

VILLAGE OF ARGYLE

SUBDIVISION REGULATIONS

Adopted February 8, 1990

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TABLE OF CONTENTS

ARTICLE I	GENERAL PROVISIONS	1
ARTICLE II	TERMINOLOGY AND DEFINITIONS	4
ARTICLE III	APPLICABILITY OF REGULATIONS	9
ARTICLE IV	PROCEDURE FOR FILING SUBDIVISION APPLICATIONS	10
ARTICLE V	PRELIMINARY PLAT FOR SUBDIVISION	12
ARTICLE VI	PRELIMINARY PLAT NOT REQUIRED FOR MINOR SUBDIVISION	13
ARTICLE VII	PRELIMINARY PLAT REVIEW	14
ARTICLE VIII	APPROVAL OF PRELIMINARY PLAT	16
ARTICLE IX	SUBMISSION OF FINAL PLAT	18
ARTICLE X	ACTION ON PROPOSED FINAL SUBDIVISION PLAT	21
ARTICLE XI	REQUIREMENTS AND DESIGN STANDARDS FOR SUBDIVISION	24
ARTICLE XII	REQUIRED DATA AND PLATS	33
ARTICLE XIII	REQUIRED IMPROVEMENTS AND AGREEMENTS	41
ARTICLE XIV	VARIANCES AND WAIVERS	45
ARTICLE XV	SEPARABILITY CLAUSE	46
APPENDIX A	FEE SCHEDULE	47
APPENDIX B	REQUIREMENTS FOR ACCEPTANCE OF NEW ROADS	48

ARTICLE I - GENERAL PROVISIONS

SECTION 1-1 - LEGISLATIVE AUTHORITY. By the authority of the resolution of the Board of Trustees of the Village of Argyle adopted on February 8, 1990, pursuant to the provisions of Article 7 of the Village Law of the State of New York, the Planning Board of the Village of Argyle is authorized and empowered to approve Plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the clerk of the County and to conditionally approve preliminary plats, within the Village of Argyle.

SECTION 1-2 - POLICY. It is declared to be the policy of the Planning Board to consider Land Subdivision Plats as part of a plan for the orderly, efficient and economical development of the Village of Argyle. This means among other things:

(a) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace.

(b) Proper provisions shall be made for water supply, drainage, sewerage and other needed public improvements and utilities.

(c) Proposed streets shall comprise a convenient system and shall conform to the Comprehensive Master Plan, if any.

(d) Streets, public or private, shall be of such width, grade and location as to accommodate present and prospective traffic and shall comply with all applicable Village laws and regulations.

(e) All development shall facilitate adequate fire protection and provide access for fire fighting equipment and other emergency equipment.

(f) Proposed development shall be aesthetically compatible with the existing development and character of the Village, and shall comply with the Village Zoning Law.

(g) Proposed development will be compatible with the preservation of the natural resources of the Village.

(h) The purposes of Village Law Section 7-728(1) shall be furthered.

Nothing in these regulations shall prohibit the subdivider from placing self-imposed restrictions, not in violation of these regulations, on the development. Such restrictions, however shall be indicated on the Plat or be incorporated into written covenants and restrictions to be recorded in the office of the Washington County Clerk.

SECTION 1-3 - CITATION. These regulations which shall be known as, and which may be cited as, the "Village of Argyle Land Subdivision Regulations" have been adopted by the Village Planning Board on February 8, 1990 and approved by the Village Board of Trustees on February 8, 1990.

SECTION 1-4 - EFFECTIVE DATE. These regulations shall take effect immediately.

## ARTICLE II - TERMINOLOGY AND DEFINITIONS

SECTION 2-1 - USE AND INTERPRETATION OF WORDS. Except where specifically defined herein, all words used in these Regulations shall have the meaning set forth in the Village of Argyle Zoning Law, or, if none, shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular numbers shall include plural, and words used in the plural number include the singular, unless the context clearly indicated the contrary.

The word "shall" is always mandatory. The word "may" is permissive. "Building" or "structure" includes any part thereof. A "building" includes all other structures of every description except fences and walls, regardless of dissimilarity to conventional building forms. The word "lot" includes the word "plot," "site," or "parcel." The word "person" includes a corporation as well as an individual.

The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

For the purpose of these Regulations, certain words used herein are defined as follows:

Major Subdivision - Means any subdivision not classified as a minor subdivision including, but not limited to, subdivision of five

or more lots, or any size subdivision requiring any new street or extension of municipal facilities.

Minor Subdivision - Means any subdivision containing not more than four lots, and fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in the conflict with these regulations and their purposes and policies, the Comprehensive Master Plan, Official Map, or Zoning Law, if such exist.

