



SUBDIVISION REGULATIONS

Adopted by the Planning Board Oct. 9, 1996 and Common Council November 4, 1996. Fees amended July 6, 2009.

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Informational Notes

1. These Subdivision Regulations have been made a part of the Conservation Development Ordinance and all Conservation Developments are subject to their requirements.
2. All Subdivision Approvals are subject to a resolution adopted by the Common Council on November 5, 1984, known as “Guidelines for the Protection, Preservation and Maintenance of Trees in the City of White Plains.”
3. All Subdivisions are subject to the standards and regulations to protect and preserve environmentally sensitive sites and features contained in Chapter 3-5 of the Municipal Code adopted on December 10, 1989.

Background

If you own property or have a contract to buy land in the City of White Plains and wish to create one or more new buildable lots conforming to zoning standards, you will need to have the property subdivided.

1. What is a subdivision?

A subdivision is the division of a lot, parcel or tract of land into two or more lots for the purpose, whether immediate or future, of ownership transfer or building development with or without proposed new streets. The changing of the dimensions of two existing tax lots where no additional lots are created does not require subdivision approval. This is handled instead through what is called an "Administrative Lot Line Change," for which applications are made to the City Assessor's Office.

2. Who approves a subdivision?

The White Plains Planning Board is empowered by State and local laws to review and approve, approve with modification, or reject subdivision applications.

3. Where do I get the necessary forms and information about filing a subdivision application?

The City's Department of Planning handles subdivision applications for the Planning Board. The Planning Board

is a seven-member citizen board authorized to review and approve subdivisions. All forms and information about what is required to prepare the application, as well as Planning Board meeting dates and other background can be obtained at the Department of Planning located in the City Hall Annex building located behind 255 Main Street.

4. What happens after an application is filed with the Planning Board?

The Planning Board meets once a month on the second Wednesday. Applications need to be filed at least a week before the meeting date. Before the Planning Board takes any action on a subdivision application, it is referred to other City boards, agencies and departments for review and comment.

Depending on the particular subdivision, a number of City departments and boards may be asked for comments on the proposed subdivision. These include the Building, Public Works, Planning and Law Departments, the Environmental Officer, and the Tree Preservation Committee, Conservation Board and Traffic Commission.

5. Will my subdivision application require a public hearing?

All subdivision applications require a public hearing at a Planning Board meeting, as well as public notice.

The Planning Board will set the date for the hearing and the applicant is responsible for sending out all public notices in accordance with §9.5 of the Subdivision Regulations.

6. What action is required by the Planning Board?

The Board grants final approval to the subdivision. This approval may contain conditions based on comments from the various City agencies and the public. Once the subdivision plat is complete and meets all the requirements of the Board and regulations, it is signed by the Commissioner of Public Works and the Chairperson of the Planning Board.

7. What is the final step in the approval process?

After all conditions of subdivision approval are met and all fees paid, and the subdivision is signed off by the county's Commissioner of Health, the applicant may file the approved plat with the Westchester County Clerk - Division of Land Records.

LOCAL LAW INTRODUCTORY NO. 6 FOR 1996

A LOCAL LAW AMENDING CHAPTER 9-4 OF THE MUNICIPAL CODE OF THE CITY OF WHITE PLAINS IN RELATION TO REQUIREMENTS FOR SUBDIVISION APPROVALS.

Be it enacted by the Common Council of the City of White Plains as follows:

Section 1. Chapter 9-4 of the Municipal Code of the City of White Plains, entitled “Subdivisions,” last amended on August 5, 1996, is hereby amended in its entirety to read as follows:

Chapter 9-4
SUBDIVISIONS

Sec. 9-4-1. Adoption; prior rules amended.

Under the authority of the ordinance adopted by the Common Council of the City of White Plains, New York, on January 3, 1972, pursuant to the provisions of Article 3 of the General City Law, the planning board of said city hereby amends in its entirety the “Rules, Regulations and Requirements of the Planning Board of the City of White Plains in relation to Requirements for Approval of Subdivision Plans” which was last amended on August 5, 1996.

Sec. 9-4-2. Definitions.

For the purpose of this chapter, certain words used herein are defined as follows:

- 2.1 Ancient Subdivision means any subdivision plat filed in the office of the Westchester County Clerk, Division of Land Records (formerly known as the Register of Westchester County) prior to May 2, 1927.
- 2.2 Board means the Planning Board of the City of White Plains.
- 2.3 Construction plans means the drawings showing the location, profile, grade, size and type of sewers, drains, water mains, underground fire alarm ducts, pavements, cross-sections of streets, miscellaneous structures, etc.
- 2.4 Easement means a restriction established in a real estate deed to permit the use of land by the public, a corporation or particular person for specified uses such as utilities, access or other municipal purposes.

