SUBDIVISION REGULATIONS
Chapter 250: SUBDIVISION REGULATIONS

[HISTORY: Adopted by the Planning Board of the Town of Greenburgh 6-15-1977; approved by the Town Board 6-22-1977. These regulations supersede former Ch. 47, Subdivision Regulations, adopted by the Planning Board 10-14-1960 and approved by the Town Board 10-18-1960, as amended. Amendments noted where applicable.]

GENERAL REFERENCES
Environmental quality review — See Ch. 200.
Trees — See Ch. 260.
Wetlands and watercourses — See Ch. 280.
Zoning — See Ch. 285.
Streets and sidewalks — See Ch. 430.
Conservation Advisory Council — See Ch. 520.

ARTICLE I Title; Scope; Policy; Definitions

§ 250-1. Title; scope.

In order that land subdivision may be made in accordance with the policy set forth in § 250-2, these regulations, which shall be known as and which may be cited as the "Town of Greenburgh Land Subdivision Regulations," are hereby adopted.

§ 250-2. Declaration of policy; Greenway Compact.

A. Land to be subdivided shall be of such character that it can be used safely for building and development purposes without danger to health or peril from fire, flood or other hazard; proper provision shall be made for drainage, water supply, sewerage and other needed improvements; all proposed lots and streets shall be so laid out as to be in harmony with the development pattern of the neighboring properties; and the proposed streets shall comprise a convenient system conforming to the Official Map, shall be properly related to the proposed systems shown on such portions of the Town Plan as may be in existence at any time and shall be of such length, width, grade and location as to accommodate the prospective traffic, to afford adequate light and air, to facilitate fire protection, to facilitate snow removal, to provide access of fire-fighting equipment to buildings, to assure traffic safety, to assure that provision shall be made for open spaces for parks and playgrounds and so that all environmental considerations are complied with.

B. Westchester County Greenway Compact Plan. By Local Law No. 12 of the Year 2007, the Town of Greenburgh has adopted the Westchester County Greenway Compact Plan, as amended from time to time, as a statement of policies, principles, and guidelines to supplement other established land use policies in the Town of Greenburgh. In its discretionary actions under this subdivision code, the reviewing agency should take into consideration said statement of policies, principles and guidelines, as appropriate. [Added 10-10-2007 by L.L. No. 12-2007]

§ 250-3. Definitions.

For the purpose of these regulations, certain words and terms used herein shall be defined as follows, and, unless the context clearly indicates to the contrary, the singular shall include the plural and the masculine gender shall include the feminine and neuter genders.

AASHTO — American Associations of State Highway and Transportation Officials. [Added 6-5-2007 by L.L. No. 5-2007]

BOND, MAINTENANCE — Bond posted by the subdivider to guarantee to the Town that he will
maintain or cause to be maintained, in good and working condition for a fixed period of time, the required public improvements which are installed as a condition of the final subdivision approval.

BOND, PERFORMANCE — Bond posted by the subdivider to guarantee to the Town that he will construct or cause to be constructed, within a set period of time, the required public improvements and utilities that are an integral part of the final subdivision approval, in conformance in all respects to the Subdivision Regulations and any special conditions set by the Planning Board.

BUILDING INSPECTOR — The Building Inspector of the Town of Greenburgh.

BUILDING LOT — Land occupied or which could legally be occupied by a building and its accessory buildings or uses, together with such open spaces as are required by the Zoning Ordinance. See Ch. 285, Zoning, having principal frontage on a street or on other means of access to a street as may be determined in accordance with the applicable provisions of law to be adequate as a condition for the issuance of a permit to construct a building on such land.

COLLECTOR STREET — As defined by AASHTO, a street that connects principal or minor arterials to residential, retail, office and other developed neighborhoods. Collector streets may enter a residential neighborhood. [Amended 6-5-2007 by L.L. No. 5-2007]

DEAD-END STREET — A street or a portion of a street with only one vehicular traffic outlet (also "cul-de-sac").

DEPARTMENT OF PUBLIC WORKS — The Department of Public Works of the Town of Greenburgh, unless otherwise stated.

EASEMENT — Authorization by a property owner for the use by another, and for a specified purpose or purposes, of any designated part of his property.

ENGINEER or LICENSED PROFESSIONAL ENGINEER — A person licensed as a professional engineer by the State of New York.

LOCAL STREET — As defined by AASHTO, a street that serves travel within developments and permits direct access to all abutting lands. Any street which is not a principal arterial, minor arterial or collector street. [Added 6-5-2007 by L.L. No. 5-2007 Editor's Note: This ordinance also repealed the former definitions of "major street or arterial street" and of "minor street," which originally appeared in this section. ]

MINOR ARTERIAL — As defined by AASHTO, a street that interconnects with and augments the principal arterial system and accommodates trips of moderate lengths at a lower level of travel mobility and generally does not enter residential neighborhoods. [Added 6-5-2007 by L.L. No. 5-2007]

OFFICIAL MAP — The map established by the Town Board under § 270 of the Town Law, showing the streets, highways, drainage systems and parks theretofore laid out, adopted and established by law, and any amendments thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

PLANNING BOARD or BOARD — The Planning Board of the Town of Greenburgh.

PRELIMINARY PLAT — A preliminary drawing or drawings indicating the proposed manner of layout of the subdivision to be submitted to the Planning Board for its consideration.

PRINCIPAL ARTERIAL — As defined by AASHTO, a street that carries most of the trips entering and leaving the Town as well as significant intra-area travel, including important bus routes, expressways, parkways and interstates. [Added 6-5-2007 by L.L. No. 5-2007]

RESUBDIVISION — A change of a recorded subdivision plan if any such change affects any street layout shown on such plat or area reserved thereon for public use or any change of a lot line; or any change if it affects any map or plan legally recorded prior to the granting of subdivision review authority to the Planning Board.

SKETCH PLAN OR LAYOUT — A sketch of the preliminary plat to enable the subdivider to save time and expense in reaching general agreement with the Board as to the form of the preliminary plat and objectives of these regulations. (See § 250-22.)
STREET — A public or private thoroughfare, however designated, which affords legal access to abutting property.

STREET PAVEMENT — The wearing or exposed surface of the roadway used by vehicular traffic.

STREET WIDTH or RIGHT-OF-WAY — The distance between property lines, measured at right angles to the center line of the street.

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

SUBDIVISION — The division of any parcel of land into two or more lots or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development, with or without streets or highways, and in conformity with state law. “Subdivision” shall include “resubdivision.”

SUBDIVISION PLAT — The final map or drawing on which the subdivider’s plan of subdivision is presented to the Planning Board for approval and which, if approved, shall be submitted to the County Clerk for recording.

SURVEYOR — A person licensed as a land surveyor by the State of New York.

TOWN — The unincorporated area of the Town of Greenburgh, Westchester County, New York.

TOWN BOARD — The Town Board of the Town of Greenburgh.

TOWN ENGINEER — The duly designated Engineer of the Town of Greenburgh.

TOWN PLAN — The comprehensive plan for development of the Town, prepared by the Planning Board pursuant to § 272-a of the Town Law, which indicates the general locations recommended for various public works, places and structures and for the general physical development of the Town, and including any part of such plan separately adopted.

ARTICLE II Procedure for Approval; Construction of Improvements

§ 250-4. Application and approval procedure.


Whenever any subdivision or resubdivision of land is proposed and before any contract for the sale or any offer to sell such subdivision or any part thereof is made, the prospective subdivider or his agent, duly authorized in writing, shall proceed to secure approval of the proposed subdivision in accordance with the following phases: initial conference and review, preliminary plat and subdivision plat. The first phase is a suggested preliminary procedure, which is recommended to the prospective subdivider to acquaint him or it with the Board’s requirements and to familiarize the Board with the nature of his proposal, in order to avoid unnecessary expense due to costly revision of subdivision plats. The second and third phases are the required review and approval stages which must be followed by the prospective subdivider in order to obtain formal approval. However, when a building permit is granted for a single-family dwelling on a lot that has at least twice the minimum lot area of the underlying zone, no subdivision application shall be accepted or received by the Planning Board for that lot or any portion of said lot for five years after the date of issuance of the building permit.

A. Phase 1: initial conference and review. The Planning Board has accumulated a considerable body of information which may be of material assistance to the prospective subdivider. Therefore, prospective subdividers may request of the Planning Board at one of its meetings that an initial conference be held before proceeding with the preparation of detailed plans, and the Planning Board may accede to such request.

(1) Preparation for initial conference. Before the initial conference, the prospective subdivider or his
duly authorized representative should familiarize himself with these Land Subdivision Regulations, the Tree Ordinance, the Freshwater Wetlands Ordinance, the Environmental Quality Review Act, the Flood Hazard Area Ordinance, the Zoning Ordinance and the Site Plan Ordinance of the Town, where applicable. Editor's Note: See Ch. 260, Trees; Ch. 280, Wetlands and Watercourses; Ch. 200, Environmental Quality Review; and Ch. 285, Zoning.

