

PART II – SUBDIVISION REGULATIONS

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ARTICLE I – ENACTMENT AND APPLICABILITY

Section 1 – Enactment

- A. The Village Board of the Village of Sharon Springs in the County of Schoharie, New York does hereby ordain and enact the Village of Sharon Springs Subdivision Regulations under and pursuant to the Municipal Home Rule Law and in accord with Article 7 of Chapter 892 of the Village Law of the State of New York.

Section 2 – Title

- A. This Local Law shall be known and may be cited as the “VILLAGE OF SHARON SPRINGS SUBDIVISION REGULATIONS”.

Section 3 – Purpose

- A. It is the purpose and intent of these Regulations to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Village of Sharon Springs. This means, among other things, that:
1. land to be subdivided shall be in accord with the Village Land Use Plan in its present state of completion;
 2. land shall be of such character that it can be used safely for building purpose without danger to health, or peril from fire, flood or other menace;
 3. proper provision shall be made for surface and subsurface drainage, water supply, sewerage and other needed improvements;
 4. all proposed lots shall be so laid out and of such size as to be in harmony with the capability of the land and water resources to support such development;
 5. the proposed streets shall compose a convenient system conforming to the Village Plan, as such exists at the time, and shall be of such width, grade and location as to accommodate the prospective traffic and to facilitate fire protection and other services that would need to be provided; and
 6. proper provision shall be made for recreation, open space and conservation considerations.

Section 4 – Scope

- A. Pursuant to the Village Law, Article 7, Sections 7-728, 7-730, 7-732, 7-738 and 7-740 as recodified by Chapter 892 of the Laws of 1972 and acts amendatory thereto, and in accord with the provisions of the Municipal Home Rule Law, these Regulations authorize and empower the Planning Board of the Village of Sharon Springs to conditionally approve Preliminary Plats and to approve Final Plats according to the process and standards set forth herein.
- B. These Regulations shall apply to the division of any parcel of land as herein defined and shall be applicable to any entirely or partially undeveloped plat filed with the Clerk of Schoharie County prior to the effective date of these Regulations
- C. Any subsequent enactment of Zoning Regulations affecting a previously filed or otherwise eligible subdivision plat shall entitle the subdivider to the applicable exemption from those Zoning Regulations as provided for under Section 7-708 of the Village Law.

Section 5 – Definitions

- A. Terms and words used herein are as defined in Appendix ‘C’ of this Code which is hereby made a part of these Regulations.

ARTICLE II – APPLICATION AND REVIEW PROCEDURE

Section 6 – Pre-Application Conference and Sketch Plan

- A. Prior to the filing of an application for conditional approval of a Preliminary Plat, the subdivider or his agent may appear and submit a Sketch Plan and accompanying information as provided in Appendix ‘B’ with a request for informal consideration by the Planning Board and for an expression of its views. No formal application is thereby required.
- B. The purpose of such appearance and submission of information and data is primarily to afford the subdivider an opportunity to consult informally and at an early stage with the Board with a view toward conserving the time and expense of the subdivider and creating mutual opportunities for an exchange of information that will aid in assuring a desirable subdivision in the public interest.

Section 7 – Formal Application

- A. Whenever any subdivision of land as herein defined is proposed to be made and following any Pre-Application Conference and review of the Sketch Plan, the subdivider shall apply in writing to the Planning board for approval of such subdivision.
- B. There shall be filed with the Board a Preliminary Plat of the entire property for conditional approval and subsequently thereto a Final Plat for approval and signing as hereinafter specified.
- C. Required information to be included in the application for a Preliminary and Final Plat is as stipulated in Appendix ‘B’ of this Code which is hereby made a part of these Regulations.

Section 8 – Preliminary Plat – Submission and Consideration

- A. Content – Following any Pre-Application Conference, the subdivider shall cause to be prepared a Preliminary Plat which shall consist of as a minimum, those items of information called for in Appendix ‘B’ unless any of these are specifically waived by the Planning Board.
- B. Submission – Three (3) copies of the Preliminary Plat and supplementary material required shall be submitted to the Clerk of the Planning Board with written application for conditional approval of the Preliminary Plat not less than seven (7) days prior to a regularly scheduled Board meeting, which meeting date shall be the date of submission.
- C. Referral and Response – Shall be according to the following:
 - 1. Whenever any proposed subdivision is located within five hundred (500) feet from any boundary of an adjoining municipality or the boundary of any state or county property or easement, including highway right-of-way, a copy of the application for conditional approval of the Preliminary Plat shall be referred to the Schoharie County Planning Board under the provisions of Section 239-h-n of the General Municipal Law where such is required by this section.
 - 2. In the instance of such referral, the County Planning Board shall have thirty (30) days in which to report its recommendation to the Board. Failure of the County Planning Board to report within thirty (30) days may be construed to be approval by that Board.

