

**NASSAU COUNTY ORDINANCE NO. 46-2009**

AN ORDINANCE RELATING TO REGULATIONS GOVERNING THE APPROVAL OF SUBDIVISION APPLICATIONS BY THE NASSAU COUNTY PLANNING COMMISSION AND THE NASSAU COUNTY PLANNING DEPARTMENT AND DETERMINING THAT ACTION RELATING TO SUCH REGULATIONS IS AN UNLISTED ACTION PURSUANT TO THE PROVISIONS OF PART 617 OF TITLE 6 OF THE NEW YORK CODE OF RULES AND REGULATIONS AND WITHIN THE MEANING OF SECTION 8-0109(2) OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW.

WHEREAS, the County Government Law of Nassau County (the “Charter”) authorizes the Nassau County Planning Commission (the “Commission”) to formulate regulations governing the approval of applications for the subdivision of land within those areas of Nassau County over which the Commission has jurisdiction, subject to the approval of this Legislature; and

WHEREAS, on February 5, 2009, in accordance with such Charter provisions, including those providing for public notice and hearing, the Commission adopted by an affirmative vote of seven members a resolution recommending that this Legislature adopt such regulations; and

WHEREAS, this Legislature hereby finds and determines that action relating to such regulations is an unlisted action under the provisions of Title 6 NYCRR Part 617, and that based on an evaluation of the environmental criteria set forth in §617.7(c) that are considered to be indicia of significant adverse environmental impacts, along with the recommendation of the Nassau County Planning Commission acting in its advisory capacity to the legislature, that such

action will not have significant adverse impacts on the environment, and that no additional environmental review or action is necessary; now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau as follows:

Section 1. Ordinance 48-1946, as amended by Ordinance Nos. 7-1953, 157-1953, 86-1969, 504-1991, 3-1999, 124-2002 and 116-2006, constituting the Nassau County Planning Commission Regulations for the Subdivision of Land, is hereby repealed; and a new Nassau County Planning Commission Regulations for the Subdivision of Land is hereby adopted, to read as follows:

**NASSAU COUNTY PLANNING COMMISSION REGULATIONS FOR THE  
SUBDIVISION OF LAND**

- Section I      Definitions**
- Section II     Subdivision Application Procedures**
- Section III    Subdivision Design Requirements for All Proposed Applications**
- Section IV    Submission Requirements for Minor Subdivision Applications**
- Section V     Submission Requirements for Major Subdivision Applications**
- Section VI    Public Improvement Requirements**
- Section VII   Bond and Cash Deposit Escrow Requirements**
- Section VIII   Inspections**
- Section IX    Variances, Hearings and Appeals**
- Section X     Approved Subdivision Map Filing Requirements**
- Section XI    Stormwater Recharge Basin Violations**
- Section XII   Commission Fee Schedule**

## Section XIII Severability and Effective Date

### SECTION I – DEFINITIONS

For the purpose of these regulations, all definitions of Article XVI of the Charter are incorporated herein by reference, unless otherwise defined as follows:

- A. **Charter** means the County Government Law of Nassau County.
- B. **Commission or Planning Commission** means the Nassau County Planning Commission.
- C. **Department or Planning Department** means the Nassau County Planning Department.
- D. **DOH** means the Nassau County Department of Health.
- E. **DPW** means the Nassau County Department of Public Works.
- F. **Executive Commissioner** means the duly appointed Executive Commissioner pursuant to Section 1601 of the Charter.
- G. **Final Map** is defined in Section 1610 of the Charter, and shall also mean a drawing prepared in a manner prescribed by these regulations containing such details as required by these regulations for all preliminary maps and all modifications, if any, required by the Planning Commission at the time of approval of a preliminary plat of such proposed subdivision, if such preliminary plat has been approved.
- H. **Map**, also known as “Plat”, is defined in Section 1610 of the Charter, and shall also include site plans in these Regulations, unless otherwise specified.
- I. **Panhandle**, also known as “Flag Lot”, means a lot with its access to a street being only by means of a corridor having a frontage area less than that required by all applicable laws, rules and regulations.
- J. **Primary Front Yard** means the street frontage to which the proposed structure will orient.
- K. **Preliminary Map** means a drawing prepared in a manner prescribed by these regulations, showing the layout, building units, parking areas, common open space and recreational facilities of a proposed subdivision, including but not limited to, road and lot layout and approximate dimensions, key plan, existing and proposed topography and drainage, all existing and proposed facilities, including preliminary plans and profiles,

sediment and erosion control plan, landscaping plan, utilities plan and lighting plan at suitable scale and in such detail as these regulations may require.

**L. Street**

1. A **Public Street** means any roadway intended for immediate dedication to the respective municipality.
2. A **Private Street** means any roadway or driveway serving more than one (1) lot for means of ingress or egress and is not intended for dedication to any municipality within one (1) year after subdivision approval is received.