(2) Map recommended for initial conference. To aid in presenting the proposal to the Planning Board, the prospective subdivider or his duly authorized agent shall prepare the map described in § 250-22 herein. This map need not be drawn to any specific scale, but should be large enough to demonstrate clearly to the Planning Board the factors which will influence the design of the subdivision. The prospective subdivider should be prepared to leave three copies of the map with the Planning Board.

(3) Initial conference. If the prospective subdivider elects to make a sketch plan submission, he or his duly authorized representative shall, if so requested, attend a meeting of the Planning Board to discuss the requirements of these regulations, including street improvements, traffic control, drainage, sewerage, water supply, fire protection, location of proposed open space and similar aspects, as well as the availability of existing services and other pertinent information.

(4) Planning Board action. The Planning Board will discuss the prospective subdivider's proposal with him to determine whether the sketch plan meets the purposes of these regulations and all other applicable ordinances and regulations and shall make suggestions either at the time of the initial conference or after further study, where it is considered necessary, for changes in the proposed layout. At this time the Planning Board will outline those items in § 250-23 that are required for preliminary plat review.

B. Phase II: preliminary plat.

(1) Application and fee. Prior to filing an application for the approval of a subdivision plat, the prospective subdivider shall file an application for approval of a preliminary plat of a proposed subdivision. Such application shall be made in duplicate on the application form illustrated in the appendix to these regulations, copies of which are available from the Department of Community Development and Conservation, and shall be accompanied by an application fee, payable to the Town, in accordance with the then applicable fee schedule.

(2) Number of copies. Sixteen copies of the preliminary plat and improvement plans shall be presented to the Secretary to the Planning Board at least 10 days prior to a scheduled Board meeting.

(3) Temporary staking. In order to facilitate inspection and review of the site of the proposed subdivision, temporary staking along the approximate center line of all proposed roads in the proposed subdivision will be required. Each stake shall be marked so that it can be located on the preliminary plat and shall show the approximate height of proposed cut or fill at that point.

(4) Field trip. After receipt of all required preliminary plat application material and certification by the Secretary to the Planning Board that the application is complete, the Planning Board may schedule a field trip to the site of the proposed subdivision. The prospective subdivider or his representative may be invited to attend the field trip.

(5) Study of plat. The Planning Board shall study the practicability of the preliminary plat, taking into consideration the requirements of the community and the best layout of the lands being subdivided. Particular attention will be given to the arrangement, location and width of streets, their relation to the topography of the land, traffic safety, fire protection, snow removal, drainage, lot sizes and arrangements, water supply, sewage disposal, flood prevention, proximity and effect on any freshwater wetlands, flood hazard areas, other environmental considerations, location of easements, location of proposed open space, the future development of adjoining land as yet unsubdivided and relation to and effect upon the implementation of the Town Plan.

(6) When officially submitted. The official submission date for the preliminary plat application shall be considered to be the date of the regular meeting of the Planning Board next following
certification of the Secretary to the Planning Board that the application is complete; provided, however, that if the application is completed less than 10 days before a regular meeting of the Planning Board, it shall be officially submitted on the date of the following regular meeting of the Planning Board.

(7) Scheduling of public hearing.

(a) Upon certification of the completed application by the Secretary to the Planning Board, the Planning Board shall call a public hearing to be held within 60 days of the date of the official submission of the preliminary plat.

(b) The Secretary to the Planning Board shall submit notices to the official Town newspaper for publication, shall mail the notices to abutting property owners and all other agencies required by law and as directed by the Planning Board and shall file copies of the preliminary plat and improvement plans for public review at least five days prior to the public hearing. The Secretary to the Planning Board shall also mail a copy of the public notice and a copy of the preliminary plat to the County Planning Board, where notice to such Board is required by law, and to any other municipality or agency where notice is required by law.

(8) Public hearing and resolution approving or disapproving application.

(a) The prospective subdivider and/or his duly authorized representative shall attend the public hearing. At the hearing, the Planning Board will give an opportunity to any interested person to examine or comment upon the preliminary plat and improvement plans. Within 60 days of the public hearing, the Planning Board will, at a public meeting, approve, with or without modifications, or disapprove the preliminary subdivision application by resolution, setting forth in detail any modification to which the approval is subject or reasons for disapproval pursuant to § 276 of the Town Law.

(b) A copy of the resolution shall be mailed by the Secretary to the Planning Board to the prospective subdivider within five days following the Board’s decision. The time within which the Planning Board must act on the preliminary plat may be extended by mutual consent, in writing, by the prospective subdivider and the Board.

(c) If the Board fails to act on an application for preliminary plat approval within the 60 days specified above, the preliminary plat shall be deemed approved, unless such period is extended by mutual consent, in writing, by the prospective subdivider and the Board.

(9) Expiration of approval. Approval of a preliminary plat application shall expire six months from the date of approval if no application for final approval is submitted within such period, except where such time limit is extended by the Planning Board in writing.

C. Phase III: subdivision plat.

(1) Application and fee. Application for subdivision plat approval shall be filed with the Secretary to the Planning Board. Such application shall reflect the modifications, if any, required by the Planning Board at the time of preliminary plat approval and shall be submitted in duplicate on forms which are available from the Department of Community Development and Conservation. Such application shall be accompanied by an application fee, payable to the Town in accordance with the then applicable fee schedule.

(2) Number of copies. Sixteen copies each of the subdivision plat and improvement plans, which shall conform to those regulations and all of the items listed in § 250-24, shall be presented to the Secretary to the Planning Board at least 10 days prior to a scheduled Planning Board meeting.

(3) Official submission date. The official submission date of the subdivision plat shall be considered to be the date of the regular meeting of the Planning Board next following certification of the Secretary to the Planning Board that the application is complete; provided, however, that if the application is completed less than 10 days before a regular meeting of the Planning Board, it
shall be officially submitted on the date of the following regular meeting of the Planning Board.

(4) Authorization to call public hearing.

(a) Upon receipt of the subdivision plat application, the Planning Board shall call a public hearing to be held within 45 days of the official submission date. The Planning Board may waive the public hearing if the subdivision plat is substantially the same as the preliminary plat as approved by the Planning Board and all modifications required by the Planning Board have been completed.

(b) The Planning Board shall by resolution conditionally approve, conditionally approve with or without modification, disapprove or grant final approval and authorize the signing of such plat within 45 days of its certification as complete by the Secretary to the Planning Board if no such hearing is held.

(c) The Secretary to the Planning Board shall submit notices to the official Town newspaper for publication, shall mail the notices to abutting property owners and shall file copies of the subdivision plat and improvement plans for public review at least five days prior to public hearing. The Secretary to the Planning Board shall also mail a copy of the public notice and a copy of the proposed plat to the County Planning Board, where notice to such Board is required by law, and to any municipalities and agencies where notice is required by law.

(5) Public hearing and resolution approving or disapproving subdivision plat. The prospective subdivider and/or his representative shall attend the public hearing. At the hearing, the Planning Board will give an opportunity to any interested persons to examine or comment upon the subdivision plat and improvement plans. Within 45 days of the public hearing, the Planning Board shall approve, conditionally approve, with or without modifications, or disapprove the subdivision application, by resolution, which resolution will set forth in detail any conditions to which the approval is subject or reasons for disapproval, pursuant to § 276 of the Town Law. A copy of the resolution shall be mailed by the Secretary to the Planning Board to the prospective subdivider within five days following the hearing. Failure to act within the forty-five-day period shall be deemed approval by the Planning Board, unless such period is extended by mutual consent, in writing, by the prospective subdivider and the Board.

(6) Revision of subdivision plat and improvement plans. Based upon the above resolution referred to in § 250-4C(5), the prospective subdivider shall have the subdivision plat revised, if necessary. This may require correcting and completing the plat in final form or redrawing a map. In the latter case, the revised plat must be exactly the same as the conditionally approved plat, except for any changes required by the resolution. The improvement plans must also be revised as required by the resolution.

(7) Review of subdivision plat and improvement plans. In the case of a subdivision plat approved with conditions or modifications, after completion of the subdivision plat and improvement plans in accordance with the Board's resolution, 16 copies of each shall be submitted to the Planning Board for final review. The improvement plans must be endorsed by the Secretary to the Planning Board as "approved" before the subdivision plat will be signed or any construction work approved. No formal approval shall be endorsed on the plat until a review has indicated that all requirements of the resolution have been met and until the prospective subdivider has complied with all the requirements and § 250-4D of this article.

D. Conditions for approval of subdivision plat.

(1) Improvements and performance bond.

