

CHAPTER 27

LOCAL LAW NO. 1 OF 2015

A LOCAL LAW ENTITLED
SUBDIVISION

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

SECTION 1. PURPOSE.

The purpose of this local law is to enact a subdivision chapter as part of the Village Code and to provide a procedural and substantive framework for the subdivision of land.

SECTION 2. ENACTMENT.

A **Chapter 27 of the Village Code entitled Subdivisions** is enacted, as follows:

§ 27-1. Legislative Intent.

In the interest of having orderly growth and a coordinated development of the Village, and the health, safety and welfare of Village residents, the Village Board hereby enacts this Chapter 27, setting forth regulations for the subdivision of land.

§ 27-2. Definitions.

As used in this Chapter 27, each of the following defined terms shall have the meaning indicated:

(1) **beach** - that unconsolidated earth located in the Village extending landward from the mean low water line of Long Island Sound to that line running along the toe of the cliffs running along the north side of the Village, where said cliffs intersect such unconsolidated earth or the bottom of any wall located at the toe of said cliffs.

(2) **bluff** - that land located in the Village, comprising the cliffs running along the north side thereof, located between that line running along the crest of said cliffs, or at the top of any wall at the top of said cliffs, in either case twenty-five (25) feet landward of same, and that line running along the toe of said cliffs where said cliffs intersect the beach or the top of any

wall located at the toe of said cliffs, with the understanding that where said cliffs are interrupted by a gully, the term that line running along the crest of said cliffs respecting that area where any such gully exists shall be deemed to be that straight line connecting the crests of said cliffs on either side of such gully where said cliffs start to descend to from such gully.

(3) **Business Plot** - any one of those plots, located on Overhill Road or Woodville Road, shown in Village tax records under: Section 6, Block 1, Lot 7, No. 3; Section 6, Block 1, Lot 9, No. 52; Section 6, Block 1, Lot 8, No. 54; and Section 4, Block 3, Lot 17, No. 56.

(4) **governmental entity** - a governmental or regulatory body other than the Village.

(5) **gross land area** - that land area of any plot inclusive of all land areas being part thereof, including any such areas being occupied by any of those things described in§ 27-6(4) and§ 27-6(5) of this Chapter 27, or occupied by any structure located on such plot in addition to those referenced in said§ 27- 6 (6).

(6) **major subdivision** - a subdivision other than a minor subdivision or property transfer subdivision.

(7) **minor subdivision** - a subdivision meeting the conditions set forth in§ 27-20A or§ 27-20B of this Chapter 27.

(8) **person** - any individual or entity, or combination thereof.

(9) **Planning Board** - that board serving as the Village planning board.

(10) **plat plan** - a plan showing an approved or proposed subdivision.

(11) **plot** - a parcel of land located in the Village not owned by the Village or any governmental entity.

(12) **property transfer subdivision** - a subdivision modifying any property line of a plot in such a way as not to create any plots in addition to those being reconfigured by way of any such property-line modification.

(13) **public place** - real property located in the Village, which real property is leased, owned or otherwise controlled by the Village, or proposed to be so as part of a subdivision.

(14) **public utility** - an entity providing utility services, including cable, electrical, gas, telephone, water and other such services.

(15) **Public Utility Plot** - that plot, located on the north side of North Country Road, shown in Village tax records under Section 7, Block 2, Lot 2, No. 2.

(16) **SEQRA** - New York State Environmental Quality Review Act.

(17) **steep slope** - any slope of a plot having a minimum slope of twenty-five (25) percent or greater, with a minimum area of two hundred (200) square feet and a minimum width of ten (10) feet.

(18) **street** - a right-of-way running over or abutting land located in the Village, intended to provide passage for individuals or vehicles, and to allow for the installation and operation of public utilities.

(19) **street frontage** - a property line of a plot running along a street, whether a Village street or otherwise.

(20) **structure** - as defined in the Village Zoning Code.

(21) **subdivision** - a property transfer subdivision, or a division of any plot so as to convert same into two (2) plots or more.

(22) **subdivision work** - work required to effect a subdivision, whether to be performed on any plot resulting from a subdivision or on any street abutting same, including any: demolition; landscaping; work to create a public place, relocate any structure, or to be performed on any then-existing Village street, or to build a Village street, including any work related thereto, whether located aboveground or underground, or over or under any Village street, including any curb cut, curbing, drainage facility, landscaping, lighting, signage or public utility facility; or other such things.

(23) **subdivision property** - a plot being the subject of a subdivision or an application for the approval of a subdivision.

(24) **Suffolk County Clerk** - that person serving as the Suffolk County clerk.

(25) **Village** - the Incorporated Village of Shoreham.

(26) **Village Board** - that board serving as the Village board of trustees.

(27) **Village Clerk** - that person serving as the Village clerk.

(28) **Village Code** - the Village codes.

(29) **Village Entity** - any Village board, or appointed or elected official, empowered under the Village Code or New York Village Law.

(30) **Village Engineer** - that person serving as the Village engineer.

(31) **Village Zoning Board of Appeals** - that board serving as the Village zoning board of appeals.

(32) **Village Zoning Code** - the Village zoning codes.

(33) **Village Zoning Map** - the zoning map of the Village.

(34) **Water Utility Plot** - that plot, located at the southwest corner of Briarcliff Road and Tower Hill Road, shown in Village tax records under Section 4, Block 4, Lot 5, No. 1.

§ 27-3. **Word Usage.**

For purposes of this Chapter 27:

(1) The concept of being "included" shall be deemed to embody the concept of including something by way of illustration and not limitation.

(2) The words "by the date" or words of such nature, shall be deemed to be referring to the expiration of the period running through the end of such date, and any such period referenced in this Chapter 27 shall be deemed to be a continuous period.

(3) The word "shall" shall be mandatory.

(4) Undefined terms shall be interpreted so as to give them the meaning they have in common or legal usage, so as to give this Chapter 27 its most reasonable interpretation.

(5) Any adjective modifying a defined term, or part of a defined term, including the words, "a", "any", "the", "this", "said" and "such", shall not affect the meaning of the defined term it modifies, and any defined term used as an adjective or verb shall carry the same meaning as if used as a noun, or if capitalized or pluralized, or put in the possessive form, the same meaning as if presented or used otherwise, with the understanding that any defined term having initial capitalization shall carry only the intended definition if so capitalized, unless otherwise indicated in context.

(6) The present tense shall include the future tense.

(7) The singular shall include the plural and vice versa.

(8) Wording in the disjunctive form shall be deemed to be followed by the words "as the case may be", with appropriate punctuation.

