

Chapter 171

SUBDIVISION OF LAND

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[HISTORY: Adopted by the Board of Trustees of the Village of Buchanan 10-4-1971 by L.L. No. 1-1971 (Ch. 44 of the 1971 Code). Amendments noted where applicable.]

ARTICLE I. General Provisions**§ 171-1. Purpose. [Amended 10-18-1982 by L.L. No. 4-1982]**

In accordance with the provisions of § 7-728 of the Village Law and in order to promote and encourage the orderly and efficient development of the Village, assure the most appropriate use of land, help carry out the Master Plan, carry out the requirements of the Official Map and assure the Village of an adequate standard of improvements in new streets, this chapter governing the subdivision of land in the Village of Buchanan is hereby adopted by the Planning Board by authority delegated by ordinance of the Village Board.

§ 171-2. Approval required. [Amended 10-18-1982 by L.L. No. 4-1982]

After the effective date of this chapter, no person, owner or agent shall sell, contract to sell or represent himself to be in a position to sell any lot, plot or parcel of land in the Village of Buchanan by reference to any map or subdivision plat showing any street or way not filed with the Division of Land Records, Office of the County Clerk of Westchester County, and approved by the Planning Board in accordance with this chapter. The description of a lot, plot or parcel of land by metes or bounds in the instruments of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the above prohibition.

§ 171-3. Existing subdivisions.

The provisions of this chapter shall not apply to any map or subdivision plat filed with the County Clerk prior to the effective date of this chapter.

ARTICLE II. Terminology**§ 171-4. Definitions.**

For the purpose of this chapter, the following terms and phrases, whenever they appear, shall have the meanings herein stated:

APPLICANT — The person, owner, agent, corporation or other party requesting Planning Board action or approval of a subdivision and identifying himself as such on the Planning Board's application form.

BOARD OF TRUSTEES or VILLAGE BOARD — The duly constituted governing body of the Village of Buchanan.

COMMISSION or PLANNING COMMISSION or PLANNING BOARD — The duly constituted Planning Board of the Village of Buchanan, Westchester County, New York.

CONSTRUCTION DETAIL SHEET — The drawing or drawings required by this chapter, as more particularly described in § 171-22 hereof.

CORPORATION COUNSEL — The duly appointed legal officer of the Village of Buchanan.

COUNTY CLERK — The County Clerk of Westchester County, New York.

EASEMENT — A property right giving the owner or holder thereof the right of access to land for a specified purpose.

ENGINEER or VILLAGE ENGINEER — The duly appointed Engineer for the Village of Buchanan.

HEALTH OFFICER or HEALTH DEPARTMENT — The duly appointed Health Officer having jurisdiction over realty subdivisions, domestic water supply and sewerage in the County of Westchester.

MASTER PLAN — The comprehensive plan prepared by the Planning Board, which plan indicates the general locations recommended for the various functional classes of public works, places and structures, and for the general physical development of the Village of Buchanan, and includes any unit or part of such plan separately adopted, and any amendments to such plan or parts thereof.

OFFICIAL MAP — The map established by the Village Board under § 7-724 of the Village Law, showing the streets, highways, parks and drainage systems therefor laid out, adopted and established by law, and

any amendments thereto adopted by the Village Board, or additions thereto, resulting from the approval of subdivision plats by the Planning Board and subsequent filing of such approved plats.**[Amended 10-18-1982 by L.L. No. 4-1982]**

OFFICIAL SUBMISSION DATE — The date or dates on which a subdivision is considered officially submitted to the Planning Board and hereby defined as the date or dates on which the Board receives the required drawings in full compliance with the provisions of Article V of this chapter, unless otherwise provided in this chapter.**[Amended 10-18-1982 by L.L. No. 4-1982]**

PRELIMINARY LAYOUT — The sketch map or plan required by this chapter, as more particularly described in § 171-20 hereof.

RESUBDIVISION — A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.**[Amended 10-18-1982 by L.L. No. 4-1982]**

STREET — A way for pedestrian and vehicular traffic, more particularly defined to include the following:

- A. **ARTERIAL STREETS AND HIGHWAYS** — Those streets used primarily for traffic with limited access to adjoining land.
- B. **MAJOR STREETS** — Streets which carry traffic from a minor street to business, industrial and other traffic-generating areas.
- C. **MINOR STREETS** — Streets used primarily for access to abutting residential properties.
- D. **MARGINAL ACCESS STREETS** — Streets generally parallel and adjacent to arterial streets and which provide access to abutting properties with protection from heavy traffic.
- E. **DEAD-END STREET** — A street or portion of a street with only one vehicular traffic outlet.

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

SUBDIVISION — Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots or interests for the purpose of offer, sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions, including resubdivision. "Subdivision" includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument.**[Amended 10-18-1982 by L.L. No. 4-1982]**

SUBDIVISION, MAJOR — Any subdivision involving any new street or road, the extension of municipal facilities or the creation of any public improvements.**[Added 10-18-1982 by L.L. No. 4-1982]**

SUBDIVISION, MINOR — Any subdivision fronting on an existing street or road, not involving any new street or road, the extension of municipal services or the creation of any public improvements. Minor subdivisions shall be further classified as follows:**[Added 10-18-1982 by L.L. No. 4-1982]**

- A. Those involving an existing structure and the creation of no more than one new building lot.
- B. Those involving the creation of two or more new building lots and with or without an existing structure.
- C. Those involving the creation of no new building lots.

SUBDIVISION PLAN — The final drawing, map or plan required by this chapter, as more particularly described in § 171-21 hereof.