- 2.5 Environmentally sensitive sites or features means a lot, plot, parcel or portion thereof, or a characteristic or element of or on such land, as described in Chapter 3-5 of the Municipal Code meeting the thresholds set forth at §3-5 thereof.
- 2.6 Final plat means the final map, drawings or chart on which the subdivider's plan of the subdivision is presented to the planning board for approval and which, if approved in accordance with these regulations, must be submitted to the county clerk for recording.
- 2.7 Lot means a parcel or portion of land separated from other parcels or portions by description as on a subdivision record of survey map or by metes and bounds for purpose of sale, lease, or separate use.
- 2.8 Master plan means a comprehensive plan prepared by the planning board, pursuant to section 28-a of the General City Law, which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the City of White Plains and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- 2.9 Official map means the map established by the Common Council under section 29 of the General City Law showing the streets, highways and parks theretofore laid out, adopted and established by law, and any amendments thereto adopted by the city legislative body or addition thereto resulting from the approval of subdivision plats by the planning board and the subsequent filing of such approved plats.
- 2.10 Performance bond means a security in a form acceptable to the commissioner of public works and pursuant to the provisions of New York State General City Law including the term of the instrument which may be accepted in lieu of a requirement that certain improvements be made before the planning board or other approving body approves a plat; including performance, instrument escrow agreements, maintenance bonds and other similar collateral or surety agreements.
- 2.11 Informal plan means the preliminary drawings indicating the proposed layout of the subdivision to be submitted to the planning board for its consideration.
- 2.12 Preliminary plat/plan means drawings prepared in a manner prescribed by local regulation showing the layout of a proposed subdivision, including a survey, but not restricted to, road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed

facilities unsized, including preliminary plans and profiles at suitable scale and in such detail as local regulation may require.

- 2.13 Street, Arterial means a street which carries large amounts of traffic with a high volume of through traffic and connects to regional highways.
- 2.14 Street, Collector means a street the primary purpose of which is to collect a moderate amount of traffic from minor streets and carry it from arterial streets.
- 2.15 Street, Minor means a street which provides access for small amounts of traffic to and from land which fronts the street.
- 2.16 Subdivider means any individual, owner, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this ordinance having sufficient proprietary interest in the subject land to be subdivided.
- 2.17 Subdivision means the division of a lot, parcel or tract of land into two (2) or more lots, plots, sites, or other division of land for the purpose, whether immediate or future, or transfers of ownership or building development with or without streets or highways, except that this shall not apply where primarily only the dimensions of two (2) existing lots are changed and additional building lots are not actually created.

Sec. 9-4-3. Procedure

Before any property is subdivided into two (2) or more lots, the subdivider shall apply in writing to the board requesting approval of preliminary plans for the entire subdivision and conditional approval of final plans of all or part of such subdivision as determined by the board and required hereinafter. After conditional approval has been granted, final approval may be given when all stipulated conditions have been complied with, such final approval being given by affixing the signature of the board chairman to the final plat plan after said plan has been approved and signed by the commissioner of public works.

Applications for such subdivision shall be presented on the Subdivision Application which may be obtained from the office of the Department of Planning. A sample application is included in these regulations.

The order of procedure for submittal of subdivision plans shall be as follows:

- 3.1 Informal Subdivision Application: Applicants are encouraged to submit an informal application and to discuss it with the Planning Board prior to formal submission of a complete and detailed subdivision application. The informal application shall generally provide the information required in a preliminary application as outlined in Section 9-4.5 or as required by the Planning Board.
- 3.2 Submittal of preliminary plat/plan and application: The subdivider shall submit to the board at least seven (7) days prior to any regularly scheduled board meeting two (2) copies of the application for the proposed subdivision and twenty (20) copies of a preliminary plat/plan in conformance with the requirements set forth in section 5, hereinafter and the fee schedule, section 10.
- 3.3 Subdivision with no new streets: Wherein a subdivision is proposed which does not require new streets, the preliminary plat/plan and final plat may be submitted concurrently for consideration by the board, subject to the satisfaction of the requirements in sections 5, 7, 8, and 9, hereinafter.
- 3.4 Submittal of construction plans: Coincident with the submittal of the preliminary plat/plan or the final plat/plan, the subdivider shall submit four (4) copies of a construction plan in conformance with the requirements set forth in section 6, hereinafter.
- 3.5 Public hearing: Prior to the time of submittal of the final plat, the subdivider shall cause notice to be made of a public hearing in conformance with section 11.5 of these regulations.
- 3.6 Submittal of final plat/plan: Within six (6) months after the receipt by the subdivider of a letter of approval by the board of the preliminary plat/plan, the subdivider shall file with the board twenty (20) copies of a final plat and four (4) copies of the construction plan for record of wither the whole or a portion of the subdivision as determined by the board. Said determination is to be in conformance with Section 7 of these regulations. Reasonable extensions of time may be granted by the consent of the board.
- 3.7 Final approval: Final approval shall be in conformance with section 11 of these regulations.

