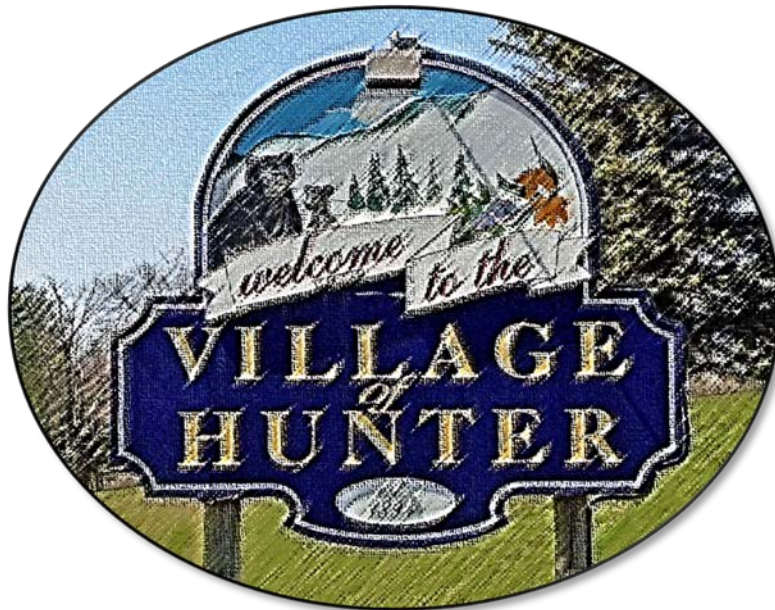


VILLAGE OF HUNTER SUBDIVISION LAW



LOCAL LAW #2 OF 2013

OF THE VILLAGE OF HUNTER
TOWN OF HUNTER, GREENE COUNTY, NEW YORK

ADOPTED SEPTEMBER 9, 2013

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ARTICLE I - GENERAL PROVISIONS

SECTION 1. AUTHORITY

This Local Law is hereby adopted pursuant to the provisions of Section 10 of the Municipal Home Rule Law and Article 7 of the Village Law of the State of New York. The Village of Hunter Board of Trustees hereby authorizes and empowers the Village of Hunter Planning Board to review and approve plats for the subdivision of land within the Village of Hunter.

SECTION 2. JURISDICTION

Land within the Village of Hunter may be subdivided into lots, blocks, or sites, with or without roads or highways, only if approved by the Village of Hunter Planning Board in accordance with the procedures and requirements as set forth in these Regulations and in accordance with all local laws and ordinances of the Village of Hunter and only if the approved plat is duly filed in the Office of the County Clerk of Greene County, New York. Construction, excavations, filling, grading, clearing of vegetation or other similar activities shall not begin within any area proposed or intended for subdivision until said subdivision plat shall have been approved, or conditionally approved by the Planning Board.

SECTION 3. POLICY

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

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. These standards shall be considered to be minimum requirements and may be waived by the Board only under circumstances set forth in Article I, Section 5 herein.

It is declared to be the policy of the Planning Board to consider land subdivisions as part of a plan for the orderly, efficient, and economical development of the Village. This means, among other things:

- A. That land to be subdivided shall be of such character that it can be used safely for building purposes without danger of health or peril from fire, flood, or other menace, and without resulting in significant and/or irreparable damage to the ecology of the area in which it is located;
- B. That proper provisions shall be made for surface drainage, water supply, sewage and other needed improvements;
- C. That all proposed lots shall be so laid out and of such size as to not cause any adverse effects, such as erosion, on neighboring properties or roadways;

- D. In order to facilitate fire protection, roads shall have a minimum right of way width (50 feet), grade and location so as to accommodate the prospective traffic. Roads shall also follow the natural contours of the land.
- E. The Planning Board reserves the right to retain an engineer and/or other professional consultants, as it deems necessary, at the applicant's expense, to review any information and materials submitted or filed by a subdivider.
- F. In order to evaluate any proposed subdivision, members of the Planning Board and its designees should have access to the site upon reasonable notice to and consent of the owner and such consent shall not be unreasonably withheld.

SECTION 4. AMENDMENTS

This local law may be amended by the Village Board after public hearing relating to such amendments. Any proposed preliminary subdivision plat which has not received sketch plan approval prior to the effective date of any amendment to this local law, or any conditionally approved preliminary subdivision plat where an application for final plat approval has not yet been received within six months of the date of conditional approval, will be required to fully comply with any amendment to this law.

SECTION 5. WAIVERS

Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements or design features 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, provided that such waiver will not have the effect of nullifying the intent and purpose of the Village of Hunter Comprehensive and Revitalization Land Use Plan, Zoning Law, or any other local law or ordinance of the Village of Hunter.

SECTION 6. SEPARABILITY

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

SECTION 7. STATE ENVIRONMENTAL QUALITY REVIEW COMPLIANCE

Notwithstanding any provisions of these subdivision regulations or any other laws or regulations to the contrary, the provisions and requirements of Article 8 of the Environmental Conservation Law, Part 617, hereinafter referred to as "SEQRA" regulations, shall be complied with.

SECTION 8. EFFECTIVE DATE

This local law shall take effect in accordance with the requirements of the New York State Municipal Home Rule Law.

ARTICLE II - DEFINITIONS

Except where specifically defined, all words used in these Regulations shall carry their customary meaning. Words used in the present tense shall include the future; words used in the singular shall include the plural, unless the context clearly indicates otherwise. The word “shall” is always mandatory. The word “may” is permissive. “Building” or “Structure” includes any part thereof. The word “person” includes an individual person, a firm, a corporation, a co-partnership and any other agency of voluntary action.

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

ACCEPTANCE: A transfer of ownership from a developer to the Village. Maintenance shall be borne by the Village.

CLUSTER DEVELOPMENT: A subdivision plat or plats in which the applicable Village of Hunter Zoning Regulations have been modified to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks and landscaping in order to preserve the natural and scenic qualities of open lands.

COMPREHENSIVE (OR MASTER) PLAN: “The Village of Hunter Comprehensive and Revitalization Land Use Plan”, updated in 2002 or as subsequently amended, which defines goals, objectives and general recommendations for the revitalization and development of the Village of Hunter.

CONSULTANT ENGINEER: An engineer who is retained by the Village at the expense of the subdivider. Whenever appropriate, acting without compensation, the Village Highway Superintendent, members of the Village Board or other appropriate responsible individuals may be designated to act as or substitute for the Consultant Engineer, upon specific authorization by the Planning Board.

DEAD-END ROAD: A road or a portion of a road with only one vehicular traffic outlet. The terminus of this road may end in a Hammerhead, Cul-de-sac or other approved turnaround.

DRIVEWAY: A private right-of-way providing access into a maximum of 3 lots which is used for personal use only. A Shared Driveway Agreement must be signed by all parties sharing said driveway.