VILLAGE ATTORNEY — See the definition of "Corporation Counsel."¹

VILLAGE MAP — The map of the Village in existence at the time this chapter goes into effect, as modified from time to time, showing the location and width of streets in the Village in use as public streets, as well as the lines of future street widenings and extensions. **[Amended 10-18-1982 by L.L. No. 4-1982]**

ZONING, ZONING ORDINANCE or ZONING MAP — The duly adopted Zoning Ordinance and Map of the Village of Buchanan, Westchester County, New York, including any amendments thereto.²

1. Editor's Note: The original definition of "Village development plan or Village plan," which immediately followed this definition, was repealed 10-18-1982 by L.L. No. 4-1982.

2. Editor's Note: See Ch. 211, Zoning.

ARTICLE III. Submission and Review Procedure

§ 171-5. Preapplication discussion; classification of subdivisions; sketch layout. [Amended 10-18-1982 by L.L. No. 4-1982]

- A. Persons planning to request Planning Board approval of a subdivision are requested to meet with the Board prior to making any formal application in order to discuss their proposals and familiarize themselves with the Board's procedures and requirements. At this preapplication discussion, the Board shall advise the prospective applicant of the appropriate subdivision classification which governs the prospective subdivision and the relevant review and approval requirements as outlined in the table set forth in this chapter, entitled "Summary of Subdivision Classification System and Review and Approval Requirements."³
- B. The applicant shall apply for the Planning Board's approval of a sketch layout on forms supplied by the Board. This application may be made at the preapplication discussion meeting or must be filed with the Secretary of the Board at least 10 days before a regular meeting of the Board in order to be considered at such meeting.
- C. Each application for the consideration of a sketch layout shall be accompanied by an affidavit showing who is the owner of the land involved. If the applicant is not the owner, the owner's permission for the application shall be included on the application form.
- D. An application for the approval of a sketch layout plat shall be accompanied by an application fee, in the form of cash or check payable to the Village, in an amount as set forth in the schedule of fees in Subsection E.
- E. The required nonrefundable fee, payable to the Village of Buchanan, to accompany sketch layout review applications shall be as follows: **[Amended 12-15-1986 by L.L. No. 6-1986; 2-7-2011 by L.L. No. 9-2011]**
 - (1) For a major subdivision, the sketch layout application fee shall be in an amount as set from time to time by resolution of the Board of Trustees.
 - (2) For a minor subdivision, the sketch layout application fee shall be in an amount as set from time to time by resolution of the Board of Trustees.
- F. The sketch layout shall conform to the requirements set forth in Article V of this chapter.
- G. The applicant shall present a copy of the Village Map, upon which is superimposed the location of the proposed subdivision.
- H. In appropriate cases, applicants are encouraged to discuss the provision of water supply, sewage disposal and other necessary or desirable street improvements with Village and county departments and agencies having jurisdiction.

- I. The Planning Board, after consultation with the appropriate departments and consultants, shall carefully study the practicability of the sketch layout, taking into consideration the requirements of the community and the best use of the land being subdivided.
- J. After discussion of the sketch layout with the applicant, and such other consideration it deems appropriate, the Board shall inform the applicant, in writing, of the acceptability of the applicant's proposal and what changes, if any, it will require in a preliminary layout or subdivision plat based on said sketch layout.
- K. The acceptance by the Board of any sketch layout shall not be construed as the approval of any preliminary layout or subdivision plat.
- L. Where the subdivision consists of a lot consolidation by the means of eliminating one or more common lot lines, the applicant may proceed directly from acceptance by the Planning Board of the sketch layout to submission of a subdivision plat (§ 171-7 herein). **[Added 5-17-2021 by L.L. No. 3-2021]**

3. Editor's Note: Said table is on file in the Village offices.

§ 171-6. Preliminary layout; submission of application. [Amended 10-14-1982 by L.L. No. 4-1982]

- A. If required, the applicant shall, within three months after the approval of the sketch layout, apply for the Planning Board's approval of a preliminary layout, on forms supplied by the Board. The applicant shall submit a preliminary layout, when required, and request its consideration by the Board prior to the submission of a subdivision plat.
- B. The preliminary layout shall conform to the requirements set forth in § 171-20 of this chapter and shall be accompanied by a nonrefundable application fee, payable to the Village of Buchanan, as follows: **[Amended 12-15-1986 by L.L. No. 6-1986; 2-7-2011 by L.L. No. 9-2011]**
 - (1) For a major subdivision, the preliminary layout application fee shall be in an amount as set from time to time by resolution of the Board of Trustees.
 - (2) For a minor subdivision, the preliminary layout application fee shall be in an amount as set from time to time by resolution of the Board of Trustees.
- C. The Board's Secretary shall issue a receipt for the applicant's preliminary layout if it conforms to this chapter. The applicant should then be prepared to attend the next meeting of the Board.
- D. The Planning Board, after consultation with the appropriate Village departments and consultants, shall carefully study the practicability of the preliminary layout, 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, grade and width of proposed streets and their access to existing streets, sewage disposal, drainage, lot sizes and arrangement, future development of adjoining lands as yet unsubdivided, the requirements of the Village Law and the requirements of the Village Plan and Official Map, as outlined in Article I of this chapter.
- E. After discussion of the preliminary layout with the applicant and such other consideration it deems appropriate, the Board shall inform the applicant, in writing, of the acceptability of the applicant's proposal and what changes, if any, it will require in a subdivision plat based on said preliminary layout.
- F. The acceptance by the Board of any preliminary layout shall not be construed as the approval of any subdivision plat.

§ 171-7. Subdivision plat application.