- D. Action – Shall be according to the following:
1. Within sixty (60) days of the date submission, the Planning Board shall conditionally approve, with or without modification, or disapprove the Preliminary Plat. Failure of the board to act within such sixty (60) day period shall constitute conditional approval of the Preliminary Plat. Notwithstanding the foregoing, the time within which the Board must act may be extended by mutual, written consent of the applicant and the Board.
 2. If the County Planning Board recommends disapproval or modification on any matter referred to them, the Board shall not approve such application, other than in accord with the recommendation, except by a vote of a majority plus one of all the members of the Board after adoption of a resolution setting forth their reasons. Whatever the final action of the Board, where referral under Section 239 of the General Municipal Law is called for, the County Planning Board will be notified of the same within seven (7) days following such action.
 3. Any conditional approval, required modification and the reasons therefor, or disapproval and the reasons therefor, shall be stated in the record of the Board, and the applicant so notified with a copy certified to by the Clerk of the Board within five (5) days from the date of action taken.

Section 9 – Final Plat – Submission and Consideration

- A. Content – The Final Plat shall conform substantially to the Preliminary Plat as conditionally approved. If desired by the subdivider, the Final Plat may constitute only that portion or section of the conditionally approved Preliminary Plat which he proposes to record and develop at the time, provided however, that such portion conforms to all requirements of these Regulations. Application for approval of the Final Plat shall be accompanied by three (3) copies of the Final Plat as required in Appendix ‘B’ and shall be submitted to the Clerk of the Planning Board at least seven (7) days prior to a regularly scheduled Board meeting, which meeting date shall be the date of submission.
- B. Submission – The Subdivider shall, within six (6) months after conditional approval of the Preliminary Plat, file with the Planning Board an application for approval of the Final Plat; otherwise, such conditional approval of the Preliminary Plat shall become null and void unless an extension of time is applied for and granted by the Board. Any conditionally approved Preliminary Plat, of which only a portion or section is submitted as a Final Plat, shall not be null and void after six (6) months so long as each subsequent phase is submitted for Final Plat approval in accord with a previously established timetable.
- C. Referral and Response – Any proposed subdivision previously referred to the County Planning Board under the General Municipal Law, Section 239-h-n at the Preliminary Plat stage. In the instance of such referral, the County Planning Board shall have thirty (30) days in which to report its recommendation to the Board. Failure of the Board to report within thirty (30) days may be construed to be approval by that Board.
- D. Public Hearing – A public hearing shall be held by the Planning Board on the Final Plat. The public hearing shall be properly advertised in a newspaper of general circulation in the Village and the notice of hearing posted in three (3) prominent places at least five (5) days prior to the date of hearing.
- E. Action – Shall be according to the following”
1. The Board shall, by resolution, approve, modify and approve, or disapprove the Final Plat within sixty (60) days of the date of submission. Upon failure of the Board to act within

the prescribed period of time, the Final Plat shall be deemed approved and the Village Clerk shall issue a certificate indicating the date of submission and the failure of the Board to take action within the prescribed time, such certificate to be sufficient in lieu of written endorsement or other evidence of approval. Notwithstanding the foregoing, the time within which the Board must act may be extended by mutual, written consent of the applicant and the Board.

