

Chapter 190

SUBDIVISION OF LAND

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[HISTORY: Adopted by the Planning Board of the Village of Briarcliff Manor 7-16-1968; approved by the Board of Trustees 7-18-1968. Amendments noted where applicable.]

GENERAL REFERENCES

Planning Board — See Ch. 45.

Excavations — See Ch. 115.

ARTICLE I
General Provisions**§ 190-1. Authority.**

By authority of the resolutions adopted by the Board of Trustees, pursuant to the provisions of the Village Law, the Planning Board has the power and authority to approve plats for subdivisions within the Village of Briarcliff Manor, and to approve the development of plats entirely or partially undeveloped which have been filed in the Office of the County Clerk prior to the appointment of the Planning Board and the grant to it of the power to approve plats.

§ 190-2. Jurisdiction.

If a parcel of land is to be subdivided, the owner is required by law to submit the proposed plat of the parcel to the Planning Board for its approval, and then file the approved plat with the County Clerk. The location, design and improvement of new streets, if any, must also be approved by the Planning Board and, therefore, the construction of new streets shall not be started until this approval has been obtained.

§ 190-3. Policy.

It is declared to be the policy of the Village to consider land subdivisions as part of a plan for the orderly, efficient, and economical development of the Village. 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. Proper provision shall be made for drainage, water, sewerage, and other needed improvements. The proposed streets shall compose a convenient system conforming to the Official Map, and shall be properly related to the proposals shown on the Village Master Plan. Streets shall be of such width, grade and location as to accommodate the prospective traffic, to afford adequate light and air, and to facilitate fire protection. In proper cases, there shall be reservation of park areas of suitable location, size and character for playground or other recreational purposes.

§ 190-4. Plats straddling municipal boundaries.

- A. Whenever access to a proposed subdivision can be had only across land in another municipality, the subdivider shall furnish proof, satisfactory to the Planning Board, that such access has been legally established, and the Planning Board shall be notified by the Village Engineer that such access has been adequately improved or that a performance bond has been duly executed and is sufficient in amount to assure the adequate construction of the access road. However, the Planning Board may condition its approval of those parts of a subdivision which have access only across land in another municipality, by providing that no building permit shall be issued on lots within the Village until such access to them has been properly established.

- B. In general, lot lines should be laid out so as not to cross municipal boundary lines. Where this is necessary in the opinion of the Planning Board, it shall require that the deed for any such lot shall provide that the portion in the other municipality may not be separated from the portion within the Village, nor occupied by any other use that would make the lot or use nonconforming if the lot were entirely within the Village.
- C. Approval by the Village Planning Board shall be granted only for that portion of the subdivision lying within the Village, and such approval shall be contingent upon approval by the Planning Board having jurisdiction over that portion lying within the adjacent municipality.

§ 190-5. Resubdivision.

A resubdivision, as defined herein, is subject to the same procedure, rules and regulations, applying to an original subdivision.

§ 190-6. Building permits.

No permit for the erection of any building on any lot in the proposed subdivision shall be issued unless the subdivision has been duly approved by the Planning Board, the plat has been duly filed with the County Clerk, and the street or highway giving access to said lot shall have been suitably improved to the satisfaction of the Planning Board, or a performance bond as required by the Planning Board has been duly filed with the Village.

§ 190-7. Changes in the zoning provisions.

When authorized by resolution of the Board of Trustees, the Planning Board may, simultaneously with the approval of a plat, modify applicable provisions of Chapter 220, Zoning, in accordance with the provisions of § 7-738 of the Village Law.

§ 190-8. Enactment.

In order that land may be subdivided and improved in accordance with the authority, jurisdiction and policy of the Village, these regulations are hereby adopted.

§ 190-8.1. Westchester County Greenway Compact Plan. [Added 11-4-2004 by L.L. No. 5-2004]

By Local Law No. 5 of the Year 2004, the Village of Briarcliff Manor has adopted the Westchester County Greenway Compact Plan, as amended from time to time and accepted by the Village of Briarcliff Manor as set forth in Chapter 217, as a statement of policies, principles, and guides to supplement other established land use policies in the Village. In its discretionary actions under this Subdivision Code, the reviewing agency should take into consideration said statement of policies, principles and guides, as appropriate.

ARTICLE II
Procedure for Making Applications

§ 190-9. General procedure.

- A. Whenever any subdivision of land is proposed, and before any contract for the sale, or any offer to sell such subdivision or any part thereof, is made, the subdividing owner or his agent, duly authorized in writing, shall proceed to secure approval of the proposed subdivision in accordance with the following steps:
- (1) Initial conferences and review.
 - (2) Preliminary layout.
 - (3) Subdivision plat.
- B. For a resubdivision, the same procedure, rules, and regulations shall apply as for a subdivision.

§ 190-10. Initial conferences and review.

- A. The owner proposing to subdivide his property shall make an appointment with the Planning Board for initial conferences at any regular meeting of the Board, at which time he or his agent shall present a sketch plan of the proposed subdivision and sufficient information to show how the streets, drainage, water supply, sanitary waste disposal, and other proposed utilities such as gas, electricity and telephone, are proposed to be provided, how the lots are proposed to be laid out, and where park and recreation areas are proposed to be located. Before preparing such sketch plan and related information, the subdividing owner or his agent should meet with the Village Engineer and the County Health Department officials to familiarize himself fully with respect to general and particular requirements pertaining to a subdivision of the property involved. The sketch plan and maps required for the initial conference include the following:
- (1) Sketch plan of the proposed subdivision (see § 190-24 for items to be included) at a scale of no less than one inch equals 100 feet: four copies.
 - (2) A topographic map with a contour interval of no more than five feet, and showing the location of existing and proposed streets and property lines at the same scale as the sketch layout: four copies.
 - (3) A map showing surrounding area with existing streets and properties, at a scale of no less than one inch equals 400 feet: four copies. The map shall show any lands held by the owner contiguous to the property proposed to be subdivided.
 - (4) The above maps may be combined, if desired, at the scale of the sketch plan.
- B. After the initial conference, the Planning Board may schedule a field trip to the site of the proposed subdivision, which field trip shall, if required by the Board, be attended by the subdividing owner or his duly authorized agent. In order to facilitate the Board's inspection and study of the site of the proposed subdivision, the subdivider shall have the

center line of all proposed streets located at fifty-foot intervals by marked stakes in time for the scheduled field trip.

- C. After initial conferences and review, the Planning Board may make recommendations in connection with the proposed subdivision.
- D. Where a proposed subdivision does not involve a proposed road or a proposed realignment or widening of an existing road, or any other feature shown on the Village Master Plan; does not involve the construction or expansion in capacity of any existing or proposed drainage system; does not involve the extension of any water or sewerage

facilities; and where no further subdivision is possible, and where the Planning Board receives a report from the Village Engineer to this effect, the Planning Board may waive, by resolution, the submission and tentative approval of the preliminary layout as required by § 190-11.

§ 190-11. Preliminary layout.

