

PROPOSED LOCAL LAW X – 2023

A Proposed Local Law to amend the Code of the Village of Mamaroneck regarding the subdivision of land

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK AS FOLLOWS:

*(Language in strike-through ~~abcdefghijk~~ to be deleted; language in **bold** is to be added)*

Section 1.

Chapter 58 of the Code of the Village of Mamaroneck is amended to read as follows:

Chapter 58 Planning Board

§ 58-1 Establishment

The Planning Board previously established by the Code of the Village of Mamaroneck is continued.

§ 58-2 Membership

The Planning Board will consist of five members, each of whom will serve a term of five years. As provided by Local Law 7 of 2018, the Board of Trustees appoints the members of the Planning Board, fills vacancies on the Planning Board, and designates the Chair of the Planning Board.

§ 58-3 Authority

The Planning Board has the authority conferred upon it by the Code of the Village of Mamaroneck.

§ 58-3 Open Meetings

The Planning Board must comply with the requirements of the Open Meetings Law of the State of New York (Public Officers Law § 100 et seq.), even if that law does not apply because the Planning Board is acting in an advisory capacity.

Section 2.

Section 342-11(D) of the Code of the Village of Mamaroneck is amended as follows:

- D. Subdivision of a lot. ~~Where a lot is formed hereafter from part of a lot already occupied by a building, such separation shall be effected in such manner as not to impair conformity with any of the requirements of this chapter with respect to the existing building and all yards and other required spaces in connection therewith; and no~~ **The Building Inspector is not permitted to issue a permit shall be issued** for the establishment of a **principal** land use or the erection of a **principal** building on a **portion of a lot already occupied by a principal land use or principal building** ~~the new lot thus created~~ **unless that portion of the lot has been subdivided from the**

lot on which the existing building is located in accordance with Chapter 382 of this Code ~~all the requirements of this chapter are complied with by such new lot.~~

Section 3.

Chapter A348 of the Code of the Village of Mamaroneck is repealed and replaced by Chapter 382 of Part III of the Code of the Village of Mamaroneck, entitled “Subdivision of Land,” as follows:

Article I. Declaration of Policy

§ 382-1. Policy.

It is declared to be the policy of the Village of Mamaroneck to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Village. This means, among other things, that land to be subdivided must 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; that proper provision must be made for drainage, water supply, sewage and other needed improvements; that all proposed lots must be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets must comprise a convenient system conforming to the Official Map and must be properly related to the proposals shown on the Comprehensive Plan, and must be of the width, grade and location necessary to accommodate the prospective traffic, to afford adequate light and air, to facilitate fire protection and to provide access of fire-fighting equipment to buildings; and that proper provision must be made for open spaces for parks and playgrounds.

Article II. Definitions

§ 382-2. Terms defined.

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

APPLICANT

The person or entity that proposes to subdivide the land. The applicant must be either the owner of land proposed to be subdivided or the owner and the proposed developer of that land together as co-applicants.

CONSTRUCTION DRAWINGS

The drawings showing the proposed location, in plan and profile, of all details of the construction of a subdivision.

FINAL SUBDIVISION PLAT

A drawing that shows a proposed subdivision of land with all information required to be shown on a preliminary plat and the modifications, if any, required by the Planning Board at the time of approval of the preliminary plat if a preliminary plat has been approved.

FINAL SUBDIVISION PLAT APPROVAL

The signing of a final subdivision plat as required by § 382-12(C)(2)(I) pursuant to a

Planning Board resolution granting final approval to the subdivision plat after any conditions specified in a resolution granting conditional approval of the subdivision plat are satisfied. Upon final subdivision plat approval, the subdivision plat may be recorded in the office of the Westchester County Clerk.

LOT

A parcel or plot of land occupied or designed to be occupied as one principal use by one principal building and its accessory buildings, if any, including the yards or open spaces as are arranged or designed to be used in connection with those buildings.

OFFICIAL MAP

The map originally established by resolution of the Board of Trustees on January 24, 1925, under § 179-e of the Village Law of the State of New York, together with any amendments or additions to that map adopted by Board of Trustees.

PLANNING BOARD

The Planning Board of the Village of Mamaroneck.

