

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~

~~Town~~

Village

of LYNDONVILLE, ORLEANS COUNTY, NEW YORK

Local Law No. 3 of the year 1999.

A local law Subdivision Regulations of the Village of Lyndonville
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~County~~

~~City~~

~~Town~~

Village

of LYNDONVILLE

as follows:

LAND SUBDIVISION REGULATIONS Village of Lyndonville

ARTICLE I

GENERAL PROVISIONS AND POLICY REQUIREMENTS

Section 101 Legislative Authority

Pursuant to Article 7, Section 728 and 730 of the Village Law of the State of New York and by resolution of the Village Board, the Planning Board of the Village of Lyndonville is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, within the incorporated limits of the Village of Lyndonville.

Section 102 Title

This Chapter shall be known and may be cited as the "Subdivision Regulations of the Village of Lyndonville."

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 103 General Requirements

Whenever any subdivision of land is proposed, before any permit for the erection of a structure in such proposed subdivision shall be granted and before any subdivision plan may be filed in the Office of the Orleans County Clerk, the subdivider or a duly authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedures.

The Orleans County Clerk's Office shall not record a plat of any subdivision within the Village unless the plat has been approved in accordance with the provisions of this chapter and contains all of the appropriate signatures.

Section 104 Design and Review Policies

The subdivision of land shall conform with these regulations as well as with appropriate laws, rules and regulations established by all governing bodies having or claiming jurisdiction over various phases of the proposed development. It is declared to be the policy of the Village of Lyndonville to consider land subdivision to be part of a process that provides for the orderly, efficient and economical development of the Village in a manner that is reasonable and in the best interest of the community. In its consideration of an application for the subdivision of land, the Planning Board shall be guided by the following general requirements.

- A. Land must be buildable and free of hazards. The physical characteristics of the land to be subdivided shall be such that it can be used for building purposes without danger to health and safety or peril from fire, flood, erosion or other menace. Proper provision shall be made for vehicular and pedestrian access, storm water drainage, and water supply and sewage disposal as well as for other needed improvements.
- B. Important community resources and natural features shall be incorporated into the design of the subdivision as much as possible. To the maximum practicable extent, existing features of the landscape such as large trees, rock outcrops, water and flood courses, historic components and other significant community assets shall be preserved.
- C. Subdivisions shall be in conformance with all local legislative requirements, and consistent with the Comprehensive Plan, or as such Comprehensive Plan document may be amended in the future.

ARTICLE II

DEFINITIONS AND WORD USAGE

Section 201 Word Usage and Definitions

- A. The following rules of construction of language shall apply to the text of this chapter.
- (1) All words used in the present tense include the future tense.
 - (2) All words in the plural number include the singular number and all words in the singular number include the plural number, except as to the number of permitted structures, unless the natural construction of the wording indicates otherwise.
 - (3) The word "person" includes an individual, firm, association, partnership, corporation or other similar entity.
 - (4) Unless otherwise specified, all distances shall be measured horizontally along the ground.
 - (5) The word "building" includes the word "structure."
 - (6) "Lot" includes the words "plot," "parcel", "tract", or "site".
 - (7) The word "premises" includes a lot and all buildings or structures thereon.
 - (8) "To erect", "to construct" and "to build" a building or structure each have the same meaning and also include "to excavate" for a building and "to relocate" a building by moving it from one location to another.
 - (9) "Used" shall be deemed also to include "designated, intended or arranged to be used or occupied".
 - (10) "Shall" is mandatory; "may" is permissive and discretionary.
 - (11) "He" shall include the feminine gender "she".

- B. The following words or phrases as used in this chapter are defined as follows.

APPLICANT – See the definition for SUBDIVIDER.

CLUSTER DEVELOPMENT – A subdivision design that incorporates modifications to minimum lot size and setback requirements in order to provide open space within the development and/or more efficient or appropriate use of land, provided that the number of lots or dwelling units does not exceed that which would be permitted in a subdivision design which meets all of the applicable zoning requirements, including lot size and setbacks.

CODE ENFORCEMENT OFFICER – The official or officials designated by the Village Board of the Village of Lyndonville to enforce the provisions of these regulations.

COMPREHENSIVE PLAN - The Comprehensive Plan is the plan, prepared and adopted by the Village Board, which indicates the general locations recommended for various functional classes of public works, places and structures and for the general physical development of the Village. This includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein. The term "Comprehensive Plan" shall also include the Village Zoning Ordinance and other policy documents and regulations adopted by the Village.

CONDITIONAL APPROVAL – Approval of a final plat subject to conditions set forth in a resolution conditionally approving such plat by the Planning Board. Such conditional approval does not qualify a final plat for recording, nor does it authorize the issuance of any building permits, prior to the signing of the plat by the Chairman or a designee and the recording of the plat in the Office of the Orleans County Clerk.

CURB – A vertical edge along a street.

DEVELOPER – See the definition for SUBDIVIDER.

DEVELOPMENT – Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, paving, storage of equipment or materials, mining, dredging, filling, excavation or drilling operations.

EASEMENT – Authorization by a property owner involving a designated part of his property for use by another for a specified purpose.

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

ENVIRONMENTAL ASSESSMENT FORM – A form used to determine the environmental significance of an action, in accordance with the State Environmental Quality Review Act (SEQR) regulations.

ENVIRONMENTAL IMPACT STATEMENT – A written document, prepared in accordance with State Environmental Quality Review Act (SEQR) regulations, which documents the potential environmental impacts of a proposed action and alternatives.

FINAL PLAT – A drawing, in final form, showing a proposed subdivision containing all information or detail required by law and, as specified in Article IV, of these regulations, submitted to the Planning Board for approval and which, if approved, may be filed or recorded by the applicant in the Office of the Orleans County Clerk.

FINAL PLAT APPROVAL – The signing of a plat in final form by the mayor or a designee pursuant to a Planning Board resolution granting final approval of the plat, or after conditions specified in a resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in the Office of the Orleans County Clerk.

LOT – A parcel of land whose boundaries have been established by a legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for the purpose of use or transfer of title.

OFFICIAL MAP – The map established by the Village Board pursuant to Section 7-730 of New York State Village Law, showing existing and proposed streets, highways, parks and drainage areas.

OWNER – See the definition for SUBDIVIDER.

PLANNING BOARD – The Planning Board of the Village of Lyndonville.

PRELIMINARY PLAT – A drawing or drawings clearly marked “Preliminary Plat” showing the salient features of a proposed subdivision, as specified in Article IV of these regulations, submitted to the Planning Board for consideration prior to the submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

RESUBDIVISION – A change to a filed deed description or a change in a map of an approved or filed subdivision plat if such change affects any lot lines, any street layout or area reserved for public use.

SERVICE DRIVES – Vehicular driveways that are used primarily for vehicular service access to the back or the side of properties.

SIDEWALK – A paved path provided for pedestrian use, usually located along the side of a street.

SKETCH PLAN – A drawing which illustrates the proposed layout of streets, lots and other features of a proposed subdivision in relation to existing conditions for the purpose of obtaining the advice of the Planning Board before the preparation of a preliminary plat.

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR) – Refers to the New York State Law (Article 8 of the Environmental Conservation Law) and regulations (6 NYCRR Part 617) which require public agencies to consider the potential environmental impacts of an action before such action is approved or undertaken.

STREET – A way designed primarily to accommodate the flow of vehicular traffic. A street may be designated as a road, drive, avenue, lane or other similar term.

STREET, ARTERIAL – A street, normally a State Highway, which serves or is designed to serve heavy volumes of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

STREET, COLLECTOR – A street which serves or is designed to carry traffic from minor streets to the arterial street system.

STREET, DEAD-END OR CUL-DE-SAC – A street or a portion of a street with only one vehicular outlet.

STREET, MARGINAL ACCESS – A minor street which is parallel and adjacent to a arterial street and which provides access to abutting properties and protection from through traffic.

STREET, MINOR OR LOCAL – A street used primarily to provide access to abutting properties.

STREET, PAVEMENT – The surface of the roadway used by vehicular traffic.

STREET, PRIVATE – A minor or local street, which is not a public, dedicated street.

STREET, WIDTH – The width of the right-of-way, measured at right angles to the centerline of the street.

SUBDIVIDER – Any person who shall lay out any subdivision or part thereof (as defined herein), either for oneself or for others.

SUBDIVISION – A division of land into four (4) or more lots (including the remaining portion of the original parcel) within a period of three (3) years, or a division of land that requires construction of a new street.

SUPERINTENDENT OF PUBLIC WORKS – The person designated to act on behalf of the Village of Lyndonville by the Village Board with regards to streets, drainage and other public improvements.

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

UNDEVELOPED PLAT – A plat existing at the time of the enactment of these regulations that has been filed in the Office of the Orleans County Clerk, where twenty (20) percent or more of the lots within said plat remain to be developed, excluding therefrom those lots where existing natural conditions (such as poor drainage) have prevented development.

VILLAGE BOARD – The legislative body of the Village of Lyndonville, New York.