2. If the County Planning Board recommends disapproval or modification, the Board shall not approve such subdivision, other than in accord with the recommendation, except by a vote of a majority plus one of all the members of the Board after adoption of a resolution setting forth their reasons. Whatever the final action of the Board, where referral under Section 239 of the General Municipal Law is called for, the County Planning Board will be notified of the same within seven (7) days following such action.
 3. Upon resolution of the Board to approve, or modify and approve, the Final Plat, the Chairman of the Planning Board shall be authorized to sign the Plat subject to such modifications as may be stipulated in the resolution. The Final Plat shall not be signed by the Chairman until either Paragraph F-1 or 2 is complied with as required hereunder.
 4. Any approval, including any required modification, and the reasons therefor, or disapproval and the reasons therefor, shall be stated in the records of the Board, and the applicant so notified with a copy certified to by the Clerk of the Board within five (5) days from the date of action taken.
- F. Required Improvements – Within the time specified in the resolution granting approval, such time not to exceed ninety (90) days, the applicant shall either:
1. In an amount set by the Planning Board file with the Village Clerk either a certified check or a performance bond to cover the full cost of the required improvements. Any such bond shall be satisfactory to the Village Board and Village Attorney as to form, sufficiency, manner of execution and surety. A period of one (1) year or such other period as the Planning Board may determine appropriate, not to exceed three (3) years shall be set forth in the bond within which time required improvements must be completed; or
 2. Complete all required improvements to the satisfaction of the Enforcement Officer and Planning Board and file with the Board a letter and required drawings signifying the satisfactory completion of all such required improvements. For any required improvements not so completed and approved, 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, in accordance with the requirements of paragraph 1. Above.
- If the subdivider elects to provide a bond or certified check for all required improvements as specified in sub-paragraph F-1., such bond or check shall not be released until satisfactory As-Built Drawings are approved. If however, the subdivider completes all required improvements according to sub-paragraph F-2., then As-Built Drawings shall be submitted and approved prior to signature of the Final Plat by the Planning Board Chairman.
- G. Signature and Filing – Shall be according to the following:
1. Upon satisfactory completion of the above requirements, the Chairman of the Planning Board shall affix his signature to the Final Plat, which signature shall execute and be evidence of the prior resolution of approval of the Final Plat.

2. Within (90) days from the date of resolution granting approval to the Final Plat, or from the date of issuance of a certificate issued by the Village Clerk noting failure of the Board to act within the prescribed time, the Final Plat or approved sections thereof shall be duly filed by the applicant in the office of the Schoharie County Clerk.
3. Within thirty (30) days from the date of filing with the Schoharie County Clerk, the Final Plat or filed sections thereof shall be filed with the Village Clerk.
4. In the event that the approved Final Plat is filed in sections, each section shall constitute at least ten (10) percent of the total number of lots contained in the Final Plat and all sections subsequent to the first shall be filed prior to the date of expiration of any exemption provided for under Article 1, Section 4 of these Regulations.
5. The Planning Board may extend the time requirement for filing the Final Plat and the time within which improvements shall be completed or a performance bond filed, where in their opinion it is warranted, for a period not to exceed two (2) additional periods of ninety (90) days each.

Section 10 – Coordination With Zoning Regulations

- A. Under and pursuant to the provisions of Section 7-738 of the Village Law, the Planning Board may, at its discretion, entertain as part of the application for any Preliminary and Final Plat, a request to adjust the applicable Zoning Regulations of the Village coincidental with its review and approval of any subdivision plat.
- B. The purpose of this provision is to introduce flexibility in the design of a subdivision in a manner consistent with the public interest, the wise use of the land, and the efficient provision of services. The use of this provision shall in no way be contrary to the Village Plan or the purpose and intent of these or the Zoning Regulations.
- C. Such adjustment of the Zoning Regulations shall not result in a greater number of building lots or dwelling units than would be allowable under the Zoning Regulations and no change in the types of uses or activities provided for in the zoning district shall be allowed for under this provision.
- D. Any Final Plat approved, signed and filed which has included any adjustment to the Zoning Regulations allowed for under this provision shall be filed as required with the Village Clerk who shall make appropriate notation thereof in the affected Zoning Regulations.

ARTICLE III – MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS

Section 11 – General

- 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 and shall be in keeping with the objectives of the Village Plan. All standards set forth herein are required minimum standards and where conditions warrant the Planning Board may call for such additional measures as are reasonable and appropriate under the circumstances.

Section 12 – Natural Features

- A. The utmost consideration shall be given to existing natural features of both the subdivision and adjoining lands and every effort shall be made to preserve and design with appropriate recognition to existing land forms, tree cover, waterways, shorelines, vistas and other exceptional physical characteristics. These shall be shown as required in Appendix 'B'.

Section 13 Monuments

- A. The tract boundary lines, and the lines of all streets or roads shall be monumented with concrete, stone or iron monuments with monument caps. Individual properties shall be monumented with iron pins or pipe. All monuments shall be in place and capable of being located prior to the Chairman affixing his signature to the Final Plat.

