

Chapter 103

SUBDIVISION OF LAND

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[HISTORY: Adopted by the Board of Trustees of the Village of Champlain 2-8-1993 by L.L. No. 1-1993; amended in its entirety 4-25-1994 by L.L. No. 3-1994. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Environmental quality review — See Ch. 55.
 Flood damage prevention — See Ch. 64.
 Sewers — See Ch. 94.

Water — See Ch. 115.
 Zoning — See Ch. 119.
 Development procedures — See Ch. A125.

ARTICLE I

Title and Purpose

§ 103-1. Title.

The title of this chapter is "Subdivision Regulations of the Village of Champlain."

§ 103-2. Purposes.

It is hereby declared to be the policy of the Village of Champlain that the subdivision and development of land for residential, commercial and industrial purposes shall be guided and regulated in such a manner as to meet the following requirements for orderly and harmonious growth. Land to be subdivided or developed shall be of such character that it can be used safely without danger to health or peril from fire, flood, erosion, excessive noise or smoke or other menace. Proper provision shall be made for drainage, water supply, sewage and other appropriate utility services. The proposed streets shall provide a safe, convenient and functional system for vehicular circulation and shall be properly related to the Master Plan of the area. Streets shall be of such width, grade and location as to accommodate prospective traffic as determined by existing and probable future land and building uses. Building, lots, blocks and streets shall be arranged as to afford adequate light, view, and air to facilitate fire protection and to provide ample access for fire-fighting equipment to buildings. Land shall be subdivided or developed with due regards to topography so that the natural beauty of the land and vegetation shall be protected and enhanced. Adequate sites for schools, parks, playgrounds and other community services shall be located so that residents of all neighborhoods shall have convenient access to such facilities, or provision shall be made for requirements of such reasonable sums in lieu of park or recreational facilities.

§ 103-3. Authority.

Pursuant to the provisions of Article 7 of the Village Law and also § 7-725¹ and § 7-728 of the Village Law, the Planning Board of the Village of Champlain has the power and authority to approve plans for subdivisions of land within the Village of Champlain. All land subdivision shall hereafter be subject to the following regulations which are herein adopted for the purpose of providing for the future growth and development of the village and affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population. The Planning Board does also

1. Editor's Note: Said § 7-725 was repealed by L. 1992, c. 694, effective July 1, 1993.

hereby have and is granted authority to review and approve development of entirely or partially undeveloped subdivisions that have heretofore been filed with the County Clerk. The Planning Board is also hereby granted authority to approve preliminary and final plats of subdivisions showing lots, blocks or sites with or without streets or highways.

ARTICLE II Word Usage and Definitions

§ 103-4. Word usage.

Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the following meanings and be interpreted as follows:

- A. Words in the singular include the plural, and words in the plural include the singular.
- B. The word "persons" includes a corporation and unincorporated association.
- C. The word "building" includes "structure" and shall be construed as if followed by the words "or part thereof."
- D. The word "street" includes "road," "highway" and "land."
- E. The word "watercourse" includes "drain," "ditch" and "stream."
- F. The word "shall" is mandatory unless otherwise indicated.
- G. Words used in the present tense include the future tense.

§ 103-5. Definitions.

As used in this chapter, the following terms shall have the following meanings indicated:

ALLEY — A strip of land over which there is a right-of-way, municipally or privately owned, on which no building fronts, serving as a secondary means of access to two or more properties.

BOARD — The words "Planning Board" shall mean the Planning Board of the Village of Champlain.

BOND — A performance bond duly issued by a bonding or surety company approved by the Village Board with security acceptability to the Village Board or a performance bond duly issued by the developer-obligor accompanied by security in the form of cash, certified check or United States Government bearer bonds deposited with the Village Board in the full amount of the obligation. The cash may be withdrawn after the work has been performed as certified by the Village Engineer with the 10% holdout until acceptance.

CLUSTER DEVELOPMENT — That modification of the Zoning Law set forth in Chapter 119, Zoning, of this Code to provide an alternate and permitted method of development of such plat or plats to allow all of the development which would occur on a particular parcel of land to be developed on a portion of said parcel. In no case, however, shall the number of buildings, lots or dwelling units exceed the number which could be permitted, if the land

were subdivided into lots conforming to all requirements of this Chapter 103 and also of Chapter 119, Zoning.