Article III

SUBDIVISION APPROVAL PROCESS

Section 301 Sketch Plan Approval Requirements

- A. The purpose of the sketch plan phase is to provide the subdivider with an opportunity to consult early and informally in the subdivision process with the Planning Board in order to save time and money and to improve the opportunity for more desirable development.
- B. A sketch plan may be submitted to the Planning Board for informal review for all subdivisions. The sketch plan should show the location of the subdivision, all existing structures, wooded areas, significant physical features, existing utilities and community resources and the proposed pattern of lots, streets, drainage, open space.
- C. The Subdivider may appear before the Planning Board to present the proposed sketch plan and to receive information that may be necessary to process the request. The subdivider may meet with the Planning Board prior to preparing the sketch plan to discuss procedural matters as well as pertinent development requirements and potential concerns including, but not limited to, local development policies, the design of streets, reservations of land, water retention facilities, drainage, erosion control and slope stabilization measures, sewerage, water supply and fire protection.
- D. Subdividers of land adjoining State or Village highways are advised to consult with the Resident Engineer of the New York State Department of Transportation, and the Lyndonville Department of Public Works at the sketch plan stage in order to resolve problems of street openings and/or storm water drainage at the earliest possible stage in the design process.
- E. Where public utilities are involved, the subdivider's engineer should contact the appropriate agencies for connection specifications and capacity requirements as well as other pertinent construction standards.
- F. The Planning Board shall determine whether the sketch plan meets the purposes of these regulations and if the proposal is consistent with existing or potential development of adjacent areas and the Comprehensive Plan. The Planning Board shall inform the applicant of the actions to be taken to meet the requirements of these regulations. The requirements for compliance with SEQR may also be discussed at this stage. If it is deemed appropriate, the Planning Board may refer a copy of the sketch plan to the Superintendent of Public Works or any other Village official for review and comment.
- G. Within forty-five (45) days following the receipt of a complete sketch plan, the Planning Board shall consider and transmit a written report to the applicant containing its comments concerning the design of the proposed project. Copies of minutes of relevant meetings of the Planning Board shall be considered a sufficient written report. The time frame within which the Planning Board is required to act may be extended by mutual consent of the Planning Board and the applicant. In the event the Planning Board fails to transmit a written report within the aforementioned forty-five (45) days or such additional time as may be mutually agreed upon by the subdivider and the Planning Board, the subdivider

shall consider the Planning Board to be in concurrence with the design of the proposed subdivision for the purpose of preparing a preliminary plat.

Section 302 Preliminary Plat Approval Requirements

- A. A preliminary plat shall be prepared and submitted to the Planning Board for all proposed subdivisions. The preliminary plat shall be clearly marked "Preliminary Plat" and shall satisfy the requirements for preliminary layouts as described in Article IV of these regulations. Preliminary plats should comply with the recommendations made by the Planning Board in its report on the sketch plan. A complete Environmental Assessment Form shall also be submitted at this time.
- B. Ten (10) copies of the preliminary plat and supplementary material specified herein shall be submitted to the Planning Board a least fourteen (14) days prior to the meeting at which it is to be considered.
- C. A fee shall accompany the preliminary plat to cover administrative and inspection costs in accordance with the fee schedule adopted by the Village Board.
- D. One (1) copy of the preliminary plat shall be returned to the applicant with the notification of decision and one (1) copy shall be retained by the Planning Board. The other copies shall be used for necessary coordination with other agencies or consultants, including the Orleans County Planning Board as may be required pursuant to Section 239-n of the General Municipal Law.
- E. The Planning Board shall study the preliminary plat taking into consideration the topography of the area, the requirements of the community and the best design of the land proposed to be subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water and sewer service, drainage, lot size and arrangements, the future development of adjoining lands as yet unsubdivided and the requirements of the Village zoning regulations and Comprehensive Plan. In the review of the preliminary plat, the Planning Board may consult with the Superintendent of Public Works, if such consultation is needed, as well as with other officials or agencies as may be appropriate. The Planning Board, Superintendent of Public Works or other appropriate officials consulted with shall report to the Planning Board concerning the adequacy of the features shown on the preliminary plat.
- F. Within sixty-two (62) days following the receipt of a complete and satisfactory preliminary plat and supporting documentation,* the Planning Board shall, pursuant to New York State Village Law, conduct a public hearing on the proposed subdivision. The notice of hearing shall be published at least once in a newspaper of general circulation in the Village not less than five (5) days before such hearing.

*Supporting documents shall include a completed Environmental Assessment Form or a draft environmental impact statement and appropriate actions taken in accordance with the provisions of the State Environmental Quality Review Act. (For guidance, see Section 306 of these regulations.)

- G. Within sixty-two (62) days following the closing of the public hearing, the Planning Board shall approve, with or without modifications, or disapprove such preliminary plat. The grounds for a modification or disapproval, if any, shall be stated in the records of the Planning Board. Notwithstanding the foregoing provisions, the time within which the Planning Board must take action on such plat may be extended by mutual consent of the subdivider and the Planning Board. When approving a preliminary plat, the Planning Board shall state in writing any modification it deems necessary prior to submission of the plat in final form.
- H. Within five (5) days of the decision of the preliminary plat, the Planning Board shall file its decision in the Office of the Village Clerk. In addition, the subdivider shall be provided with written notification of the action by the Planning Board within five (5) days of the decision. In the event the Planning Board fails to take action on a preliminary plat within the timeframe prescribed herein, such plat shall be deemed to have been granted preliminary approval. The certificate of the Village Clerk as to the date of submission and the failure to take action within such prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval.

Section 303 Final Plat Approval Requirements

- A. Within six (6) months of receiving approval from the Planning Board on a preliminary plat, with or without modification, the applicant may submit a final plat for approval by the Planning Board. The appropriate subdivision fees, as specified in the fee schedule adopted by the Village Board, shall accompany the final plat. Final plats may require further review under the State Environmental Quality Review Act (SEQR).
- B. If more than six (6) months have elapsed between the time of the Planning Board's decision on the preliminary plat and the submission of the final plat, the Planning Board may require resubmission of the preliminary plat prior to accepting the proposed final plat, if it determines that conditions affecting the plat have changed significantly in the interim. If the Planning Board determines that the preliminary plat must be resubmitted, the Planning Board shall conduct another public hearing on the proposed subdivision.
- C. The subdivider may choose to develop the subdivision in sections. If sections are proposed, the developer shall submit the final plat for a portion of the area encompassed by the preliminary plat, provided that the proposed development sections were indicated on the preliminary plat approved by the Planning Board. A section shall include at least ten (10) percent of the total number of lots contained in an approved preliminary plat.
- D. Two (2) reproducible mylar tracings of the final plat map plus ten (10) copies of said tracing and other exhibits required for approval, as specified herein and as otherwise required by the Village, shall be submitted with the application for final plat approval. When submitting a final plat for Planning Board approval, the subdivider shall also file formal offers of dedication to the Village or other appropriate public agencies of all streets, parks, and playgrounds and other permanent open spaces for community use as well as all utilities and storm drainage facilities as shown in the final plat. The approval of the plat does not constitute acceptance by the Village of the dedication of such facilities. Evidence of all necessary easements or easement documents, if appropriate, as well as any other legal documents requested by the Planning Board, shall be submitted with the final plat.

- E. The final plat shall conform substantially to the preliminary plat approved by the Planning Board. It shall incorporate any modifications or other features that may have been specified by the Planning Board at the preliminary plat stage.
- F. Within sixty-two (62) days of the receipt of a complete and satisfactory final plat which the Planning Board deems to be in substantial agreement with the approved preliminary plat, the Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat.
- G. When a final plat is submitted which the Planning Board deems not to be in substantial agreement with the approved preliminary plat, the following shall apply:
 - (1) The Planning Board shall hold a public hearing on such final plat not later than sixty-two (62) days after the receipt of the final plat. The hearing shall be advertised at least once in the official newspaper of the Village at least five (5) days before such hearing
 - (2) The Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat within sixty-two (62) days after the date of the public hearing. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.
- H. Written notice of the action by the Planning Board shall be mailed to the applicant and filed in the Office of the Village Clerk within five (5) days of the date of the action by the Planning Board. The action of the Planning Board shall be recorded in the Village minutes. In the case of the disapproval of a proposed final plat, the Planning Board minutes shall specify the reasons for disapproval. Notwithstanding the foregoing provisions of this chapter, the time within which the Planning Board must take action on such plat may be extended by mutual consent of the subdivider and the Planning Board. In the event the Planning Board fails to take action on a final plat within the time prescribed herein, the plat shall be considered to be approved. A certificate of the Village Clerk as to the date of submission and the failure to take action within such prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval.
- I. No development of any sort, site improvements or a building permit for any structure within the proposed subdivision shall be issued by the Code Enforcement Officer until the record sheet of the final plat has been approved by the Planning Board and the subdivision is filed by the subdivider in the Office of the Orleans County Clerk and the livre and page numbers have been assigned by the County Clerk. If a permit is desired for the occupancy of a building in the subdivision prior to the completion of all of the improvements shown on the approved construction sheet of the subdivision plat, the Superintendent of Pubic Works shall determine that the streets and utilities serving the building have been sufficiently completed to adequately serve the proposed occupancy.
- J. Every final plat submitted to the Planning Board for its approval shall carry the following endorsement:

Approved by Resolution of the Planning Board of the Village of Lyndonville, New York, on the ____ day of _____, ____, subject to all requirements and conditions of said Resolution.

Signed this ____ day of _____, ____, _____, Chairman, or _____, Designee.

- K. If the Planning Board conditionally approves the final plat, the Chairman or a designee may sign the plat upon the completion of the requirements specified in the approval resolution. Within five (5) days of granting conditional approval, the chairman, or designee, as conditionally approved shall certify the final plat. A copy of such action shall be filed in the Office of the Village Clerk and a copy shall be mailed to the subdivider, including a statement listing those requirements, which, upon completion, would constitute approval of the final plat. Upon completion of the requirements, the Chairman or a designee shall sign the plat. Conditional approval of a final plat shall expire within one hundred-eighty (180) days following the date of the resolution granting conditional approval unless all such requirements have been certified as completed. Notwithstanding the foregoing provisions of this chapter, the Planning Board may extend the time within which a conditionally approval plat must be submitted for final approval. If the Planning Board determines that such an extension is warranted, it may extend the date for no more than two (2) periods of ninety (90) days each.
- L. No changes, erasures, modifications, or revisions shall be made to any final plat following approval and endorsement of said plat by the Planning Board. In the event that a final plat, when recorded, contains any such changes, the plat shall be considered null and void, and the Planning Board shall institute proceedings to have said plat stricken from the records of the County Clerk.
- M. An approved final plat shall be filed by the subdivider in the Office of the County Clerk within sixty-two (62) days following the date said final plat is signed by the Chairman or a designee, or the issuance of the certificate by the Village Clerk as to the date of the submission of the final plat and failure of the Planning Board to take action thereon within the time prescribed. If the final plat is not filed with this time period, the final plat approval shall become null and void. In the event the owner shall file only a section of an approved plat in the office of the County Clerk, the entire approved preliminary plat shall be filed with the Village Clerk within thirty (30) days of the filing of such section. Any section of an approved final plat, which is filed in the Office of the County Clerk, shall encompass at least ten (10) percent of the total number of lots contained in the approved preliminary plat. The approval of the remaining sections of the approved preliminary plat shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of New York State Village Law.