**M. Subdivide or Subdivision, including Major Subdivision and Minor Subdivision**, are defined in section 1610 of the Charter, and also incorporate **Lot Line Adjustments** which mean proposed applications that involve only the movement of existing lot lines or existing parcel boundaries. All subdivisions proposed as Lot Line Adjustment applications shall comply with all applicable zoning requirements, and shall not result in a net increase of any lots. All Lot Line Adjustment applications shall follow the procedures and application requirements of Minor Subdivision applications.

**SECTION II – SUBDIVISION APPLICATION PROCEDURES**

All proposed Subdivisions submitted to the Planning Commission shall conform to these procedural requirements, as well as all applicable laws, rules and regulations, and applicable master plans, if any, affecting the area.

**A. All Applications: Environmental Review.** Simultaneous with the filing of an application for any Subdivision of land, there shall be an environmental assessment form (“EAF”) filed with the Commission, together with a fee in accordance with Subdivision M. of Section XII (Commission Fee Schedule) below. If pursuant to 6 NYCRR Part 617, it is determined that a draft environment impact statement (“DEIS”) is required, the applicant shall prepare and file at least ten (10) copies (or more, upon the Commission’s request) and an electronic version with the Commission, together with a fee in accordance with Subdivision N. of Section XII (Commission Fee Schedule) below. If pursuant to 6 NYCRR Part 617, it is determined that a final environmental impact statement (“FEIS”) or a supplemental environmental impact statement (“SEIS”) is required, the applicant shall prepare and file at least ten (10) copies (or more upon the Commission’s request) and an electronic version with the Commission, together with a fee in accordance with Subdivisions O. or P. of Section XII (Commission Fee Schedule) below. In the event that any hearings or deadlines under 6 NYCRR Part 617 shall conflict with any other part of these regulations, the longer time frame shall control.

**B. Minor Subdivision Application Procedures.** All applicants proposing a Minor Subdivision must follow the following steps:

1. Attend a pre-application conference with Department staff to review the proposed application and any unique circumstances.
2. Comply with all Minor Subdivision Application Submission Requirements, as set forth in Section IV below.
3. Upon receipt and review of a complete application, the Commission staff will notify the applicant of the date and time of the Commission meeting during which the application will be considered. The applicant shall thereafter send notice of the public hearing, on forms supplied by the Department, pursuant to Section 1610 of the Charter (the addresses to be obtained by the applicant from the last completed tax roll), and shall file with the Department, in accordance with Section 1610 of the Charter, an affidavit executed by the applicant or his or her agent on a form supplied by the Department stating the name and address of each person to whom notice was sent and the date when such notice was sent. The Commission or the Department may require the applicant also to post signs noticing the hearing on the property to be subdivided.

### **C. Major Subdivision Application Procedures**

1. Application Procedures for the Preliminary Review: All applicants proposing a Major Subdivision must follow the following steps for the preliminary map review:

- (a) Attend a pre-application conference with Department staff to review the proposed application and any unique circumstances.
- (b) Comply with all of submission requirements for Major Subdivision – Preliminary Filing Requirements, set forth in Section V below.
- (c) After the Department staff solicits comments pertaining to the Preliminary Map from DOH, DPW and any local municipalities having jurisdiction thereon, all comments received shall be forwarded to the applicant for consideration and incorporation in the application.
- (d) Upon receipt of all written DOH, DPW and local municipality Preliminary Map design acceptances, a hearing shall be scheduled. The applicant or his or her duly authorized agent shall attend the designated hearing to discuss the Preliminary Map. The applicant shall send notice of the public hearing, on forms supplied by the Department, pursuant to Section 1610 of the Charter (the addresses to be obtained by the applicant from the last completed tax roll) and shall file with the Planning Department in accordance with Section 1610 of the Charter an affidavit executed by the applicant or his or her agent on a form supplied by the Department stating the name and address of each person to whom notice was sent and the date when such notice was sent. The applicant shall also post signs noticing the hearing on the property to be subdivided.

2. Application Procedures for the Final Review: All applicants proposing a Major Subdivision must follow the following steps for the final map review:

- (a) Final Map Applications shall be deemed complete when all of the submission requirements for Major Subdivisions, set forth in Section V have been satisfied.
- (b) The Commission will solicit comments from DOH, DPW, the County Fire Commission and any local municipalities having jurisdiction thereon, pertaining to the Final Map. All comments received by the Commission shall be forwarded to the applicant.
- (c) Applicants must provide evidence of approval of water supply and sewage disposal by all required governmental authorities, including but not limited to all applicable local, County and State Health and Public Works Departments.
- (d) Applicants must provide evidence of approval of street grades and drainage by all applicable local, and County DPW.
- (e) In the case of a subdivision map showing premises located within a city or incorporated village, or within three hundred (300) feet of a municipal boundary, the signature of the applicable city or village planning authority must be endorsed on the Final Map and a certified copy of the approving resolution must be presented at the office of the Commission.
- (f) A Bond Estimate worksheet, on a form provided by the Commission, shall be completed by a licensed engineer and reviewed by the Commission's Inspector.
- (g) Upon the conclusion of the final review by all involved agencies, as shown by written endorsements on the Final Map, two (2) mylar copies of the Final Map and the accepted Bond Estimate worksheet shall be filed with the Department at least fourteen (14) days prior to a scheduled hearing date. The Planning Commission may shorten this final map filing deadline for good cause shown, but in no event shall such filing be made less than seven (7) days before a regular meeting of the Commission.
- (h) Commission staff shall schedule the matter for a public hearing at a regular meeting of the Commission. The applicant shall send notice of the public hearing, on forms supplied by the Commission, as required by Section 1610 of the Charter (the addresses to be obtained from the last completed tax roll), and shall file with the Executive Commissioner at least seven (7) days prior to the public hearing an affidavit executed by the applicant or his or her agent on a form supplied by the Commission stating the name and address of each person