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

ENVIRONMENTAL ASSESSMENT FORM (EAF): A form used during the State Environmental Quality Review process to assist the Planning Board in determining the environmental significance or non-significance of an action or project. The EAF is either a Short Environmental Assessment Form or a Full Environmental Assessment Form.

ENVIRONMENTAL IMPACT STATEMENT (EIS): A written document required for any action or project which may have a significant effect on the environment, as determined during the State Environmental Quality Review process. An EIS is prepared in two stages, first as a Draft Environmental Impact Statement (DEIS) and then as a Final Environmental Impact Statement (FEIS).

FLAG LOT: A lot behind other lots, with at least 20 feet frontage on a road and accessed by a narrow corridor.

GREEN INFRASTRUCTURE: Stormwater handling techniques that infiltrate, evapo-transpire or reuse stormwater, using soils and vegetation rather than traditional collection, conveyance and storage structures. Common green infrastructure approaches include green roofs, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, vegetated median strips, reforestation, and protection and enhancement of riparian buffers and floodplains.

HIGHWAY SUPERINTENDENT: The Village of Hunter Highway Superintendent.

LOT LINE ADJUSTMENT: Modification of the location of existing lot line(s) between a maximum of three parcels that does not create any new parcels or a sub-standard parcel. Such adjustment is exempt from full Subdivision Review but requires Planning Board approval as specified in Article VIII.

NARROW CORRIDOR: A strip of land which provides access to a Flag Lot. Narrow Corridors must be at least 20 feet in width.

PARCEL: A tract of land either unsubdivided or consisting of two or more contiguous lots recorded in a plat or deed under one ownership.

PERFORMANCE BOND: A bond as required by Section 7-730 of the Village Law to assure the full and satisfactory completion of all required subdivision improvements as specified in the Planning Board Approval Resolution.

PLANNING BOARD: The Planning Board of the Village of Hunter.

PLAT: A plan for a proposed subdivision with all of its identifying data

PRELIMINARY PLAT: A drawing or drawings clearly marked "Preliminary Plat" showing the layout of a proposed major subdivision, as specified in Article V, Section 1 of these Regulations, submitted to the Planning Board for approval 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.

FINAL PLAT: A drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these Regulations, as specified in Article V, Section 2, to be presented to the Planning Board for approval and which, if approved, may be duly filed and recorded by the applicant in the Office of the County Clerk.

PUBLIC HEARING: A public meeting called by the Planning Board to solicit the views of interested parties in connection with a proposed subdivision prior to a decision by said Board.

ROAD: Streets, roads, avenues, lanes or other traffic ways between right-of-way lines. The term “Road” does not include driveways.

VILLAGE ROAD: A road which has been dedicated to and accepted by the Village of Hunter and meets all the specifications in the Village Road Standards.

PRIVATE ROAD: A road which is privately owned and maintained. All private roads in Subdivisions approved after the date of this local law must be designed, and the base courses constructed, in accordance with the Village Road Standards, however application of the final pavement surface is not required.

SKETCH PLAN: A sketch of a proposed subdivision showing the information specified in Article II, Section 1, of these Regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout.

SEQRA: State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law and its implementing regulations at 6 NYCRR Part 617.

SITE PLAN REVIEW: The process by which approval is given to proposed construction in accordance with regulations contained in the Village of Hunter Zoning Law.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP): A Plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

SUBDIVIDER OR APPLICANT: Any person, firm, corporation, partnership or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or others. The subdivider must own the property to be subdivided or have a signed purchase agreement with the Owner. In the event the subdivider is a corporation, LLC or other similar entity, legal documents must be provided that verify the applicant has the authority to represent the entity.

SUBDIVISION: The division of any parcel of land into two or more lots, with or without roads, including resubdivision. Specifically excluded from this definition, however is a “Lot Line Adjustment” as defined in these regulations.

DE FACTO SUBDIVISION: A tax parcel which is divided into two pieces by intervening ownership, such as a public road or utility line right-of-way, shall be considered a “de facto” subdivision, and is exempt from Subdivision Review by the Planning Board.

MAJOR SUBDIVISION: Any subdivision not classified as a Minor Subdivision, including, but not limited to, subdivisions of four or more lots, or any size subdivision requiring any new road or extension of municipal facilities.

MINOR SUBDIVISION: Any subdivision containing not more than three lots fronting on an existing road, not involving any new road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Master Plan, Zoning Law, or these Regulations.

RESUBDIVISION: means a change in a map of an approved or recorded subdivision plat if such change affects any road layout or changes the location of lot lines of four or more parcels.

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

VILLAGE BOARD: The Village Board of Trustees of the Village of Hunter.

VILLAGE ROAD STANDARDS: The standards and specifications adopted by the Village Board for the construction of new roads and related improvements, as specified in the Village of Hunter Local Law No. 3 of the Year 1989, entitled “Regulating Standards for the Dedication of Village Roads” or as subsequently amended.

WOODED AREA: A dense growth of trees, plants and underbrush.

ARTICLE III - SKETCH PLAN PROCEDURE

SECTION 1. SKETCH PLAN

A. Submission of Sketch Plan

Any owner of land shall, prior to subdividing or resubdividing land, submit to the Planning Board at least 10 days prior to a regular meeting of the Board two copies of a Sketch Plan of the proposed subdivision for the purposes of classification and preliminary discussion at said meeting.

B. Sketch Plan Requirements

The sketch plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate base map at a scale, preferably not less than 200 feet to the inch, to enable the entire tract to be shown on one sheet. The Sketch Plan shall be submitted, showing the following information:

1. The location of the portion of the lot to be subdivided in relation to the entire tract, and the distance to the nearest existing road intersection.
2. All existing structures, wooded areas, streams, wetlands, and other significant physical features, within the portion to be subdivided and within 200 feet thereof. Where topographic conditions are significant, contours shall also be indicated at intervals of not more than 20 feet.
3. The name of the owner, the name of the subdivider/applicant if different than the owner, the name of the professional person(s) responsible for the subdivision design, and the names of all contiguous land owners, owners across the street/roadway or driveway, and others the Planning Board may deem appropriate and as disclosed by the most recent municipal tax records.

Note that the subdivider must own the property to be subdivided or have a signed purchase agreement with the owner. In the event the subdivider is a corporation, LLC or other similar entity, legal documents must be provided that verify the applicant has the authority to represent the entity.

4. The proposed subdivision name, if applicable, the tax map sheet, block and lot numbers, scale, north arrow and acreage involved.
5. All the utilities currently available, including any existing or proposed easements, and all roads which are either proposed, mapped, or built.
6. The proposed pattern of lots (including lot width, depth, and acreage), road layout, recreation areas, system of drainage, sewerage and water supply within the subdivided area.
7. All existing restrictions on the use of land including easements or covenants.

C. Discussion of Sketch Plan and Classification

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements as outlined above.

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

Classification of the Sketch Plan is to be made at this time by the Planning Board as to whether it is a Minor or Major Subdivision as defined in these regulations. The Board may require, however, when it deems it necessary for protection of the public health, safety and welfare, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions. If the Sketch Plan is classified as a Minor Subdivision, the subdivider shall then comply with the procedure outlined in Article IV of these regulations. If it is classified as a Major Subdivision, the subdivider shall then comply with the procedures outlined in Article V of these regulations.