CONDITIONAL APPROVAL OF A FINAL PLAT — Approval by the Planning Board of a final plat subject to conditions set forth by the Planning Board in a resolution conditionally approving such plat. Such "conditional approval" does not qualify a final plat for recording nor authorize issuance of any building permits prior to the signing of the plat by a duly authorized officer of the Planning Board and recording of the plat in the office of the County Clerk as provided in § 7-728 of the Village Law.

CROSSWALK — A right-of-way, municipally or privately owned, which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

EASEMENT — A right granted to use certain land for a special purpose not inconsistent with the general property rights of the owner.

ENGINEER — Unless otherwise hereinafter indicated, the duly designated Engineer of the Village of Champlain or, if there be no such official, a licensed professional engineer employed by the Village of Champlain.

FAMILY-DWELLING-UNIT — Housekeeping accommodations for one or more persons living as a family.

FINAL PLAT APPROVAL — The signing of a plat in final form by a duly authorized officer of the Planning Board pursuant to a Planning Board resolution granting final approval to the plat or after conditions specified in a resolution granting conditional approval of the plat are completed.

FINAL SUBDIVISION PLAT OR FINAL PLAT — A plan or drawing prepared for recording by a licensed professional engineer or surveyor showing all information required by the Planning Board and all modifications, if any, required at time of approval of preliminary plat and all information as required by this chapter or as may be required by the Planning Board.

IMPROVEMENT — Those physical changes to the land necessary to produce usable and desirable lots from raw acreage, including grading, pavement, curb, gutter, storm sewers and drain and betterment to existing watercourses, sidewalks, street signs, crosswalks, shade trees, sodding or seeding, street names signs and monuments.

LOT — A parcel of land intended for transfer of ownership or building development, whether immediate or future.

LOT DEPTH — The mean horizontal distance between the front and rear lines of a lot.

LOT, DOUBLE FRONTAGE — A lot, the generally opposite ends of which both abut on streets.

LOT WIDTH — The width of a lot at the building line.

MAJOR SUBDIVISION — A subdivision of a parcel of land into more than two lots or parcels.

MASTER PLAN — The Comprehensive Plan, or a part thereof, which may consist of several maps, data and information adopted by the Village Planning Board pursuant to § 7-722 of the

Village Law, indicating the general locations recommended for major motorways, parks and other public open spaces, public building sites, routes for public utilities and all amendments and updates and modifications thereto.

MINOR SUBDIVISION — A subdivision of a parcel of land into no more than two lots or parcels.

OFFICIAL MAP — A map established by the Village Board under § 7-724 of the Village Law, showing the streets, highways and parks theretofore laid out, adopted and established by law and all changes or additions thereto made under the provisions of the Village Law.

OWNER — The owner of the land proposed to be subdivided or his agent.

PLANNING BOARD — The Planning Board of the Village of Champlain.

PLAT (ALSO REFERRED TO AS "FINAL SUBDIVISION PLAT") — The final map, drawing or chart upon which the owner's plan of subdivision is presented to the Planning Board for approval and which, if approved, will be submitted to the County Clerk for recording.

PRELIMINARY PLAT — A plan or drawing prepared by a licensed professional engineer or surveyor or a qualified site planner showing existing features of the land and proposed streets and roads, utilities and lot layout within and adjacent to the subdivision and also showing approximate dimensions and all proposed facilities, key plan, topography, drainage, preliminary plans and profiles in suitable scale and such other relevant information as the Planning Board shall require.

PRELIMINARY PLAT APPROVAL — The approval of the layout of a proposed subdivision as set forth in a preliminary plat but subject to the approval of the plat by the Planning Board in final form in accordance with the provisions of this chapter.

RIGHT-OF-WAY — A strip of land between property lines opened for use as a street, alley or crosswalk.

SETBACK OR BUILDING LINE — A line, generally paralleled to the line, beyond which the front foundation wall of a building may not project into the front yard.

SIGHT DISTANCE — The distance an object 18 inches off the pavement (a tall light) is visible from the eye level 4 1/2 feet above the pavement (average height driver's eyes).