- A. The applicant shall, within six months after approval of the sketch layout or preliminary layout, file with the Board an application upon forms provided by the Board, together with a set of final drawings, including the subdivision plat and construction detail sheets, where required, and a nonrefundable application fee, payable to the Village of Buchanan, as follows: **[Amended 10-18-1982 by L.L. No. 4-1982; 12-15-1986 by L.L. No. 6-1986; 2-7-2011 by L.L. No. 9-2011]**
- (1) For a major subdivision, the final subdivision plat application fee shall be in an amount as set from time to time by resolution of the Board of Trustees.
 - (2) For a minor subdivision, the final subdivision plat application fee shall be in an amount as set from time to time by resolution of the Board of Trustees.
- B. In accordance with the provisions of law, the Planning Board must act on an application for the approval of a subdivision plat within 45 days of its submission or the application can be declared approved by default. An application for such approval will not be considered unless it includes all the maps, plans and information required by this chapter. The date of official submission shall be that date when all such required maps, plans and information have been received by the Secretary of the Planning Board, which date shall be confirmed by a letter to the applicant with a copy to the Planning Board.
- C. The subdivision plat and construction detail sheets shall bear the approval of the Westchester County Health Department, the Village Engineer and the District Engineer of the State Department of Transportation, if required, and the Village Superintendent of Highways.
- D. The Secretary of the Board, when he is satisfied that the above submission requirements have been met and all applicable fees paid, shall issue a receipt for the same to the applicant. The date of said receipt shall be the date of official submission, as stated in Subsection B above.

§ 171-8. Subdivision plat; action by Planning Board.

- A. The Board shall, within 45 days of the receipt of a completed application, as recorded by the Secretary's receipt therefor, conduct the public hearing required by law in accordance with § 7-728 of the Village Law and act on the application.
- B. The Board's action shall be either approval, disapproval or approval with modifications. In the case of disapproval or approval with modifications, the Board shall enter in its minutes the reasons for such action.
- C. After approval or approval with modifications, and subject to the carrying out by the applicant of such modifications, the Chairman or Vice Chairman and the Secretary of the Board shall sign the subdivision plat and the construction detail sheets, provided that the additional requirements of § 171-10 have been met.
- D. In accordance with law, the approval or approval with modifications of any subdivision plat shall expire within 90 days of the date of the Planning Board's resolution granting such approval, if said subdivision plat has not been filed in the office of the County Clerk.

§ 171-9. Required improvements; performance bond.

- A. As provided by law, before the Chairman and Secretary of the Board sign any subdivision plat, the applicant shall have met the requirements of the Board for all improvements, as shown on the construction detail sheets in one of the following two methods:
- (1) Actual completion of construction, in a manner acceptable to the respective Village and/or county departments, of all such improvements; or

- (2) Submission and approval of a performance bond covering the cost of such improvements.
- B. Required improvements shall be those shown on the construction detail sheets and/or subdivision plat.
- C. For those utilities shown on the construction detail sheets, the Board may accept assurance in writing from each public utility company whose facilities are proposed to be installed, addressed to the Board and stating in substance or effect that such public utility company will make the installations necessary for the furnishing of its services within the time therein specified satisfactory to the Board. The estimated cost of inspection of such utilities by the Board shall be included in determining the amount of such bond.
- D. As provided by law:
- (1) The term of any performance bond shall be set by the Board and shall not exceed one year, except where special circumstances will require a longer term, provided that in no case shall such term exceed three years.
- (2) The amount of such bond shall be set by the Board, after receiving any recommendations as to the probable cost of improvements from the Village departments involved.
- E. A twelve-foot-wide driveway, which may be reduced to 10 feet on hardship, at the discretion of the Planning Board, of stone screening, three inches thick, topped with a two-and-one-half-inch thickness of asphaltic concrete, shall be installed to furnish access from the paved street or roadway to a parking area and/or garage situated on each lot. Each driveway shall be placed on a properly prepared subbase six inches thick. Standard curb cuts shall be placed at the street curb.
- F. As provided by law, the performance bond shall be issued by a bonding or surety company approved by the Village Board or by the owner, with security acceptable to the Village Board, and shall be approved by the Village Attorney as to form, sufficiency and manner of execution.
- G. The Village will employ inspectors to ensure the satisfactory completion of improvements and utilities. Before the final approval of the plat, the applicant shall notify the Village, in writing, and an inspector will be assigned thereto. If a bond is to be given to ensure completion of such improvements, after final approval of the plat, the Village will assign an inspector to ensure such satisfactory completion. The developer shall reimburse the Village for the compensation paid to such inspector so assigned, whether before or after final approval, upon certification of the amount thereof to the developer. The Board's determination of such amount shall be final.
- H. The subdivider shall pay to the Village, upon presentation of a statement covering costs in connection with checking, investigating, surveying and other matters required by law and this chapter, the actual cost of checking of the map and investigating incidental thereto, as performed by the Village Engineer and/or consulting engineer.
- I. After completion of the foregoing procedure to the satisfaction of the Planning Board, and if the Board shall approve the plat, the approval of the Board shall be endorsed thereon, together with the date thereof, over the signature of the Secretary of the Board.

§ 171-10. Acceptance of streets.

- A. No approval of any subdivision plat by the Planning Board shall be construed as an acceptance by the Village of any street or highway shown on such subdivision plat.
- B. The applicant for approval of a subdivision plat may, if he so desires, indicate on such plat a street or streets that are not to be offered for cession to the Village.
- C. The Board may require the applicant to state on any subdivision plat offered for approval whether or not streets shown thereon are to be offered for cession and, if any street is to be so offered, may require

that, as a condition for its approval, offers of cession of said streets, in a form acceptable to the Village Attorney, be filed with the Planning Board.