(9) Captions and headings shall be deemed to be inserted for convenience and reference only, and shall in no way be deemed to define, describe or limit the intent, meaning or scope of this Chapter 27.

§ 27-4. Power of the Planning Board.

As authorized under the Village Zoning Code, including § 7-718 of New York Village Law as referenced therein, the Planning Board shall have the power to approve, approve with conditions, or disapprove any application for a subdivision of certain plots in accordance with this Chapter 27, including the power to:

(1) Administer and enforce the provisions of this Chapter 27 and make determinations as required thereunder.

(2) Determine whether an application for a subdivision qualifies as an application for a major subdivision, minor subdivision or property transfer subdivision.

(3) Determine whether a public hearing will be required, or otherwise, if the application is for a minor subdivision or property transfer subdivision.

(4) Request additional copies of any subdivision application, or any plat plan, survey or papers related thereto, or any other information or items related thereto, with the understanding that the Planning Board shall be permitted to disregard, modify or augment the mapping and drainage requirements set forth in this Chapter 27.

(5) Request the hiring of consultants by the Village Board, whether prior to issuance of any subdivision approval, or upon or following issuance of same, to assist the Planning Board in the application review and subdivision work processes, with the understanding that the Planning Board shall be required to so request the hiring of consultants as needed to assist said board with the enforcement of the provisions of this Chapter 27, and shall be permitted to invite any such consultant to participate in meetings of said board, but only in an advisory capacity.

(6) Request information deemed necessary by said board from other Village Entities, any consultants having been hired by such entities, the fire district serving the Village, or any governmental entity, or public utility, for the proper disposition of any subdivision application.

(7) Determine whether approval of a subdivision will require a variance.

(8) Establish conditions for subdivision approval, including the requirement for the applicant to:

(a) Offer to dedicate land to the Village, as recommended by said board, including land for buffer zones, parkland and streets.

(b) Perform subdivision work at the cost of the applicant, including such work required by said board as directed by the fire district serving the Village, or any other governmental entity, or public utility.

(c) Agree to recorded easements, rights-of-way, and other covenants and restrictions, as deemed necessary by said board.

(d) Agree to cluster residential development guidelines.

(9) As related to the performance of subdivision work:

(a) Have the applicant issue performance bonds and maintenance bonds to guarantee the performance or maintenance of such work.

(b) Have the Village Engineer supervise same.

(c) Request issuance of certificates of work completion.

(10) Collect application fees, as established by the Village Board from time-to-time, including same to reimburse the Village for fees incurred for the hiring of any consultant, including the Village Engineer, any planning consultant, any consultant providing mapping-review and subdivision-work inspection services, or any other consultant.

(11) Maintain records related to all matters coming under the purview of said board as set forth in this Chapter 27, including the taking of minutes of all meetings of said board and the recording of all votes taken on any application for subdivision approval.

§ 27-5. General Requirements.

The Planning Board shall make a determination on any subdivision application brought before said board based on the following considerations:

(1) Compliance with the Village Code and Village Comprehensive Plan, including compliance with the:

(a) Area and dimensional plot requirements set forth in the Village Zoning Code.

(b) Floodplain requirements set forth in Chapter 13 of the Village Code.

(c) The requirements of Local Law No. 2 of 2006, as related to illicit discharges.

(d) Parking capacity limitations set forth in Chapter 18 of the Village Code.

(e) Steep slope requirements set forth in Chapter 27 of the Village Code

(f) The requirements of Local Law No. 1 of 2006, as related to stormwater management.

(g) Vegetation maintenance and preservation requirements set forth in Chapter 27 of the Village Code.

(2) Preservation and protection of natural resources and assets, including the beach, bluff and Long Island Sound, and animal habitats, fauna, flora, general scenic beauty, historic features, natural drainage patterns, sources of groundwater, stormwater runoff, tidal waters, unique vegetation, and wooded areas.

(3) Desirable standards for pedestrian and vehicular traffic, with the understanding that any plot resulting from a subdivision shall have frontage on, and direct access to, at least one (1) Village street, or at least one (1) street shown on the Village Zoning Map abutting Village land, whether a Village street or otherwise, which frontage shall satisfy the minimum street frontage required under the Village Zoning Code, with the further understanding that if such is not the case, the applicant shall be required, at its cost, to install whatever streets may be needed to have such street access, and to post security related thereto as required under § 27-16 of this Chapter 27, and upon completion of such work as determined by the Planning Board, the street resulting therefrom shall be offered for dedication to the Village.

(4) Provision for such facilities as are desirable adjuncts to the contemplated use, including offers of dedication of land to the Village for uses in addition to Village streets.

(5) Requirements established by the fire district serving the Village, or any other governmental entity, or public utility, involved with such application as- required under this Chapter 27, with the understanding that all public utilities shall be placed underground.

(6) Input, as shall be requested by the Planning Board, from other Village Entities.

(7) The prohibitions and restrictions set forth in §27-6 of this Chapter 27.

§ 27-6. Certain Prohibitions and Restrictions.

Except for the Water Utility Plot, which shall not be permitted to be subdivided, any plot shall be permitted to be the subject of an application for approval of a subdivision, subject to the following prohibitions and restrictions:

(1) Except for any property transfer subdivision, no Business Plot shall be permitted to be subdivided.

(2) As a condition precedent to any subdivision of the Public Utility Plot, that part of said plot located at the northeast corner thereof, connecting the main part of said plot to Woodville Road, shall not be permitted to be used for access to or from said road, and shall be kept in its natural, wooded state, as set forth in § 27 of Chapter 27 of the Village Code.

(3) No part of any plot, representing less than the entire area of such plot, shall be transferred or conveyed without the approval of the Planning Board under this Chapter 27, whether the area of such part satisfies the minimum plot requirements set forth in the Village Zoning Code, or otherwise, and if said requirements, and others set forth in § 27-5 of this Chapter 27, are not satisfied, such approval by the Planning Board shall not be given.

(4) No part of the beach or bluff shall be considered in the calculation of the area of any plot under consideration for subdivision, with the understanding that any part of the beach or bluff shall be permitted to be subdivided, subject to the provisions of this Chapter 27.

(5) No part of any natural area for recharge, public utility area, recharge basin, steep slope or street shall be considered in the calculation of the area of any plot under consideration for a subdivision.

(6) Any plot resulting from a subdivision shall have sufficient plot depth to allow any dwelling to be located on such plot in accordance with the Village Zoning Code, without encroaching upon any area located within one hundred (100) feet of the bluff.

(7) No subdivision shall result in the creation of a flag lot, being any plot having a street frontage of less than fifty (50) percent of the minimum street frontages set forth in the Village Zoning Code, with such frontage being intended to provide the primary access to such plot, as distinguished from that area of such plot on which to accommodate residency per se.