Clerk of the Planning Board or Clerk - Means the Village Clerk, unless the Planning Board designates another person, who shall be designated to perform the duties of the Clerk of the Planning Board for all purposes of these regulations.

Collector Street - A street which carries traffic from minor streets to the major system of secondary or arterial streets, the principal entrance and circulation streets within a development.

Comprehensive Master Plan - A comprehensive master plan, prepared by the Planning Board pursuant to Section 722 of the Village Law which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the Village and includes any unit or part



of such plan separately prepared and any amendment to such plan or parts therein.

Construction Drawing - Shall include building placement, description and location of sewage facilities, stormwater management facilities and water system placement for each lot within the proposed subdivision.

Dead-end Street (cul-de-sac) - A street or portion of a street with only one vehicular outlet and with a turn-around at its terminus.

Easement - Authorization by a property owner for the use by another, and for a specified purpose, of all or any designated part of his property.

Engineer or Licensed Professional Engineer - A person licensed as a Professional Engineer by the State of New York.

Major Street - A street which serves or is designated to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas. Main Street and Sheridan Street shall be major streets.

Minor Street - A street intended to serve primarily as an access to abutting residential properties.

Planning Board - The Village of Argyle Planning Board. The Village Board of Trustees shall serve as the Planning Board.

Preliminary Plat - Means a drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision, as specified in Article XII, Section 2 of these regulations, submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

Resubdivision - A change in a subdivision plat or resubdivision plat filed in the Office of the County clerk which change (a) affects any area reserved thereon for public use, (b) affects any street layout shown on such plat, or (c) diminishes the size of any lot shown thereon. This term shall not include a minor change in a boundary of a lot to correct a boundary if the change does not create a new lot.

SEQR - The State Environmental Quality Review Act: Environmental Conservation Law Article 8, and its implementing regulations at 6 NYCRR Part 617.

Sketch Plan - A free hand sketch which meets the standards detailed in Article XII, Section I, herein.

Street - A right-of-way for vehicular traffic, including a road, avenue, lane, highway, or other way.

Street Width - The distance between property lines on either side of a street.

Subdivider - Any person, firm, corporation, partnership, or association, who shall lay out, for the purpose of sale or development, any subdivision or part thereof as defined herein, either for himself or for others.

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

Surveyor - Means a person licensed as a land surveyor by the State of New York.

Village Authorized Engineer - Means the duly designated Engineer of the Village or other person duly authorized and designated by the Village Board to review plats and applications on behalf of the Village.

ARTICLE III - APPLICABILITY OF REGULATIONS

No subdivision of land into two (2) or more lots, tracts, or parcels shall be made, no street, sanitary sewer, storm water management facility, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use and travel, or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of these Regulations.

The provisions contained herein shall apply to all land within the limits of the Village of Argyle. Existing lots will be defined as those in existence on the date of adoption of these regulations, having been recorded in the office of the County Clerk as a separate lot or parcel by a separate deed.

## ARTICLE IV - PROCEDURE FOR FILING SUBDIVISION APPLICATIONS

Whenever any subdivision and conveyance by sale, gift or lease of land into two (2) or more lots, tracts, or parcels is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures. Where the timeframes for action set forth in these regulations conflict with those of SEQR, SEQR shall control.

### SECTION 4-1 - PREAPPLICATION REVIEW.

Section 4-1.1 - Submission of Sketch Plan. To initiate the process of application for subdivision approval, any owner of land shall, prior to subdividing or resubdividing land, submit to the Clerk of the Planning Board at least ten days prior to a regular meeting of the Board seven copies of a Sketch Plan of the proposed subdivision which shall comply with the requirements of Article XII, Section 1, for preliminary discussion.

Section 4-1.2 - Other Governmental Agency Requirements. The applicant must determine the requirements of the appropriate Governmental Agencies (e.g. Board of Health) whose approval is required by these or other laws, ordinances, or regulations, and which must even-

tually approve any subdivision plat coming within their jurisdictions. A list of the required permits shall be filed with the Sketch Plan.

Section 4-1.3 - Discussion of Requirements. The subdivider, or his duly authorized representative, shall attend the scheduled meeting of the Planning Board to discuss the requirements of these regulations including, but not limited to, as they relate to the proposed subdivision for lot layout, street improvements, drainage, sewerage, water supply, fire protection, the availability of existing services and all other pertinent information set forth on the Sketch Plan.

Section 4-1.4 - Study of Sketch Plan. The Planning Board shall determine whether the Sketch Plan generally meets the purposes of these regulations and shall, where it deems necessary, make specific recommendations in writing for modifications to be incorporated by the applicant in the submission of the Planning Board of the preliminary plat.

