

VILLAGE OF CHESTNUT RIDGE
LOCAL LAW NO. 18 OF THE YEAR 1987

A local law **SUBDIVISION REGULATIONS OF THE VILLAGE OF CHESTNUT RIDGE**

County of Rockland

State of New York

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ARTICLE I
GENERAL PROVISIONS

§10 Authority

By authority of the resolutions adopted by the Village Board pursuant to the provisions of Article 7 of the Village Law of the State of New York, and pursuant to the powers and jurisdiction vested through the Municipal Home Rule Law, Statute of Local Governments, Zoning Local Law and other applicable laws and regulations of the State of New York and of the Village of Chestnut Ridge, the Planning Board does hereby exercise the power and authority to review and approve, modify and approve or disapprove plats for subdivisions within the Village of Chestnut Ridge which show lots, blocks or sites with or without new streets or highways.

§11 Jurisdiction

No land shall be subdivided within the Village of Chestnut Ridge until the subdivider or his agent shall submit a sketch plat of the parcel to the Village Planning Board, and obtain approval of the sketch plat and preliminary and final approval of the plat itself by the Village Planning Board and until the approved plat is filed with the Rockland County Clerk. No building permit or certificate of occupancy shall be issued for any parcel or plot of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these regulations.

§12 Policy

It is hereby declared to be the policy of the Village of Chestnut Ridge to consider the subdivision of land and the subsequent development of the subdivided plat as a separate business and occupation and subject to the control by the Village of Chestnut Ridge pursuant to the objectives of the village for the orderly, planned, efficient, physical and economical development of the village. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace, and land shall not be subdivided until available municipal services, facilities and improvements exist and proper provision has been made for drainage, water, sewerage and capital improvements such as schools, transportation, parks and other needed improvements. The existing and proposed public improvements shall conform to the Official Map, and shall be properly related to the proposals shown on the Village Master Plan and capital program, if such exist.

§13 Enactment

In order that land may be subdivided in accordance with this policy these regulations are hereby adopted.

§14 Servability (Title amended May 19, 1988)

If any section, subsection, paragraph, sentence, clause or other part of these regulations is, for any reason, held invalid, the validity of the remaining portion of these regulations shall not be affected.

§15 Plats straddling municipal boundaries

Whenever access to the subdivision is required across land in another municipality, the Village Planning Board may request assurance from the Village Attorney that access is legally established and from the Village Engineering Consultant that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in the amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross village boundary lines.

§16 Re-subdivision

For a resubdivision, the same procedure, rules and regulations shall apply as for a subdivision.

§17 Conditions

The subdivision of land is a privilege conferred upon the developer by the Village Law of the State of New York and through these subdivision regulations. It is the developer who is seeking to acquire the advantages of lot subdivision and upon him rests the duty of compliance with reasonable conditions laid down by the Village Planning Board for design, dedication, improvement and restrictive use of the land so as to conform to the physical and economical development of the village and to the safety and general welfare of the future plot owners in the subdivision and of the community at large.

ARTICLE II

SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS

§20 General procedure

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure, which includes basically two (2) steps for a minor subdivision and three (3) steps for a major subdivision:

- A. Minor subdivision
 - (1) Sketch plat
 - (2) Subdivision plat
- B. Major subdivision
 - (1) Sketch plat
 - (2) Preliminary plat
 - (3) Subdivision plat

§21 Sketch plat

- A. Prior discussion of requirements. Before preparing the sketch plat for a subdivision, the applicant may discuss with the Planning Board, or the Village Planner or the Village Engineering Consultant, the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, water, fire protection and similar matters, as well as the availability of existing services. The applicant should also discuss the proposed subdivision with the County Health Department, which must eventually approve those aspects of any subdivision plat coming within its jurisdiction.
- B. Application procedure and requirements. Prior to subdividing or resubdividing land, an owner of land, or his representative, shall file an application for approval of a sketch plat. The application shall:
 - (1) Be made on forms available at the office of the Village Planning Board.
 - (2) Include all contiguous holdings of the owner, including land in the same ownership as defined in the Zoning Law of the Village of Chestnut Ridge, with a delineation of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Rockland County Clerk's office. The affidavit shall include the name and address of the legal owner of the property and the contract vendee or lessee, if any, the date the contract of sale was executed, and, if any corporations are involved, a complete list of all directors and officers of each corporation and the names and addresses of all stockholders owning more than five percent (5%) of any class of stock. (Amended May 19, 1988)

- (3) Be accompanied by a minimum of twelve (12) copies of the sketch plat as described in Article V, §50, of these regulations, except when the subdivision affects a county road, when fourteen (14) copies will be required, or a larger number where required by referrals, and complying in all respects with Article III of these regulations and with the provisions of Article 7 of the Village law.
 - (4) Be presented to the Clerk to the Village Planning Board.
 - (5) Be accompanied by a submission fee in accordance with the Standard Schedule of Fees. Every subsequent sketch plat submission shall be accompanied by an additional submission fee in accordance with the Standard Schedule of Fees.
 - (6) Include an address and telephone number of an agent located within the County of Rockland who shall be authorized to receive all notices required by these regulations.
- C. Requirements and classification. Tentative classification of the sketch layout shall be made at this time by the consultants to the Planning Board as to whether the subdivision is a major or minor subdivision as defined in these regulations. Subsequent to classification of the subdivision and their report as required by §21D of these regulations, the Clerk to the Village Planning Board shall place the matter on the next available regular meeting agenda of the Village Planning Board for formal approval of the classification of the subdivision and for action on the sketch layout. Subsequent to approval by the Village Planning Board, the applicant may proceed directly to the filing of an application for approval of a subdivision plat as provided in Article II, §23, if classified as a minor subdivision, and if classified as a major subdivision the applicant must first file an application for approval of a preliminary plat, as provided in Article II, §22, before filing for final subdivision plat approval.
- D. Study of sketch plat by consultants. The consultants shall consider the sketch plat and shall render a report to the Village Planning Board concerning the sketch plat. The Clerk shall transmit the sketch plat, if appropriate, to any appropriate official or agency of the Town of Ramapo, adjoining townships or villages or of the County of Rockland, as the Clerk deems necessary or as mandated by law. The Clerk shall request that all officials and agencies to whom a request for review has been made, submit their report to the Planning Board at least ten (10) days prior to the meeting of the Planning Board at which the sketch plat will be considered. The consultants will consider all the reports submitted by the officials and agencies concerning the sketch plat and shall submit a report for proposed action to the Village Planning Board. The consultants report to the Planning Board shall in no event be made later than sixty (60) days following the date of application for sketch plat approval. (Amended May 19, 1988)
- E. Planning Board review of consultants report and sketch plat. The Planning Board will study the sketch plat and the report of the consultants, taking into consideration the requirements of the Subdivision Regulations and the best use of the land being subdivided. Particular attention will be given to the arrangement, location and width of streets, their relation to the topography of the land, sewage disposal, drainage, lot sizes and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of the

Official Map as may be adopted by the Village Board, and the Village Master Plan as may be adopted by the Village Planning Board.

- F. Field trip; temporary staking. After the regular Planning Board meeting at which the subdivision is first discussed, the Planning Board may schedule a field trip to the site of the proposed subdivision, accompanied by the applicant or his representative. In order to facilitate field inspection and review of the site of the proposed subdivision, temporary staking along the center line of all proposed roads in the subdivision will be required in time for such field trip or if impracticable the Planning Board shall permit a suitable alternative procedure.
- G. Report of sketch plat and approval. After reviewing and discussing the sketch plat and report from the consultants and other reports, as submitted by municipal agencies and officials, the Planning Board will advise the applicant of the specific changes or additions, if any, it will require in the layout, and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the subdivision plat. This action by the Planning Board shall constitute approval of the subdivisions sketch plat, but 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. Said approval shall constitute authorization to prepare and submit a preliminary plat in the case of a major subdivision and a subdivision plat in the case of a minor subdivision.