PRELIMINARY SUBDIVISION PLAT

A drawing showing the layout of a proposed subdivision of land including, but not restricted to, road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles.

PRELIMINARY SUBDIVISION PLAT APPROVAL

The approval by the Planning Board of a preliminary subdivision plat subject to conditions set forth by the Planning Board in a resolution conditionally approving the plat. Conditional approval does not qualify a final subdivision plat for recording nor authorize issuance of any building permit before the final subdivision plat is signed as required by § 382-12(C)(2)(I) and the final subdivision plat is recorded in the office of the Westchester County Clerk.

SUBDIVISION OF LAND

The division of any parcel of land into two or more lots, plots, sites, or other divisions of land for the purpose of sale, transfer of ownership, or development. The term “subdivision” includes any alteration of lot lines or dimensions of any lots or sites shown on any previously-approved subdivision plat.

SUBDIVISION PLAT

A preliminary subdivision plat or a final subdivision plat.

VILLAGE

The Village of Mamaroneck, Westchester County, New York.

VILLAGE BOARD

The Board of Trustees of the Village of Mamaroneck.

ZONING LAW

Chapter 342 of the Code of the Village of Mamaroneck.

Article III. Approval of Plats.

§ 382-3. Authority of Planning Board to approve plats.

As provided in a resolution of the Board of Trustees of the Village of Mamaroneck adopted on June 29, 1927, as amended February 25, 1963, and October 31, 1963, and pursuant to the provisions of Article 7 of the Village Law of the State of New York, the Planning Board of the Village of Mamaroneck is authorized and empowered to approve subdivision plats for the subdivision of land within the Village of Mamaroneck.

§ 382-4. Subdivision plat required.

- A. No subdivision of land is permitted to be made, no portion of any existing lot is permitted to be sold, no subdivision plat is permitted to be filed with the Westchester County Clerk, and no permit for the erection of a structure in a proposed subdivision is authorized to be granted until the applicant has applied for and received final subdivision plat approval from the Planning Board in accordance with this chapter.
- B. The Building Inspector is not permitted to issue a permit for the establishment of a land use or the erection of a building on any lot which does not exist as a lot on a subdivision plat filed in the office of the Westchester County Clerk.

Article IV. Application, Hearing and Decision.

§ 382-5. Application for subdivision plat approval.

- A. Every application for approval of a subdivision plat must be submitted to the Director of Planning and must be accompanied by the information and documents required by this section and the fee set forth in the fee schedule established by resolution of the Board of Trustees as amended from time to time. When the Director of Planning is satisfied that the application satisfies the requirements of this section, the Director of Planning will submit the application to the Planning Board.
- B. Every proposed subdivision plat must be prepared by and bear the name, license number and seal of a professional engineer or land surveyor licensed to practice in the State of New York. If the subdivision plat proposes the installation, re-location or other modification of sewer or water mains, it must bear the seal and signature of a professional engineer licensed to practice in the State of New York.
- C. An application for approval of a preliminary subdivision plat must contain the following:
 - (1) the name and address of the property owner;
 - (2) the name and address of the applicant and the name, address, telephone number and email address of the principal contact for the applicant;
 - (3) the name, address, telephone number and email address of each consultant participating in the preparation of the application;
 - (4) ten copies of the proposed preliminary subdivision plat drawn at a scale of not more than 80 feet to the inch and containing the following:
 - (a) the title under which the proposed subdivision plat is to be recorded, with the