Section 4-1.5 - Fees. Submission of the Sketch Plan shall require no payment of fees.

ARTICLE V - PRELIMINARY PLAT FOR SUBDIVISION

SECTION 5-1 - APPLICATION AND FEE. To initiate the application process, the subdivider shall file an application for the approval of a Preliminary Plat of the proposed subdivision. Such Preliminary Plat shall be clearly marked "Preliminary Plat" and shall be in the form described in Article XII, Section 2 hereof. The Preliminary Plat shall, in all respects, comply with the requirements set forth in the provisions of Sections 7-728 and 7-730 of the Village Law, and Article XII, Section 2 of these regulations, except where a waiver may be specifically authorized by the Planning Board upon a showing by the subdivider of good cause to do so. No waiver shall be granted where the waiver would be contrary to the policies and purposes of these regulations, or would prevent the Planning Board from carrying out its duties.

The application for approval of the Preliminary Plat shall be accompanied by an Environmental Assessment Form prepared in accordance with SEQR and by a fee in accordance with the fee schedule as contained in Appendix A.

ARTICLE VI - PRELIMINARY PLAT NOT REQUIRED FOR MINOR SUBDIVISION

SECTION 6-1 - APPLICABILITY. No preliminary plat shall be required for a minor subdivision, unless the Planning Board at the Sketch Plan Conference finds good cause to require a preliminary plat, so as to ensure that the final plat will be in accordance with these regulations. In reviewing a final plat for a minor subdivision where no preliminary plat has been presented, the Planning Board shall take into account the requirements of Sections 7-3 and 8-2 of these regulations.



ARTICLE VII - PRELIMINARY PLAT REVIEW

SECTION 7-1 - NUMBER OF COPIES. Seven (7) copies of the Preliminary Plat for any subdivision shall be presented to the Clerk of the Planning Board at the time of submission of the application on the required form for Preliminary Plat approval.

SECTION 7-2 - SUBDIVIDER TO ATTEND PLANNING BOARD MEETING. The subdivider, or his duly authorized representative, shall attend the next scheduled meeting of the Planning Board to discuss the Preliminary Plat. The Planning Board may, in its discretion, conduct a Public Hearing on a Preliminary Plat upon such notice as is required by Section 9-5.

SECTION 7-3 - STUDY OF PRELIMINARY PLAT. The Planning Board shall study the practicability of the Preliminary Plat taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of these regulations, including the policies of Section 1-2 of these regulations, the Comprehensive Master Plan, the Official Map, and Village Zoning Law, if such exist.

SECTION 7-4 - WHEN OFFICIALLY SUBMITTED. Applications shall be filed at least ten (10) days before the Planning Board meeting. The time of submission of the Preliminary Plat shall be considered to be the date on which a complete application for approval of the Preliminary Plat, accompanied by the environmental assessment form, by the required fee and all data required by Article XII, Section 2 of these regulations, has been filed with the Clerk of the Planning Board. The Planning Board shall determine whether an application is complete. If an application is, after filing, determined too incomplete, no time period for action shall be considered to have begun on said filing date.

ARTICLE VIII - APPROVAL OF PRELIMINARY PLAT

SECTION 8-1 - TIME FOR APPROVAL. Within sixty (60) days after the filing of an application which the Planning Board has determined to be complete, the Planning Board shall conditionally approve with or without modification, or disapprove, such preliminary plat, and the conditions, if any, the basis of an approval, modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on such plat, may be extended by mutual consent of the subdivider and the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing modifications, if any, it deems necessary for submission of the plat in final form. Within ten (10) days of the approval of such preliminary plat it shall be certified by the Chairperson of the Planning Board as having been granted preliminary approval and a copy shall be filed in the office of the Clerk and a certified copy mailed to the owner. Failure of the Planning Board to act within such sixty (60) day period shall constitute conditional approval of the preliminary plat.

SECTION 8-2 - CONDITIONS OF APPROVAL. When granting approval of a preliminary plat, the Planning Board shall state the terms of such approval, if any, with respect to (1) the modifications to the Preliminary Plat, (2) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals, and

general welfare, (3) the amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Plat, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Final Plat. Prior to approval of the Final Plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

ARTICLE IX - SUBMISSION OF FINAL PLAT

SECTION 9-1 - APPLICATION FOR APPROVAL AND FEE. The subdivider shall, within six months after the approval of the Preliminary Plat, file with the Planning Board an application for approval of the Subdivision Plat in final form, using the approved application form, which is available from the Clerk of the Planning Board.