Section 304 Resubdivision and Lot Line Adjustments

- A. Except for those instances which take precedence (as provided in B below), the resubdivision of property which affects the boundaries of four (4) or more lots shall follow the same procedure as specified elsewhere in this chapter for a subdivision.
- B. A resubdivision consisting solely of the simple alteration of lot lines and where no additional lots are proposed to be created shall be subject to the preparation of a map by

an engineer or surveyor. Said map shall be labeled "Resubdivision Map". Once a resubdivision map has been received, the Planning Board shall by resolution authorize the Chairman or a designee to review the proposed resubdivision map for the purpose of determining compliance with local zoning requirements. Pursuant to the resolution of the Planning Board, the Chairman or a designee shall sign the resubdivision map, which may thereafter be filed by the subdivider in the County Clerk's Office. Tax map numbers shall be reassigned as necessary.

Section 305 Coordination with the State Environmental Quality Review Act (SEQR)

- A. Preliminary plats shall not be considered complete until the subdivider has submitted all of the information required under SEQR and either a negative declaration has been filed or a notice of completion of the draft environmental impact statement has been filed. The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.
- B. If the Planning Board is lead agency under the State Environmental Quality Review Act (SEQR), any public hearing held by the Planning Board on a preliminary plat or on a final plat which does not substantially conform to an approved preliminary plat, shall be coordinated with the environmental review process as follows:
 - (1) If the Planning Board determines that the preparation of an environmental impact statement is not required, the Planning Board shall issue a negative declaration and conduct the public hearing on the proposed plat within sixty-two (62) days after the receipt of a complete preliminary plat; or,
 - (2) If the Planning Board determines that the preparation of an environmental impact statement is required and a public hearing on the draft environmental impact statement is held, the public hearing on the proposed plat and the draft environmental impact statement shall be held jointly within sixty-two (62) days after the filing of the notice of completion of such draft environmental impact statement. If no public hearing is held on the draft environmental impact statement, the public hearing on the proposed plat shall be held within sixty-two (62) days of filing the notice of completion.
 - (3) The hearing on the proposed plat shall be advertised at least once in the official newspaper of the Village at least five (5) days before such hearing if held independently of the hearing on the draft environmental impact statement, or fourteen (14) days before a hearing held jointly therewith. The hearing on the proposed plat shall be completed within one hundred twenty (120) days after it has begun.
 - (4) If the Planning Board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within forty-five (45) days following the close of such public hearing. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within sixty-two (62) days following the close of the public hearing on the proposed plat. The Planning Board shall issue findings on the final environmental impact statement and make its decision on the proposed

plat within thirty (30) days of the filing of such final environmental impact statement.

- C. If the Planning Board is not lead agency under the State Environmental Quality Review Act, any public hearing held by the Planning Board on a preliminary plat, or on a final plat which does not substantially conform to an approved preliminary plat, shall be coordinated with the environmental review process as follows:
- (1) The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the proposed plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement, the Planning Board shall hold the public hearing on the proposed plat within sixty-two (62) days after the receipt of a complete plat by the Planning Board.
 - (2) The hearing on the proposed plat shall be advertised at least once in the official newspaper of the Village at least five (5) days before such hearing if held independently of the hearing of the draft environmental impact statement, or fourteen (14) days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such a manner as it deems most appropriate for full public consideration of such plat. The hearing on the final plat shall be completed within one hundred twenty (120) days after it has begun.
 - (3) The Planning Board shall act on the proposed plat within sixty-two (62) days after the close of the public hearing on such plat.