Section 9-4-4. General requirements for the subdivision of land.

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

- 4.1 Conformance with master plan and official map: Subdivisions or resubdivisions, insofar as possible, shall conform to the city's established official map and master plan in relation to placement of streets and land utilization.
- 4.2 Arrangement of streets: The arrangement of streets in a subdivision shall, in general, provide for the continuation of the principal existing or planned streets in the adjoining property, or their proper extension when adjoining property is not subdivided. Such street arrangement shall, in general, follow contours of the land rather than cut across them except where necessary for reasonable arrangement of the subdivision.
- 4.3 Type and dimension of streets: The streets in a subdivision shall be determined by the board to be of the following type and minimum required width of right-of-way:
 - Minor residential street, fifty (50) feet
 - Collector street (intermediate), sixty (60) feet
 - Arterial street (main), eighty (80) feet
- 4.4-1 Dead end or cul-de-sac streets: A dead-end street or cul-de-sac will not be approved unless a circular turnaround with a minimum forty-foot pavement radius is provided at the closed end, and such streets shall not exceed a length of five hundred (500) feet as measured from the center line of the intersecting street which has two access points to the center point of the turn-around radius along the center line of the cul-de-sac or dead-end street. Cul-de-sac length may exceed 500 feet if an acceptable emergency access is provided and if it is approved by the commissioners of public works, public safety and traffic.
- 4.4.2 All rights-of-way except for the turnaround shall have the same width as is required for a minor street unless otherwise determined by the board.
- 4.5 Street grades shall be arranged, unless deemed impractical in the opinion of the board, not to exceed five (5) per cent for arterial streets, eight (8) per cent for collector streets and ten (10) per cent for minor residential streets. The minimum grade shall not be less than two (2) per cent.
- 4.6 Length of vertical curves shall not be less than fifteen (15) times the algebraic difference, as determined by the commissioner of public works, of the intersecting grades for arterial streets, and not less than ten (10) times such algebraic difference for other streets. In no case shall such vertical curves be less than fifty (50) feet in length. Vertical curves shall be computed as parabolic curves.

4.7 Horizontal curvature of streets: In general, street lines within a block which deflect from each other at any one point more than ten (10) degrees shall be connected with a curve, the radius of which, for the inner street line, shall be not less than the following:
Minor streets and cul-de-sacs, one hundred-foot radius
Collector streets, three hundred-foot radius
Arterial streets, three hundred seventy-five-foot radius

4.8 Corners: Street corners shall have a radius of not less than fifteen (15) feet and shall be as follows for right-angled corners:
Minor streets and cul-de-sacs, fifteen-foot radius
Collector streets, twenty-foot radius
Arterial streets, thirty-foot radius

In cases where an acute angle occurs, the corner radius shall be determined by the board.

4.9 Blocks: The length of any block should not exceed one thousand (1,000) feet and the width of any block should be, generally, not less than two hundred (200) feet nor greater than four hundred fifty (450) feet, unless otherwise dictated by topographic conditions.

4.10 In general, no subdivision shall be approved which shows reserve strips of land which may prove untaxable for improvements.

4.11 Existing building(s) within subdivision: Any existing building(s) and the building lots(s) upon which it is situated shall conform to the pertinent zoning district requirements. The retention of such building(s) in the subdivision must conform to all requirements in these regulations and shall be at the discretion of the board.

4.12 Lots - General layout: Any lots shall be so laid out to provide frontage on an approved city street as determined by the commissioner of building and shall conform to the minimum frontage requirements of the zoning district involved as well as minimum lot size requirements. Irregularly shaped lots shall be avoided to achieve minimum lot requirements.

4.13 Lots - Difficult terrain: In cases of areas of difficult or marginal terrain, and/or grading of lots, the board may require the varying of the number of lots, lot lines and/or lot sizes in order to provide land of suitable character for building purposes without danger to health, life or property due to excessive slope, inadequate drainage, floods, high water table, marsh or swampy conditions, unstable subsoil or landfill or inadequate accessibility.

- 4.14 Lots - Corner: Lots on the corner of intersection streets must be generally of ample width to provide front yard setbacks on both streets as required by the zoning district regulations.
- 4.15 Minimum frontage: The minimum frontage shown for each lot shall coincide with the frontage requirements of the zoning district regulations and the front yard setback shall be shown on the plat plan.
- 4.16 On-lot sewage disposal: Septic tanks, cesspools or other private sewage disposal systems are prohibited.