D. State Environmental Quality Review (SEQRA) Determination

After reviewing the Sketch Plan, the Planning Board will direct the subdivider to complete an Environmental Assessment Form (EAF) which will be used during the State Environmental Quality Review. This document is either a Full Environmental Assessment Form or a Short Environmental Assessment Form. General guidelines to decide which document should be completed are:

1. Full Environmental Assessment Form – Use if the subdivision meets any of the criteria for a Type 1 Action in 6NYCRR §617.4 or the Planning Board has concerns about the project’s scale or the site’s environmental constraints such as freshwater wetlands, jurisdictional streams, steep slopes, proximity to historic sites or public lands, etc.
2. Short Environmental Assessment Form – Use if the subdivision does not meet any of the criteria for a Type 1 Action in 6NYCRR §617.4 and the Planning Board has no concerns about the project’s scale or the site’s environmental constraints.

ARTICLE IV - MINOR SUBDIVISION APPROVAL

SECTION 1. MINOR SUBDIVISION PLAT APPLICATION

A. Application Requirements

Within six months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the subdivider shall submit an application for approval of a Minor Subdivision Plat using the application available from the Planning Board. Failure to submit an application within this time period shall require resubmission of the Sketch Plan to the Planning Board for reclassification.

The Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board. In addition to the data set forth in the Sketch Plan, the Subdivision Plat application shall include the following:

1. A copy of such covenants or deed restrictions, existing and proposed, that are intended to cover all or part of the tract.
2. A completed Environmental Assessment Form or Draft Environmental Impact Statement, as required by the Planning Board under the NYS Environmental Quality Review Act (SEQRA).
3. Fee – All fees applicable to subdivision approvals in the Village of Hunter shall be set by resolution of the Village Board as it from time to time deems appropriate.
4. Number of Copies – At least five copies of the Minor Subdivision Plat shall be presented to the Planning Board. A greater number may be required in the event the County Clerk requires same for filing. In addition, a CD containing a digital copy of the plat in PDF format is required

B. Plat Requirements

The Plat to be filed with the County Clerk shall be printed or be clearly drawn in ink on mylar and stamped by a New York State licensed surveyor or engineer. The size of the sheet shall be 24 by 36 inches or as otherwise required by the County Clerk.

The mylar subdivision plat and copies shall state in clear 12 point or larger type: “Subdivision Approval does not authorize the construction or design of water and sewage service and hookup to the premises. Permits for water and sewage are discretionary approvals issued by the Village of Hunter Board of Trustees that may or may not be granted.”

C. Receipt of a Complete Minor Subdivision Plat

A Minor Subdivision Plat shall not be considered complete until a negative declaration has been filed in accordance with SEQRA. Time periods for review of a minor subdivision plat shall begin upon filing of such negative declaration.

SECTION 2. APPROVAL OF MINOR SUBDIVISION PLAT

A. Planning Board Review

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board at which the Minor Subdivision Plat is to be reviewed.

B. Public Hearing

A public hearing shall be held by the Planning Board within 62 days from the receipt of the complete Minor Subdivision Plat. Said hearing shall be advertised in a newspaper of general circulation in the Village at least five days before such hearing. The Applicant shall mail notice of such hearing by certified mail, return receipt requested, to all contiguous land owners, owners across the street/roadway or driveway, and any others the Planning Board may deem appropriate, at least 10 days prior to the Public Hearing. The Applicant shall submit proof of such mailing to the Planning Board prior to the Public Hearing.

C. Action on Minor Subdivision Plat

The Planning Board shall, within 62 days from the close of the Public Hearing, approve, approve with modifications, or disapprove the Subdivision Plat. The time in which the Planning Board must take action on the plat may be extended by mutual consent of the subdivider and the Planning Board.

D. Certification of Minor Subdivision Plat

Within five business days of the adoption of a resolution granting subdivision approval, the plat shall be certified by the Planning Board Chairman or Deputy Chairman. The Planning Board shall maintain a copy of the resolution and plat in their files, and copies of the resolution shall be filed with the Village Clerk and mailed to the subdivider.

ARTICLE V - MAJOR SUBDIVISION APPROVAL

SECTION 1. MAJOR SUBDIVISION PRELIMINARY PLAT REQUIREMENTS

Five copies of the Major Subdivision Preliminary Plat shall be submitted at a scale of not more than 100 but preferably not less than 50 feet to the inch. The Plat shall be clearly marked "Major Subdivision Preliminary Plat."

A. Requirements

In addition to the data in the Sketch Plan, the Preliminary Plat application shall include the following:

1. Proposed subdivision name, name of Village and County in which it is located, date, north point, scale, name and address of record owner and subdivider, and stamp of a New York State licensed Surveyor or Engineer.
2. The name of all subdivisions immediately adjacent and the names of the owners of record of all property adjacent to the subdivision and within 500 feet of any perimeter boundary.
3. Offers of cession of all land to be offered for dedication for roads, highways, easements, parks or other public facilities.
4. The location of all existing property lines, easements, structures, water bodies, watercourses, wetlands, flood hazard areas, rock outcrops, wooded areas and areas of proposed clearing, and any other significant existing features that may influence the design of the proposed subdivision.
5. Accurate topographic mapping at a vertical contour interval of 10 feet or less as required by the Planning Board.
6. Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades, direction of flow and existing easements.
7. The width, location and names of any roads or public ways or places within the area the area to be subdivided and the right-of-way width, location grades, and proposed easements of all roads or public ways proposed by the developer.
8. Approximate location and size of all proposed water lines and sewer lines or alternative means of water supply or sewage disposal and treatment, including sites for on-site systems as provided in the Public Health Law. All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the State Department of Health, Department of Environmental Protection and Department of Environmental Conservation if applicable. If individual septic systems are proposed, soil percolation tests shall be performed for each proposed building lot. The results of these soil tests shall accompany the Major Subdivision Preliminary Plat.

9. If sewer and water service to the parcels is proposed to be accomplished with connection to the Village municipal systems, the applicant shall present designed plans for such connection from a licensed engineer. The Applicant must adhere to the requirements set forth in the Village Water and Sewer Use Laws, respectively.
10. The subdivision plat and copies shall state in clear 12 point or larger type: “Subdivision Approval does not authorize the construction or design of water and sewage service and hookup to the premises. Permits for water and sewage are discretionary approvals issued by the Village of Hunter Board of Trustees that may or may not be granted.”
11. The location and spacing of fire hydrants shall be shown on the subdivision plat and reviewed and approved by the Village of Hunter Water Department.
12. Storm drainage plan indicating the approximate location and size of proposed lines, their profiles and connection to existing and proposed drainage easements. Temporary measures to control erosion during construction phase shall also be shown.
13. Plans and cross-sections showing the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits.
14. Preliminary designs of any bridges or culverts which may be required.
15. The proposed lot lines with approximate dimensions and area of each lot and the total acreage of the subdivision.
16. 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 which shall provide satisfactory access to an existing public road or other public road or public open space shown on the subdivision.
17. An actual field survey of the boundary lines of the parcel, giving complete descriptive data by bearings and distances, prepared and certified to 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 Consultant Engineer and shall be referenced and shown on the Plat.
18. If the proposed subdivision covers only a part of the subdivider’s entire holding, a map of the entire tract drawn at a scale of not less than 400 feet to the inch showing an outline of the platted area with its proposed roads and indication of the probable future road system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract shall

be submitted. The part of the subdivider's holding submitted shall be considered in light of the entire holdings.

