

Chapter 167

SUBDIVISION OF LAND

GENERAL REFERENCES

Building construction— See Ch. 76.

Trees — See Ch. 178.

Flood damage prevention — See Ch. 108.

Water — See Ch. 189.

Sewer use — See Ch. 147.

Zoning — See Ch. 200.

Streets and sidewalks — See Ch. 163.

§ 167-1. Authority. [Amended 8-1-2016 by L.L. No. 1-2016]

The Zoning Board of Appeals/Planning Board of the Village of Palmyra is empowered and authorized to approve plans for land subdivision within the Village of Palmyra. This chapter is adopted for the purpose of providing for the future growth and development of the Village and affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population.

§ 167-2. Definitions.

For the purpose of this chapter, the following words and terms shall have the meaning indicated:

BOND — A performance approved by the Village Board. Such bond shall be either issued by a bonding or surety company or shall be issued by the owner with security acceptable to the Village Board. Such security shall accompany the performance bond, when the performance bond is issued by the owner, and may be in the form of cash, certified check or United States government bearer bonds deposited with the Village Board in the full amount of the obligation.

DOUBLE FRONTAGE LOTS — Lots with the rear and front lot line abutting an existing or proposed street right-of-way.

ENGINEER — The duly designated engineer of the Village or, if there be no such official, the licensed engineer employed by or assigned to the Zoning Board of Appeals/Planning Board.[Amended 8-1-2016 by L.L. No. 1-2016]

HALF-STREETS — Those that are 1/2 in width, in either paving or in right-of-way.

MASTER PLAN — A comprehensive plan for the development of the Village as authorized in § 179-g of the Village Law.¹

OFFICIAL MAP — A map established by the Village Board of Trustees under Section 179-e of the Village Law,² showing the streets, highways, and parks theretofore laid out, adopted and established by law and all changes or additions thereto made under the

1. Editor's Note: See now Village Law § 7-718.

2. Editor's Note: See now Village Law § 7-724.

provisions of the Village Law.

OWNER — The owner of the land proposed to be subdivided, or his agent.

PLAT — The final map, drawing or chart upon which the owner's plan of subdivision is presented to the Zoning Board of Appeals/Planning Board for approval, and which, if approved, will be submitted to the County Clerk for recording. (Also referred to as "final subdivision plat.")**[Amended 8-1-2016 by L.L. No. 1-2016]**

PRELIMINARY PLAN — The preliminary drawings and supplementary material indicating the proposed layout of the subdivision to be submitted to the Zoning Board of Appeals/Planning Board for its consideration.**[Amended 8-1-2016 by L.L. No. 1-2016]**

REVERSE FRONTAGE LOTS — Lots with the rear lot line abutting an existing or proposed limited access highway or public reservation.

STREET — A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, thruway, road, avenue, boulevard, land, cul-de-sac, place or however otherwise designated.

- A. Arterial streets and highways are those used primarily for fast or heavy traffic.
- B. Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways. Collectors may also serve as secondary arteries to carry some through traffic.
- C. Local streets are those which are used primarily for access to the abutting properties.
- D. Marginal access streets are minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection front through traffic.

SUBDIVISION — The division of any parcel of land into two or more lots, plots, sites, or other divisions of land for immediate or future sale or for building development, in such a way as to create one or more streets or highway.

§ 167-3. Subdivision procedures. [Amended 8-1-2016 by L.L. No. 1-2016]

Whenever any subdivision of land is proposed to be made within the Village and before any contract for the sale of, or any offer to sell, such subdivision, or any part thereof, is made, and before any building permit shall be granted, the procedure outlined below will be observed:

- A. The owner shall apply, in writing, to the Zoning Board of Appeals/Planning Board for approval of such subdivision.
- B. Previous to the filing of the preliminary plan, the owner may submit general site information, a location map and a sketch plan with a request for informal consideration and advice. This step does not require formal application, fee or the filing of a plat.
- C. The owner shall submit to the Zoning Board of Appeals/Planning Board two copies of a preliminary plan with other supplementary material as described in § 167-6 of this chapter and subsequently a final subdivision plat as hereinafter specified.