- A. An application for approval of a preliminary subdivision layout shall be submitted in duplicate, on a form supplied by the Village Clerk, together with the required application fee and all other required maps, data, and information, to the Planning Board at one of its regular meetings. The preliminary layout, as submitted, shall conform with all standards and requirements of these regulations, except where the applicant requests a specific waiver or modification of a standard or requirement, and has explained in writing the need for such waiver or modification. In order that the Village Engineer may determine that the application is in proper form and meets all standards and requirements except as noted above, the applicant shall make available to the Village Engineer the proposed application and all accompanying items at least two weeks in advance of the regular meeting of the Planning Board at which the application is to be made.
- B. The application shall be accompanied by the following:
- (1) Preliminary layout prepared by a licensed professional engineer or land surveyor, in accordance with § 190-25, Preliminary subdivision layout and subdivision plat, at a scale of no less than one inch equals 50 feet: four copies.
 - (2) Preliminary construction plan prepared by a licensed professional engineer, at a scale of no less than one inch equals 50 feet, in accordance with § 190-26, Preliminary and final construction plans: four copies.
 - (3) A statement from the applicant's engineer or land surveyor certifying the total amount of acreage within the property to be subdivided.
 - (4) An application fee as shall be set forth by resolution of the Village Board of Trustees in the Master Fee Schedule, which may be amended. **[Amended 1-16-2003 by L.L. No. 1-2003]**
 - (5) Certification, under oath, of the applicant's ownership of the property included in the proposed subdivision, including information on any rights or easements of record, and a specific statement that a search of the filed maps on record discloses no maps of the area or any part of it, except as noted.
- C. The Planning Board, at its discretion, may hold informal public hearings on the preliminary layout.
- D. After the Board has reviewed the preliminary layout, the Planning Board will give its tentative approval, approval with modifications, or disapproval, with explanation of any modification or disapproval, and send a copy of such action to the applicant.

§ 190-12. Subdivision plat.

- A. Application. Within six months after the Planning Board's action on the preliminary layout, the applicant may submit to the Board the subdivision plat and final construction plan which shall be accompanied by the required application fee and all of the information required by Subsection B. In order that the Village Engineer may determine that the subdivision plat and construction plan is in proper order and meets all standards and requirements of the subdivision regulations, and is in accordance with the Planning Board's action on the preliminary layout, the applicant shall make available to the Village Engineer the said plat and construction plan and all accompanying material at least two weeks in advance of the regular meeting of the Planning Board at which the subdivision plat is to be submitted.
- B. Items to accompany submission of subdivision plat. The application shall be accompanied by the following:
- (1) An application fee as set forth by resolution of the Village Board of Trustees in the Master Fee Schedule, which may be amended, per lot in the subdivision plat, unless the submission of a preliminary layout has been waived, in which case the application fees shall be as required by § 190-11B(4). [**Amended 1-16-2003 by L.L. No. 1-2003**]
 - (2) Subdivision plat prepared by a licensed professional engineer or land surveyor, in accordance with § 190-25, Preliminary subdivision layout and subdivision plat, at a scale of no less than one inch equals 50 feet: four copies.
 - (3) Construction plan prepared by a licensed professional engineer, in accordance with § 190-26, Preliminary and final construction plans, at a scale of no less than one inch equals 50 feet: four copies, together with a statement from applicant's engineer giving estimated cost of construction of subdivision roads and other improvements, together with quantities and unit costs used in making the estimate.
 - (4) Endorsement by the County Health Department as required by the County Sanitary Code.
 - (5) Proof of approval by the State Department of Transportation or the County Department of Public Works, as appropriate, of the location, design and proposed construction of any intersection of a proposed road in the subdivision with a state or county highway.
 - (6) Formal offers of dedication to the Village of all streets, and parks for playground and other recreation purposes, in a form approved by the Village Attorney, except where the subdivision plat has a notation that no offer of dedication of such streets, parks, playgrounds and other recreation areas, or any of them, is made to the Village.

- (7) Statements of covenant, in a form and with a content satisfactory to the Village Attorney, to be included in the deed of every lot in the subdivision, providing for the obligation of each and every property owner to maintain all streets and parks in the subdivision, and establishing an instrument for exercising such obligation until such time as such areas are formally offered for dedication to and accepted by the Village.

- (8) Formal offers of easement to the Village, in a form satisfactory to the Village Attorney, on all intersection sight areas, as called for by § 190-17H(2) and § 190-21B(4).
- (9) Stamped envelopes, addressed to each of the owners of record of property abutting or across the street from the property included in the proposed subdivision.

C. Authorization to call public hearing.

- (1) Upon receipt of the applicant's request for action on the subdivision plat and the certification from the Village Engineer that the proposed plat, construction plan, and all other items accompanying the request are complete and in accordance with the regulations, the Chairman of the Planning Board is authorized to call a public hearing on the proposed subdivision for the next regularly scheduled meeting of the Board occurring at least 10 days after the Chairman's receipt of said request and certification. The Secretary shall submit a notice of said public hearing to the official Village newspaper for publication as required by law; shall mail copies of the notice to property owners abutting or across the street from the proposed subdivision, and shall file copies of the proposed subdivision plat and construction plans with the Village Clerk for public inspection prior to the public hearing.
- (2) The applicant shall display prominently on his property for one week preceding the date of the public hearing at least one sign, two feet by three feet in size, and carrying a legend prescribed by the Village Planning Board, announcing the public hearing. The sign shall be in full public view from the street pavement.
- (3) If the proposed subdivision involves a new street connecting directly into any state or county highway, parkway, thruway or road, or involves drainage lines connecting directly into any channel lines established by the County Commissioner of Public Works under the Westchester County Stream Control Act, a notice of the public hearing shall be mailed to the County Planning Board at least 10 days prior to the date of the hearing. If the land to be subdivided is within 500 feet of any abutting municipality in the county, a notice of the public hearing shall be mailed by the Board to the Clerk of such abutting municipality at least 10 days prior to the date of the hearing. At the public hearing, the Board shall give opportunity to any interested person to examine or comment on the proposed subdivision plat and construction plan.

D. Public hearing and Planning Board action. At the public hearing, the Planning Board will give any interested persons an opportunity to examine, inquire, or present pertinent information with respect to the proposed subdivision plat. After the public hearing, within 45 days from the official submittal date of the subdivision plat, the Planning Board shall approve, modify and approve, or disapprove the proposed plat by resolution, which shall set forth in detail any conditions to which the approval is subject, or the reasons for a disapproval. If the applicant has indicated his intention of posting a performance bond to assure satisfactory completion of all required improvements, the amount of such bond and time limit for completion of required improvements shall be set by the Planning Board in its resolution. A copy of the Planning Board's resolution shall be mailed by the Secretary of the Planning Board to the applicant.