B. Covenants and Deed Restrictions

A copy of such covenants or deed restrictions, existing and proposed, that are intended to cover any lot in all or part of the tract shall be submitted along with the preliminary plat.

C. SEQRA Documents

A completed Environmental Assessment Form or Draft Environmental Impact Statement (DEIS), as required by the Planning Board under the NYS Environmental Quality Review Act (SEQRA) shall be submitted along with the preliminary plat.

SECTION 2. MAJOR SUBDIVISION FINAL PLAT REQUIREMENTS

A. Plat Requirements

The Plat to be filed with the County Clerk shall be printed on or be clearly drawn in ink on Mylar. The size of the sheets shall be 24 inches by 36 inches, including a margin for binding of two inches, outside of the border, along the left side and a margin of one inch outside of the border along the remaining sides or in dimensions otherwise required by the County Clerk. The plat shall be drawn at a scale no smaller than 100 feet to the inch and oriented with the north point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.

B. Additional Data Required

In addition to the data on the Sketch Plan and the Preliminary Plat, the Final Plat shall include the following:

1. Proposed subdivision name or identifying title, the name of the Village and County in which the subdivision is located, the name and address of record owner and subdivider and the name, license number and seal of the licensed land surveyor.
2. Road lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
3. Sufficient data acceptable to the Consultant Engineer to determine readily the location, bearing and length of every road line, lot line, boundary line and to reproduce such lines upon the ground. Where applicable, these should be references 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, rod length of curves and central angles of all curves and tangent bearings shall be given for each road. 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. 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 therefore.
6. Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Village practice.

C. Covenants and Deed Restrictions

All offers of cession and covenants governing the maintenance of unceded open space bearing a certificate of approval as to their legal sufficiency by an attorney representing the Village shall be submitted with the Plat.

D. Construction Drawings

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

E. Requirements for Monuments and Corner Markers

1. Monuments of a type approved by the Consultant Engineer shall be set at all corner and angle points of the boundaries of the original tract to be subdivided and at all road intersections, angle points in road lines, points of curve and such intermediate points as shall be required by the Consultant Engineer.
2. All lot corner markers shall be permanently located satisfactorily to the Consultant Engineer and located in the ground to existing grade.

SECTION 3. APPROVAL PROCESS FOR MAJOR SUBDIVISION PLAT

A. Major Subdivision Preliminary Plat

1. Application Requirements

Prior to the filing of an application for final approval of a Major Subdivision Plat, the subdivider shall file an application for approval of a Major Subdivision Preliminary Plat using the application form available from the Planning Board. Such Preliminary Plat shall be clearly marked "Preliminary Plat" and shall, in all respects, comply with the requirements set forth in the provisions of NYS Village

Law and Article V of these regulations, except where a waiver may be specifically authorized by the Planning Board.

- a) Fee – All fees applicable to subdivision approvals in the Village of Hunter shall be set by resolution of the Village Board as it from time to time deems appropriate.
- b) Number of Copies – Five copies of the Major Subdivision Preliminary Plat shall be presented to the Planning Board. For subdivisions divided into five or more parcels of five acres or less, one of these copies will be sent to the New York City Department of Environmental Protection for their review prior to final approval with a request for their reply before the date of the Public Hearing.
- c) Receipt of a Complete Preliminary Plat – A preliminary plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of a Draft Environmental Impact Study (DEIS) has been filed in accordance with SEQRA. Time periods for review of a preliminary plat shall begin upon filing of such negative declaration or notice of completion.

2. Major Subdivision Preliminary Plat Review

The Planning Board shall study the practicability of the Major Subdivision Preliminary Plat taking into consideration the requirements of the community and the character of the land being subdivided. Particular attention shall be given to the arrangement, location and width of roads, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes, arrangement and the future development of adjoining lands as yet unsubdivided and the requirements of the Comprehensive Plan and local laws.

The subdivider or his duly authorized representative shall attend the Planning Board meeting to provide and/or obtain additional reasonably relevant evidence or information related to the Major Subdivision Preliminary Plat. The Planning Board may require that other Village officials including, but not limited to, the Highway Superintendent, Fire Chief and Building Inspector, review and comment on the Major Subdivision Preliminary Plat. If other Village officials are to participate in the review, the Planning Board will provide a copy of the Major Subdivision Preliminary Plat to such officials. Comments from any other Village officials should be submitted to the Planning Board prior to the scheduled public hearing.

3. Public Hearing

The Planning Board shall hold a public hearing for a Major Subdivision Preliminary Plat within 62 days of the receipt of a complete preliminary plat. The public hearing shall be advertised at least once in a newspaper of general circulation in the Village at least five days before such hearing, or 14 days if it is

being held jointly with a hearing on a DEIS. The subdivider or his duly authorized representative shall attend the Public Hearing. The Applicant shall mail notice of such hearing by certified mail, return receipt requested, to all landowners within 200 feet of the perimeter boundary of such subdivision and any others the Planning Board may deem appropriate, at least 10 days prior to the Public Hearing. The Applicant shall submit proof of such mailing to the Planning Board prior to the Public Hearing.

4. Action on Major Subdivision Preliminary Plat

Within 62 days after the close of such hearing, the Planning Board shall approve with or without modification or disapprove the Major Subdivision Preliminary Plat. The grounds for modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on the plat may be extended by mutual consent of the subdivider and the Planning Board.

If the project requires an Environmental Impact Statement, this time frame is modified. If the Planning Board is acting as Lead Agency, they must issue a findings statement and make a decision on the final plat within 30 days of the filing of the Final Environmental Impact Statement. If the Planning Board is not Lead Agency, they must act within 62 days of the close of the public hearing or within 30 days of the adoption of findings by the lead agency, whichever period is longer.

When approving the plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the plat in final form. Within five days of the approval of such Major Subdivision Preliminary Plat, the Planning Board shall certify that the plat has been granted preliminary approval. A copy of the plat and resolution shall be retained by the Planning Board and a copy of the resolution shall be filed with the Village Clerk and mailed to the owner.

When granting approval to a Major Subdivision Preliminary Plat, the Planning Board shall state the conditions of such approval, if any, with respect to:

- (1) modifications to the Major Subdivision Preliminary Plat,
- (2) the character and extent of waivers of required improvements which the Planning Board has agreed to waive without jeopardy to the public health, safety, and general welfare,
- (3) the amount of improvements or the amount of all bonds which will be required for approval of the Major Subdivision Plat.