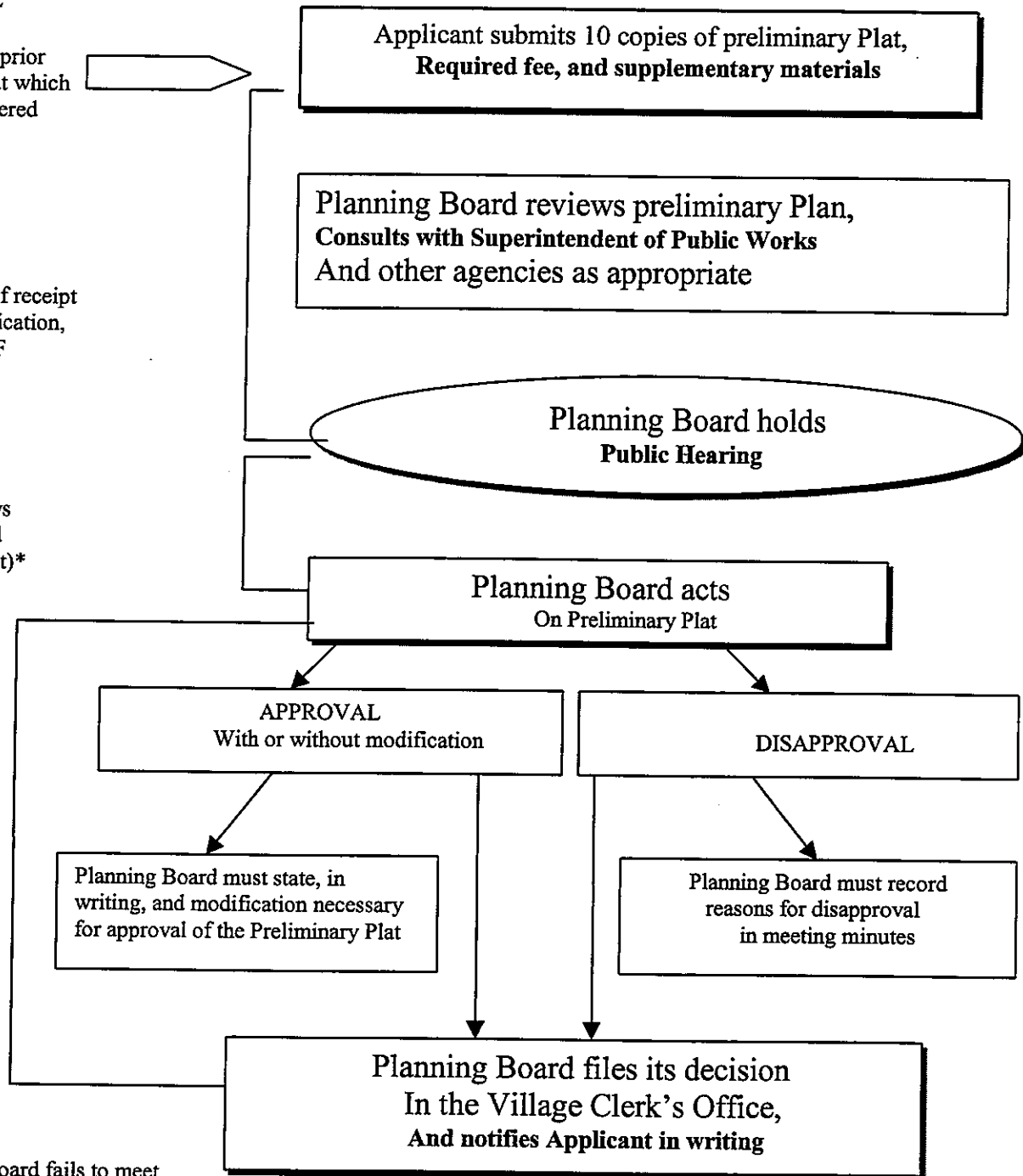
PRELIMINARY PLAT REVIEW PROCEDURES

TIME FRAME

At least 14 days prior
To the meeting at which
It is to be considered

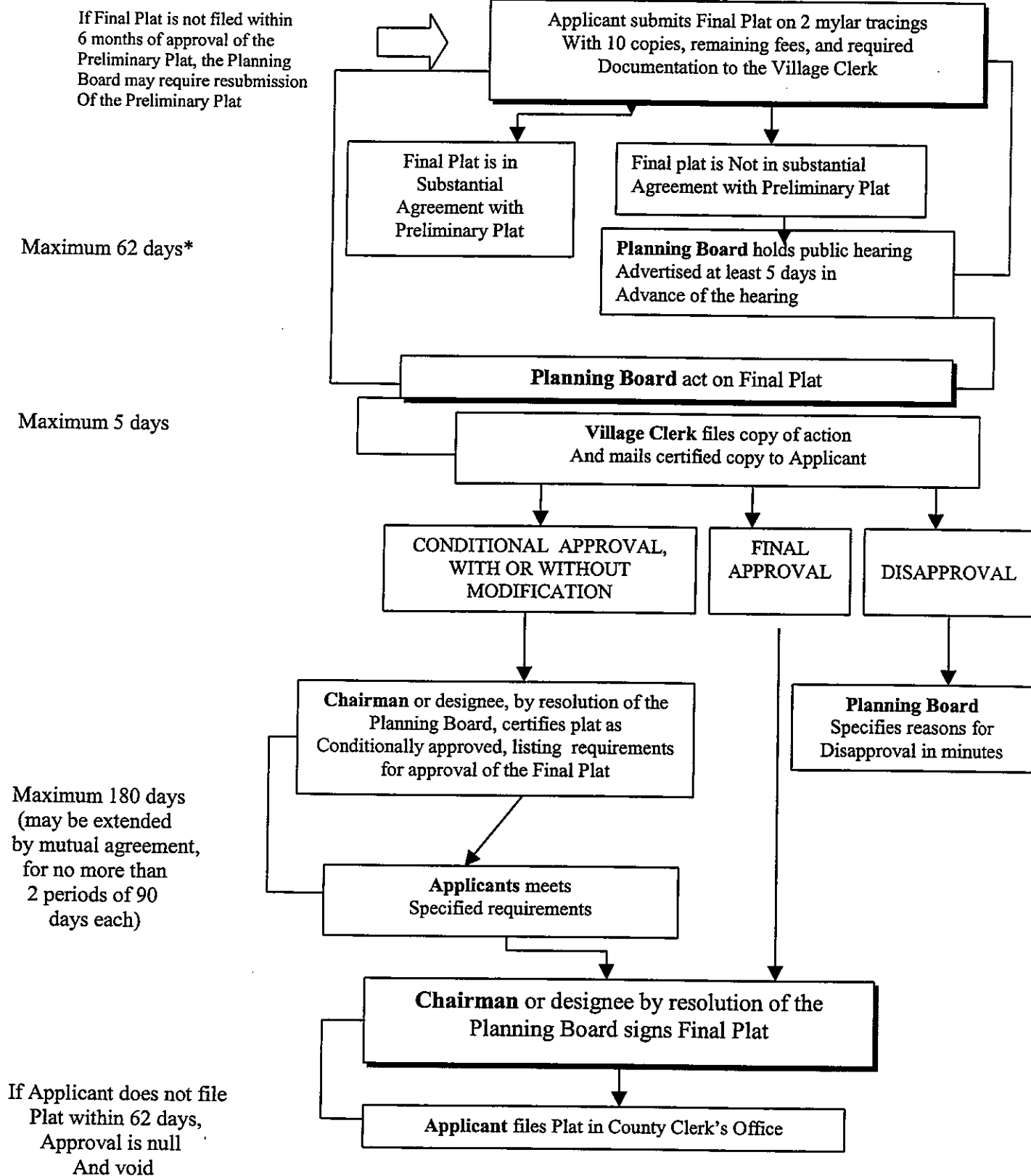
Within 62 days of receipt
of complete application,
including EAF

Maximum 62 days
(may be extended
by mutual consent)*



*If the Planning Board fails to meet the required time frames, the Preliminary Plat shall be deemed approved

FINAL PLAT REVIEW PROCEDURES



* If Planning Board fails to act within the required time frames, the Final Plat shall be deemed approved

ARTICLE IV

SPECIFICATIONS FOR LAYOUTS AND PLATS

Section 401 Specifications for Sketch Plans

A sketch plan shall be drawn on paper or other suitable tracing material at a scale of not more than one hundred (100) feet to one (1) inch. Sketch plans shall include the following information:

- A. The name of the proposal, including the name and address of the subdivider(s).
- B. The north arrow, graphic scale, date and general location map.
- C. Other land contiguous to the proposal, which is controlled by the owner(s) or subdivider(s) with the approximate acreage of such land.
- D. The names of the owners of adjacent lands and the names of adjacent subdivisions.
- E. A location map showing the boundaries of the tract in relation to adjoining streets and the locations of the nearest utility services.
- F. General topography and drainage patterns of the parcel to be subdivided and parcels within two hundred (200) feet of the tract to be subdivided. All pertinent topographic features within the site and adjoining tracts, including existing buildings, watercourses, water bodies, wetlands and wooded areas, shall be shown. Features proposed to be retained as well as those proposed to be removed shall be indicated.
- G. A statement as to the proposed source of water supply and the method of sewage disposal. All subdivisions are required to hook up to Village water and sewage systems.
- H. The lines of proposed streets and lots (including bearings and distances) as well as land identified for recreation areas or other permanent open spaces.
- I. If the subdivider intends to develop the tract in sections, the entire tract shall be depicted on the sketch plan with the anticipated section and the timing of development indicated.
- J. A general statement as to how storm water drainage is to be accommodated.
- K. An indication of the existing zoning of the tract (both on and adjacent to the site) and any other legal restriction of use.
- L. The general soil conditions of the entire site proposed for subdivision and its location with respect to a floodway or the boundaries of any areas of special flood hazard (one hundred-year floodplain).
- M. Locations of any natural gas or oil wells on the site.
- N. A statement as to the consistency of the proposal with the Comprehensive Plan.

Section 402 Specifications for Preliminary Plats

The preliminary plat shall be drawn on one (1) or more sheets of mylar or other suitable tracing material and shall be clearly marked "Preliminary Plat." The preliminary plat shall be drawn at a scale of not more than one hundred (100) feet to one (1) inch. If more than one (1) sheet is required to show an entire tract; an index map drawn to scale showing all sheets shall be provided. Proof of ownership shall be submitted at this time. When the subdivider is someone other than the owner, an affidavit from the owner of the land consenting to the application shall be filed. The plat shall include the following information:

- A. Items A through E of Section 401.
- B. Existing streets immediately adjoining and within the tract to be subdivided and the distance(s) to the nearest major street intersection(s).
- C. A topographic map showing the entire site and all lands within one hundred (100) feet of the property at not more than a five (5) foot interval. When additional information is needed to review the subdivision, the Planning Board may require topographic data for land areas within two hundred (200) feet of the property boundary.
- D. Existing drains, water lines, and sanitary sewers within the tract to be subdivided and adjacent thereto. Such facilities shall be identified by location, size, type and approximate elevations and gradients, using datum based on mean sea level. Existing as well as proposed easements for such facilities shall also be shown.
- E. The proposed source of water supply and method of sewage disposal. A conceptual layout of each system shall be delineated, including the location of hydrants and the sizing of lines to be installed. Where water mains are not looped, hydrants shall be provided.
- F. An overlay showing all soils and their classification. Areas with moderate to high susceptibility to erosion, if any, shall be highlighted. The subdivider shall also include information about existing on-site vegetation.
- G. A separate drainage report, including calculations for runoff and pipe and channel sizing, which clearly describes how runoff is to be handled during grading and development. The use of erosion and sedimentation prevention measures shall be described. The report shall provide sufficient details to indicate how the subdivider will comply with the requirements for storm water management plans administered by the New York State Department of Environmental Conservation and shall include the preliminary design of bridges and culverts. The design of storm water retention facilities shall be in accordance with specifications of the Village Engineer. The design of bridges and culverts shall conform to the requirements of the appropriate jurisdiction (Village Engineer or the State Department of Transportation).
- H. The approximate lines and gradients of proposed streets and sidewalks and the names of proposed streets.
- I. A preliminary grading plan of the site at a contour interval of two (2) feet. The grading plan shall identify the locations and approximate sizes of cuts and fills and cross sections

for any final grading steeper than three foot horizontal to one foot vertical (3 to 1), or where the cut or fill will be more than five (5) feet.

- J. The approximate location of proposed lot lines, the acreage or square footage contained in each lot and, for identification purposes, individual lot numbers. If necessary, the setbacks of any proposed lot lines from existing buildings shall be noted.
- K. The locations and dimensions of areas proposed as permanent open space.
- L. The extent and sequence of phases in subdivision proposed to be developed in sections.
- M. The location of any municipal boundary lines and zoning district lines within the tract.
- N. The required and actual areas, yards and setbacks of any non-conforming lots.
- O. Copies of any deed restrictions or covenants as they may apply to any or all parts of the subdivision.
- P. The location, type and ownership of any natural gas or oil wells within the proposed subdivision.
- Q. The location and type of any known potentially hazardous materials, either on or adjacent to the site.
- R. The location and quality of water bodies directly adjacent to the proposed subdivision.
- S. An indication of any Federal, State or County permits that may be required.
- T. The locations of any buffers to be provided either during or after the completion of construction.
- U. Facilities for fire protection.
- V. Facilities for vehicular and pedestrian traffic, circulation and parking.
- W. The location of major trees and whether such trees are proposed to be saved or removed.

Section 403 Specifications for Final Plats

The final plat shall be drawn in ink on mylar, lined or other material suitable for filing in the Orleans County Clerk's Office. Said plat shall contain sufficient survey data to readily determine the location, bearing and length of all lines shown thereon and to permit the reproduction of such lines upon the ground. The final plat submission shall consist of three components: the construction sheet, the record map and the drainage and erosion control plan, as described in the subsections that follow. Two Mylar copies shall be submitted to the Planning Board. The Village shall retain one approved copy; the other shall be filed with the County Clerk.

- A. Final Plat Construction Sheet

The construction sheet shall not be larger than thirty-four (34) by forty-four (44) inches in size, nor smaller than eighteen (18) by twenty-four (24) inches. It shall be drawn at a scale of not more than fifty (50) feet to one (1) inch and shall contain the information listed below. Where more than one (1) sheet is required to depict the entire subdivision, an index map drawn to scale showing all sheets shall be provided. All data shown on the construction sheet shall be in accordance with the requirements of the Superintendent of Public Works and the Village's construction specifications and shall include:

- (1) Items A through C of Section 401.
- (2) The lines of existing and proposed streets and sidewalks both within and immediately adjoining the subdivision.
- (3) The names of existing and proposed streets.
- (4) Plans and typical cross sections of proposed sidewalks.
- (5) Plans and typical cross sections of proposed streets and sidewalks.
- (6) Profiles of proposed streets at a suitable vertical scale showing finished grades in relation to the existing ground elevation.
- (7) The precise layout of proposed lots, including lot numbers.
- (8) Provisions for water supply and sewage disposal.
- (9) The location and size of existing and proposed storm water pipes, sanitary sewer lines and watermains on the property including, also, those into which any connection is proposed.
- (10) The locations of survey monuments. Prior to the acceptance of the dedication of new streets, a certificate by a surveyor or engineer shall be filed certifying that the above monuments have been placed as indicated on the final plat map, at the appropriate stage of construction as determined by the Superintendent of Public Works.
- (11) Plans for any proposed neighborhood park or playground within the subdivision including landscaping.
- (12) A planting plan for street trees indicating the location, varieties, and sizes of any trees to be planted and of existing trees to be preserved.
- (13) Brief specifications, or references to Village standards, for all facilities to be constructed or installed within the subdivision.
- (14) Specifications for all bridges and culverts, and approvals from the appropriate jurisdiction (e.g., the State Department of Transportation or the Village Engineer), if needed.
- (15) The locations of any natural gas or oil wells within the subdivision.

