the Board of Trustees and as indicated on a fee schedule on file in the office of the Village Clerk.
- B. Number of copies. The subdivider shall submit five copies of the plat.
- C. Subdivider to attend Planning Board meeting. The subdivider or his duly authorized representatives shall attend the meeting of the Planning Board to discuss the subdivision plat.
- D. Public hearing. A public hearing shall be held by the Planning Board after submission of the subdivision plat for approval. Said hearing shall be advertised at least once in a newspaper of general circulation at least five days before such hearing, and a notice of hearing shall be posted in at least three prominent places at least five days before such hearing.
- E. Action on subdivision plat. The Planning Board shall, within 62 days from the date of submission of the final plat, conditionally approve, disapprove or grant final approval and authorize the signing of such plat. The grounds of refusal shall be stated upon the records of the Planning Board.

## § 186-9. Preliminary plat for major subdivision.

- A. Application and fee.
- (1) Prior to the filing of an application for the approval of a major subdivision plat, the subdivider shall file an application for the consideration of a preliminary plat of the proposed subdivision, in the form described in Article V, § 186-23. The preliminary plat shall in all respects comply with the requirements set forth in the provisions of §§ 7-728 and 7-730 of the Village Law and Article V, § 186-23, of this chapter, except where a waiver may be specifically authorized by the Planning Board.
  - (2) The application for review of the preliminary plat shall be accompanied by a fee in an amount as shall be set forth from time to time by resolution of the Board of Trustees and as indicated on a fee schedule on file in the office of the Village Clerk. The applicant must pay all village engineering, administrative and inspection costs.
- B. Number of copies. Five copies of the preliminary plat shall be presented to the Secretary of the Planning Board at least 10 days prior to a regularly scheduled meeting of the Board.
- C. Subdivider to attend Planning Board meeting. The subdivider or his duly authorized representatives shall attend the meeting of the Board to discuss the preliminary plat.
- D. Study of preliminary plat. The 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 arrangements; the future development of the adjoining lands as yet unsubdivided; and the requirements of the Master Plan, the Official Map and zoning regulations, if such exist.
- E. Action on preliminary plat. Within 62 days after the date of submission of the preliminary plat, the Board shall approve, with or without modifications, or disapprove such preliminary plat. The grounds of a modification, if any, or the grounds for disapproval shall be stated upon the records of

the Planning Board. When approving a preliminary plat, the Board shall state in writing such modifications, if any, as it deems necessary for submission of the plat in final form.

## § 186-10. Final plat for major subdivision.

- A. Application and fee. Within six months of the approval of the preliminary plat, the owner shall file with the Planning Board an application for approval of the subdivision plat in final form. All applications shall be accompanied by a fee in an amount as shall be set forth from time to time by resolution of the Board of Trustees and as indicated on a fee schedule on file in the office of the Village Clerk. The applicant must pay all village engineering, administrative and inspection costs. If the final plat is not submitted within six months of the approval of the preliminary plat, the Board may revoke the approval of the preliminary plat.
- B. Number of copies. The subdivider shall provide the Secretary of the Board with a copy of the application and three copies (one in ink on linen or plastic) of the plat, plus the original and one true copy of all offers of cession, covenants and agreements and two prints of all construction drawings. These documents shall be submitted at least 10 days prior to the regularly scheduled meeting of the Board.
- C. Endorsement of state and county agencies. Applications for approval of plans for sewer and water facilities will be filed by the subdivider with all necessary village, county and state agencies. Endorsement and approval by the Livingston County Department of Health shall be secured by the subdivider before official submission of the subdivision plat.
- D. Public hearing. After the submission of a plat in final form, the Planning Board shall hold a public hearing, which shall be advertised at least once in a newspaper of general circulation in the village at least five days prior to the date of such hearing, and a notice of hearing shall be posted in at least three prominent places at least five days prior to the date of hearing.
- E. Action on proposed subdivision plat. The Planning Board shall, by resolution, conditionally approve, conditionally approve with or without modifications, disapprove or grant final approval of the subdivision plat. The action shall be taken within 62 days of its receipt by the Secretary of the Board. The subdivision plat shall not be signed for recording until the subdivider has complied with the provisions of § 186-11 of this chapter.