- name of the property owner;
 - (b) the date, North point, and scale;
 - (c) the zoning district or districts in which the land to be subdivided is located;
 - (d) the bearings and distances of property lines, buildings, watercourses, and other important topographical features;
 - (e) the names of the owners of all adjacent property;
 - (f) the locations, names and widths of existing and proposed streets, easements and lots and similar facts regarding all surrounding property to and including the nearest streets in actual use and streets intersecting such streets;
 - (g) the location and size of any existing and proposed sewers, water mains, culverts and drainpipes on the property and the connections of any such proposed utilities to existing utility systems;
 - (h) contours, showing elevations based on North American Vertical Datum 1988, at intervals of not more than two feet;
 - (i) the proposed arrangement and the approximate area, width, and length of street frontage of each lot; and
 - (j) each parcel of land proposed to be dedicated to public use.
- (2) A signed statement to the Planning Board containing the following information:
- (a) proof of ownership of the land to be subdivided;
 - (b) the nature and extent of proposed street improvements;
 - (c) the nature and extent of any recreational features, parks, playgrounds, water supply, sewerage and drainage rights-of-way and easements, retention basins and other land to be dedicated to public use and the conditions under which dedication of these features is to be made to the village; and
 - (d) a statement that the applicant will install all improvements and set all monuments shown on the subdivision plat in accordance with the standards prescribed by the department of the village having jurisdiction.
- (3) A model stormwater pollution prevention plan (SWPPP) based on a full build-out of the property consistent with the requirements of Chapter 294 of the Code of the Village of Mamaroneck (Stormwater Management and Erosion and Sediment Control).
- (4) A tree preservation plan consistent with the requirements of Chapter 318 of the Code of the Village of Mamaroneck.

§ 382-6. Environmental Impact Review.

- A. An application for a preliminary subdivision plat is not complete until a negative declaration or a notice of completion of a draft environmental impact statement with respect to the proposed subdivision has been filed in accordance with the provisions of the New York State Environmental Quality Review Act (SEQRA). The time periods

for review of a preliminary subdivision plat begin upon filing of the negative declaration or notice of completion.

- B. Any hearings the Planning Board may schedule under SEQRA must be coordinated with the public hearing on the preliminary subdivision plat.

§ 382-7. Public hearing.

- A. The Planning Board must conduct a public hearing on any application for approval of a preliminary subdivision plat. Any interested person may appear and be heard in support of or in opposition to the application. The applicant may appear or be represented by an agent or attorney.
- B. The public hearing must be held in accordance with the following provisions:
 - (1) If the Planning Board determines that the preparation of an environmental impact statement on the preliminary subdivision plat is not required, the public hearing on the preliminary subdivision plat must be held 62 days after the receipt of a complete preliminary plat by the Planning Board.
 - (2) If the Planning Board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the preliminary subdivision plat and the draft environmental impact statement must be held jointly within 62 days after the filing of the notice of completion of the draft environmental impact statement in accordance with SEQRA.
 - (3) If the Planning Board determines that an environmental impact statement is required but no public hearing is held on the draft environmental impact statement, the public hearing on the preliminary subdivision plat must be held within 62 days after the filing of the notice of completion of the draft environmental impact statement in accordance with SEQRA.
- C. Notice of the public hearing must be given in accordance with Chapter 372 (Land Use Application Notice Requirements) of this Code.
- D. The hearing on the preliminary plat must be closed by the Planning Board within 120 days after it has been opened.

§ 382-8. Standards for the approval of subdivision plats.

The Planning Board is permitted to approve a preliminary subdivision plat only if it satisfies the following standards, unless the Planning Board waives compliance with a standard as provided by § 382-10 of this chapter.

- A. The land shown on the preliminary subdivision plat must be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, drainage or other menace to neighboring properties or the public health, safety and welfare taking into consideration its location, elevation, grade and drainage and the prospective character of the development, whether dense residence, open residence, business or industrial.