(a) After a subdivision plat receives approval, it shall not be endorsed by the Secretary to the Planning Board or any other duly authorized individual until the prospective subdivider shall, at the sole option of the Board:

[1] Complete all required improvements as specified in the Board's approval, § 277 of the Town Law and these regulations to the satisfaction of the Town Engineer and
Commissioner of the Department of Public Works and all such improvements have been accepted by the Town Board; or

[2] Alternatively, file with the Town Board a performance bond, complying with § 277 of the Town Law, satisfactory in all respects as to form, sufficiency, manner of execution and surety to the Town Attorney. Such bond shall be to the Town, equal in value to 90% of the full cost of all public improvements as estimated by the Planning Board. The remaining 10% of the estimated cost shall be deposited in cash or its equivalent, as determined by the Town Attorney, in escrow with the Town, until all required improvements shall be accepted by the Town Board. However, the prospective subdivider shall have the option to deposit with the Town the full cost of public improvements, as estimated by the Planning Board, in cash or its equivalent, in form and manner satisfactory to the Town Attorney.

(b) In the event that the prospective subdivider commences construction of required public improvements as set forth in Subsection D(1)(a)[1] and, after having completed a portion of such improvement, seeks to file a bond with the Town for the remainder of the improvements, the Planning Board shall determine the full cost of all uncompleted improvements. The applicant shall then file with the Town a bond as set forth in Subsection D(1)(a)[2] for all uncompleted improvements. The applicant shall also file with the Town a maintenance bond and/or insurance to cover all eventualities, in an amount considered adequate by the Town Engineer and in a form satisfactory to the Town Attorney, in order to assure the satisfactory condition of the required improvements during construction and until such improvements are accepted by the Town. The applicant shall further file with the Town a sworn statement that there exist no liens or encumbrances upon the completed improvements.

(c) All performance bonds filed under this section shall run for a term to be fixed by the Planning Board, but in no case for a longer term than three years. However, if the improvements are not completed, the Planning Board may request the applicant to extend the term of the bond, and, if such bond is not extended, then the Planning Board may consider the performance bond in default.

(d) If the prospective subdivider is not constructing the improvements in accordance with the filed schedule or if the public improvements are not completed to the satisfaction of the Town Engineer and the Commissioner of the Department of Public Works and are not accepted by the Town, the Town may consider the prospective subdivider in default and may use the 10% in cash or its equivalent, being held by the Town, to complete such improvements before proceeding against the bonding company.

(2) Waiver of required improvements. The Planning Board may waive, for such period of time as it may determine, the requirements to provide any or all of such improvements as, in its judgment, are not necessary in the interests of the public health, safety and general welfare. In the case of each waiver granted, the Planning Board shall enter upon its records the reason or reasons why the particular improvement is not necessary, and it shall attach appropriate conditions or require such guaranties as may be necessary to protect the public interest.

(3) Offer of dedication.

(a) The Planning Board, at the time of approval of the subdivision plat, shall determine and indicate on the plat which of the streets, parks or easements should ultimately be dedicated to the public and conveyed to the Town for public purposes. Such dedication shall be subject to acceptance or rejection by the Town Board. Before the plat is endorsed by the Secretary to the Planning Board or any other duly authorized individual, the applicant shall execute and deliver to the Town Board the following documents:

[1] An offer by the prospective subdivider, for himself, his successors and assigns, to the Town for dedication to public use, the streets and parks shown on said plat. Such
offer of dedication shall be in form for recording and satisfactory in form and substance to the Town Attorney. Upon acceptance, the prospective subdivider shall pay the cost of recording said offer of dedication and any other resolutions, instruments or conveyances in furtherance of the acceptance thereof.

[2] A deed in fee simple absolute, conveying title to all streets and parks shown on said plat which are to be dedicated for public use. Such deed shall be in a form satisfactory to the Town Attorney and shall be held in escrow until accepted by the Town. Upon acceptance, the prospective subdivider shall pay the cost of recording said deed of dedication and any other resolutions, instruments or conveyances in furtherance of the acceptance thereof.

[3] A deed, in the form for recording and satisfactory to the Town Attorney, dedicating the easements so determined and indicated on the plat by the Planning Board to be for public use and dedication. Upon acceptance, the prospective subdivider shall pay the cost of recording said deed of dedication and any other resolutions, instruments or conveyances in furtherance of the acceptance thereof.

[4] A certificate of title, satisfactory to the Town Attorney, showing that he has marketable title to the area to be dedicated.

(b) While the offer of dedication remains in force but unaccepted with respect to any street or park, the prospective subdivider shall not, without the prior consent of the Planning Board, encumber the offered land or perform any act which would prevent it from conveying title to said streets and parks to the Town; and, specifically, no conveyance of any right in and to any streets, other than easement rights for ingress and egress or for the construction of utility services, shall be made to any individual or purchaser of property in the subdivision. No mortgage shall be made by the prospective subdivider subsequent to the recording of such offer of dedication unless the same shall be made expressly subject to the rights of the public and the Town of Greenburgh under such offer of dedication. If there is any mortgage or any other encumbrance with respect to such premises, such mortgagee or encumbrancer shall join in the execution thereof or consent to the subordination of such encumbrances, which subordination shall also be recorded.

(c) In the event that any subdivision plat shall become lawful for filing in the office of the Clerk of the County of Westchester by reason of the failure of the Planning Board to act with respect thereto within the time period required by law, then, and in such event, the Planning Board shall be deemed, for purposes of the foregoing provisions, to have required that all streets and parks shown on such plat and all easements of any nature which are for the benefit of the public, the municipality or more than one plot of land on said plat, shall be dedicated to the Town. All documents which are necessary to effectuate such dedication as previously set forth shall be so executed and delivered, and all requirements of §§ 276 and 279 of the Town Law and these Subdivision Regulations must be fully complied with.

(d) The prospective subdivider shall pay an inspection fee, equal to 2% of the actual cost of the proposed improvements as estimated by the Town Engineer and Department of Public Works, payable by check to the Town, specifying the purpose of the fee.

E. Approval of subdivision plat.

(1) Expiration of conditional approval. Conditional approval of a subdivision plat shall expire within 180 days after the date of the resolution granting conditional approval, unless all requirements have been certified as completed. The Planning Board may extend the time, in writing, in which a conditionally approved plat must be submitted for signature if, in its opinion, such intention is warranted by the particular circumstances thereof, but not to exceed two additional periods of 90 days each.
(2) Signing of plat. The Secretary to the Planning Board or Chairman of the Planning Board shall endorse approval on the plat after all conditions and resolutions pertaining to the plat have been satisfied. Approval will be endorsed on the tracing cloth original of the plat (which will be returned to the prospective subdivider), on a duplicate Mylar tracing and on two prints of the plat (which will be retained by the Planning Board).

(3) Plat void if revised after signature. No changes, erasures, modifications or revisions shall be made to any subdivision plat after approval has been given by the Board and endorsed in writing on the plat excepting only the endorsement of the Westchester County Department of Health or County Clerk's office. In the event that any subdivision plat, when recorded, contains any such changes, the plat shall be considered null and void.

(4) Authorization for filing plat by sections. Prior to granting its approval, the Planning Board may permit the subdivision plat to be subdivided into two or more sections and may impose such conditions upon the filing of such sections as it may deem necessary to assure the orderly development of the land. The Planning Board shall determine that no section contains less than 10% of the total lots in the subdivision or 10% of the total area, whichever is greater. No section shall be approved for filing prior to approval of the other section or sections upon which it will depend for street access and adequate traffic circulation, drainage or fire protection. Approval of such sections, subject to any conditions imposed by the Planning Board, shall be granted concurrently with the approval of the subdivision plat, and the extent of each section and all conditions imposed shall be shown on the subdivision plat. The Planning Board may deny approval of any subsequent section if a prior section has not first been satisfactorily completed.

(5) Filing of plat with County Clerk. In accordance with Town Law, the plat shall be filed with the Westchester County Clerk, Division of Land Records, within 60 days of the date of signing. The approval of any plat not so filed shall expire 60 days from the date of endorsement. The Planning Board may extend such sixty-day period as provided in § 2/16 of the Town Law, upon written request by the applicant.

(6) Submission of copies of filed plat. The applicant is requested to submit two paper copies of the subdivision plat showing the endorsement of the County Clerk to the Planning Board within 30 days of the date of filing.

§ 250-5. Construction of improvements.