## § 186-11. Required improvements.

- A. Improvements and performance bond. Before the Planning Board grants final approval of the subdivision plat, the subdivider shall follow the procedure set forth in either Subsection **A(1)** or **A(2)** below:
  - (1) In an amount set by the Board, the subdivider shall file with the Village Clerk either a certified check to cover the full cost of the required improvements or a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of § 7-730 of the Village Law and shall be satisfactory to the Village Board of Trustees and the Village Engineer as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed.
  - (2) The subdivider shall complete all required improvements to the satisfaction of the Village Engineer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed, the subdivider shall file with the Village Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by

the Village Engineer. Any such bond shall be satisfactory to the Village Board and the Village Engineer as to form, sufficiency, manner of execution and surety.

- (3) The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Village Engineer and a map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to Subsection **A(2)**, then said map shall be submitted prior to endorsement of the plat by the appropriate Planning Board officer. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in Subsection **A(1)**, such bond shall not be released until such a map is submitted.
- B. Modification of design 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 that 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 its next regular meeting.
- C. Inspection of improvements. At least five days prior to commencing construction of required improvements, the subdivider shall notify the Village Board, in writing, of the time when he proposes to commence construction of such improvements so that the Village Board may cause inspection to be made to assure that all village specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities required by the Planning Board.
- D. 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, Code Enforcement Officer and Planning Board. The Village Board shall then 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.

## § 186-12. Filing of approved subdivision plat.

- A. Final approval and filing. Upon completion of the requirements in §§ **186-10** and **186-11** 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 90 days of the date upon which such plat is approved or considered approved by reason of the failure of the Planning Board to act 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 additional periods of 90 days.
- B. 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 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.

## § 186-13. Public streets; recreation areas.

- A. Public acceptance of streets. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the village of any street, easement or other open space shown on such subdivision plat.
- B. Ownership and maintenance of recreation areas. When a park, playground or other recreation area shall have been shown on a plat, the approval of said plat shall not constitute an acceptance by the village of such area. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Village Board covering future deed and title, dedication and provision for the cost of grading, development, equipment and maintenance of any such recreation area.

## Article IV. General Requirements and Design Standards

### § 186-14. Minimum standards; waiver.

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth below. These standards shall be considered to be minimum requirements and shall be waived by the Planning Board only under circumstances set forth in Article VI herein.

### § 186-15. General requirements.

- 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 fire, flood or other menace.
- B. Conformity to Official Map and Master Plan. Subdivisions shall conform to the Official Map of the village and shall be in harmony with the Master Plan, if such exists.
- C. Specifications for required improvements. All required improvements shall be constructed or installed to conform to the village specifications, which may be obtained from the Village Engineer.

### § 186-16. Street layout.

- A. Width, location and construction. Streets shall be of sufficient width, suitably located and adequately constructed to conform to the Master Plan, if such exists, 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. All components of street layout shall be in accordance with the most recent revisions to the American Association of State Highway and Transportation Officials "Policy on Geometric Design of Highways and Streets."
- B. 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 yet subdivided, in order to provide 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. Street rights-of-way shall be extended to the limits of properties being developed or subdivided to allow for continuous dedicated access. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

Local streets shall serve 150 lots or fewer. Collector streets shall serve 150 lots or more. Major or arterial street classifications shall be determined by the Planning Board and Village Engineer.

- C. Special treatment along major arterial streets. When a subdivision abuts or contains an existing or proposed major arterial street, the Board may require marginal access streets, reverse frontage with screen planting contained in a nonaccess 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.
- D. Provision for future resubdivision. 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 resubdivision in accordance with the requirements contained in this chapter.
- E. 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 nor adversely affect emergency vehicle access. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a twenty-foot-wide easement to provide for continuation of pedestrian traffic and utilities to the next street. In general, the length of dead-end streets shall not exceed six times the minimum lot width for the zoning of the subdivision.
- F. Subdivisions containing 20 lots or more shall have at least two street connections with existing public streets or with streets shown on the Official Map, if such exists, or streets on an approved subdivision plat for which a bond has been filed.
- G. Block size. Blocks generally shall not be less than 400 feet nor more than 1,200 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 Board may require the reservation of a twenty-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-foot-wide paved footpath be included.
- H. Local streets. Local streets shall be so laid out that their use by through traffic will be discouraged. Intersections with collector or major arterial streets shall, in general, be at least 500 feet apart. Four-way intersection shall be avoided on local streets. The offset distance between three-way intersections on local streets shall be 150 feet.
- I. 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.
- J. 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.
- K. Other required streets. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- L. Occasionally, where necessary, private roads shall be laid out to permit a common access right-of-way of sufficient width to allow for emergency vehicle access, including the necessary pavement cross section and geometry. All other utilities and structures shall be positioned so as not to interfere with emergency vehicle access at any time. Snow removal must be accounted for by the property owner(s).