§22 Preliminary plat

- A. Application procedure and requirements.
 - (1) Based upon the report from the Planning Board, the applicant should file an application for approval of a preliminary plat. The application shall:
 - (a) Be made on forms available at the office of the Planning Board, together with a submission fee in accordance with the Standard Schedule of Fees. Every subsequent preliminary submission will be accompanied by an additional submission fee in accordance with the Standard Schedule of Fees.
 - (b) Include all land which the applicant proposes to subdivide and all land immediately adjacent extending five hundred (500) feet therefrom, or of that directly opposite thereto extending five hundred (500) feet from the street frontage of such opposite land, with the names and addresses of owners as shown in the Town Assessor's files. This information may be shown on a separate current Tax Map reproduction from the Assessor's office showing the subdivision superimposed thereon. (Amended May 19, 1988)
 - (c) Be accompanied by a minimum of twelve (12) copies of the preliminary plat as described in Article V, §51, except when the subdivision affects a county road, when fourteen (14) copies will be required. Where necessary, additional copies shall be provided.

- (d) Be accompanied by a minimum of four (4) copies of construction plans as described in Article V, §52.
 - (e) Comply in all respects with the sketch plat as approved.
 - (f) Be presented to the Clerk to the Planning Board at least four (4) weeks prior to a regular meeting of the Board. A preliminary plat which does not fully comply with the requirements of §51, or which is accompanied by construction plans which do not fully comply with the requirements of §52, shall not be deemed to be officially submitted for the purposes of these regulations.
 - 2. The Clerk to the Planning Board shall refer the proposed preliminary plat to the consultants for their review, recommendations and report. Such report of the consultants shall be submitted in writing to the Planning Board prior to the meeting of said Board at which the subdivision is to be considered. (Amended May 19, 1988)
- B. Public Hearing on preliminary plat. (Amended May 19, 1988)
 - (1) Within sixty (60) days after the receipt by the Clerk to the Planning Board of a preliminary plat in full compliance with the requirements of §22A, the Board shall hold a public hearing. Such hearing shall be advertised in the same manner as the subsequent public hearing on the final subdivision plat.
 - (2) At the time of the public hearing, the applicant shall submit an affidavit stating that he/she has notified by certified mail, return receipt requested, each adjacent or opposite owner of property as indicated on the application for subdivision approval at least ten (10) days prior to the public hearing. Such affidavit shall also state that, at least ten (10) days prior to the public hearing, applicant has placed four (4) posters provided to him by the Clerk to the Planning Board on the four (4) closest public roads in visible locations surrounding the proposed subdivision property, and that the applicant has placed two (2) posters in visible locations on the property proposed to be subdivided. Proof of mailings shall be filed with the Clerk prior to said public hearing.
- C. Preliminary approval. Within sixty (60) days after the close of the public hearing, the Planning Board shall approve, with or without modification, or disapprove the preliminary plat, and the basis for a modification, if any, or the basis for disapproval, shall be stated upon the records of the Planning Board. Notwithstanding the foregoing provisions, the time in which the Planning Board must take action on the preliminary plat may be extended by mutual consent of the applicant and the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing modifications, if any, as it deems necessary for submission of the plat in final form. Within ten (10) days of the approval of a preliminary plat, it shall be certified by the Clerk to the Planning Board as granted preliminary approval and a copy placed in the Planning Board file. The applicant will provide a self-addressed envelope. A certified copy shall be mailed to the applicant. Before the Board approves a preliminary plat showing park reservation or land for other municipal use proposed to be dedicated to the Village or Town, the Board shall obtain

approval of the park or land reservation from the Village Board or Town Board, as the case may be. (Amended May 19, 1988)

D. Public improvements.

(1) The Planning Board may require that all public improvements be installed prior to the signing of the subdivision plat by the Chairman of the Planning Board. If the Planning Board shall not require that all public improvements be installed prior to signing of the subdivision plat by the Chairman of the Planning Board, the amount of the Letter of Credit to be filed by the applicant to insure the installation of such public improvements shall be established by the Planning Board based upon the recommendation of the Village Engineering Consultant, which Letter of Credit shall be submitted by the applicant at the time of application for final subdivision plat approval. Such Letter of Credit shall be in an amount at least (2) times the estimated cost of construction of such public improvements.

(2) The Planning Board shall require the applicant to indicate on the plat all roads and public improvements to be dedicated, all trees that are required to be preserved, all districts for water, fire or utility improvements which shall be required to be established or extended upon petition of the applicant to the Village Board and any other special requirements deemed necessary by the Planning Board in order to conform the subdivision plat to the Official Map and Master Plan of the Village, as may be adopted by the Village Board or Planning Board.

E. Tenure of Planning Board approval. Within six (6) months of the approval of a preliminary plat, the applicant shall submit the plat in final form. The approval of a preliminary plat shall be effective for a period of one (1) year, at the end of which time final approval on the subdivision must have been obtained from the Planning Board although the plat need not be signed and filed with the County Clerk. Any plat not receiving final approval within the period of time set forth herein shall be null and void and the developer shall be required to resubmit a new plat for preliminary approval subject to all new zoning restrictions and subdivision regulations.

F. Zoning regulations. Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Zoning Law rendering the plat nonconforming as to bulk or use, provided that final approval is obtained within a one year period.

§23 Final subdivision plat

A. Application procedure. Following the approval of the sketch plat in the case of a minor subdivision, or of the preliminary plat in the case of a major subdivision, the applicant, if he wishes to proceed with the subdivision, shall file with the Planning Board an application for final approval of a subdivision plat. The application shall:

- (1) Be made on forms available at the office of the Planning Board, together with a submission fee in accordance with the Standard Schedule of Fees. Subsequent submissions, if necessary, shall be accompanied by an additional submission fee in accordance with the Standard Schedule of Fees. A request for an extension of final approval or new bonding resolution shall constitute a submission.
- (2) Include the entire subdivision. (Amended May 19, 1988)
- (3) Be accompanied by a minimum of twelve (12) copies of the subdivision plat, except when the subdivision affects a county road, then fourteen (14) copies will be required, and four (4) copies of the construction plans, described in Article V, §§53 and 52, respectively, of these regulations. Where necessary, additional copies may be required.
- (4) Comply in all respects with the sketch plat or preliminary plat, as approved, whichever is applicable, depending upon the classification of the subdivision.
- (5) Be presented to the Clerk of the Planning Board at least four (4) weeks prior to a regular meeting of the Board in order that a public hearing may be scheduled and the required ten (10) days' notice given. A final subdivision plat which does not fully comply with the requirement of §53 of these Regulations, or which is accompanied by construction plans which do not fully comply with the requirements of §52, or which does not include all of the modifications and requirements set forth on the preliminary plat, shall not be deemed to be officially submitted for purposes of this section. (Amended May 19, 1988)
- (6) Be accompanied by all formal irrevocable offers of dedication to the public of all streets, municipal uses, utilities, parks and easements, in a form approved by the Village Attorney; and the subdivision plat shall be marked with a notation indicating said formal offers of dedication as follows:

"The owner, or his representative, hereby irrevocably offers for dedication to the Village of Chestnut Ridge all the streets, municipal uses, easements, parks and required utilities shown in the within subdivision plat and construction plans in accordance with an irrevocable offer of dedication dated, and recorded in the Rockland County Clerk's office.

By:

 Owner or Representative
 Date"

The applicant shall deliver a deed to all such lands in proper form for recording, together with a title policy for the Village of Chestnut Ridge in a sum not less than ten thousand dollars (\$10,000), which sum shall be determined by the Village Attorney before signing of the final subdivision plat.

