

**SUBDIVISION OF LAND**

**Chapter 111**

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**[HISTORY: Adopted by the Planning Board of the Village of Cold Spring 12-13-71; approved by the Board of Trustees 1-25-72. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Planning Board - See Ch. 21.**

**Building Construction - See Ch. 40.**

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**Zoning - See Ch. 134.**

**ARTICLE I****Declaration of Policy**

**§ 111-1. Planning Board policy and regulations. [Amended 03-27-2001 by L.L. 2001-04]**

By the authority of the resolution of the Board of Trustees of the Village of Cold Spring adopted on August 2, 1965, pursuant to the provisions of Article 7 of the Village Law of the State of New York, the Planning Board of the Village of Cold Spring is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, and to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the county and to conditionally approve preliminary plats within the Village of Cold Spring. It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the village. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map, if such exists, and shall be properly related to the objectives identified in the Comprehensive Plan, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of fire fighting equipment to the buildings; and that proper provision shall be made for open spaces for parks and playgrounds. In order that land subdivisions may be made in accordance with this policy, these regulations, which shall be known as and which may be cited as the "Village of Cold Spring Land Subdivision Regulations," have been adopted by the Planning Board of the Village of Cold Spring on December 13, 1971, and approved by the Board of Trustees of the Village of Cold Spring on January 25, 1972.

## **ARTICLE 11**

### **Definitions**

#### **§ 111-2. Definitions.**

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

**COLLECTOR STREET** - A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

**DEAD-END STREET or CUL-DE-SAC** - A street or a portion of a street with only one (1) vehicular traffic outlet.

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

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

**MAJOR SUBDIVISION** - Any subdivision not classified as a minor subdivision, including but not limited to any subdivision requiring any new street or extension of village facilities. "Major subdivision" shall not, however, include any subdivision of less than three (3) lots, blocks, sites, uses or units.

**COMPREHENSIVE PLAN** - A comprehensive plan if one exists, prepared pursuant to § 179-gg of the Village Law, which indicates the general locations recommended for various functional physical development of the village, and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

**MINOR STREET** - A street intended to serve primarily as an access to abutting properties.

**MINOR SUBDIVISION** - Any subdivision containing two (2) lots, blocks or sites, whether or not fronting on an existing street, not involving any new street or road or the extension of village 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 Comprehensive Plan, Official Map or Zoning Law, if such exist,<sup>2</sup> or these regulations. **[Amended 3-27-01 by L.L. 2001-04]**

**OFFICIAL MAP** - The map established by the Village Board pursuant to § 179-e of the Village Law, showing streets, highways, parks and drainage, both existing and proposed.

**PLANNING BOARD** - The Planning Board of the Village of Cold Spring.

**PRELIMINARY PLAT** - A drawing or drawings clearly marked "preliminary plat," showing the salient features of a proposed subdivision as specified in Article V, § 111-22 of these regulations, submitted to the Planning Board for purposes of consideration prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

**SKETCH PLAN** - A sketch of a proposed subdivision showing the information specified in Article V, § 111-20 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 and objective of these regulations.

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

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

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

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<sup>2</sup> Editor's Note: See Ch. 134, Zoning.

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

SUBDIVISION - The division of any parcel of land into two (2) or more lots, blocks, sites, uses or units with or without streets or highways, and includes resubdivision.

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

SURVEYOR - A person licensed as a land surveyor or engineer by the State of New York.

VILLAGE BOARD - The Board of Trustees of the Village of Cold Spring.

VILLAGE INSPECTOR - The duly designated Building Inspector/Code Enforcement Officer of the Village of Cold Spring or other person appointed by the Village Board to inspect the required improvements of a particular subdivision.

### **ARTICLE III**

#### **Procedure for Filing Subdivision Applications**

##### **§ 111-3. Compliance with procedures.**

Whenever any subdivision of land into two (2) or more lots, blocks or sites or four (4) or more uses or units, with or without new streets or highways, is proposed to be made, and before the sale of any lots, blocks, sites, uses or units 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, and before any subdivision plat is filed, the subdivider or his/her duly, authorized agent shall apply in writing for and obtain approval of such proposed subdivision in accordance with the procedures outlined herein. **[Amended 3-27-01 by L.L. 2001-04]**

**§ 111-4. Sketch plan.**

- A. Submission of sketch plan. Any subdivider of land into two (2) or more lots, blocks or sites or four (4) or more uses or units, with or without streets or highways, shall, prior to subdividing or resubdividing land, submit to the Village Clerk at least ten (10) days prior to the regular meeting of the Planning Board ten (10) copies of a sketch plan of the proposed subdivision, which shall comply with the requirements of Article V, § 111-20, for the purposes of classification and preliminary discussion. **[Amended 3-27-01 by L.L. 2001-04]**
- B. Discussion of requirements and classification. The subdivider or his/her duly authorized representative shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection and similar aspects, as well as the availability of existing services and other pertinent information. 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 Planning 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 procedures outlined in Article III, § 111-5 of these regulations. If the sketch plan is classified as a major subdivision, the subdivider shall then comply with the procedures outlined in Article III, §§ 111-6, 111-7 and 111-8 of these regulations.
- C. Study of sketch plan. The Planning Board shall determine whether the sketch plan meets the purposes of these regulations and shall, where it deems it necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board.