A. Inspection of improvements. The subdivider shall notify the Town Engineer, in writing, of the time when he proposes to commence construction of public improvements so that the Town Engineer may cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities required by the Planning Board. A detailed schedule shall also be submitted to and approved by the Department of Public Works, setting forth the proposed completion date of each stage of construction: clearing and grubbing, rough grading, sewers, water mains, storm drains, curbs, base and binder courses of pavement, paving top course, streetlights, street trees and survey monumentation. In addition, the prospective subdivider shall specify the earliest dates on which each certificate of occupancy will be requested and dates of fine grading and seeding of lots. If changes in schedule are anticipated, a new schedule shall be presented in writing, but, until such is accepted, the former schedule shall pertain. Failure on the part of the prospective subdivider to construct in accord with the schedule and all specifications applicable thereto shall justify stoppage of work in connection with the development by the Department of Public Works until such schedule is completed to the satisfaction of the Department of Public Works.

B. Modification of design of improvements. If, at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the Town Engineer and the Commissioner of the Department of Public Works that unforeseen conditions make it necessary or preferable to modify the location or design of such improvements, the Town Engineer and the
Commissioner of the Department of Public Works may authorize modification, provided that these modifications are in the spirit and intent of the Planning Board’s approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Planning Board. The Town Engineer and Commissioner of the Department of Public Works shall issue any authorization under this subsection, in writing, and shall transmit a copy of such authorization to the Planning Board.

C. Proper installation of public improvements. If the Town Engineer or Commissioner of the Department of Public Works shall find, upon inspection of the public improvements performed before the expiration of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the prospective subdivider, he shall so report to the Town Board, Building Inspector and Planning Board. The Board then shall notify the prospective subdivider and, if necessary, the prospective subdivider’s bonding company and take all necessary steps to preserve the Town’s rights under the bond. No further plats shall be approved by the Planning Board as long as the prospective subdivider is in default on a previously approved plat.

D. Completion of public improvements. All public improvements shall be in a complete and satisfactory condition at the time they are offered for acceptance. All facilities must be in working order and shall be subject to such tests as the Department of Public Works may order. The facilities will not be accepted piecemeal, and all must be incorporated into and made part of the Town’s system of public facilities.

E. Acceptance of public improvements. Before all public improvements shall be accepted by the Town, the applicant shall submit, with his request for acceptance, the documents listed and described in § 250-25.

ARTICLE III General Requirements and Design Standards

§ 250-6. Standards for consideration of applications.

In considering applications for subdivision, the Planning Board shall be guided by the standards set forth hereinafter. Said standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in § 250-28.

§ 250-7. Character of land; preservation.

A. Land to be subdivided shall be of such a character that it can be used safely for the intended building purposes without danger to health or peril from fire, flood or other hazards. Land shall not be developed for any uses that will be endangered by fire, flood or other hazard.

B. Existing features which would enhance development and serve the public welfare, such as trees, shrubbery, watercourses, historic spots, topography, scenic views and similar irreplaceable assets, shall be preserved wherever the Board deems the same to be possible and practicable.

C. Further, the subdivision design shall:
   (1) Preserve, insofar as practical, the natural terrain and drainage lines.
   (2) Disturb the natural fertility of the soil as little as possible.
   (3) Not cause any topsoil to be removed from the land except as hereinafter provided.


Subdivisions shall be in harmony with the Official Map of the Town and shall be in harmony with such portions of the Town Plan as may be in existence from time to time.

A. Removal of trees. Notwithstanding any other provision of this chapter, any prospective subdivider whose plans would require the removal of any trees on said property shall make application to the Planning Board of the Town of Greenburgh, which shall have sole jurisdiction regarding the proposed removal of such trees. The Planning Board shall make such determination in accordance with all the provisions and procedures as set forth in the Town of Greenburgh Tree Ordinance (Chapter 260). In the event that a property owner, subsequent to the filing of a final plat, shall require the removal of any trees which deviate from the plans approved by the Planning Board, application must be made to the Tree Preservation Commission under the provisions and procedures of the Town of Greenburgh Tree Ordinance (Chapter 260), and all the requirements of said ordinance shall be applicable.

B. Excavation. It shall be unlawful for any prospective subdivider to excavate, strip or remove any topsoil, earth, sand, gravel, humus, rock or other mineral deposit from any land in that portion of the Town, unless:

(1) An excavation permit for such excavation work shall have been duly issued by the Building Inspector pursuant to the provisions of this chapter.

(2) Such excavation work, in its entirety, shall be undertaken, performed and completed in accordance with all provisions of the Town of Greenburgh Excavations and Soil Removal Ordinance (Chapter 210).

§ 250-10. Conformity to specifications for required improvements.

All required improvements shall conform to the Town specifications, which may be obtained from the Department of Public Works, or to specifications of other agencies if within their jurisdiction. If any subdivision falls within the jurisdiction of more than one agency, the most restrictive requirements on the prospective subdivider shall prevail.

§ 250-11. Street layout.

A. Width, location and construction. Streets shall be of sufficient width, grade, suitable location and adequate construction to accommodate the prospective traffic and to afford access for fire-fighting, snow, trash and garbage removal and road maintenance equipment and shall be so coordinated as to comprise a convenient system. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties.

B. Arrangement. The arrangement of streets in the subdivision shall provide for the continuation of collector streets of adjoining subdivisions and for proper projection of collector streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impractical, the above conditions may be modified. The subdivision shall have two or more means of access by streets to an existing street or streets of width and construction equal to the requirements of these regulations. Subdivisions containing 20 lots or more shall have at least two street connections with streets previously placed on the Official Map. Where two or more existing streets are available, access shall be provided to at least two of them.

[Amended 6-5-2007 by L.L. No. 5-2007]

C. Local streets. Local streets shall be so laid out that their use by through traffic shall be discouraged.

[Amended 6-5-2007 by L.L. No. 5-2007]

D. Provision for resubdivision. Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which the subdivision is located, the Board may require that streets and lots be so laid out as to permit resubdivision in accordance with the requirements contained in these regulations.
E. Dead-end streets. The creation of dead-end or loop residential streets will be encouraged whenever the Board finds that such type of development will not interfere with normal traffic circulation in the area. Where dead-end streets are designed to be so permanently, whenever possible they should not exceed in length six times the minimum lot width in the zoning district and shall terminate in a circular turnaround having a minimum right-of-way radius of 50 feet and pavement radius of 40 feet. At the end of temporary dead-end streets, a temporary turnaround with a pavement radius of 40 feet within a temporary easement shall be provided, unless the Board approves an alternate arrangement. If such dead-end street is continued, it shall be the responsibility of the continuing subdivider to remove the temporary cul-de-sac and restore the area to a through-street condition, including the placement of topsoil and grass in areas previously covered by the temporary turnaround pavement and including any new pavement necessary to achieve proper grades and blending between the existing subdivision road and its new extension.

F. Block size. In general, no block shall be less than 200 feet nor more than 900 feet in length.

G. Street jogs. Street jogs with center-line offsets of less than 125 feet shall not be permitted except with the approval of the Board.

H. Angle of intersection. In general, all intersecting streets shall join each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it joins.

I. Relation to topography. The street plan of a subdivision shall bear a logical relationship to the topography of the property and adjoining lands, and all streets shall be arranged so that as many of the building sites as possible shall be at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.

J. Right-of-way for widening or realignment. Where the subdivision includes or borders on an existing street and additional land is required for realignment or widening of such street, as indicated by the Town Plan or otherwise determined by the Board to be necessary, such land shall be marked on the subdivision plat: "Reserved for Street Widening (or Realignment) Purposes." Land reserved for realignment or widening purposes may not be counted in satisfying area of lot requirements or setback requirements of the Zoning Ordinance. Editor's Note: See Ch. 285, Zoning.

§ 250-12. Street design.

A. Standards for street design. Streets shall be designed and constructed to the current standards set forth in "A Policy on Geometric Design of Highways and Streets" published by AASHTO, as amended, and if the street classification is not indicated on the Town Plan, it shall be determined by the Board.

[Amended 6-5-2007 by L.L. No. 5-2007]

(1) Minimum width of street pavement: The roadway widths shall be based on the number of lanes required to provide sufficient capacity to serve the projected traffic volumes and shall be determined using proper traffic engineering practices and capacity analyses. At no time shall the roadway pavement for two-way traffic be less than 26 feet and for one-way traffic be less than 14 feet. An additional seven feet of pavement shall be provided on each side of roadway where parking is permitted and/or five feet where a bicycle path is provided.

(2) Minimum width of right-of-way: The width of the right-of-way shall exceed the pavement width by a minimum of eight feet on each side of the roadway and shall be no less than 50 feet.

(3) Maximum grade for roads and cul-de-sacs: The maximum grades shall be in accordance with AASHTO standards. Design speed shall exceed the posted or permitted speed limit by 10 miles per hour or equivalent to the 85th percentile speed of the existing traffic as determined by appropriate surveys.

(4) Minimum grade for roads and cul-de-sacs: The minimum roadway and cul-de-sac grades shall be 1%.