7. Be accompanied by the irrevocable Letter of Credit, if required, in a form satisfactory to the Village Attorney and in an amount established by the

Planning Board. Such Letter of Credit shall run to the benefit of the Village of Chestnut Ridge and shall state that the Mayor of the Village of Chestnut Ridge may draw upon said Letter of Credit in the event the applicant fails to comply with any or all of the terms of the resolution of final subdivision plat approval as determined by the Planning Board, and shall include, but not be limited to, the performance of all required subdivision on and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the Village of Chestnut Ridge free and clear of all liens and encumbrances on said premises. In addition, applicants who propose to convey or deed land to the Village of Chestnut Ridge for any reason whatsoever shall be required to post a bond for a period of at least five (5) years guaranteeing the payment by the applicant of any and all taxes due on such parcel of land until the deed has been fully accepted by the Village Board of the Village of Chestnut Ridge or the Town Board of the Town of Ramapo, as the case may be. (Amended May 19, 1988)

8. Be accompanied by an amendment, if appropriate, of the affidavit required under §21B(2) of these regulations to include all changes in ownership of the property proposed to be subdivided and all changes of officers, directors or stockholders of the applicant corporation or owners of property, legal or by contract, as of the date of application for final approval.
 9. Be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of §31A, and by written assurance from the public utility companies and improvement districts that necessary utilities will be installed, and proof that the applicant has submitted petitions in writing to the Village Board or Town Board for the creation or extension of any improvement districts as required by the Planning Board upon preliminary plat approval. The applicant shall also pay a fee in accordance with the Standard Schedule of Fees for each street sign shown on the subdivision plat, which street signs shall be installed by the Superintendent of Highways of the town or by the village. (Renumbered May 19, 1988)
- B. Endorsement of County Health Department. Subdivision plats shall be properly endorsed by the County Health Department, if required by applicable county law or regulation, before being submitted to the Planning Board for final approval. The plat should be in final form before submission to the County Health Department for approval.
- C. Authorization to call public hearing. Upon receipt of a formal application and all accompanying material, the Clerk to the Planning Board shall refer such application to the consultants for review and shall schedule a public hearing for a meeting of the Planning Board to be held at least four (4) weeks after the date of submission of the application. Copies of the proposed plat and construction plans will be maintained for public review prior to the hearing. The Clerk to the Planning Board shall furnish four (4) posters to the applicant to be posted by the applicant on the four (4) closest public roads in visible locations surrounding the proposed subdivision property and two (2) posters to be posted by the applicant in visible locations on said property. Posting shall take place at least ten (10) days prior to the public hearing. In addition the applicant shall, at least ten (10) days prior to the date of said public hearing, mail notices to record owners of all

properties within five (500) hundred feet of the perimeter of the proposed subdivision property, said mailings to be by certified mail, return receipt requested. Notice of such hearing shall be published by the Clerk to the Planning Board in the official newspaper of the Village at least ten (10) days prior to the date of such hearing. (Amended May 19, 1988)

- D. Public hearing and resolution approving or disapproving application. At the public hearing the applicant shall furnish an affidavit of posting and mailings together with receipts for the certified mailings as required by §23C, and the Planning Board will give an opportunity to any interested persons to examine and comment upon the plat and construction plans. The Planning Board shall, within sixty (60) days after closing the public hearing, approve, modify and approve or disapprove the subdivision application by resolution which shall set forth in detail any conditions to which the approval is subject, or reasons for disapproval, pursuant to Article 7 of the Village Law. Conditional approval of a final subdivision plat shall expire one hundred eighty (180) days after the date of the resolution granting conditional approval unless such requirements have been completed. The Planning Board, upon written request of the applicant, may extend the time of conditional approval for two (2) additional periods of ninety (90) days each, if in its opinion, such extension is warranted by the particular circumstances thereof. Final approval shall be deemed to have been granted for the purposes of the thirty-day requirement for filing the plat pursuant to Article 7 of the Village Law as of the date of signature of the plat by the Chairman of the Planning Board. (Amended May 19, 1988)
- E. Submission and review of final subdivision plat. Subsequent to the resolution of the Planning Board, three (3) paper copies of the construction plans, and one (1) copy of the original of the subdivision plat on mylar, two (2) copies of the subdivision plat on sepia paper and two (2) copies of the subdivision plat on paper shall be submitted to the Clerk for final review. A check payable to the Rockland County Clerk in the amount of the current filing fee shall be provided. No final approval shall be endorsed on the plat until a review has been indicated that all requirements of the resolution have been met.
- F. Vested rights. No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Chairman of the Planning Board and all requirements, conditions or regulations adopted by the Planning Board applicable to the subdivision or on all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the final plat by the Chairman. Where the Planning Board has required the installation of improvements prior to signing of the final plat, the Planning Board shall not unreasonably modify the conditions set forth in the final approval.

§24 Signing of subdivision plat

- A. Signing of plat.
 - (1) When a Letter of Credit is required. The Chairman shall endorse approval on the plat after the Letter of Credit has been approved by the Village Board and all the conditions of the resolution pertaining to the plat have been satisfied. (Amended May 19, 1988)

- (2) When installation of improvements is required. The Chairman shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the Village as shown by a report signed by the Village Engineering Consultant and/or Superintendent of Highways of the Town or Village and upon a report of the Village Attorney that the necessary offers of dedication of public lands and improvements have been accomplished. (Amended May 19, 1988)
- (3) Filing of plat.
 - (a) The Chairman will sign the mylar original of the subdivision plat and two (2) sepia prints of the subdivision plat. The sepia prints will be returned to the applicant's engineer.
 - (b) It shall be the responsibility of the Clerk to the Planning Board to file the plat with the Rockland County Clerk's office within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the Clerk shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the Village Attorney.

ARTICLE III

REQUIRED IMPROVEMENTS AND AGREEMENTS

§30 Improvements and Letter of Credit (Title amended May 19, 1988)

- A. Completion of improvements. Before the plat is signed by the Chairman of the Planning Board, all applicants shall be required to complete, at applicants

expense and without reimbursement by the Village or any special district, in accordance with the Planning Board's resolution and to the satisfaction of the Village Engineering Consultant and/or Town Superintendent of Highways, all the street, sanitary and other improvements specified in the final subdivision plat, except the final street wearing course and sidewalks, as approved by the Planning Board, and to offer to dedicate same to the Village of Chestnut Ridge or other governmental agencies, as the case may be, free and clear of all liens and encumbrances on the property and public improvements thus offered for dedication. (Amended May 19, 1988)

- B. Posting Letter of Credit. The Planning Board, in its discretion, may waive the requirement that the applicant complete all public improvements prior to the signing of the subdivision plat and that as an alternative the applicant may post a Letter of Credit at the time of application for final subdivision approval in an amount equal to twice the estimated cost of all improvements not constructed, in order to secure to the Village the satisfactory construction, installation and dedication of the incomplete portion of required improvements. The Letter of Credit shall be irrevocable and shall be from a bank having an office in Rockland County and having capital in the minimum amount of \$50,000,000. The said Letter of Credit shall authorize payment to the Village of Chestnut Ridge upon sight drafts accompanied by the written certification of the Planning Board Chairman that the required improvements have not been completed to the satisfaction of the Planning Board within the period specified by the Planning Board in the resolution approving the final subdivision plat, or that such improvements do not comply with the approved construction plans, the requirements of these Regulations and the Village Construction Standards and Specifications, or that the installation of such improvements have caused damage to public or private property not under the ownership of the applicant. Such sight drafts shall be in the aggregate amount of all expenses estimated to be incurred by the Village for the completion of the required improvements or for damage caused by the installation of such improvements as set forth hereinabove. (Amended May 19, 1988)
- C. Temporary improvements. The developer shall build and pay for all costs of temporary improvements required by the Planning Board, and shall maintain same for the period specified by the Planning Board. Prior to construction of any temporary facility or improvement, the developer shall file with the village a separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained and removed.
- D. Costs to be borne by applicant. All required improvements shall be made by the applicant, at his expense, without reimbursement by the village or any improvement district therein.
- E. Failure to complete improvements. For subdivisions for which no Letter of Credit has been posted, if the improvements are not completed within the period specified by the Planning Board in the resolution approving the plat, the approval shall be deemed to have expired. (Amended May 19, 1988)