**§ 111-5. Approval of minor subdivision.**

- A. Application and fee.
- (1) Within three (3) months after classification of the sketch plan as a minor subdivision by the Planning Board, the subdivider shall submit six (6) copies plus a digital copy of an application for approval of a subdivision plat in final form, using the approved application blank available from the Village Clerk. Failure to do so 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. The application and subdivision plat shall also conform to the requirements listed in Article V, §111-21 of these regulations. **[Amended 3-27-01 by L.L. 2001-04]**
  - (2) All applications for plat approval for minor subdivisions shall be accompanied by funds totaling one thousand dollars (\$1,000) to be held in an escrow account and used for payment of expenses and disbursements incurred by the Village as well as consultants' fees pursuant to Section 111-26 of this Chapter **[Amended 4-8-08 by L.L. 2008-02]**
- B. Number of copies, six (6) copies plus a digital copy of the subdivisions plat shall be presented to Village Clerk at least ten (10) days prior to a scheduled monthly meeting of the Planning Board. **[Amended 3-27-01 by L.L. 2001-04]**
- C. Subdivider to attend Planning Board meeting. The subdivider or his/her duly authorized representative shall attend the meeting of the Planning Board to discuss the subdivision plat.
- D. Consultants. The Planning Board may refer plats to the Village's planning, engineering or legal consultants for review and comment and upon approval by the Village Board may retain such other or additional planning consultants, engineering consultants, legal consultants or other professionals as it deems reasonably necessary to review applications for plat approval. **[Added 4-8-08 by L.L. 2008-02]**
- E. When officially submitted. The time of official submission of the subdivision plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least ten (10) days prior to which the application for plat approval, complete and accompanied by the



required fee and all data required by Article V § 111-21 of these regulations, has been filed with the Village Clerk.

- F. Public hearing. A public hearing shall be held by the Planning Board within twenty (20) days from the time of last submission as determined by the Planning Board, of the subdivision plat for approval. Said hearing shall be advertised in a newspaper of general circulation in the village at least five (5) days before such hearing. A public hearing notice sign along with a detailed instructions package will be furnished by the Village Clerk at no cost to the applicant. Two (2) signs are provided for corner lots. The applicant will obtain the public hearing sign and the detailed instructions package from the Village Office during regular business hours. The sign will be marked with all boards having scheduled hearings. The applicant will post the sign at the property under review at least ten (10) days before the hearing, and the sign shall remain on display until all hearings are formally closed. **[Amended 3-27-01 by L.L. 2001-04; 1-8-2019 by L.L. 2019-02]**
- G. Action on subdivision plat. The Planning Board shall, within forty-five (45) days from the time of last submission as determined by the Planning Board, after obtaining the advice of the Village Board, approve, modify and approve or disapprove the subdivision plat. **[Amended 3-27-01 by L.L. 2001-04; 4-8-08 by L.L. 2008-01]**
- H. **[Added 4-8-08 by L.L. 2008-02]** It shall be a condition of approval of all plats that all expenses, costs and consultants' fees imposed under this Chapter have been paid to the Village.

**§ 111-6. Preliminary plat for major subdivision.****A. Application and fee.**

- (1) Prior to the filing of an application for the approval of a major subdivision plat, the subdivider shall file two (2) copies of an application for the consideration of a preliminary plat of the proposed subdivision, using the conditional approval application blank available from the Village Clerk, and six (6) copies plus a digital copy of a preliminary plat in support thereof in the form described in Article V, § 111-22 of these regulations. The preliminary plat shall, in all respects, comply with the requirements set forth in the provisions of §§ 179-k and 179-1 of the Village law and Article V, § 111-22 of these regulations, except where a waiver may be specifically authorized by the Planning Board. **[Amended 3-27-01 by L.L. 2001-04]**
- (2) All applications for conditional approval of a preliminary plat shall be accompanied by funds totaling five thousand dollars (\$5,000) to be held in an escrow account and used for payment of expenses and disbursements incurred by the Village as well as consultants' fees pursuant to Section 111-26 of the Chapter. **[Amended 3-27-01 by L.L. 2001-04; 4-8-08 by L.L. 2008-02]**

**B. Number of copies. Six (6) copies plus a digital copy of the preliminary plat shall be presented to the Village Clerk at least ten (10) days prior to a regular monthly meeting of the Planning Board. [Amended 3-27-01 by L.L. 2001-04]****C. Subdivider to attend Planning Board meeting. The subdivider or his/her duly authorized representative shall attend the meeting of the Planning Board to discuss the preliminary plat.**