- E. Authorization for filing plat by sections. Prior to granting its approval, the Planning Board may permit the plat to be subdivided into two or more sections, and may impose such conditions upon the filing of such sections as it may deem necessary to assure the orderly development of the plat. The Planning Board will determine that the sections are logical in their extent, and that none contain less than 10% of the total lots in the subdivision. No section will be approved for filing prior to another section or sections upon which it will depend for street access and adequate traffic circulation. Approval of such sections, subject to any conditions imposed by the Planning Board, shall be granted concurrently with the approval of the subdivision plat, and the extent of each section and all conditions imposed shall be shown on the subdivision plat. The Planning Board may deny approval of any subsequent section, if a prior section has not first been satisfactorily completed.
- F. Actions by applicant. Based upon the Planning Board resolution, the applicant shall have the subdivision plat and construction plan revised, if necessary, in accordance with said resolution, including the placing of notations on the plat with respect to any conditions imposed by the Planning Board, and submit four copies to the Village Engineer. He shall also submit to the Village Attorney any performance bond which is to be posted. If the plat and construction plan are in full accordance with the Planning Board's resolution of approval, the Village Engineer shall so certify to the Planning Board. The performance bond shall comply with the requirements of § 7-730 of the Village Law and shall be satisfactory to the Village Attorney as to form, sufficiency, and manner of execution.
- G. Final approval of subdivision plat.
- (1) When a bond is filed and accepted by the Board of Trustees: The Chairman or other duly authorized officer of the Planning Board, after the applicant's compliance with all the requirements and conditions of the resolution of the Planning Board and of these regulations, shall endorse the final approval of the Board on the subdivision plat.
 - (2) When no bond is filed: The Chairman or other duly authorized officer of the Planning Board, after the applicant's compliance with all requirements and conditions of the resolution of the Planning Board and of these regulations, and after receipt of a certification by the Village Engineer that all required improvements have been completed in full accordance with the Planning Board's approval of the subdivision plat and construction plan, and are in good condition, shall endorse the final approval of the Board on the subdivision plat.
 - (3) Copies to be signed. The endorsement of approval shall be by signature and date on the tracing cloth original of the plat (which will be returned to the applicant), and on a transparent print of the plat (which will be retained in the record files of the Village Board). The original and three prints of the final construction plan, and three prints of the approved subdivision plat, shall be filed with the Village Engineer.
- H. Filing of plat.
- (1) The subdivision plat shall be filed with the Westchester County Clerk, Division of Land Records, within 90 days of the date when final approval is endorsed on the

plat. The Planning Board may, however, extend the time for filing said plat up to two additional periods of 90 days each if, in its opinion, the particular circumstances warrant such extension.

- (2) If the applicant files only one section of an approved subdivision with the office of the County Clerk within the said ninety-day period, the Planning Board's approval of the remaining sections shall expire unless such sections are filed with the office of the County Clerk within three years of the date of filing the first section.
 - (3) The applicant, before filing the plat, shall have a duplicate made on tracing cloth and deliver this duplicate to the Planning Board for its files with the County Clerk's recording data.
- I. Failure of Planning Board to act on subdivision plat. Where the Planning Board does not act to approve or disapprove the subdivision plat within 45 days from the official submittal date as provided in Subsection D, the plat shall be considered approved as provided for in § 7-728 of the Village Law.

§ 190-13. Required improvements and agreements.

- A. Completion of improvements or filing of bond. Following an action by the Planning Board approving a subdivision plat, and before the plat is signed by the appropriate officers of the Planning Board, the applicant shall be required to complete, in accordance with the Planning Board's decision, and to the satisfaction of the Village Engineer or any other official authorized by law to act, all the street, sanitary, and other improvements specified in the action approving said plat, or, as an alternative, to file with the the Board of Trustees a performance bond estimated by the Planning Board as sufficient to secure to the Village the satisfactory construction and installation of the uncompleted portion of the required improvements. Such a performance bond shall comply with the requirements of § 7-730 of the Village Law and shall be satisfactory to the Village Attorney as to form, sufficiency, and manner of execution.
- B. Monuments. Permanent monuments of materials, design and location, as approved by the Village Engineer, 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.
- C. Time for completion of improvements. A period of one year, or such other period as the Planning Board may determine as appropriate, shall be allowed for the completion of all required improvements. This time period shall be expressed in the performance bond, if such is filed. The bond shall provide that an amount determined as adequate by the Planning Board shall be retained for a period of one year, or such other period as the Planning Board may determine, after the date when all required improvements have been completed; as certified by the Village Engineer, to assure the satisfactory condition of such improvements.
- D. Failure to complete improvements. Where no performance bond is filed and the required improvements are not completed by the applicant within the period specified by the Planning Board in its approval of the subdivision plat, said approval shall be deemed to

have expired. Where a performance bond has been filed and the required improvements have not been installed within the time period specified in the bond, the bond may be declared in default. Where a performance bond has been filed and none of the required improvements have been installed within the time period specified in the bond, the approval of said subdivision plat shall be deemed to have expired.

- E. Costs to be borne by applicant. All required improvements shall be made by the applicant at his expense, without reimbursement by the Village.
- F. Modification of design of improvements. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Village Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of any such improvements, the Village Engineer may authorize such modifications upon written request of the applicant, provided such 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 improvement required by the Planning Board. The authorization of the Village Engineer shall be in writing, and a copy of such authorization shall be transmitted to the Planning Board at its next regular meeting. If, in the opinion of the Village Engineer, such modification would affect the scope or nature of the work covered by a performance bond, he shall not authorize such modification without the approval of the Planning Board and the written consent of the principal and surety of the performance bond.
- G. Waiver of required improvements. The Planning Board may waive, for such period as it may determine, the provision of any or all such improvements as, in its judgment, are not necessary in the interests of the public health, safety and general welfare. In the case of each waiver granted, the Planning Board shall enter upon its records the reason or reasons why the particular improvement is not necessary, and it shall attach appropriate conditions or require such guarantees as may be necessary to protect the public interest.
- H. Inspection of improvements.
 - (1) The Village Engineer, or other duly designated official, shall inspect required improvements during construction to assure their satisfactory completion, and the Planning Board shall require a certificate from such official stating that all required improvements have been satisfactorily completed. The applicant shall pay to the Village an inspection fee of 3% of the estimated cost of required improvements as determined by the Village Engineer, and the subdivision plat shall not be signed by the Chairman and the Secretary of the Planning Board until such fee has been paid.
 - (2) If the Village Engineer finds, upon inspection, that any of the required improvements have not been constructed in accordance with the approved plans, the applicant shall be responsible for completing said improvements according to specifications. Failure of the Village Engineer or other duly designated official to carry out inspections of required improvements during construction shall not in any way relieve the applicant or the bonding company of their responsibilities.
 - (3) Inspection of stages of construction. In order to facilitate inspection of required improvements during construction, the applicant shall notify the Village Engineer before he proceeds with each of the following stages of construction:

- (a) At least three working days before backfilling of underground drainage facilities and/or underground utilities.
 - (b) At least three working days before placing the foundation or base course of roads.
 - (c) At least three working days before paving or surface treating of roads.
- I. Certification of construction. When the applicant has completed construction of the required improvements and requests the final inspection of these improvements before dedication to the Village, such request shall be accompanied by three copies of as-built plans to be approved by the Village Engineer, upon which plans shall be shown the actual location of the improvements as constructed. Such plan shall show the edges of pavements, all drainage pipes with manholes, catch basins and other related structures, sanitary sewers with appurtenances and house sewer connections, water pipes, water valves, hydrants and house water connections, streetlights, street trees, monuments, and all other required improvements. Such plan shall bear a dated certification by a licensed surveyor or professional engineer that the data shown thereon was accurately determined by field survey.

§ 190-14. Future status of streets, parks and easements.

- A. Offers of dedication. In accordance with § 7-732 of the Village Law, the applicant may add a notation on the subdivision plat, if he so desires, to the effect that no offer of the streets and parks shown on the plat is made to the Village. Formal offer of dedication to the Village of all streets and parks not marked with such notation on the plat shall be filed with the Planning Board within 30 days after the adoption of its resolution of approval of the plat.
- B. Acceptance by Village.
- (1) Acceptance of any such offer of dedication shall rest with the Board of Trustees. In the event the applicant shall elect not to file the plat in the office of the County Clerk within the ninety-day period required by law, or such extension for such filing as may be granted by the Planning Board under § 7-728 of the Village Law, then such offer of dedication shall be deemed to be void.
 - (2) The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or imply the acceptance by the Board of Trustees of any street, park, playground, or other open space shown on said plat. The Planning Board may require said plat to be endorsed with an appropriate note to this effect.
 - (3) The applicant shall execute and deliver to the Village the above-mentioned offer of dedication in a form suitable for recording in the Office of the County Clerk, which written offer shall include the following provisions:
 - (a) The applicant for himself, his successors and assigns, offers to the Village for dedication to public use, the streets and parks shown on the subdivision plat (to be identified by specific reference to the title of the plat), in fee simple, absolute, and further offers to dedicate the unencumbered easements referred

to on the approved plat and in the resolution of approval by the Planning Board.