Approval of a Major Subdivision Preliminary Plat shall not constitute approval of the Major Subdivision Final Plat. Rather, it shall be deemed an expression of approval of the design submitted and as a guide to the preparation of the Final Plat. Prior to approval of the Major Subdivision Final Plat, the Planning Board

may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at a public hearing.

B. Major Subdivision Final Plat

1. Application Requirements

The subdivider shall, within six months after the approval of the Major Subdivision Preliminary Plat, file with the Planning Board an application for approval of the Major Subdivision Final Plat, using the application form available from the Planning Board. If the Major Subdivision Final Plat is not submitted within six months after the approval of the Major Subdivision Preliminary Plat, the Planning Board may refuse to approve the Major Subdivision Final Plat and require re-submission of the Major Subdivision Preliminary Plat. The Planning Board may permit any subdivision for which Preliminary Plat approval has been granted to be submitted in sections for Final Plat approval.

- a) Fee – All fees applicable to subdivision approvals in the Village of Hunter shall be set by resolution of the Village Board as it from time to time deems appropriate.
- b) Number of Copies – Three copies (one copy printed or drawn in ink on mylar) of the Major Subdivision Plat, the original and one true copy of all offers of cession, covenants, and agreements and two prints of all construction drawings shall be presented to the Planning Board at the time of submission of the Major Subdivision Plat. In addition, a CD containing a digital copy of the plat in PDF format is required.

Receipt of a Complete Final Plat – A final plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of a Draft Environmental Impact Study (DEIS) has been filed in accordance with SEQRA. Time periods for review of a final plat shall begin upon filing of such negative declaration or notice of completion.

2. Endorsement of Other Agencies

Water and sewer facility proposals contained in the Major Subdivision Plat shall be properly endorsed and approved by the New York State Department of Health and the New York City Department of Environmental Protection if required. Applications for approval of plans for sewer or water facilities shall be filed by the subdivider with all necessary Village, County and State Agencies.

3. Public Hearing

The Planning Board shall hold a public hearing for a Major Subdivision Final Plat within 62 days of the receipt of a complete final plat. The hearing shall be advertised and notice given to neighbors in accordance with the procedures set forth above in Preliminary Plat Review.

The Planning Board may waive the requirement for the public hearing if they deem the Major Subdivision Final Plat is in substantial agreement with the Major Subdivision Preliminary Plat approved under Section 3A of this Article or, if the Major Subdivision Preliminary Plat was approved with modifications, the plat has been modified in accordance with the requirements of such approval.

4. Action on Major Subdivision Final Plat

Within 62 days of the close of the public hearing, or the receipt of a complete final plat if the public hearing was waived, the Planning Board shall by resolution conditionally approve with or without modifications, disapprove, or grant final approval and authorize the signing of the Major Subdivision Plat. This time may be extended by mutual consent of the subdivider and the Planning Board.

If the project requires an Environmental Impact Statement, this time frame is modified. If the Planning Board is acting as Lead Agency, they must issue a findings statement and make a decision on the final plat within 30 days of the filing of the Final Environmental Impact Statement. If the Planning Board is not Lead Agency, they must act within 62 days of the close of the public hearing or within 30 days of the adoption of findings by the lead agency, whichever period is longer.

5. Certification of Final Plat

Within five business days of the adoption of a resolution granting final or conditional approval, the plat shall be certified by the Planning Board as having been granted final or conditional approval. The Planning Board shall maintain a copy of the resolution and plat in their files, and copies of the resolution shall be filed with the Village Clerk and mailed to the subdivider. In the case of a conditionally approved plat, such resolution shall include the requirements, which when completed, will authorize the signing thereof. Upon completion of such requirements, the plat shall be signed by the Chairman or Deputy Chairman.

6. Time Limits on Conditional Approvals

Conditional approval of a Major Subdivision Plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted under the circumstances, not to exceed two additional periods of 90 days each.

ARTICLE VI - FILING OF APPROVED MAJOR AND MINOR SUBDIVISION PLATS

SECTION 1. FILING OF APPROVED SUBDIVISION PLATS

A. Final Approval and Filing

Upon Final Approval by the Planning Board, the Subdivision Plat shall be properly signed by the Planning Board Chairman or Deputy Chairman and shall be filed by the subdivider in the Office of the County Clerk. Any Subdivision Plat not so filed or recorded within 62 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. However, in the event the subdivider or applicant shall apply to the Board within one year of the approval, for re-approval of the plat, the Board may authorize the Chairman to restamp the plat if there are no changes to plat or the project site.

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 the said Plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such Subdivision Plat is recorded without complying with this requirement, the same shall be considered null and void and the Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

C. Approval Denied if Subdivider is in Default

No Subdivision Plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plat.

ARTICLE VII - REQUIRED IMPROVEMENTS

SECTION 1. REQUIRED IMPROVEMENTS

A. Costs of Improvements

Before the Planning Board grants final approval of a Subdivision Plat which requires that improvements will be made as a condition of such approval, the subdivider shall follow the procedure set forth in either sub-paragraph (1) or sub-paragraph (2) below:

1. In an amount set by the Planning Board, the subdivider shall either file with the Village Clerk a certified check or performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of §7-730 of New York State Village Law and further, shall be satisfactory to the Village Board and Village Attorney as to form, sufficiency, manner of execution and surety. A period of one year (or such other time period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond within which time required improvements must be completed. Bonds may be renewed upon the consent of all parties.
2. The subdivider shall complete all required improvements to the satisfaction of a New York State licensed engineer who shall file with the Planning Board a signed and sealed letter signifying the satisfactory completion of all required improvements. For any required improvements not so completed, the subdivider shall file with the Village Clerk a certified check or a performance bond covering the costs of such improvements and the cost of satisfactorily installing any improvement not yet approved by the licensed engineer. Any performance bond shall be satisfactory to the Village Board and Village Attorney as to form, sufficiency, manner of execution and surety.

B. Map of Improvements

The required improvements shall not be considered to be complete until the installation of the improvements has been approved by the Highway Superintendent or Consultant Engineer and a map has been submitted to the Planning Board showing all the completed improvements including the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to sub-paragraph (2) above, the map shall be submitted prior to endorsement of the plat by the Planning Board. If the subdivider elects to provide a bond or certified check for all required improvements, as specified in sub-paragraph (1) above, such bond shall not be released until such map is submitted.

C. Modification of Design of Improvements

If at any time before the construction of the required improvements it is demonstrated to the satisfaction of the Planning Board or Consultant Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required

improvements, the Planning Board may authorize modifications provided they are within the spirit and intent of the subdivision approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board.

D. Inspection of Improvements

At least five days prior to commencing construction of any 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 by the Highway Superintendent or Consultant Engineer 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. At this time, the subdivider shall pay to the Village Clerk the inspection fee required by the Village Board plus any additional amount deemed necessary to cover all costs incurred through inspection.