§ 171-11. Reservation of recreation areas or moneys in lieu thereof. [Amended 10-2-1989 by L.L. No. 10-1989]

- A. Pursuant to the Village Law, the Planning Board shall require the reservation of land suitable for playgrounds or other recreational facilities or the deposit of moneys into a recreation fund in lieu of such reservation in all subdivisions in accordance with the requirements of this subsection. It is the intention of these provisions to provide the people of the Village of Buchanan with certain planned neighborhood playground areas and to preserve open space for that time when the Village may be largely developed. In subdivisions in which the Planning Board determines that the reservation of land for a recreation area is desirable, the land shall be reserved in accordance with the standards set forth in Subsection B.
- B. Amount to be reserved.
- (1) Where a recreation area is required to be reserved by the Planning Board, the amount to be reserved shall be one acre for every 20 building lots.
 - (2) In general, land in subdivisions reserved for recreation purposes shall have an area of at least five acres. When the land required above would create less than five acres, the Board shall require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided.
 - (3) Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field or other recreation purpose and shall be relatively level and dry. A recreation site shall have a total frontage on one or more streets of at least 300 feet, and no dimension of the site shall be less than 200 feet.
- C. When a park or playground area shall have been offered for dedication on a plat, in accordance with the standards of this section, the Planning Board shall require the submission of a deed of dedication to the Village of Buchanan.
- D. Pursuant to Village Law §§ 7-725, Subdivision (a)(6) and 7-730, Subdivision (4)(c), in those subdivisions in which the Planning Board determines that the reservation of land for a recreation area is not desirable or feasible or in which a reservation would be of inadequate size, the applicant or his agent shall be required to deposit money, in lieu of reserving land, into a Village recreation fund to be used by the Village exclusively for park, playground or other recreational purposes, including the acquisition of property. **[Amended 10-1-2012 by L.L. No. 5-2012; 8-1-2023 by L.L. No. 5-2023]**
- E. Where moneys in lieu of recreation area are required by the Planning Board, the amount paid shall be at a rate as set from time to time by resolution of the Board of Trustees per building lot, except that there shall be no fee required for the first building lot in the subdivision if said lot contains an existing residential dwelling that is currently occupied. **[Amended 2-7-2011 by L.L. No. 9-2011]**
- F. Nothing in this section shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.

§ 171-12. Resubdivision.

The procedure used in the approval of a subdivision shall be the same as for a subdivision, except where it may be modified in a particular case by the Planning Board.

§ 171-13. Modifications in procedure and standards.

- A. No change in a subdivision, or in the plan of a subdivision already approved, can legally be made without the approval of the Planning Board.
- B. The Planning Board may vary, subject to appropriate conditions, such requirements of the foregoing regulations as in its judgment of the special circumstances and conditions relating to a particular plat are not requisite in the interest of the public health, safety and general welfare. When making its determination as to the improvements to be required, the Planning Board shall take into consideration the prospective character of the development and the allowed density of population under Chapter 211, Zoning.
- C. Where the applicant desires the variance of any provision of the foregoing regulations, he shall include a request therefor, with a statement of reasons for such request, with his application for the approval of the preliminary layout. The Planning Board shall also hear and decide all matters upon which it is required to pass under this chapter.

§ 171-14. Zoning modifications.⁴

By authorization of the Village Board of the Village of Buchanan, pursuant to the provisions of §§ 179-k, 179-l, 179-m and 179-p of the Village Law,⁵ the Planning Board of the Village of Buchanan, New York, has the power to:

- A. Approve plats, showing lots, blocks and sites, with or without streets or highways;
- B. Pass on and approve the development of plats already filed in the office of the County Clerk, if such plats are entirely or partially undeveloped;
- C. Simultaneously with the approval of any plat, confirm the zoning regulations of the land so platted, or to make any reasonable change therein, provided that for such land so platted there shall not be a greater average density of population or cover of land with buildings than is permitted in the district wherein such lands may be, as shown on the Official Zoning Map.

4. Editor's Note: See also Ch. 211, Zoning.

5. Editor's Note: See now §§ 7-728, 7-730, 7-732 and 7-738, respectively, of the Village Law.

ARTICLE IV
Subdivision Design Standards

§ 171-15. Character of land.

- A. The land shown on any preliminary layout or subdivision plat shall be capable of being developed for the use or uses proposed. Areas proposed for dwelling purposes shall be free from hazard to life or property due to flooding, lack of access to required utilities, lack of adequate access by emergency vehicles or services or other comparable hazard.
- B. Due regard shall be paid to the preservation of natural features that will enhance the value of the subdivision, such as trees, watercourses, scenic views or historic sites.

§ 171-16. Conformance to Master Plan and Official Village Map.

- A. The street system and other features of the subdivision shall conform to the requirements of the Master Plan for the Village as it may be adopted from time to time.
- B. The streets, parks and/or drainage system of the subdivision shall conform to the Official Village Map as it may be adopted and amended from time to time by the Village Board.

§ 171-17. Streets and blocks.

- A. Streets shall be laid out to achieve a convenient system, conformable to the Master Plan and Official Village Map, and to discourage through traffic on local streets.
- B. The arrangement of streets in the subdivision shall provide for the continuation of the streets in adjoining subdivisions or for their proper projection when adjoining property has not been subdivided, insofar as in the judgment of the Planning Board such continuations or projections are necessary for fire protection, for the proper movement of traffic or for the construction or extension, presently or when required, of needed utilities and public services, such as sewers, water and drainage facilities. Where streets are continued, they shall be at least as wide as the existing connecting streets, but never less than 50 feet.
- C. Reserved strips of land controlling access to streets or land otherwise reserved for public use shall be subject to the approval of the Board. Reserve strips of land controlling access to and egress from other property; or to or from any street or area; or having the effect of restricting or damaging the adjoining property for subdivision purposes; or which will not be taxable or assessable for special improvements shall not be permitted in any subdivision unless special reserve strips are conveyed to the Village.
- D. Block lengths shall not exceed 1,200 feet nor be less than 200 feet, unless otherwise approved by the Planning Board. Block depths shall be not excessively greater than zoning requirements, encouraging future lots not fronting on a street. Areas bounded entirely by streets shall provide for two rows of lots, unless otherwise approved by the Board.
- E. Intersections shall be designed to provide maximum visibility and safety. Cross-intersections are to be avoided except where necessary to permit the convenient flow of through traffic. The angle of intersection of streets shall be 90° or as close thereto as possible. Offset intersections of less than 150 feet shall be avoided.
- F. Dead-end streets shall not exceed 500 feet in length, except in exceptional cases, and shall be provided with a turnaround at the closed end. Turnarounds of circular design shall have a pavement diameter of at least 80 feet and a property line diameter of at least 100 feet. Turnarounds of a Y design shall have two arms of not less than 60 feet, measured from the center line of the road, and an arm width, at the end, of not less than 50 feet.
- G. A temporary turnaround shall be shown at the end of all streets extending to the subdivision boundary and not connected to an existing street at the time of subdivision. The excess street area needed for such turnaround shall be shown as reverting to adjoining lots if and when the street is extended.

