

one copy to be sent to the County Health Department, one shall be recorded in the County Clerk's Office by the applicant and one shall be given to the applicant.

- (9) Notwithstanding the foregoing provisions of this section, the Planning Board may extend the time in which a conditionally approved plat in final form must be submitted for signature if, in its opinion, such extension is warranted by the particular circumstances thereof, which time shall not exceed two additional periods of 90 days each.
- (10) In granting conditional or final approval of a plat in final form, the Planning Board may permit the plat to be subdivided and developed in two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to ensure the orderly development of the plat be completed before said sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a final plat may be granted concurrently with conditional or final approval of the entire plat, subject to any requirements imposed by the Planning Board.
- (11) When a county planning agency has been authorized to review subdivision plats pursuant to § 239-n of the General Municipal Law, the Clerk of the Planning Board shall refer all applicable preliminary and final plats to such county planning agency as provided in that section.
- (12) The signature of the duly authorized officer of the Planning Board constituting final approval by the Planning Board of a plat as herein provided; or the approval by such Board of the development of a plat or plats already filed in the office of the County Clerk or Register of the county in which such plat or plats are located if such plats are entirely or partially undeveloped; or the certificate of the Village Clerk as to the date of the submission of the final plat and the failure of the Planning Board to take action within the time herein provided shall expire within 62 days from the date of such approval, or from the date such certificate is issued, unless within such sixty-two-day period such plat or section thereof shall have been duly filed or recorded by the owner in the office of the County Clerk or Register. In the event that the owner shall file only a section of such approved plat in the office of the County Clerk or Register, the entire approved plat shall be filed within 30 days of the filing of such section with the Village Clerk in each village in which any portion of the land described in the plat is situated. Such section shall encompass at least 10% of the total number of lots contained in the approved plat, and the approval of the remaining sections of the approved 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 § 7-708 of the Village Law.
- (13) The owner of an approved subdivision may abandon such subdivision pursuant to the provisions of § 560 of the Real Property Tax Law.
- (14) The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in 6 NYCRR 617.

- (15) Within 30 days from the recording of the final plat or any approved section thereof, the subdivider shall file with the Planning Board a photostat copy of the plat certified by the Clinton County Clerk to be a true copy of the recorded and/or plat.
- (16) Drawings showing the location of all required improvements as built shall be certified by a licensed land surveyor and filed with the Planning Board within 30 days prior to the acceptance of the improvements by the Village Water and Sewer Department and Superintendent of Highways of the Village of Champlain. Until as-built plans are filed and accepted by the village, no performance bond, cash, certified check or certificate of deposit guaranteeing the completion of such improvements shall be released.
- (17) Subject to discretion of the Village Board of Trustees the subdivider may be required to furnish a one-year warranty bond of cash deposit in an amount in form acceptable to the Board for completion of road and drainage improvements. In the event that the Village Board of Trustees requires such bond of cash deposit, the subdivider shall provide the same.
- (18) Performance bonds may be changed only under provisions of § 7-730 of the Village Law, which provisions are herein adopted.

D. Additional requisites of subdivision review.

- (1) Before the approval of the Planning Board of a plat showing lots, blocks or sites, with or without streets or highways, or the approval of a plat already filed in the office of the Clerk of the county wherein such plat is situated if the plat is entirely or partially undeveloped, the Planning Board shall require that the land shown on the plat be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, drainage or other menace to neighboring properties or the public health, safety and welfare.
- (2) The Planning Board shall also require that:
 - (a) The streets and highways be of sufficient width and suitable grade and shall be suitably located to accommodate the prospective traffic, to afford adequate light and air, to facilitate fire protection and to provide access of fire-fighting equipment to buildings. If there be an Official Map, Village Comprehensive Plan or Functional/Master Plans, such streets and highways shall be coordinated so as to compose a convenient system conforming to the Official Map and properly related to the proposals shown in the Comprehensive Plan of the village.
 - (b) Suitable monuments be placed at block corners and other necessary points as may be required by the Board and the location thereof is shown on the map of such plat.
 - (c) All streets or other public places shown on such plats be suitably graded and paved; street signs, sidewalks, street lighting standards, curbs, gutters, street trees, water mains, fire alarm signal devices (including necessary ducts and cables or other connecting facilities), sanitary sewers and storm drains be installed all in accordance with standards, specifications and

procedures acceptable to the appropriate village departments except as hereinafter provided or, alternatively, that a performance bond or other security be furnished to the village, as hereinafter provided.