to whom notice was sent and the date when such notice was sent. The applicant shall also post sign(s) noticing the hearing on the property to be subdivided.

- (i) Prior to the endorsement of the Final Map by the Commission, the applicant shall file with the Commission a surety company bond, cash deposit escrow, liability insurance policy (if applicable, pursuant to Section VI (C)(4) (Stormwater Recharge Basins) below), and inspection fee in an amount determined by the Commission and in accordance with a form supplied by the Commission, to secure to the County the actual construction and installation of such improvements required by the Commission on such final approval and at a time fixed by the Commission and in accordance with the requirements of the Commission under these Regulations. With respect to utilities required by the Commission on such final approval, the Commission may in its sole discretion accept assurance in writing from each public utility company whose facilities are proposed to be installed. When such a writing is acceptable, it shall be addressed to the Commission and state in substance or effect that such public utility company will make the installations necessary for the furnishing of its services within the time therein specified satisfactory to the Commission. In determining the amount of such bond, the Commission may consider the reasonable cost of inspection of such improvements by the Commission, the estimated cost for employing a guard to watch any storm water drainage or storage basins required to be installed by the Commission, the cost of liability insurance, and the estimated cost of installation of necessary water supply facilities. Such bond shall be a surety company bond approved by the County Attorney's Office. The applicant shall pay a fee for a bond filing, and/or cash in lieu thereof, or the reduction or a required increase thereto, or a release thereof, in accordance with the fee schedule in Section XII (Commission Fee Schedule) below.
- (j) Applicants must submit a copy of a "Notice of Intent" Letter to the NYS Department of Environmental Conservation, if required by applicable law, prior to the release of the approved Subdivision Map.
- (k) After completion of the forgoing procedures to the satisfaction of the Commission, and if the Commission shall approve the Map, a written resolution of approval shall be certified by the Chair or the Executive Commissioner, or an alternate designated by the Commission.
- (l) Immediately upon receipt of the fully endorsed Final Map, at least three (3) duplicate mylar copies, five (5) paper copies, and a digital copy (in .dxf, .dwg or other requested format, properly georeferenced) of the Final Map shall be filed with the Department.

- (m) The fully endorsed original mylar Final Map, along with the original certified resolution and any approved declarations of covenants and restrictions, if applicable, shall be filed with the County Clerk.

**D. Changes in Ownership:** In the event there are any changes to property ownership during the course of a subdivision application, new Disclosure Forms and Authorization Forms must be submitted to the Commission, and the Commission must approve all such changes before the application will be further advanced.

**E. Condominium and Cooperative Conversions:** Property owners seeking a letter confirming an exception to the subdivision regulations pursuant to Section 1610(b)(3) of the Charter (condominium and cooperative conversions), shall submit the requisite administrative fee pursuant to Section XII (F) (Commission Fee Schedule) below, along with the following written documentation:

1. Proof of title to be held in condominium, cooperative or other similar form of ownership.
2. A letter of zoning compliance from all applicable municipalities.
3. Proof of the property being in existence and legally occupied prior to August 5, 1987, by the applicable municipality.
4. A map depicting conversion to units.

### **SECTION III – SUBDIVISION DESIGN REQUIREMENTS FOR ALL PROPOSED APPLICATIONS**

All proposed subdivisions submitted to the Planning Commission shall conform to the design requirements in this section, as well as all applicable zoning laws, rules and regulations, and to master plans, if any, affecting the area. These general requirements shall apply to all proposed Subdivision applications.

#### **A. Streets**

1. The street layout shall be in conformity with an advantageous development of the area covered by the Map submitted and of the entire neighboring area.
2. The arrangement of streets in the subdivision shall provide for the continuation of the street in adjoining subdivisions or for their proper projection when adjoining property has not been subdivided, so far as in the judgment of the Commission such continuations or projections are necessary for fire protection, for the proper movement of traffic or for the construction or extension, presently

or when required, of needed utilities and public services such as sewers, water and drainage facilities.