Sec. 9-4-5. Preliminary plat and application.

Subdividers shall present to the board two (2) copies of the subdivision application and twenty (20) copies of a preliminary plat/plan at a scale of not less than fifty (50) feet to one inch and shall show:

- 5.1 Location: A small key map, not necessarily to scale, shall show the location of the subdivision to an area of the city at least one-half mile from the bounds of the proposed subdivision.
- 5.2 General existing features: The location of all property lines, buildings, watercourses, railroads, monuments, rock outcrops and other existing features shall be shown on a contour map of the proposed subdivision. Such contour map shall show contour intervals of not more than two (2) feet based on City of White Plains datum as determined by the commissioner of public works, and certified as to accuracy by an engineer or land surveyor licensed by the State of New York.
- 5.3 Existing improvements: The location, names and widths of existing streets or rights-of-way, alleys, easements, lots, building lines, size of sewers, water mains, culverts and drainage ways, and/or pipes on the property to be subdivided shall be shown.
- 5.4 Adjoining properties: The name of the property owners, subdivisions, existing easements, streets, street widths, alleys, property lines and similar facts about adjoining properties within one hundred (100) feet of the proposed subdivision shall be shown.
- 5.5 Proposed improvements: The dimensions, proposed lot lines, monuments and number of lots proposed, streets, names and street grades, easements, sewer, water or other utility improvements, building lines and similar proposed improvements shall be shown. Pipe sizes and profiles need not be included on preliminary plans.

- 5.6 Dedication of public lands: All parcels of land proposed for dedication for public use or conveyance of easements, if any, shall be shown by cross-hatching or similar technique so as to stand out and be easily identifiable on the drawings. The conditions of dedication, if any, shall be presented on the subdivision application and noted on the final plat.
- 5.7 Conformance to zoning: The zoning district, or districts, in which the land to be subdivided is located shall be shown as they appear on the zoning map of the City of White Plains.
- 5.8 Environmentally sensitive sites or features: The location and areas of any environmentally sensitive sites or features shall be delineated and identified, including, but not limited to, steep slopes, wetlands and water bodies.
- 5.9 Street profile and cross-section: Where difficult topography or special conditions occur in the line of any street, a profile of gradient and cross-section shall be shown.
- 5.10 Other plat requirements: The title under which the proposed subdivision is to be recorded, the name(s) of owner(s), and professional engineer shall be recorded on the preliminary plat plan. In addition, the drawing shall contain a date, north point, graphic scale and legend and any other reference notes deemed necessary for adequate explanation of delineated data.
- 5.11 Subdivision application form: The subdivision application form shall contain the names and addresses of the owner(s), or principal officer(s) if a corporation is the owner, of the proposed subdivision, the name(s) and address(es) of the professional engineer and registration number, name of the proposed subdivision, a description of the number of lots proposed and a general description of proposed improvements. Further, the application shall require the following information:
- a) Date of submittal of application;
 - b) Description of the nature and extent of street improvements;
 - c) Description of the nature and extent of sanitary sewage systems, water mains and other utilities to be provided;
 - d) Description of any dedicated land, its use and any conditions of dedication, if such land is to be dedicated;
 - e) A statement describing and stating the area to the nearest multiple of ten (10) square feet of any environmentally sensitive site or feature; and
 - f) A statement signed by the subdivider or his duly appointed agent saying that he is able and willing to proceed forthwith to file the final map or plat of his subdivision in the

Office of the County Clerk of Westchester County, or such part thereof as he may wish to develop within the ensuing six (6) month period, and that he will post necessary surety in the form of a letter of credit or other surety instrument acceptable to the commissioner of public works and establish all property corner monuments as shall be determined for such sections on the final map or plat by designation of the board.

Sec. 9-4-6. Final construction plan.