- (3) Compliance with zoning regulations. Where a Zoning Ordinance or Local Law has been adopted by the village, the lots shown on said plat shall at least comply with the requirements thereof, subject, however, to any provisions of § 7-738 of the Village Law that may have been authorized by the Village Board of Trustees.⁴
- (4) Playground or park area.
 - (a) Before the Planning Board may approve a subdivision plat containing residential units, such subdivision plat shall also show, when required by such 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 suitable 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 subdivision plat will contribute.
 - (c) In the event that the Planning Board makes a finding pursuant to Subsection D(4)(b) of this section that the proposed subdivision plat presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such subdivision plat, the Planning Board may require a sum of money in lieu thereof, in an amount to be established by the Village Board of Trustees. In making such determination of suitability, the 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 moneys required by the Planning Board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this section, 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.
- (5) In making such determination regarding streets, highways, parks and required improvements, the Planning Board shall take into consideration the prospective character of the development, where dense residence, open residence, business or industrial.
- (6) Notwithstanding any provision of law to the contrary, where a plat contains one or more lots which do not comply with Chapter 119, Zoning, of this Code, application may be made to the Zoning Board of Appeals for an area variance

4. Editor's Note: See Ch. 119, Zoning.

pursuant to § 7-712-b of the Village Law, without the necessity of a decision or determination of an administrative official charged with the enforcement of Chapter 119, Zoning. In reviewing such application the Zoning Board of Appeals shall request the Planning Board to provide a written recommendation concerning the proposed variance.

- (7) The Planning Board may waive, when reasonable, any requirements or improvements for the approval, approval with modifications or disapproval of subdivisions submitted for its approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event that any such requirements or improvements are found not to be requisite in the interest of the public health, safety and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.
- (8) The installation of fire alarm signal devices, including necessary connecting facilities, shall be required or waived pursuant to this section only with the approval of: the Town Board if the village is included in a central fire alarm system established pursuant to Subdivision 11-c of § 64 of the Town Law; the Board of Supervisors or legislative body of the county if the village is included in a central fire alarm system established pursuant to paragraph (h) of subdivision 1 of § 225 of the County Law; or the Board of Fire Commissioners of the village in any other case unless the installation is to be made in a fire district within the village, in which event only the approval of the Board of Fire Commissioners of such fire district shall be necessary. The Planning Board may, with the approval of the appropriate board, completely waive any or all requirements in connection with the installation of fire alarm signal devices including necessary connecting facilities. When required, such installation shall be made in accordance with standards, specifications and procedures acceptable to such board.
- (9) Performance bond.
 - (a) Furnishing of performance bond or other security. As an alternative to the installation of infrastructure and improvements, as above provided, prior to Planning Board approval, a performance bond or other security sufficient to cover the full cost of the same, as estimated by the Planning Board or a village department designated by the Planning Board to make such estimate, where such departmental estimate is deemed acceptable by the Planning Board, shall be furnished to the village by the owner.
 - (b) In the event that the owner shall be authorized to file the approved plat in sections, as provided in Subdivision 10 of § 7-728 of the Village Law, approval of the plat may be granted upon the installation of the required improvements in the section of the plat filed in the office of the County Clerk or Register or the furnishing of security covering the costs of such improvements. The owner shall not be permitted to begin construction of buildings in any other section until such section has been filed in the office of the County Clerk or Register and the required improvements have been installed in such section or a security covering the cost of such improvements is provided.