3. Subdivisions that have frontage on County-owned roads shall provide sidewalks in accordance with DPW specifications.
4. Cul-de-sac or dead-end streets are discouraged. When site conditions warrant this type of road configuration, they shall not exceed two-hundred fifty (250) feet in length and shall be equipped with a turn-around roadway having a minimum radius of forty (40) feet for the curb-line at the closed end or minimum municipal specifications, whichever is greater. A dead-end street for the purpose of future development of adjacent property may be permitted or required by the Commission. In such case a turn-around may be required by the Commission.
5. Proposed streets shall be adjusted to the contour of the land and to avoid streets of dangerous gradient. Curved alignment should be used to secure economic location of streets where the terrain is steep.
6. Private Streets must be constructed in accordance with the requirements of the municipality in which it is located, including but not limited to all emergency vehicle access requirements.
7. Public Streets, including sidewalks, shall be constructed in accordance with the specifications and any other requirements of the municipality in which the Subdivision sits, or in the case of more than one municipality, the more stringent requirements.
8. Streets should be situated to provide pedestrian accessibility, safe crossing distances and safe crossing zones. If site conditions prevent such a design, then the provision for a safe pedestrian alternative should be part of the overall subdivision design.
9. Reservation of the title in any of the platted land or of any land controlling access to streets or land otherwise reserved for public use is prohibited.
10. Within a block, street lines deflecting from each other at any one point more than 10 degrees shall be connected with a curve, the radius of which shall be subject to approval by the Commission.
11. Proposed grades of all streets shall be in accordance with the municipality having jurisdiction thereon. Gradients shall be used to facilitate surface drainage to proper natural or artificial outlets. All changes in street grades shall be connected by vertical curves, as approved by DPW. Such vertical curves shall give minimum sight distance as required by DPW.

12. The applicant shall install the facilities for the drainage of streets as approved by the DPW. Any recharge basins required by the Commission shall be constructed and completed and any other drainage facilities required to be installed on the property shall be constructed and completed in accordance with all applicable DPW requirements prior to the installation of any other improvements on the property. All such drainage structures shall be maintained in good operating condition until at least such time as the bond and/or cash escrow is released.
13. The applicant shall install curbs, gutters, integral curb and gutter, pavement and sidewalks, if required, on proposed streets as well as curb and sidewalk on existing streets which bound or intersect the proposed subdivision, as approved by the Commission. The applicant shall also be required to install street signs, property line monuments and any other monuments as required by applicable laws, rules and regulations, and driveway aprons.

#### **B. Block Frontages**

1. Block frontages shall allow for development densities as deemed appropriate by the applicable municipality.

#### **C. Lots**

1. The size of all proposed lots shall meet the minimum size and dimensional requirements: (a) as specified by all applicable town, village and city laws, rules and regulations, or (b) if variances from all applicable town, village and city laws, rules or regulations are necessary, then as approved by all applicable boards or commissions.
2. Ample space shall be provided for the construction of off-street parking on each lot.
3. Proposed lines of lots extending outward from Public Streets shall be at right angles or radial to Public Street lines.
4. For lots having frontages on more than one street, ingress and egress shall be from the street with the lesser road function class. A ten (10) foot planting buffer shall be created along the street frontage not being used for ingress or egress, except for street frontages that intersect.
5. Existing slopes having a grade of twenty-five (25) percent or greater may require permanent slope stabilization and sediment/erosion control measures in the form of, but not limited to, natural buffers, non-disturbance areas and vegetative buffers. Slope shall be calculated by using a minimum of five (5) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope of at least twenty-five (25) percent.

6. Panhandle Lots shall conform with all applicable zoning codes and be deemed by all applicable Fire Districts as safe and accessible for emergency vehicle access. In addition, all applications proposing such lots may require the submission of a plan showing proposed public infrastructure connections to and within proposed Panhandle Lots.
7. The preservation of existing environmental conditions, including but not limited to trees, shall be considered when configuring new lots. Every attempt shall be made to preserve such environmental characteristics. In addition, any tree plans or surveys required by any local municipality shall be submitted with all such applications.

**D. Parks** – Adequate, convenient and suitable areas for parks or playgrounds, or other recreational uses, may be required in the discretion of the Commission. Such recreational areas, if required, shall be a minimum of three (3) percent of the entire holding, or more if the applicable local municipality's laws, rules or regulations require larger areas to be set aside.

**E. Utilities** - The Commission may require the applicant to furnish all necessary public utilities in and to the proposed subdivision. Water supply and sewage disposal must be furnished in accordance with plans approved by DPW and DOH.

#### **F. Waterways**

1. The erection of new bulkheading is discouraged; however, the proposed construction of new bulkheading or the rehabilitation of existing bulkheading shall be in conformance with all applicable federal, state and local laws, rules and regulations.
2. Where new or rehabilitated bulkheading is permitted, a vegetative buffer shall be installed landward of the proposed construction or rehabilitation in order to disrupt overland stormwater flow into waterways. The width shall be in accordance with all applicable federal, state and local laws, rules and regulations, or at least fifteen (15) feet wide, whichever is greater. All vegetation shall be comprised of native species or other approved species, in accordance with all applicable laws, rules and regulations.
3. For proposed lots abutting waterways and/or wetlands which do not involve the erection or rehabilitation of bulkheading, a natural buffer shall be required landward of the mean high tide line, as well as landward of all freshwater wetlands. The width of such buffer shall be in accordance with all applicable federal, state and local laws, rules or regulations, or fifteen (15) feet wide, whichever is greater.