- D. The Zoning Board of Appeals/Planning Board will discuss the preliminary plan with the owner at a regular meeting of the Zoning Board of Appeals/Planning Board.
- E. Approval; disapproval.
 - (1) The Zoning Board of Appeals/Planning Board shall communicate to the owner, in writing, within 30 days of the regular meeting, its decision concerning the preliminary plan. If the preliminary plan is approved, the Zoning Board of Appeals/Planning Board shall express its approval as "conditional approval" and state any specific changes it will require in the preliminary plan. For any subdivision or portion of subdivision, the Zoning Board of Appeals/Planning Board will state, in writing, the character and extent of the required public improvements for which waivers may have been requested which, in the opinion of the Zoning Board of Appeals/Planning Board, may be waived without jeopardy to public health, safety, morals, and general welfare or which are inappropriate because of inadequacy or lack of connecting facilities adjacent to or in proximity to the proposed subdivision.
 - (2) If the preliminary plan is disapproved, the Zoning Board of Appeals/Planning Board shall state the reasons for its disapproval. The action of the Zoning Board of Appeals/Planning Board shall be noted on two copies of the preliminary plan, to which shall be attached referenced statements of any conditions and requirements determined by the Zoning Board of Appeals/Planning Board in accordance with this chapter. One copy shall be returned to the owner and the other retained by the Zoning Board of Appeals/Planning Board. "Conditional approval" of a preliminary plan shall not constitute approval of the final subdivision plat.
- F. Within six months after receipt of the conditional approval of the Zoning Board of Appeals/Planning Board with respect to the preliminary plan, the owner shall file with the Zoning Board of Appeals/Planning Board two copies drawn in ink on tracing cloth, or black line prints on tracing cloth, of the final subdivision plat together with other supplementary material as described in § 167-7 of this chapter. In the event that a final subdivision plat is not submitted within six months, the application shall be considered withdrawn and any preliminary approval or waivers of required improvements by the Zoning Board of Appeals/Planning Board shall be considered lapsed unless an extension of time is applied for and granted by the Zoning Board of Appeals/Planning Board.
- G. Application for approval of the final subdivision plat shall be submitted, in writing, to the Zoning Board of Appeals/Planning Board at least 10 days prior to a regular meeting of Zoning Board of Appeals/Planning Board.
- H. The final subdivision plat shall conform to the approved preliminary plan and shall contain the changes specified by the Zoning Board of Appeals/Planning Board. If desired by the owner, it may constitute only that portion of the approved preliminary plan which he proposes to record and develop at that time, provided that such portion conforms to all requirements of this chapter.
- I. The owner shall, at the time of filing the final subdivision plat with the Zoning Board of Appeals/Planning Board:

- (1) Present a certificate as to adequacy of proposed water supply and sewerage service as required by the Public Health Law of the State of New York.
 - (2) File with the Zoning Board of Appeals/Planning Board a performance bond, bearing the approval of an attorney acting for the Village as to form, sufficiency and manner of execution, for the completion of all the improvements required by § 179-l of the Village Law³ and not specifically waived by the Zoning Board of Appeals/Planning Board.
 - (3) Tender offers of cession, in a form certified as satisfactory by an attorney acting for the Village, of all land included in streets, highways, walks or parks and all sewers, drains and water lines not specifically reserved by the owner. Approval of the final subdivision plat by the Zoning Board of Appeals/Planning Board, however, shall not constitute acceptance of offers of cession by the Village.
- J. The Zoning Board of Appeals/Planning Board shall hold a public hearing on the proposed subdivision. Notice of such hearing shall be advertised in a newspaper of general circulation in the Village, and posted in the Village Hall, at least five days before such hearing, and all advertising expenses shall be borne by the subdivider.
- K. Within 45 days from the date of the filing of the subdivision plat, the Zoning Board of Appeals/Planning Board shall approve, modify and approve, or disapprove the plat.
- L. If the final subdivision plat is approved by the Zoning Board of Appeals/Planning Board, an appropriate notation to that effect will be made on the face of original drawing or prints on tracing cloth submitted to the Zoning Board of Appeals/Planning Board. One copy will be returned to the owner, and one copy will be retained by the Planning Board for its records.
- M. The owner shall file the approved final subdivision plat with the County Clerk within 90 days after approval by the Zoning Board of Appeals/Planning Board. If the final subdivision plat is not filed within this time, the approval shall expire, as provided in § 179-k of the Village Law.⁴