- D. Study of preliminary plat. The Planning Board shall study the practicability of the preliminary plat, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, population density, the future development of adjoining lands, whether or not subdivided, and the recommendations and objectives of the Comprehensive Plan, the Official Map, if such exist, and the Zoning Law.<sup>3</sup>
- E. When officially submitted. The time of submission of the preliminary plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least ten (10) days prior to which the application for conditional approval of the preliminary plat, complete and accompanied by the required fee and all data required by Article V, § 111-22 of these regulations, has been filed with the Village Clerk.
- F. Consultants. The Planning Board may refer plats to the Village's planning, engineering or legal consultants for review and comment and upon approval by the Village Board may retain such other or additional planning consultants, engineering consultants, legal consultants or other professionals as it deems reasonably necessary to review applications for plat approval. **[Added 4-8-08 by L.L. 2008-02]**
- G. Conditional approval of the preliminary plat.
- (1) Within forty-five (45) days after the time of submission of a preliminary plat, the Planning Board shall, after obtaining the advice of the Village Board, take action to conditionally approve, with or without modifications, or disapprove such preliminary plat, and the basis of any modification required or the basis for disapproval shall be stated upon the records of the Planning Board. Failure of the Planning Board to act within such forty-five (45) day period shall constitute a conditional approval of the preliminary plat. **[Amended 4-8-08 by L.L. 2008-01]**
  - (2) When granting conditional approval to a preliminary plat, the Planning Board shall state the conditions of such approval, if any, with respect to the specific changes which it will require in the preliminary plat, the character and extent of the required

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<sup>3</sup> Editor's Note: See Ch. 134, Zoning.

improvements for which waivers may have been requested and  
which in its opinion may be waived without jeopardy to the public

health, safety, morals and general welfare, and the amount of all bonds therefor which it will require as prerequisite to the approval of the subdivision plat. The action of the Planning Board plus any conditions attached thereto shall be noted on six (6) copies of the preliminary plat. One (1) copy shall be returned to the subdivider, four (4) retained by the Planning Board and one (1) forwarded to the Village Board. Conditional approval of a preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the subdivision plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations and the conditions of the conditional approval, if any. Prior to approval of the subdivision plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing. **[Amended 3-27-01 by L.L. 2001-04]**

**§ 111-7. Plat for major subdivision.**

- A. Application for approval. The subdivider shall, within six (6) months after the conditional approval of the preliminary plat, file with the Planning Board six (6) copies plus a digital copy of an application for approval of the subdivision plat in final form, using the approval application blank available from the Village Clerk. If the final subdivision plat is not submitted within six (6) months after the conditional approval of the preliminary plat, the Planning Board may refuse to approve the final subdivision plat and require resubmission of the preliminary plat. **[Amended 3-27-01 by L.L. 2001-04; 4-8-08 by L.L. 2008-02]**

- B. Number of copies. A subdivider intending to submit a proposed subdivision plat for the approval of the Planning Board shall provide the Village Clerk with six (6) copies plus a digital copy of the application and six (6) copies plus a digital copy of the subdivision plat required by Article V, § 111-20A of these regulations; the original and five (5) true copies and a digital copy of all offers of dedication, cession, covenants and agreements; six (6) prints and a digital copy of all construction drawings required by Article V, § 111-23B of these regulations; and two (2) copies of all approvals, applications, materials and required by Subsection D of this section, at least ten (10) days in advance of the regular monthly Planning Board meeting at which it is to be officially submitted.  
**[Amended 3-27-01 by L.L. 2001-04]**
- C. When officially submitted. The time of official submission of the subdivision plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least ten (10) days prior to which the application for approval of the subdivision plat, complete, all data required by Article V, § 111-23 of these regulations for major subdivision plats, and all of the endorsements, approvals, applications and materials required by Subsection D of this section, have been filed with the Village Clerk.**[Amended 4-8-08 by L.L. 2008-02]**
- D. Approval of and endorsement by state and county agencies. Prior to official submission of the subdivision plat by the subdivider to the Planning Board, the following shall be obtained and accomplished by the subdivider:
- (1) Water and sewer facility proposals contained in the subdivision plat must have been approved by the Putnam County Department of Health, the New York State Department of Health (if approval by the Putnam County Department of Health is not required), the New York State Water Resources Commission, the New York State Public Service Commission, as applicable, in accordance with applicable law, and such approvals shall be properly endorsed on all copies of the subdivision plat. A copy of all applications, along with supporting data, information and material filed with the agencies named in this Subsection D (1), shall accompany the application submitted to the Planning Board.