(5) Minimum sight distance: Minimum sight distances shall be calculated in accordance with
AASHTO standards. For roadway design, the Stopping Sight Distance Guidelines shall be used, and for intersection design, the Intersection Sight Distance (not Stopping) Guidelines shall be used. In both cases, the design speeds shall exceed the posted or permitted speed by 10 miles per hour or equivalent to the 85th percentile speed of the existing traffic as determined by appropriate surveys.

(6) Minimum center-line radius of horizontal curve: The minimum center-line radius shall be calculated using AASHTO standards. The design speed shall exceed the posted or permitted speed limit by 10 miles per hour or equivalent to the 85th percentile speed of the existing traffic as determined by appropriate surveys.

(7) Minimum length of vertical curve: The minimum length of vertical curve shall be determined based on AASHTO standards. The design speed shall exceed the posted or permitted speed by 10 miles per hour or equivalent to the 85th percentile speed of the existing traffic as determined by appropriate surveys.

(8) Intersection curb radii: The curb radii at intersections shall be a minimum of 30 feet for all arterial and collector streets and 25 feet for all cul-de-sacs and local streets.

(9) Cul-de-sac turnaround radii: A turnaround area with an outside radius of 40 feet or more shall be provided at the end of cul-de-sacs.

B. Improvements. Streets shall be graded and improved with pavements, curbs, monuments, gutters, sidewalks, fire hydrants, drainage facilities, water mains, sewers, streetlights, signs and street trees. The Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. All grading and improvements shall be approved as to design and specifications by the Department of Public Works.

C. Utilities in streets. All utilities within the subdivision shall be placed underground. The Planning Board may require that underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.

D. Utility easements.

(1) Where topography is such as to make impractical the inclusion of utilities within the street lines, perpetual unobstructed easements of no less than 20 feet in width may be required to be provided across property outside the street lines and with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required by the Town Engineer.

(2) The Planning Board may require perpetual unobstructed easements across lots or centered on rear or side lot lines in order to provide for the future extension of public utilities to adjacent properties, whether such adjacent property is developed or undeveloped. The location and dimensions of such easements shall be as determined by the Town Engineer.

E. Steep grades and curves; visibility at intersections. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any lot, whether at an intersection entirely within the subdivision or of a new street with an existing street, as shown shaded on Sketch A, shall be cleared of all growth and obstructions above the level two feet higher than the center line of the street, or as needed to insure that the drivers’ sight lines, as per AASHTO criteria, are unobstructed. If directed, ground shall be excavated to achieve visibility. [Amended 6-5-2007 by L.L. No. 5-2007]
Sketch A
Portion of Corner Lot To Be Cleared

F. Watercourses. Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Department of Public Works. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way, as required by the Department of Public Works and in no case less than 20 feet in width. The Planning Board may require that such watercourse, drainageway, channel or stream be enclosed.

G. Driveways. Lots shall be laid out so that driveways have access to that street upon which they abut which carries or is intended to carry the lesser amount of traffic. [Amended 6-5-2007 by L.L. No. 5-2007]
   (1) Driveway grades between the curbline and the right-of-way line shall not exceed 10%.
   (2) Other than in an R-5 One-Family Residence District, driveways shall not be located within the side yard setback.
   (3) Driveways shall be perpendicular to the street right-of-way and removed from street intersections.

§ 250-13. Street names.

A. Type of name. Street names shall be selected by the prospective subdivider subject to the approval of the Planning Board.
B. Requirements.

(1) Proposed street names shall be included on the preliminary plat.

(2) Prospective subdividers shall be encouraged to consider the character of the neighborhood and the nature of street naming in the general vicinity.

(3) Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names in the Town and, where practical, in the villages, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name.

(4) Proposed street names should not be the same, exclusive of the suffix; e.g., Maple Street, Maple Avenue, Maple Lane, etc.

§ 250-14. Lots.

A. Arrangement; size. The building lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other natural conditions, in complying with the Zoning Ordinance. Editor's Note: See Ch. 225, Zoning. In order to build on each lot. Lots shall not be of such depth as to enable the later creation of a second building lot at the rear.

B. Side lines. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a variance from this rule will give a better street system or building lot plan.

C. Corner lots. Corner lots shall be of sufficient dimension so that any structure placed thereon shall conform to the building setback line of each street. On corner lots, there shall be rounding of corner lot lines with a twelve-foot radius.

D. Private streets. Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with these regulations and are shown on the Official Map.

E. Monuments and lot corner markers. Permanent monuments of a size and type approved by the Town Engineer shall be set at such block corners, angle points, points of curves in streets and other points as the Town Engineer may require, and their location shall be shown on the subdivision plat.

F. Double frontage. Double-frontage lots shall be avoided except where essential to provide separation of residential development from streets or to overcome specific disadvantages of topography and orientation.

G. Reserve strips prohibited. Reserve strips of land, which might be used to control access from the proposed subdivision to any neighboring property or to any land within the subdivision itself, shall be prohibited.

H. Continuation of streets into adjacent properties. The arrangement of streets shall provide for their continuation between adjacent properties, where such continuation is determined necessary for proper traffic movement, effective fire protection, efficient provision of utilities, snow removal and other services and/or where such continuation is in accordance with the Town Development Plan. Alternatively, if a street continuation is determined not to be warranted by the circumstances or would result in unsafe traffic conditions or otherwise jeopardize the public safety and welfare, the Planning Board may require such street to be terminated short of the boundary lines of the subdivision. Where a continuation of a street beyond the boundaries of a subdivision is warranted but the adjacent property is undeveloped and the street must dead-end temporarily, the Planning Board may require that the right-of-way and all improvements be extended to the property line. A temporary circular turnaround of a minimum of 50 feet in radius shall be provided on all temporary dead-end streets in excess of 100 feet in length, with a notation on the plat that land outside the normal street right-of-way shall revert to abutting property owners upon continuation of the street.

A. Removal of spring- and surface water. The prospective subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring- or surface water which may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way, where feasible, or in perpetual unobstructed easements 20 feet in width. Location of such facilities shall be approved by the Department of Public Works. The Planning Board may require that such open ditch be enclosed.

B. Drainage structure to accommodate potential development upstream. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Department of Public Works shall approve the design and size of facility based on anticipated runoff from a ten-year storm under conditions of total potential development permitted by the Zoning Ordinance in the watershed. Editor's Note: See Ch. 285, Zoning. Capacities for runoff from storms having a longer recurrence interval may be required upon the recommendation of the Town Engineer.

C. Responsibility for drainage downstream. The prospective subdivider shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. This study shall be reviewed by the Department of Public Works. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provisions have been made for the improvement of said condition.

§ 250-16. Flood protection.

A. The prospective subdivider shall assure that:
   (1) All public utilities and facilities, such as sewer, gas, electrical and water systems, are located, elevated and constructed to minimize or eliminate flood damage.
   (2) Adequate drainage is provided so as to reduce exposure to flood hazards.

B. The prospective subdivider shall assure that new water supply systems or sanitary sewerage systems are to be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters and that on-site waste disposal systems are to be located so as to avoid impairment of them or contamination from them during flooding.

C. The prospective subdivider shall be required to adhere to all other applicable flood protection regulations of the Town of Greenburgh Editor's Note: See Ch. 220, Flood Damage Prevention, and the Flood Insurance Administration of the United States Department of Housing and Urban Development. Land subject to flooding shall not be platted for residential occupancy or for any other use that may increase danger to life or property or aggravate the flood hazard, but such land shall be set aside for such use as shall not be endangered by periodic or occasional inundation.

§ 250-17. Water distribution system.

A. The design of water mains shall be such as will allow for future development around and beyond the specific development to give the capacity and pressure that will ultimately be required by development in accordance with the Town Plan, the Official Map and Zoning Ordinance, Editor's Note: See Ch. 285, Zoning, the American Insurance Association and the New York Insurance Services Office.

B. All water mains shall be looped or installed in a grid system or planned for future looping or gridding by the Board and shall contain such pipes, valves, hydrants and appurtenances as will give complete control and proper pressure to the points of supply. If looping cannot be accomplished within the subdivision, the prospective subdivider shall construct all water mains possible within his own property for such loops.

All sanitary and other wastes shall be disposed of in strict accordance with the rules and regulations of the Westchester County Department of Health, except that no separate sewage disposal system shall be permitted on lots less than 20,000 square feet in area.

§ 250-19. Parks; open space; natural features.

A. Recreation and open space.

(1) In order to provide adequately for the comfort, convenience, safety, health and welfare of the residents of the Town, it is necessary to establish recreational and open space areas for the public use. The Planning Board has set a standard that will provide for the eventual development of an adequate system of play lots, playgrounds, neighborhood parks, playfields and large parks or open space for the residents of the Town.