- B. The lots shown on the preliminary subdivision plat must comply with the requirements of the Zoning Law. If a preliminary subdivision plat contains one or more lots which do not comply with the Zoning Law, the applicant may apply to the Zoning Board of Appeals as provided by § 7-730(6) of the Village Law of the State of New York for an area variance without the necessity of a decision or determination of an administrative official charged with the enforcement of the Zoning Law. In reviewing that application, the Zoning Board of Appeals must request the Planning Board to provide a written recommendation concerning the proposed variance.
- C. A preliminary subdivision plat containing residential units must show a park or parks suitably located for playground or other recreational purposes where and as required by the Planning Board under § 382-9 of this chapter.
- D. The preliminary subdivision plat must show adequate systems of water and sanitary sewer mains connecting with existing village mains capable of serving those systems.
- E. The streets shown on the proposed subdivision plat must:
 - (1) be of sufficient width and suitable grade;
 - (2) be suitably located to accommodate the prospective traffic, to afford adequate light and air, to facilitate fire protection and to provide access for fire-fighting equipment to buildings;
 - (3) be arranged and coordinated so as to form a convenient system conforming to the Official Map and the Comprehensive Plan; and
 - (4) be designed so that intersections with or extensions of existing streets do not create traffic hazards or congestion; and the arrangement of streets shall be properly related to any Master Plan theretofore adopted by the Planning Board.
- F. Right-of-way standards. In order to provide adequate and safe access for both pedestrian and vehicular traffic, the right-of-way must be of a width of at least as great as that of existing rights-of-way of which it is an extension, but in no case less than 50 feet.
- G. Street width. The paved width of streets must be at least as great as that of existing streets of which they are extensions, but in no case less than 24 feet. Greater width may be required for certain principal streets and highways.
 - (1) In front of areas zoned and designed for commercial use or where a change of zoning to a zone which permits commercial use is contemplated, the street width must be increased by an amount on each side deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles and to provide adequate and safe parking space for the commercial or business district.
 - (2) The Planning Board may require two connections from the subdivision to existing streets where necessary.
 - (3) Block lengths generally must not exceed 600 feet.
 - (4) When dead-end streets, either temporary or permanent, are permitted, an

approved circular turnaround must be provided, having a minimum radius of 50 feet, and must be equipped with a turnaround roadway having a minimum radius of 40 feet for the outside curb at the closed end.

- (5) Street grades and curves. Street grades are not permitted to be less than 1% nor greater than 7%, and adjoining grades must be connected by suitable vertical curves. For summit and sag curves, the design speed is not permitted to be less than 30 miles per hour, with a non-passing sight distance of 200 feet. The minimum lengths of vertical curves must be satisfactory to the Village Engineer. Intersecting street lines of corner lots must be connected by a curve having a radius of not less than 25 feet, and its roadway curbing must have a radius of not less than 25 feet, plus the width of the sidewalk area.
- H. Land deemed by the Planning Board to be unsatisfactory for habitation is not permitted to be platted for residential occupancy or for any other use that may endanger health, life, or property. Any remaining tract of land not subdivided into building lots must be provided with satisfactory rights-of-way giving means of access to existing or proposed streets. Reserve strips controlling access to public land are not permitted.
- I. Monuments, curbs, gutters, water mains, sanitary sewers, storm drains, street and other paving, streetlights and other improvements, including, if required by the Planning Board, sidewalks and street trees, fire hydrants, fire alarms and fire alarm cables, must be installed, all in accordance with this chapter and the specifications and procedures acceptable to the appropriate departments of the Village.
- J. A system of monuments must be installed by the subdivider's engineer or land surveyor during performance of the field work. All monuments must be of materials approved by the appropriate department of the Village, not less than four inches square on top and three feet in length, set with the top level at the finished ground surface. All monuments must be set five feet from the property lines unless otherwise approved by the appropriate department of the Village.
- K. The applicant must, at the applicant's expense, grade and pave all streets or other public places and must install monuments, curbs, water mains, sanitary sewers, storm drains, street signs, streetlights and all other improvements shown on the final subdivision plat or on the construction plan, in accordance with standards, specifications and procedures acceptable to the appropriate departments of the Village.
- L. The applicant must provide, at the applicant's expense, a means of disposing of all stormwater from the property consistent with the model stormwater pollution prevention plan (SWPPP) submitted as required by Chapter 294 of the Code of the Village of Mamaroneck (Stormwater Management and Erosion and Sediment Control). If the installation and use of the storm drainage system, alone or in conjunction with other prospective subdivisions of the area, will, in the opinion of the Village Engineer, overload the existing Village storm drainage system serving the area, the subdivider shall furnish a deposit or suitable bond or guaranty in an amount estimated by the Planning Board to be sufficient to pay the share attributable to the subdivision of the cost of providing adequate additional storm drainage capacity in the

Village system.