§ 27-7. Initial Meeting.

Any person seeking approval of a subdivision shall send written notice thereof to the Planning Board and Village Clerk, accompanied by that number of copies of an informal drawing, as shall be requested by the Planning Board, showing the general parameters of the subdivision, accompanied by an equal number of copies of such notice, and payment of the standard Village application fee therefor. The applicant and Planning Board shall thereafter have an informal, in-person meeting, with the understanding that:

(1) The purpose of such meeting shall be to:

(a) Better understand the parameters of the subdivision and the objectives of the applicant.

(b) Inform the applicant of potential concerns and problems so as to assist the applicant in complying with the Village Code or other requirements.

(c) Inform the applicant of any other information or items required to process the subdivision application, the amount of Village application fees, and whether any consultant will have to be engaged and the estimated cost thereof to the applicant.

(2) Any representation or statement made in any such meeting shall not be construed as limiting the power and duty of the Planning Board as set forth in this Chapter 27, with the understanding that any determination made by the Planning Board respecting any application made under this Chapter 27, as an outgrowth of any such meeting, shall be subject to the requirements of the Village Code in effect on the date of such application and any other requirements introduced by the Planning Board following such meeting.

§ 27-8. Application Submittal, Fees and Overall Process.

A. Application and Fees. Following the initial meeting referenced in § 27-7 of this Chapter 27, the applicant may file an application for approval of the subject subdivision with the Planning Board and Village Clerk, accompanied by the following for each type of subdivision application submitted:

(1) Payment of the standard Village application fee therefor, and payment of any fee to be incurred, or expected to be incurred, by the Village in hiring any required consultant, with the understanding that the applicant shall be responsible for payment of any additional consulting fees incurred prospectively by the Village during the subdivision application and subdivision work processes, including subdivision work-plan review fees and work-inspection fees as set forth in § 27-22F of this Chapter 27, with the further understanding that any overpayment of consulting fees by the applicant shall be returned to the applicant upon completion of such processes, except as otherwise set forth in said § 27-22F.

(2) As related to any application for approval of a major subdivision, that number of copies of the following plans as required under this Chapter 27:

(a) Sketch plan under § 27-9.

(b) Preliminary plat plan under § 27-10, in accordance with the mapping requirements set forth in § 27-17.

(c) Final plat plan under § 27-11, in accordance with the mapping requirements set forth in § 27-18, and drainage plan and street profile requirements set forth in § 27-19.

(3) As related to any application for approval of a minor subdivision, that number of copies of the following plans as required under this Chapter 27:

(a) Sketch plan under § 27-9.

(b) Final plat plan under § 27-11, in accordance with the mapping requirements set forth in § 27-18, and drainage plan and street profile requirements set forth in § 27-19.

(4) As related to any application for approval of a property transfer subdivision, that number of copies of the following documents as required under this Chapter 27:

(a) Sketch plan under § 27-9.

(b) One-eighth ($\frac{1}{8}$) inch scaled survey under § 27-21A.

B. Overall Process. Upon receipt by the Planning Board of a subdivision application, and plat plan or survey, as required under § 27-8A of this Chapter 27, and payment of application and consulting fees as required under § 27-BA(1) of said chapter, said board shall thereafter process such application in accordance with this Chapter 27, with the understanding that no approval of a subdivision shall be issued without compliance with the requirements of SEQRA as set forth in Chapter 10 of the Village Code and 6NYCRR Part 617 of New York Village Law.

C. Recording and Distribution of Approvals. If a plat plan or survey is approved by the Planning Board under this Chapter 27, said board shall date and stamp three (3) copies of same as being approved by said board, indicating the extent to which such approval shall be subject to satisfaction of the requirements set forth in § 27-12 through § 27-16 of said Chapter 27, and said board shall retain one (1) copy of such plat plan or survey for the files and send two (2) copies thereof to the Village Clerk, one (1) copy for the Village Clerk to be retained for the files, and one (1) for transmittal to the applicant.

§ 27-9. **Pre-Application Process/Major Subdivisions.**

A. Application Submittal. Following the initial meeting referenced in § 27-7 of this Chapter 27, any person seeking approval of a major subdivision shall file with the Planning Board and Village Clerk that number of copies of an application for same in accordance with § 27-BA of this Chapter 27, as shall be requested by said board, accompanied by an equal number of copies of a sketch plan at a scale of not less than two hundred (200) feet to the inch, providing the following information:

(1) Property lines of proposed plots and any land owned by the Town of Brookhaven abutting the subdivision property.

(2) Shortest distance from the subdivision property to the nearest street intersection.

(3) Structures located on the subdivision property and on any other property abutting, or within two hundred (200) feet of, the subdivision property.

(4) Natural features of the subdivision property.

(5) Land contours of the subdivision property and on any other property abutting, or within two hundred (200) feet of, the subdivision property.

(6) Owners of the subdivision property and any other property abutting, or within two hundred (200) feet of, the subdivision property.

(7) District, section, block and lot numbers of the subdivision property, and of each plot resulting from such subdivision, or, alternatively, a survey of the subdivision property at a scale of not less than one hundred (100) feet to the inch, stamped by a surveyor licensed in New York State.

(8) Utilities available to the subdivision property.

(9) Streets abutting the subdivision property.

(10) Location of proposed streets.

(11) Demarcation of steep slope areas.

(12) All existing restrictions on the use of land, including easements, rights-of-way, and covenants and restrictions, and district lines.

(13) Schematic indications of drainage, sewerage and water-supply systems for proposed plots.

B. Planning Board Review/Public Hearing/Report. Upon receipt by the Planning Board of a pre-application for approval of a major subdivision, said board shall review same and hold a public hearing on the application in accordance with § 27-25B of this

Chapter 27, following which said board shall issue a report to the applicant indicating whether:

(1) The application should, in fact, be processed as a major subdivision, or a minor subdivision or property transfer subdivision as set forth in § 27-20 or § 27-21 of this Chapter 27, respectively.

(2) The application complies with applicable laws, policies, regulations and standards.

(3) There are regulations by the Planning Board to be incorporated into a formal application, including the requirement for an offer to dedicate land to the Village or to apply for a variance.

(4) The Planning board has any other comments.

§ 27-10. Processing of Major Subdivisions/Preliminary Plat Plan.

A. Application Submittal. Following receipt by the applicant of the Planning Board report referenced in § 27-9B of this Chapter 27, any such applicant seeking approval of a major subdivision shall file with the Planning Board and Village Clerk that number of copies of an application for same in accordance with § 27-8A of this Chapter 27, as shall be requested by the Planning Board, accompanied by an equal number of copies of a preliminary plat plan prepared in accordance with the mapping requirements set forth in § 27-17 of this Chapter 27.