STREET — A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, land, drive, place or other similar designation. The following functional classification is used in these regulations:

- A. **ARTERIAL STREETS** — Those which are used primarily for fast or heavy traffic, used usually with complete or partial control over access from abutting property.
- B. **COLLECTOR STREETS** — Those which carry traffic from minor streets at major systems of arterial streets and highways.
- C. **MINOR STREETS** — Those which are used primarily for access to the abutting properties.

- D. **MARGINAL ACCESS STREETS** — Minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
- E. **CUL-DE-SAC STREET** — Minor streets with one end open for public vehicle and pedestrian access and the other end terminating in a vehicular turnaround. The length of a "cul-de-sac street" shall be measured along the center line from its intersection with the center line of the street from which it runs to the center of the cul-de-sac turnaround.
- F. **SERVICE DRIVES** — Minor private ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

SUBDIVIDER — A person who is the registered owner or authorized agent of the registered owner of land proposed for subdivision.

SUBDIVISION — The division of a single lot, tract or parcel of land, or a part thereof, into two or more lots, tracts or parcels of land, including changes in street lines or lot lines, for the purpose, whether immediate or future, of transfer of ownership or of building development. "Subdivision" shall also include any alteration of lot lines and dimensions of any lots or sites shown on a plat previously approved and filed in the office of the County Clerk of Clinton County; provided, however, that division of land for agricultural purposes into parcels of more than five acres, not involving any new street or easement of purpose, shall not be included within the meaning of "subdivision."

UNDEVELOPED or UNDEVELOPED SUBDIVISIONS — Those lots or plats where 20% or more of the lots within the plat are unimproved.

ARTICLE III Procedures

§ 103-6. Procedures.

When any subdivision of land is proposed to be made and before any contract for the sale of or any offer to sell or grant or convey or give or devise such subdivision or any part thereof is made and before a building permit shall be granted, the procedure outlined herein shall be observed, followed and complied with. No person shall offer for sale nor convey nor grant nor give nor devise any land within the Village of Champlain unless the same shall have been properly subdivided pursuant to this chapter or the same shall have existed as a legally separate, distinct and identifiable parcel of land prior to the adoption of this chapter.

- A. **Pre-application procedure.**
 - (1) Previous to the filing of an application for approval of a preliminary plat the subdivider shall submit to the Planning Board a sketch plan and data as required hereinafter as information by the developer or subdivider. This step does not require formal application fee or filing of plan with the Planning Board. Subdividers shall request an appearance before the Planning Board. This request must be made to the Chairman, Vice Chairman or Clerk of the Board at least 72 hours [three days] before the scheduled Board meeting.

- (2) Within 30 days the Planning Board shall inform the subdividers that the sketch plan and data submitted, or as modified, do or do not meet the objectives of these regulations and it shall express its reasons thereof.
 - (3) When the subdivider has been notified that the sketch plan has met the objectives, he should then consult the Clinton County Department of Health, if his proposed subdivision is five or more lots.
 - (4) If the subdivider is to utilize a form of subsurface leaching, the subdivider's engineer should prepare a preliminary plat, only after an inspection and percolation tests have been made of the property.
 - (5) If the installation of a sewer system is involved, the subdivider should consult with the Clinton County Department of Health.
 - (6) The Planning Board may, at this time, schedule the required public hearing on the proposed subdivision to be held at its next regular scheduled meeting.
 - (7) The subdivider may, at this time, request to be placed on the next Village Planning Board agenda for preliminary plat review. Upon request to be placed on the Planning Board agenda, the subdivider shall comply with the section hereinafter set forth.
- B. Preliminary plat procedure.
- (1) On reaching conclusions informally as recommended in Subsection A, above, regarding his general program and objective, the subdivider shall cause to be prepared a preliminary plat, together with improvements, plans and other supplementary material as specified in Articles IV and VI hereinafter. Request for appearance before the Planning Board for preliminary plat review shall be made to the Chairman, Vice Chairman or Clerk of the Planning Board at least 14 days before the next scheduled Planning Board meeting. All such preliminary plats shall be clearly marked "Preliminary Plat" and shall conform to the definition in this chapter.
 - (2) The subdivider shall submit to the Planning Board the following: three copies of the preliminary plat; a copy of the deed or deeds to property to be subdivided; a sworn to certification that, if not the owner, the subdivider is an authorized agent of the owner and a signed consent of the owner; and supplementary material specified, with one copy of the application for conditional approval and preliminary plat fees, at least 14 days prior to the meeting at which it is to be considered.
 - (3) Following review of the preliminary plat and other material submitted for conformity thereof to these regulations and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Board shall process the application pursuant to this chapter and the requirements of the Village Law.
 - (4) Within 62 days of the submission of the complete preliminary plat and requested materials, the Planning Board shall hold a public hearing as required by § 7-728 of the Village Law. Such a hearing shall be advertised in the newspaper of