- M. Underground utilities. Electric, telephone and cable television wires must be installed underground unless the Planning Board waives this requirement at the request of the applicant upon determining that the installation of underground service will result in practical difficulty or hardship after considering the size and nature of the subdivision, unusual topographical or other natural conditions and the type of service existing in the area adjacent to the subdivision at the time of application for waiver. The Planning Board may grant a full or partial waiver and may require the installation of electric and telephone wires or poles or may require a combination of underground and overhead service. Any exemptions with respect to underground installation of electric and telephone wires must also meet the requirements of the regulations of the Public Service Commission of the State of New York. If placed in the street right-of-way, underground utilities may be required by the Planning Board to be placed between the paved roadway and street line, where possible, to simplify location and repair of the lines. The applicant must install underground service connections to the property line of each lot before the street is paved.
- N. By Local Law No. 7-2008, the Village of Mamaroneck has adopted the Westchester County Greenway Compact Plan, as amended from time to time, as a statement of policies, principles, and guides to supplement other established land use policies in the Village which the Planning Board must take into consideration as appropriate.
- O. In addition to all other requirements, for all projects within the Beaver Swamp Brook - Brentwood Brook Watershed, as indicated on the Village Map, no earthmoving or land-disturbing activities can be permitted to commence before the stormwater management plan and sediment and erosion control plan have received final approval.

§ 382-9. Reservation of recreational land; payment in lieu of land.

- A. Where a proposed park, playground, school, or other public use shown on the Comprehensive Plan is located, in whole or in part, in a subdivision, the Planning Board may request the dedication or reservation of all or part of that area within the subdivision.
- B. Reservation of parkland.
 - (1) Findings.
 - a. The provision of adequate park and recreational facilities for both active and passive recreational pursuits by existing and future residents of the Village is necessary and appropriate to their health, safety, and well-being.
 - b. New residential development will create an additional demand for both active and passive recreational facilities and areas and new facilities and areas will need to be established to meet the needs of residents occupying dwelling units that will be built after enactment hereof.
 - c. It is fair and appropriate that the new demand be borne substantially or entirely by developers of new residential properties.

(2) In order to meet the new demand created on recreational facilities, the Planning

Board must require either the dedication to the Village of Mamaroneck of land suitable for recreational and park use by the residents of the Village or payment in lieu of dedication of land if the Planning Board finds that no suitable parkland exists or can be provided as part of the subdivision.

- (3) If the Planning Board requires payment in lieu of the dedication of land for park, playground or other recreational purposes as a condition of final subdivision plat approval, the payment must be assessed in accordance with the subdivision recreation fee schedule established under Chapter A347, Fees, of this Code, except that with respect to fair and affordable residence uses and fair and deeply affordable residence uses under Article XV of Chapter 342, the payment will be as modified by § 342-103D. The final subdivision plat is not permitted to be signed as required by § 382-12(C)(2)(I) until the payment has been received by the Village.
- (4) Any monies required by the Planning Board in lieu of land for park, playground, or other recreational purposes, pursuant to the provisions of this section, must be deposited in a Village trust fund to be used by the Village exclusively for park, playground, or other recreational purposes, including the acquisition of property.
- (5) Notwithstanding the foregoing provisions, if the land included in a subdivision approval under review is a portion of the subdivision plat which has previously been reviewed and approved pursuant to §§ 7-728 and 7-730 of the Village Law, the Planning Board must credit the applicant with any land dedicated or payment made in lieu of dedication required by the previous subdivision approval, but this provision does not preclude the additional dedication of parkland or payment in lieu of dedication in connection with the re-subdivision of land previously subdivided.

§ 382-10. Waiver.

- A. The Planning Board may waive, when reasonable, any requirements or improvements for the approval, approval with modifications or disapproval of subdivisions submitted for its approval so that substantial justice may be done and the public interest secured if it finds that extraordinary and unnecessary hardships may result from strict compliance with any of the standards set forth in § 382-9, that compliance with a requirement is not necessary in the interest of the public health, safety, and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision, and that waiver is not inconsistent with the Zoning Law and will not nullify the intent and purpose of the Official Map or the Comprehensive Plan.
- B. Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not necessary to the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive those requirements, subject to appropriate conditions.
- C. In granting any waiver under this § 382-15, the Planning Board must limit the waiver to the minimum required under § 382-15(A) and must require those conditions that

will, in its judgment, secure substantially the objectives of the standards or requirements that are waived.

- D. In appropriate cases, the Planning Board may accept, as an alternative to the construction of improvements, a cash deposit, performance bond or other suitable security sufficient to cover the full cost, as estimated by the Village Engineer, of the construction of the improvements.