The applicant shall submit one (1) suitable mylar transparency and/or equivalent reproducible and two(2) lithographs on cloth showing street, structures and all other proposed improvements at an overall scale not to exceed forty (40) feet to one inch, and containing appropriately scaled exploded detail drawings where necessary shall be filed with the board and shall show:

- 6.1 Map title and other requirements: The construction plan shall show the title by which the proposed subdivision is to be recorded, the name(s) of the owner(s) and engineer(s) and the New York State professional engineer's registration number, the date of submittal, legend, north point, and graphic scale.
- 6.2 Location of monuments: The location and coordinates of all monuments shall be shown with said coordinates referenced to the nearest approved base line of the Westchester County Control System, or City of White Plains datum, as shall be directed by the commissioner of public works. In the absence of such base line within one thousand (1,000) feet of the proposed subdivision, the method of referencing shall be determined by the commissioner of public works.
- 6.3 General base data: The location of proposed property lines, streets, pavements, sidewalks, easements, building lines, alleys, cul-de-sacs, parks and other open spaces, sanitary sewer system, water supply system and collection basins, and means of discharging surface drainage shall be shown.
- 6.4 Base data - Streets: The proposed street layout, location and type of sidewalks, final street grades at the centerline, street lighting standards locations, street name sign and utility pole location, location and species of street trees, location of curbs, gutters, catch basins, manholes, sanitary sewers, storm drains, water mains, fire alarm ducts, and their sizes and types, within the rights-of-way shall be shown. In addition, a typical cross-section showing all details of the width and depth of pavements and sub-base, and any cut and fill between property lines shall be shown. Said section drawing shall be made at a minimum scale of not more than one inch equals four (4) feet.

- 6.5 Street details: The subdivider shall submit as part of, or appended to the construction plans, profiles of proposed streets or other public ways on a suitable mylar transparency and/or equivalent reproducible and two (2) lithoprints on cloth. Said profiles shall show the center lines and both property lines (right-of-way lines) elevations or profiles, proposed curb grades and point of intersection, point of curvature, point of agency, and the breaks in grade, stations and elevations for a pavement at least thirty (30) feet wide, the proposed sewer, drain, water main and underground utility elevations; the stationing, elevation, etc., of all existing monuments, water tables at buildings, drains, sewers, culverts, hydrants and manholes (both rim and invert), at a scale of one inch equals four(4) feet vertical and one inch equals twenty (20) feet horizontal. All stationing shall show accurate center line distances. Elevations of the ground surfaces shall be shown to the nearest one-tenth of a foot while all fixed points shall be shown to the nearest one-hundredth of a foot, using city datum.
- 6.6 Construction standards: In developing the construction plan, the subdivider shall adhere to the following construction standards: For purposes of obtaining proper procedures of subdivision review, it is requested that the subdivider submit two (2) blue line paper prints of the construction plans to the commissioner of public works in order to establish conformance to all requirements of this section prior to the submittal of the construction plan.
- 6.6-1 Specifications approved by commissioner of public works: All material, structures, manholes, pipe types and sizes, depths and grades, design and workmanship must meet specifications established below by the commissioner of public works.
- 6.6.2 Municipal Utilities: All municipal utilities proposed and/or constructed in any existing or proposed right-of-way or utility easement to be dedicated to the city shall be subject to inspection and approval during construction by the commissioner of public works. Final approval and acceptance of said utilities shall be exclusively within the jurisdiction of the department of public works.
- 6.6-3 Street grading: All streets to be graded from property line to approved final grade and cross-section as approved by the commissioner of public works.
- 6.6-4 Curbs: Curbs shall be required in all streets and shall be of fieldstone or granite, meeting the approved specifications of the commissioner of public works.
- 6.6-5 Sidewalks: Sidewalks shall be provided where required by the planning board. Sidewalk design and construction shall be as approved by the commissioner of public works.

- 6.6-6 Street pavement width: Street pavement shall be at least thirty (30) feet (which could provide for two-way traffic and parking on one side of the street) except where a greater width is determined by the commissioner of public works and the commissioner of traffic.
- 6.6-7 Pavement: Pavement shall be three (3) inch hot-mix bituminous surfacing on five (5) inch plant mix macadam base, or eight (8) inch reinforced concrete pavement, all measurements being compacted measure. (See 9.3-1.)
- 6.6-8 Sewers: Sewers shall meet the standards and design requirements of the commissioner of public works and the New York State Department of Health. (See 9.3.)
- 6.6-9 Storm drains: Storm drains shall meet the standards and design requirements of the commissioner of public works. (See 9.3.)
- 6.6-10 Water mains: Water mains shall meet the standards and design requirements of the commissioner of public works and the New York State department of health. Water mains shall be not less than eight (8) inch ductile iron, except where larger pipe may be required to provide an adequate distribution system as determined by the commissioner of public works. The top of the pipe to be at least four and one-half (4 ½) feet below the top of the pavement or other ground, so as to provide a maximum cover of four and one-half (4 ½) feet between finished grade and top of pipe.
- 6.6-11 Fire hydrants: Fire hydrants shall be provided for purposes of fire protection and shall be spaced not more than three hundred fifty (350) feet apart and near property corners. Hydrant types and connections shall be the approved standard of the department of public works. All standards shall be as approved by the commissioner of public works and all hydrants shall be tested after placement.
- 6.6-12 Gas mains: Gas mains shall be at a location and depth approved by the commissioner of public works and in all cases shall be laid in a separate trench which shall not be used by any other type of conduit or pipe.
- 6.6-13 Street lighting: Poles, brackets and lights shall be of a type, size and location determined by the commissioner of public works. Light installation shall be complete and fully energized.