- M. The necessity of sidewalks shall be evaluated by the Planning Board and Village Engineer and a recommendation from the Planning Board given to the Board of Trustees for a final decision.
- N. The use of curbs, gutters or shoulders shall be determined by Village Board of Trustees.
- O. In determining the general layout of streets, adequate provisions shall be made for minimum sight and stopping distances required as per American Association of State Highway and Transportation Officials (AASHTO) standards.
- P. Permanent right-of-way monumentation shall be provided at appropriate locations as directed by the Village Engineer.

## § 186-17. Street design.

### A. Widths of rights-of-way.

- (1) Dedicated streets shall have the following widths (when not indicated on the Master Plan or Official Map, if such exists):

Type of Street	Minimum Right-of-Way Width (feet)	Minimum Pavement Width Excluding Curbs or Gutters (feet)
Major streets	66	24
Collector and local streets	60	24

- (2) Depending upon the zoning of undeveloped land, modifications to the minimum pavement widths may be made as determined by the Village Board of Trustees. Any development which includes or is adjacent to an existing nonconforming right-of-way shall extend the nonconforming right-of-way to standard width, if possible, within the new development. Where excessive cuts or fills are necessary, the right-of-way width shall be extended, as determined by the Village Engineer, to include the cut or embankment area.

### B. Improvements. Streets shall be graded and improved with pavements, curbs, gutters, sidewalks, storm drainage facilities, water mains, sewers, streetlights and signs, street trees and fire hydrants, except where waivers may be requested, and the Board of Trustees may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be provided as required by the Village Engineer. Such grading and improvements (utility and roadway) shall meet all minimum design criteria of AASHTO Geometric Design of Highways and Streets, most recent revision, and the Village of Caledonia Design Criteria and Construction Specifications for Land Development,<sup>[1]</sup> most recent revisions, shall be approved by the Village Engineer.

- (1) Fire hydrants. Installation of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York.
- (2) Streetlighting facilities. 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.

[1] *Editor's Note: The Design Criteria and Construction Specifications are on file in the village offices.*

### C. 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 right-of-way line. The

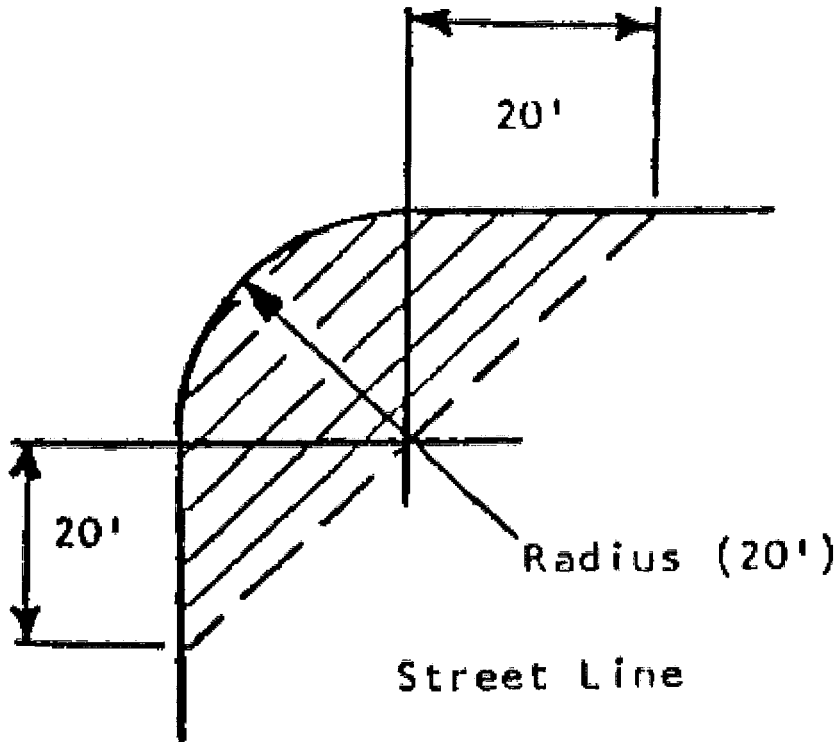
subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved. All underground utilities shall be stubbed or plugged with appropriate appurtenances to make future connections possible. All stubbed utilities shall be staked with location markers.