- (2) If the subdivision plat is subject to the jurisdiction of the Hudson River Valley Commission or any other similar state agency, the ecological, recreational and scenic effect of the subdivision plat must have been reviewed by the Hudson River Valley Commission or other agency in accordance with its rules and regulations and a final disposition of the subdivision plat proposal made by such Commission or agency. A copy of the application, along with supporting data, information and materials filed with the Hudson River Valley Commission or other state agency and official evidence of the final disposition of the subdivision plat proposal, and any recommendations or suggestions made by the Hudson River Valley Commission or other state agency, shall accompany the application submitted to the Planning Board.
- (3) If the subdivision plat is subject to Article 9-A of the New York State Real Property Law covering "Subdivided Lands," the subdivider must have filed with the New York Department of State all of the data, information and materials required by Article 9-A of the New York State Real Property Law. A copy of the filing made by the subdivider with the Department of State, along with all data, information and materials filed therewith and official evidence of any disposition or action taken as a result of such filing, shall accompany the application submitted to the Planning Board.
- (4) If the subdivision plat is subject to the jurisdiction of any state or county agency or department not named or covered in this Subsection D, any necessary filings must be made and/or approvals secured from any such agency or department. A copy of all applications, along with supporting data, information and materials and official evidence of any disposition thereof, shall accompany the application submitted to the Planning Board.

- E. Planning Board meeting with Village Board. The Planning Board, after official submission of the subdivision plat in accordance with the requirements of Subsection C of this section and prior to the public hearing, shall meet with and seek the advice of the Village Board on the application for final approval of the subdivision plat.
- F. Public hearing. A public hearing shall be held by the Planning Board within twenty (20) days from the time of last submission as determined by the Planning Board of the subdivision plat for approval. This hearing shall be advertised in a newspaper of general circulation in the village at least five (5) days before such hearing. A public hearing notice sign along with a detailed instructions package will be furnished by the Village Clerk at no cost to the applicant. Two (2) signs are provided for corner lots. The applicant will obtain the public hearing sign and the detailed instructions package from the Village Office during regular business hours. The sign will be marked with all boards having scheduled hearings. The applicant will post the sign at the property under review at least ten (10) days before the hearing, and the sign shall remain on display until all hearings are formally closed. **[Amended 3-27-01 by L.L. 2001-04; 1-8-2019 by L.L. 2019-02]**
- G. Action on proposed subdivision plat. Within forty-five (45) days from the time of last submission as determined by the Planning Board of the subdivision plat, the Planning Board shall approve, modify and approve or disapprove the subdivision plat. However, the subdivision plat shall not be signed by the authorized officer of the Planning Board for recording until the subdivider has complied with the provisions of § 111-8 of this Article III and all consultants' fees imposed under this Chapter have been paid. **[Amended 3-27-01 by L.L. 2001-04; 4-8-08 by L.L. 2008-01 & 2]**

#### **§ 111-8. Security and bond requirements.**

Before the Planning Board grants final approval of the subdivision plat and before the subdivision plat is signed by the authorized officer of the Planning Board, the subdivider shall follow the procedures set forth in Subsection A or Subsection B below:

- A. The subdivider shall file with the Village Clerk a certified check in the amount set by the Planning Board to cover the full cost of the required improvements.
- B. The subdivider shall file with the Village Clerk a performance bond, substantially in the form provided by the Village Clerk, to cover the full cost of the required improvements. Any such bond shall



comply with the requirements of § 179-1 of the Village Law and shall be satisfactory to the Village Board and Village Attorney as to form, sufficiency, manner of execution and surety. A period of one (1) year [or such other period as the Planning Board may determine appropriate, not to exceed three (3) years] shall be set forth in the bond within which required improvements must be completed. The bond shall not be released until the installation of all improvements and utilities has been finally approved by the Planning Board with the consent of the Village Board. As circumstances and conditions require, the Planning Board, with the consent of the Village Board, may reduce or require an increase in the amount of the performance bond, and, in addition, the Planning Board shall have all of the powers provided in § 179-1 of the Village Law.

**§ 111-9. Filing of approved subdivision plat.**

- A. Final approval and filing. Upon completion of the requirements in §§ 111-7 and 111-8 of this Article III and notation to that effect upon the subdivision plat, the subdivision plat shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Planning Board (Chairman or Acting Chairman) and may be filed by the applicant in the office of the County Clerk. Any subdivision plat not so filed or recorded within ninety (90) days of the date upon which such plat is approved or considered approved by reason of the failure of the Planning Board to act shall become null and void. **[Amended 4-8-08 by L.L. 2008-01]**
- 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 any such subdivision plat is filed without complying with this requirement, the same shall be considered null and void, and the Planning Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

**§ 111-10. Public streets; recreation areas.**

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

**§ 111-11. Maintenance bond; improvements.**

- A. Maintenance bond. Upon completion of the required improvements, the subdivider shall file with the Village Clerk a maintenance bond, substantially in the form provided by the Village Clerk, to cover the full cost of maintaining the required improvements for a period not to exceed three (3) years. Any such bond shall be satisfactory to the Village Board and Village Attorney as to form, sufficiency, manner of execution and surety.
- B. 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 Planning Board that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Planning Board, with the consent of the Village Board, may authorize modifications, provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Planning Board. The Planning Board shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the subdivider and the Village Board.