- 6.6-14 Electrical, telephone, cable TV and other communications technology services: Shall hereafter be placed underground where, required by the commissioner of public works. Said underground utilities to be of approved trench-lay cable and conduit per specifications as established by the commissioner of public works in conjunction with accepted engineering practice standards of the appropriate power telephone, cable TV and other communications technology utilities.
- 6.6-15 Street trees: Shall be of Pin Oak, Norway Maple, Crimson King, Redspire Pear or other species approved by the commissioner of public works. Minimum caliper shall be two and one half (2 ½) to three (3) inches.
- 6.6-16 Fire alarm system: Cable ducts shall be provided for fire alarm systems according to the standards and specifications of the commissioners of public safety and public works. Fire alarm systems may not be required, in whole or in part, where deemed unnecessary by the commissioners of public safety and public works. If required, signal boxes shall be of standard approved type as determined by the commissioners of public safety and public works.
- 6.6-17 Street name signs: Shall be furnished and installed by the subdivider according to the standards and specifications of the commissioner of public works and/or the commissioner of traffic, in regard to number, size, location, height and type of sign.
- 6.6-18 Street names: Shall be subject to approval by the commissioner of public safety and the commissioner of public works. In choosing street names, the proposed name shall avoid potential confusion with existing street names.
- 6.6-19 Traffic controls: Shall be determined by the Department of Traffic, and any modifications of intersection design, curb cuts, etc., based on sight distance hazards or like traffic safety engineering concerns, shall be made by the subdivider. Traffic control devices and signs as required, once installed by the subdivider, shall be the responsibility of the city only after final acceptance of the completed street. All corners shall be subject to meeting the minimum standards of the sight module requirements established by the Zoning Ordinance of the city. Cross reference - Zoning, Ch. 9-2.

Sec. 9-4-7. Final plat plan.

After approval of the preliminary plat plan and the final construction plan, the subdivider shall, within six (6) months, submit a final plat plan for final acceptance and approval by the board. Such plat plan shall be drawn to the following specifications:

- 7.1 General Requirements: All final plat plans shall be drawn upon tracing cloth or mylar to a scale of not more than forty (40) feet to one inch, unless otherwise directed by the commissioner of public works. In addition, the plan shall show a graphic scale and a title block which shall bear: the title of the subdivision, the name(s) of the owner(s), a certificate by the engineer or surveyor making such plans to the effect that the plan is correct and made from an actual survey, and space for the following:

Construction plans approved
Office of the Commissioner of Public Works
City of White Plains, New York

Commissioner of Public Works

Date:

Approved by the Planning Board
City of White Plains

Chairman

Date:

The submittal of the final plat plan shall be made by presentation of two (2) lithoprints on tracing cloth, or suitable mylar equivalent reproducible, said prints of the plat of final record shall be filed with the planning board at the time of filing the final plat plan with the office of the county clerk of Westchester County.

- 7.2 Dimensions: The final plat plan shall show the length to the nearest one-hundredth of a foot and the bearing of all straight lines and the central angle, radius and length of arc of all curves along the property lines of each street. Where a street is not continued straight across an intersecting street, the connection across such street shall be given by proper measurements. Each lot area shall be indicated.

- 7.3 Survey standards and references: All dimensions, angles, bearings and so forth, shown on the map must be referenced to permanent monuments as required by the commissioner of public works. Such monuments shall be indicated on the subdivision map and coordinate values calculated in New York State Plan Coordinate System, East Zone (NAD 1927). The error of closure shall not exceed one in fifteen thousand (15,000).
- 7.4 Property requirements: The names of all subdivisions and/or the name of the owner of record of lands adjoining and within one hundred (100) feet of the proposed subdivision shall be shown on the final plat plan. Map numbers, as recorded in the office of the clerk of Westchester County and Westchester County block index numbers shall be shown. Boundary lines of the subdivision, all proposed street and/or other dedicated land, and all lots and numbers shall be shown as shall the lines of all adjoining streets, their names, exact survey locations and Westchester County block index numbers.
- 7.5 Monuments: Monuments shall be placed at such block corners, angle points, points of curve in streets and intermediate points as shall be required by the commissioner of public works. Monuments shall be of such material, size and length as approved by the commissioner of public works, and shall be set within the top level with the ground surface. Three ties shall be measured to each monument and submitted in an approved format to the department of public works for filing together with coordinate values for each monument.