- D. Utility easements. Where topography is such as to make impractical the inclusion of utilities within the street rights-of-way, perpetual unobstructed easements of at least 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.
- E. Grades. Grades of all streets shall conform in general to the terrain and shall not be less than 1/2% nor more than 5% for major collector streets or 7% for local streets in residential zones. In the vicinity of intersection, the following minimum grades shall apply:

<b>Location</b>	<b>Grade (percent)</b>
Within intersection	1
Within 50 feet of intersection	1 1/2
From 50 to 100 feet of the intersection	3

- F. Changes in grade. All changes in grade shall be connected by vertical curves as follows. The minimum vertical curve length shall be 100 feet. The minimum distance between vertical curve tangents shall be 100 feet. Vertical curves are not required for changes of slope for which the algebraic sum is less than 2%.
- G. Curve radii at street intersection. All street right-of-way lines at intersections shall be rounded by curves of at least a twenty-foot radius. Where streets intersect major or arterial streets, additional right-of-way shall be provided in the shape of a triangle, the sides of which are 75 feet minimum length as measured from intersection of the right-of-way lines back along the right-of-way lines away from the intersection. Additional right-of-way may be necessary as determined by the Village Engineer. Curb or gutter radii shall be as follows for intersections. Local streets shall have twenty-five-foot curb/gutter radii minimum. Collector streets shall have thirty-five-foot curb/gutter radii minimum. All others shall be determined on an individual basis.
- H. Steep grades and curves; visibility at intersections. A combination of steep grades and curves shall be avoided and shall be in conformance with American Association of State Highway and Transportation Officials standards. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or on 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 of 3 1/2 feet higher than the center line of the street. If directed, the ground shall be excavated to achieve visibility.

## Sketch A



- I. Dead-end streets (culs-de-sac). Where dead-end streets are designed to be so permanently, they should, in general, not exceed 500 feet in length or six times the minimum allowable lot width for that type of zoning, whichever is greater, and shall terminate in a circular turnaround having a minimum right-of-way radius of 70 feet and an outside pavement radius of 60 feet. At the end of temporary dead-end streets, a temporary turnaround with a pavement radius of 50 feet shall be provided, unless the Planning Board approves an alternate arrangement. Temporary turnaround construction shall be approved by the Village Engineer.
- J. Watercourses.
  - (1) Where a watercourse separates a proposed street from abutting property, provisions shall be made for access to all lots by means of culverts or other structures of design approved by the Village Engineer.
  - (2) Where a subdivision is traversed by a watercourse, drainageway channel or stream, there shall be provided a stormwater easement or drainage right-of-way as required by the Village Engineer, but in no case less than 20 feet in width. A fifty-foot easement (width as measured outside of the watercourse in plain view) shall be provided over creeks and streams.
- K. Horizontal curves. In general, street lines within a block deflecting from each other at any one point by more than one degree 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 150 feet on local streets. There shall be a minimum of 100 feet between tangents of horizontal curves.
- L. Service streets or loading space in commercial development. Paved rear service streets of not less than 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.
- M. Private streets/road shall be designed to handle H-20 vehicle loading and meet all necessary emergency vehicle passage requirements.

- N. Free flow of vehicular traffic abutting commercial development. In front of areas zoned and designated 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.

## § 186-18. Street names.

- A. Type of name. All street names shown on a preliminary plat or subdivision plat shall be approved by the Planning Board. In general, streets shall have names and not numbers or letters.
- B. 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 which join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, a street that is continuous, such as a loop street, shall retain the same name.

## § 186-19. Lots.

- A. Lots to be buildable. The lot arrangement shall be such that in constructing a building in compliance with Chapter 215, Zoning, 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.
- B. Side lines. All side lines of lots shall be at 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.
- C. Corner lots. In general, corner lots should be larger than interior lots so as to provide for proper building setback from each street and to provide a desirable building site.
- D. Driveway access. Driveway grades between the street and the setback line shall not exceed 10%.
- E. Access from private streets. Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with this chapter.
- F. 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.