§31 Inspection of improvements

- A. General procedure and fees. The Planning Board shall provide for inspection of required improvements during construction so as to insure their satisfactory completion. The applicant shall pay to the Village an inspection fee as set forth

in the Standard Fee Schedule of the Village of Chestnut Ridge, and the subdivision plat shall not be signed by the Chairman of the Planning Board unless such fee has been paid at the time of application. In addition, the applicant shall pay extra payroll costs for all engineering and inspection services requested by the applicant or any contractor outside the regular Village working hours. If the Village Engineering Consultant or the Superintendent of Highways finds, upon inspection, that any of the required improvements have not been constructed in accordance with the construction plans, the Village's construction standards and specifications, or these Regulations, the applicant shall be responsible for completing said improvements in accordance with said requirements. Wherever the cost of improvements is covered by a Letter of Credit, the applicant and the bank shall be severally and jointly liable for the cost of completing said improvements according to specifications. (Amended May 19, 1988)

B. Certificates of satisfactory completion (Amended May 19, 1988)

- (1) The Village Board will not accept dedication of required improvements, nor release nor reduce a Letter of Credit, until the Village Engineering Consultant and/or the Superintendent of Highways have submitted reports stating that all required improvements have been satisfactorily completed, and until the applicant's engineer or surveyor has certified to the Village Engineering Consultant that the layout of the line and grade of all public improvements is in accordance with the construction plans for the subdivision and that a title insurance policy has been furnished to and approved by the Village Attorney indicating that the improvements shall have been completed, and are ready for dedication to the Village and are free and clear of any and all liens and encumbrances.
- (2) The Letter of Credit shall be reduced only to the ratio that the public improvement dedicated bears to the total public improvements required for the plat. In no event shall the Letter of Credit be reduced below twenty-five percent (25%) of the principal amount.

C. Escrow deposits with Building Inspector.

- (1) Whenever, by reason of the season of the year, any lot improvements required by the subdivision regulations cannot be performed, the Building Inspector may, nevertheless, issue a certificate of occupancy, provided there is no danger to health, safety or general welfare upon accepting a cash escrow deposit in an amount to be determined by the Village Engineering Consultant for the cost of said improvements.
- (2) All required improvements for which escrow moneys have been accepted by the Building Inspector at the time of issuance of a certificate of occupancy shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the certificate of occupancy. In the event that said improvements have not been properly installed, at the end of said time period the Building Inspector shall give two (2) weeks written notice to the developer requiring him to install same, and in the event that same are not installed properly in the discretion of the Building Inspector, the Building Inspector may request the Village Board to authorize the village to proceed to contract out the work for the installation of the necessary improvements in a

sum not to exceed the amount of the escrow deposit. At the time of the issuance of the certificate of occupancy for which escrow monies are being deposited with the Building Inspector, the developer shall obtain and file with the Building Inspector prior to obtaining the certificate of occupancy a notarized statement from the purchasers of the premises authorizing the Building Inspector to install the improvements at the end of the nine month period in the event that the same have not been duly installed by the developer.

§32 Utilities

Where utilities required by the Planning Board are to be installed by a public-utility company or improvement district, the Planning Board may accept assurance from the public-utility company or improvement district, in writing, that such installations will be furnished by the company or improvement district within a specified period of time and in accordance with the approved construction plans. (Amended May 19, 1988)

§33 Maintenance of improvements

The applicant shall be required to maintain all improvements and provide for snow removal on street and sidewalks, if required, until acceptance of said improvements by the Village Board. If there are any certificates of occupancy on a street not dedicated to the village, the village may on twelve (12) hours notice plow the street, or effect emergency repairs and charge same to the developer. The applicant shall be required to file a maintenance bond with the Village Board, prior to dedication, in an amount considered adequate by the Village Engineering Consultant and in a form satisfactory to the Village Attorney in order to assure the satisfactory condition of the required improvements for a period of one (1) year after the date of their acceptance by the Village Board and dedication of same to the village.

§34 Future status of roads, parks and easements

Acceptance of formal offers of dedication of streets, easements and parks shall rest with the Village board. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or imply the acceptance by the village of any street easement or park shown on said plat. The Planning Board may require said plat to be endorsed with appropriate notes to this effect.

§35 Deferral or waiver of required improvements

The Planning Board may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interests of the public health, safety and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

Whenever it is deemed necessary by the Planning Board to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the developer shall pay his share of the costs of the future improvements to the village in escrow prior to signing of the final subdivision plat, or the developer may post a bond insuring completion of said improvements upon demand of the village. The village shall refund any funds so paid if not used for their intended purpose; and refund shall be made when the Village Board determines said funds shall not be so used.

§36 Completion of improvements

Where a Letter of Credit has been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and offer of dedication of same to the Village of Chestnut Ridge or other public agency as required in the Planning Board's final approval of the subdivision plat. In general, the extent of said street improvement shall be adequate for vehicular access by the prospective occupant and by police and fire equipment, prior to the issuance of an occupancy permit. The developer shall submit monies in escrow to the Village in a sum determined by the Village Engineering Consultant for the final road wearing course or other necessary final improvement of the street.

No building permit shall be issued for the final ten percent (10%) of lots in a subdivision, or, if ten percent (10%) is less than two (2), for the final two (2) lots in a subdivision, until all public improvements required by the Planning Board for the plat, including final road wearing course, have been fully completed and offered for dedication. (Amended May 19, 1988)

ARTICLE IV

GENERAL REQUIREMENTS AND DESIGN STANDARDS

§40 General

- A. Character of land. Land of such a character that it cannot be used without danger to health or peril from fire, flood or other menace shall not be subdivided for residential purposes nor for such other uses as may increase danger to health, life or property, or aggravate a flood hazard, but such land may be set aside for such uses as shall not involve such danger.
- B. Conformance to Master Plan or Official Map. Subdivisions shall conform to the streets' drainage systems or parks shown on the Official Map of the village as it may be adopted by the Village Board, and shall be properly related to the Village Master Plan as may be adopted by the Planning Board.
- C. Frontage on improved road. The area to be subdivided shall have frontage on, and access from, an existing street on said Official Map, which shall have been suitably improved as required by the highway specification regulations of the village and with the width and right-of-way required by these subdivision regulations and the Official Map. Wherever the area to be subdivided is to utilize existing road frontage, said road shall be suitably improved as provided herein above. The Planning Board shall further require that the entire right-of-way required by these subdivision regulations and the Official Map to be dedicated to the Village of Chestnut Ridge or the Town of Ramapo as a condition of final plat approval.

- D. Monuments. Monuments shall be of a type which conforms to the village construction standards and specifications and shall be required wherever deemed necessary by the Planning Board to enable all lines to be reproduced upon the ground. In general, monuments shall be located on street right-of-way lines at street intersections, angle points, points of curve and block corners. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street limits.