§ 167-4. General requirements for subdivision of land. [Amended 8-1-2016 by L.L. No. 1-2016]

The owner shall observe the following general requirements and principles of land subdivision:

- A. Streets.
- (1) The arrangement, character, extent, width and location of all streets shall conform to the Master Plan, if any, and to the Official Map, if any, and shall be considered in their relation to other existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be served and/or abutted

3. Editor's Note: See now Village Law § 7-730.

4. Editor's Note: See now Village Law § 7-728.

by such streets.

- (2) Where such is not shown in the Master Plan, the arrangement of streets in a subdivision shall either:
 - (a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - (b) Conform to a plan for the neighborhood approved or adopted by the Zoning Board of Appeals/Planning Board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or undesirable.
- (3) Local streets shall be so laid out that their use by through traffic will be discouraged.
- (4) Where a subdivision abuts or contains an existing or proposed arterial street, the Zoning Board of Appeals/Planning Board may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and afford separation of through and local traffic.
- (5) Where a subdivision abuts or contains a waterway, a railroad right-of-way or a controlled access highway right-of-way, the Zoning Board of Appeals/Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades amid future grade separations.
- (6) Reserve strips controlling access to streets, water plants, or to other land dedicated or to be dedicated to public use shall be prohibited, except where their control is definitely placed in the Village under conditions approved by the Zoning Board of Appeals/Planning Board.
- (7) Street jogs with center-line offsets of less than 125 feet shall be avoided.
- (8) A tangent shall be introduced between reverse curves and shall be of at least 100 feet in length on local and collector streets and of such lengths as may be deemed necessary by the Zoning Board of Appeals/Planning Board for arterial streets.
- (9) When continuing street lines of a collector street deflect from each other at any one point by more than 10°, they shall be connected by a curve with a radius at the inner street right-of-way line of not less than 350 feet; where continuing street lines of an arterial street deflect from each other by more than 5°, they shall be connected by a curve of not less than 800 feet in radius.
- (10) Streets shall be laid out so as to intersect as nearly as possible at right angles, and in no case shall any angle of intersection be less than 75°. Any change in street alignment to meet this requirement shall occur at least 100 feet from the

intersection.

- (11) Street right-of-way lines at street intersections shall be rounded with a radius of 10 feet or with a greater radius where the Zoning Board of Appeals/ Planning Board may deem it necessary. The Zoning Board of Appeals/ Planning Board may permit comparable cutoffs or chords in place of rounded corners.
- (12) Street right-of-way widths shall be as shown on the Official Map and, where not shown thereon, shall be not less than as follows:

Street Type	Right-of-Way Width (feet)
Arterial	100
Collector	80
Local and marginal access	50

- (13) Existing streets within the subdivided property shall be widened as shown on the Official Map, if any, to achieve the width appropriate to the type of street.
- (14) Half streets shall be prohibited.
- (15) Culs-de-sac shall not be longer than 800 feet and shall be provided with a turnaround at the closed end having a street right-of-way line diameter of at least 140 feet.
- (16) Street grades shall not exceed the following, with due allowance for vertical curves, and with not less than 200 feet between changes of grade:

Street Type	Maximum Grade (percent)
Arterial	4%
Collector	6%
Local and marginal access	7%

- (17) Grades at street intersections shall be held to a maximum of 3% for a distance of 100 feet in any direction from the point of intersection of the street center lines.
- (18) Street grades shall not be less than 5/10 per 0.3% if there are street curbs and/ or gutters or if pavement wearing surface is smooth-finished, but only with the approval of the Engineer. Drainage structures and adequate ditches shall be provided by the subdivider to prevent ponding or damage to public or private property.
- (19) Limitation of access to streets shall be as follows:
- (a) Local streets: no limitation.

- (b) Collector streets: no limitation.
- (c) Arterial streets: restricted as far as practicable.

(20) Street names shall be cleared with the County Highway Department and the Village officials designated by the Village Board of Trustees to avoid duplications or use of similarly sounding or spelled names. House numbers should follow standard practice of house numbering in the Village.