All applications for Final Plat approval for Subdivision shall be accompanied by a fee in accordance with the fee schedule as contained in Appendix A. If the final plat is not submitted within six (6) months after the approval of the Preliminary Plat, the Planning Board may refuse to accept the Final Plat and require resubmission of the Preliminary Plat. Where no preliminary plat was filed, an Environmental Assessment Form shall be prepared and filed as required by SEQR.

SECTION 9-2 - NUMBER OF COPIES. A subdivider intending to submit a proposed Subdivision Plat for the approval of the Planning Board shall provide the Clerk of the Board with seven (7) copies of the Application; seven (7) copies, plus one copy on mylar, of the Plat; the original and seven (7) true copies of all offers of cession, covenants, and agreements; and two (2) prints of all construction drawings.

SECTION 9-3 - WHEN OFFICIALLY SUBMITTED. The time of submission of the Subdivision Plat shall be considered to be the date on which a complete application for approval of the subdivision plat, accompanied by the required fee and all data required by Article XII, Section 3 of these Regulations, has been filed with the Clerk of the Planning Board. The Planning Board shall determine whether an application is complete. If an application is, after filing, determined to be incomplete, no time period for action shall be considered to have begun on said filing date.

SECTION 9-4 - ENDORSEMENT OF STATE AND COUNTY AGENCIES. Water and sewer facility proposals contained in the Subdivision Plat shall be properly endorsed and approved by the County of Washington and New York State Departments of Health and Environmental Conservation, as required by law. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary Village, Town, County and State agencies. Where required, endorsement and approval by said agencies shall be obtained by the subdivider before filing of the Final Subdivision Plat.

SECTION 9-5 - PUBLIC HEARING. Within forty-five (45) days of the submission of a plat in final form for approval, a public hearing shall be held by the Planning Board. This hearing shall be advertised at least once in a newspaper of general circulation in the Village and posted in at least three (3) prominent places in the Village at least five (5) days before such hearing. Notice of the hearing shall be

mailed by the Village to the owners of all lands in the Village and Town of Argyle within 200 feet of the lot or parcel being subdivided at least five (5) days before the hearing.

ARTICLE X - ACTION ON PROPOSED FINAL SUBDIVISION PLAT

SECTION 10-1 - TIME FOR APPROVAL. Within sixty (60) days of the receipt by the Clerk of the Planning Board of an application that has been determined to be complete, the Planning Board shall by resolution approve, with or without modification, and authorize the signing of such plat, or disapprove such plat. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure to take action on a final plat within the time prescribed therefor shall be deemed approval of the Plat.

SECTION 10-2 - SIGNING OF PLAT. Upon a resolution of approval of such final plat the Planning Board shall empower a duly authorized officer to sign the plat upon completion of such modifications or other requirements as may be stated in the resolution. Within ten (10) days of such resolution the Clerk shall mail to the subdivider a certified statement of such requirements which, when completed, will authorize the signing of the approved final plat. Upon completion of such requirements the plat shall be signed by said duly authorized officer of the Planning Board. Upon the signing of the plat, it shall be certified and filed by the Clerk of the Planning Board and a certified copy sent to the subdivider.

SECTION 10-3 - FILING OF PLAT. Upon completion of the requirements of this Article X and notation to that effect upon the Subdivision Plat, it shall be deemed to have final approval and shall be pro-



perly signed by the duly designated officer of the Planning Board and may be filed by the applicant in the Office of the County Clerk. Any Subdivision Plat not so filed or recorded with the County Clerk within ninety (90) days of the date upon which such Plat is approved or considered approved by reasons of the failure of the Planning Board to act, shall become null and void, unless the time to do so is extended pursuant to Village Law Section 7-728.

SECTION 10-4 - VOID IF REVISED AFTER APPROVAL. No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat after approval has been given by the Planning Board and the Plat has been signed, unless the said Plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such Subdivision Plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board may institute proceedings to have the Plat stricken from the records of the County Clerk, or may file a notice of such voiding with the County Clerk. Any request for modification may require a sketch plan, preliminary plat or final plat, in the discretion of the Planning Board.

SECTION 10-5 - PUBLIC ACCEPTANCE OF STREETS. The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Village of any street, easement, or open space shown on such subdivision plat. A street,

easement or open space dedication may only be accepted by a resolution of the Board of Trustees expressly accepting it.

ARTICLE XI - REQUIREMENTS AND DESIGN STANDARDS FOR SUBDIVISIONS

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. The said standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article XIV herein. All subdivisions shall be in accord with the purposes and policies set forth in Section 1-2.

SECTION 11-1 - GENERAL REQUIREMENTS.

Section 11-1.1 - Character of Land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.

Section 11-1.2 - Conformity to Other Requirements. Subdivisions shall be in harmony with the Comprehensive Master Plan, if any, and the Zoning Law of the Village, and all other applicable laws, regulations and statutes.