general circulation in the village at least five days before such hearing, and the Planning Board may require further additional advertising as deemed appropriate for full public consideration, including but not limited to notices to be sent to adjoining landowners.

- (5) The Planning Board shall approve, approve with modification or disapprove such a preliminary plat within 62 days after the public hearing. The grounds for modification, if any, or grounds for disapproval shall be stated, in writing, on the records and minutes of the Board. The period within which the Planning Board must take action may be extended by mutual consent of the owner and the Board. All modifications deemed necessary on the preliminary plat as part of approval shall be stated in writing and shall be a condition for submission of the plat in final form.
- (6) The action of the Planning Board shall be noted on the three copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the others retained by the Planning Board.
- (7) For any subdivision or portion of subdivision, the Planning Board will state, in writing, the character and extent of required public improvements for which waivers may have been requested by the subdivider and which, in the opinion of the Planning Board, may be waived without jeopardy to public health, safety, morals and general welfare or which are inappropriate because of inadequacy or lack of connecting facilities adjacent to or in proximity to the proposed subdivision.
- (8) Approval of preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat, as a guide to the preparation of the final plat which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations and the conditions of the approval, if any.
- (9) Within five days of approval of such preliminary plat it shall be certified by the Clerk of the Planning Board as having been granted preliminary approval, a copy filed in the Village Clerk's office and a certified copy mailed to the owner and applicant.
- (10) Approval of the preliminary plat may not be revoked by the Planning Board unless a substantial change in the character of the area or the availability of new information about the site and its surroundings indicate the unsuitability of the development as shown on the preliminary plat. Before such revocation the subdivider shall be informed, in writing, of the reasons therefor and shall be given an opportunity to be heard before the Planning Board.
- (11) Approval of a preliminary plat shall expire after six months or 180 days from the date of approval. Extension for two periods of 90 days may be granted by the Planning Board upon application. Such application for extension may be granted unless changed conditions or new information indicate the unsuitability of the development as shown on the preliminary plat.
- (12) In the event that the Planning Board fails to take action on a preliminary plat within the time prescribed therefor, such preliminary plat shall be deemed granted

preliminary approval. The certificate of the Clerk of the village as to the date of submission and failure of the Planning Board to take action within such prescribed time shall be issued on demand to the owner or applicant and shall be sufficient in lieu of written endorsement or other evidence of approval as herein required.

C. Approval of final plats and procedure.

- (1) Request for appearance before the Planning Board for final plat review shall be made to the Chairman, Vice Chairman or Clerk of the Planning Board at least 14 days before the next scheduled Planning Board meeting.
- (2) The final plat shall conform substantially to the preliminary plat, as approved or modified, and, if desired by the applicant, it may constitute only that portion of the approved preliminary plat which he proposes to record and/or file and develop at the time; provided, however, that such portion conforms to all requirements of these regulations and this chapter. Final plats shall also conform to all the requirements of § 7-728 of the Village Law.
- (3) The subdivider shall submit to the Planning Board the final plat at least 14 days prior to the next scheduled Planning Board meeting and not more than 180 days after approval of the preliminary plat, by the Planning Board, unless an extension of time is applied for and granted by the Planning Board, all the following items:
 - (a) An application for final approval, together with all final plat fees. (See subdivision fee schedule.)²
 - (b) Four copies of the final plat and all required supplementary material as specified in Article VI and this chapter.
 - (c) Certificates as to the adequacy of the proposed water supply and sewerage system by the Village Water and Sewer Superintendent, the Clinton County Department of Health and the New York State Water Resources Commissioner, where applicable.
 - (d) A certificate as to adequacy of proposed improvement (roads, drainage and turnaround) by the Superintendent of Highways of the Village of Champlain.
 - (e) A certificate by a licensed professional engineer that any required improvements proposed by the applicant have been designed and meet the minimum standards in these regulations or as otherwise required by law.
 - (f) Drawings certified by a licensed land surveyor or engineer showing location of required improvements which may have been constructed prior to final plat submission.
 - (g) A performance bond, cash, certified check or a certificate of deposit in sufficient amount, as determined by the Village Planning Board and conforming to the provisions of § 7-730 of the Village Law, to assure

2. Editor's Note: See § 103-27, Fees established.

completion of all required improvements as shown on final plat approved by the Planning Board as to form, sufficiency, manner or execution and surety.