§ 171-18. Street design and improvements.

- A. All proposed street improvements shall be installed by the subdivider, except as may be otherwise provided in this chapter or established Village policy. The design of all such improvements shall be subject to the review and approval of the Engineer and Village Superintendent of Highways in those cases where this chapter does not provide a definite guide.
- B. Grades of all streets shall be the reasonable minimum and, unless warranted by extenuating circumstances, shall be not less than 0.3% nor more than 8% for arterial and major streets and not less than 0.3% nor more than 10% for minor streets. A continuous gradient shall be connected by vertical curves of no less than 200 feet in length. Sight distances over grades shall not be less than 200 feet.
- C. Street curvature (measured horizontally) shall not be less than a one-hundred-foot radius (measured at the inside property line). Radii of major streets shall not be less than 200 feet. Property lines at street intersections shall be rounded by a curve of no less than a thirty-foot radius. Sight distances around curves shall not be less than 200 feet. Within a block, street lines deflecting from each other at any one point more than 10° shall be connected with a curve, the radius of which for the inner street

lines shall be not less than 350 feet on arterial streets, 250 feet on major streets and 150 feet on minor streets. The curbline, where curbs are installed, shall be parallel or concentric to the property line.

- D. Curb radii at intersections where the angle is greater than 80° shall be not less than 25 feet, and, where the street lines intersect at less than 80°, larger curb radii shall be provided, as determined by the Engineer, and property lines shall be established concentric thereto. Minor or major street openings into an arterial street shall be at least 1,000 feet apart.
- E. Proposed streets shall be adjusted to the contour of the land and to avoid streets of dangerous gradient. Curved alignment should be used to secure economic location of streets where the terrain is steep. Traffic-distributing circles may be required where needed.
- F. Whenever there is a dedicated or platted half-street or alley adjacent to the property to be subdivided and which exists at the time of the adoption of this chapter, then the other half shall be platted. Dedication of a half-street is strictly forbidden. The subdivider who wishes to dedicate a half-street on the edge of his subdivision must himself arrange for the dedication of the adjoining half. Whenever any stream or important sewer drainage course is located in property that is being subdivided, the subdivider shall dedicate a second easement alongside of the stream for the purpose of widening, deepening, sloping, improving or broadening the stream or for drainage, parkway or recreational park.
- G. Street improvements shall, in general, include the following:
 - (1) Graded area for pavement, sidewalk and drainage facilities as needed.
 - (2) Suitable pavement, curbing and drainage facilities and appurtenances.
 - (3) Sidewalks (if required by the Planning Board).
 - (4) Water supply and sewerage lines to each lot line, except where private facilities are approved.
 - (5) Utility lines (gas and electric) (underground).
 - (6) Fire hydrants, where water mains are required.
 - (7) Streetlighting standards and lights in lighting districts or where required by the Planning Board.
 - (8) Street trees, planted inside of property lines.
 - (9) Street signs.
- H. Street improvement specifications.
 - (1) Specifications for improvements shall be as follows:
 - (a) Installation of improvements. Prior to the granting of final approval, the subdivider shall have installed or shall have furnished adequate bond for the ultimate installation of the required improvements listed and described in this section. All of the required improvements shall be made in full compliance with the specifications for each of the various units of work, as required by the town or by the state or county health authorities, according to the nature of the improvements.
 - (b) Rights-of-way. The rights-of-way shall conform to the following:
 - [1] Minor residential streets shall have a minimum right-of-way of 50 feet.
 - [2] Major streets shall have a minimum right-of-way of 60 feet.
 - [3] The width of proposed future arterial streets shall be determined by the Planning

Board, but shall not be less than 80 feet.

(c) Street cross sections.

- [1] Where the right-of-way is 50 feet, there shall be 30 feet between the curblines.
- [2] Where the right-of-way is 60 feet, there shall be 40 feet between the curblines.
- [3] Where the right-of-way is 80 feet or wider, the minimum width between the curblines shall be 60 feet.
- [4] The required width of pavement shall be 30 feet minimum. Sidewalks, when required by the Planning Board, shall be four feet in width and, in residential areas, shall be placed one-foot outside the property line. The placing of any street trees, shrubbery or retaining walls within the right-of-way shall not be permitted.

(d) Grading.

- [1] All grading of streets shall be in accordance with the grades approved by the Engineer.
- [2] All streets shall be graded between property lines to conform to the established cross section and to provide for required pavements, drainage, utilities, sidewalks and driveways. All driveways shall be constructed to meet the sidewalk grade.

(e) Pavement specifications. All pavement shall conform to the latest road and/or highway ordinance of the Village of Buchanan.⁶

(f) Curbs. Curbs shall be 18 inches in depth with five inches extending above the waterline and six inches in width at the top expanding to a width of seven inches at the waterline and continuing at that width to the bottom. The curb shall be constructed of concrete as per the latest New York State specifications. If approved by the Superintendent of Highways, extruded bituminous curbs may be substituted for concrete curbs.