B. Cluster Development Plan. Upon receipt by the Planning Board of an application for approval of a major subdivision under § 27-10A of this Chapter 27, involving a gross land area equal to or greater than two hundred thousand (200,000) square feet, the Planning Board, as enabled under § 7-738 of New York Village Law, shall require the applicant to submit to said board and the Village Clerk that number of copies of a cluster residential development plan at a scale of not less than one hundred (100) feet to the inch, as shall be requested by said board, in addition to the documents referenced in § 27-8A(2)(b) of this Chapter 27. The preliminary plat plan submitted under § 27-10A of this Chapter 27 shall be used to calculate yield for such cluster plan, which plan shall provide for the preservation of open space equal to at least sixty-five (65) percent of the gross land area of the subdivision property. The location of plots and open space on such cluster plan shall be beneficial to both the potential subdivision residents and the public at large, with special consideration being given to the preservation of wooded areas, and existing public vistas and viewsheds along streets.

C. Planning Board Review. Upon receipt by the Planning Board of an application for approval of a major subdivision, said board shall review same and distribute copies of the application and preliminary plat plan for same to the following entities:

- (1) Consultants to be involved with the subdivision application.
- (2) The fire district serving the Village.
- (3) Other governmental entities having jurisdiction over the approval of the subdivision.
- (4) Public utilities serving the subdivision property or otherwise to be affected by the subdivision.
- (5) The Village Engineer
- (6) Any other Village Entities as shall be requested by the Planning Board, with the understanding that any such entity shall serve only in an advisory capacity.

D. Initial Approval. Upon receipt by the Planning Board of input from the entities referenced in § 27-10C of this § 27-10, said board shall make a determination on the preliminary plat plan related thereto as set forth in the following provisions of this § 27-10, and otherwise in accordance with § 7-728 of New York Village Law. If the Planning Board approves such plan without conditions, such board shall record and distribute such approval as set forth in § 27-8C of this Chapter 27, and the applicant shall proceed with the subdivision application process as set forth in § 27-10F of this § 27-10. If said board approves such plan subject to any condition, the applicant shall proceed with the application process set forth in § 27-10E of this § 27-10.

E. Approval of Modified Preliminary Plat Plan. If the Planning Board approves a preliminary plat plan subject to any condition, the applicant shall file with the Planning Board and Village Clerk that number of copies of a modified preliminary plat plan as shall be requested by the Planning Board, which plan shall be dated and stamped by an engineer or surveyor as required under this Chapter 27, licensed in New York State, satisfying such condition, and upon receipt thereof by the Planning Board, said board shall approve such plan as set forth in § 27-8C of this Chapter 27, and the applicant shall proceed with the application process set forth in § 27-10F of this § 27-10.

F. Final Approval of Preliminary Plat Plan/Public Hearing. Upon acceptance by the Planning Board of a preliminary plat plan submitted under this § 27-10, whether having been modified under § 27-10E of this Chapter 27, or otherwise, the Planning Board shall hold a public hearing on the application in accordance with § 27-25B of this Chapter 27, and otherwise with § 7-728 of New York

Village Law, and make a determination thereon. If following such hearing the Planning Board approves such application without conditions, said board shall record and distribute such approval as set forth in § 27-BC of this Chapter 27. If following such hearing the Planning Board approves such application subject to any condition, the applicant shall file with the Planning Board and Village Clerk that number of copies of a revised preliminary plat plan as shall be requested by the Planning Board, which plan shall be dated and stamped by an engineer or surveyor as required under this Chapter 27, licensed in New York State, satisfying such condition, and upon receipt thereof by the Planning Board, said board shall approve such plan, and record and distribute such approval as set forth in § 27- 8C of this Chapter 27.

§ 27-11. Processing of Major Subdivisions/Final Plat Plan.

A. Application Submittal. Following receipt by the applicant of the final approval of a preliminary plat plan as required under § 27-10F of this Chapter 27, any applicant seeking approval of a major subdivision shall file with the Planning Board and Village Clerk that number of copies of an application for same in accordance with § 27-8A of this Chapter 27, as shall be requested by the Planning Board, accompanied by an equal number of copies of a final plat plan prepared in accordance with the mapping requirements set forth in § 27-18, and drainage plan and street profile requirements set forth in § 27-19, of this Chapter 27, which plan shall be dated and stamped by an engineer or surveyor as required under this Chapter 27, licensed in New York State.

B. Planning Board Review/Initial Approval. Upon receipt by Planning Board of an application for approval of a final plat plan for a major subdivision, said board shall review same, and if said board determines that such final plat plan is not in substantial agreement with its corresponding preliminary plat plan, said board shall hold a public hearing on the application in accordance with § 27-25B of this Chapter 27, and otherwise with § 7-728 of New York Village Law, and make a determination thereon. If following such hearing, or otherwise, the Planning Board approves such application without conditions, said board shall record and distribute such approval as set forth in § 27-8C of this Chapter 27, and the applicant shall proceed with the application process set forth in § 27-14 of this Chapter 27. If following such hearing, or otherwise, the Planning Board approves such application subject to any condition, the applicant shall proceed with the application process set forth in § 27-11C of this § 27-11.

C. Approval of Modified Final Plat Plan. If the Planning Board approves a final plat plan subject to any condition, the applicant shall file with the Planning Board and Village Clerk that number of copies of a modified final plat plan as shall be requested by the Planning Board, which plan shall be dated and stamped by an engineer or surveyor as required under this Chapter 27, licensed in New York State, satisfying such condition, and upon receipt thereof by the Planning Board, said board shall approve such plan, and record and distribute such approval as set forth in § 27-8C of this Chapter 27, and the applicant shall proceed with the application process set forth in § 27-14 of this Chapter 27.

§ 27-12. Village Zoning Board of Appeals Process.

If the approval of a subdivision by the Planning Board is subject to issuance of a variance, the applicant shall file for same with the Village Zoning Board of Appeals as set forth in the Village Zoning Code, with the understanding that the Planning Board shall advise the applicant as soon as possible if any such variance will be required, and such applicant shall be permitted to pursue issuance of such variance while in process of pursuing approval of the subject subdivision.

§ 27-13. Required Determinations by Fire District/Governmental Entities/Public Utilities.

Following transmittal to any applicant of a plat plan, as required under this Chapter 27, having been approved by the Planning Board, the applicant shall diligently pursue and secure any approval related thereto required by the fire district serving the Village, or any other governmental entity, or public utility. Such approvals shall include those from Long Island Power Authority, New York State Department of Environmental Conservation, Rocky Point Fire District, Suffolk County Department of Health Services, and Suffolk County Water Authority.