- (b) Said offer shall provide that the offer of dedication is irrevocable, shall run with the land, and shall further provide that the Village Board of Trustees may at any time, or from time to time, accept all or any part of the streets, parks, or easements subject to such offer, either by recording in the Office of the Clerk of the County of Westchester (Division of Land Records) a certified instrument or resolution accepting all or part of said offer, or by demanding from the applicant or his successor in interest a valid deed of dedication, in form satisfactory to said Trustees, conveying said streets, parks or easements so accepted, and acceptance by the Village of a portion of said streets, parks or easements shall not preclude the acceptance at future times of any or all of the streets, parks, or easements not so accepted.
 - (c) The applicant shall pay the recording fee for recording said offer of dedication, and any resolutions, instruments or conveyances in furtherance of the acceptance thereof, and if there be any mortgages or other encumbrances with respect to such premises, such mortgagee or encumbrancer shall join in the execution thereof or consent thereto in writing.
 - (d) While said offer of dedication remains in force but unaccepted with respect to any street, park or easement, the applicant shall not, without the consent of the Village, disable himself from conveying title to said streets, parks or easements to the Village and, specifically, no conveyance of any rights in or to any street, other than easement rights for ingress and egress or for the construction of utility services, shall be made to any individual or purchaser of homes in the subdivision, nor shall any mortgage thereof be made by the applicant subsequent to the recording of such offer of dedication, unless the same shall be made expressly subject to the rights of the public and the Village of Briarcliff Manor under such offer of dedication.
 - (e) The Village Board of Trustees may elect to accept the said offer of dedication with respect to any or all of said streets, parks or easements at any time, or from time to time, notwithstanding the fact that any of the required improvements thereto may not have been completed, and such acceptance shall not be deemed to waive the right of the Village to insist upon the full completion thereafter of any or all required improvements, nor shall the same operate as a release, in whole or in part, of the obligation of the principal or surety upon any performance bond executed with respect to the said improvements.
 - (f) No offer of dedication shall be recorded or accepted hereunder unless there shall be first endorsed thereon the approval thereof as to the form and the content by the Planning Board or, in the alternative, by the Village Board of Trustees, as attested by the certificate of the Village Clerk.
- C. Maintenance of roads. In those cases where no offer of dedication to the Village is made for the roads, parks and required easements shown on the plat, there shall be submitted

with the plat copies of agreements or other documents providing for, and fixing responsibility for, their suitable maintenance, and statements of all rights which exist with respect to the use of such property. Such documents shall be in a form satisfactory to the Village Attorney and shall require the approval of the Planning Board as to the method and adequacy of maintenance.

- D. Improvements required before buildings in subdivision may be occupied. Where a permit is desired for occupancy of a building in a subdivision prior to the completion of the improvements as required in the Planning Board's approval of the subdivision plat, the Village Engineer shall certify, in writing, that the street serving the proposed building is adequate for vehicular access by the occupant, and by police and fire equipment, prior to the issuance of an occupancy permit. Where such permit has been issued, the street shall be maintained in suitable condition. If it is not so maintained and the situation is not corrected within 48 hours following written notice from the Village Engineer, the Village Engineer shall proceed to put the street into suitable condition, the cost of which work shall be a charge against the subdivider. The performance bond given by the subdivider shall provide for the reimbursement of the Village for necessary street maintenance expense incurred under the above-described circumstances.

ARTICLE III Design Standards

§ 190-15. Standards to be minimum requirements.

The Planning Board, in considering an application for the subdivision of land, shall be guided by the following standards which shall be deemed to be the minimum requirements for the convenience, health, safety and general welfare of the Village, and shall be adjusted or waived only under the circumstances set forth in § 190-23B herein.

§ 190-16. General design standards.

- 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. 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 such uses as shall not involve such danger nor produce unsatisfactory living conditions, or be improved in a manner satisfactory to the Planning Board to remedy such hazardous conditions.
- B. Streets to conform to Master Plan and Official Map. Streets in subdivisions shall conform to the Official Map and shall be properly related to the proposals shown on the Master Plan. The plat shall include all streets shown on the said Map and Plan which are within the site, and such other streets as the Board may require.
- C. Frontage on improved street. The area proposed to be subdivided shall have frontage on and direct access to a street duly placed on the Official Map and, if such street is not

improved to the satisfaction of the Planning Board, it shall be improved to the satisfaction of said Board.

- D. Preservation of natural cover. Land to be subdivided shall be laid out and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit stormwater runoff, and conserve the natural cover and soil. No topsoil or excavated material shall be removed from any subdivision except for the purpose of improving lots within such subdivision and for the laying out of streets shown thereon. Topsoil shall be restored to a depth of at least six inches and properly seeded and fertilized in the areas of such subdivision not occupied by buildings or structures.
- E. Preservation of existing natural features. Existing natural features that enhance the attractiveness of the site and which would add value to residential or other development or to the Village as a whole, such as trees, watercourses, ponds and similar irreplaceable assets, shall be preserved insofar as possible by harmonious design of the subdivision. The Planning Board may make reasonable modifications in standards for layout of streets to accomplish such purposes in accordance with the provisions of § 190-23B.
- F. Conservation district. In accordance with any Board of Trustees authorization granted pursuant to § 220-7 of the Zoning Chapter the Planning Board may, upon application of the property owner, or upon the Planning Board's own motion, modify applicable zoning provisions simultaneously with the approval of a subdivision plat in order to promote the purposes and intent of that section. Any such action shall be taken within the limitations imposed by § 7-738 of the Village Law and § 220-7 of the Zoning Chapter, as well as in compliance with the following rules and regulations: **[Added 5-20-1999 by L.L. No. 2-1999]**
- (1) An applicant desiring to use the standards set forth in § 220-7 of the Zoning Chapter shall file, with the Planning Board, the application and plans required for subdivision review and approval as set forth in this chapter. Such application and plans shall have clearly marked upon their face that said plan is for development in accordance with these standards. The applicant shall also submit a written, detailed statement setting forth the nature of modifications, changes or supplementations of existing zoning provisions and the reasons for the same. Such statement shall include the manner in which such modifications, changes or supplementations of existing zoning provisions will benefit the Village and will further the public health, safety or welfare. The applicant may be required, at various stages of the planning process, to further justify the request to use the standards and procedures set forth in § 220-7 of the Zoning Chapter. The applicant shall also provide such additional information or data in support of its application as may reasonably be determined to be necessary by the Planning Board.
 - (2) Prior to the Planning Board determining whether and to what extent any modifications of the otherwise applicable zoning provisions shall be required of an applicant who has not requested such modifications, said Board shall determine that the modifications would benefit the Village by satisfying one or more of the purposes set forth in § 220-7 of the Zoning Chapter; and that the modifications are necessary to satisfactorily achieve one or more of the following specific objectives:

- (a) The preservation of a unique or significant natural feature of the site, including but not limited to a vegetative feature, wildlife habitat, surface water supply, underground aquifer, endangered species, rock formation, and steep slopes.
 - (b) The protection of a unique or significant feature of the man-made environment of the site, including but not limited to a building, structure or artifact of architectural, historical or archaeological value.
 - (c) The preservation of any unique or significant aesthetic feature of the site, including but not limited to a community vista, ridgeline or roadside character.
 - (d) The creation of useful recreation or open space areas, whether passive or active, to serve the needs of the residents of the subdivision or of the Village.
 - (e) The creation of the most efficient layout of new subdivisions, including the shape or location of house sites, driveways or roads.
 - (f) The protection of any other unique or significant feature of the site which the Planning Board determines to be important for recreation, education, historic, open space or similar purposes.
- (3) Where the Planning Board on its own motion has required a zoning modification not requested by the property owner, the degree of such required modification shall be to the extent necessary to properly accomplish the objective or objectives associated with the criteria set forth above in the judgment of the Planning Board.
 - (4) In the case of modifications of applicable zoning provisions required on the Planning Board's own motion, said Board shall notify the applicant in writing of the specific modifications which will be required. Such notification shall occur prior to the time of conditional approval of a preliminary subdivision plat. The required modifications shall then become a mandatory condition which must be complied with as a part of the final plat application.
 - (5) In addition to compliance with the special requirements and procedures for conservation development, such development shall also be subject to review and public hearing by the Planning Board in accordance with the procedures otherwise applicable to conventional subdivision plats.
 - (6) Upon the filing of a conservation development plat in the Office of the Westchester County Clerk, a copy shall also be filed with the Village Clerk, who shall make appropriate notations and references thereof on the official copy of the Village Zoning Map.

§ 190-17. Streets.

- A. General. Streets shall be suitably located, of sufficient width, and adequately improved to accommodate the prospective traffic, and to afford satisfactory access to police, fire fighting, snow removal or other road maintenance equipment, and shall be coordinated so

as to compose a convenient system. Where a street connection is necessary for the appropriate development of adjoining land, the arrangement of streets shall include such provision. All streets shall be properly related to the Master Plan and in conformance to the Official Map in location and design.

- B. Standards for street design. Streets shall meet the following design standards. Street classification may be indicated on the Village Master Plan or Official Map. Otherwise it shall be determined by the Planning Board. Standards are not shown for major streets which would be built by the state or county.

	Street and Classification Business		
	Local Residential	Secondary	Major
Minimum width feet of right-of-way	50 feet	60 feet	60
Minimum width of feet pavement (excluding curbs or gutters)	24 feet, except 36 feet where located in a multifamily residence district	30 feet, except 36 feet where located in a multifamily residence district	40
Minimum radius of feet horizontal curves of street line	200 feet	400 feet	400
Minimum length of feet vertical curves at surface of pavement	100 feet, but not less than 20 feet for each 1% algebraic difference of grade	200 feet, but not less than 30 feet for each 1% algebraic difference of grade	200
Minimum length of feet tangents between reverse curves	100 feet	200 feet	200
Maximum grade	10%	8%	6%
Minimum grade	1%	1%	1%
Minimum sight feet distance	150 feet	250 feet	250

- C. Relation to topography. Streets shall be related appropriately to the topography, and all streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.
- D. Continuation of streets into adjacent property. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties where such

continuation is necessary for convenient movement of traffic, effective fire protection, or efficient provision of utilities and services, and in places where such continuation is shown on the Village Master Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary circular turnaround with a traveled way having a minimum of 50 feet in radius shall be provided on all temporary dead-end streets, with the notation on the plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued.

- E. Dead-end streets. Where a street does not extend to the boundary of the subdivision and its continuation is not required by the Planning Board for access to or from adjoining property, its terminus shall normally not be nearer to such boundary than the average lot depth shown on the subdivision plat. Reserve strips of land shall not be left between the end of a proposed street and an adjacent piece of property. However, the Planning Board may require the reservation of a twenty-foot-wide easement to accommodate pedestrian traffic or utilities. A circular turnaround of a minimum right-of-way radius of 65 feet, with a traveled way having a minimum radius of 55 feet, shall be provided at the end of a permanent dead-end street. For greater convenience to traffic, and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length to six times the minimum lot width for the zoning district, exclusive of the turnaround. Where the Board determines that it is impractical or undesirable to subdivide a property except by a dead-end road which is of greater length, the Board may permit this.
- F. 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 these regulations.
- G. 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 lots 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.
- H. Intersections.
- (1) Intersections of major streets by other streets shall be at least 800 feet apart, if possible. Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Village Master Plan or at other important traffic intersections. A distance of at least 150 feet shall be maintained between center lines of offset intersecting streets. Within 100 feet of an intersection, streets shall be at approximately right angles. Grades shall be limited to no more than 2% within 50 feet of an intersection. All street intersection corners shall be rounded by curves of at least 25 feet in radius at the edge of the right-of-way.
 - (2) The generally triangular areas at each corner of an intersection formed by the intersecting street lines and a diagonal line connecting points on each street line 75 feet from the intersection of such street lines extended shall be reserved as a sight

*Redy
50 feet
40 per. dist.*

easement area and offered to the Village. [See § 190-21B(4)]. Visibility for traffic safety at the intersection shall be provided by excavating, where necessary. Where three or more streets intersect, a turning circle or other special treatment may be required by the Planning Board. Wherever two streets intersect at an angle smaller than 75°, the right-of-way returns and the relationship of gutter grades shall be given special treatment as determined by the Planning Board, and islands to channelize traffic may be required.

- (3) If a new road shown on a proposed subdivision plat intersects a state or county highway, the applicant shall submit his proposal for the design and construction of such intersection to the appropriate Department of Public Works for approval. Such approval shall be obtained prior to the official submittal date. A formal acknowledgment of such approval shall be filed with the Planning Board prior to the public hearing.

I. Street names and house numbers.

- (1) All streets, both public and private, shall be named, and such names shall be subject to the approval of the Board of Trustees. Names shall be sufficiently different in sound and in spelling from other street names in the Village so as not to cause confusion. A street which is a continuation of an existing street shall bear the same name. Street names shall conform to the following classification:

Avenue, street or road	Major or secondary street
Road or lane	Local residential street (except as follows)
Court or place	Dead-end street
Circle	Street, both ends of which intersect the same street at different locations.

- (2) House numbers will be assigned by the Village Engineer.

§ 190-18. Blocks.

- A. The length, width and shape of a block shall be determined with due regard to:
 - (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - (2) Zoning requirements as to lot sizes and dimensions.
 - (3) Needs for convenient access, circulation, control and safety of street traffic.
 - (4) Limitations and opportunities of topography, and the objectives of these regulations.
- B. Block dimensions shall be at least twice the minimum lot depth and generally not more than 1,200 feet. In long blocks, the Board may require the establishment of easements or

public ways through the block to accommodate utilities, drainage facilities, or pedestrian access to community facilities.

§ 190-19. Lots.