(g) Sidewalks. Sidewalks shall be six inches thick and at least four feet wide, constructed of one course concrete with a mix of one to 1 3/4 to 3 1/2. Where the sidewalk is laid in driveway entrances, it shall be eight inches thick, properly reinforced. Premolded bituminous joints shall be placed between sidewalks and curb, pavement, buildings, etc., and shall be installed in slabs where required.

(h) Driveway aprons. Driveway aprons shall be eight inches thick, properly reinforced, 10 feet in width at the face of the curb and seven feet in width at the property line, with a step in the face of the curb at one inch, constructed of one course concrete using a mix of one to 1 3/4 to 3 1/2. Bituminous drives may be installed where approved by the Village Superintendent of Highways.

(2) The foregoing specifications are subject to change by the Village at any time, but, in general, they follow the specifications of the State of New York Department of Transportation.

I. Utilities.

(1) The Commission may require the developer to furnish all necessary public utilities in and to the proposed subdivision. Water and sewage disposal must be furnished in accordance with plans approved by the Westchester County Health Department.

(2) All gas mains installed by the utility company shall be installed in accordance with the specifications of the utility company.

- (3) All streetlights and lighting standards shall be installed in accordance with the specifications of the Village of Buchanan.
- (4) Electric light and telephone wires shall be underground.
- (5) All electric and telephone wires and all other wires for public service shall be placed underground, except that wires strung on poles are permitted if placed in alleys or in the easement along the rear property lines.

J. Sewers.⁷

- (1) Where a public sanitary sewer is reasonably accessible, the developer shall connect with such sanitary sewer and provide adequate sewer lines accessible to each lot. Sewer connections and subdivision sewer systems shall comply with regulations or shall be constructed under the supervision of a qualified engineer and shall be approved by the Health Department of Westchester County and Village Engineer.
- (2) Where a public sanitary sewer is not reasonably accessible, but where plans for installation of sanitary sewers in the vicinity of the subdivision have been prepared and approved by the Village Engineer and the County Health Officer, the subdivider shall install sewers in conformity with such plans, although a connection to an existing main may not be immediately practicable. In such cases, and until such connection is made with the sewer system within the area, its use of a sewage treatment plant or other approved disposal system will be permitted, provided that such disposal facilities are considered in accordance with the regulations and requirements or constructed under the supervision of a qualified engineer and approved by the County Health Officer.
- (3) Where no sewers are accessible and no plans for the immediate construction of the same have been prepared, the subdivider shall either install sewer lines and disposal system in accordance with the requirements of the preceding subsection or adequate provisions shall be made for the disposal of sewage by means of sewage disposal devices which shall meet all the requirements of the Westchester County Health Department.
- (4) Adequate provisions shall be made for the disposal of stormwater subject to the approval of the Planning Board, Engineer and Village Superintendent of Highways.
- (5) All storm and sanitary sewers shall be constructed in accordance with the specifications of the Engineer.

K. Waterlines.⁸

- (1) Where an approved public water supply is reasonably accessible or procurable, the subdivider shall extend, at his own cost and expense, necessary water mains to make the water supply available for each lot within the subdivided area. The subdivider shall also install fire hydrants in accordance with the requirements of the Water Department and/or Engineer.
- (2) If sufficient water supply is not available, the subdivider shall construct or provide a water supply system, in such a manner that an abundance of potable water will be available to every lot within the subdivision. The water supply system shall be constructed in accordance with the requirements of the Westchester County Health Department.

L. Monuments. The plat boundary lines and the lines of all streets or roads shall be monumented with monuments of reinforced concrete or stone. Monuments shall be constructed of reinforced concrete or stone and shall be six inches square with a length of at least 48 inches and according to the designs and specifications of the Engineer. The Engineer reserves the right to check monuments for accuracy of location. A permanent bench mark shall be accessibly placed at location, and elevation thereof shall be accurately noted on the subdivision plat. An approved datum shall be used as reference.

- M. Street trees. Street trees shall be located and planted wherever required by the Planning Board, and the trees shall be of the type and size approved by it. Planting strips in street rights-of-way shall be loamed and seeded by the developer; no trees or shrubs shall be planted in this area.
- N. Street signs. Street signs shall be placed at all intersections and other points, if required, and shall be constructed as follows:
- (1) Standard: metal post three inches in diameter, 10 feet in length, 2 1/2 feet embedded in concrete, 7 1/2 feet above grade, finished at the top with post cap.
 - (2) Sign: galvanized or bonderized steel, twelve-gauge, 4 1/2 inches in width by a minimum length of 19 inches, maximum 30 inches, securely fastened to a post cap to prevent swinging or turning. A black sign of durable finish with indented letters at least two inches in height shall be provided, and letters shall be painted with aluminum, phosphorus or other luminous paint, in accordance with the specifications of the Village Superintendent of Highways. Street signs of different design and specifications may be placed upon approval of said Superintendent of Highways.
- O. Naming of streets. Streets that are extensions of, or obviously in alignment with, the existing main streets shall bear the names of the existing streets. The names of any streets shall be subject to the approval of the Planning Board and shall not duplicate existing street names, except as provided above. A list of acceptable street names will be supplied by the Planning Board.

6. Editor's Note: See Ch. 167, Streets and Sidewalks.

7. Editor's Note: See also Ch. 155, Sewers.

8. Editor's Note: See also Ch. 195, Water.

§ 171-19. Lots.