- C. Inspection of improvements. The Village Board may designate someone other than the Building Inspector or Code Enforcement Officer to inspect the construction of the required improvements. The subdivider shall pay an inspection fee for the reasonable cost of the inspection services, whether same be performed by the Building Inspector/Code Enforcement Officer or another person designated by the Village Board for any particular subdivision, and the Village Board shall specify the amount of said fee.
- D. Proper installation of improvements. If the Village Inspector 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/she shall so report to the Village Board and the Planning Board. The Village Board shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the village's rights under the bond. No subdivision plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved subdivision plat.

#### **ARTICLE IV**

##### **General Requirements and Design Standards**

#### **§ 111-12. Minimum standards; waiver.**

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth in this Article IV. The standards set forth in this Article shall be considered to be minimum requirements and shall be waived by the Planning Board only under circumstances set forth in these regulations.

**§ 111-13. General considerations.**

- A. Character of land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- B. Conformity to Official Map and Comprehensive Plan. Subdivisions shall conform to the Official Map of the village and shall be in harmony with the Comprehensive Plan.
- C. Specifications for required improvements. All required improvements shall be constructed or installed to conform to the village specifications in § 111-14 through and including § 111-23.

**§ 111-14. Street layout.**

- A. Width, location and construction. Streets shall be of sufficient width, suitably located and adequately constructed to conform to the Comprehensive Plan, and to accommodate the prospective traffic and afford access for fire-fighting, snow removal and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system. All streets shall have sidewalks.
- B. Arrangement. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions and for proper projection of principal streets into adjoining properties which are not yet subdivided in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.
- C. Minor streets. Minor streets shall be so laid out that their use by through traffic will be discouraged.

- D. Special treatment along major arterial streets. When a subdivision abuts or contains an existing or proposed major arterial street, the Planning Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- E. Provisions 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.
- F. Dead-end streets. The creation of dead-end or loop residential streets will be discouraged wherever the Board finds that such type of development will interfere with normal traffic circulation in the area. In the case of dead-end streets, where needed due to the presence of wetlands, waterbodies or steep slopes the Board may require the reservation of a twenty-foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street. Subdivisions containing twenty (20) or more lots or sites shall have at least two (2) street connections with existing public streets or streets shown on the Official Map, if such exists, or streets on an approved subdivision plat for which a bond has been filed.
- G. Block size. Blocks generally shall not be less than four hundred (400') feet nor more than one thousand two hundred (1,200') feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding eight hundred (800') feet in length, the Planning Board may require the reservation of a twenty-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic, where needed or desirable.

- H. Intersections with collector or major arterial roads. Minor or secondary street openings into collector or major arterial roads shall, in general, be sufficient distance apart.
- I. Street jogs. Street jogs with center line offsets of less than one hundred twenty-five (125') feet shall be avoided.
- J. Angle of intersection. In general, all streets shall join each other so that for a distance of at least one hundred (100') feet the street is approximately at right angles to the street it joins.
- K. Relation to topography. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building lots or sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.
- L. Other required streets. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

**§ 111-15. Street design.**

- A. Widths of rights-of-way. Streets shall have sufficient widths and shall comply with any width requirements provided in the Comprehensive Plan or Official Map, if such exist, and if not provided on the Comprehensive Plan or Official Map or if no Official Map exists, the width of streets shall comply with the village's standards (see § 108-15) in that regard required for dedicated streets.

- B. Improvements. Streets shall be graded and improved with pavements, curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, streetlights and signs, street trees and fire hydrants, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Village Inspector. Such grading and improvements shall be approved as to design and specifications by the Village Inspector.
- (1) Fire hydrants. Installation of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York.
- (2) Streetlighting facilities. Lighting facilities shall be in conformance with the lighting system of the village. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized Village Electrical Inspector.
- C. Utilities in streets. The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.
- D. Utility easements. Where topography is such as to make impractical the inclusion of utilities within the street rights-of-way, perpetual unobstructed easements at least twenty (20') feet in width shall be otherwise provided. Easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.
- E. Grades. Grades of all streets shall conform in general to the terrain and shall not be less than one percent (1%) nor more than six percent (6%) for major or collector streets, or ten percent (10%) for minor streets in residential zones, but in no case more than three percent (3%) within fifty (50') feet of any intersection.

- F. Changes in grade. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Village Inspector so that clear visibility shall be provided for a safe distance.
- G. Curve radii at street intersections. All street right-of-way lines at intersections shall be rounded by curves of at least twenty (20') feet radius, and curbs shall be adjusted accordingly.
- H. Steep grades and curves: visibility at intersections. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, the portion of any corner lot (whether at an intersection entirely within the subdivision or of a new street with an existing street) shall be cleared of all growth (except isolated trees) and obstructions above the level three (3') feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.