B. Easements.

- (1) Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be of not less than 20 feet in width.
- (2) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way of not less than 20 feet in width conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

C. Blocks.

- (1) The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - (a) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - (b) Zoning requirements as to lot sizes and dimensions.
 - (c) Needs for convenient access, circulation, control and safety of street traffic.
 - (d) Limitations and opportunities of topography.
- (2) Block length generally shall not exceed 1,600 feet, nor shall it be less than 600 feet.
- (3) Intersections with arterial streets should be held to a minimum and preferably spaced at least 1,000 feet apart.
- (4) Pedestrian walk rights-of-way not less than 10 feet in width, property line to property line, shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation and other community facilities.

D. Lots.

- (1) The size, width, depth, shape, orientation and yards of lots shall be not less than specified in Chapter 200, Zoning, for the district in which the lots are located and shall be appropriate for the type of development and use contemplated.
- (2) Land subject to flooding shall not be platted for residential occupancy nor for

such other uses as may increase danger to life or property or aggravate the flood hazard.

- (3) Residential lots, where not served by public sewer, shall be such as to meet the requirements of the Village Plumbing Code, if any, and all amendments thereto.
- (4) Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
- (5) The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street or highway.
- (6) Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 feet wide, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
- (7) Side lot lines shall be substantially at right angles or radial to street right-of-way lines.
- (8) In case a tract is subdivided into larger parcels than normal building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further resubdivision.
- (9) In case only a portion of a tract is subdivided, or when the plan submitted covers only a portion of the owner's entire holding, a sketch of the prospective future street system of the entire holding shall be submitted to the Zoning Board of Appeals/Planning Board.

E. Public sites and open places.

- (1) The subdivision shall dedicate to the Village "usable land" equal in size to 5% of the subdivider's tract. This land shall be used by the Village for parks, playgrounds, or for other specific public recreational uses as deemed desirable by the Village Board. However, if the Village Board should consider a subdivider's tract too small and that the dedication of 5% of the total area is not of a size that would make it usable for a public purpose, the Village Board shall direct the subdivider to make a money payment to the Village in lieu of land. This money payment must be equal to 5% of the market value of the total tract and cannot be used by the Village for any purpose other than the purchase of land to be used for such public uses as indicated above.
- (2) Unusable areas or areas bordering streams, lakes or other courses should be given special consideration by the Zoning Board of Appeals/Planning Board in excess of the five-percent minimum. The Zoning Board of Appeals/Planning Board may recommend that the Village Board accept these areas as a gift, or purchase them, should they be desirable for public open spaces.
- (3) Where such sites and open spaces are not shown on the Master Plan and where deemed essential by the Zoning Board of Appeals/Planning Board upon

consideration of the particular type of development proposed in the subdivision, and especially in large-scale neighborhood unit developments, the Zoning Board of Appeals/Planning Board may recommend that the Village Board require the dedication, or reservation, of areas in excess of the five-percent minimum. Under such conditions, a money payment at fair market value will be made to the owner to compensate his loss in excess of the five-percent contribution.

- F. Street trees. No street trees shall be planted within the street right-of-way nor within 10 feet of any street right-of-way line.

§ 167-5. Required improvements. [Amended 8-1-2016 by L.L. No. 1-2016]

- A. Monuments and lot corner markers. Monuments shall be placed at all block corners, angle points of curves in streets and at intermediate points as required by the Engineer. The monuments shall be of such material, size and length as may be approved by the Engineer.

- B. Utility and street improvements.

- (1) Utility and street improvements shall be provided in each new subdivision in accordance with the standards and requirements described in the following schedules. The developer shall furnish a performance bond sufficient to cover the full costs of the construction of said utility and street improvements in accordance with § 179-1 of the Village Law.⁵ The developer may install such utility and street improvements or, in the alternative, may arrange with the Village to install such utility and street improvements pursuant to pertinent laws of the State of New York.