- (16) Certification by an engineer or surveyor as evidence of professional responsibility for the preparation of the construction sheet.

B. Final Plat Record Map

Unless the Orleans County Clerk specifies otherwise, the record sheet shall be no larger than twenty-four (24) by thirty six (36) inches in size, shall be drawn on mylar or linen at a scale not greater than fifty (50) feet to one (1) inch and shall show the information listed below. Where more than one (1) sheet is required to show the entire subdivision, an index map drawn to scale showing all sheets shall be provided. The final plat record map shall include:

- (1) Items (A) and (B) of Section 401.
- (2) The boundaries of the subdivision and information showing the location of the subdivision in relation to surrounding properties and streets, including names of the owners of adjacent lands and the names of adjacent subdivisions. Whenever practicable, the subdivision boundary shall be referenced from two (2) directions to established U.S. Coast and Geodetic Survey monuments or New York State Plane Coordinate monuments. In the event that such monuments have been obliterated or are otherwise unavailable, the subdivision boundary shall be referenced to the nearest highway intersection or to previously established monuments nearby in other subdivisions or on public lands. Any combination of types of reference points that fulfill the requirements for exact measurements from the subdivision boundary to reference points previously established for or by a public agency may be accepted.
- (3) The lines of existing and proposed streets and sidewalks within the subdivision and their interconnection with existing or proposed streets and sidewalks on adjoining properties.
- (4) The lines and dimensions of proposed lots, which shall be numbered. If a proposed lot contains one (1) or more existing buildings, the setbacks for such buildings shall be indicated.
- (5) The lines and purposes of existing and proposed easements both within and immediately adjoining the subdivision.
- (6) The lines, dimensions, bearings and area in square feet of all property proposed to be reserved by deed restriction or covenant for the common use of property owners in the subdivision or for any other reason.
- (7) The location of monuments to be placed within the subdivision.
- (8) The locations of existing and proposed water supply lines, storm sewers, and sanitary sewers within the subdivision.
- (9) The locations of any municipal service boundaries and zoning lines within the subdivision.

- (10) Written statements as to:
- a. The zoning of the property within the subdivision.
 - b. Compliance of the proposed lots with zoning requirements. If any lots do not comply but are covered by zoning variances, the statement should include reference to such variances. If variances are needed, the documents shall specify the nature and location of the variance(s), which are necessary.
 - c. If the subdivision is approved by cluster development, pursuant to Section 728 & 730 of the New York State Village Law, the statement shall include supporting documents that illustrate that the number of lots proposed is equal to or less than the number that would be permitted with a conventional design.
- (11) The seal and certification by a surveyor or engineer as evidence of professional responsibility for the preparation of the record map and a place for the libre and page numbers when filed
- (12) Offers of dedication to the Village involving any open space, recreation, street or other improvements and those facilities to be retained by the subdivider, including the method of maintenance and improvement thereof. Such offers shall be received and approved by the Village Attorney as to their legal sufficiency.

C. Subdivision Drainage Plan and Erosion Control Plan

This plan shall be on a separate sheet of the same size and scale as the record map and shall contain the following information:

- (1) Plans, profiles and typical as well as special cross sections of proposed storm water drainage facilities including any storm water detention facilities.
- (2) Supporting final design data and copies of computation used as the basis for determining design capacities and performance of the proposed drainage facilities.
- (3) The subdivision-grading plan developed to a suitable contour interval, with details to indicate proposed street grades and building site grades and elevations throughout the subdivision. The contours shown on the grading plan shall be on a one (1), two (2) or five (5) foot interval (when measured vertically). The interval selected shall result in a horizontal distance between contour lines or not more than 100 feet. All grades shall be referenced to United States Coast and Geodetic Survey datum.
- (4) A stormwater management plan shall be prepared in conformance with the publication "Reducing Impacts of Stormwater Runoff from New Development," including all amendments to that document and other provisions which may, from time to time, be established by the NYS Department of Environmental

Conservation. Such plan shall be available on-site at all times during construction.

- (5) If the subdivision is within or adjacent to the boundary of a one hundred-year floodplain, the subdivision drainage plan shall contain a detailed analysis of the area with respect to floodplain management and land use.
- (6) The location of all proposed buildings, if known.
- (7) The number of each lot.
- (8) The location and means of controlling erosion within the project limits.
- (9) Slope stabilization details.

ARTICLE V

IMPROVEMENTS AND/OR GUARANTEES

Section 501 Required Improvements

- A. Prior to the approval of a final plat by the Planning Board, the applicant shall complete all of the improvements deemed necessary by the Planning Board to the satisfaction of the appropriate Village Departments and the Planning Board.
- B. The applicant, without reimbursement by the Village, shall make all of the required improvements. Unless alternatively provided for in accordance with the provisions of New York State Village Law, said improvements shall include the following, as well as those other development improvements set forth in criteria and specifications adopted by the Planning Board:
 - (1) Streets
 - (2) Street signs
 - (3) Curbing and gutters
 - (4) Terrace strips
 - (5) Sidewalks
 - (6) Street shade trees
 - (7) Monuments
 - (8) Storm drainage
 - (9) Sanitary sewers
 - (10) Water distribution lines and hydrants
 - (11) Park and recreation facilities
 - (12) Electric, gas, telephone, television cable and utility lines
 - (13) Plantings and ground cover
 - (14) Driveways within rights-of-way (once the location and layout of the development on the premises is known)
- C. The subdivider shall complete all of the required improvements to the satisfaction of the Superintendent of Public Works who, upon receipt of written certification by the appropriate agency and/or authorized Village department head, shall file a letter with the Planning Board signifying the satisfactory completion of all improvements required by the Planning Board.

- D. The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Superintendent of Public Works upon receipt of written certification by the appropriate agency and/or authorized Village Department head and an as-built map satisfactory to the Planning Board has been submitted indicating the exact location of all utilities as installed. Said map shall be submitted prior to the signing of the plat by the Chairman or a designee.
- E. After consultation with the Superintendent of Public Works, and Village Engineer the Planning Board may waive any required subdivision improvement. Such waiver may be granted by the Planning Board if an improvement is considered to be inappropriate because of the inadequacy of or lack of connecting facilities adjacent to or in close proximity of the subdivision or when such an improvement is not judged to be requisite to the public health, safety and general welfare.

Section 502 Letter of Credit Alternative

- A. As an alternative to the completion of the required improvements, the subdivider may, prior to the approval of the final plat by the Planning Board, file a certified check, irrevocable letter of credit or other security with the Village Clerk. The amount of the certified check, irrevocable letter of credit or other security shall be estimated by the developer's engineer and approved by the Village Engineer. Such security shall be sufficient to cover the full cost of the required improvements deemed necessary by the Planning Board. Any such letter of credit shall comply with the requirements of Section 7-730 (9) of New York State Village Law and shall be satisfactory to the Planning Board and the Village Attorney as to form, sufficiency manner of execution and surety. The Planning Board shall determine any appropriate period of time to be set forth within the security agreement (not be exceed three (3) years) within which the required improvements shall be completed. The term of the security agreement may, however, be extended by mutual agreement of the Planning Board and the subdivider.
- B. If the subdivider elects to provide a certified check or letter of credit for any or all of the required improvements, such guarantee shall not be released until an as-built map satisfactory to the Planning Board has been submitted indicating the location of all underground utilities as installed. The Superintendent of Public Works and Village Engineer shall provide written certification that the improvements have been completed as required by the Planning Board.
- C. In the event the subdivider is authorized to file the approved plat in sections, as provided herein, final plat approval may be granted and the plat shall be filed by the subdivider in the Office of the Orleans County Clerk following the installation of the required improvements or the furnishing of security to cover the cost of such improvements. The subdivider shall not be permitted to begin construction in any one section until all previously approved sections have been filed in the Office of the County Clerk and the required improvements have been installed in such prior sections or security covering the costs of such improvements has been provided therefor.
- D. The letter of credit shall continue in full force and effect until a request is made to the Chairman for a release from the letter of credit. Once received, the Chairman shall submit the request to the Superintendent of Public Works, and Village Engineer for a recommendation. The Chairman shall also forward a copy of the request to the Planning Board for its review and recommendation. Upon receipt of the Superintendent of Public

Works' recommendation and the response from the Planning Board, the Chairman may authorize the release of up to ninety (90) percent of the total security. Prior to the Chairman approving the release of up to ninety (90) percent of the security, the Superintendent of Public Works shall prepare and sign a statement to the effect that: (a) the work has been completed according to plans and specifications; (b) the work has been inspected by an engineer; and (c) all improvements have been successfully tested. Prior to requesting the release of the final ten (10) percent by the subdivider, a maintenance bond covering two (2) years and equal to ten (10) percent of the total cost of the improvements shall be posted and all public streets within the subdivision shall be dedicated to the Village of Lyndonville. The Chairman may authorize the final release of said security upon the Village Clerk's receipt of the required maintenance bond.

- E. In the event the subdivider is not in compliance with the conditions of this chapter or any other applicable Village laws, such certified check, letter of credit or other security shall be forfeited to the Village and used for the completion of the required improvements. The Village shall return any amount to the applicant that is not needed to cover the costs incurred by the Village as a result of the applicant's default.