- A. All lots shown shall conform to zoning requirements and be of a size and shape rendering them usable for the use contemplated. All lots shall have frontage on a street or other public right-of-way.
- B. Side lines of lots shall be at right angles or radial to street lines, unless otherwise approved by the Planning Board.
- C. Corner lots shall be of sufficient dimensions so that any dwelling placed thereon shall have an adequate back yard and may conform to the front yard setback line of each street.
- D. Depth of lots shall not, in general, exceed 200 feet, except in areas where the minimum lot size required by Chapter 211, Zoning, is 40,000 square feet or more, where the depth of lots shall not exceed 300 feet, unless there are topographic or other unusual conditions.
- E. Whenever lots are included within a business or industrial zoning use district, or are proposed for such uses, adequate provisions must be made for off-street loading and unloading and off-street parking.
- F. Where practicable, lots shall be so laid out that driveways have access to a local street and not a major road carrying general traffic. Where possible, driveways should be arranged to avoid backing into traffic on roads.
- G. Lots to be served by septic tanks shall be large enough to contain sufficient land of proper character to permit satisfactory performance of septic tank disposal fields and compliance with the regulations of the County Department of Health.
- H. The minimum size of lot shall be at least as large as required by Chapter 211, Zoning, for the zone in which it is located, unless where otherwise specifically authorized.
- I. No building shall be located in the bed of a mapped street as shown on the Official Map unless a

permit is obtained from the Zoning Board of Appeals, in conformity with § 179-b of the Village Law.⁹

- J. The owner may place restrictions on the development greater than those required by Chapter 211, Zoning. The greater restrictions, however, shall be indicated on the plat submitted.
- K. Easements of not less than 10 feet in width shall be provided on each side of all lot lines and side lines where necessary for conduits, storm and sanitary sewers, gas and water mains. Easements of greater width may be required along lines or across lots where necessary for the extension of main sewers and similar utilities.
- L. All easements shall be specifically labeled "utility easement" and, in general, shall not be less than 20 feet wide and follow lot lines.

9. Editor's Note: See now § 7-712 of the Village Law.

ARTICLE V. Specifications for Required Submissions

§ 171-20. Preliminary layout.

- A. The preliminary layout shall cover the entire holding to be subdivided. Where the subdivision is to be divided into sections for the purpose of submitting final subdivision plats, the preliminary layout shall show the boundaries of each section and the number of acres covered in each section. Each such section shall bear a number indicating numerically the order in which the developer proposes to submit for approval the subdivision plats covering such sections in the development of the entire subdivision. The preliminary layout shall be at a scale of 100 feet to the inch.
- B. The preliminary layout shall be prepared by a licensed professional engineer and/or land surveyor.
- C. Accompanying such preliminary layout there shall be a description by metes and bounds and map of survey of the tract. Boundaries shall be made and certified by a licensed land surveyor and tied into established reference points. Also accompanying the preliminary layout shall be three copies of a topographic map of the area showing differences of elevations or contours of existing surface, with intervals not to exceed two feet. Where the average slope of the surface is less than 1%, contour intervals shall not exceed one foot. The topographic map shall show all watercourses, wooded areas and significant natural or man-made features.
- D. The preliminary layout map shall also include the following information:
 - (1) The proposed subdivision name.
 - (2) The name and address of record owner and subdivider.
 - (3) The name, license number and seal of the licensed engineer and land surveyor.
 - (4) Tax map description according to the Village Tax Map.
 - (5) The date, North point and scale.
 - (6) The name of all subdivisions immediately adjacent and names of owners of record of adjoining undeveloped properties.
 - (7) The use districts of Chapter 211, Zoning, applicable to the area to be subdivided and the boundaries of such districts thereof, as affect the tract.
 - (8) The location of property lines, school, fire and other special district lines, political subdivision lines, buildings and other essential existing features (on an eight-hundred-foot scale location diagram).

- (9) Proposed connection with existing water supply or alternate means of providing water supply to the subdivision, as provided in the Sanitary Code of Westchester County.
 - (10) The location of any existing storm and sanitary sewers, culverts, streams, ponds and water and gas mains on the property to be subdivided.
 - (11) Proposed connections with existing sanitary sewer system; the location of the nearest sanitary sewer trunk line and approximate distance therefrom, or proposed alternate means of treatment and disposal, as provided in the Sanitary Code of Westchester County.
 - (12) Proposed provisions for collecting and disposing of stormwater drainage.
 - (13) Location, names and present widths of existing streets or service roads, major roads, existing public easements, existing parks and other public open spaces and similar facts regarding adjacent property.
 - (14) The width and location of any streets or other public ways or places, whether existing or shown on the Master Plan, within the area to be subdivided, and the width, location, grades and street profiles of all streets or other public ways proposed by the developer.
 - (15) The names of all proposed streets, which names shall be the same as the names of the streets of which they are continuations or, if not continuations, shall be from list supplied by the Planning Board.
 - (16) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
 - (17) A typical cross section of the proposed rights-of-way showing the horizontal and vertical relationship of the proposed improvements to be placed thereon. Also the preliminary layout should show the proposed location of streetlighting and signposts.
 - (18) Proposed lot lines, with approximate dimensions, and areas in square feet.
 - (19) A typical plot plan indicating the general location of buildings to be erected by the developer, where required by the Planning Board.
- E. Where the topography is such as to make difficult the inclusion of required public improvements with the public area so proposed, the preliminary layout shall show the boundaries of proposed easements over, under or through private property. Permanent easements shall be not less than 20 feet in width and shall provide satisfactory access to an existing public highway or other public open space shown upon the layout.
- F. Preliminary designs of any required bridges or culverts shall be submitted with the preliminary layout.
- G. The accompanying map of the Planning Board, upon which the proposed subdivision has been superimposed, in addition, should show the following:
- (1) The location of existing schools and the approximate distances therefrom to the proposed subdivision.
 - (2) The location of any existing public parks or playgrounds and the approximate distance therefrom.
 - (3) The location of the nearest firehouse and the approximate distance therefrom.
 - (4) Any existing public transportation facilities in the vicinity, indicating the nature thereof and the approximate distance therefrom.

§ 171-21. Subdivision plat.