Section 11-1.3 - Specifications for Required Improvements. All required improvements shall be constructed or installed to conform to the Village Specifications, which shall be as determined to be necessary by the Village Authorized Engineer.

Section 11-1.4 - Preservation of Existing Features. Existing features which would add value to and/or preserve the character of the land and the Village such as large trees, water courses, historic sites and similar irreplaceable assets, should be preserved, insofar as possible, through harmonious design of the subdivision. Development shall cause minimum disturbance to existing landscaping, grades and vegetation. Topsoil shall not be removed from the site except in accordance with the Village Zoning Law.

Section 11-1.5 - Width, Location and Construction. Streets shall be of sufficient width, suitably located, and adequately constructed to conform with the Comprehensive Master Plan, if any, and to safely accommodate the prospective traffic and afford access for fire fighting, emergency, snow removal and road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.

Section 11-1.6 - Relation to Topography. Streets shall be logically related and conform insofar as possible to the original topography. They shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. A combination of steep grades and sharp curves shall be avoided. In general, individual driveways shall not exceed 10% in grade.

Section 11-1.7 - Block Size. Block dimensions shall be at least twice the minimum lot depth, and generally not more than 12 times the minimum lot width. In long blocks, the Planning Board may require the reservation, through the block, of a 25 foot easement to accommodate utilities or pedestrian traffic. Blocks at least 900 feet long are recommended with an easement in blocks exceeding 1,200 feet.

Section 11-1.8 - Intersections. Intersections of major streets by other streets shall be at least 800 feet apart, if possible. A distance of at least 150 feet shall be maintained between offset intersections. Within 40 feet of an intersection, streets shall be approximately at right angles (but in no instance shall the angle be less than 70) and grades shall be limited to 1 1/2%. All street intersection corners shall be rounded by curves of at least 25 feet in radius at the property line.

Section 11-1.9 - Visibility at Intersections. Within the triangular area formed at corners by the intersecting street lines, for a distance of 40 feet from this intersection and the diagonal connecting the end points of these lines, visibility for traffic safety shall be provided by excavating, if necessary. Nothing in the way of fences, walls, hedges, or other landscaping, shall be permitted to obstruct such visibility.

Section 11-1.10 - Design Standards. Streets shall meet the

current standards of the Village at a minimum and may be required to be above standard for good reason by the Planning Board.

<u>Street Classification</u>	<u>Minor</u>	Collector/ <u>Secondary</u>
a. Minimum Width of Right-of-Way	50 feet	60 feet
b. Minimum Width of Pavement	18 feet	30 feet
c. Minimum Radius of Horizontal Curves	150 feet except for street intersection corners	400 feet
d. Minimum Length of Vertical Curves as Measured from Center Line of Right-of-Way	100 feet, but not less than 20 feet for each 1% algebraic difference of grade	200 feet, but not less than 60 feet for each 1% of algebraic difference of grade
e. Minimum Length of Tangent between Reverse Curves	100 feet except where excessive grades may be reduced to reasonable grades by shortening tangent	200 feet
f. Maximum Grade	12%	8%
g. Minimum Grade	1%	1%

h. Minimum Sight Distance                      150 feet                      250 feet  
(Vertical)

Section 11-1.11 - Continuation of Streets into Adjacent Property. Streets shall be arranged to provide for the continuation of streets between adjacent properties where such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and particularly where such continuation is in accordance with the Comprehensive Master Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way and improvements shall be extended to the property line. A temporary circular turn-around, a minimum of 50 feet in radius shall be provided on all temporary dead-end streets with the notation of the Plat that land outside the street right-of-way shall revert to abutters whenever the street is continued.

Section 11-1.12 - Permanent Dead-end Streets (cul-de-sacs). Where a street does not extend to the boundary of the subdivision and its continuation is not needed for access to adjoining property, it shall be separated from such boundary by a distance left between the end of a proposed street and an adjacent piece of property, however, the Planning Board may require the reservation for a 20 foot wide easement to accommodate pedestrian traffic or utilities. A circular turn-around with a minimum right-of-way radius of 80 feet shall be

provided at the end of a permanent dead-end street. For greater convenience to traffic, and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length to 800 feet.

Section 11-1.13 - Street Names. All streets shall be named, and such names shall be subject to the approval of the Planning Board. Names shall be sufficiently different in sound and spelling from other street names in the Village or the Town of Argyle so as not to cause confusion. A street which is a continuation of an existing street shall bear the same name.

Section 11-1.14 - Improvements. Streets shall be graded and improved with pavement, street signs, sidewalks, street lighting standards, curbs, gutters, trees, water mains, sanitary sewers, storm drains, fire hydrants, and underground electric and telephone services, except where the Planning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite to the interest of the public health, safety and general welfare.