Section 14 – Roadways

- A. General – All roadway and related construction whether to be offered for dedication or not shall be the responsibility of the subdivider unless otherwise indicated and shall be in accord with the following criteria.
 - 1. The arrangement, character, extent, width, grade and location of all streets shall conform to the Village Plan as such exists at the time, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed uses of the land to be served by such streets.
 - 2. The arrangement of streets in a subdivision shall provide for the continuation, if appropriate, of residential streets in the surrounding area and be such as to compose a convenient system both for the subdivision and connections to the existing highway system.
 - 3. Minor streets shall be so laid out that their use by through traffic will be discouraged.
 - 4. Where a subdivision abuts, contains or has access to an existing or proposed major traffic artery, the Board may require a frontage street or reverse frontage with screen –planting contained in a non-access reservation along the property line or such other treatment as may be necessary for adequate protection of both the subdivided properties and the scenic qualities of the Village and to afford separation of through and local traffic.
 - 5. No street or highway names shall be used which will duplicate or be confused with the names of existing streets or highways in the Village. Street names shall be subject to the approval of the Board.
 - 6. Every street shown on any Plat that is hereafter filed or recorded in the office of the County Clerk shall be deemed to be a private street until such time as it has been formally offered for cession to the Village and formally accepted as a public street by resolution of the Village and formally accepted as a public street by resolution of the Village Board; or alternatively until it has been condemned by the Village for use as a public street.
- B. Design Considerations – Shall be as follows:
 - 1. Street jogs with center line offsets of less than one hundred fifty (150) feet shall not be permitted.
 - 2. The length of a tangent between reverse curves on major and collector streets shall be a minimum of two hundred (200) feet; and on minor streets a minimum of one hundred (100) feet.
 - 3. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than seventy-five (75) degrees and all streets shall join each other so that for a distance of at least one hundred (100) feet the street is approximately at right angles to the street it joins.

4. Street grades shall conform as closely as possible to the natural topography and further, shall be not less than one-half of one (0.5) percent nor more than ten (10) percent.
5. Dead-end streets shall not be permitted, except as provided herein:
 - a. A closed turn-around or cul-de-sac street may be permitted where no through connection is possible or desirable providing it is designed with a turn-around having an outside roadway diameter of at least one hundred (100) feet and a street right-of-way line diameter of at least one hundred fifty (150) feet.
 - b. A wye may be used as a temporary measure provided a turning area sixty (60) feet wide and sixty (60) deep shall be provided.
6. The classification of roadways shall be as determined by the Planning Board. Street rights-of-way and pavement or improved surface area shall have the following widths:

Classification	Min. Right of Way	Min. Pavement OR Improved Surface Area
Major	75'	40-44'
Collector	60'	36-40'
Minor	50'	18-28' + curbing or two 5' Shoulders

C. Construction Considerations – Shall be as follows:

1. The road bed shall be approved before any gravel is placed upon it and the finished graveled roadway shall be approved before construction of the double surface treatment. This approval must be in writing from the Enforcement Officer.
2. Each street or road shall have been compacted with suitable run of bank gravel to a depth of twelve (12) inches, size of stone not to exceed two (2) inches in diameter, extending fourteen (14) feet in each direction from the center line of said street or road so that each street or roads shall have been so constructed that the same is comprised of a bed constructed of compacted gravel to a width of twenty-eight (28) feet. No gravel shall be laid on any roadway unless the type of gravel shall have been approved by the Enforcement Officer. In addition the Planning Board may, in any case where the nature of the soil over which a street is to be laid out requires special construction, designate that the subdivider build said carriage way with a base of cinders or gravel or crushed stone and box it with run-of-bank gravel to a greater amount and extent than twelve (12) inches as above set forth.
3. The surface course shall consist of a double surface treatment of oil and stone (in accordance with New York State Department of Transportation Specification 55B). In addition the Board may require an asphaltic concrete pavement surface when it determines such is needed based on the following:
 - Whether access is to year-round or seasonal uses;
 - The street classification and the type and volume of anticipated traffic; and
 - Schedule for completion in sections and/or in its entirety.
4. Proper drainage facilities shall be installed where required. Reinforced concrete pipe or corrugated metal pipe shall be used throughout for all culverts or surface drains. Drainage shall be according to one of the following: 1) ditch – a minimum of twenty-four (24) inches below the finished center line; 2) a concrete or asphalt gutter; 3) a concrete or

asphalt curb with storm sewer; or such combination of the above to be determined by and acceptable to the Board.