§41 Roads

- A. Relation to topography. Roads shall be related appropriately to the topography. Local roads shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in §411 of these regulations.
- B. Block size. Block dimensions shall be generally wide enough to accommodate two (2) lots in depth and generally not more than twelve (12) times the minimum lot width required in the zoning district. In long blocks, the Planning Board may require the reservation of an easement through the block to accommodate utilities, drainage facilities or pedestrian traffic. See §§45B and 45C.
- C. Intersections.
- (1) Intersections of streets shall be at angles as close to ninety degrees (90) as possible. Toward this end, an oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Where three (3) or more streets intersect, a turning circle, or other special treatment, may be required by the Planning Board. Wherever two (2) streets intersect at an angle smaller than seventy-five degrees (75), the right-of-way returns and the relation of gutter grades shall be given special treatment, as determined by the Board, and islands to channelize traffic may be required.
 - (2) Intersections of major streets by other streets shall be at least eight hundred (800) feet apart, if possible. Cross (four cornered) street intersections shall be avoided insofar as possible, except as shown on the Village Master Plan or at other important traffic intersections. A distance of at least one hundred fifty (150) feet shall be maintained between center lines of offset intersecting streets. Grades shall be limited to not more than two percent (2%) within fifty (50) feet of an intersection.
- D. Continuation of roads into adjacent property. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and where such continuation is in accordance with the village plan. If the adjacent property is undeveloped, and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary T or L-shaped turnaround shall be provided on all temporary dead-end streets, with the notation on the subdivision

plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The Planning Board may limit the length of temporary dead-end streets in accordance with §411.

E. Permanent dead-end roads.

(1) Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Board for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Planning Board may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A circular turnaround shall be provided at the end of a permanent dead-end street in accordance with the village construction standards and specifications.

(2) For greater convenience to traffic and more effective police and fire protection, permanent dead-end street shall, in general, be limited in length in accordance with §411. Where it is impossible to subdivide a property except by a dead-end road which is longer than permitted by these regulations, the Board may require that a divided roadway with center mall be constructed in a seventy-foot right-of-way (or greater width if required) in such a manner that either side of the roadway could be used, in emergencies, for two-way traffic.

F. Road names. The sketch plat as submitted shall not indicate any names upon proposed streets. The developer shall name all roads at the time of preliminary approval. The local postmaster shall be consulted by the Clerk prior to final selection of street names. Names shall be sufficiently different in sound and in spelling from other road names in the village so as not to cause confusion. A road which is or is planned as a continuation of an existing road shall bear the same name.

G. Location, width and improvement of roads. Roads shall be suitably located, of sufficient width, and adequately improved, to accommodate the prospective traffic and to afford satisfactory access to police, fire-fighting, snow removal or other road-maintenance equipment, and shall be coordinated so as to compose a convenient system. The location, arrangement or design of streets shall be such as to cause no undue hardships to adjoining properties.

H. Reserve strips. The creation of reserve strips adjacent to a proposed street in such a manner as to deny access from adjacent property to such street shall not be permitted.

I. Design standards for new roads. Roads shall meet the design standards set forth on the following pages. Road classification may be indicated on the Village Master Plan or Official Map. Otherwise, it shall be determined by the Planning Board.

IMPROVEMENT

ZONING DISTRICT

	RR-50	R-40 R-35 R-25 R-15	NONRESIDENTIAL BUS. - IND.
Min. ROW Width			
Local Road	50'	50'	50'
Collector Road	50'	50'	60'
Secondary Road	60'-70'	60'-70'	70'-80'
Major Road	70'-80'	70'-80'	70'-80'

Min. Width Travelled Way			***
Local Road	20' <i>WIS</i> •	30' <i>W/C</i>	30' <i>w/c</i> ••
Collector Road	22' <i>WIS</i>	30' <i>W/C</i>	40' <i>W/C</i>
Secondary Road	24' <i>WIS</i>	40' <i>W/C</i>	44' <i>W/C</i>
Major Road	44' <i>WIS</i>	48' <i>W/C</i>	48' <i>W/C</i>

RR-50 Concrete curbs are required for all roads where sidewalks are required.

Road Pavement, Shoulders,
Drainage Structures,
Curbs, Turnaround, etc.
Maximum Grade

(See Construction Standards and
Specifications)

Local Road	10%	10%	6%
Collector Road	8%	8%	6%
Secondary Road	6%	6%	5%
Major Road	6%	6%	5%

Minimum Grade	1%	1%	1%
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Min. Rad. of Curve at C.L.			
Local Road	100'	100'	200'
Collector Road	100'	100'	200'
Secondary Road	300'	300'	400'
Major Road	500'	500'	500'

Max. Length of Cul-de-sac			
Permanent	Six times min. lot width	Serving no more than 14 families	500'
Temporary	Twelve times min. lot width	Serving no more 25 families	1000'

- With shoulders
- With curbs

IMPROVEMENT

ZONING DISTRICT

RR-SO R-40 R-35 NONRESIDENTIAL
R-25 R-15 BUS. IND.

Min. Length of Vert.
Curve

Local Road	100' but not less than 20' for each 1 % algebraic difference in grade
Collector Road	100' but not less than 20' for each 1% algebraic difference in grade
Secondary Road	200' but not less than 50' for each 1% algebraic difference in grade
Major Road	300'

Min. Length of Tangents
between Reverse Curves

Local Road	100'	200'
Collector Road	100'	200'
Secondary Road	200'	300'
Major Road	300'	400'

Min. Sight Distance

Local Road	200'	250'
Collector Road	200'	250'
Secondary Road	300'	300'
Major Road	400'	400'
At Intersections	Across corner - 75' back from intersection.	

Min. Turnaround

Local Roads		
Diam:ROW	120'	160'
Pavement	100'	140'
Center Island Diameter (if required)	40'	60'

Sidewalks

Local Road***	Both sides 4' wide	Both sides 6' wide****
Collector Road	Both sides 4' wide	Both sides 6' wide****
Secondary Road	Both sides 4' wide	
Major Road	Both sides 4' wide	

{See Construction Standards and Specifications}

IMPROVEMENT

ZONING DISTRICT

RR-50 R-40 NONRESIDENTIAL
R-35 R-25 BUS. Th<'D.
R-15

Min. Rad. at
Intersections

ROW	25'	25'	30'
Pavement	25'	25'	30'

... Not required on permanent dead-end streets.

**** In industrial districts, right-of-way and pavement widths and sidewalk standards may be reduced when potential traffic and parking requirements can be satisfied by lesser standards.

§42 Improvements

A. Road Improvements

- (1) Roads shall be graded and improved and conform to the village construction standards and specifications, and shall be approved as to design and specifications by the Village Engineering Consultant.
- (2) The developer shall improve and dedicate at this expense all perimeter streets of the subdivision to at least one-half (1/2) width of said street. Frontage roads and streets shall be improved and dedicated by the developer at his expense to the full width as required by these subdivision regulations.

B. Drainage Improvements

- (1) The developer may be required by the Planning Board to carry away by pipe or open ditch, any spring or surface water that may exist either previously to, or as a result of, the subdivision. Such drainage facilities shall be located in the road rights-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.
- (2) A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Village Engineering Consultant shall determine the necessary size of facility, based on the provisions of the construction standards and specifications, assuming conditions of maximum potential watershed development permitted by the Zoning Law.
- (3) The Village Engineering Consultant shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. The county drainage study of May 1960, together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Board may withhold approval of the subdivision until provision has been made for the improvement of said potential condition or, in the alternative, the developer may deposit in escrow the full cost of the required improvement of the said potential condition in such sum as the Planning Board shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility therein on the Official Map.
- (4) The Planning Board may refer any subdivision to other village or town agencies for a recommendation thereon.