- I. Dead-end streets (cul-de-sac). Where dead-end streets are designed to be so permanently, they should, in general, not exceed five hundred (500') feet in length and shall terminate in a circular turnaround having a minimum right-of-way radius of sixty (60') feet and pavement radius of fifty (50') feet. At the end of temporary dead-end streets, a temporary turnaround with a pavement radius of fifty (50) feet shall be provided, unless the Planning Board approves an alternate arrangement.
- J. Watercourses.
  - (1) Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Village Inspector.
  - (2) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way as required by the Planning Board, and in no case less than twenty (20') feet in width.
- K. Curve radii. In general, street lines within a block deflecting from each other at any one point by more than ten degrees ( $10^{\circ}$ ) shall be connected with a curve, the radius of which for the center line of street shall not be less than four hundred (400') feet on major streets, two hundred (200') feet on collector streets and one hundred (100') feet on minor streets.
- L. Service streets or loading space in commercial development. Paved rear service streets of not less than twenty (20') feet in width, or in lieu thereof adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.
- M. Free flow of vehicular traffic abutting commercial developments. In front of areas zoned and designed for commercial use or where a change of zoning to a zone which permits commercial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles and to provide adequate and safe parking space for such commercial or business district.

**§ 111-16. Street names.**

- A. Type of name. All street names shown on a preliminary plat or subdivision plat shall be approved by the Planning Board and Village Board. In general, streets shall have names and not numbers or letters.
- B. Names to be substantially different. Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street should change direction by more than ninety degrees (90°) without a change in street name.

**§ 111-17. Lots.**

- A. Lots or sites to be buildable. The lot or site arrangement shall be such that in constructing a building in compliance with the Zoning Law <sup>4</sup> there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear.
- B. Sidelines. All sidelines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a variance from this rule will give a better street or lot plan.
- C. Corner lots. In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site.
- D. Driveway access. Driveway access and grades shall conform to specifications of the Village Zoning Law or village law applicable to driveways, if one exists.<sup>5</sup> Driveway grades between the street and the setback line shall not exceed ten percent (10%).
- E. Access from private streets. Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with these regulations.

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<sup>4</sup> Editor's Note: See Ch. 134, Zoning.

<sup>5</sup> Editor's Note: See Ch. 108, Streets and Sidewalks, Part 1, Art. II, and Ch. 134, Zoning.

- F. Monuments and lot corner markers. Permanent monuments meeting specifications approved by the Planning Board as to size, type and installation shall be set at such block corners, angle points, points of curves in streets and other points as the Planning Board may require, and their location shall be shown on the subdivision plat.

**§ 111-18. Drainage improvements.**

- A. Removal of spring and surface water. The subdivider may be required by the Planning Board to carry away by pipe or open ditch, suitably landscaped, 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 right-of-way where facilities are permitted, or in perpetual unobstructed easements of appropriate width.
- B. Drainage structure to accommodate potential development upstream. 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 Inspector shall approve the design and size of facility based on anticipated runoff from a ten-year (10 year) storm under conditions of total potential development permitted by the Zoning Law in the watershed.
- C. Responsibility for drainage downstream. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Village Inspector. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year (5 year) storm, the Planning Board shall notify the Village Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.
- D. Land subject to flooding. Land subject to flooding as determined by the Federal Emergency Management Agency (FEMA) to be uninhabitable shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall be improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions as guided by § 52 Floodplain Management.

**§ 111-19. Parks, open spaces and natural features.**

- A. Recreation areas. Where a proposed park, playground or open space shown on the Village Plan is located in whole, or in part in a subdivision or where otherwise deemed appropriate by the Planning Board, the Planning Board may require that an area or areas be shown on the subdivision plat in accordance with the requirements specified in Subsection B below of this section. Such area or areas may be dedicated to the village by the subdivider if the Village Board approves such dedication.
- B. Park and playground requirements.
  - (1) The Planning Board may require that the subdivision plat show sites of a character, extent and location suitable for the development of a park, playground or other recreation purpose. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the plat.
  - (2) The Planning Board may require that not less than two (2) acres of recreation space be provided per one hundred (100) dwelling units shown on the plat. However, in no case shall the area be more than fifteen percent (15%) 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.
- C. Information to be submitted. In the event that an area to be used for a park or playground is required to be shown, the subdivider shall submit, prior to final approval, to the Board, six (6) prints plus a digital copy showing, in accordance with the scale specifications established by the Planning Board, such area and the following features thereof: **[Amended 3-27-01 by L.L. 2001-04]**
  - (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, trees with a diameter of five (5") inches or more as measured three (3') feet above the base of the trunk, clusters of trees, rock outcrops and structures.