§ 382-11. Decision.

- A. The Planning Board must approve, with or without modification, or disapprove the preliminary subdivision plat as follows:
 - (1) If the planning board determines that the preparation of an environmental impact statement on the preliminary subdivision plat is not required, the Planning Board must make its decision on the application for preliminary subdivision approval within 62 days after the close of the public hearing.
 - (2) If the Planning Board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement must be filed within 45 days following the close of such public hearing in accordance with the provisions of the state environmental quality review act.
 - (3) If the Planning Board determines that an environmental impact statement is required but no public hearing is held on the draft environmental impact statement, the final environmental impact statement must be filed within 45 days following the close of the public hearing on the preliminary subdivision plat and within 30 days of the filing of the final environmental impact statement, the Planning Board must issue findings on the final environmental impact statement and its decision on the application for preliminary subdivision plat approval.
- B. When approving a preliminary subdivision plat subject to modifications, the Planning Board must state in writing the modifications it deems necessary for submission of the final subdivision plat.
- C. When modifying or disapproving a preliminary subdivision plat, the Planning Board must state on the record the grounds for doing so.
- D. The resolution approving the subdivision plat must require compliance with the approved tree preservation plan before a certificate of occupancy is permitted to be granted.
- E. The Planning Board must cause a copy of its resolution stating its decision with respect to the application for preliminary subdivision approval to be filed with the Village Clerk within five days of the decision.
- F. The Planning Board may revoke its approval of the preliminary subdivision plat if the applicant fails to submit a final subdivision plat within six months of the approval of the preliminary subdivision plat.

Article V. Filing of final subdivision plat and completion of subdivision.

§ 382-12. Construction drawings and final subdivision plat.

- A. If the Planning Board approves the preliminary subdivision plat, the applicant must submit construction drawings and a proposed final subdivision plat within six months of the approval of the preliminary subdivision plat. The Planning Board may extend the time to submit the construction drawings and proposed final subdivision plat by no more than six months.
- B. Construction drawings.
 - (1) The construction drawings must be prepared by and carry the signature and seal of a professional engineer registered in the State of New York.
 - (2) The construction drawings must be drawn at a scale of not more than 40 feet to the inch, with profiles at a scale of not more than four feet to the inch vertical and 40 feet to the inch horizontal, must show the proposed location, in plan and profile, of all details of construction of the proposed subdivision and must contain the following:
 - (a) the stationing of the center lines of streets and adequate reference of the center lines to monuments and other established points;
 - (b) the locations and widths of all streets, pavements, curbs, sidewalks or sidewalk areas, easements, parks, and other open spaces;
 - (c) the proposed names of all streets;
 - (d) the radii of all curves in street lines;
 - (e) the location and species of street trees if installation of street trees is required by the Planning Board;
 - (f) the location and design of streetlighting standards;
 - (g) the proposed water supply system, including the location of fire hydrants;
 - (h) the proposed sanitary drainage system;
 - (i) the proposed stormwater drainage system, with locations of catch basins and method of disposal of the collected stormwater;
 - (j) any other proposed underground utilities;
 - (k) a typical cross section of the roadway for the full right-of-way width, showing character, width and depth of pavement and subbase location of utilities, character, and dimensions of sidewalk, if required, and curb, and side slope grading;
 - (l) cross sections of intersections and other special sections showing details of surface construction.
 - (m) design of any bridges, culverts, retaining walls and other special features;
 - (n) proposed lot lines (approximate dimensions);