- (c) Any such security must be provided pursuant to a written security agreement with the village, approved by the Village Board of Trustees and also approved by the Village Attorney as to form, sufficiency and manner of execution, and shall be limited to: a performance bond issued by a bonding or surety company; the deposit of funds in or a certificate of deposit issued by a bank or trust company located and authorized to do business in this state; an irrevocable letter of credit from a bank located and authorized to do business in this state; obligations of the United States of America; or any obligations fully guaranteed as to interest and principal by the United States of America, having a market value at least equal to the full cost of such improvements. If not delivered to the village, such security shall be held in a village account at a bank or trust company.
 - (d) Any such performance bond or security agreement shall run for a term to be fixed by the Planning Board, but in no case for a longer term than three years; provided, however, that the term of such performance bond or security agreement may be extended by the Planning Board with consent of the parties thereto. If the Planning Board shall decide at any time during the term of the performance bond or security agreement that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such security, or that the required improvements have been installed as provided in this section and by the Planning Board in sufficient amount to warrant reduction in the amount of said security, and upon approval by the Village Board of Trustees, the Planning Board may modify its requirements for any or all such improvements, and the amount of such security shall thereupon be reduced by an appropriate amount so that the new amount will cover the cost in full of the amended list of improvements required by the Planning Board.
 - (e) In the event that any required improvements have not been installed as provided in this section within the term of such security agreement, the Village Board of Trustees may thereupon declare said performance bond or security agreement to be in default and collect the sum remaining payable thereunder; and upon the receipt of the proceeds thereof, the village shall install such improvements as are covered by such security and as commensurate with the extent of building development that has taken place in the subdivision but not exceeding in cost the amount of such proceeds.
- (10) Agricultural data statement.
- (a) Any application for a site plan approval or subdivision approval requiring municipal review and approval by the Planning Board, or pursuant to this chapter that would occur on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation located in an agricultural district, shall include an agricultural data statement. The Planning Board shall respectively as required by § 7-739 of the Village Law evaluate and consider the agricultural data statement in its review of the possible impacts of the

proposed project upon the functioning of farm operations within such agricultural district.

- (b) Upon the receipt of such application by the Planning Board, the Clerk of such Board shall mail written notice of such application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location and may be sent in conjunction with any other notice required by state or local law, ordinance, rule or regulation for said project. The cost of mailing said notice shall be borne by the applicant.
- (c) Content. An agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.
- (d) The Clerk of the Planning Board shall refer all applications requiring an agricultural data statement to the county, regional or metropolitan planning agency as required by §§ 239-m and 239-n of the General Municipal Law.

ARTICLE IV

Planning and Design Standards

§ 103-7. General provisions.

The following planning and design standards shall be complied with and no higher standard may be required by the Planning Board except where it finds that because of exceptional and unique conditions of topography, location, shape, size, drainage or other physical features of the site, or because of the special nature and character of surrounding development, the minimum standards specified herein would not reasonably protect or provide for public health, safety or welfare. Any higher standard required shall be reasonable and shall be limited to the minimum additional improvements necessary to protect the public health, safety or welfare.

A. General planning standards of streets.

- (1) The arrangement, character, extent, width, grade and location of all streets shall conform to the Official Map and the Master Plan, if any, and shall be considered in relation to the existing and planned streets, to topography conditions, to public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such street.
- (2) Where such is not shown in the Master Plan or Official Map, the arrangement of streets in a subdivision shall either provide for the continuation of appropriate projection of existing principal streets in surrounding areas or conform to a plan for the neighborhood approved or adapted by the Planning Board to meet a

particular situation where topography or other conditions make continuance or conformance to existing streets impracticable.

- (3) Minor streets shall be so laid out that their use by through traffic will be discouraged.
- (4) Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Board may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the real property line or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (5) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land such as for park purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- (6) Reserve strips, controlling access to streets, shall be prohibited except where their control is placed with the village under conditions approved by the Planning Board.
- (7) Intersections of minor streets with arterial or collector streets shall be held to a minimum to avoid hazard and delay.
- (8) Half-width streets shall be prohibited except where it is necessary to provide the remaining half of a previously approved half-width street.
- (9) No street names shall be used which will duplicate or be confused with the names of existing streets in the Village of Champlain or adjacent towns. Streets that are extensions of or in alignment with existing named streets shall bear the names of the existing street.
- (10) Where the subdivision abuts or fronts on arterial streets, sidewalks shall be required and shall be of a size and type as approved by the Planning Board.
- (11) No dead-end streets shall be permitted without a suitable turnaround. Dead-end streets extending to tract boundary lines which are intended to connect to future streets in adjoining tracts and dead-end streets within a tract which are to be extended shall be provided with a temporary turnaround. Appropriate arrangements shall be made for those portions of temporary turnarounds outside of street rights-of-way to revert to abutting property owners at such time as streets shall be extended.
- (12) When continuing street lines (protected right-of-way tangents) deflect from each other at any point, by more than 10°, they shall be connected by a curve, with a radius at the inner street right-of-way line, not less than 350 feet; where continuous street lines of other, they shall be connected by a curve of not less than 800 feet radius.
- (13) Where street grades exceed 5%, gutters should be paved.