§ 27-14. Final Approval of Major Subdivisions/Final Plat Plan.

Upon receipt by the Planning Board of all input from those entities referenced in § 27-10C of this Chapter 27, and all determinations required for final approval of a subdivision, including same required by the Village Zoning Board of Appeals as set forth in § 27-12 of said chapter, the fire district serving the Village, or any other governmental entity, or public utility, as set forth in § 27-13 of said chapter, and any determination required under SEQRA as set forth in Chapter 10 of the Village Code and 6NYCRR Part 617 of New York Village Law as required under

§ 10-8B of said chapter, the applicant shall file with the Planning Board and Village Clerk that number of copies of all plans, surveys or other papers, or any other required information or items, attendant to any such determination, as shall be requested by the Planning Board. If any such determination requires modification of a final plat plan, having been approved by the Planning Board, the applicant shall cause such modification to be made to such plan by an engineer or surveyor as required under this Chapter 27, licensed in New York State, and file with the Planning Board and Village Clerk that number of copies of such plan as shall be requested by the Planning Board, reflecting same, and upon receipt thereof by the Planning Board, said board shall approve such plan, and record and distribute such approval as set forth in § 27-BC of this Chapter 27, and otherwise in accordance with § 7-728 of New York Village Law, as the finally approved plat plan. Such approval shall set forth the manner and period in which any subdivision work shall be required to be performed, or any other conditions related thereto, or otherwise, and the applicant shall take the steps set forth in § 27-15 and § 27-16 of this Chapter 27.

§ 27-15. Recording with Suffolk County/Covenants and Restrictions.

Following receipt by the applicant of a finally approved plat plan, be same an approved plan per se or a survey, the applicant shall cause same to be recorded with the Suffolk County Clerk, along with any easements, rights-of-way, and covenants and restrictions related thereto, and shall supply the Village Clerk with proof of such recording and that number of copies of paper prints of such plat plan as shall be requested by the Village Clerk, and one Mylar print of same, which plan shall indicate assignment of tax map numbers. The Clerk shall thereafter retain such proof of recording and the Mylar print for the files, and send a copy of same to the Planning Board, Building Commissioner, Building Inspector and any other Village Entity having been involved with the subdivision process.

§ 27-16. Security.

A. Performance Bond/Maintenance Bond.

Upon approval of any plat plan requiring the performance of subdivision work as described or referenced in Village Law § 7-730, the Planning Board, in accordance with said § 7-730, shall require the furnishing of a performance bond, along with appropriate security, each as described in the resolution of final approval. Upon completion and approval of such work, the Planning Board in accordance with said § 7-730, shall require the

furnishing of a maintenance bond, along with appropriate security as described in the resolution authorizing release of the performance bond.

§ 27-17. Mapping Requirements for Major Subdivisions/ Preliminary Plat Plan.

As required under § 27-8A(3) of this Chapter 27, any preliminary plat plan for a major subdivision shall be prepared in accordance with the following mapping requirements, which plan shall be stamped by a surveyor licensed in New York State.

(1) Size and type of drawing:

(a) Sheet size to be either eighteen (18) inches by twenty (20) inches, or twenty (20) inches, by thirty-six (36) inches.

(b) Original drawing to be done with pencil on vellum tracing paper, with scaled dimensions and careful lettering, using uppercase letters at a minimum height of one-eighth ($\frac{1}{8}$) inch.

(c) Scale of drawing to be not more than one hundred feet to the inch and consistent with customary engineering practice.

(2) Title block:

(a) Name of subdivision.

(b) Location by postal district serving the Village.

(c) Name and address of the applicant.

(d) Name, address, license number and seal of the surveyor preparing the drawings.

(e) Total acreage of the subdivision property.

(f) Total number of proposed plots.

(g) Designation of zoning districts.

(h) The term "preliminary plat plan" to be shown on the drawing.

(3) Other notations:

(a) Date of original drawing and of any revision thereof.

(b) Scale and north point.

(c) Certification by a surveyor licensed in New York State that the topography shown resulted from an actual survey, with date of such survey indicated.

(4) Key maps at scales of six hundred (600) and one thousand (1,000) feet to the inch:

(a) Proposed subdivision streets.

(b) Surrounding existing streets.

(c) Any land owned by any governmental entity located within five hundred (500) feet of the subdivision property.

(5) Approximate property lines and owners of property abutting the subdivision property.

(6) Subdivision property lines and survey data.

(7) Other property lines:

(a) Zoning districts.

(b) The fire district serving the Village.

(8) Topographic contours at two (2)-foot intervals:

(a) Five (5)-foot intervals to be allowed in cases where there are steep slopes.

(b) Contours to extend two hundred (200) feet beyond the subdivision property.

(9) Existing site conditions:

(a) All street rights-of-way on the subdivision property and within two hundred 200 feet of such property:

(i) Location, name and width.

(ii) Center-line elevation at intersections and other critical points.

(iii) Designation as to whether streets are owned by the Town of Brookhaven or Village.

(iv) Proposed Village streets.

(b) Other rights-of-way on the subdivision property and those within two hundred (200) feet of such property:

(i) Location, identification and width.

(ii) Restrictions of use.

(c) All drainage structures located on the subdivision property and within two hundred (200) feet of such property:

(i) Location and type of structure.

(ii) Invert elevations and similar data.

(d) Other public utility structures, including gas mains, power lines and water mains located on the subdivision property, and those within two hundred (200) feet of such property.

(e) Land located on the subdivision property, or within two hundred (200) feet of such property, being subject to periodic or occasional flooding.

(f) Any part of the beach or bluff located on the subdivision property, with indication of mean high water and low water lines.

(g) Any beaches and bluffs within two hundred (200) feet of the subdivision property.

(h) Test hole data:

(i) Data, location and graphic representation of findings for all test holes, including groundwater level.

(ii) Locations to include critical points and areas where drainage structures requiring seepage are to be constructed

(iii) Special borings in problem soil areas.

(i) Historic sites and buildings, parks and public lands.

(j) Buildings and other structures located on the subdivision property and those within two hundred (200) feet of such property.

(10) Proposed site conditions:

(a) Street layout:

(i) Location, name and right-of-way width.

(ii) Proposed center-line elevation at intersections and at principal changes in gradient.

(iii) Center-line gradient shown in percent of slope.

(iv) Center-line profile at a horizontal scale of one (1) inch equaling ten (10) feet and of one (1) inch equaling fifty (50) feet.