Section 503 Construction of Improvements

- A. The Superintendent of Public Works shall act, as agent of the Planning Board for the purpose of assuring the satisfactory completion of all improvements required by the Planning Board. The costs of such inspections shall be determined based on a fee schedule adopted by resolution of the Village Board. The applicant shall pay the Village for the costs of inspection before the final plat is signed for filing. If the Superintendent of Public Works finds, upon inspection, that any of the required improvements have not been constructed in accordance with Planning Board's recommendations or the final plat construction sheet, the applicant shall be liable for the costs of completing said improvements according to the approved specifications. The Planning Board shall approve no plat as long as the subdivider is in default on a previously approved plat. A Certificate of Occupancy shall not be issued by the Village Code Enforcement Officer, for any lots, which the subdivider is deemed to be in default.
- B. If at any time before or during the construction of the required improvements it is demonstrated, to the satisfaction of the Superintendent of Public Works, that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Superintendent of Public Works may, upon approval by a previously designated member of the Planning Board, authorize such modifications provided that such modifications are within the spirit and intent of the Planning Board's approval and do not waive or substantially alter the function of any improvements required by the Planning Board. The Superintendent of Public Works shall issue any such authorization in writing and shall transmit a copy of such authorization to the Planning Board at their next regularly scheduled meeting. The final plat construction sheets shall be modified to reflect the changes, which are authorized, and said final plat construction sheets, once modified, shall be made part of the subdivision file.
- C. At least five (5) days prior to commencing construction of the required improvements, the subdivider shall notify the Superintendent of Public Works in writing of the time when the construction of such improvements is scheduled to begin. This notice will enable the Superintendent of Public Works to have inspection services on site to assure that all Village specifications and requirements are met during the construction of

required improvements and to assure that the improvements required by the Planning Board are satisfactorily completed.

Section 504 Reservation of Parkland

- A. Before the Planning Board may approve a subdivision containing residential units, the final plat shall also show, when required by the Planning Board, a park or parks suitably located for playground or other recreational purposes.
- B. Land for park, playground or other recreational purposes may not be required until the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Village. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Village based on projected population growth to which the particular final plat will contribute.
- C. In the event the Planning Board makes a finding that the proposed subdivision presents a proper case for requiring a park or parks suitably located for play-grounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located within such subdivision, the Planning Board may require a sum of money in lieu thereof, in an amount to be established by the Village Board. In making such determination of suitability, the Planning Board shall assess the size and suitability of land shown on the subdivision plat which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any money required by the Planning Board in lieu of land for park, playground or other recreational purposes shall be deposited into a trust fund to be used by the Village exclusively for park, playground or other recreational purposes, including the acquisition of property.

ARTICLE VI
DESIGN STANDARDS

Section 601 General

The Planning Board, in reviewing an application for approval, shall be guided by the considerations and standards set forth in this article. The Planning Board shall take into account the prospective character of the development and require that improvements be designed to insure the reasonable protection of the public health, safety, morals and general welfare. In addition, all improvements shall be in accordance with the Village's construction specifications.

- A. Land to be subdivided and developed shall be of such character that it can be used safely for building purposes without danger to health, or peril of fire, flood or other menace.
- B. Proper provisions shall be made for drainage, water supply, sewage and other needed improvements.
- C. All proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of neighboring properties.
- D. A safe and convenient street system, consistent with the Village's Comprehensive Plan and conforming to the Official Map, if such exists, shall be created. Streets shall be of such width; grade and location so as to accommodate the type and volume of traffic that is anticipated, to facilitate fire protection and to provide fire-fighting equipment with access to buildings.
- E. Provisions shall be made to reserve open space for parks and playgrounds, or to require recreation fees in lieu thereof, in order to achieve the goals and objectives of the Village Comprehensive Plan and Official Map.
- F. Insofar as possible, existing features of the landscape such as large trees, rock outcrops, water and flood courses, historic components and other significant assets that would add to the value of the site should be preserved in the design of the subdivision.
- G. The location and installation of sewer, water, gas, electricity, street lighting and other public facilities shall be coordinated so that they may be operated and maintained at minimum cost. Installation shall be consistent with recognized standards including, but not limited to, the Ten States Standards.
- H. Cluster Development. Pursuant to Section 7-738 of the New York State Village Law, the Planning Board may modify lot size and setback requirements of the zoning law in order to approve cluster development. Such action may be taken if the Planning Board finds that cluster development would provide the most appropriate use of land, would facilitate the adequate and economical provisions of streets and utilities, would preserve the natural scenic qualities of open lands, and/or would protect adjoining neighbor-hoods from the potential impact of new development. A cluster development shall not contain a greater number of

dwelling units or building lots than would, in the Planning Board's judgement, be permitted if the site were subdivided into lots containing the minimum lot size and density requirements of the zoning law pertaining to the district or districts in which such site is located, and conforming to all other applicable requirements.

Section 602 Lots and Blocks

A. Lot Size and Arrangement

- (1) The dimensions and arrangements of lots shall be designed in such a manner that, for reasons related to topography, reservations, dedications or other conditions, there will be no foreseeable difficulties in providing access to building on such lots or in securing building permits in compliance with existing zoning regulations as well as other Village requirements.
- (2) The lot size, width, depth, shape, orientation and the minimum building setback lines shall be appropriate for the subdivision and for the type of development and use contemplated.
- (3) Subdivision lots should be laid out as much as possible so that side or rear lot lines follow the centerlines of streams or drainage ways that may lie within the subdivision.
- (4) Except as may be authorized by the Planning Board under the cluster development provisions of Section 601.H., all lots shown on the subdivision plat shall conform to the minimum lot size and setback requirements specified for such lots in the Village zoning laws.
- (5) Notwithstanding any provision of law to the contrary, and except as may be authorized by the Planning Board under the cluster development provision, where a plat contains one or more lots which do not comply with the Village's zoning laws, application may be made to the Zoning Board of Appeals for an area variance pursuant to Section 7-712-b, of the New York State Village Law, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations. In reviewing such application, the Zoning Board of Appeals may request the Planning Board to provide a written recommendation concerning the proposed variance.
- (6) Corner lots shall have extra width sufficient to comply with required building setback lines on both streets as required by the Village's zoning laws.
- (7) Where existing streets have been proposed for future widening, all building setbacks shall be measured from the proposed right-of-way line.
- (8) Sidelines of lots shall generally be at right angles to straight streets and radial to curved streets.
- (9) Block lengths and widths shall be appropriate to accommodate the size of lots required by the Village's zoning laws and to provide for convenient access, circulation control and traffic safety.

- (10) Blocks intended for commercial or industrial use shall be designed specifically for such purposes, with adequate space set aside for off-street parking and delivery facilities.

B. Access

- (1) Each lot shall have access to a street built to the Village's specifications.
- (2) Where lots abut an existing State highway, the number of driveways and/or street entering onto these State highways shall be minimized. Where a marginal access road is established, a non-access easement shall be required along that portion of the lot next to and parallel with the highway right-of-way line.
- (3) Where a watercourse separates the building area of a lot from the street, which provides access to the lot, provision shall be made for the installation of a culvert or other drainage structure. Said culvert or drainage structure shall be subject to the same design criteria and review as all other storm water drainage facilities in the subdivision.

Section 603 Streets

A. Design and Layout of Streets

- (1) The design of the street pattern shall be based upon minor streets connecting to collector streets.
- (2) The arrangement of streets in a new subdivision shall provide for the continuation of existing streets into adjoining areas, and shall reserve space for future street extensions where the adjoining land has not been developed.
- (3) Local residential streets shall be designed so as to discourage through traffic.
- (4) Local (minor) streets shall have a right-of-way of at least sixty (60) feet in width and, unless otherwise provided hereinafter, a pavement width of not less twenty-two (22) feet.
- (5) Streets classified as collector streets by the Planning Board shall have a right-of-way of at least sixty-six (66) feet in width and a pavement width of not less than twenty-four (24) feet.
- (6) The minimum radius of horizontal curves, minimum length of vertical curves and minimum length of tangents between reverse curves shall be in accordance with specifications reviewed and approved by the Village Engineer. Such design features shall be reviewed by the Superintendent of Public Works, and Village Engineer who shall report his recommendation to the Planning Board prior to final approval.
- (7) Street grades, wherever feasible, shall not exceed eight (8) percent, with due allowance for reasonable vertical curves and with not less than two hundred (200) feet between change of grade.

- (8) In order to facilitate drainage, no street grade shall be less than one (1) percent.

B. Construction of Streets

- (1) All streets shall be of asphalt pavement and meet all requirements specified in the construction specifications approved by the Planning Board.
- (2) Concrete curbing shall be installed along all new streets, when required by the Planning Board. If curbing is not required, rolled gutters or other means of controlling stormwater may be constructed as may be approved by the Superintendent of Public Works and the Planning Board. In addition, grading and seeding of the area between the pavement edge, shoulder or approved drainage structure and the front property line of the lot shall be provided.
- (3) Due to the general soil conditions within the Village and normal construction sequences for development, it is deemed to be in the best interests of the Village that the following procedures be followed:
- a. Binder material shall not be placed prior to the completion and approval of all underground utilities (including the private utility lines) and review of the road base, by appropriate Village inspectors.
 - b. The weather and seasonal limitations as specified under the Standard Specifications of the New York State Department of Transportation shall apply for the placement of bituminous mixtures.

Restriction (a) and (b) imply completion of all underground systems well in advance of the developer's schedule for paving.

- c. Certificates of Occupancy shall not be issued unless a proper road surface as herein has been constructed.
- d. Prior to installing the top course of asphalt, the developer shall substantially complete related construction in the vicinity of the right-of-way. Appropriate steps shall be taken to limit the accumulation of stormwater on the street. This will help to insure that the top course of new pavement will be less susceptible to marring or patching as a result of construction activity.