- (2) The standards and specifications for each general type of development shall be as follows:

- (a) For multiple dwellings and other residential types other than one-family detached dwellings, improvements shall be in accord with Standard A.
- (b) For one-family detached dwellings in the areas where sanitary sewers are available or accessible, improvements shall be in accord with Standard B.
- (c) For one-family dwellings with lot sufficiently large to meet the requirements of the Plumbing Code, if any, of the Village and located in the areas where sewers are not available or accessible, improvements shall be in accord with Standard C.
- (d) For commercial, industrial and other types, improvements shall be as determined by the Zoning Board of Appeals/Planning Board with the advice of the Engineer.

- C. Schedules of required street improvements and utilities.

5. Editor's Note: See now Village Law § 7-730.

Standards				
A	B	C		
X	X	X	(1)	Streets:
				(a) Typical cross section in accordance with the Master Plan, if any, or as determined by the appropriate engineering officials, and as approved by the Zoning Board of Appeals/Planning Board and by the Village Board.
X	X	X		(b) Grading and center-line gradients, pavement base and wearing surface, curbing and gutter as per specifications prepared by the Engineer and approved by the Village Board, and as per plans and profiles approved by the Engineer.
X	X	X	(2)	Storm sewer system and other drainage improvements, including driveway culverts, per plans and specifications approved by the Engineer.
X	X	X	(3)	Sidewalks along arterials and collector streets at such locations as the Zoning Board of Appeals/Planning Board may deem it necessary, and as per plans and specifications approved by the Engineer.
X	X	X	(4)	Water mains as per plans approved by the Engineer.
X	X	X	(5)	Sanitary sewers as per plans approved by the Engineer.
X	X	X	(6)	Street signs at all intersections at the locations and of the design approved by the Village Board.
X	X	X	(7)	Streetlighting standards as per plans and design approved by the Village Board.
			(8)	Fire alarm signal devices where a fire alarm system is available to connect with as per plans approved by the Engineer.

§ 167-6. Preliminary plan. [Amended 8-1-2016 by L.L. No. 1-2016]

The preliminary plan shall be at a scale not greater than 100 feet to one inch and shall show, or be accompanied by, the following information:

- A. Proposed subdivision name or identifying title.
- B. Name and address of owner and of designer of preliminary plan.
- C. Date, North point, and scale.
- D. Key plan, showing location (including name of village or town) and boundaries of proposed subdivision platting (if this is a resubdivision project).
- E. Locations of existing property lines, easements, buildings, watercourses, marshes,

rock outcrops, wooded areas, other buildings and other essential features, including streets and rights-of-way, as shown on the Official Map in and adjacent to the proposed subdivision.

- F. Topography with a contour interval not in excess of five feet.
- G. Proposed public improvements, highways or other major improvements planned by public authorities for further construction on or near the proposed subdivision.
- H. Location, names and widths of proposed streets, highways, alleys, easements, parks or other public open spaces. Location of sites, if any, for multifamily dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings.
- I. All areas proposed to be dedicated to public use and the conditions of such dedications, and all areas specifically reserved to the owner and for which formal offers of cession to the public are not made.
- J. Any changes in the zoning regulations proposed for the area to be subdivided.
- K. Cross sections and profiles of all streets and cross sections of any unusual differences in elevation between streets and adjoining lots.
- L. Connections with existing water supply, or alternative means of supply, giving location and size of mains.
- M. Connections with existing sanitary sewer system, or alternative means of sewage treatment and disposal, giving location, size and invert elevations.
- N. Provisions for collecting and discharging surface drainage, giving location, size and invert elevations of storm or combined sewers. Where drainage is to be a natural watercourse, lake, swamp, sink or roadside or drainage ditch, the elevation of water in such watercourse or ditch at recognized flood stage shall be shown. The Engineer will assist in determining such recognized flood stage.
- O. Subsurface conditions on the proposed subdivision, if required by the Zoning Board of Appeals/Planning Board, including location and results of tests made to ascertain surface soil, rock and groundwater conditions, depth to groundwater unless test pits are dry at a depth of five feet below finished grade, location and results of percolation tests if individual sewage disposal is contemplated.
- P. Preliminary designs of any bridges or culverts.
- Q. Proposals for streetlighting and street trees.
- R. Proposed lot lines with approximate dimensions, including minimum building setback lines.
- S. Draft of any protective covenants whereby the owner proposes to regulate land use in the subdivision and otherwise protect the proposed development.
- T. When the preliminary plan submitted covers only a part of the owner's entire holding, a sealed drawing, with topography of the prospective future street system of the entire holding, shall be submitted to the Zoning Board of Appeals/Planning

Board.