- A. Arrangement. The lot size, width, depth, shape and arrangement shall be appropriate for the type of development and use contemplated, and shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with Chapter 220, Zoning, and in providing access to buildings on such lots from an approved street by means of a driveway that does not exceed a grade of more than 2% within the street right-of-way nor more than 12% on the lot itself.
- B. Dimensions. Lot dimensions shall comply with the minimum standards of Chapter 220, Zoning. Where lots are more than double the minimum required area for the zoning district, the Planning Board may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with Chapter 220, Zoning, and these regulations.
- C. Corner lots. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets.
- D. Side lines and setbacks. Side lot lines shall be substantially at right angles to straight streets and radial to curved street lines. Lot lines shall coincide with municipal boundary lines rather than cross them. Where extra width has been dedicated for widening an existing street, lots shall begin at such extra width line, and lot dimensions and setbacks shall be measured from such line. The Planning Board may, whenever it deems such lines desirable or necessary, require the showing on the plat of specific setback lines which may vary from lot to lot, provided the front setback shall be not less than the zoning requirement nor more than 20% greater than the zoning setback.
- E. Double frontage lots. Double frontage lots, other than corner lots, shall be avoided except where deemed essential by the Planning Board in order to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. An easement or reserve strip, at least 20 feet in width, and across which there shall be no right of access, shall be provided along the line of lots abutting such traffic artery or other disadvantageous use, and such easement shall be planted and maintained as may be approved by the Planning Board.
- F. Access from major streets. Lots shall not, in general, have their vehicular access exclusively from a major or secondary street. Where driveway access from a major street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by access arrangements referred to in § 190-17G, in order to limit possible traffic hazard on such street.
- G. Access across a watercourse. Where a watercourse separates the buildable area of a lot from the street by which it has access, provision shall be made for installation of a culvert or other structure of size and design approved by the Village Engineer.

- X
- H. Water bodies. If a tract of land being subdivided contains a water body or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The Planning Board may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a Village responsibility. No more than 25% of the minimum area of a lot required under Chapter 200, Zoning, may be satisfied by land which is under water.
- I. Lots for existing large residences. Where a proposed subdivision is to include an existing residence larger in size than can appropriately be placed on a lot of the size permitted in the zoning district, the Planning Board may require that the lot created for such existing residence be of such size and so related to the proposed street system that the said existing residence will be an appropriate part of the subdivision.

§ 190-20. Improvements.

- A. Street improvements. Streets shall be graded and improved with pavement, street signs, sidewalks, streetlighting standards, curbs, gutters, street trees, water mains, sanitary sewers, storm drains and fire hydrants, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of the public health, safety and general welfare. Where a public trunk line sanitary sewer is not presently available, but is reasonably expected to become available in the future, any sanitary sewer together with all necessary laterals extending from the main sewer to the street curb shall be installed and capped. In such event, and until such connection is made with the public trunk sanitary sewer, the subdivider shall provide for the disposal of sanitary sewerage in the manner approved by the Planning Board. If placed in the street right-of-way, underground utilities required by the Planning Board shall be placed between the paved roadway and street line, where possible, to simplify location and repair of the lines. The subdivider shall install underground service connections to the property line of each lot before the street is paved. Walks and pedestrian easements shall be improved as required by the Planning Board. Other easements shall be cleared and graded as required by the Planning Board. Such grading and improvements shall be approved as to design and specifications by the Village Engineer who shall require that all pertinent Village standards and specifications be met.
- B. Underground utility wires.
- (1) Electric, telephone and communication wires shall be installed underground, except that the Planning Board may waive this requirement at the request of the applicant in cases where the Planning Board shall determine that the installation of underground service will result in practical difficulty or hardship. In making such determination, the Planning Board shall take into account the following:
- (a) The size and nature of the subdivision; and
- (b) Unusual topographic or other natural conditions.

- (2) The Planning Board may grant a full or partial waiver of this requirement and, in approving such waiver, may require the installation of electric and telephone wires on poles, or may require a combination of underground and overhead service. The location of utility poles or underground lines shall be shown on the construction plans submitted by the applicant and shall be approved by the Planning Board.
- C. Streetlight fixtures and supports. The type, design, and placement of streetlight fixtures and supports shall be shown on the construction plans submitted by the applicant, and shall be approved by the Planning Board.
- D. Drainage improvements.
- (1) The developer 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. Such drainage facilities shall be located in the street rights-of-way where feasible, or in perpetual unobstructed easements of appropriate width; in no case less than 20 feet in width.
 - (2) 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 determine the necessary size of facility based on anticipated runoff from a ten-year storm under conditions of total potential watershed development permitted by Chapter 220, Zoning.
 - (3) The Village Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a fifteen-year storm, the Planning Board shall notify the Board of Trustees 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 potential condition.
 - (4) Concentrated drainage from lots onto the street right-of-way shall not be permitted.

§ 190-21. Reservations and easements.

A. Parks for playgrounds or other recreation purposes.

- (1) Land shall be reserved for parks for playground or other recreation purposes in locations designated on the Village Master Plan or Official Map, or otherwise where the Planning Board shall deem such reservation to be appropriate. Each reservation shall be of suitable size, location, dimension, topography and general character for a park for playground or other recreation purposes, and shall have adequate street access for the purpose. The area shall be shown and marked on the plat as "Reserved for Park for Playground or Other Recreation Purpose." In no case shall the Planning Board require that more than 10% of the gross area of the subdivision be dedicated or reserved for recreation purposes. In calculating such

percentage, the Board may give due credit for open areas reserved, by covenants in all deeds, for the common use of all property owners in the proposed subdivision.

- (2) Land in subdivisions dedicated or reserved for park and recreation purposes generally shall have an area of at least five acres. When a proposed subdivision is too small to require such an area, the Planning Board may require that the recreation area be located on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided.
- (3) Where the Planning Board determines with respect to a particular subdivision that a suitable park or parks of adequate size or character cannot be located in such subdivision, either alone or in conjunction with abutting park reservations in adjoining subdivision, or potential park reservations on abutting land yet to be subdivided, or is otherwise not practical, it may require as a condition to approval of such subdivision, a payment in lieu thereof, to the Village by the applicant, of a sum to be calculated on the basis of an amount as set forth by resolution of the Village Board of Trustees in the Master Fee Schedule, which may be amended, multiplied by the total number of new building lots contained in said subdivision. Such sum shall constitute a trust fund to be used by the Board of Trustees for the acquisition and development of neighborhood park, playground or recreation purposes. [Amended 1-16-2003 by L.L. No. 1-2003]

B. Street widening and easements.

- (1) Widening and realignment of existing streets. Where the subdivision borders an existing street and additional land is required for realignment or widening of such street, as indicated by the Official Map or Village Master Plan, or otherwise determined by the Planning Board to be necessary, such additional land shall either be included as a part of such street as indicated on such plat, or shall be marked on the plat "Reserved for Street Realignment (or Widening) Purposes."
- (2) Utility and drainage easements. Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street rights-of-way, perpetual unobstructed easements of appropriate width for such utilities, but not less than 20 feet, shall be provided across property outside the street lines and with satisfactory access to the street. Easements shall be indicated on the plat.
- (3) Easements for pedestrian access. The Planning Board may require, in order to facilitate pedestrian access from streets to schools, parks, playgrounds, or other nearby streets, perpetual unobstructed easements at least 20 feet in width. Easements shall be indicated on the subdivision plat.
- (4) Easements for sight distance at intersections. The street intersection areas reserved for sight easements, as described in § 190-17H(2), shall be indicated on the

subdivision plat, and offers of easement to the Village shall be submitted with the plat.

- (5) Responsibility for ownership of reservations. Title, if vested in interests other than the developer, shall be clearly indicated on all reservations for park and playground purposes.