## § 186-20. Drainage improvements.

- A. Removal of springwater and surface water. The subdivider may be required by the Planning Board to carry away by pipe or open ditch any springwater or surface water that may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width.
- B. Drainage structure to accommodate potential development upstream.
- (1) A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Village Engineer shall approve the design and size of facility based on anticipated runoff from a ten-year storm under conditions of total potential development permitted by Chapter 215, Zoning, in the watershed.

- (2) The village shall share the cost of culverts larger than that which is required to properly service the subdivision.
- C. Responsibility for drainage 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 runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a five-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.

## § 186-21. Parks, open spaces and natural features.

- A. Recreation areas shown on Village Plan. Where a proposed park, playground or open space shown on the Village Plan is located in whole or in part in a subdivision, the subdivider shall show such areas on the plat in accordance with the requirements specified in Subsection **B** below and notify the Village Board. Such area or areas may be dedicated to the village or county by the subdivider if the Village Board approves such dedication.
- B. Parks and playgrounds not shown on Village Plan.
- (1) The Planning Board shall require that the subdivider reserve sites of a character, extent and location suitable for the development of a park, playground or other recreational purpose. For a major subdivision, each reservation shall be of an area equal to 5% of the total land within the subdivision, but in no case shall a reservation be less than two acres. The area to be reserved shall possess the suitable topography, general character and adequate road access necessary for its recreational purposes.
- (2) Where the Planning Board requires land to be set aside for parks, playgrounds or other recreational purposes, the Board shall require that the site be graded, loamed and seeded and may require it to be fenced.
- C. Waiver of plat designation of area for parks and playgrounds.
- (1) In cases where the Planning Board finds that due to the size, topography or location of the subdivision, land for park, playground or other recreation purpose cannot be properly located therein or if, in the opinion of the Board, it is not desirable, the Board may waive the requirement that the plat show land for such purposes. The Board shall then require as a condition to approval of the plat a payment to the village of an amount as shall be set forth from time to time by resolution of the Board of Trustees and as indicated on a fee schedule on file in the office of the Village Clerk. The amount of land which otherwise would have been acceptable as a recreation site shall be determined in accordance with the standards set forth in Subsection **B** of this section.
- (2) Such amount shall be paid to the Village Board at the time of final plat approval, and no plat shall be signed by the authorized officer of the Planning Board until such payment is made. All such payments shall be held by the Village Board in a special Village Recreation Site Acquisition and Improvement Fund, to be used for the acquisition of land that is suitable for permanent park, playground or other recreational purposes and which is so located that it will serve primarily the general neighborhood in which the land covered by the plat lies and shall be used only for park, playground or other recreational land acquisition or improvements. Such money may also be used for the physical improvement of existing parks or recreation areas serving the general neighborhood in which the land shown on the plat is situated, provided that the Planning Board finds there is need for such improvement.
- D. Reserve strips prohibited. Reserve strips of land which might be used to control access from the proposed subdivision to any neighboring property or to any land within the subdivision itself shall

be prohibited.

- E. 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, watercourses and falls, beaches, historic spots, vistas and similar irreplaceable assets. No tree with a diameter of eight inches or more as measured three feet above the base of the trunk shall be removed unless such tree is within the right-of-way of a street shown on the final subdivision plat. Removal of additional trees shall be subject to the approval of the Planning Board.

## Article V. Documents to Be Submitted

### § 186-22. Minor subdivision plat.

- A. There shall be submitted for approval five copies of the minor subdivision plat prepared at a scale of not more than 100 feet but not less than 50 feet to the inch, showing:
- (1) 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.
  - (2) The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
  - (3) The Tax Map sheet, block and lot numbers, if available.
  - (4) All the utilities available and all streets which are either proposed, mapped or built.
  - (5) The proposed pattern of lots (including lot width and depth) within the subdivided area.
  - (6) All existing restrictions on the use of land, including easements, covenants or zoning lines.
  - (7) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Village Engineer and shall be referenced and shown on the plat.
  - (8) All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the State Department of Health, and a note to this effect shall be stated on the plat and signed by a licensed engineer.
  - (9) The proposed subdivision name and the name of the village and county in which it is located.
  - (10) The date, North point, map scale and name and address of the record owner and subdivider.
- B. The plat to be filed with the County Clerk shall be printed upon linen or be clearly drawn in India ink upon tracing cloth or plastic. The size of the sheet shall be 12 inches by 12 inches or 12 inches by 24 inches.