§ 167-7. Final subdivision plat. [Amended 8-1-2016 by L.L. No. 1-2016]

The final subdivision plat submitted for approval and subsequent recording shall be clearly and legibly drawn in black waterproof ink on tracing cloth, or black line prints on tracing cloth or equivalent material. The scale shall not be greater than 100 feet to one inch, and the size of the sheet shall be 22 inches by 28 inches. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision at an appropriate scale.

A. The subdivision plat shall show the following:

- (1) Proposed subdivision name or identifying title, date, true North point and scale.
- (2) Name and address of owner, and name, license number and seal of the licensed professional engineer or land surveyor.
- (3) The names and identifying titles of adjacent subdivisions and the names of the owners of adjacent acreage.
- (4) Name and width of each street or highway.
- (5) The location, purpose and width of each easement.
- (6) The location of all streets with the lot lines described by the length of all straight lines, the deflection angles, radii and length of curves, the central angles of all curves, tangent distances and tangent bearings.
- (7) Purpose for which sites, other than residential lots, are dedicated or reserved.
- (8) Minimum building setback line on all lots and other sites.
- (9) Dimensions, bearings and angles of intersections for each lot line as necessary for the location of each lot line in the field.
- (10) Number to identify each lot or site in numerical order through the entire subdivision.
- (11) Suitable primary control points, or descriptions and ties to such control points, to which all dimensions, bearings, angles, and similar data given on the plat shall be referred.
- (12) The location and description of all permanent monuments.
- (13) The boundary lines of the subdivision with accurate distances, bearings and angles as necessary.

B. Additional information shall include:

- (1) Profiles and cross sections of all proposed streets, drains and sewers with elevations based on a datum plane approved by the Planning Board.
- (2) Offers of cession by the owner dedicating streets, rights-of-way and any sites

for public uses and notation of the streets, highways and parks specifically reserved to the owner and for which the formal offers of cession to the public are not made.

- (3) Water supply and sewage disposal arrangements with details and certification of approval by the appropriate public agency. Where any water- or sewer line, water plant or sewage treatment plant is to be installed by the owner outside existing districts, the organization or enlargement of a water district and/or a sewer district may be required, unless water or sewage facilities are available from any existing Village source.
- (4) Certificate by the Engineer certifying that the owner has complied with one of the following alternatives:
 - (a) All improvements have been installed in accord with the requirements of this chapter and with the action of the Zoning Board of Appeals/Planning Board giving conditional approval of the preliminary plan; or
 - (b) A bond or certified check has been posted, which is available to the Village and is of sufficient amount to assure such completion of all required improvements.
- (5) Certificates by the Village Attorney approving as to the legal sufficiency all offers of cession, all covenants governing the maintenance of uncaded public space, and any action taken to establish or extend water and/or sewer districts established or extended in connection therewith.
- (6) Protective covenants in form for recording, including covenants governing the maintenance of uncaded public spaces or reservations.
- (7) Other data. Such other certificates, affidavits, endorsements or other agreements as may be required by the Zoning Board of Appeals/Planning Board in the enforcement of this chapter.

§ 167-8. Variances and modifications. [Amended 8-1-2016 by L.L. No. 1-2016]

- A. Where the Zoning Board of Appeals/Planning Board finds that, because of unusual circumstances of shape, topography or other physical features of the proposed subdivision, or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with this chapter, it may change the chapter so that substantial justice may be done and the public interest secured; provided that no such change shall be granted which will have the effect of nullifying the intent and purpose of the Official Map; Chapter 200, Zoning; this chapter; or any other pertinent rules, regulations or ordinances of the Village. In granting changes and modifications, the Zoning Board of Appeals/Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so changed or modified.
- B. The standards and requirements of this chapter may be modified by the Zoning Board of Appeals/Planning Board in the case of a plan and program for a planned development which in the judgment of the Zoning Board of Appeals/Planning Board provides adequate public spaces and improvements for the circulation,

recreation, light, air, and service needs of the neighborhood when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.