Underground utilities, if required by the Planning Board, shall be placed between the paved roadway and street line to simplify location and repair of the lines and the subdivider shall install underground service connections to the property line of each lot before the street is paved.



Grading and improvements shall conform to the Village minimum road specifications as contained in Appendix B.

Section 11-1.15 - Stormwater Management. Subdivisions shall be designed so that all development thereon shall comply with the standards of Section 6.060 of the Village of Argyle Zoning Law.

SECTION 11-2 - LOTS.

Section 11-2.1 - Arrangement. The arrangement of lots shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions, in locating a building in each lot and in providing access to buildings on such lots from an approved street.

Section 11-2.2 - Access Across a Watercourse. Where a watercourse separates the buildable area of a lot from the access street, provision shall be made for the installation of a culvert or other structure, of a design approved by the Village Authorized Engineer or the duly designated Village Official.

Section 11-2.3 - Side Lot Lines. Side lot lines shall be at right angles to the street lines unless variation from this rule will give a better street or lot plan.

Section 11-2.4 - Access from Major Streets. Lots shall not, in general, derive access exclusively from a major street. Where driveway access from a major street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street.

SECTION 11-3 - RESERVATIONS AND EASEMENTS.

Section 11-3.1 - Realignment or Widening of Existing Streets. Where the subdivision borders an existing street, and the Comprehensive Master Plan indicates plans for realignment or widening of the streets that would require reservation of some land of the subdivision, the Planning Board may require that such areas be shown and marked on the Plan "reserved for Street Alignment (or Widening) Purposes." The Board may also require a dedication of land and a widening of existing streets by a subdivider in order to bring that street into compliance with the requirements of these regulations.

Section 11-3.2 - Utility and Drainage Easements. Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street rights-of-way, perpetual unobstructed easements at least 20 feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street.

Section 11-3.3 - Easements for Pedestrian Access. The Planning Board may require, in order to facilitate pedestrian access from streets to schools, parks, playgrounds or other nearby streets, perpetual unobstructed easements at least 10 feet in width.

Section 11-3.4 - Responsibility for Ownership of Reservation Ownership shall be clearly marked on Plat on all easements or Reservations.

Section 11-3.5 - Water and Sewer Facilities. All subdivisions shall meet the specifications for water supply and sewage disposal of the Village, County of Washington, the New York State Health Department, and the New York State Department of Environmental Conservation.

ARTICLE XII - REQUIRED DATA AND PLATS

SECTION 12-1 - SKETCH PLAN. The Sketch Plan initially submitted to the Planning Board shall be based on accurate map information at a scale of 100 feet to the inch to enable the entire tract to be shown on one sheet. The sketch plan shall be submitted, showing the following:

(1) The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.

(2) All existing structures, wooded areas, streams and other significant physical features, within the portion to be subdivided and within 200 feet thereof. Contours shall also be indicated at intervals of not more than 10 feet.

(3) The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.

(4) All the utilities available, and all streets which are either proposed, mapped or built.

(5) The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage and water supply within the subdivided area.

(6) All existing restrictions on the use of land including easements, covenants, or zoning lines if such exists.

(7) In addition to the sketch map, a neighborhood context map shall also be provided at a scale not greater than 1" = 200', which details existing land uses in the surrounding area at least 3 times as large as the proposed development area.

SECTION 12-2 - SUBDIVISION PRELIMINARY PLAT AND ACCOMPANYING DATA. For an application for approval of a preliminary plat, the following documents shall be submitted for approval:

Section 12-2.1 - Preliminary Plat. Seven (7) copies of the Preliminary plat prepared at a scale of not more than one hundred (100) but preferably not less than fifty (50) feet to the inch, showing:

(1) Proposed subdivision name, name of Village and County in which it is located, date, true north point, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal.

(2) The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.

(3) Zoning District, if such exists, including exact boundary lines of district, if more than one district, and any proposed changes in the zoning district lines and/or the zoning law text applicable to the area to be subdivided.

(4) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

(5) Location of existing property lines, easements, buildings, water courses, marshes, rock outcrops, wooded areas, and other significant existing features for the proposed subdivisions and adjacent property.

(6) Location of existing sewers, water mains, culverts and drains on the property with pipe sizes, grades and direction of flow.

(7) Contours with intervals of 5 feet or less as required by the Board, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than 2 feet.

(8) The width and location of any streets or public ways or places shown on the Comprehensive Master Plan within the area to be subdivided, and the width, location, grades and street profiles or all streets or public ways proposed by the developer.

(9) The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.

(10) Store drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing lines or alternate means of disposal.