(2) The prospective subdivider or residential site plan developer shall provide recreational land, within the subdivision or residential development site, of suitable size and topography and suitably located. Alternatively, land and/or improvements may be provided off site at another location mutually agreeable to the developer and the Town. The amount of land and/or improvements shall be equal in value to money offered in lieu thereof and in accordance with the schedule set forth herein. Any offer of land and/or money by the prospective subdivider or residential site plan developer shall be made by written communication to the Board. In the event that money is offered, it shall be based on the standard of $8,640 per subdivided single-family building lot. Subdivided lots containing an existing single-family dwelling, with a valid certificate of occupancy dated prior to the instant application, shall be excluded from the lot count for the purposes of computing the amount of money in lieu of land. The provision of recreational land shall also apply to planned unit development and residential site plan developments, except that money in lieu of land for these developments shall be based on the standard of $4,320 per dwelling unit when units are offered for sale or when shares of a corporate ownership are sold resulting in a space lease and $2,160 per dwelling unit when units are offered for rent and are deed restricted as rentals for a minimum of 20 years. If at any time during the twenty-year period, units are converted to nonrental status, an additional $2,160 per unit shall be paid to the Town prior to conversion. Developers providing affordable housing, as defined by the Town Board in the Town Zoning Code, Chapter 285, or as modified by the Town Board, under special circumstances, may receive waivers of up to 100% of the recreation land or fee in lieu thereof. Special circumstances that the Town Board may consider will include but not be limited to housing for handicapped persons or infirm persons, housing meeting the needs of persons of moderate income other than the United States Department of Housing and Urban Development’s definition of low- and moderate-income households and/or housing for special target groups, such as teachers or public employees. Housing for senior citizens, aged 60 or over, that does not qualify as affordable housing may nonetheless be eligible for a reduction in the recreational land or fee in lieu thereof to a minimum of $2,160 per unit upon special request to the Town Board and upon supplying any and all documentation said Board requires. This section shall apply to subdivision applications submitted after January 1, 1995. [Amended 5-11-1983; 11-2-1986 by L.L. No. 2-1986; 3-27-1996 by L.L. No. 2-1996; 5-10-2006 by L.L. No. 2-2006]

Editor’s Note: Section 4 of this local law stated the following: “Existing or prior development approvals. The provisions of this chapter do not apply to any development of property for which final approval has been obtained and not expired. Applications which have received final approval prior to the effective date of the local law shall comply with the fees in effect at the time of such approval. As used in this section, the term ‘final approval’ shall mean: in the case of the subdivision of land, conditional approval of a final plat as the term is defined in New York Town Law § 276. In the case of site plan involving the subdivision of land, adoption by the Planning Board, or Town Board, as the case may be, of resolution granting approval.”]

(3) The decision and discretion as to whether land or money shall be suitable and acceptable hereunder shall be vested exclusively in the Board in every case and not in the prospective subdivider, on the basis of the judgment of the Board as to which alternative is in the best
interests of the Town in the light of the topography and land area of the site, population density, existing recreation facilities, cost of developing additional recreation facilities and all of the circumstances of each particular case. [Amended 6-22-1993 by L.L. No. 2-1993]

(4) The public facilities will not be accepted and the performance bond will not be released until all facilities have been completed to the satisfaction of the Town Board.

(5) Money accepted in lieu of land shall be used only for the purpose of acquisition or development of permanent park and recreation facilities in accordance with the approved recreation development plan and in accordance with Town Law § 277. The money shall be deposited by the Town of Greenburgh in a separate fund entitled “Fund for Reserve for Acquisition and/or Development, Recreation Land,” which can only be used for the aforesaid purposes. Money for single-family residential subdivisions shall be due prior to the Secretary of the Planning Board signing the subdivision plat. Money for multiple-family developments shall be due upon filing for building permits. [Amended 6-22-1993 by L.L. No. 2-1993; 3-27-1996 by L.L. No. 2-1996]

(6) Recreation fees collected by the Town pursuant to Town Code § 250-19 and Town Law § 277 and deposited before July 1, 1993, may only be utilized according to the following procedure: [Added 6-22-1993 by L.L. No. 2-1993]

(a) Proposals to utilize recreation fees shall be submitted to the Commissioner of Parks and Recreation, the Commissioner of Community Development and Conservation and the Town Board. Each proposal shall comply with the requirements of Town Law § 277 and set forth, in detail, the scope of the proposed project and the anticipated cost.

(b) The Commissioner of Parks and Recreation shall review each proposal and send his written comments, with specific recommendations, together with the comments and recommendations of the Parks and Recreation Advisory Council, if any, to the Planning Board within 60 days, unless such time is extended by the Board.

(c) After review of all comments and recommendations, the Planning Board shall refer the proposal, together with its recommendations, to the Town Board for final review and approval. The Planning Board may solicit and entertain whatever comments or request whatever necessary additional information the Board, in its sole discretion, deems necessary and appropriate to its decision. The Board shall explain its recommendations fully. The Planning Board shall refer each proposal to the Town Board within 90 days after receipt, unless such time is extended by the Town Board.

(d) Final authority to expend recreation funds deposited with the Town pursuant to Town Law § 277 and Town Code § 250-19 shall be vested in the Town Board, which shall have sole discretion to approve or disapprove any proposal to utilize recreation funds forwarded by the Planning Board. Where a proposal to utilize recreation funds would, in the opinion of the Town Board, offer Town-wide recreation services not available in an existing district or where the establishment of a recreation facility cannot be entirely funded by any single escrow district, the Town Board may, in its discretion, assess a proportional amount of the cost to each contributing escrow district. In considering whether a recreation project will provide Town-wide recreation services not available in any existing escrow district the Town Board shall consider and weigh the following: the nature, extent and location of existing facilities; population demographics, particularly proximity to existing and proposed recreation facilities; the cost of developing additional services and facilities; and the benefits provided. Before more than one escrow district is assessed the cost of a project, the Town Board shall find that the proposed project will provide residents of each contributing escrow district with recreational benefits not currently available and, in addition, that it is not reasonable, practical or economical to build recreational facilities or services of a similar caliber like that proposed within the contributing escrow district.

(7) Recreation fees collected by the Town pursuant to Town Code § 250-19 and Town Law § 277 and deposited after July 1, 1993, may only be utilized according to the following procedure: [Added 6-22-1993 by L.L. No. 2-1993]
(a) Proposals to utilize recreation fees shall be submitted to the Commissioner of Parks and Recreation, the Commissioner of Community Development and Conservation and the Town Board. Each proposal shall comply with the requirements of Town Law § 277 and Town Code § 250-19 and set forth, in detail, the scope of the proposed project and the anticipated cost.

(b) The Commissioner of Parks and Recreation shall review each proposal and send his written comments, with specific recommendations, together with the comments and recommendations of the Parks and Recreation Advisory Council, if any, to the Planning Board within 60 days, unless such time is extended by the Board.

(c) After review of all comments and recommendations, the Planning Board shall refer the proposal, together with its recommendations, to the Town Board for final review and approval. The Planning Board may solicit and entertain whatever comments or request whatever necessary additional information the Board, in its sole discretion, deems necessary and appropriate to its decision. The Board shall explain its recommendations fully. The Planning Board shall refer each proposal to the Town Board within 90 days after receipt, unless such time is extended by the Town Board.

(d) Final authority to expend recreation funds deposited with the Town pursuant to Town Law § 277 and Town Code § 250-19 shall be vested in the Town Board, which shall have sole discretion to approve or disapprove any proposal to utilize recreation funds forwarded by the Planning Board. When considering a proposal to expend funds collected after July 1, 1993, the Town Board shall weigh and consider the origin of funds collected pursuant to this section.

B. Parkland.

(1) In the event that an area to be used for a park or playground is required to be so shown, the prospective subdivider shall submit to the Board a tracing, drawn in ink on tracing cloth or Mylar, showing, at a scale suitable to show all the elements of such area and the following features thereof:

(a) The boundaries of the area.

(b) Existing features such as brooks, ponds, trees, rock outcrops, structures, drains, etc.

(c) Existing and, if applicable, proposed changes in grades and contours of the area and of the areas immediately adjacent.

(2) Land set aside for recreation and open space shall be shown on the final grading plan. Such land shall:

(a) Have adequate graded access to a Town street or streets.

(b) Be suitably graded.

(c) Be cleared of material, either native or deposited, which may present hazards, unsightliness and obstructions which will tend to hinder the use of the land as intended.

(d) Be protected by a fence or similar protective device when constituting a hazard or attractive nuisance by virtue of topography.

(3) The performance of park work shall be included in the improvement work required to be accomplished by the prospective subdivider and shall be included in the subdivision performance bond.

§ 250-20. Preservation of natural features.