- (h) Resolution of the Village Board that the proposed village road, street, highways, parks, easements or other public facilities are acceptable and will be approved by the Village Board by resolution when the Planning Board gives final approval.
 - (i) Access permits for New York State Department of Transportation, Clinton County Highway Department and the Town Highway Department, where required for acceptance of drainage scheme and road construction.
 - (j) Written permission for water and/or sewer district to allow additional hookups to the system if subdivision is within a water and/or sewer district.
 - (k) All required approvals of preliminary plats and final plats from any county planning agency authorized to review the same pursuant to § 239-m of the General Municipal Law. The Planning Board Clerk shall refer all such applications to said county agency for such approval.
 - (l) An agricultural data statement shall be submitted in conformance with all provisions of § 7-739 of the Village Law.
- (4) Final plats which are in substantial agreement with approved preliminary plats. When a final plat is submitted which the Planning Board deems to be in substantial agreement with a preliminary plat approved pursuant to this section, 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 62 days of its receipt by the Clerk of the Planning Board.
- (5) When a final plat is submitted which the Planning Board deems not to be in substantial agreement with a preliminary plat approved pursuant to this section, the following shall apply:
- (a) Final plats not in substantial agreement with approved preliminary plats may require further review under the State Environmental Quality Review Act.³
 - (b) The Planning Board shall hold a public hearing on such final plat not later than 62 days after the receipt of the final plat. The hearing shall be advertised at least once in a newspaper of general circulation in the village at least five days before such hearing. Further additional advertising may be required by the Planning Board as deemed appropriate for full public consideration of the same.
 - (c) 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 62 days after the date of the public hearing. The grounds for a modification, if any, or the grounds for disapproval shall be

3. Editor's Note: See Article 8 of the Environmental Conservation Law.

stated upon the records of the Planning Board. Notwithstanding the foregoing provisions of this section, the period in which a Planning Board must take action on such final plat may be extended by mutual consent of the owner and the Planning Board.

- (6) When no preliminary plat is required to be submitted, the following shall apply:
 - (a) Such plat shall be clearly marked "Final Plat" and shall conform to the definition provided by this chapter. The Planning Board shall hold a public hearing within 62 days after the receipt of a complete final plat by the Clerk of the Planning Board. Such hearing shall be advertised at least once in a newspaper of general circulation in the village at least five days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat.
 - (b) 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 62 days after the date of the public hearing. The grounds for modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.
 - (c) Notwithstanding the foregoing provisions of this subsection, the time in which a Planning Board must take action on such plat may be extended by mutual consent of the owner and the Planning Board.
- (7) In the event that the Planning Board fails to take action on a final plat within the time prescribed herein, or for such extended period established by the mutual consent of the owner and the Planning Board, the plat shall be deemed approved and a certificate of the clerk of the village 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 herein required.
- (8) Conditional approval procedure.
 - (a) Upon resolution granting conditional approval of a final plat, the Planning Board shall empower a duly authorized officer to sign the plat subject to completion of any requirements as may be stated in the resolution. Within five days of such resolution the plat shall be certified by the Clerk of the Planning Board as conditionally approved and a copy filed in such Clerk's office. A copy of the resolution shall be mailed to the owner and applicant, which copy shall include a statement of such requirements which when completed will authorize the signing of the conditionally approved final plat.
 - (b) Upon completion of such requirements, the plat shall be signed by said duly authorized officer of the Planning Board. Conditional approval of a final plat shall expire within 180 days after the date of the resolution granting conditional approval unless such requirements have been certified as completed. The Planning Board shall make the appropriate notation on the face of four permits, one copy shall to be retained by the Planning Board,