5. In the installation of any reinforced concrete pipe used for culverts, surface drains or sluices, the subdivider shall build, if so requested by the Board, a concrete head wall sufficiently footed into the subsoil so as to prevent the heaving of said culvert by frost or otherwise.
6. Catch basins, manholes, seepage drains, reinforced concrete pipe or other drain appurtenances and all under drains shall be installed or constructed in accordance with the direction and requirements of the Board and shall vary in size as conditions may require and shall be connected from basins or manholes to the proper lines and grades in such a manner as directed by the Board and all such under drains shall connect with piping or ditches leading to a live stream, where feasible, as required by the Board.
7. Where curbs exist on abutting properties, their extension by the subdivider shall be required throughout the proposed subdivision. All curbs shall be approved by the Planning Board. Where curbs are not required, adequate gutters shall be graded and protected by seeding or appropriate surfacing by the developer.
8. The shoulder shall be constructed with a one (1) inch per foot pitch and a minimum of five (5) feet in width. The paved area should consist of two (2) nine-foot lanes on twelve (12) inch gravel base with double surface treatment pitched at a minimum of three-eighths (3/8) inch per foot.
9. No roadside areas within the right-of-way will exceed a one on three slope without appropriate for stabilization.
10. The Planning Board may require such sidewalks as it deems necessary to provide for the safety of pedestrians. Concrete sidewalks at least four (4) feet wide and four (4) inches thick shall be installed where required, as specified by the Planning Board.

Section 15 – Blocks

- A. The lengths, widths and shapes of blocks shall be determined with due regard to:
 1. The type of development proposed;
 2. Zoning requirements as to lot sizes and dimensions, if any, and to the requirements of these Regulations;
 3. Need for convenient access, circulation, control and safety of street traffic, with particular attention to limitation of the number and location of points of ingress and egress; and
 4. Limitations and opportunities of topographic and other site characteristics.
- B. Where the subdivision is laid out in conventional block form, block length shall generally not exceed fifteen hundred (1,500) feet, nor be less than seven hundred fifty (750) feet. Block width shall generally be two lots deep.

Section 16 – Lots

- A. The lot size, width, depth, shape and orientation, and the building setback lines shall be appropriate for the location of the subdivision, topographical conditions and for the type of development and use contemplated.

- B. Minimum lot size and lot width shall be in accord with the requirements of the Village Zoning Regulations, if any. In addition, all lots shall have area and width equal to minimum requirements of the State or County Health Department as may be applicable.
- C. The subdividing of land shall be such as to provide each lot with frontage on an improved street, with satisfactory access to an existing public street.
- D. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets in accord with front yard setbacks as established by the Zoning Regulations, if any, or as otherwise stipulated by the Board.
- E. Double frontage lots with access to two streets shall not be approved.
- F. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
- G. Off-street parking space shall be required for all uses. In the case of dwellings, at least one hundred eighty (180) square feet of off-street parking space per dwelling unit shall be provided back of the building setback line, plus access drive and maneuvering space.

Section 17 – Grading and Drainage

- A. Storm and surface water drainage shall be designed for the tract in relation to the drainage area above the tract and drainage outlets into adjacent tracts. Drainage systems must be sufficient to handle discharge from the entire drainage area whether inside or outside the subdivision, based on a fifty (50) year storm. No subdivision shall be approved where anticipated runoff incident to the subdivision development will overload existing downstream facilities during a fifty (50) year storm.
- B. The cost of a facility in excess of that for the particular subdivision shall be as determined by the Board and may be prorated among upstream property owners and the Village or Town.
- C. Drainage structures and facilities shall be installed as necessary to assure adequate drainage for the tract, and drainage easements shall be provided, where necessary.
- D. The subdivider shall allow no holes, depressions or other undrained areas to remain, except such wet areas as may be natural features which shall be protected as such at the direction of the Board.

Section 18 – Easements

- A. Adequate easements centered on rear or side lot lines shall be provided for utilities, where necessary. A minimum easement width of fifteen (15) feet is required.
- B. Where a subdivision is traversed by a water course, drainageway, channel or stream, there shall be provided a storm-water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose, as determined by the Board.
- C. A pedestrian right-of-way or easement not less than twelve (12) feet wide, in addition to any street, shall be provided where required by the Board to provide safe circulation, or access to schools, playgrounds and other community facilities.
- D. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easement shall be cleared and graded, where required.