- (3) Existing and, if applicable, proposed changes in grade, and contours of the said area and of areas immediately adjacent.
- D. Waiver of plat designation of area for parks and playgrounds.
- (1) In cases where the Planning Board finds that due to the size, topography or location of the subdivision, land for park, playground or other recreation purposes cannot be properly located therein, or if in the opinion of the Planning Board it is not desirable, the Planning Board may waive the requirement that the subdivision plat show land for such purposes. The Board shall then require as a condition to approval of the plat a payment to the Village of Cold Spring of an amount to be established by resolution of the Planning Board, with the advice and consent of the Village Board, in lieu of an acceptable recreation site. The amount of land that otherwise would have been acceptable as a recreation site shall be determined in accordance with the standards set forth in Subsection B of this section.
  - (2) Such amount shall be paid to the Village Board at the time of final subdivision plat approval, and no subdivision plat shall be signed by the authorized officer of the Planning Board until such payment is made. All such payments shall be held by the Village Board in a special Village Recreation Site Acquisition and Improvement Fund, to be used for the acquisition of land in the Village of Cold Spring that is suitable for permanent park, playground or other recreational purposes, and shall be used only for park, playground or other recreational land acquisition or improvements. Such money may be used for maintenance of and physical improvements to existing park or recreation areas located in the Village of Cold Spring. Wherever possible, any expenditures from such fund shall be made only after reasonable notice to and consultation with the Planning Board.
- E. Reserve strips prohibited. Reserve strips of land which might be used to control access from the proposed subdivision to any neighboring property or to any land within the subdivision itself, shall be prohibited.

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

removal of any tree with a diameter of seven (7) inches or more as measured forty-two (42) inches above the base of the trunk, or any specimen tree, shall be subject to the prior approval of the Planning Board.

F.

§ 111-19

SUBDIVISION OF LAND

§ 111-20

## **ARTICLE V**

### **Documents to Be Submitted**

#### **§ 111-20. Sketch plan.**

The sketch plan initially submitted to the Planning Board shall be based on Tax Map information or some other similarly accurate base map in conformity with the dimensions and scale specifications established by the Planning Board which will enable the entire tract to be shown on one (1) sheet. The sketch plan shall be submitted, showing the following information:

- A. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
- B. All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within two hundred (200) feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than ten (10) feet.
- C. The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
- D. The Tax Map sheet, block and lot numbers, if available.
- E. All utilities available, and all streets which are either proposed, mapped or built.
- F. The proposed pattern of lots (including lot width and depth), street layout, recreation areas and systems of drainage, sewerage and water supply (see § 111-22 of Article V) within the subdivided area.
- G. All existing restrictions on the use of land, including easements, covenants and zoning lines.

**§ 111-21. Minor subdivision plat.**

- A. In the case of minor subdivision, the application and the subdivision plat submitted in support thereof shall include the following information:
- (1) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
  - (2) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Village Planning Board and shall be referenced and shown on the subdivision plat.
  - (3) All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the Putnam County Department of Health, the New York State Department of Health (if approval by the County Department of Health is not required), the New York State Water Resources Commission, and the Village of Cold Spring Water and Wastewater Departments, and a note to this effect shall be stated on the plat and signed by a licensed engineer.
  - (4) Proposed subdivision name, name of the village, town and county in which it is located.
  - (5) The date, true North point, map scale, name and address of record owner and subdivider.
- B. The plat to be filed with the County Clerk shall conform to the dimensions and scale specifications established by the Planning Board.

**§ 111-22. Major subdivision preliminary plat and data.**

The following documents shall be submitted for conditional approval:

- A. Six (6) copies plus a digital copy of the preliminary plat prepared in conformity with the dimensions and scale specifications established by the Planning Board, showing: **[Amended 3-27-01 by L.L. 2001-04]**
- (1) Proposed subdivision name; name of village, town and county in which it is located; date, true North point, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal.
  - (2) The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
  - (3) Zoning district, including exact boundary lines of district, if more than one (1) district, and any proposed changes in the zoning district lines and/or the Zoning Law applicable to the area to be subdivided.<sup>6</sup>
  - (4) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
  - (5) Location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas, single trees with a diameter of five (5") inches or more as measured three (3') feet above the base of the trunk, and other significant existing features for the proposed subdivision and adjacent property.
  - (6) Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
  - (7) Contours at intervals of five (5') feet or less as required by the Planning Board, including elevations on existing roads; approximate grading plan if natural contours are to be changed more than two (2') feet.
  - (8) The width and location of any streets or public ways or places shown on the Official Map or the Comprehensive Plan, within the

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<sup>6</sup> Editor's Note: See Ch. 134, Zoning. Note: See Ch. 134, Zoning.



- (9) The approximate location and size of all proposed water lines, valves, hydrants and sewer lines and fire alarm boxes, connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law; profiles of all proposed water and sewer lines.
- (10) Storm drainage plan indicating the approximate location and size of proposed lines and their profiles; connection to existing lines or alternate means of disposal.
- (11) 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.
- (12) Preliminary designs of any bridges or culverts, which may be required.
- (13) The proposed lot lines with approximate dimensions and area of each lot.
- (14) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than twenty (20') feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision or the Official Map.
- (15) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Village Planning Board and shall be referenced and shown on the plat.