The subdivision plat shall be accompanied by a certificate of title in the applicant and shall show, in addition to the requirements of the foregoing sections, the following:

- A. The subdivision plat submitted for approval and subsequent recording shall be clearly and legibly drawn in India ink upon tracing cloth. The size of the sheets shall be 24 inches by 36 inches. The drawings shall be at a scale no more than 100 feet to the inch. When more than one sheet is required, an additional key sheet shall be filed showing, upon a reduced scale, the entire subdivision on one sheet with lot and block numbers.
- B. Sufficient data to enable any engineer or surveyor to determine readily the location, bearing and length of every street line, lot line and boundary line and to reproduce such lines upon the ground. These should be tied in, where possible, to reference points previously established by a public authority or by a licensed surveyor on adjacent developments.
- C. The length of all straight lines and the bearings, radii, length of curves and central angles of all curves, tangent distances and tangent bearings shall be given for each street. All dimensions shall be shown in feet and decimals of a foot. Lot areas shall be given in square feet.
- D. By proper designation thereon, all public open spaces for which deeds of cession are included, and those spaces, title to which is reserved by the developer, shall be shown. For any of the former, there shall be submitted, with the final subdivision plat, copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.
- E. In residence districts, the subdivision shall be laid out in building plots which shall not violate the requirements of the applicable zoning use district or districts for such subdivision.
- F. The number of lots and blocks within a subdivision shall conform to the requirements of the Planning Board.
- G. Permanent reference monuments should be shown and their location noted and referenced upon the plat. Monuments shall be set at all points required by the Planning Board.
- H. Elevations of street intersections and all breaks in grades based on approved datum and interim gradients shall be shown.
- I. Catch basins, manholes and drainage pipe with invert elevations shall be shown.
- J. The proposed subdivision plat shall be properly endorsed and approved by the County Health Department, as required by the County Sanitary Code, before any public hearing is scheduled. All requirements of the Planning Board mentioned heretofore shall be met before Health Department approval is sought.
- K. No changes, erasures, modifications or revisions shall be made in any subdivision plat after approval has been given by the Board and endorsed, in writing, on the plat, unless said plat is first resubmitted to the Board. 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 shall institute proceedings to have the plat stricken from the records of the County Clerk.
- L. Approval endorsement.
 - (1) Every subdivision plat submitted to the Board for its approval shall carry the following endorsement:

Approved by resolution of the Planning Board of the Village of Buchanan, New York, on the __ day of _____, 19 __, subject to all requirements and conditions of said resolution. Any change, erasure, modification or revision in this plat, after the above date, shall void this approval. Not valid for filing after _____, 19 _____. Signed this _____ day of _____, 19 __, by

Chairman

Secretary

- (2) Officers authorized to sign plat. The authorized officers of the Board, for the purpose of signing approved subdivision plats, shall be the Chairman or Vice Chairman and the Secretary.
- M. Upon approval, the Planning Board shall be furnished with two sepia reproducible on cloth and six prints of each approved subdivision.
- N. A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of Article XIV of Chapter 211 of this Code shall be required for Preliminary Subdivision Plat approval. The SWPPP shall meet the performance and design criteria and standards of the aforementioned article. The approved Preliminary Subdivision Plat shall be consistent with the provisions of this chapter.

§ 171-22. Construction details sheet.

- A. The construction details sheet shall be drawn at the same scale as the subdivision plat. Four copies shall be submitted.
- B. The construction details sheet shall be prepared by a professional engineer and shall conform to the accepted standards of engineering practice as to form of presentation.
- C. The information to be shown on the construction details sheet shall include:
- (1) Layout of street pavement and appurtenances.
 - (2) Layout of underground utilities and appurtenances.
 - (3) Profile of finished grade of streets showing the location of underground appurtenances.
 - (4) Typical details of drainage structures such as culverts, manholes and catch basins.
 - (5) Typical street cross sections showing the manner of construction.
 - (6) Additional sketches or notes indicating character and design of other facilities required.
- D. The original of the construction details sheet shall be signed by the developer and approved by the Planning Board. Said signed copy will be retained by the Planning Board.

§ 171-23. Reimbursement for Village services. [Amended 4-18-2005 by L.L. No. 1-2011]

- A. Each and every developer shall be required to reimburse the Village for engineering services required for checking and inspection of the installation of all utilities, pavement, drainage, etc.
- B. The Planning Board, in its review of an application for preliminary layout or final subdivision approval, or preliminary or final site development plan approval as described in Chapter 171 or Chapter 211, may refer any such application to such engineering, environmental or other technical consultant as the Planning Board shall deem reasonably necessary to enable it to review such

application as required by law. The charges made by such consultants shall be in accordance with charges usually made for such services in the metropolitan New York region or pursuant to an existing contractual agreement between the Village and such consultant. The applicant shall reimburse the Village for the cost of such consultant services upon submission of a copy of the voucher therefor. Such reimbursement shall be made prior to any Board action on the preliminary or final subdivision or site development plan application. Any reimbursement of fees for professional consultant services rendered may be extended for one period of 90 days upon written request made by the applicant demonstrating good cause as may be determined by the Planning Board. However, in no event shall any action or approval on any such pending application be determined until any and all such reimbursements have been made in full by the applicant.

ARTICLE VI. When Effective; Amendments

§ 171-24. Approval by Planning Board required.

This chapter shall be in effect after its adoption by the Planning Board and approval by the Village Board, as provided by law.

§ 171-25. Amendments.

This chapter may be amended by the Planning Board, provided that the same procedure is followed for such amendment as in the case of its original adoption and approval.

ARTICLE VII. Penalties for Offenses

[Added 10-4-1976 by L.L. No. 4-1976]

§ 171-26. Penalties for offenses.

- A. Any person violating any provisions of this chapter shall be punishable by a fine not exceeding \$250.
- B. The imposition of penalties herein prescribed shall not preclude the Village or any person from instituting appropriate legal action or proceedings to prevent an unlawful subdivision or to strike a filed map or to invoke any of the remedies contained in any covenant or instrument conditioned upon the approval of said plat.