Unless a specific waiver is obtained, in writing, from the Superintendent of Public Works the developer will install the final top course, before the end of the construction season during which the binder course was placed.

Before the expiration of the maintenance bond and before the final top is applied, the Village and the developer shall hold a final site review to assess any damage or repairs that are to be completed by the developer under the maintenance agreement. Once the top course has been installed the developer shall obtain final acceptance of all roadway improvements from the Planning Board.

- (4) Driveway Culverts. The installation of driveway culverts requires approval and a permit (as to location, size and material) from the authority having jurisdiction over the road. New driveway culvert installation shall be the responsibility of the subdivider or other persons following receipt of a permit therefor.

The Village reserves the right to remove, and/or install driveway or roadway culverts along any existing road to properly transmit surface drainage as determined by the Superintendent of Public Works.

- (5) Driveway openings. Where curbing and/or sidewalks are waived by the Planning Board, adequate provision for the protection of the edge of the road pavement, and graded shoulders, at all driveway openings and other access ways shall be provided in a manner approved by the Superintendent of Public Works.

C. Street Intersections

- (1) The minimum distance between centerline offsets at street jogs shall be one hundred fifty (150) feet.
- (2) Minor streets and/or collector streets shall not intersect with arterial streets less than eight hundred (800) feet apart, measured from centerline to centerline.
- (3) Except for street jogs and the intersection of minor streets and/or collector streets with arterial streets, streets shall not intersect within two hundred (200) feet of another intersection.
- (4) Streets shall not curve or turn significantly within one hundred (100) feet of an intersection.
- (5) Whenever possible, streets shall intersect at right angles. Streets shall not intersect at angles of less than seventy-five (75) degrees.
- (6) Intersections involving the junction of more than two (2) streets shall not be permitted.
- (7) Curb radii at intersections shall be not less than twenty-five (25) feet.

- D. Access to Adjacent Parcels and Subdivisions. All proposed subdivisions shall be designed to provide access to adjacent properties. When a proposed subdivision abuts an existing subdivision, the subdivider shall make every attempt to design the street system of the proposed subdivision to connect with dead-end or stub streets of existing subdivisions.

E. Cul-de-sac and Dead-end Streets

- (1) If possible all cul-de-sac streets should drain toward their entrance.
- (2) Unless there is the expectation of extending the street through the subdivision to the adjoining property, a cul-de-sac should be designed so that the rear of the lots served by the cul-de-sac back to the property adjoining the subdivision.

- (3) No cul-de-sac shall exceed four hundred (400) feet in length.
 - (4) All cul-de-sac streets shall have a turnaround at the end of the street with a right-of-way diameter of not less than one hundred twenty (120) feet; the outer curb at the turn shall have a minimum diameter of one hundred (100) feet.
 - (5) If a dead-end street is of a temporary nature, a turnabout shall be provided and provisions made for the reversion of the excess right-of-way to the adjoining property when the dead-end street is extended into adjacent property.
- F. If the subdivision abuts or contains an existing street of inadequate right-of way width, additional right-of-way width may be required.
 - G. No Street shall have a name that will duplicate, or so nearly duplicate as to be confused with, the names of existing streets. The continuation of an existing street shall have the same name. The Village Board must approve all street names.
 - H. Where the subdivision abuts or contains an existing or proposed arterial streets, the Planning Board may require special treatment of the land areas bordering such street in order to protect residential properties and to effectively separate through and local traffic.
 - I. Where a subdivision borders on or contains a railroad right-of-way, the Planning Board may require a street or streets parallel to such right-of-way in order to make appropriate use of the land adjacent to such right-of-way.

Section 604 Service Drives

- A. Although service drives may be permitted in commercial and industrial districts, it is recommended that other provisions be made on private property to insure that adequate off-street loading and unloading and parking facilities are available to serve the proposed use.
- B. The width of any proposed service drive shall not be less than twenty (20) feet.
- C. Dead-end service drives will not generally be approved. If dead-end service drives are unavoidable, adequate turn-around facilities shall be provided at the closed end, as required by the Planning Board.

Section 605 Sidewalks - See Chapter 205-13

Concrete sidewalks shall be installed along at least one side of all new streets. Sidewalks shall be at least four (4) feet in width

Section 606 Prevention of Landlocked Parcels

All subdivisions of land shall result in parcels having at least one (1) access point to at least one (1) street that can be improved to meet Village Standards.

Section 607 Provisions for Future Re-subdivision

If a tract is subdivided into lots, which are more than twice the size of the minimum lot size required in the zoning district in which the subdivision is located. The Planning Board may require that streets and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in these regulations and the Village zoning laws.

Section 608 Non-Residential Subdivisions

Standards for the design and construction of non-residential, subdivisions shall be governed by sound engineering and planning practice. Utilities shall be sized commensurate with the anticipated demand base upon the full development of the subdivision.

Section 609 Self- Imposed Restrictions

The subdivider of any property may impose greater restrictions on any development than those required by the Village's subdivision and zoning regulations such restrictions, if any, shall be indicated on the preliminary and final subdivision plat.

Section 610 Easements

- A. Easements shall be provided in those instances where natural drainage ways and utility lines do not fall within dedicated rights-of-way. All easements shall be plotted on the preliminary and final subdivision plats. A clause shall be inserted in the deed of each lot affected by an easement indicating the existence and purpose of the easement.
- B. A drainage way easement shall be provided, when a swale, channel, or stream traverses subdivision. The easement shall be of such width as will be adequate to preserve natural drainage and provide sufficient width for maintenance.
- C. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.

Section 611 Storm and Surface Drainage

All storm sewers and drainage facilities such as gutters, catch basins, bridges, culverts and swales shall be designed for the development and subject to the approval of the Village. Such facilities shall be designed to accommodate upland flows that may be generated from future land development.

The following shall be observed as storm drainage facilities are designed:

- A. Lots shall be laid out and graded to provide positive drainage away from buildings.
- B. The stormwater management system shall be designed to prevent increased runoff over adjacent properties.
- C. Storm sewers, culverts and related installation shall be provided to:
 - (1) permit unimpeded flow of natural watercourses;
 - (2) insure adequate drainage of all low points; and

- (3) intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.
- D. Sump pumps or roof leaders shall not be permitted to discharge directly to roadside gutters or channels.
- E. The Village shall require the completion of construction and the design engineer's certification of all surface drainage improvements and erosion control measures before any building permits are issued within proposed subdivisions.

Section 612 Sewage Disposal - See Chapter 190

Connection to the Village's sewer disposal system shall be required for all new developments.

Section 613 Water Supply - See Chapter 230

Connection to the Village's public water supply shall be required for all new developments.

Section 614 Erosion and Sediment Control

A. General

It is the Village's intent to control the movement of soil by employing effective erosion and sediment control measures before, during and after site disturbance.

Erosion and sediment control measures, both temporary and permanent, shall be designed and presented for approval to the Planning Board prior to any site development or soil disturbance.

The Planning Board and its designated representatives will evaluate submitted erosion and sediment control design plans against the most current edition of the "New York Guidelines for Urban Erosion and Sediment Control" manual, prepared by the USDA Soil Conservation Service.

B. Vegetative Controls

Site design techniques should include vegetative measures to control surface water runoff, stabilize soil, and entrap soil sediments generated from erosion.

- (1) Site slopes shall be graded to be stable and provide control of any surface or subsurface water prior to vegetative planting.
- (2) Site disturbance, especially in sensitive areas, shall be kept at a minimum. Subdivision design shall minimize the removal of existing trees, hedgerows and indigenous plant cover.
- (3) The developer shall take whatever action is necessary to establish a stabilized vigorous stand of vegetative cover on all disturbed soils as soon as possible following initial soil movement.

If phasing is necessary to meet these conditions, the developer shall present this information to the Planning Board for its review.

C. Structural Controls

Some projects may require permanent erosion and sediment controls. If these measures are determined to be necessary, the Village may require them to be fully functional before upland site disturbance begins. Such structures may include, but are not limited to, such features as siltation traps, pond, diversion swales or dikes.

D. Maintenance Measures

It is imperative that both the vegetative and structural components are inspected periodically and maintained for optimum erosion and sediment control.

Temporary facilities shall be cleaned, repaired and/or replaced by the subdivider as necessary in order to protect and maintain the subdivision's original design criteria. Permanent facilities shall be cleaned, repaired and/or replaced by the subdivider until such time as said facilities have been accepted by resolution of the Planning Board, after which all cleaning, repair and replacement activities shall be the responsibility of the Village Department of Public Works.

- (1) Dedicated Projects: If the subdivision involves the construction and dedication of facilities to the Village, the developer shall include sufficient funds in the maintenance bond to cover the projected cost of maintaining such facilities for a period of two years following the dedication.
- (2) Private Projects: If a project includes facilities, which are not to be dedicated to the Village, the developer shall be responsible for the construction and proper maintenance of all erosion control facilities. The continued acceptability of erosion control facilities by the developer shall be determined by the Code Enforcement Officer prior to the issuance of Certificates of Occupancy for buildings which are constructed on lots in an approved final plat.

E. Penalty

The Village is empowered to assess reasonable penalties to a developer/site owner for failure to properly construct, operate and maintain an approved soil erosion and sedimentation control plan. The penalties may include, but shall not be limited to, the Village's costs for cleaning ditches, swales, drains or streams required, due to the failure of the developer to properly construct, operate and maintain site erosion and sedimentation control devices.

Further reviews of such projects, shall not be conducted by the Village, until payments stemming from the Village's charges have been satisfied and/or the required erosion and sediment control measures have been satisfactorily completed by the subdivider.

Section 615 Preservation of Natural Features

- A. Topsoil moved during the course of construction shall be redistributed so as to provide at least four (4) inches of cover to all areas of the subdivision and shall be stabilized by

seeding or planting. At no time shall topsoil be removed from the site without written permission from the Planning Board.