Sec. 9-4-8. Approvals involving environmentally sensitive sites or features.

In the event that the area involved in any application for subdivision approval includes and/or affects any environmentally sensitive site or feature, the affirmative vote of two-thirds or more of the members of the planning board shall be required for any preliminary or final approval of such subdivision. In granting any such approval, to the maximum extent practicable, adverse environmental effects upon any of the said features shall be minimized or avoided.

- 8.1 Such minimization or avoidance shall include, in the case of any wetlands the preservation in its natural state of a buffer area of fifty (50) feet outside of and around the perimeter of all such wetlands; in the case of aquifer recharge area of a buffer area of fifty (50) feet outside of and around the perimeter of all such aquifer recharge areas; and in the case of water courses shall include retention to the maximum extent possible of the pre-existing channel or the creation of a new open channel as nearly similar to the pre-existing natural channel as feasible. Piping shall be avoided except for crossings of roads and driveways.

8.2 Such minimization and avoidance shall involve, in the case of steep slopes, consideration of the following factors:

- the degree to which the proposed development of the area of the slope would create an unnatural shape;
- the degree to which the proposed development of the area of the slope would enhance the attractiveness of the slope by terracing, landscaping, retaining walls or otherwise;
- the degree to which the proposed development would obstruct views of the slope and surrounding areas; and
- the degree to which the proposed development would prevent or minimize erosion and otherwise protect the stability of the slope, both during and after construction.

Sec. 9-4-9. Necessary changes in minimum dimensions.

Where, and to the extent necessary to preserve, protect or minimize the impact upon any environmentally sensitive site or feature, the planning board may make changes in the minimum dimensions for frontage, one side yard, two side yards, front yard and rear yard provided:

9.1 The applicant shall revise the plat to reflect such changes.

9.2 The plat shall show, for approval by the planning board, the envelope or limit lines within which site disturbance activities (e.g., house excavation, driveway, utility excavation) may be permitted, which activities shall be enumerated on the plat.

9.3 In no event shall the separation between buildings be less than the height of the adjoining wall of the higher adjoining building. The plat may specify a maximum height of wall for building envelope in order to achieve compliance with this requirement.

9.4 In no event shall any frontage be less than twenty (20) feet.

Sec. 9-4-10. Application fees.

10.1 Subdivisions with no new streets:

10.1-1	Filing fee payable upon application, per lot	.....	\$750.00
10.1-2	Final approval fee, per lot	.....	\$1,000.00
10.1-3	Recreation lands for subdivisions of three or more building lots \$5,000 per buildable lot, to be set aside in a recreation land fund under the commissioner of finance. This fee is applicable to entire area encompassed except where under rule 4.11 the planning board permits the retention of a principal building in a subdivision; the building lot on which it is situated shall not be subject to this fee.	.....	\$5,000.00 x number of new lots

10.2 Subdivisions with new streets:

10.2-1	Filing fee payable upon application, per proposed lot, including existing lot	.....	\$1,000.00
10.2-2	Final approval fee, per approved lot	.....	\$2,000.00
10.2-3	Recreation lands for subdivisions of three or more building lots, or money in lieu thereof, 10 per cent of gross area of land, or \$7,500.00 per buildable lot, the latter to be set aside in a recreation land fund under the commissioner of finance. Land, or money in lieu of, at the discretion of board. This fee is applicable to entire area encompassed except where under rule 4.11 the planning board permits the retention of a principal building in a subdivision; the building lot on which it is situated shall not be subject to this fee.	.....	\$7,500.00 x number of new lots
10.2-4	Inspection fee upon final approval, in percent of bond based on 100 per cent of bond	.....	7.5

10.2.5 The inspection fee shall only be used to cover labor and other related expenses and costs to the City excluding requested inspection and overtime costs outside of the City's normal business week and working hours.

§2. Notwithstanding Section 34 of the White Plains City Charter to the contrary, this local law, related to subdivision fees, shall take effect July 6, 2009.

Sec. 9-4-11. Final plat plan approval.