In the case where roads are to be constructed as part of a subdivision, a minimum of three inspections shall be undertaken by the Highway Superintendent or Consultant Engineer:

1. Prior to commencement of construction
2. After cutting and filling and prior to installation of sub grade
3. Upon installation of topcoat or final pavement

E. Proper Installation of Improvements

If the Highway Superintendent or Consultant Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Village Board, Building Inspector, and Planning Board. The Village Board then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Village's rights under the bond.

ARTICLE VIII - LOT LINE ADJUSTMENTS

SECTION 1. PURPOSE

The purpose of this Article is to create a simplified process for making minor adjustments to existing lot lines between up to three adjacent properties that do not create any new parcels or a sub-standard parcel. Although such lot line adjustments are exempt from full Subdivision Review, they require Planning Board review and approval under the regulations in this Article.

SECTION 2. APPLICATION

The Applicant shall submit a package for a Lot Line Adjustment to the Planning Board including the following information:

- A. The Lot Line Adjustment Application Form obtained from the Planning Board and signed by the owner(s) of record of each of the lots or parcels affected by the proposed lot line adjustment. This form shall include a brief written description of the purpose of the proposed transaction.
- B. A Survey Map printed or drawn in ink on mylar, showing the new boundaries of the proposed parcels, existing structures, wooded areas, streams, wetlands, driveways, utilities, easements or right-of-ways, wells, septic systems, and any unusual topographical features within 100 feet of all boundaries.
- C. The grantor of lands shall submit a proposed Deed conveying the portion of land to the adjoining lot or parcel owner. Said Deed must contain a clause stating that:

“This parcel of land is conveyed pursuant to a Lot Line Adjustment approved by the Village of Hunter Planning Board and does not create any new or additional building lots or parcels.”
- D. The grantee shall submit a proposed Deed describing as a single unified parcel the existing parcel along with the property to be conveyed. Said Deed must contain a clause stating that:

“This Deed of conveyance is for the sole purpose of unifying into a single parcel existing land and lands recently conveyed to the grantee as a result of a Lot Line Adjustment approved by the Village of Hunter Planning Board.”
- E. A completed Short Environmental Assessment Form (EAF).
- F. A copy of such covenants or deed restrictions, existing and proposed, that are intended to cover all or part of the tract.

SECTION 3. APPROVAL AND FILING

The Applicant or their representative shall attend the next regularly scheduled Planning Board meeting. The Planning Board shall review the documents submitted and approve or disapprove the proposed Lot Line Adjustment within 62 days of submittal of the complete application. The Planning Board shall deny any Lot Line Adjustment which violates existing Village of Hunter laws or regulations. If the Lot Line Adjustment is approved, the Planning Board Chairperson shall sign and date the mylar Survey Map. The Applicant shall file the approved Survey Map in the Office of the County Clerk within 62 days of its approval or it shall become null and void.

ARTICLE IX - CLUSTER DEVELOPMENT

SECTION 1. AUTHORIZATION AND PURPOSE

The Planning Board is hereby empowered to approve a cluster development simultaneously with the approval of a subdivision plat or plats. The term “cluster development” shall mean a subdivision plat or plats wherein the requirements of the Village of Hunter Zoning Law are modified to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks and landscaping in order to preserve the natural and scenic qualities of open lands.

The purpose of this Cluster Development Article is to allow variation in lot size and housing types (including townhouses and condominiums) in suitable areas in order to allow flexibility of design, to enable land to be developed in such a manner as to promote its most appropriate use, to facilitate the adequate and economical provision of streets and utilities, and to preserve the natural and scenic qualities of open space.

This purpose is achieved by permitting lot sizes to be reduced in a subdivision plat if (1) the overall density does not exceed that which is otherwise permitted in the applicable zoning district, and (2) the land thus gained is preserved as permanent open space for the use and enjoyment of the residents.

SECTION 2. REQUIREMENTS

- A. The Planning Board is hereby empowered to implement these provisions at its discretion in any zoning district if, in the Board's judgment, its application at the particular location is desirable and would contribute to the general well-being of the neighborhood and community and would benefit the Village.
- B. The Planning Board must determine that the Cluster Development will not be detrimental to the health, safety or general welfare of persons residing in the vicinity, or injurious to property or improvements within its proximity, and that the Cluster Development conforms with the objectives of the Comprehensive Plan before issuing its approval.
- C. **Maximum Number of Dwelling Units:** As part of the application for a Cluster Development the subdivider shall submit a conventional subdivision sketch plan for the entire area, showing the lots that could be realistically created in terms of topography, natural features and costs, under the non-cluster provisions of the Zoning Law and in compliance with the subdivision regulations. This means that land areas that cannot normally be developed such as floodplains, steep slopes, etc. would not be included in the calculation of lots that can realistically be created. The total number of lots thereby derived shall be the maximum number of dwelling units allowed in a Cluster Development.
- D. **Open Space Requirements:** Land reserved for open space shall be of a character and location suitable for whatever open space purposes for which the land shall be reserved, such as a natural area, conservation area, wildlife preserve, outdoor recreation site,

neighborhood park, nature center, wetland, memorial forest, natural watercourse, or other open space use. The Planning Board may require that the open space be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. Reserved open space shall not be narrower than 200 feet except where necessary to provide a pathway or other access. An easement for a natural watercourse dedicated to the Village may be considered as open space for the purpose of this regulation if such easement is at least 200 feet wide. The subdivider shall allocate for open space purposes the same percentage of the entire tract as that by which the lot area has on the average been reduced.

SECTION 3. PROCEDURE

A. Initiation of the Cluster Subdivision

The Planning Board may require the filing of a Cluster Development Sketch Plan along with the conventional subdivision sketch plan at any time up to thirty (30) days following the classification of the subdivision as Minor or Major. A subdivider may request the use of this Article simultaneously with or subsequent to presentation of the Sketch Plan as outlined in Article III of this law. Unless otherwise allowed by the Planning Board, any request for Cluster Subdivision filed subsequent to preliminary approval of a Plat shall require a reapplication for Sketch Plan review.

B. Filing of Sketch Plans

A subdivider shall present, along with a Cluster Development Sketch Plan in accordance with the provisions of this section, a conventional subdivision Sketch Plan which is consistent with the standard lot and setback criteria established by the Zoning Law.

C. Major Subdivision Review

The Cluster Development shall be reviewed under the provisions for Major Subdivision Review as described in Article V of this local law.

ARTICLE X - WAIVERS

SECTION 1. WAIVERS

Consistent with the authority granted under New York State Village Law § 7-730, the Planning Board may waive, when reasonable, any requirements or improvements for subdivisions submitted for its approval. The Planning Board may grant a waiver if it finds that the waived requirements or improvements are not requisite in the interest of public health, safety, and general welfare, or are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision. Such waivers are subject to the following conditions:

- a. Requests for waivers shall ordinarily be submitted to the Planning Board with the initial subdivision application. The application shall state the grounds on which the waiver is requested.
- b. The required Subdivision Public Hearing notices published in the newspaper and sent to property owners shall include reference to said waiver.
- c. In granting a waiver, the Planning Board shall attach such conditions as it deems necessary to substantially secure the objectives of the standards or requirements waived.