A. The Planning Board shall, wherever possible, require the preservation of all natural features which
add value to residential developments and to the community, such as large trees or groves, watercourses and water bodies, historic spots, vistas, steep slopes and similar irreplaceable assets. In general, all trees on the site, except those within proposed building lines and for a distance of 10 feet therefrom, shall be preserved in accordance with the provisions of the Tree Ordinance of the Town. Editor’s Note: See Ch. 260, Trees. Where trees cannot be preserved, as set forth in the Tree Ordinance, then they shall be replaced in kind. In the case of large and mature trees which cannot be replaced in kind, the Planning Board may, in its discretion, require multiple plantings instead. [Amended 5-11-1983]

B. Excavation and soil erosion.

(1) No changes shall be made in the contour of the land and no grading, excavating, removal or destruction of topsoil, trees or other vegetative cover of the land shall be commenced within a proposed subdivision until such time as an erosion and sediment control plan shall have been submitted to and reviewed by the Soil Conservation Service and approved by the Planning Board or there has been a determination by the Planning Board, upon recommendation of the Soil Conservation Service, that such plans are not necessary.

(2) Where the construction of the required improvements in the subdivision will necessitate the removal from the site of excess topsoil, earth, sand, gravel, rock or other substance from the ground from within the street rights-of-way and slope rights or from the areas reserved for drainage facilities, the quantity to be removed shall be stated on the construction plans, and a permit obtained as required in Chapter 210 of the Town of Greenburgh Code entitled "Excavations and Soil Removal."

(3) Where, in its discretion, the Planning Board determines that plantings at the borders of a proposed plat would be necessary to prevent erosion, flooding or drainage problems, it may require that the same be provided by the subdivider after the completion of construction. [Added 5-11-1983]

C. Plantings. In order that a proposed subdivision be developed in harmony with the existing natural features or landscaping of surrounding properties, the Planning Board, in its discretion, may require plantings at the borders of the plat. [Added 5-11-1983]


In all cases where a prospective subdivider proposes to develop all or a portion of the subdivision, he shall conform to the requirements of § 250-24E herein and the Zoning chapter relating to assurance that building elevations will be varied for adjoining one-family homes.

ARTICLE IV Required Documents


The sketch plan shall be a pen or pencil sketch plan of the proposed subdivision, identifying all land owned by the prospective subdivider, the location and ownership of all adjoining property, existing zoning, the location of streets and highways in the vicinity of the property, the general location of new streets and arrangement of lots within the subdivision and the general location of those natural features, such as streams, ponds and marshy and wooded areas, and the contour intervals of 10 feet or less. If the prospective subdivider elects to submit a sketch plan, he shall also submit, at such time, a written statement as required in Section 4 of the Environmental Quality Review Act. Editor’s Note: See Ch. 200, Environmental Quality Review, § 200-5. A map of the Town shall also be submitted, indicating the location of the proposed subdivision.

§ 250-23. Documents for preliminary plat approval.
The following documents shall be submitted for preliminary approval:

A. Preliminary plat. The plat shall be drawn in ink on tracing cloth or Mylar on sheets not exceeding 24 inches by 36 inches at a scale of not smaller than 50 feet to the inch and oriented with the North point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing, to scale, the entire subdivision with lot and block numbers clearly legible. The plat shall show:

1) Proposed subdivision name, date, North point, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal.

2) Deed description and boundary survey of entire tract, made and certified by a licensed land surveyor, tied into established reference points and adjoining survey. The boundary survey shall conform to the Code of Practice for Land Surveys adopted May 19, 1973, by the New York State Association of Professional Land Surveyors. Any discrepancies between this boundary survey and boundaries of adjoining properties shown on other filed maps or in deeds shall be explained by the surveyor.

3) Area of all lots, in square feet.

4) Location of proposed parkland.

5) Location, with key elevations, of existing and proposed sewers, water mains, culverts and drains on the property, with pipe sizes, grades and directions of flow.

6) Contours of existing and proposed surfaces with intervals of two feet or less. Where the terrain is unusually flat or unusually steep, the Board may require a smaller contour interval or permit a greater contour interval. The existing topography shall be drawn from an actual survey certified by a licensed land surveyor. Contours for existing surfaces shall be extended to cover an area 200 feet beyond the boundaries of the parcel to be subdivided. An indication of soil condition and a plan for erosion control, where necessary, shall be submitted.

7) All proposed streets, showing locations, widths, grades and profiles.

8) Preliminary proposal for the arrangement of lots, including identifying numbers, and approximate dimension, area and building locations, including front, side and rear yard dimensions and proposed first-floor elevation.

B. The following additional information shall be submitted for preliminary approval:

1) A written statement, as required in Section 4 of the Environmental Quality Review Act, Editor's Note: See Ch. 200, Environmental Quality Review, § 200-5. If not previously submitted with a sketch plan, if required, according to the provisions of Section 6 of the Environmental Quality Review Act, Editor's Note: See Ch. 200, Environmental Quality Review, § 200-7. the applicant shall prepare a draft environmental impact statement. Such statement shall comply with Section 10 of the Environmental Quality Review Act. Editor's Note: See Ch. 200, Environmental Quality Review, § 200-10.

2) The total acreage and the volume, sheet, block and lot or parcel numbers and names of all owners of record of property within 500 feet of the periphery of the proposed subdivision.

3) Zoning use district, including exact boundary lines of districts, if more than one district; and location of Town or special district boundaries in or within 500 feet of the periphery of the proposed subdivision. A map of the Town shall be submitted, indicating the location of the proposed subdivision.

4) Location of existing property lines and structures; name and width of streets, including mapped streets not dedicated, within 200 feet of the subdivision; and location of easements, buildings, watercourses, marshes, in accordance with the Freshwater Wetlands Ordinance, Editor's Note: See Ch. 280, Wetlands and Watercourses, wooded areas, rock outcrops, single trees with a diameter of six inches or more measured four feet above the base of the trunk, in accordance with the Tree Ordinance; Editor's Note: See Ch. 260, Trees, and other significant existing features. If the site or
surrounding area possesses any unusual features, photographs may be required.

(5) Proof of ownership by the prospective subdivider of the premises covered by the application (supply evidence through presentation of deeds).

(6) Storm drainage study and plan, including calculations and consideration of on- and off-site drainage, where appropriate.

(7) Cross sections of proposed grading and roadways where required by the Town Engineer to show cut and fill areas where substantial changes in the topography are being made.

(8) Application for approval under the Tree Ordinance Editor's Note: See Ch. 260, Trees of the Town, including a tree planting plan.

(9) Proposed streetlighting system.

(10) A fire alarm box system and layout if required by the fire district.

(11) Written evidence of approval by other agencies shall be required in the following instances:

(a) Intersections with state highways: by the State Department of Transportation.

(b) Method of water supply and sewage disposal: by the County Department of Health. Such approval shall be endorsed on the subdivision plat. Applications for approval of plans for sewer and water facilities shall be filed by the prospective subdivider with all necessary town, county and state agencies. Endorsement and approval by the Westchester County Department of Health shall be secured by the prospective subdivider prior to endorsement by the Secretary to the Planning Board or the Chairman of the Planning Board.

(c) Underground facilities: by the Consolidated Edison Company and the New York Telephone Company, as appropriate.

(d) Drainage: by county, state or federal agencies within their jurisdiction.

(12) Copy of preliminary plat on a transparency in a mount 8 1/2 inches by 11 inches, suitable for projection by a Beseler Vugraph projector.

(13) Such additional information as may be required by these regulations, the Zoning Ordinance, the Freshwater Wetlands Ordinance, the Environmental Review Act, the Flood Hazard Ordinance or the Planning Board. Editor's Note: See Chs. 285, Zoning; 280, Wetlands and Watercourses; and 220, Flood Damage Prevention.

(14) The Board, at its discretion, may require the developer to submit photographs, eight inches 10 inches, adequately depicting the topography.

C. Map of entire tract. If the application covers only a part of the prospective subdivider's entire holding, a map of the entire tract shall be submitted, drawn at a scale of not less than 400 feet to the inch, showing an outline of the platted area with its proposed streets and an indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract.

D. Covenants; restrictions. A copy of such covenants or deed restrictions as are intended to cover all or any part of the tract shall be submitted.

§ 250-24. Documents for subdivision plat approval.

The following documents shall be submitted for subdivision plat approval:

A. Plat. The subdivision plat is to be submitted clearly and legibly drawn in black ink upon transparent tracing cloth. The size of the sheets shall be 24 inches wide by 36 inches long, including a margin of
one inch outside ruled border lines on three sides and a two-inch border along the left twenty-four-inch side for binding, as required by § 224 of the Real Property Law of New York. When more than one sheet is required, an additional index sheet of the same size may be required, showing in appropriate scale the entire subdivision on one sheet, with lot and block numbers. The drawing shall be at the scale of not more than 50 feet to the inch. The subdivision plat shall show:

(1) Proposed subdivision name or identifying title; date; true North point; and scale.