### § 186-23. Major subdivision preliminary plat and accompanying data.

- A. There shall be submitted for approval five copies of the preliminary plat prepared at a scale of not more than 100 feet but not less than 50 feet to the inch, showing:

- (1) The proposed subdivision name, the name of the village and county in which it is located, date, true North point, scale and name and address of the record owner, subdivider and engineer or surveyor, including license number and seal.
- (2) The names of all subdivisions immediately adjacent and the names of the owners of record of all adjacent property.
- (3) Zoning district, including the exact boundary lines of district if more than one district, and any proposed changes in the zoning district lines and/or the text of Chapter **215**, Zoning, applicable to the area to be subdivided.
- (4) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- (5) Location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas, single trees with a diameter of eight inches or more as measured three feet above the base of the trunk and other significant existing features for the proposed subdivision and adjacent property.
- (6) The location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
- (7) Contours at intervals of five feet or less as required by the Board, including elevations on existing roads, and approximate grading plan if natural contours are to be changed more than two feet.
- (8) The width and location of any streets or public ways or places shown on the Official Map or the Master Plan, if such exists, within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
- (9) The approximate location and size of all proposed waterlines, valves, hydrants, 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; and profiles of all proposed water and sewer lines.
- (10) A storm drainage plan indicating the approximate location and size of proposed lines and their profiles and connection to existing lines or alternate means of disposal.
- (11) Plans and cross sections showing the proposed location, size and type of sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains; the character, width and depth of pavements and subbase; 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 20 feet in width and shall provide satisfactory access to an existing 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 by a licensed land surveyor. The corners of the 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.

- B. If the application covers only a part of the subdivider's entire holding, there shall be submitted 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 an indication of the probable future street system with its grades and drainage in the remaining portion of the tract. The part of the subdivider's entire holding submitted shall be considered in the light of the entire holding.
- C. There shall also be submitted a copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

## § 186-24. Major subdivision final plat and accompanying data.

The following documents shall be submitted for plat approval:

- A. The plat to be filed with the County Clerk shall be printed upon linen or plastic or be clearly drawn in India ink upon tracing cloth. The size of the sheet shall be 20 inches by 20 inches or 24 inches by 36 inches, including a margin for binding of two inches outside the border along the left side and a margin of one inch outside the border along the remaining sides. The plat shall be drawn at the same scale required for the preliminary plat 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 will show:
  - (1) The 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 the record owner and subdivider; and the name, license number and seal of the licensed land surveyor.
  - (2) Street lines, pedestrianways, 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 and 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 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) By proper designation, 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 therefor.
  - (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 and lettered in alphabetical order in accordance with the prevailing village practice.
  - (8) Permanent reference monuments shall be shown and shall be constructed in accordance with specifications of the Village Engineer. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the State Department of 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-fourths (3/4) inch in diameter (if metal) and at least 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 points in street lines, points of curve and such intermediate points as shall be required by the Village Engineer.

B. Construction drawings, including plans, profiles and typical cross sections, as required, showing the proposed location, size and type of streets, sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and subbase, manholes, catch basins and other facilities.

## Article VI. Variances and Waivers

### § 186-25. Variances.

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with this chapter, 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, the Master Plan or Chapter 215, Zoning, if such exists.

### § 186-26. Waivers.

Where the Planning Board finds that, due to the 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.

### § 186-27. 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. Enforcement and Penalties

### § 186-28. Penalties for offenses.

Any person, firm or corporation who or which shall violate any of the provisions of this chapter shall be guilty of a violation and shall be punishable by a fine not exceeding \$250 or by imprisonment for a period not to exceed 15 days, or both. Each days' continued violation shall constitute a separate offense.

### § 186-29. Enforcing official.

This chapter shall be enforced by the Code Enforcement Officer or Zoning Enforcement Officer of the village.

## § 186-30. Conformance required.

No land in the Village of Caledonia shall be subdivided except in conformance with the provisions of this chapter.

## § 186-31. Approval required prior to issuance of building permits.

No building permit shall be issued to any person, firm or corporation for the construction of any building upon property which has been subdivided without the approval of the Planning Board of the Village of Caledonia. For the purposes of this Article, the term "subdivided" shall mean the division of any parcel of land into two or more lots, blocks or sites, with or without streets or highways, and includes resubdivision.