- B. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale in conformity with the specifications established by the Planning Board, showing an outline of the platted area with its proposed streets and an indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract, shall be submitted. The part of the subdivider's entire holding submitted shall be considered in the light of the entire holding.
- C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

**§ 111-23. Major subdivision plat and data.**

The following documents shall be submitted for subdivision plat approval:

- A. The subdivision plat to be filed with the County Clerk shall conform to the size dimensions established by the Planning Board. The subdivision plat shall be drawn in conformity with the dimensions and scale specifications established by the Planning Board [but in no event at a scale of more than one hundred (100') feet to the inch] and oriented with the true North point at the top of the map. When more than one (1) sheet is required, an additional index sheet of the same size shall be filed, showing to scale the entire subdivision with lot, block, site, use and unit numbers clearly legible. The subdivision plat shall show: **[Amended 3-27-01 by L.L. 2001-04]**
  - (1) Proposed subdivision name or identifying title and the name of the village, town and county in which the subdivision is located; the name and address of record owner and subdivider; name, license number and seal of the licensed land surveyor.
  - (2) Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
  - (3) Sufficient data acceptable to the Planning Board to determine readily the location, bearing and length of every street line, lot line and boundary line and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the state system of plane coordinates, and in any event should be cited to reference points previously established by a public authority.

- (4) The length and bearing of all straight lines, radii length of curves, central angles of all curves and tangent bearings for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The subdivision plat shall show the boundaries of the property, location, graphic scale and true North point.
  - (5) By proper designation thereon, all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.
  - (6) Lots, blocks, sites, uses or units within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing village practice.
  - (7) Permanent reference monuments shall be shown and shall be constructed in accordance with specifications of the Planning Board. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the State Department of Public Works. Permanent reference monuments shall be placed as required by the Planning Board, and their location shall be noted and referenced upon the plat.
  - (8) All lot corner markers shall be permanently located satisfactorily to the Planning Board, at least three fourths ( $3/4$ ) inch (if metal) in diameter and at least twenty-four (24") inches in length, and located in the ground to existing grade.
  - (9) Monuments of a type approved by the Planning Board shall be set at all corners and angle points of the boundaries of the original tract to be subdivided and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Planning Board.
- B. Construction drawings, including plans, profiles and 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 and sub-base, manholes, catch basins and other facilities.

- C. All offers of dedication, cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Village Attorney as to their legal sufficiency.

## **ARTICLE VI**

### **Variances and Waivers**

#### **§ 111-24. Waiver of requirements.**

Where the Planning Board finds that extraordinary problems or difficulty may result from strict compliance with a provision or provisions of these regulations, the Planning Board may relax or waive the applicable requirement of these regulations so that substantial justice may be done and the public interest secured; provided that such change or waiver is in the interest of the public health, safety and general welfare and is in full compliance with the Zoning Law<sup>7</sup> and any other applicable laws and will not have the effect of nullifying the intent and purpose of the Official Map or Comprehensive Plan, if such exist.

#### **§ 111-25. Imposition of conditions.**

In granting any change or waiver, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so changed or waived.

## **ARTICLE VII**

### **Fees**

#### **§ 111-26. Consultants' Fees. [Amended 4-8-08 by L.L. 2008-02]**

- (1) Applicants for subdivision approval shall reimburse the Village for all costs and expenses incurred for review of their applications including the cost of planning consultants, engineering consultants, legal consultants or other professionals.
- (2) The funds paid by applicants into escrow upon submission of an application shall be used by the Village to pay the costs and expenses incurred in processing applications, including review of applications by consultants.

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<sup>7</sup> Editor's Note: See Ch. 134, Zoning.

- (3) Applicants shall replace and replenish the funds paid into escrow upon submission of an application as necessary to maintain the initial balance therein.
- (4) The charges made by such consultants for services including, without limitation, review, consultation, attendance at board meetings and preparation of reports or other documents, shall be in accord with charges usually made for such services pursuant to contractual agreement between the Village and such consultant. All such charges shall be paid upon submission of a sworn voucher.
- (5) All funds paid the Village as consultants' fees shall be held by the Village Treasurer, without interest. Funds paid into escrow for consultants' fees shall be refunded to the applicant when the applicant formally withdraws the application from consideration or when the applicant receives a final approval, and in either case all reimbursable fees and expenses incurred by the Village shall first be deducted from the escrow account.
- (6) Applicants shall, upon written request, receive a statement setting forth the nature of services and the dates upon which such services were rendered. The charges for such services shall be subject to audit before the Village Board and any party aggrieved by the outcome of such audit may seek judicial review thereof under Article 78 of the CPLR.