SECTION 2. VARIANCES

When a plat contains one or more lots which do not comply with the Zoning Law regulations, application may be made directly to the Zoning Board of Appeals for an area variance without the necessity of a decision or determination of the Code Enforcement Officer. In reviewing such application, the Zoning Board of Appeals shall request the Planning Board to provide a written recommendation concerning the proposed variance.

ARTICLE XI - GENERAL REQUIREMENTS & DESIGN STANDARDS

SECTION 1. GENERAL

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. Flag Lots shall be allowed only upon the conditions specified in Section 4. H, below.

B. Compliance with State Environmental Quality Review Act (SEQRA)

Notwithstanding any provisions of these Subdivision Regulations or any other laws or regulations to the contrary, the provisions and requirements of Article 8 of the Environmental Conservation Law, Part 617, hereinafter referred to as "SEQRA" Regulations, shall be complied with beginning at the Sketch Plan stage.

C. Specifications for Required Improvements

All required improvements shall be constructed or installed to conform to the Village specifications and to the satisfaction of the Consultant Engineer or Highway Superintendent.

SECTION 2. ROAD LAYOUT

The road layout standards included in this section shall be applicable to all roads providing vehicle access to subdivision lots, whether or not they are being dedicated to the Village.

A. Width, Location and Construction

Roads shall be of sufficient width, suitably located and adequately constructed to conform with the Village Comprehensive Plan and to accommodate the prospective traffic and afford access for fire fighting, snow removal and other road maintenance equipment. The arrangement of roads shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.

B. Arrangement

The arrangement of roads in a subdivision shall provide for the continuation of principal roads of adjoining subdivisions and for proper projection of roads into adjoining properties which are not yet subdivided. Such arrangements shall make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. In the event that topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

C. Provision for Future Resubdivision

Where a tract is subdivided into large lots, the Planning Board may require that roads and lots be laid out to permit future resubdivision in accordance with the requirements contained in these regulations.

D. Dead-End Roads

The creation of dead-end or loop residential roads will be allowed wherever the Planning Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets, where needed or desirable, the Planning Board may require the reservation of a 20 foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street.

E. Relation to Topography

The road plan of a proposed subdivision shall bear a logical relationship to the topography of the property and all roads shall be arranged so as to locate as many of the building sites as possible at or above the grade of the roads. Grades of roads shall conform as closely as possible to the original topography.

F. Road Names & Signs

All road names shown on any plat shall be approved by the Planning Board. Generally, roads shall have names and not numbers or letters. A road which is a continuation of an existing road shall bear the same name. The subdivider shall provide and erect road signs following approval thereof by the Village Highway Superintendent or other person designated by the Village Board.

SECTION 3. ROAD DESIGN AND CONSTRUCTION

A. Design and Construction Specifications

Roads proposed for dedication to the Village of Hunter shall be designed and constructed according to the Village Road Standards specified in the Village of Hunter Local Law No. 3 of the Year 1989, entitled "Regulating Standards for the Dedication of Village Roads" or as subsequently amended.

Private roads must also be designed, and the base courses constructed, in accordance with the Village Road Standards, however application of the final pavement surface is not required.

B. Widths of Right-of-Way

Roads shall have a minimum right-of-way 50 feet and shall have a minimum road surface width of 18 feet.

C. Utilities in Roads

The Planning Board shall, wherever possible, require that utilities be placed in the right-of-way between the paved roadway and road line to simplify location and repair of lines when they require attention. Should the primary service line be underground, the subdivider shall install underground service connections from the primary line to the property line of each lot before the road is paved.

D. Utility Easements

Where topography is such as to make impractical the inclusion of utilities within the rights-of-way, perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to the road. Wherever possible, easements shall be continuous from lot to lot and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

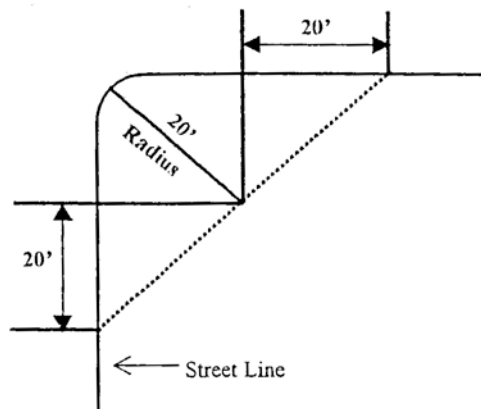
E. Grades

1. Roads - Grades of all roads shall conform in general to the terrain and in no case shall grades of roads be less than 1% or greater than 15%. Grades of side roads ingressing or egressing to and from thru-roads shall not be greater than 4% within 50 feet of the edge of the thru-road pavement.
2. Driveways - In no case shall grades of driveways be more than 6% within 30 feet of their ingress/egress onto a road.

All changes in grade shall be vertical curves of such length and radius as meet with the approval of the Town Highway Superintendent or the Consultant Engineer so that clear visibility shall provide for safe distance. A combination of steep grades and curves shall be avoided. Maximum and Minimum specifications are subject to modification upon the approval of the Village Highway Superintendent.

F. Curves

All road right-of-way lines at intersections shall be rounded by curves of at least 20 feet radius.



G. Intersections

In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new road with an existing road) which is shown on the sketch above shall be cleared of all growth (except isolated trees) and obstructions three feet higher than the center line of the road. If directed, ground shall be excavated to achieve visibility. Visibility at the intersection of a driveway and road shall also be required to conform to the same safety requirements. Where possible, all roads shall intersect so that for a distance of at least 100 feet the road is approximately at right angles to the road it joins.

H. Hammerheads and Cul-de-Sacs

Where roads are designed to be permanent dead-ends, they shall terminate in a hammerhead, cul-de-sac or other turn-around approved by the Highway Superintendent and Planning Board. A hammerhead shall be at least 60 feet long, located perpendicular to the end of the roadway. A cul-de-sac circular turn-around shall have a minimum right-of-way radius of 50 feet and pavement radius of 35 feet. The Planning Board may require, where needed or desirable along a dead-end road, reservation of a 50 foot wide easement to the subdivision boundary to provide for the continuation of the road and/or pedestrian traffic, utilities and drainage facility to the next road.

I. Watercourses

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

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

J. Dedication of Roads

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.

No road with less than three houses within one-half mile, suitable for year-round occupancy, shall be accepted by the Village of Hunter.

In addition, dedication of roads will not be accepted until the Consultant Engineer or Highway Superintendent have certified to the Planning Board that the development of the road has been completed in accordance with the approved plans and Village specifications, including those described herein.