(b) Preliminary stormwater drainage system plan:

(i) Location, capacity and type of storage structures, including approximate invert elevations of all piping, recharge basins and structures, and size.

(ii) Watershed outlines, with approximate area in square footage.

(iii) Preliminary drainage calculations in accordance with Town of Brookhaven standards.

(c) Plot layout:

(i) Plot lines and dimensions to the nearest foot.

(ii) Approximate area of each plot in square feet.

(iii) Identification of plots for special uses to be offered for dedication.

(11) Name for each proposed street located on the subdivision property, the name of any such street not to approximate or duplicate that of any then-existing Village street, or street located outside the Village abutting Village land.

(12) Any other information required by the Village Engineer, with the understanding that the Planning Board shall be permitted to disregard, modify or augment any of the requirements set forth in this § 27-17.

§ 27-18. Mapping Requirements for Major Subdivisions/Final Plat Plan.

The final plat plan shall be prepared by a surveyor licensed in New York State, showing the information referenced in this § 27-18, with bearings to the nearest twenty (20) seconds and dimensions to the nearest one-hundredth (0.01) of a foot.

(1) Size and type of drawing:

(a) Sheet size to be either eighteen (18) inches by twenty (20) inches, or twenty (20) inches by thirty-six (36) inches.

(b) Original drawing to be done with India ink on linen tracing cloth or Mylar, with computed dimensions and careful lettering, using uppercase letters at a minimum height of one-eighth ($\frac{1}{8}$) inch.

(c) Sufficient survey data to determine the location, bearing and length of every easement line, plot line, property line and street line, and to reproduce any such line on the ground.

(d) Survey to be tied into the nearest established monument in the Suffolk County system, or two consecutive points on the survey to have Suffolk County coordinates.

(e) Scale of the drawing to be not more than one hundred (100) feet to the inch and consistent with customary engineering practice.

(2) Title block to be the same as that required for the corresponding preliminary plat plan.

(3) Other notations:

(a) Date of original drawing and of revision thereof.

(b) Scale and north point.

(c) Offer of dedication to the effect that the applicant has irrevocably offered to cede title to the Village of land designated for drainage easements, parks, recharge basins, streets, widening of streets, and any other lands noted on the approved plat plan for dedication to the Village, subject to acceptance of same by the Village.

(d) Compliance with zoning:

(i) For a subdivision plat plan for other than a cluster residential development, the following note signed and dated by a surveyor licensed in New York State: This is to certify that all plots shown on this plat plan comply with the requirements of the Village Zoning Code.

(ii) For a cluster residential development plan, the following note signed and dated by a surveyor licensed in New York State: This is to certify that all plots shown on this plat plan comply with the requirements of the Village Zoning Code, except as modified by the Planning Board under § 7-728 of New York Village Law. Such modifications of the applicable provisions of said zoning code, as noted hereon, have been granted simultaneously with the approval of this plat plan.

(iii) Certification of approval signed and dated by the chairman of the Planning Board as follows: This is to certify that this plat plan has been approved by the Planning Board by resolution dated _____.

(4) Key maps of the final plat plan to be at a scale of six hundred (600) feet to an inch and to be the same as those required on the corresponding preliminary plat plan, but with the area being submitted for final plat plan being shaded if it is only one section of the subdivision property.

(5) Property lines of:

(a) Subdivision.

(b) Zoning districts.

(c) The fire district serving the Village.

(6) Drainage, plots and streets:

(a) Drainage easements and recharge basins:

(i) Location and identification.

(ii) Width and other dimensions necessary for description.

(b) Plots:

(i) Plot lines with bearings and dimensions.

(ii) Identification numbers by a system of consecutive numbers.

(iii) Area of each plot to the nearest square foot to be noted upon each plot.

(c) Street rights-of-way and widenings of street rights-of-way:

(i) Location, name and right-of-way width.

(ii) Notation of offer of dedication of widenings.

(7) Water supply systems:

(a) Location and size of water mains and wells.

(b) Location of blowoff valves.

(c) General location of fire hydrants and fire wells as recommended by the fire district serving the Village.

(d) Additional information as required by Suffolk County Board of Health.

(8) As related to sanitary waste disposal system, such information as required by the Suffolk County Department of Health Services.

(9) Monuments:

(a) Location of existing and proposed.

(b) One (1) monument to be located at each corner of the subdivision property and at each change in direction of such property.

(c) Monuments to be located at each street intersection and at each point of curvature and point of tangency.

(d) Additional monuments to be placed at points determined by the Village Engineer.

(10) Any other information required by the Village Engineer, with the understanding that the Planning Board shall be permitted to disregard, modify or augment any of the requirements set forth in this § 27-18.

§ 27-19. Drainage Plan and Street Profiles for Major Subdivisions/Final Plat Plan.

In addition to the submission of a final plat plan as described in § 27-18 of this Chapter 27, the applicant shall

provide a drainage plan and street profile as follows in accordance with requirements established by the Village Engineer:

(1) Drainage plan requirements:

(a) Sheet size to be either eighteen (18) inches by twenty (20) inches, or thirty-six (36) inches by twenty (20) inches.

(b) A complete drainage system for the subdivision property.

(c) Outline of drainage easements, recharge basins, street rights-of-way and other related features.

(d) Street center-line gradients in percent indicated, with arrows to establish the direction of flow.

(e) Critical street center-line elevations.

(f) Boundaries of stormwater runoff watersheds for each major drainage facility.

(g) Identification of existing and proposed drainage structures by type.

(h) Appropriate details and dimensions for proposed construction, including type of construction, invert elevations, material, pitch and size.

(i) Locations of test holes, description of soil conditions and water level at recharge basin locations and other points as required by the Village Engineer.

(j) Data for recharge basins to include bottom elevation and high water elevation, elevations along the top of the berm, and water capacity.

(2) Street profile requirements:

(a) Drawings to be made on standard profile paper with the following scales:

(i) Horizontal scale of one inch equaling fifty (50) feet.

(ii) Vertical scale of one (1) inch equaling ten (10) feet.

(b) Profile to be submitted for existing and proposed streets.

(c) Center-line profile, existing or natural, and proposed, the typical cross section and a system of survey stations to be included.

(d) Notations as to percent of critical elevations, gradient and vertical curve data.

(e) Invert elevation and location of proposed drainage structures in street rights-of-way.

(3) Pavement construction and drainage design criteria to comply with requirements of the street and drainage standards for the Town of Brookhaven.

(4) Any other information required by the Village Engineer, with the understanding that the Planning Board shall be permitted to disregard, modify or augment any of the requirements set forth in this § 27-19.

§ 27-20. Processing of Minor Subdivisions/Conditions.