- E. Reverse strips controlling access to streets, water or sewage mains, lines or treatment plants, or other land dedicated or to be dedicated to public use shall be prohibited unless control thereof is expressly placed in the Village under conditions approved by the Board.

Section 19 – Utilities

- A. Sewage Disposal System – If, in the opinion of the Board, a subdivision can be reasonably served by the extension of a public sanitary sewer or by a community system, the developer shall provide sanitary sewers and laterals for each lot for such service. Community disposal systems must conform to standards and inspections by the County or State Health Department, as may be applicable. Where public or community sanitary sewers are not feasible, the developer shall provide specifications including location for installation of individual systems for each lot in accordance with State and local requirements upon specific approval by the Planning Board.
- B. Water Supply – If, in the opinion of the Board, a subdivision can be reasonably served by the extension of a public or community water supply system, the subdivider shall connect each lot at the property line with the public or community supply system. Community water supply systems, where provided, must conform to standards and inspection by the State or County Health Department, as may be applicable. Where public or community water supply is not feasible, the developer shall provide specifications including location for installation of individual systems for each lot in accordance with State and local requirements upon specific approval by the Planning Board.
- C. Other Utilities – Electric, telephone and other available utilities shall be arranged for by the subdivider and shall be placed underground wherever it is practical to do so.
- D. Utilities shall be located in accord with the Pacific Service Commission guidelines and as approved by the Planning Board. The Board shall require, wherever possible, that underground utilities be placed in the street right-of-way between the street surface and the street right-of-way line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is surfaced.

Section 20 – Street Lights, Trees, Signs and Screening

- A. Street lights shall be arranged for by the subdivider where appropriate, as determined by the Planning Board, and be of the type and at such interval as specified by the Board.
- B. Street trees are to be the responsibility of the subdivider. Preservation of existing trees and location and type of new trees shall be approved by the Board.
- C. The area between the drainageway and the property line shall be seeded and otherwise improved by the subdivider and maintained by the owner.
- D. Street name signs shall be provided by the Village, unless otherwise agreed upon by the Village and the applicant.
- E. When so required by the Board, screen-planting or other appropriate buffer not less than ten (10) feet wide, may be required along the line of lots between the subdivision and any adjoining industrial, commercial, major street, railroad or other similar use.

Section 21 – Public Sites and Open Spaces

- A. Where a proposed park, playground, school or other public use show in the Village Plan, or desirable for use as same, is located in whole or in part in a subdivision, such area shall either be dedicated to the proper public agency, or it shall be reserved for acquisition by such agency within

a specified period by purchase or other means and an agreement shall be entered into between the subdivider and the public agency regarding the time and method of acquisition, and the cost thereof.

- B. Where a subdivision is of a size and in a location so as to warrant the provision of a park or playground area to serve such subdivision, the Planning Board may require that up to ten (10) percent of the land area of such subdivision be served and improved for open space recreation purposes.
- C. If the Planning Board determines that suitable open space recreation area cannot be located in a given subdivision or it is otherwise not practical to do so, the Board may require as a condition to approval of any such plat such other or further conditions as may be authorized by law, including payment to the Village of an acceptable sum which shall constitute a trust fund to be used exclusively for open space recreational purposes designed to serve such subdivisions, including the improvement of existing facilities. In the instance that monetary payment in lieu of land and recreation improvements is made to the Village, such payment shall be based on a formula which considers the following:
 - 1. The area (in square feet or acres) of the subdivision that would otherwise be required to be dedicated to recreation or open space up to a minimum of ten (10) percent of the land area of the subdivision.
 - 2. The estimated dollar value of that amount of land based on the sale value of unimproved lots in the subdivision comparable to the amount of land that would otherwise be dedicated to recreation and open space.
 - 3. The dollar value of initial improvement and installation of facilities to adequately serve and otherwise carry out the intended recreation use for the subdivision to be served.

Section 22 – Required Adjustments

- A. If at any time following approval and filing of the Final Plat it is demonstrated that unforeseen conditions make it necessary or desirable to modify the location or design of any required improvements or installation, the Planning Board may authorize such modification provided it is within the spirit and intent of the original action and does not constitute a substantial departure from the approved and filed Final Plat.