**G. Stormwater Management** - Land development activities normally increase stormwater runoff rates that result in additional sediment transport, potential flooding and erosion. In order to mitigate such adverse impacts on property, natural resources and the environment, proposed subdivisions of more than one (1) acre shall conform to the Phase II Stormwater Regulations as adopted by the New York State Department of Environmental Conservation, and as promulgated in SPDES General Permit for Construction Activities. In addition,

applicants shall provide the Planning Commission with a copy of a Notice of Intent as required by NYSDEC for proposed subdivisions of more than one acre. For land development activities on less than one acre, applicants shall comply with all stormwater and sediment and erosion control management practices required by the jurisdiction in which the land development is to occur.

#### **SECTION IV – SUBMISSION REQUIREMENTS FOR MINOR SUBDIVISION APPLICATIONS**

The submission of an application for a Minor Subdivision shall include all of the items listed in this section. The omission of any of these items from an application, without explicit authorization from either the Commission or the Department staff, will result in the application being deemed incomplete and not subject to review by the Commission until such time as all required items are provided:

**A. A Minor Subdivision Survey (or Lot Line Adjustment Survey) showing the following:**

1. Street and lot layout covering the entire property.
2. Scale of the drawing – twenty (20) feet to the inch is required.
3. A topographic survey, grading / drainage plan may be required at the discretion of the Department.
4. The names of the city, incorporated village or unincorporated community, town and county in which the subdivision is located.
5. Name and address of record owner and proposed subdivider.
6. Name, license number and seal of licensed land surveyor.
7. Tax map description according to Nassau County Tax Map.
8. True or accurate magnetic north point and date taken.
9. Location of existing and proposed buildings, driveways and garages (if requested), proposed retaining walls, water courses, streams, ponds and other essential existing features; as well as easements, rights-of-way or other encumbrances.
10. Established and existing elevations on existing streets.
11. All parcels of land proposed to be dedicated for public use, including but not limited to parks and playgrounds.

12. Boundaries of proposed easements over, under, or through private property. Proposed easements shall be not less than ten (10) feet in width and shall provide satisfactory access to an existing public highway or other public open space shown on the survey.
13. Proposed lot lines with approximate dimensions, legal boundary descriptions and lot areas.
14. Total number of acres and total number of lots in proposed subdivision.

**B. A Radius Map** shall also be provided. The radius layout is to include all properties, including dimensions and areas (sq. ft.), names of owners of record of adjoining properties, addresses and uses of adjacent lands. This information shall be shown for the areas extending at least two hundred (200) feet beyond the outer-most boundaries of the proposed subdivision. The radius map shall also include:

1. Location of municipal boundaries.
2. The applicable use districts, including any special overlay districts, of applicable zoning laws, rules and regulations, and the boundaries of such districts, as affect the area to be subdivided and also the area extending two hundred (200) feet beyond outer-most boundaries of the proposed subdivision. A zoning schedule shall also be shown on the radius map depicting permitted versus proposed.

**C. Additional Documentation** to be provided:

1. All documents listed on the *Minor Subdivision Checklist*.
2. The completed Minor Subdivision or Lot-Line Adjustment Application Form – to be submitted in duplicate, executed and appropriate acknowledgement filled out by a Notary Public for all property owners of record.
3. Copies of any variances granted by local municipalities for any properties included in the proposed subdivision, or if applicable, a letter of zoning compliance from any local municipalities.
4. A letter or resolution of approval of subdivision from any other municipality with subdivision jurisdiction over the subject property. For all Minor Subdivisions applications showing any part of the premises located within three hundred (300) feet of a municipal boundary, the written approval of any boundary village or city must be presented to the Commission before the Commission will make a final determination on the application.
5. Ten (10) prints of the Minor Subdivision Survey, prepared by a licensed surveyor, professional engineer, architect, or landscape architect (with appropriate professional seal and signature) showing all details as stated above for the property involved, with existing

structures, dated no earlier than one(1) year prior to the date of the completed subdivision application form.

6. Five (5) copies of the radius map, showing all properties within a two hundred (200) foot radius, (including all merged tax lots), prepared by a licensed surveyor, professional engineer, architect, or landscape architect (with appropriate professional seal and signature).
7. A digital copy of all required plans, maps or surveys (in .pdf or .dxf or other requested format).
8. A recent (within 30 days of the date of application) Certificate of Title from a licensed New York State title insurance company, for the following searches:
  - i. All current owners of record;
  - ii. All current mortgage or lien holders, along with a certification of consent to the subdivision by any mortgagees or lien holders;
  - iii. All covenants and restrictions, along with a copy of all such covenants and restrictions; and
  - iv. All recorded easements.
9. Record of deeds on file with the Clerk of Nassau County for all properties included in the proposed action, certified and signed by the Clerk.
10. All required fees, pursuant to Section XII (Commission Fee Schedule) below. All checks must be certified by a bank, or written on an attorney's escrow account.
11. A Disclosure of Interest Statement.
12. The Uniform Certificate of Acknowledgement Form.
13. Applicant Registration Form.
14. Notarized authorization form signed by all record owner(s) authorizing certain agent(s) to appear before the Commission.
15. If applicable, signed application for variance(s) from these Regulations.
16. Environmental Assessment Form (Short or Full), as required by the Department.
17. Certification of zoning compliance, signed and sealed by a licensed surveyor or professional engineer.
18. A statement from all applicable municipalities that all proposed private streets comply with all applicable regulations.