C. Other Improvements.

- (1) Road signs. The subdivider shall deposit with the village at the time of final subdivision approval the sum required in the Standard Schedule of Fees for each road sign required by the Superintendent of Highways and Village Engineering Consultant at all road intersections. The village shall install all road signs before issuance of certificates of occupancy for any residence on the streets approved.
- (2) Road lighting standards. Streetlights of a type approved by the Planning Board will be required in all subdivisions, and their location is to be shown on the construction drawings accompanying preliminary and final plats. Said streetlights are to be installed by the applicant prior to the issuance of any certificate of occupancy, and are to be maintained at the applicant's sole expense until such time as the roads have been accepted by the village. In the case of a subdivision involving a county or state highway, approval shall be obtained from the County Superintendent of Highways.
- (3) Shade trees. The subdivider shall deposit with the village at the time of final subdivision approval the sum required in the Standard Schedule of Fees for each tree required by the Planning Board as shown on the construction plans accompanying the preliminary and final subdivision plats. The trees shall be planted by the village within the shade tree easement hereinafter specified, subsequent to dedication of the streets shown in the subdivision.
- (4) Sanitary sewer facilities and sanitary sewer districts. The subdivider shall install sanitary sewer facilities in a manner prescribed by the village construction standards and specifications. Necessary action shall be taken by the developer to enable the Village Board or Town Board to extend or create a Sanitary Sewer District for the purpose of providing sanitary sewers to the subdivision where no district exists for the land to be subdivided.
- (5) Fire hydrants and water supply districts
 - (a) Necessary action shall be taken by the developer to enable the Village Board or Town Board to extend or create a water-supply district for the purpose of providing fire hydrants to the subdivision. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, shall be installed before any final paving of a street shown on the subdivision plat.
 - (b) To facilitate the above, the location of all fire hydrants and the boundary lines of the proposed district, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance bond to be furnished by the developer.

- D. Underground facilities. All utility facilities shall be located underground throughout the subdivision. Wherever existing utility facilities are located aboveground, except where existing on public roads and rights-of-way, they shall be removed and placed underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Planning Board, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

§43 Lots

- A. Lot arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Law and County Health Department Regulations, and in providing driveway access to buildings on such lots from an approved street.
- B. Access across a watercourse. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure, of design approved by the Village Engineering Consultant.
- C. Lot dimensions. Lot dimensions shall comply with the minimum standards of the Zoning Law. Where lots are more than double the minimum required area for the Zoning District, the Planning Board may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the Zoning Law and these regulations.
- D. Side lot lines. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan.
- E. Access from major and secondary roads. Lots shall not, in general, derive access exclusively from a major or secondary street. Where driveway access from a major or secondary street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on major or secondary streets.
- F. Corner lots. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front-yard setback from both streets.
- G. Water bodies. If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The Planning Board may

approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a village responsibility. No more than twenty-five percent (25%) of the minimum area of a lot required under the Zoning Law may be satisfied by land which is under water.

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

§44 Reservations for parks, playgrounds and recreation areas

A. Recreation standards. The Planning Board shall require that land be reserved for parks and playground or other recreation purposes in locations designated on the Village Master Plan or Official Map, or otherwise where such reservations would be appropriate. Each reservation shall be of suitable-size, dimension, topography and general character, and shall have adequate road access, for the particular purposes envisioned by the Planning Board. The area shall be shown and marked on the plat "Reserved for Park and/or Recreation Purposes". When recreation areas are required, the Planning Board shall determine the number of acres to be reserved from the following table, which has been prepared on the basis of providing three (3) acres of recreation area for every one hundred (100) families. The Planning Board may refer such proposed reservations to the Town of Ramapo for recommendations. The developer shall dedicate all such recreation areas to the village or town as determined by the village as a condition of final subdivision plat approval.

(1) Table of recreation requirements:

Zoning District	Percentage of Total Land in Subdivision to be Reserved for Recreation Purposes
RR-50	2.5%
R-40	3.0%
R-35	3.5%
R-25	5.0%
R-15	8.0%

B. Minimum size of park and playground reservations. In general, land reserved for recreation purposes shall have an area of at least four (4) acres. When the percentages from the table above would create less than four (4) acres, the Board may require that the recreation area 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. In no case shall an area of less than two (2) acres be reserved for recreation purposes if it

will be impractical or impossible to secure additional lands in order to increase its area. Where recreation land in any subdivision is not reserved, or the land reserved is less than the percentage in §44A (1), the provisions of §44E shall be applicable.

- C. Recreation sites. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield or other recreation purpose, and shall be relatively level and dry. A recreation site shall have a total frontage on one (1) or more streets of at least two hundred (200) feet, and no other dimension of the site shall be less than two hundred (200) feet in depth. The Planning Board may refer any subdivision proposed to contain a dedicated park to the Town of Ramapo for its recommendations. All land to be reserved for dedication to the village for park purposes shall have prior approval of the Village Board and shall be shown and marked on the plat "Reserved for Park and/or Recreation Purposes". Any land to be reserved for dedication to the town for park purposes shall have prior approval of the Town Board.
- D. Other recreation reservations. The provisions of this section are minimum standards. None of the subsections above shall be construed as prohibiting the Planning Board from requiring a developer to reserve other land for recreation purposes in addition to the requirements of this section. (Amended May 19, 1988)
- E. Alternative procedure: money in lieu of land. Where, with respect to a particular subdivision, the Planning Board, in its discretion, determines that land should not be reserved or that the reservation of land required pursuant to this section, either alone or in conjunction with abutting reservations on adjoining subdivisions, does not equal the percentage of total land required to be reserved in §44A (1), the Planning Board shall require, prior to final approval of the subdivision plat, that the applicant deposit with the Village Board a cash payment in lieu of land reservation. Such deposit shall be placed in a Neighborhood Park and Recreation Fund to be established by the Village Board. Such deposit shall be used by the Village for improvement of a neighborhood park, playground or recreation area including the acquisition of property. Such deposit shall be used for facilities that will be actually available to and benefit the persons in said subdivision and be located in the general neighborhood of the subdivision. The Planning Board shall determine the amount to be deposited, based on the Standard Schedule of Fees, less a credit for the amount of land actually reserved for recreation purposes, if any, as the land reserved bears in proportion to the land required for reservation in §44A (1), but not including any lands reserved through the density zoning regulation. (Amended May 19, 1988)
- F. Applicability to land utilizing average density resolution. Any subdivision plat in which the principle of average density has been utilized, pursuant to the average density resolution of the village, shall not be exempt from the provisions of this section, except as to such portion of land which is actually dedicated to the village for park and recreation purposes. If no further area, other than the area to be reserved through averaging, is required by the

Planning Board, the full fee shall be paid, as required in §44E. If further land is required for reservation, apart from the land reserved by averaging, a credit shall be given as provided by §44E.

§45 Other reservations

- A. Widening or realignment of existing roads. Where a subdivision borders an existing narrow road or when the Village Master Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the subdivider may be required to show areas for widening or realigning such roads on the plat marked "Reserved for Road Realignment (or Widening) Purposes". It shall be mandatory to indicate such reservation on the plat when a proposed widening or realignment is shown on the village, town or county Official Maps. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the Zoning Law, whether the land is to be dedicated in fee simple or an easement is granted.

- B. Utility and drainage easements.
 - (1) Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within road rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such utilities or drainage facilities shall be provided across property outside of the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

 - (2) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

 - (3) The applicant shall dedicate, either in fee or by drainage or conservation easement, land on both sides of existing watercourses, as shown on the Official Map, to a distance to be determined by the Planning Board upon the recommendation of the Village Engineering Consultant.

 - (4) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainageways. Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for average density procedure nor for computing the area requirement of any lot.