A. Minor Subdivisions/Qualifying Conditions. Any subdivision meeting the following conditions shall be deemed to be a minor subdivision and processed as set forth in § 27-20C of this Chapter 27.

(1) The subdivision converts the subdivision property into two (2) plots or more, but not more than four (4) plots.

(2) The subdivision does not adversely affect the development of the subdivision property or any property abutting such property.

(3) The subdivision is not in conflict with the Village Code, Village Comprehensive Plan or Village Zoning Map.

(4) The plots resulting from the subdivision front on an existing street, such that the subdivision does not require the construction of a new street or extension of an existing street.

(5) Existing public utilities have the capacity to service the plots resulting from the subdivision without major extensions of service.

(6) The subdivision does not require the installation of drainage facilities to handle off-site stormwater runoff.

(7) The subdivision does not intensify unreasonably the traffic-carrying capacity of local streets.

B. Minor Subdivisions/Alternate Qualifying Condition. Any subdivision intended to create or retain a gross land area of open space equal to at least eighty (80) percent of the gross land area of the subdivision property shall be deemed to be a minor subdivision and processed as set forth in § 27-20C of this Chapter 27.

C. Processing of Minor Subdivisions. Any application for approval of a minor subdivision shall be processed in accordance with the initial meeting requirements set forth in § 27-7, and overall requirements set forth in § 27-8, of this Chapter 27, and

otherwise in the same manner as that set forth in this Chapter 27 for approval of a major subdivision, except for the following:

(1) Upon completion of the pre-application process as set forth in § 27-9 of this Chapter 27, the applicant shall be permitted to move the application forward to the final plat plan process set forth in § 27-11 of this Chapter 27, without going through the preliminary plat plan approval process set forth in § 27-10 of said chapter.

(2) A public hearing shall not be required, unless the Planning Board:

(a) Elects to have such hearing given the degree of interest shown by the public or interested agencies, the need for important and informative comment by certain interest groups, technical specialists or community representatives, or the need by the applicant to present other matters concerning the application.

(b) Determines that the final plat plan is not in substantial agreement with the Planning Board report issued under § 27-9B of this Chapter 27.

§ 27-21. Processing of Property Transfer Subdivisions.

A. Application Submittal. Following the initial meeting referenced in § 27-7 of this Chapter 27, any person seeking approval of a property transfer subdivision shall file with the Planning Board and Village Clerk that number of copies of an application for same in accordance with § 27-8A of this Chapter 27, as shall be requested by the Planning Board, accompanied by an equal number of copies of a one-eighth ($\frac{1}{8}$) inch scaled survey, prepared by a surveyor licensed in New York State, showing the following on the proposed reconfigured plots:

- (1) Block and lot numbers.
- (2) Natural features.
- (3) Owners.
- (4) Property lines.
- (5) Public utilities.
- (6) Easements, rights-of-way, and other covenants and restrictions, and district lines.
- (7) Streets.
- (8) Structures.

B. Planning Board Review/Initial Approval. Upon receipt by the Planning Board of an application for approval of a survey for a property transfer subdivision, the Planning Board shall review

same, and if said board determines there is a need for a public hearing on the application given the degree of interest shown by the public or interested agencies, the need for important and informative comment by certain interest groups, technical specialists or community representatives, or the need by the applicant to present other matters concerning the application, or if said board determines that the survey is not in substantial agreement with the Planning Board report issued under § 27-9B of this Chapter 27, said board shall hold a public hearing on the application in accordance with this Chapter 27, and otherwise with § 7-728 of New York Village Law, and make a determination thereon. In following such hearing, or otherwise, the Planning Board approves such application without conditions, said board shall record and distribute such approval as set forth in § 27-8C of this Chapter 27. If following such hearing, or otherwise, the Planning Board approves such application subject to any condition, the applicant shall proceed with the application process set forth in § 27-11C of this § 27-11.

C. Approval of Modified Survey. If the Planning Board approves a final survey subject to any condition, the applicant shall file with the Planning Board and Village Clerk that number of copies of a modified survey as shall be requested by the Planning Board, which survey shall be dated and stamped by a surveyor as required under this Chapter 27, licensed in New York State, satisfying such conditions, and upon receipt thereof by the Planning Board, said board shall approve such survey, and record and distribute such approval as set forth in § 27-SC of this Chapter 27.

§ 27-22. Subdivision Work/Inspection/Fees.

A. Commencement of Work. No subdivision work shall be permitted to be performed without approval of the subject subdivision as required under § 27-14 of this Chapter 27.

B. Subdivision Work Required to be Guaranteed. Performance of the following subdivision work shall be required to be guaranteed as set forth in § 27-16 of this Chapter 27:

(1) Such work to be performed on the subdivision property.

(2) Such work involving public improvement work, including:

(a) Curbs.

(b) Sidewalks.

(c) Storm drainage facilities, including landscaping and fencing of recharge basins.

- (d) Street lights.
- (e) Street signs.
- (f) Street trees.
- (g) Streets.
- (h) Water mains, unless constructed by a public utility.

C. Public Utilities. Performance of public utility work, including cable, electric, telephone and water service, shall not be required to be guaranteed, but only if the performance of such work is undertaken by the public utility involved.

D. All subdivision work shall be constructed in accordance the general requirements set forth in § 27-5 of this Chapter 27.

E. Inspection of Subdivision Work. Performance of subdivision work shall be governed by the following inspection guidelines:

(1) The applicant shall supply the Village Engineer with a schedule of construction, indicating anticipated beginning and completion dates of each of the following phases, with the understanding that the applicant shall notify the Village Engineer, in writing, of any such beginning date at least twenty-four (24) hours prior to same, and of any such completion date at least five (5) days prior to same:

- (a) Curbing, sidewalk and road subbase analysis.
- (b) Drainage installation before backfilling and recharge basin excavation.
- (c) Finishing of roadway pavement materials.
- (d) Landscaping and fencing.
- (e) Placement of subbase course materials.

(2) All subdivision work shall be inspected by the Village Engineer to ensure satisfactory completion.

(3) Construction testing of roadway pavement materials shall be performed in accordance with the requirements of the street and drainage standards established by the Town of Brookhaven or Village.

(4) The Village Engineer shall coordinate the placement of the following improvements:

- (a) Fire well and cistern installation.
- (b) Public utilities, including cable, electric and telephone service.
- (c) Water mains and hydrant connections, prior to backfilling.

F. Fees. In addition to other fees incurred by the Village for consulting services during the subdivision application process, a review fee shall be payable for subdivision map review, and inspection fees for field inspections. Such review and inspection fees shall be in accordance with a fee schedule as adopted by the Village Board from time-to-time, which fees shall be based on a percentage of the amount of the performance bond established under § 27-16 of this Chapter 27 and as are customary in the construction industry. If a subdivision application process is abandoned, any fees already paid shall remain with the Village.