19. In the case of an application involving a proposed Panhandle Lot, a statement from the applicable Fire District incorporating any recommendations, if any.
20. A Stormwater Management Plan, in accordance with all applicable regulations.

## **SECTION V – SUBMISSION REQUIREMENTS FOR MAJOR SUBDIVISION APPLICATIONS**

The submission of an application for a Major Subdivision shall consist of the following items. The omission of any of the following items from an application, without explicit authorization from either the Commission or the Department staff, will result in the application being deemed incomplete and not subject to review by the Commission until such time as all of the following items are provided:

- A. **The Major Subdivision Preliminary Map** presented to the Commission shall show the following:
  1. Street and lot layout covering the entire property to be subdivided. If the subdivision is to be divided into sections, the preliminary map shall show the boundaries of each section, and each such section shall bear a number indicating numerically the order in which the applicant proposes to submit for approval the maps covering such sections. Unless otherwise approved by the Commission, the order of submission of Final Map shall follow the sequence of the section numbering.
  2. Location of existing and proposed buildings, driveways and garages, existing and proposed retaining walls, water courses, streams, ponds, and other essential existing features; as well as easements, rights-of-way or other encumbrances.
  3. Proposed lot lines with approximate dimensions, legal boundary descriptions and lot areas.
  4. Scale of the drawing is to be adequate enough to show all required features and components in a legible manner.
  5. Topographic character of the land by means of contours of existing and proposed surfaces, with intervals not to exceed two (2) feet. Where the terrain is unusually flat or unusually steep, the Commission may require a small contour interval or permit a greater contour interval. The topography shall be drawn from an actual field survey certified by a licensed land surveyor. Contours shall be extended to cover an area fifty (50) feet beyond the boundaries of the lot to be subdivided.
  6. Proposed subdivision name or identifying title and the names of the incorporated village or unincorporated community, town and county in which the subdivision is located.

7. Name and address of record owner and proposed subdivider.
8. Name, license number and seal of licensed land surveyor.
9. Tax map description according to most recent Nassau County Tax Map.
10. Name of the United States Post Office which will serve the proposed subdivision.
11. True or accurate magnetic north point and date taken.
12. Location of property lines, school, fire and other special district lines, and municipal subdivision lines.
13. Approximate key elevations, directions of water flow and rate of grade on all proposed streets.
14. Proposed street plans profiles and cross-sections, in accordance with municipal specifications.
15. Proposed water mains, gas mains, sewer mains, septic systems and all connections.
16. Established and existing elevations on existing streets.
17. Site grading and drainage plan including existing and proposed contours, location and type of stormwater collection and dispersal structures, drainage calculations and offsite connections, if applicable. Stormwater retention design shall be in accordance with all applicable municipal specifications. Additional details may be required.
18. Name, widths and proposed widenings of existing streets located within the area to be subdivided or in the area extending two hundred (200) feet beyond the boundaries of the proposed subdivision. On existing streets, the location and type of sidewalk, curb and pavement shall be shown. Required widenings of County roads shall be dictated by the DPW and indicated on the Preliminary Map.
19. The location of streets, public ways, or any other features shown on the Official County Map.
20. The names of all proposed streets, which names shall be the same as the names of the streets of which they are continuations, or, if not continuation, shall not be similar to the names of streets within the same fire district or within the area served by the same fire department. Unique street names within the village, city, town and County are preferred. The County Fire Commission shall be consulted during major map reviews to prevent naming conflicts.
21. All parcels of land proposed to be dedicated for public use, including but not limited to parks, playgrounds, recharge basins, and streets.

22. Approximate distances to nearest schools and firehouses serving the proposed subdivision.
23. Boundaries of proposed easements over, under, or through private property. Proposed easements shall be not less than ten (10) feet in width and shall provide satisfactory access to an existing public highway or other public open space shown on the Map
24. Key map at scale four hundred (400) feet to the inch, and location diagram at scale three thousand (3,000) feet to the inch.
25. Total number of acres and total number of lots in proposed subdivision.

**B. Pedestrian, Non-Motorized Transportation and Public Transit Accessibility Maps**

1. A *Pedestrian and Non-Motorized Transportation Circulation Map* shall be provided with the Preliminary Map application, and shall depict physical features and components that will allow for and encourage pedestrian and non-motorized transportation accessibility and circulation within and around the proposed subdivision. Physical features and components to be shown include but are not limited to: sidewalks, walking paths, bicycle path lanes, designated cross-walks and curb-extensions. Arrows showing the continuous path of a pedestrian within and around the proposed subdivision shall be illustrated on the map.
2. A *Public-Transit Accessibility Map* may be required with the Preliminary Map application. Such map shall depict public transit accessibility and mobility within and around the proposed subdivision by describing turn radii of all proposed streets and driveways both public and private, throat widths, isle-widths and centerline of theoretical public transit route.