(11) Plans and cross-sections showing the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and store drains, and the size and type thereof, the character, width and depth of pavements and subbase, the location of manholes, basins and underground conduits.

(12) Preliminary designs of any bridges or culverts which may be required.

(13) The proposed lot lines with approximate dimensions and area of each lot.

(14) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of

proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision.

(15) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by monuments of such size and type as approved by the Village Authorized Engineer, and shall be referenced and shown on the Plat.

Section 12-2.2 - Other Documents. In addition to those required by Article VII, seven (7) copies of the following documents shall be submitted with the plat.

(1) If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of 100 feet to the inch showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire holding submitted shall be considered in the light of the entire holdings.

(2) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.



(3) A Neighborhood Context Map at a scale of 1" = 200', which details existing lots and land uses in the surrounding area at least 3 times as large as the proposed development area.

SECTION 12-3 - SUBDIVISION FINAL PLAT AND ACCOMPANYING DATA. The following documents shall be submitted for Final Plat Approval. Where no preliminary plat has been filed, all information required by Section 12-2 shall be included on the final plat.

Section 12-3.1 - Final Plat. The Plat to be filed with the County Clerk shall be printed or mylar film. The sheets shall include a margin for binding of two inches, outside of the border, along the left side and a margin of one inch outside of the border along the remaining sides. The Plat shall be drawn at a scale of no more than 100 feet to the inch and oriented with the north point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.

The Plat shall show:

(1) Proposed subdivision name or identifying title and the name of the Village, Town and County in which the subdivision is located, the name and address of record owner and subdivider, name, license number and seal of the licensed land surveyor.

(2) Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.

(3) Sufficient data acceptable to the Village Authorized Engineer to determine readily the location, bearing and length of every street line, lot line, and to reproduce such lines upon the ground. Where applicable, those should be referenced to monuments included in the State system of plane coordinates, and in any event should be tied to reference points previously established by public authority.

(4) The length and bearing of all street lines, radii, length of curve and central angles of all curves, tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The Plat shall show the boundaries of the property, location, graphic scale and true north point.

(5) Permanent reference monuments shall be shown, and shall be constructed in accordance with specification of the Village Authorized Engineer. When referenced to the State system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Village Authorized Engineer and their location noted and referenced upon the Plat.

(6) All lot corner markers shall be permanently located satisfactorily to the Village Authorized Engineer, at least three-quarter (3/4) inches (if metal) in diameter and at least 24 inches in length, and located in the ground to existing grade.

(7) Monuments of a type approved by the Village Authorized Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Village Authorized Engineer.

Section 12-3.2 - Other Documents. Seven (7) copies of the final version of all documents filed with the preliminary plat and construction drawings including plans, profiles and typical cross-sections, as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes, catch basins and other facilities shall be filed, together with all documents required by Article IX.

ARTICLE XIII - REQUIRED IMPROVEMENTS AND AGREEMENTS

SECTION 13-1 - IMPROVEMENTS AND PERFORMANCE BOND. Before the approved final Subdivision Plat is signed by the authorized Planning Board representative and filed with the County Clerk, the subdivider shall follow the procedure set forth in either subparagraph 13-1.1 or subparagraph 13-1.2 below:

Section 13-1.1. The subdivider shall either file with the Village Clerk a certified check, in an amount set by the Planning Board to cover the full cost of the required improvements or the subdivider shall file with the Village Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of the Village Law and shall be satisfactory to the Village Board of Trustees and Village Authorized Engineer as to form, sufficiency, manner of execution and surety. A period of one year or such other period as the Planning Board may determine appropriate, not to exceed three years, shall be set forth in the bond within which required improvements must be completed.

Section 13-1.2. The subdivider shall complete all required improvements to the satisfaction of the Village Authorized Engineer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed the subdivider shall file with the Village Clerk a bond or certified check covering the costs of such

improvements and the cost of satisfactorily installing any improvement not approved by the Village Authorized Engineer. Any such bond shall be satisfactory to the Village Board and Village Authorized Engineer as to form, sufficiency, manner of execution, and surety.

Section 13-1.3. The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Village Authorized Engineer and a map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to sub-paragraph 13-1.2, then said map shall be submitted prior to endorsement of the plat by the appropriate Planning Board officer. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in subparagraph 13-1.1, such bond shall not be released until such a map is submitted.

SECTION 13-2 - MODIFICATION OF DESIGN OR IMPROVEMENTS. If at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the Village Authorized Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Village Authorized Engineer may, upon approval by a previously delegated member of the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial

alteration of the function of any improvements required by the Board. The Village Authorized Engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

SECTION 13-3 - INSPECTION OF IMPROVEMENTS. At least five (5) days prior to commencing construction of required improvements the subdivider shall notify the Village Board in writing of the time when he proposes to commence construction of such improvements so that the Village Board may cause inspection to be made to assure that all Village specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

SECTION 13-4 - PROPER INSTALLATION OF IMPROVEMENTS. If the Village Authorized Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Village Board, and the Planning Board. The Village Board then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Village's rights under the bond or certified check. No Plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plat.