Before an approval of the final plat plan is given by the board, the following requirements shall be met coincidentally with the submission of the final plat plan:

- 11.1 Certificate of title: The final plans shall be accompanied by a certificate of title showing the ownership of all property and easements to be dedicated to the city, and by a deed of dedication conveying such property or easements to the city free of all encumbrances, including a waiver of claim for damages occasioned by the establishment of grades as finally approved, or the alteration of the surface of any portion of the streets and alleys dedicated, to conform to the grade so established. All easements shown on the plat for sewers, drains, water mains, pavements, curbs, walks, fire alarm ducts or any other public use in or on all streets for the full width thereof as shown on said plat, shall be dedicated by a deed of dedication conveying such easements free and clear of all encumbrances to the city before approval of said plat by the planning board.
- 11.2 Engineer's certificate: Before approving the final plan, the board shall request a certificate from the licensed professional engineer that all the technical requirements of the plat itself have been met, and that the plat is in accordance with the laws of the State of New York, ordinances of the city of White Plains, and these regulations.
- 11.3 Surety: A letter of credit in a minimum amount of \$200,000 or 10%, whichever is greater, of the total estimated cost of public improvements. Any remaining portion may be in an instrument acceptable to the commissioner of public works. The specified amount shall be as calculated by the commissioner of public works. This surety will guarantee performance and development of improvements as approved by said commissioner of public works and to approved standards of said department, shall be required to be furnished by the subdivider at the latter's own expense.

- 11.3-1 Bituminous street pavement: In the case of the two-inch hot-mix bituminous surfacing on six-inch penetration macadam base, the subdivider shall furnish and pay for a three-year maintenance bond on the entire pavement base and top, in the penalty sum of the total estimated cost of the completed pavement and base, as determined by the commissioner of public works. The bond shall date from the date of dedication of all the roads in a particular subdivision, such dedication to be as certified by the commissioner of public works.
- 11.4 Insurance: Contractor and/or subdivider shall obtain and furnish the city with property damage and public liability insurance which shall hold the city harmless. Amounts of insurance to be determined by the commissioner of public works and the form approved by the corporation counsel.
- 11.5 Public hearing required: Before approving the final plan, the board shall hold a public hearing. The planning board shall set the time and place for the public hearing on the proposed subdivision. The developer must give notice by certified mail to all property owners within two hundred (200) feet of the proposed subdivision and must present to the board, an affidavit of publication of the notice of hearing, showing the date on which said notice was published. Notice to the affected property owners as defined above must be mailed at least fifteen (15) days before the date of the hearing. Notice of hearing must be published at least ten (10) days before the date of hearing.
- 11.6 Certificate of approval by commissioner of public works: Before approving the final plan, the board shall have in its possession a certificate from the commissioner of public works stating that all the construction requirements of Sections 6 and 7 have been met; or in lieu thereof, an estimate of the probable cost of such omitted construction certified to by him, and a performance bond by a bonding or surety company approved as to form sufficient to the above estimate; or in lieu thereof, security of the owner acceptable to the common council and approved by the corporation counsel as to form and manner of execution, and as to sufficiency by the commissioner of finance.
- 11.7 Final approval: Shall constitute the satisfactory performance of all above requirements inclusive of payment of fees and shall be granted upon the chairman's affixing his signature to the plan after favorable vote by the board.
- 11.8 Compliance with all approval conditions must be completed and the chairperson's signature obtained within two years of the date of the planning board resolution approving the subdivision.

Sec. 9-4-12. Penalties.

- 12.1 Unfinished subdivisions: Failure to file a final plat plan with the Westchester County Clerk - Division of Land Records, within a period of one year after final approval is granted by the board, shall be deemed a forfeiture of intent to so subdivide, and the subdivision shall become null and void unless a letter requesting an extension of time shall be received and approved by the board within thirty (30) days of the end of the first year.

Sec. 9-4-13. Waiver.

The planning board, upon written application by the subdivider, may waive or modify performance requirements and standards if it is determined that the waiver will not have an impact on public health and public safety, and subject to the findings and establishments of the general conditions for such waiver as shall be found in Chapter 21, Article 3, Section 33 of the Consolidated Laws of the State of New York as amended [General City Law, §33].

Sec. 9-4-14. Reserved.

Sec. 9-4-15. Ancient Subdivisions.

- 15.1 The provisions of this section shall apply to the initial development of any hitherto undeveloped lot or lots in an ancient subdivision.
- 15.2 No lot or lots in an ancient subdivision may be developed without prior approval of the planning board in accordance with the provisions of this section.
- 15.3 Before approving the development of any lot or lots in an ancient subdivision, the planning board shall hold a public hearing in accordance with section 9-4-11.5 hereof.
- 15.4 Application for approval of the development of lots in ancient subdivisions shall be made in writing to the planning board. A complete application shall consist of the following:
- a) a certified copy of the ancient subdivision plat in which the lot or lots are located;
 - b) two copies of the application and sixteen copies of a preliminary plat plan, in compliance with section 9-4-5 hereof, modified as necessary and appropriate for the particular circumstances, including the number of lots and presence or absence of improvements serving said lot or lots;
 - c) all information necessary for the building department and the department of public works to determine whether the proposed development complies with all current requirements of the zoning ordinance and this chapter.