**C. A Radius Map** shall be provided with the Preliminary Map application and shall include:

1. All properties, including dimensions and areas (sq. ft.), names of owners of record of adjoining undeveloped properties, addresses and uses of adjacent lands. This information shall be shown for the areas extending at least two hundred (200) feet beyond the outer-most boundaries of the proposed subdivision.
2. Location of municipal boundaries.
3. The applicable use districts, including any special overlay districts, of applicable zoning laws, rules and regulations, and the boundaries of such districts, as affect the area to be subdivided and also the area extending two hundred (200) feet beyond the

outer-most boundaries of the proposed subdivision. A zoning schedule shall also be shown on the radius map depicting permitted versus proposed.

**D. An Existing Conditions Survey** shall be provided with the Preliminary Map application and shall show the following:

1. Location of existing buildings, water courses, streams, ponds, storm sewers, sanitary sewers, water mains, gas mains, underground storage tanks, public transportation routes and designated stations/stops, parks and other essential existing features; as well as easements, rights-of-way and other encumbrances.

**E. Additional Documentation** to be provided with the Preliminary Map Application:

1. All documents listed on the *Major Subdivision Checklist*.
2. The completed Preliminary Major Subdivision Application Form – to be submitted in duplicate, executed and appropriate acknowledgement filled out by a Notary Public for all property owners of record.
3. Copies of any variances granted by local municipalities for any properties included in the proposed subdivision, or if applicable, a letter of zoning compliance from any local municipalities.
4. A letter or resolution of approval of subdivision from any other municipality with subdivision jurisdiction over the subject property. For all Major Subdivision applications showing any part of the premises located within three hundred (300) feet of a municipal boundary, the written approval of any boundary village or city must be presented to the Commission before the Commission will make a final determination on the application.
5. Ten (10) prints of the Preliminary Major Subdivision Map, including construction drawings, prepared by a licensed surveyor, professional engineer, architect, or landscape architect (with appropriate professional seal and signature) showing all property involved, with existing structures, dated no earlier than one (1) year prior to the date of the completed subdivision application.
6. Five (5) copies of the radius map showing all properties within a two hundred (200) foot radius, (including all merged tax lots), prepared by a licensed surveyor, professional engineer, architect, or landscape architect (with appropriate professional seal and signature).
7. A digital copy of all required plans or maps (in .pdf or .dxf or other requested format).

8. A recent (within 30 days of the date of application) Certificate of Title from a licensed New York State title insurance company, for the following searches:
  - i. All current owners of record;
  - ii. All current mortgage or lien holders, along with a certification of consent to the subdivision by any mortgagees or lien holders;
  - iii. All covenants and restrictions, along with a copy of all such covenants and restrictions; and  
All recorded easements.
9. Record of deeds on file with the Clerk of Nassau County for all properties included in the proposed action, certified and signed by the Clerk.
10. All required fees, pursuant to Section XII (Commission Fee Schedule) below. All checks must be certified by a bank, or written on an attorney's escrow account.
11. A Disclosure of Interest Statement.
12. The Uniform Certificate of Acknowledgement Form.
13. Applicant Registration Form.
14. Notarized authorization form signed by all record owner(s) authorizing certain agent(s) to appear before the Commission.
15. If applicable, signed application for variance(s) from these Regulations.
16. Environmental Assessment Form (Short or Full), as required by the Department.
17. Certification of zoning compliance, signed and sealed by a licensed surveyor or professional engineer.
18. A statement from all applicable municipalities that all proposed private streets comply with all applicable regulations.
19. In the case of an application involving a proposed Panhandle Lot, a statement from the applicable Fire District incorporating any recommendations, if any.

**F. The Major Subdivision Final Map** presented to the Commission shall show the following:

1. Street and lot layout. The original shall be clearly and legibly drawn.
2. Sufficient data to enable any surveyor to determine readily the location of every street line, lot line, boundary line, and to reproduce such lines upon the ground. This data

shall be made by a licensed land surveyor and tied in, where possible, with reference points previously established by a public authority or by a licensed land surveyor.

3. The length and bearing of all straight lines, and the radius, length and central angle of all curves. All dimensions shall be shown in feet and decimals of a foot.
4. By proper designation of all public open spaces for which deeds of cession are to be given and those spaces, title to which is reserved by the applicant. For any of the latter there shall be submitted with the Final Subdivision Plat, copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.
5. A representation that all lots conform and are in accordance with the minimum requirements of the applicable zoning laws, rules and regulations of the municipality, or a certification of all municipal variances received therefrom, wherein the plat is located.
6. Existing block and lot numbers in accordance with the Nassau County Land and Tax Map.
7. Permanent reference monuments shown as thus:  . Monuments shall be set at all points required by the Commission and all applicable laws, rules and regulations.
8. Title of proposed subdivision as approved by the County Clerk.
9. North arrow. The north direction shall be at the top of the map or within twenty (20) degrees east or west thereof.
10. Location of all county, village, town, city, school districts and any other special district lines.
11. Proposed widenings of existing streets.
12. Key map at scale of four hundred (400) feet to the inch and location diagram at scale of three thousand (3,000) feet to the inch.
13. A note signed by the record owner stating “The lands shown on this map as roads, streets or highways, or for the widening thereof, and also easements for the installation of sewers or drainage as indicated, and also land indicated as dedicated for other public use, are hereby irrevocably offered for dedication to the municipality having jurisdiction thereof.”
14. A note signed by a licensed surveyor that “The land shown on this map lies wholly within the limits of the Town of \_\_\_\_\_ and is not within three hundred (300) feet of the boundary of any city or incorporated village.” The note shall be