- B. The subdivider shall conserve all existing trees and shrubbery, to the fullest extent possible. Precautions shall also be taken to protect existing trees and shrubbery during the process of grading the lots and roads. Where there is a question as to the desirability of removing a group of trees, in order to allow for use of the land for a lot or lots, the Planning Board may, after proper investigation, require modification of such lots.
- C. Where a natural lake, pond or stream traverses a sub-division, the boundaries or alignment of said watercourse should be preserved. If in the opinion of the Planning Board, a change or realignment will enhance the development and beauty of the subdivision or the utilization of such features by the future residents of the subdivision. All proposed changes in watercourse alignments shall be in accordance with the revised New York State Stream Conservation Law.
- D. Unique physical features such as historic landmarks and sites, rock outcroppings, hilltop lookouts, desirable natural contours and similar features shall be preserved if possible.
- E. The subdivider shall not be permitted to leave any surface depressions, which will collect pools of water.
- F. The subdivider shall not be permitted to leave any hills or mounds of dirt around the tract. All surfaces shall be restored within six (6) months of the time of completion of that section of the subdivision.

Section 616 Landscaping

- A. Site landscaping, may be required, by the subdivider, on any lands developed in the Village. The Planning Board shall, notify the subdivider, after the sketch plan has been reviewed, if a specific landscaping plan is required. When required, the landscaping plan shall designate plant species and locations.
- B. Street shade trees shall be provided along all new streets. Trees shall be planted so as not to interfere with utilities, roadways, sidewalks, sight distances, or streetlights. Tree location, spacing and species, shall be approved by the Planning Board and Village Forester. The minimum caliper of all trees, planted shall be two (2) inches when measured twelve (12) inches above grade.
- C. At least one tree shall be planted within each lot in the subdivision. Trees planted within private lots shall be outside of the road, utility rights-of-way, or easements, in accordance with the following provisions:
 - (1) Impacts shall be considered on sight distances.
 - (2) Trees shall be a minimum of ten (10) feet from all property lines or easements.
 - (3) There shall be no underground utilities within five (5) feet of any proposed tree.
 - (4) Trees shall be of a variety that does not generally have a wide-spreading root system, or large spreading trunk base.

Section 617 Monuments

Permanent reference monuments shall be set at final grade at all corners and angle points along the boundaries of any major subdivision plat. At all street intersections, and at such other intermediate points as may be required by appropriate agencies having jurisdiction in the review and approval process of subdivision plats.

These markers shall be set by a land surveyor or engineer and certified to the Village as true and accurate before a Certificate of Occupancy may be issued.

Section 618 Street Signs

Permanent street signs shall be installed in accordance with Village specifications. The subdivider shall erect and pay for all signs erected at each intersection.

Section 619 Street Lighting

The Planning Board may require adequate street, sidewalk or site lighting to be installed. Lighting fixtures, which are installed within the subdivision shall be the responsibility of the subdivider. The light system, established shall result primarily in the illumination of the streets and sidewalks within the subdivision. The appropriate electric utility shall review and approve the systems design.

Section 620 Electric, Gas, Telephone, Cable TV or Other Buried Cable Utility

In every development, provisions shall be made for service from the private utility supply systems. Wires for all utilities, which serve a major subdivision, including those which are part of the street lighting system, shall be underground. Underground conduit and cables shall be installed per regulations of the Public Service Commission. Underground conduit and cable shall not be less than two (2) feet below any drainage way. Private underground utilities may be installed within the ten (10) foot wide easement outside of the street right-of-way.

ARTICLE VII
ADMINISTRATION AND ENFORCEMENT

Section 701 Administration

- A. These regulations shall be administered by the Village Planning Board and shall be subject to the conditions, and requirements stated herein.
- B. The Planning Board may, if it finds that strict compliance with these regulations may be unreasonable, and not in the public interest, waive or modify the requirement so that substantial justice may be done, and public interest secured. Such modifications or waivers shall not, however, have the effect of nullifying the intent and purpose of the Village's Comprehensive Plan or any local legislative requirements.
- C. Whenever the requirements of these regulations are at variance with the requirements of other legally adopted rules, regulations, laws or resolutions, the most restrictive of those imposing the higher standards shall govern. Except for those provisions, which may be waived or modified by the Planning Board.

Section 702 Fees and Reimbursable Costs

- A. All fees applicable under these regulations are detailed in a separate fee schedule established by the Village Board and are adopted herein by reference. Fees shall be paid at appropriate times, and no building permits shall be issued until all owed fees are paid. Reasonable costs incurred by the Planning Board or its agents in connection with the review of a proposed subdivision, shall be charged to and paid by the applicant.
- B. Final plat approval shall not be given until all applicable fees and expenses have been paid in full. The letter of credit shall not be released until all fees and expenses have been paid in full. Failure of the subdivider to pay the fees and expenses shall be grounds to deny building permits within the subdivision.

Section 703 Enforcement and Penalties

- A. Code Enforcement Officer is hereby authorized to enforce the provisions of these regulations or any determinations made by the Planning Board, in the administration of these regulations.
- B. No land shall be subdivided in violation of this Chapter. Any subdivision attempted in violation hereof shall be invalid.
- C. No permit shall be issued for development upon any lot, tract, parcel or site created in violation of this Chapter. The assignment of a tax number or other mode of separate

identification of a unit of land by the Assessor for the purpose of tax administration shall not be deemed to create or legitimize a subdivision otherwise invalid hereunder.

- D. A violation of these regulations is an offense punishable by a fine not exceeding two hundred-fifty dollars (\$250) for any offense, recoverable with cost, and/or imprisonment not exceeding thirty (30) days. Each day that a violation continues shall constitute a separate offense and shall be punished as herein provided.
- E. The Village Board or proper local authority of the Village may institute any appropriate action for violation of this Chapter. Proceedings to prevent such unlawful erection, construction, reconstruction, alterations, repair, conversion, maintenance, use or division of land to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business, or use in or out of such premises.

Section 704 Separability and Effective Date

- A. If any clause, sentence, paragraph, section or other part of these regulations should be decided by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of these regulations as a whole, or any part thereof, other than the part so held to be invalid.
- B. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York, in accordance with the Municipal Home Rule Law of the State of New York.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 1999 of the ~~(County)(City)(Town)(Village)~~ of Lyndonville, Orleans County, NY was duly passed by the Board of Trustees on July 12 1999, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Debra W. Miller
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: 7-26-98

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ORLEANS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
Signature

Village Attorney

Title

~~xCounty~~

~~xCity~~

~~Town~~

Village

of Lyndonville, Orleans County, New York

Date: _____

PROJECT I.D. NUMBER

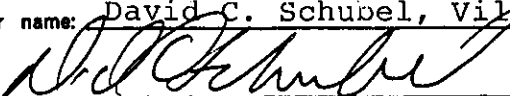
617.20

SEQR

Appendix C

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
 For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR Village Board, Village of Lyndonville	2. PROJECT NAME Enactment of Local Law No. 3
3. PROJECT LOCATION: Municipality Village of Lyndonville County Orleans County	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Entire Village	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: This involves enactment of Local Law applicable to entire Village. Any specific projects or applications proposed under subdivision regulations will be subject to site-specific SEQR review.	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: This is a generic local law applicable to entire Village. Each project subject to site specific SEQR review.	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals N/A	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval N/A	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>David C. Schubel, Village Attorney</u> Date: <u>7/12/99</u>	
Signature: <u></u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

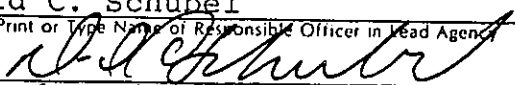
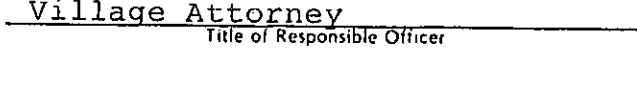
OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If yes, coordinate the review process and use the FULL EAF.</p>
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If No, a negative declaration may be superseded by another involved agency.</p>	
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p>This is a generic local law. All projects or applications under Subdivision Regulations will have site specific SEQR review</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p>	
<p>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly</p>	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<p><input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.</p> <p><input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:</p>	
<p><u>Lyndonville Village Board</u></p> <p style="font-size: small;">Name of Lead Agency</p>	
<p><u>David C. Schubel</u></p> <p style="font-size: small;">Print or Type Name of Responsible Officer in Lead Agency</p> <p></p> <p style="font-size: small;">Signature of Responsible Officer in Lead Agency</p>	<p><u>Village Attorney</u></p> <p style="font-size: small;">Title of Responsible Officer</p> <p></p> <p style="font-size: small;">Signature of Preparer (if different from responsible officer)</p>
<p><u>July 12, 1999</u></p> <p style="font-size: small;">Date</p>	

617.21

Appendix F

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number _____

Date July 12, 1999

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village Board, Village of Lyndonville, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Enactment of Local Law Establishing Subdivision Regulations

SEQR Status: Type I ☐
Unlisted ☒

Conditioned Negative Declaration: ☐ Yes
☒ No

Description of Action: Enactment of Local Law establishing subdivision regulations within Village of Lyndonville

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Reasons Supporting This Determination:

(See 617.6(g) for requirements of this determination; see 617.6(h) for Conditioned Negative Declaration)

This involves enactment of Local Law applicable to entire Village. Any specific projects or applications proposed will be subject to site-specific SEQR reviews.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.

For Further Information:

Contact Person: Village Code Enforcement Officer, John Fox
Village Clerk, Debra Miller

Address: 2 South Main Street
Lyndonville, NY 14098

Telephone Number:

For Type I Actions and Conditioned Negative Declarations, a Copy of this Notice Sent to:

Commissioner, Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-0001

Appropriate Regional Office of the Department of Environmental Conservation

Office of the Chief Executive Officer of the political subdivision in which the action will be principally located.

Applicant (if any)

Other involved agencies (if any)