- (14) Minor streets leading from the same subdivision shall not intersect on the same side of a major thoroughfare at intervals of less than 800 feet.
- (15) Radius corners or diagonal cutoffs shall be provided on the property line substantially concentric with or parallel to the chord of the curb radius corners.
- (16) Where any street intersection will involve topographic features or existing vegetation inside any lot corner that might create a traffic hazard through limiting visibility, such ground and/or vegetation shall be cut and kept cut to a height not exceeding three and 3 1/2 feet in connection with the grading of the public right-of-way to the extent deemed necessary to provide adequate sight distance and a vision clearance within the triangle formed by the street lines and a straight line joining said street line at points 50 feet from the point of their intersection.
- (17) Service drivers.
 - (a) Service drivers may be provided in residential, commercial and industrial districts, as private accessways.
 - (b) Service drive intersections and sharp changes in alignment shall be avoided but, where necessary, corners shall be cut off sufficiently to permit safe vehicular movements.
 - (c) Dead-end service drives shall be avoided when possible but if unavoidable shall be provided with adequate turnaround facilities at the dead-end as determined by the Planning Board.

B. Design standard for streets.

Drives	Major Arterial and Primary	Collector or Secondary	Minor	Marginal Access	Service	Cul-de-sac
Minimum right-of-way width (feet)	As determined by state or county road authorities	60	50	50	(turn-around 50 feet radius)	20
Pavement width (feet)	As determined by state or county road authorities	36	28	22	28	18
Maximum grade (percent)	3	8	12	12	12	10
Minimum grade (percent)	1.0	1.0	1.0	1.0	1.0	**
Minimum center line radius of curves (feet)	500	300	100	300	100	*
Minimum curve radii (feet)	30	30	20	20	20	*
Minimum tangent length reverse curves (feet)	200	100	*	*	*	*
Maximum grades within 150 feet of center line intersections (percent)	.5	3	3	3	3	3
Minimum braking sight distance (feet)	300	200	100	100	100	100
Minimum distance between center line offsets at street jogs (feet)	400	150	150	150	150	*

Drives	Major Arterial and Primary	Collector or Secondary	Minor	Marginal Access	Service	Cul-de-sac
Maximum length of cul-de-sac (feet)	***					800
Minimum outside radius of cul-de-sac pavement (feet)						46
Angle at intersections of street center lines (degrees)	90	80 to 100	80 to 100	80 to 100	80 to 100	*

Notes:

* No standard.

** Grades under 1.0% acceptable when approved stormwater drainage facilities are provided.

*** Except where, in the judgment of the Planning Board, the cul-de-sac does not impose any problem and constitutes a positive design feature.

C. General planning standards of blocks.

- (1) The length, width and shape of blocks shall be determined with due regard to:
 - (a) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - (b) Zoning requirements as to lot size and dimensions.
 - (c) Need for convenient access, circulation, control and safety of street traffic.
 - (d) Limitations and opportunities to topography.
- (2) Irregular shaped blocks or oversize blocks indented by culs-de-sac, parking courts or loop streets and containing interior block parks or playgrounds will be acceptable when properly designed, as determined by the Planning Board. Such blocks shall include adequate off-street parking, facilities for pedestrian access from street to all lots, proper easements for utility lines and satisfactory provisions for maintenance of park and open space, where included.
- (3) Nonresidential blocks intended for commercial or industrial use shall be such length and width as is suitable for their prospective use. Such blocks shall include adequate provisions for off-street parking and servicing.