SECTION 13-5 - UTILITIES. The Board may accept assurance from each public utility company whose facilities are proposed to be installed. Such assurance shall be in writing, addressed to the Board, stating that such public utility company will make the installations necessary for, the furnishing of its services within a specified time, in accordance with the approved Subdivision Plat.

SECTION 13-6 - MONUMENTS. Permanent monuments shall be set at block corners and at the beginning and end of all curves and at such other points as are necessary to establish definitely all lines of the Plat, except those outlining individual lots. In general, permanent monuments shall be placed at all critical points necessary to correctly lay out any lot in the subdivision. Permanent monuments shall be constructed of concrete with a three-quarter inch iron rod insert, having ground level dimensions at five (5) inches square, and thirty-six (36) inches long tapering to six (6) inches square at the subsurface level. Four such monuments at the periphery of the plot shall have a brass cap accurately set and identified as a bench mark with the elevation labeled thereon. At the corners of each lot an iron pin one (1) inch in diameter and thirty six (36) inches long shall be placed into the ground to grade.

ARTICLE XIV VARIANCES AND WAIVERS

SECTION 14-1 - VARIANCES. Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of the Comprehensive Master Plan, or the Zoning Law, if such exist.

SECTION 14-2 - WAIVERS. Where the Planning Board finds that, due to the special circumstances of a particular Plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connection facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Master Plan, or the Zoning Law, if such exist.

SECTION 14-3 - OBJECTIVES. In granting waivers, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.



ARTICLE XV SEPARABILITY CLAUSE

Should any section or provision of the regulations contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole or any part hereof other than the part as declared to be invalid.

APPENDIX A  
FEE SCHEDULE

1. The application for approval of a preliminary plat shall be accompanied by a fee of one hundred dollars (\$100.00) per lot.

2. The application for approval of a final plat shall be accompanied by a fee of two hundred fifty dollars (\$250.00) per lot.

3. The Planning Board may charge an applicant an additional fee to pay the cost of the Village Engineer's review of a plat, if the cost thereof exceeds the fees set forth above. Said fees shall be paid prior to the signing of the final plat.

APPENDIX B

REQUIREMENTS FOR ACCEPTANCE OF NEW ROADS

A. DWELLINGS: A road shall service a minimum of two permanent dwellings before it shall be considered for acceptance by the Village.

B. MAPS: A preliminary plan or sketch map of any land proposed to be conveyed to the Village of Argyle, for highway purposes, shall first be submitted to the Village Board for approval of location and general plan. Prior to any construction, four copies of a detailed map shall be furnished the Village Board, prepared by a licensed engineer, or licensed surveyor showing the highway boundaries of the lands to be dedicated.

C. MINIMUM STANDARDS FOR ACCEPTANCE OF DEDICATED ROADS TO THE VILLAGE SHALL BE:

RIGHT OF WAY: 50 feet

ROAD BED WIDTH: 28 feet (shoulder break to shoulder break)

ROAD BED CONSTRUCTION: Surfacing with compacted gravel to a depth of not less than 12".

PAVEMENT WIDTH: 18 feet

PAVEMENT CONSTRUCTION: Gravel primed with 4/10 gallon per square of bituminous material covered with No. 1 stone at a rate of 15 lbs. per square yard. This prime to be followed by a single surface treatment consisting of an application of bituminous material applied at a rate of 4/10 gallon per square yard covered with No. 1A stone at a rate of 25 lbs. per square yard rolled and well compacted.

ROAD ALIGNMENT: Horizontal and Vertical alignment to be consistent with characteristics of the terrain and meet approval of the Village Board and Village Superintendent of Highways.

DRAINAGE: Provide for adequate drainage facilities with roadside ditching to a minimum depth of 18" below edge of pavement in all cases.

ROADWAY SLOPES: Roadway slopes to be constructed to a maximum slope of 1 foot horizontal or

not exceeding the angle of repose for material being worked with.

DEAD-END ROADS:

No dead-end street or road shall be accepted unless a suitable area at the end is provided for the turning of snow plows, etc. If a circular area is used, the diameter of such circle shall be at least 80 feet.

BRUSH CLEARANCE:

Brush shall be removed from the entire Right-of-Way.

ROADSIDE OBSTACLES:

Any trees, stumps, or utility poles shall be a minimum of 21 feet from centerline.