§ 27-23. Processing of Subdivision Applications by Applicants and Planning Board.

Upon receipt by the Planning Board of a notice for approval of a subdivision as required under § 27-7 of this Chapter 27, the applicant shall diligently pursue the process as set forth in this Chapter 27, and otherwise within the periods set forth in § 27-24 and § 27-25 of this Chapter 27.

§ 27-24. Periods Allowed for Required Action by Applicants.

If an applicant does not take required action related to any matter referenced below in this 27-24 within the periods indicated, any determination made by the Planning Board requiring such action shall be deemed null and void, with the understanding that, if so approved by said board, in writing, such applicant shall be permitted to reinstate the processing of any subdivision application, but only at the stage of such application process deemed appropriate by said board, with the further understanding that input theretofore given by any Village entity, governmental entity or consultant related to the processing of such application shall be subject to modification as deemed appropriate by any such entity, whether due to any change in the Village Code following the date of any such determination, or otherwise:

(1) The filing with the Planning Board of any required plat plan, survey or other papers, or any other required information or items, by the date six (6) months following the date of issuance by the Planning Board to the applicant of any determination made by said board requiring the submission of such plan, survey or other papers, or such other information or items, with the understanding that as related to any final plat plan, said period shall be extended by that period needed to secure any determination related thereto required by the fire district serving the Village, or any other governmental entity, or public utility, but only if the applicant promptly files for such determination in the manner set forth in 27-13 of this Chapter 27, but in no event shall said period be extended beyond the date

twelve (12) months following the date of issuance by the Planning Board to the applicant of the finally approved plat plan.

(2) As required under § 27-15 of this Chapter 27, the recording with the Suffolk County Clerk of the finally approved plat plan or survey, and any easements, rights-of-way, or other covenants and restrictions related thereto, no later than the date sixty-two (62) days following the date of issuance by the Planning Board to the applicant of such Planning Board approval of such plan or survey.

(3) As required under § 27-16 of this Chapter 27, the providing of a performance bond or maintenance bond in favor of the Village, with any performance bond to be provided by the date being the earlier of the date on which subdivision work is to commence and the date thirty (30) days following the date of issuance by the Planning Board to the applicant of the finally approved plat plan, and with any maintenance bond to be provided by the date thirty (30) days following the date of the resolution authorizing release of the performance bond.

(4) The commencing of any subdivision work by the date six (6) months following the date of issuance by the Planning Board to the applicant of the finally approved plat plan, with the understanding that the applicant shall diligently perform and complete such work.

§ 27-25. Periods Allowed for Planning Board Determinations.

A. No Public Hearing Required. Any determination required by the Planning Board under this Chapter 27, not requiring a public hearing, shall be made by the date no later than sixty-two (62) days following receipt by the Planning Board of a complete subdivision application, and any plan, survey or papers related thereto, or any other information or items, required of the applicant under this Chapter 27.

B. Public Hearing Required. Any determination required to be made by the Planning Board under this Chapter 27, requiring a public hearing, shall be so made by the date no later than sixty-two (62) days following the close of such hearing. If a public hearing is required, same shall be held within forty-five (45) days of the date of receipt by the Planning Board of a complete subdivision application, and any plan, survey or papers related thereto, or any other information or items, required of the applicant under this Chapter 27. Written notice of such hearing shall be provided to the applicant by a date at least ten (10) days prior to the scheduled date of such hearing, and published in a newspaper of general circulation by a date at least ten (10) days prior to the scheduled date of such hearing. In addition, the applicant shall cause a sign

to be erected on the subdivision property, facing each street on which such property abuts, giving notice that an application has been made to the Planning Board for subdivision approval and stating the time and place when and where such hearing will be held. Such sign shall not be located more than ten (10) feet from the street line and shall not be less than two (2), nor more than six (6), feet above the natural grade at the street line. Such sign shall be displayed by a date at least ten (10) days prior to the scheduled date of such hearing, with the understanding that an affidavit of posting shall be required. Further, the applicant shall be required to send notice of such hearing to the owners of properties, any part of which are located within five hundred (500) feet of any property line of the subdivision property, which notice shall be sent Certified or Registered Mail/Return Receipt Requested by a date at least ten (10) days prior to the scheduled date of such hearing.

§ 27-26. Documentation.

Any documentation required to be submitted by the applicant under this Chapter 27, including any plat plan, sketch, survey or any other form of writing or correspondence, shall be so submitted in paper copy and digital format.

§ 27-27. Building Permits.

No building permit shall be:

(1) Required for the performance of subdivision work.

(2) Issued for the construction of any structure to be located on any plot resulting from a subdivision, including any expansion of any structure theretofore existing on such plot, until all subdivision work required for approval of such subdivision is completed, with the understanding that a permit shall be allowed to be issued respecting the installation of any driveway contemplated in connection with any such construction.

§ 27-28. Certificate of Work Completion.

Upon completion of any subdivision work, and payment of any consulting fees due the Village, the Village Engineer shall issue a written certification of completion related thereto, with the understanding that if any other consultant is involved with the subdivision, application process, such consultant shall also provide such a certification. Upon issuance of any such certification to the Planning Board, said board shall send a copy of same to the applicant, and the Village Clerk and Village Board to be retained for the files.

§ 27-29. **Enforcement.**

A. Violations. Any person in violation of this Chapter 27, including any person causing the creation of a plot without obtaining approval of the Planning Board, violating any determination by the Planning Board made under said chapter or Article 7 of New York Village Law, or performing any work on subdivision property, including work involving any clearing of land, site preparation, or construction of structures, without obtaining the approval of the Planning Board under said chapter and Article 7, shall be subject to the method of enforcement set forth in § 27-28B of this § 27-28. Any such person so in violation of this Chapter 27 shall include, in addition to the owner of the subject subdivision property, any agent, contract vendee or grantee of such owner knowingly participating in such violation.

B. Methods of Enforcement. The provisions of this Chapter 27 may be enforced by any method or remedy provided by law. In addition to any such method or remedy, any appropriate action or proceeding may be instituted to abate, correct, prevent or restrain any violation of this Chapter 27.

§ 27-30. **Severability.**

If any provision of this Chapter 27 is ruled unconstitutional or invalid, said ruling shall not affect the validity of any other provision of said chapter or said chapter as a whole.

SECTION 3. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State as provided by law.

Dated: January 28, 2015

BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF SHOREHAM

BY: Cathy Donahue-Spier,
Village Clerk

Effective Date: February 17, 2015