- C. Easements for pedestrian access. The Planning Board may require in order to facilitate pedestrian access from roads to schools, parks, playgrounds or other nearby roads, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

- D. Shade tree easement. The preliminary plat and final plat shall reserve an easement authorizing the village to plant shade trees within five (5) feet of the required right-of-way of the village.

§46 Miscellaneous

- A. Existing features which would add value to residential development or to the village as a whole, such as trees, as herein defined, watercourses and falls, beaches, historic spots and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees, where required, shall be welled and protected against change of grade. The sketch plat shall show the number and location of existing trees, as required in §50A(2), and keyed to a table listing species, height, caliper and replacement value as certified to by a licensed landscape architect. The replacement value shall be included in the public improvement Letter of Credit. (Amended May 19, 1988)
- B. Self-imposed restrictions. If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Law, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the Planning board may require that restrictive covenants be recorded with the Rockland County Clerk in form to be approved by the Village Attorney.
- C. Subdivisions including land zoned for business or industry. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the Planning Board may require for safe and convenient access to such automobile parking and loading and unloading spaces as may be required by the Zoning Law, or otherwise for safe and convenient service access to such land.
- D. Deposit and disposition of trees, debris and waste. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind shall be buried in any land or left or deposited on any lot or street at the time of the issuance of a certificate of occupancy, and removal of same shall be required prior to issuance of any certificate of occupancy on a subdivision. Nor shall same be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner. The performance bond shall include an amount for removal of such materials in the event the provisions of this section are not complied with.
- E. Soil preservation and final grading. No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved final subdivision plat and the lot recovered with soil with an average depth of at least six (6) inches over the entire area of the lot, except that portion covered by buildings or included in streets, or where the

grade has not been changed or natural vegetation seriously damaged. The performance bond shall include an amount for correction of grading and placement of soil. Whether or not a certificate of occupancy has been issued, at the expiration of the performance bond the village may enforce the provisions of said bond where the provisions of this section or any other applicable law, ordinance or regulation have not been complied with.

§47 Adjustment of regulations

Where the Planning Board finds that, because of special circumstances of a particular plat, extraordinary hardships may result from strict compliance with these regulations, it may adjust the regulations so that substantial justice may be done and the public interest secured; provided that any such adjustment will not have the effect of nullifying the intent and purpose of these regulations, the Village Master Plan or the Official Map of the village. In granting any adjustment, the Planning Board shall attach such conditions as are, in its judgment, necessary to secure substantially the objective of the standards or requirements so adjusted.

ARTICLE V

SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

§50 Sketch plat

A. Sketch plats submitted to the Planning Board, prepared in pen or pencil, shall be drawn to a convenient scale, not more than one hundred (100) feet to an inch, and will show the following information:

- (1) Title of proposed subdivision, graphic scale, North arrow, date, revision date (if any), property owner's name and address, applicant's name and address (if other than the owner) and the name and address of the licensed surveyor preparing the sketch plat.
- (2) Location of property lines, existing easements, burial grounds, railroad rights-of-way, watercourses and existing wooded areas or trees eight (8) inches or more in diameter measured four (4) feet above ground level; location, width and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; names of adjoining property owners from the latest Town of Ramapo assessment rolls within five hundred (500) feet of any perimeter boundary of the subdivision.
- (3) Location, sizes, elevations and slopes of existing sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings and utility poles on or immediately adjacent to the site.
- (4) Topography, with a contour interval of two (2) feet referred to sea level datum. All datum provided shall be the latest applicable United States Coast and Geodetic Survey datum and should be so noted on the plat.
- (5) The approximate location and widths of proposed streets.
- (6) Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment disposal; preliminary provisions for collecting and discharging surface water drainage.
- (7) The approximate location, dimensions and areas of all proposed or existing lots.
- (8) The approximate location, dimensions and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
- (9) The location of temporary stakes to enable the Planning Board to find and appraise features of the sketch plat in the field.

- (10) Whenever the sketch plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street system, and an indication of the probably future street and drainage system of the remaining portion of the tract.
- (11) A vicinity map showing streets and other general development of the surrounding area at a scale of one (1) inch equals three hundred (300) feet. The sketch plat shall show all school and improvement district lines and zoning district lines with the zones properly designated. The proposed lot lines should be shown on this map.

§51 Preliminary plat

- A. The preliminary plat shall be prepared by a licensed land surveyor at a convenient scale not less than one (1) inch equals one hundred (100) feet, may be prepared in pen or pencil, and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing in the office of the Rockland County Clerk, but shall not be thirty-four by forty-four (34 x 44) inches or larger. It should be noted that the map prepared for the preliminary plat may also be used for the final subdivision plat and, therefore, should be drawn on mylar; preparation in pencil will make required changes and additional easier.
- B. The preliminary plat shall show the following:
 - (1) The location of the property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments; the names of adjoining streets.
 - (2) The location and dimensions of all boundary lines of the property.
 - (3) The location of existing streets, easements, water bodies, streams and other pertinent features such as swamps, railroads and buildings.
 - (4) The location and width of all existing and proposed streets and easements.
 - (5) The locations, dimensions and areas of all proposed or existing lots.
 - (6) The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof.
 - (7) The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.

- (8) The date of the map, approximate true North point, scale and title of the subdivision and all revision dates.
- (9) Sufficient data acceptable to the Village Engineering Consultant to determine readily the location, bearing and length of all lines, and to reproduce such lines upon the ground; the location of all proposed monuments.
- (10) Names of all new streets as approved by Planning Board.
- (11) All information required on the sketch plat should also be shown on the preliminary plat, except the items required in §50A (3), (4) and (6), and the following notation shall also be shown:
 - (a) Explanation of drainage easements, if any.
 - (b) Explanation of site easements, if any.
 - (c) Explanation of reservations, if any.
 - (d) Endorsement of owner as follows:

Approved for filing:

Owner _____ Date _____

- (e) Form for endorsements by Planning Board as follows:

Approved as preliminary plat by resolution of the
 _____ Village Planning Board

 Chairman

 Date

§52 Construction plans

- A. Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale no less than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the preliminary plat. The following shall be shown:

- (1) Profiles showing existing and proposed elevations along the center lines of all roads. Where a proposed road intersects to an existing road or roads, the elevation along the center line of the existing road or roads, within one hundred (100) feet of the intersection, shall be shown.
- (2) The Planning Board may require, where steep slopes exist, the cross sections of all proposed streets at one hundred foot stations shall be shown at five (5) points, as follows: On a line at right

angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line, and points twenty-five (25) feet inside each property line.

- (3) Plans and profiles showing the locations and typical cross section of street pavements, including curbs and gutters, sidewalks, drainage easements, servitudes, rights-of-way, manholes and catch basins; the locations of street trees, street lighting standards and street signs; the location, size and invert elevations of existing and proposed sanitary sewers, stormwater drains and fire hydrants; and exact location and size of all water, gas or other underground utilities or structures.
- (4) Location, size, elevation and other appropriate description of any existing facilities or utilities including but not limited to existing streets, sewers, drains, water mains, easements, water bodies, streams and other pertinent features such as swamps, railroads, buildings, features, noted on the Official Map and each tree with a diameter of eight (8) inches or more measured twelve (12) inches above ground level, at the point of connection to proposed facilities and utilities within the subdivision.
- (5) Topography, at the same scale as the sketch plat, with a contour interval of two (2) feet, referred to sea level datum. All datum provided shall be latest applicable United States Coast and Geodetic Survey datum and should be so noted on the plat.
- (6) All specifications and references required by the village's construction standards and specifications, including a site-grading plan for the entire subdivision.
- (7) Notation of approval as follows:

Approved by
Owner _____ Date _____
Chairman _____ Date _____
- (8) Title, name, address and signature of professional engineer and surveyor, and date, including revision dates.