§ 190-22. Subdivisions in Business Zoning Districts.

- A. Subdivisions located in areas zoned for business development shall be subject to the following regulations, in addition to all other applicable regulations.
- B. Lot size and shape. Each lot shall be of such size, shape and dimensions that it may be properly developed for business use under Chapter 220, Zoning, with adequate space for vehicular access, off-street parking, off-street loading, buffer areas adjacent to residential zoning districts, and other required planting areas.
- C. Access.
 - (1) Each lot shall have adequate width of space between the street frontage giving it vehicular access and the portion or portions of the lot where parking and loading areas can be located, allowing for the location of a building or buildings on the lot. Such width of access to such parking and loading areas shall be adequate for two directions of vehicular travel, unless a one-way traffic flow is to be planned, in which case a notation to that effect shall be placed on the subdivision plat in a form satisfactory to the Planning Board and Village Attorney. The minimum pavement width for a two-way traffic access shall be 24 feet, and for a one-way traffic access 15 feet, with no parking permitted along such access road or roads.
 - (2) Areas planned for off-street parking and loading on adjoining lots in the subdivision shall be so located that movement of traffic between adjoining lots will be possible, thereby minimizing the number of necessary vehicular entrances and exits crossing the street sidewalk in the subdivision, increasing safety to pedestrians on the sidewalk, increasing convenience to those using the lots in the business subdivision, and making possible a more unified development of business buildings in the subdivision. An easement or easements, in form satisfactory to the Village Attorney, permitting such flow of traffic between parking areas on adjoining lots, shall be indicated on the plat.
- D. Sidewalks. Sidewalks, if deemed necessary and required, shall be at least four feet in width with a tree planting area of at least four feet in width along the street curb.
- E. Buffer planting areas. An area at least 10 feet in width, or more if required by Chapter 220, Zoning, as part of a development plan, shall be reserved along all boundaries of a lot adjoining a Residential Zoning District. Where this part of the lot is on a slope, the buffer area shall be located at the top of such slope and shall be reasonably level to accommodate the buffer planting.
- F. Development plan. The applicant for approval of the subdivision shall cause to be prepared and shall file with the application a plan showing that a business development meeting all the above-described standards, as well as applicable zoning standards and requirements, is feasible on each of the lots in the proposed subdivision. The Planning Board shall approve such a plan, which approved plan shall be filed in the records of the Planning Board with the approved subdivision plat.

§ 190-23. Miscellaneous.

- A. Self-imposed restrictions. The owner may place restrictions on any of the land contained in the subdivision greater than those required by Chapter 220, Zoning. Such restrictions shall be indicated on the subdivision plat.
- B. Adjustment of regulations. Where the Planning Board finds that extraordinary hardships may result from strict compliance with these regulations, it may adjust the regulations so that substantial justice may be done and the public interest secured, provided that any such adjustment will not have the effect of nullifying the intent and purpose of these regulations, Chapter 220, Zoning, the Village Master Plan, or the Official Map of the Village. In granting any adjustment, the Planning Board shall attach such conditions as are, in its judgment, necessary to secure substantially the objectives of the standards or requirements so adjusted.

ARTICLE IV
Specifications for Plans and Plats

§ 190-24. Sketch plan.

Sketch plans shall be drawn to a convenient scale, not less than one inch equals 100 feet, on a map based on tax map information or on some other similarly accurate base map, and shall show the following information:

- A. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, the name of the land surveyor, and the name of the licensed professional engineer who prepared the sketch plan.
- B. The location of the property with respect to surrounding properties and roads. All property held by the applicant in the area should be identified.
- C. The names of all adjoining property owners of record, or the names of adjoining developments.
- D. The location and approximate dimensions of all existing property lines and of any easements on the property, the nature of the latter to be described.
- E. The existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than five feet or as required by the Planning Board.
- F. The location, width, and approximate grade of all proposed roads. Approximate elevations shall be shown at the beginning and end of each road, at road intersections, and at all points where there is a decided change in the slope or direction.
- G. The approximate location, dimensions and area of all proposed or existing lots.
- H. The approximate location and dimensions of all property proposed to be set aside for playground or park use.

- I. Proposed provision of water supply, fire protection, disposal of sanitary waste, stormwater drainage, road trees, road lighting fixtures, road signs and sidewalks, data on which must be available for consideration at this stage.
- J. The date, approximate true North point, and scale.

§ 190-25. Preliminary subdivision layout and subdivision plat.

- A. All preliminary subdivision layouts and subdivision plats shall be clearly and legibly drawn on a transparent material. The final subdivision plat shall be drawn on transparent linen or film such as Mylar or Cronoflex, using black waterproof ink. The preliminary subdivision layout may, if desired, be drawn in pencil on the same type of transparent material so that, upon approval, it may be inked in with any necessary changes for submission as the final subdivision plat.
- B. Drawings shall be on uniform size sheets not larger than 24 inches by 36 inches and at a scale of no less than one inch equals 100 feet. Whenever any subdivision is of a size that requires more than one sheet, an index map of the same size shall accompany these sheets or a small index map may be drawn on the corner of each individual sheet.
- C. The following information shall be shown on the plat:
 - (1) Proposed subdivision name or identifying title, which shall not duplicate or too closely approximate that of any other development in the Village.
 - (2) Date, approximate true North point, and graphic scale.
 - (3) Name, address, and signature of owner, subdivider, and the name and qualifications of the licensed professional engineer and land surveyor.
 - (4) Names of owners of record of abutting properties or developments.
 - (5) Locations, names and widths of abutting and existing roads, highways, easements, building lines, parks and other public properties. The location of all water bodies, swamps, streams, trees over eight inches in diameter, rock outcroppings, and existing buildings. Buildings to be removed as a condition of plat approval shall be so identified.
 - (6) Locations, widths, and names of all proposed roads, and the location, dimensions and status of all easements proposed by the subdivider.
 - (7) Proposed connections with existing water supply and sanitary sewerage systems, or alternative means of providing water supply and sanitary waste treatment and disposal as provided in § 1115 et seq. of the Public Health Law. Proposed locations and sizes of sanitary sewerage system, even if a public trunk line sanitary sewer is not presently available but is reasonably expected to become available in the future. Proposed provisions for collecting and discharging surface water drainage, including the proposed location and sizes of drains, culverts, catch basins, curbs and gutters. The proposed locations of fire hydrants, street trees,

streetlighting standards, street signs, or other improvements to be provided in connection with the subdivision.

- (8) Lot areas in square feet, or in acres to the nearest third decimal place.
- (9) The location and dimensions of all boundary lines of the subdivision, and the location of all lot lines with accurate dimensions and bearings or angles. All lots shall be suitably numbered for identification.
- (10) Sufficient data acceptable to the Village Engineer to determine readily the location, bearing and length of all lines, and to reproduce such lines upon the ground. Where practicable, 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.
- (11) Radii of all curves and lengths of arcs.
- (12) Location of all existing and proposed monuments.
- (13) The accurate location and dimensions of all property which is offered, or to be offered, for dedication for public use, with the purpose indicated thereon, and of all property that is proposed to be reserved by deed covenant for the common use of the property owners of the subdivision.
- (14) The following notations shall be shown on the plat:
 - (a) Endorsement of the County Health Department, and any notations required by that Department.
 - (b) Explanation of drainage easements, as follows:

"The drainage easements (or the drainage discharge points) shown hereon establish the perpetual right to discharge stormwater runoff from the highway and from the surrounding area onto and over the effected premises by means of pipes, culverts or ditches, or a combination thereof, together with the right of the holder of fee title to the highway, or his authorized representatives, to enter said premises for purposes of making such installations and doing such maintenance work as said holder of fee title may deem necessary to adequately drain the highway and surrounding area."