- (o) profiles showing original ground surface and finished street surface at center lines of all streets, percentage of grades of proposed streets, stationing and elevations of all P.C.'s, P.I.'s and P.T.'s and of proposed sewers, drains, culverts, manholes and other features, also showing invert elevations of manholes, stationing showing accurate center line distances, elevations of the original ground surface showing the nearest tenth of a foot and of fixed points to the nearest hundredth of a foot, all referred to the North American Vertical Datum 1988;
 - (p) contours of the entire plot, showing elevations, based on the North American Vertical Datum 1988, at intervals of not more than two feet; and
 - (q) for proposed subdivisions within the Beaver Swamp Brook - Brentwood Brook Watershed, as designated on the Village Map,
 - 1. the proposed sediment and erosion control plan for the entire site, including specific sequencing of each erosion control measure prepared by a New York State licensed professional engineer showing the proposed use of the site and the methods, techniques, and improvements, both during and after construction, which will be employed to control sedimentation and erosion;
 - 2. a stormwater management plan for the site, which shall be a drawing, prepared by a New York State licensed professional engineer, showing the methods, techniques and improvements, both during and after construction, that will be employed to control surface water runoff, and shall contain all surface water control calculations, with all calculations using the Type III storm distribution and following the methods prescribed in the United States Department of Agriculture Soil Conservation Service Technical Release No. 55 for the two-, ten-, twenty-five-, fifty- and one-hundred-year storm events.
- C. When notified of approval of the construction drawings as submitted or of conditional approval in accordance with conditions specified by the Planning Board, the applicant must submit eight copies of the proposed final subdivision plat with an application, in writing, for final approval by the Planning Board.
- (1) The proposed final subdivision plat must be on sheets 24 by 36 inches overall, with margins of one inch outside the ruled border lines on three sides and two-inches along the left side of the twenty-four-inch end for binding.
 - (2) The proposed final subdivision plat must be drawn at a scale of not more than 80 feet to the inch and contain the following:
 - (a) the bearing and length of all straight lines and the radii, length, and central angles of all curves along all property and street lines;
 - (b) the area of each lot, in square feet;
 - (c) the connection by proper measurement between street center lines of streets that are not continuous straight across an intersection street, both

within the subdivision and where opposite existing streets;

- (d) a system of monuments, with at least two monuments in each block, not less than 300 feet apart.
 - (e) the names of all subdivisions immediately adjacent and opposite or, if not subdivided, the names of the owners of record of adjacent and opposite property, together with map numbers as recorded in the County Clerk's office and Westchester County block index numbers;
 - (f) the title, showing name of subdivision, owner, scale, date, and North point;
 - (g) the boundaries of the properties, the lines of proposed lots, streets, parks, easements and drainage and other rights-of-way, if any, the lines of all adjoining streets, their names and exact survey location with lot numbers, obtained from the Assessor of the Town of Mamaroneck or Town of Rye, shown on each lot;
 - (h) a certificate of the licensed engineer or land surveyor who prepared the final subdivision plat that the plan is made from an actual survey;
 - (i) a statement that the plan complies with the Zoning Law;
 - (j) a certificate signed by the proper authority that the subdivision has the approval of the New York State Department of Health;
 - (k) a stormwater pollution prevention plan consistent with the requirements of Chapter 294 of this Code (Stormwater Management and Erosion and Sediment Control); and
 - (l) a statement that the final subdivision plat has been approved under authority of a resolution of the Planning Board of the Village of Mamaroneck dated _____, with places for the signature of the Chair and Secretary of the Planning Board.
- D. The proposed final subdivision plat must also be accompanied by the following, all in form satisfactory to the Village Attorney:
- (1) a written offer of dedication to the village of all streets shown to be improved; and.
 - (2) a written offer of easements as required across lots or parcels of land not covered by the offer of dedication, giving the Village the right to install, construct, reconstruct, and maintain all drains, sewers, water mains, and other services that will be maintained by the Village.
- E. If the Planning Board approves the proposed final subdivision plat, the applicant must file with the Village Engineer:
- (1) two paper copies and two mylar copies of the subdivision plat incorporating all changes required by the Planning Board;
 - (2) all deeds of dedication covering all streets, highways and other public areas shown on the proposed final subdivision plat, waiving any claim for damages

occasioned by the establishment of grades as finally approved or the alteration of the surface of any portion of the streets dedicated to conform to the grade so established;

(3) deeds of easements to the Village covering the rights-of-way, storm drains, sewers, water mains and other village services as may be required by the Planning Board, together with all bonds, deposits, insurance policies and other documents required by the resolutions of the Planning Board granting such approval; and

(4) two copies of the approved construction drawings.