All applications for the dedication of roads shall be filed with the Village Clerk for submission to the Village Board. All such applications shall be accompanied by a legal

survey within one year from the date of application and in proper form for recording. Such survey is to be submitted in triplicate and be certified to the subdivider. Applications shall also be accompanied by a proposed warranty deed and any and all other necessary legal instruments to give clear and undisputed title to the Village.

SECTION 4. LOT REQUIREMENTS

A. Lots to be Buildable

The lot size, width, depth, shape and arrangement shall be such that in constructing a building there will be no foreseeable difficulty for reasons of topography or other natural conditions. In securing building permits to build on all lots in compliance with this local law, the New York State Health Department Regulations, the Uniform Fire Prevention and Building Code and the Village Zoning Law shall be followed. Lots should not be of a depth as to encourage the later creation of a second building lot in the front or rear.

B. Lot Requirements

The lot size and width and yard depth requirements of lots shall conform to the requirements set forth in the Village of Hunter Zoning Law, or any subsequent local law enacted by the Village governing such land use and/or minimum setbacks.

C. Limitation of One Dwelling Building on Any Lot

Not more than one building designed or available for use for dwelling purposes shall be erected or placed on any lot without prior approval from the Planning Board.

D. Common Party Walls

The requirements of this Section do not apply to structures having common party walls.

E. Corner Lots and Setbacks

In general, corner lots should be larger than interior lots to provide for proper building setback from each road and to provide a desirable building site.

F. Access

No lot shall be landlocked. All lots shall have frontage on, or a driveway providing access to, a public road.

G. Monuments

Permanent monuments meeting specifications approved by the Consultant Engineer and/or Highway Superintendent as to size, type and installation shall be set at angle points, points of corners in roads and at other points to be determined by the Highway Superintendent.

H. Flag Lots

1. A Flag lot may be approved only after determination by the Planning Board that due to topography, natural conditions, location or configuration of the land, or due to a previous subdivision, it is the only reasonable option for use of the land.
2. A Flag Lot shall be accessed by a Narrow Corridor with a minimum width of twenty (20) feet of road frontage.
3. The Narrow Corridor area shall not be included in the area to be considered to meet the minimum lot size requirement in the Village Zoning Law.
4. The Front yard of the Flag Lot shall be measured from the end of the Narrow Corridor.
5. Any existing lot whose configuration meets the definition of a Flag Lot, and which was created prior to the date of adoption of this local law is exempt from the requirements hereunder.

SECTION 5. DRAINAGE IMPROVEMENTS

A. Green Infrastructure

The Planning Board shall encourage the use of green infrastructure practices to control stormwater runoff such as protecting natural areas, reducing impervious cover, and runoff reduction techniques to the maximum extent practicable.

B. Stormwater Drainage

The subdivider may be required by the Planning Board to carry away, by pipe or open ditch, any spring or surface water that may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perceptual unobstructed easements of appropriate width and shall be constructed in accordance with the Village construction standards and/or to the approval of the Consultant Engineer. Applicants shall comply with any regulation, rule or design enacted by the NYSDEC, including requirements for a Stormwater Pollution Prevention Plan (SWPPP) or other stormwater treatment.

When a full SWPPP is required by NYSDEC or NYCDEP, it must include a description of each post-construction stormwater management practice, including documentation of the five step planning process for runoff reduction using green infrastructure as outlined in the New York State Stormwater Management Design Manual, and included as Appendix A of the Village of Hunter Zoning Law.

C. Accommodation of Upstream Drainage

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 Consultant Engineer shall approve the design and size of the facility based on anticipated run-off from a “10 year storm” as defined in the NYSDEC Stormwater Design Manual, under conditions of maximum development.

D. Downstream Drainage

The subdivider shall study the effect of the proposed subdivision on the existing downstream drainage facilities outside the area of the subdivision. The proposed subdivision shall be designed to minimize the impact on downstream drainage.

E. Land Subject To Flooding

Development of land subject to flooding shall meet all local, State and Federal floodplain regulations. Ideally, such land shall be set aside for uses that are not endangered by periodic or occasional inundation.

F. Wetlands

Areas shown on New York State Department of Environmental Conservation maps as designated fresh water wetlands shall be regulated according to the provisions contained in Article 24, of the New York State Environmental Conservation Law.

SECTION 6. PARKS, OPEN SPACES & NATURAL FEATURES

A. 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 the cost of grading, development, equipment, and maintenance of such recreation area.

B. Parks and Playgrounds and Recreational Areas

In Major Subdivisions only, the Planning Board may require that the plat show sites of a character, extent and location suitable for the development of a park, playground or other recreational purpose. However, in no case shall the amount be more than 10% of the total area of the subdivision. Such area or areas may be dedicated to the Village by the subdivider if the Village Board approves such dedication. Appropriate legal measures shall be taken to ensure that such land can never be developed for other than recreational purposes. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the plat.

C. Information to be submitted

For an area to be used for such a recreational purpose, the subdivider shall submit to the Planning Board, prior to final approval, a description of the recreational use proposed and three copies of drawings of the area (one on Mylar) at a scale of not less than 30 feet to the inch, showing the following features thereof.

1. The boundaries of the said area, giving lengths and bearings of all straight lines, radii, lengths, central angles and tangent distances of all curves.
2. Existing features such as brooks, ponds, clusters of trees, rock outcrops and structures.
3. Existing, and, if applicable, proposed changes in grade and contours of the said area and of the area immediately adjacent.

D. Preservation of Natural Features

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

Land to be subdivided shall be designed in reasonable conformity to existing topography in order to minimize grading, cut and fill, to retain the natural contours and to conserve the natural vegetative cover and soil. A Tree Removal Plan showing existing wooded areas and areas of proposed clearing shall be prepared for and reviewed by the Planning Board. Removal of any standing timber shall be done in such a manner as to maintain vital and mixed (age and type) growth. All disturbed areas not occupied by buildings or structures or within a roadbed shall be properly graded and seeded to control erosion.

E. Disposal of Waste and Debris

No waste or debris, including but not limited to cut timber, construction materials, junk, rubbish, chemical or other waste materials, shall be dumped, buried or used as fill within the subdivision.

ARTICLE XII - ENFORCEMENT

SECTION 1. FINE AND IMPRISONMENT

Pursuant to the authority vested in the Village of Hunter Board under the Village Law of the State of New York, it is hereby declared that any person, firm, or corporation who shall fail to comply with the provisions of the Subdivision Regulations shall be guilty of an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this local law or the subdivision regulations shall constitute a separate additional violation. For the purposes of this local law “person” shall be deemed to include any legal entity which may be required to comply with said Subdivision Regulations.

SECTION 2. COURT ACTION

Pursuant to the further authority of the Village Law as aforesaid, the Village Board of the Village of Hunter is hereby authorized and empowered to institute an action or proceeding in a court of competent jurisdiction, for an injunction or other appropriate relief against any person, firm or corporation who may use and occupy any land in said Village of Hunter without having complied with the provisions of said Subdivision Regulations.