- (c) Explanation of sight easements, as follows:

"The sight easements shown hereon establish the perpetual right of the holder of fee title of the highway, or his authorized representatives, to clear, regrade and maintain the area within these easements at such elevation that there is a clear line of sight anywhere across the area between an observer's eye at an elevation of 3.5 feet above the road surface at the nearest edge of the road and an object one foot above the nearest edge of pavement on the intersecting road."

(17) Form for endorsement by Planning Board Chairman, as follows:

"Approved by Resolution of the Planning Board of the Village of Briarcliff Manor, N.Y., on the _____ day of _____, 20____, subject to all requirements and conditions of said Resolution. Any change, erasure, modification or revision of this plat after the above date shall void this approval.

Signed this ____ day of _____, 20____.

Chairman

Secretary"

(18) Notations of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner.

§ 190-26. Preliminary and final construction plans.

- A. The construction plans required to be submitted with the preliminary layout and subdivision plat shall be clearly and legibly drawn on a transparent material. The final construction plan shall be drawn on transparent linen or film, such as Mylar or Cronoflex, using black waterproof ink. The preliminary construction plan may, if desired, be drawn in pencil on the same type of transparent material, so that upon approval it may be inked in with any necessary changes for submission as the final construction plan.
- B. All drawings shall be on uniform size sheets not larger than 24 inches by 36 inches, and at a scale of no less than one inch equals 50 feet. Whenever any subdivision is of a size that requires more than one sheet, an index map of the same size shall accompany these sheets or a small index map may be drawn on the corner of each individual sheet.
- C. The following information shall be shown on the construction plan:
 - (1) Profiles showing existing and proposed elevations along the center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets, within 100 feet of the intersection, shall be shown. All elevations must be referred to established United States Geological Survey bench marks.
 - (2) The Planning Board may require a cross-section where steep slopes exist, showing present elevations of all proposed streets every 100 feet at five points on a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line, and points 25 feet inside each property line.
 - (3) Plans and profiles showing the location and a typical cross section of street pavements, including curbs and gutters, sidewalks, manholes and catch basins; the locations of street trees, streetlighting standards and street signs; the location, size,

and invert elevations of existing and proposed sanitary sewers (including main sewers and lateral sewers where no public trunk sanitary sewer is presently available), stormwater drains, and fire hydrants; and the exact location and size of all water, gas, or other underground utilities or structures.

- (4) A notation as follows:

"Approved by

Owner
and

Date

and

Village Engineer

Planning Board Chairman

- (5) A notation as follows:

"The area shown within the sight easements at road intersections shall be cleared, graded and maintained in accordance with the standards set forth in the Subdivision Regulations of the Village of Briarcliff Manor."

- (6) A notation as follows:

"All specifications, materials and methods of construction to be in accordance with the standards approved by the Village of Briarcliff Manor and in accordance with the Planning Board Resolution approving these plans."

- (7) All sheets of the construction plans shall be appropriately titled and shall be consecutively numbered as "Sheet ____ of ____."
- (8) Title, name, address, signature and seal of licensed engineer preparing the construction plans, and the date prepared, including revision dates, if any.

ARTICLE V
Definitions

§ 190-27. Definitions.

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

CONSTRUCTION PLAN — The maps or drawings, described in § 190-26, accompanying a subdivision plat, and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Board as a condition to the approval of said plat.

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

MASTER PLAN — A comprehensive plan for development of the Village, which has been, or may in the future be, prepared by the Planning Board pursuant to § 7-722 of the Village Law, and includes any part of such plan and any amendment to such plan or parts thereof.

OFFICIAL MAP — The map established by the Board of Trustees under § 7-724 of the Village Law, showing the streets, highways and parks theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the Board of Trustees, or additions thereto resulting from the approval of subdivision plats by the Planning Board, and the subsequent filing of such approved plats.

OFFICIAL SUBMITTAL DATE — The date upon which a subdivision plat is officially submitted to the Planning Board pursuant to § 7-728 of the Village Law, and is hereby defined as the date of the next regular meeting of the Planning Board following completion of the application procedure outlined in § 190-11A for a preliminary subdivision plat, and in § 190-12A for a final subdivision plat. If a meeting is not held within 30 days of completion of such procedures, the official submittal date shall be considered to be the expiration date of such thirty-day period.

PERFORMANCE BOND — A performance bond as required by § 7-730 of the Village Law to assure the full and satisfactory completion of all subdivision requirements and improvements as specified in the resolution of the Planning Board approving the subdivision, with surety company or cash surety as determined in each case by the Village Board of Trustees.

PLANNING BOARD — The Village Planning Board.

RESUBDIVISION — Any change in the subdivision plat which is filed in the Office of the County Clerk, except for a change in a boundary line between two lots on said plat which does not result in the creation of a new lot or cause any lot or building thereon to become nonconforming under Chapter 220, Zoning, as it is in effect on the date of the change in said lot line.

SKETCH PLAN — The preliminary drawing or drawings and related information described in §§ 190-10A and 190-24 of these regulations.

STREET — A way which is an existing state, county, town or Village highway, or a way shown on a subdivision plat approved by the Village Planning Board as provided by law, or is proposed to be such a way on a subdivision application to the Planning Board.

STREET, BUSINESS — A street which serves or is designed to serve as an access to abutting business properties.

STREET, DEAD-END — A street or a portion of a street with only one vehicular traffic outlet.

STREET, LOCAL RESIDENTIAL — A street intended to serve primarily as an access to abutting residential properties.

STREET, MAJOR — A street which is used primarily as a route for traffic between communities or large areas.

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

STREET, SECONDARY — A street which serves or is designed to carry traffic from local residential streets to the system of major streets.

STREET WIDTH — The distance between property lines measured at right angles to the center line of the street.

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

SUBDIVISION — The division of any parcel of land into two or more lots, blocks, sites, with or without the creation of new streets or highways and shall include resubdivision. In changing property lines where existing lots or parcels are divided in such a manner as not to involve the creation of a new parcel or lot, and do not decrease the area or dimensions of any existing lot or parcel or of any building setback below the zoning requirement, it shall not be considered a land subdivision within the meaning of these regulations. **[Amended 8-26-1992]**

SUBDIVISION LAYOUT, PRELIMINARY — The drawing or drawings described in §§ 190-11 and 190-25 of these regulations, showing the proposed layout of the proposed subdivision submitted to the Planning Board for formal consideration prior to preparation of the subdivision plat.

SUBDIVISION PLAT — The final drawing or drawings provided for in §§ 7-728 and 7-730 of the Village Law, Chapter 64 of the Consolidated Laws, and described in §§ 190-12 and 190-25, submitted to the Planning Board for final approval and which, if approved, may be submitted to the County Clerk for recording.

TRAVELED WAY — Pavement.

VILLAGE STANDARDS AND SPECIFICATIONS — Standards and specifications approved by the Village Engineer for the construction of streets and improvements customarily provided in street rights-of-way.

ZONING ORDINANCE — The officially adopted Zoning Ordinance of the Village, together with any and all amendments thereto. ²

2. Editor's Note: See Ch. 220, Zoning.