F. Upon compliance by the applicant with the requirements of Subsection E of this section, the Chairperson and Secretary of the Planning Board are authorized to sign the statement on the final subdivision plat plan required by subsection (C)(2)(l). The final subdivision plat must be filed in the office of the Westchester County Clerk within 90 days of the date on which the Chairperson and Secretary sign the final subdivision plat or the approval will expire. The Planning Board may extend that time for two periods of 90 days each. The subdivision plat is effective only when it is filed in the office of the Westchester County Clerk.

§ 382-13 Performance bond or other security.

A. As an alternative to the installation of infrastructure and improvements, the applicant may submit to the Village, prior to Planning Board approval, a performance bond or other security sufficient to cover the full cost of the infrastructure or improvements, as estimated by the Village Engineer.

B. If the Planning Board authorizes the filing of the final subdivision plat in sections, as provided in subdivision seven of § 7-728 of the Village Law of the State of New York, the Planning Board may approve the final subdivision plat upon the installation of the required improvements in the section of the plat filed in the office of the Westchester County Clerk or the furnishing of security covering the costs of the improvements, but the applicant is not permitted to begin construction of buildings in any other section until the final subdivision plat for that section has been filed in the office of the Westchester County Clerk and the required improvements have been installed in that section or security covering the cost of the improvements in that section has been provided.

C. Any security provided to satisfy the requirements of this § 382-13 must be (i) a performance bond issued by a bonding or surety company; (ii) the deposit of funds in or a certificate of deposit issued by a bank or trust company located and authorized to do business in this state; (iii) an irrevocable letter of credit from a bank located and authorized to do business in this state; (iv) obligations of the United States of America; or (v) any obligations fully guaranteed as to interest and principal by the United States of America, having a market value at least equal to the full cost of such improvements, in writing, approved by the Board of Trustees as to substance and by the Village Attorney as to form, sufficiency and manner of execution and, if not delivered to the

Village, held in a Village account at a bank or trust company.

- D. Any performance bond or security agreement provided to satisfy the requirements of this § 382-13 must run for a term to be fixed by the Planning Board, but in no case for a longer term than three years, which may be extended by the Planning Board with consent of the parties to the bond or security agreement. If the Planning Board decides at any time during the term of the performance bond or security agreement that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by the security, or that the required improvements have been installed as provided in this section and by the Planning Board in sufficient amount to warrant reduction in the amount of the security, and upon approval by the Board of Trustees, the Planning Board may modify its requirements for the improvements and reduce the amount of the security so that the new amount will cover the cost in full of the amended list of improvements required by the Planning Board.
- E. If any required improvements have not been installed as provided in this section within the term of the security agreement, the Board of Trustees may declare the performance bond or security agreement to be in default and collect the sum remaining payable under that instrument and, upon the receipt of the proceeds, cause the improvements covered by the security to be installed commensurate with the extent of building development that has taken place in the subdivision but not exceeding in cost the amount of the proceeds.

§ 382-14. Completion of improvements; required submissions.

Upon completion of construction of all required improvements, the applicant must provide to the Village:

- A. the certificate of a licensed professional engineer that he has supervised the installation of all required improvements, that the improvements have been completed in accordance with the approved plans and with the standards, specifications and procedures of the appropriate departments of the Village and that all spoil, unused material and rubbish have been removed from the streets and other public places and from all undeveloped lots in the subdivision;
- B. an as-built construction drawing prepared by a licensed professional engineer showing all changes from the original construction drawing permitted by the Village Engineer to be made during actual construction, together with the location of all sewer ties and the ends of all sewer house connections and the location of all gas mains;
- C. a maintenance bond or other suitable guaranty sufficient to cover the full cost, as estimated by the Planning Board or appropriate village department designated by the Planning Board, of maintaining all required improvements and of making any repairs and improvements that may be necessary in order that, at the end of five years from completion, the improvements will conform to the requirements imposed by the Planning Board; and
- D. a certificate evidencing adequate liability insurance insuring the Village and its officers, employees, and agents against any liability for personal injury or property damage

resulting, directly or indirectly, from the construction of the required improvements or from the maintenance and repair of those improvements for five years following completion of the improvements.

Section 4.

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

Section 5.

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3) and will supersede the provisions of the Village Law to the extent that they are inconsistent with this local law.

Section 6.

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.