§53 Final subdivision plat

- A. The final subdivision plat shall be presented in ink on mylar and shall be at the same scale and contain the same information, except for any changes or additions required by resolution of the Board, as shown on the preliminary plat. The preliminary plat may be used as the final subdivision plat if it meets these requirements and is revised in accordance with the Board's resolution. All revision dates must be shown, as well as the following:

- (1) Notation of any self-imposed restrictions and locations of any building lines proposed to be established in this manner, if required by the Planning Board in accordance with §46B.
 - (2) Endorsement of the County Health Department.
 - (3) Lots numbered as directed by the Town Assessor.
- B. The final subdivision plat shall be prepared by a land surveyor licensed by the State of New York.

§54 Road dedication check list (Amended March 21, 1991)

Prior to acceptance by the Village of a road offered for dedication, the owner of the property shall file with the Village Clerk, the following documents and information:

- A. Certified as-built survey including:
 - (1) Road center line and edge of road grades at 25 feet;
 - (2) Inverts, size and composition of storm lines;
 - (3) Inverts, size and composition of sanitary lines;
 - (4) Location of street lights and wiring, hydrants, water and gas lines, curbs and right-of-way.
- B. Letters from the following utilities or certification of applicant's engineer that service has been installed and is functioning satisfactorily:
 - (1) Electric
 - (2) Gas
 - (3) Water
 - (4) Telephone
 - (5) Cable TV
 - (6) Sewers
- C. List of sub-contractors who have worked on the subdivision with release of lien for each.
- D. Certification issued by licensed surveyor that monuments have been set in accordance with approved plans.
- E. Certification issued by licensed engineer that construction is in accordance with Village specifications and construction plans.

- F. Copy of infiltration/exfiltration test results certified by a P.E. as submitted to the Rockland County Health Department and the Town of Ramapo.
- G. Copy of test results for concrete, asphalt and/or borings, if required by the Village Engineer and certification of on-site results.
- H. Copies of delivery tickets for asphalt, concrete and piping for compliance with Village Material Specifications.
- I. Proof that Village Engineering Consultant has inspected and approved sub-base of road prior to installation of final wearing course.
- J. Proof that real estate taxes have been paid on the property to the date of dedication.
- K. Updated title report showing no liens or encumbrances on property.
- L. Title insurance policy in the minimum amount of \$20,000. and proof of payment by applicant.
- M. Maintenance bond to assure satisfactory condition of improvements for a period of five years after dedication to the Village.
- N. Payment of recording fees.

ARTICLE VI

DEFINITIONS

§60 Terms defined

For the purpose of the regulations, certain words and terms used herein are defined as follows, or as defined and used as defined in the Zoning Law of the Village of Chestnut Ridge.

APPLICANT – The owner of land proposed to be subdivided or any other party in interest who shall submit the written consent of the owner.

BOND – Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Village Board. All bonds shall be approved by the Village Board wherever a bond is required by these regulations.

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

CONSTRUCTION STANDARDS AND SPECIFICATIONS – The standards and specifications adopted by the Planning Board and approved by the Village Board for the construction of new subdivision streets and related improvements.

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

ESCROW – A deposit of cash with the village in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited by the Mayor of the Village of Chestnut Ridge in a separate account.

ENGINEER or LICENSED PROFESSIONAL ENGINEER – A person licensed as a professional engineer by the State of New York.

FRONTAGE STREET – Includes any street to be constructed by the developer or any existing street in which development shall take place on both sides.

MASTER PLAN – A comprehensive plan for development of the village prepared and adopted by the Planning Board, pursuant to Article 7 of the Village Law, and includes any part of such plan separately adopted and any amendment to such plan, or parts thereof.

OFF-SITE – Any premises not located within the area of the property to be subdivided whether or not in the same ownership of the applicant for subdivision approval.

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

OFFICIAL SUBMITTAL DATE –

OWNERSHIP, SAME – Includes all vested or contingent interests of any person or his agent, representative, successor or assignee, irrespective of whether or not such interest is recorded, in the following circumstances:

- A. Direct ownership by such person, or his or her child, parent, sibling or spouse of sibling, heir or next of kin or agent, corporation, firm, entity, partnership or unincorporated association.
- B. Property owned by different corporations, firms, partnerships, entities or unincorporated associations, in which such a person is a stockholder, partner or associate, or his or her child, parent, sibling or spouse of sibling, heir or next of kin, and owns a ten-percent or greater interest in each corporation, firm, partnership, entity or unincorporated association.
- C. When such person or his estate, successors or assigns or any person or entity included in Subsections A and B herein may be materially or substantively affected by the relief sought or by any determination made in any proceeding sought before any board, body, commission or agency of the Village of Chestnut Ridge, whether or not such person is a party to such application or proceeding and whether or not such person appears on the record of such proceeding.

PERIMETER, STREET – Includes any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

PLAT – Subdivision plat. See definition of “subdivision, major”.

PRELIMINARY PLAT – The preliminary drawing or drawings, described in 51 of the regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Board for its approval.

PLANNING BOARD – The Village Planning Board.

RESUBDIVISION – A change in a map of an approved or recorded subdivision plat if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

ROAD – Includes streets, roads, avenues, lanes or other ways.

ROAD, COMMERCIAL or INDUSTRIAL – A road which serves, or is designed to serve, commercial or industrial properties.

ROAD, DEAD-END – Means a road or a portion of a street with only one (1) vehicular-traffic outlet.

ROAD, COLLECTOR – Means a road which serves or is designed to carry traffic from local residential streets to secondary streets.

ROAD, SECONDARY – Means a road which serves or is designed to carry traffic from collector streets to the system of major streets.

ROAD, MAJOR – Means a road which is used primarily as a route for traffic between communities or large areas.

ROAD PAVEMENT – Means the wearing or exposed surface of a roadway used by vehicular traffic, excluding curbs or gutters.

ROAD RIGHT-OF-WAY WIDTH – Means the distance between property lines measured at right angles to the center line of the street.

SKETCH PLAT – Means a sketch of the preliminary plat (or subdivision plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the sketch plat and the objectives of these regulations.

SALE OR LEASE – Means any immediate or future transfer of ownership, including contract of sale or transfer, of an interest in a subdivision or part thereof.

SUBDIVIDER – Means any person who (1), having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2), directly or indirectly sells, leases or develops or offers to sell, lease or develop, or advertises for sale, lease or development, any interest, lot, parcel site, unit or plot in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease or development a subdivision or any interest, lot, parcel site, unit or plot in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

SUBDIVISION – Means any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, unites, plots or interests for the purpose of offer, sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions, including resubdivision. Subdivision includes the division or development of residential and nonresidential zoned land.

SUBDIVISION AGENT – Means any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing or developing or offering to sell, lease or develop any interest, lot, parcel, unit, site or plot in a

subdivision, except an attorney at law whose representation of another person consists solely of rendering legal services.

SUBDIVISION, MAJOR – Means all subdivisions not classified as minor subdivisions, including but not limited to subdivision of four (4) or more lots, or any size subdivision requiring any new street or extension of municipal facilities, or the creation of any public improvements.

SUBDIVISION, MINOR – Means any subdivision containing not more than three (3) lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities, or the creation of any public improvements 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, Official Map or Zoning Law, if such exists, or these regulations.

SUBDIVISION PLAT – Means the final map or drawing, described in §53 of the regulations, on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, may be submitted to the County Clerk for recording.

SURVEYOR – Means a person licensed as a land surveyor by the State of New York.

TOWN – The Town of Ramapo.

VILLAGE – The Village of Chestnut Ridge.

VILLAGE ENGINEERING CONSULTANT – Means the duly designated engineer of the village.

ZONING LAW – Means the officially adopted Zoning Law of the village, together with any and all amendments thereto.