ARTICLE IV – ADMINISTRATION AND ENFORCEMENT

Section 23 – Required Plat Approval

- A. Upon enactment of these Regulations, the Village Clerk shall file a notice of same with the County Clerk who shall thereafter file no subdivision or any part thereof except when approved and signed in accord with these Regulations.
- B. No subdivision or part thereof as herein defined shall be developed or offered for sale nor shall any lot included in such subdivision be recorded with the County until a Final Plat has been approved, signed and filed in accord with these Regulations.
- C. A fee to be determined by the Village Board shall be paid to the Village Clerk for credit to the account of the Planning Board in the General Fund when the Preliminary and Final Plat is submitted to the Board for action thereon.
- D. Approval and filing of the Final Plat shall not constitute acceptance by the Village Board of the dedication of any part of such Final Plat without separate and formal acceptance by the Village Board.

Section 24 – Waiver of Non – Applicability

- A. Where the division of separate, non-contiguous and unrelated tracts of land held in one ownership or the division of property by inheritance or other such devise are clearly not intended to be within the purview and intent of these Regulations, the Planning Board, upon application and in accord with any requirements they may establish, may authorize a waiver of non-applicability which shall release the applicant from compliance with these Regulations or a specified portion thereof for the specific action under consideration.
- B. Where the division of property does not permit the achievement of the standards or required improvements set forth in these Regulations or, where due to the special circumstances of a particular subdivision the provision of certain required standards or improvements is inappropriate and not requisite in the interest of the public health, safety and general welfare, the Planning Board, upon application and in accord with any requirements they may establish, may authorize a waiver of non-applicability for those specified and applicable portions of the Regulations, provided such departure is within the purpose and intent of the Village Plan and these Regulations.

Section 25 – Enforcement; Violation; Approval

- A. Enforcement – These Regulations shall be enforced by a person hereinafter called the “Enforcement Officer”, designated by the Village Board, who shall in no case grant any Permit where any proposed subdivision, construction or installation would be in violation of any provision of these Regulations. The Enforcement Officer shall make such inspections of the premises as are necessary to carry out his duties and no Permit or authorization to proceed shall be approved or issued by the Enforcement Officer, except in compliance with the provisions of these Regulations.
- B. Citizen Complaint – Any resident, property owner or other person of legitimate interest may file with the Enforcement Officer a complaint against any alleged violation of these Regulations. It shall be the duty of the Enforcement Officer to investigate such alleged violation and to report thereon to the Village Board in a timely manner, which report shall be filed and be part of the public record of the Village.
- C. Notification and Correction – Any subdivision found to be in violation of these Regulations shall be so recorded by the Enforcement Officer and official notice to this effect shall be given to the owner of record thereof. The owner shall initiate measures to correct such noted violation within sixty (60) days from the date of notification. If any such violation is not corrected within this sixty (60) day period, or positive steps taken to initiate a process for correction, the Village may institute proceedings to compel compliance.
- D. Violations and Penalties – Shall be as follows:
 - 1. Any person or persons who commit or permit any acts contrary to the provisions of these Regulations shall be guilty of a violation thereof and, upon conviction, shall be subject to a fine not exceeding two hundred fifty (\$250) dollars or imprisonment for a period not the exceed thirty (30) days, or both.
 - 2. Each week’s (7 days) continued violation shall constitute a separate additional offense.
 - 3. In addition to the above provided penalties and punishment, the Village Board may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with, or to restrain by injunction, the violation of these Regulations.

- E. Court Review – Any person or persons, jointly or severally aggrieved by any decision of the Planning Board or any officer or department of the Village concerning a Preliminary or Final Plat may have the decision reviewed in the manner provided by Article seventy-eight of Civil Practice Law and Rules, provided the proceeding is commenced within thirty (30) days after the filing of the decision in the office of the Board. Costs shall not be allowed against the Planning Board, unless it appears to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

Section 26 – Interpretation and Effectuation

- A. Interpretation – In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements, adopted for the promotion of the public health, safety or the general welfare. Whenever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standard shall govern.
- B. Separability – The invalidity of any provision of these Regulations shall not invalidate any other provision thereof.
- C. Effective Date; Repealer – The “VILLAGE OF SHARON SPRINGS SUBDIVISION REGULATIONS” shall take effect at the time and in the manner provided by law and any existing ordinances, statutes, resolutions or laws in conflict with its provisions shall be deemed repealed upon the effective date of these Regulations.