D. Design standards of blocks.

- (1) Zoning requirements of the Village Code as to lot size and dimensions shall be observed and complied with.
- (2) Block lengths shall not exceed 1,200 feet nor be less than 400 feet, except, however, blocks abutting on designated arterial streets shall be no less than 1,000 feet and may exceed 1,200 feet.
- (3) Blocks over 800 feet in length may be required to have a crosswalk, if necessary, to facilitate pedestrian circulation to a school, park, recreation area, shopping center or other similar neighborhood facility.

- (4) The minimum lot depth for single frontage lots shall be 125 feet or as specified in the zoning provisions of the Village Code.
 - (5) Where double frontage lots are necessary, the minimum depth of lots shall be 150 feet.
- E. General planning standards of lots.
- (1) The lot size, width, depth, shape and indentation shall be appropriate for location of the subdivision and for the type of development and use proposed.
 - (2) Side lot lines shall be substantially at right angles or radial to street lines.
 - (3) Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantage of topography and orientation. An easement of suitable width, across which there shall be no right of access, may be required along the line of lots abutting such traffic artery or other disadvantage use.
 - (4) The subdivision plan shall provide each lot with satisfactory access to an existing public street or to a subdivision street that will be ceded to public use at the line of final plat approval.
 - (5) Corner lots and lots adjacent to pedestrian crosswalks shall have extra width or at least 10 feet or as required by the zoning provisions to permit appropriate building setback from the orientation to side streets or crosswalks.
- F. Design standards of lots.
- (1) Lot dimensions shall conform to the requirements of the zoning provisions of the Village Code.
 - (2) Excessive depth in relation to the width shall be avoided. A proportion of 1 1/2:1 is normally considered to be desirable.
- G. Trees and natural features and soil and rock removal or placement.
- (1) Reasonable requirements for the preservation of outstanding natural features may be specified. These include large trees or groves, watercourses and falls, landscapes and contours, historic spots, exceptional views and similar irreplaceable assets in which there is general public interest.
 - (2) There shall be at least one tree per lot and spaced at intervals of not more than 50 feet, two trees per lot on corner lots.
 - (3) No trees shall be planted within the street right-of-way. Required trees shall be located five to 10 feet outside the right-of-way.
 - (4) Trees shall be hardy, suitable to local soil and climate, and shall be of a species approved by the Planning Board.
 - (5) New trees shall measure at least 1 1/2 inches in diameter as measured at a point four feet above finished grade level.

- (6) Soil or rock removal or placement shall be considered. Only soil or rock removal or placement shall be allowed as shall be in conformance with the overall general health, safety and welfare and which shall improve the project site and shall be in conformance with any site plan approval.

H. Easements.

- (1) Easements, across lots or centered on rear or side lot lines, shall be provided for utilities where they are anticipated.
- (2) Permanent utility easements normally need not exceed 30 feet in width; exceptional circumstances may require additional width.

I. Storm drainage.

- (1) All subdivisions shall be related to the drainage pattern affecting the areas involved, with proper provisions to be made for adequate storm drainage facilities. Storm drainage plans shall reflect potential surface runoff within the drainage area after development and shall comply with the requirements of the engineer.
- (2) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width as to encompass the twenty-five-year-flood area of such watercourse.
- (3) Right-of-way for storm drainage must be sufficient for facilities to handle not only the anticipated discharge from the property being subdivided but also the anticipated runoff that will occur when property at a higher elevation in the drainage basin is developed.

J. Public street and open spaces.

- (1) Where a proposed park, playground, school or other public use shown in a Master Plan is located in whole or in part in a subdivision, the Planning Board may require the dedication or reservation of such area within the subdivision in those cases in which the Planning Board deems such requirements to be reasonable.
- (2) Where deemed essential by the Planning Board, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale neighborhood unit developments not anticipated in the Master Plan, the Planning Board may require the dedication or reservation of such other areas or sites of a character, extent and location suitable to the needs created by such development for schools, parks and other neighborhood purposes.
- (3) Where a dedication is required, it shall be accomplished as follows:
 - (a) The subdivider shall dedicate one acre of usable land for each 100 dwelling units to be provided in his subdivision and permitted under existing zoning regulations. Where such dedication would amount to less than two acres, the subdivider shall, in lieu thereof, pay a fee to the town for each lot in his subdivision, to be computed as follows: average value of one acre of undeveloped land adjacent to a public road within 1/4 mile of any point