(2) The name and address and signature of the prospective subdivider; and the name, license number, signature and seal of the licensed land surveyor and his certification as to the accuracy of the survey.

(3) Street lines, pedestrianways, lots, reservations, easements and areas to be dedicated to public use.

(4) Sufficient data, acceptable to the Department of Public Works, to determine readily the location, bearing and length of every street line, lot line and other boundary line and to reproduce such lines upon the ground. Where practicable, these shall be referenced to monuments included in the state system of plan coordinates established by §§ 8501 to 8508 of the New York Unconsolidated Laws and, in any event, shall be tied to such reference points as previously have been established by a public agency.

(5) The length of all straight lines; the deflection angles, radii, length of curves and central angles of all curves; tangent distances and tangent bearings for each street; all dimensions and bearings of the lines of each lot; and all lot areas.

(6) All dimensions shall be shown in feet and decimals of a foot.

(7) Sufficient data shall be clearly set forth to permit the preparation of a complete and correct survey and legal description by metes and bounds of every lot and public parcel, street, easement or reserved area shown upon the map.

(8) The boundaries of the property in relation to the boundaries of any municipalities or special districts that affect it.

(9) All public open space for which offers or deeds of cession are included, with an appropriate notation that the same are reserved for such public purposes, and those spaces title to which is reserved by the prospective subdivider. For any of the latter, there shall be submitted for approval with the subdivision plat three copies of the agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor. All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.

(10) Lots within a subdivision shall be numbered in numerical order within blocks. The section and block numbers shall be obtained from the Westchester County Clerk’s office, Division of Land Records.

(11) All streets shall be named in accordance with § 250-13.

(12) Monuments of a type approved by the Town Engineer shall be set at all corners and angle points of the boundaries of sections, at angle points in street lines, at points of curve and at such intermediate points as shall be required by the Town Engineer and shall be shown as a square and designated "Monument." Existing monuments shall be designated "Monument found."

B. Improvement plan. The subdivision plat shall be accompanied by an improvement plan which shall be considered as part of the subdivision plat, of the same scale, on transparent tracing cloth or Mylar, showing the following information:

(1) Proposed subdivision name or identifying title; date; true North point; and scale.

(2) The name and address of the prospective subdivider; and the name, license number and seal of the licensed professional engineer designing the improvements.
(3) Existing and final grading showing differences of elevation or contour lines at intervals of two feet in the United States Coast and Geodetic Survey datum of mean sea level.

(4) Street lines, pedestrianways, lots, reservations, easements and areas to be dedicated to public use.

(5) Connections with existing water supply or alternative means of providing water supply as required by the regulations of the County Health Department, pursuant to Article 2, Title II, of the New York Public Health Law and any amendments to such laws and regulations.

(6) Connections with existing sanitary sewerage system or alternative means of proposed treatment and disposal, as required by the regulations of the County Health Department, pursuant to Article 2, Title II, of the New York Public Health Law and any amendments to such laws and regulations.

(7) Provisions for collecting and discharging storm drainage.

(8) Designs of any bridges or culverts or other structures which may be required.

(9) The proposed location and type of sidewalks, which shall be not less than four feet in width, streetlighting standards, street signs and underground electrical conduits or overhead wires and poles; the location and species of existing trees to be retained having a diameter of six inches or more at a height of four feet and of proposed street trees; the locations, types and sizes of curbs, gutters, water mains, sanitary sewers and storm drains; the character, width and depth of pavement and subbase; and the location of manholes, basins and underground poles or conduits.

(10) Location, width, grades and profiles for all streets and public ways.

(11) General notes as required by the Town Engineer.

(12) Any information required for preliminary approval as described in § 250-23 or by a condition set by the Planning Board in connection with the preliminary approval which was not submitted or approved.

(13) Any other information or designs necessary to make the improvement and grading plan a complete and accurate one from which the subdivision may be laid out and constructed.

C. Deeds of cession; agreements; covenants. Deeds of cession of streets, rights-of-way, easements and any sites for public use and copies of agreements, covenants or other documents showing the manner in which the areas to be reserved for the common use of the residents of the subdivision are to be maintained, all certified as to their legal sufficiency by the Town Attorney.

D. Planting plans and drawings. All planting plans and drawings as required by and in accordance with Town specifications, including the Tree Ordinance and site plan review section of the Zoning Ordinance, where applicable. Editor's Note: See Chs. 260, Trees; and 285, Zoning.

E. Typical principal elevation of proposed residential structures. Typical principal elevation of proposed residential structures to assure conformance with "look-alike" provisions of the Zoning Ordinance of the Town of Greenburgh.

F. Final environmental impact statement. If required, a final environmental impact statement, according to Section 14 of the Environmental Quality Review Act. Editor's Note: See Ch. 200, Environmental Quality Review, § 200-12. If required, such statement must be submitted in order for the application to be considered complete.

§ 250-25. Documents for acceptance of public improvements.

The following documents shall be submitted for acceptance of public improvements:
A. An as-built survey in India ink, or permanent process on tracing cloth or Mylar, at the same scale as the approved plat, showing all facilities constructed and their relation to previously existing facilities. This survey is to be certified by a land surveyor duly licensed or registered in the State of New York and shall conform to the requirements of § 250-26.

B. New plat and utility maps at scales of 400 feet and 200 feet to the inch, if the installed facilities differ from those on the approved plat.

C. A new map for approval of the Planning Board, for filing in the Westchester County Clerk’s office, Division of Land Records, if monument or easement locations are changed. Upon the Board’s approval, the provisions of § 250-4E(2), (3), (4) and (b) above shall apply to such maps.

D. An affidavit that there is no outstanding or potential liability on the facility; or, if such liability exists, the subdivider shall state all the conditions of such liability and establish to the satisfaction of the Town Board that complete discharge of such liability has been duly provided for.

E. A title insurance policy certifying that all properties and facilities offered for dedication or as easements are free of encumbrances and exceptions, which policy shall be acceptable to the Town and shall be provided by the prospective subdivider at said prospective subdivider’s expense.

F. Proof that all easements shown on the plat have been recorded with the Westchester County Clerk’s office, Division of Land Records.

G. A maintenance bond based on the performance and cash bonds and in the amount of 5% of the sum of the performance and cash bonds, except that the minimum shall be $500. This bond shall run for a term of 24 months from the date of acceptance. Should any work be done under the maintenance bond, the Town Board may again require an additional twelve-month guaranty on any repaired, replaced or similar facility. These additional maintenance bonds are to be filed with the Town Board before the original maintenance bond is released. (Also see § 250-4D.)

H. A certificate that all improvements have been properly installed and completed to the satisfaction of the Town Engineer.

§ 250-26. Record as-built drawings.

Record drawings shall conform to the following requirements:

A. Obtain duplicate tracings on linen of all original proposed drawings and show as-built information in red acetate nonbleeding ink. Ink shall contain sufficient black or yellow pigment for blueprint reproduction. Do not erase original proposed design. Submit the as-built tracing to the Town Engineer.

B. Plan. Show relationship of the following features to the road right-of-way line, proposed road center line or property line in case of easements:

   1. Locate curbing.
   2. Locate sewers, drains and water mains, showing type, size and lengths.
   3. Draw all property lines, including all easements, if not already shown.
   4. Show ties to monuments. Use at least three ties, of which two shall be to house corners where possible.
   5. Show ties to main line water valves, ties preferably to house corners.
   6. Indicate gutter elevations around culs-de-sac.
   7. Submit gas and/or electric as-built drawings by Consolidated Edison.
   8. Include certification to be as follows:

      I certify that this map represents the accurate location of the subdivision improvements as
actually installed and that monuments have been placed and accurately checked at the points shown on filed maps No. _____ and No. _____.

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C. Profile.

(1) Obtain final field elevations of road center line and indicate on profile, in parentheses, alongside proposed elevations.

(2) Obtain final invert elevations of all sewers and drains and show on profile all new invert elevations.

(3) Show as-built lengths of all pipes and change lengths and percent of slope accordingly.

ARTICLE V Modifications and Waivers; Authority of Planning Board

§ 250-27. Extraordinary hardship.

Where the Board finds that extraordinary hardship may result from compliance with these regulations, it may waive certain requirements of the regulations so that substantial justice may be done and the public interest secured, provided that such waivers will not frustrate the spirit and purpose of the Official Map, the Zoning Ordinance, Editor's Note: See Ch. 285, Zoning, the Town Plan or these regulations.


Where the Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not required in the interest of the public health, safety and general welfare, it may waive such requirements.

§ 250-29. Authority to impose conditions.

In granting waivers, the Board may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

ARTICLE VI Penalties

§ 250-30. Penalties for offenses.

Any person, firm or corporation violating any of the provisions of these Subdivision Regulations shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $100 in amount or by imprisonment not exceeding 10 days, or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.