appropriately amended when the foregoing statement does not accurately describe the location of the plat.

15. Certification by a currently licensed land surveyor.
16. Landscaping Plan depicting proposed vegetation types and locations.
17. A Stormwater Management Plan, in accordance with all applicable regulations.

**G. Additional Documentation for Final Maps for Major Subdivisions:**

1. All documents required in the Commission's Major Subdivision Checklist.
2. The Final Major Subdivision Application Form – to be submitted in duplicate, executed and appropriate acknowledgement filled out by a Notary Public for all owners.
3. Copies of any variances granted by local municipalities for any properties included in the proposed subdivision, or if applicable, a letter of zoning compliance from any local municipality.
4. Letter or resolution of approval of subdivision from any other municipality with subdivision jurisdiction over the subject property.
5. Ten (10) prints of the Final Major Subdivision Map, including construction drawings, prepared by a licensed surveyor, professional engineer, architect, or landscape architect (with appropriate professional seal and signature) showing all property involved, with existing structures.
6. A digital copy of all required plans or maps (in .dxf, .dwg or other requested format, properly georeferenced).
7. All required fees, pursuant to Section XII (Commission Fee Schedule) below. All checks must be certified by a bank, or written on an attorney's escrow account
8. The fully completed Bond Estimate worksheet, if applicable.

**SECTION VI – PUBLIC IMPROVEMENT REQUIREMENTS**

All subdivision plats presented to the Commission shall show the following public improvements, as well as any additional municipal requirements and specifications, if applicable:

**A. Utilities** - No installation of any utilities required by the Commission shall be commenced without first notifying the Commission when such work is to begin and permission in writing is given by the Executive Commissioner or his or her duly authorized agent, to the applicant or his or her agents to begin such work.

1. All gas, water and other utility mains required by the Commission shall be installed in accordance with the specifications of the utility company and municipal authority or district serving the area.
2. All streets lights and lighting standards shall be installed in accordance with the specifications of the lighting agency serving the area as well as all applicable laws, rules and regulations. Where required by the Commission, the applicant shall install street lighting according to specified standards.
3. All utility lines shall be underground, preferably, or secured on poles along rear property lines if underground installation is impractical.

**B. Storm and sanitary sewers** - All storm and sanitary sewers shall be constructed in accordance with the applicable specifications of the local municipal authority (if any) and DPW.

**C. Storm water drainage or storage basins**

1. No construction of any stormwater recharge basins required to be constructed by the Commission upon its approval of a subdivision plat, shall be commenced without first notifying the Commission when such work is to begin and permission in writing is given by the Executive Commissioner or his or her duly authorized agent, to the applicant or his or her agents to begin such work.
2. Fencing - No excavation for the pit in a storm water drainage or storage basin shall be commenced unless and until there shall be constructed a permanent fence entirely surrounding the proposed excavation, built in accordance with the specifications of the DPW.
3. Safety - Upon commencement of the excavation for the pit on the site of the storm water drainage or storage basin, and until the applicable municipality has accepted title to the plot on which it is located, the applicant shall:
  - i. Employ an access control person, or such number of them as shall be necessary, to protect the public against injury; such persons shall be maintained at the site at all times while work is being performed on the site.
  - ii. At all other times, all entrances or means of ingress or egress to the site shall be closed and securely locked.

4. Liability insurance - No permission shall be issued by the Executive Commissioner, or his or her duly authorized representative, to commence work on any stormwater recharge basin until there is filed with the Commission by the applicant a liability insurance policy naming the County of Nassau as an additional insured, covering the construction and maintenance of such stormwater recharge basin with a minimum single combined limit of liability of not less than one million dollars (\$1,000,000) per occurrence and three million dollars (\$3,000,000) aggregate coverage; such insurance to continue in force until the performance bond and cash escrow have been discharged or released, the form and manner of execution of such policy of insurance to bear the approval of the County Attorney.
- D. Monuments** - Monuments shall be installed pursuant to applicable law, and shall be made of reinforced concrete or stone and shall be four (4) inches square with a length of at least thirty-six (36) inches, and shall be embedded the full depth.
- E. Street Signs** - Street signs on streets to be dedicated to a municipality shall be built and placed in accordance with all applicable laws, rules and regulations.

## **SECTION VII – BOND AND CASH ESCROW DEPOSIT REQUIREMENTS**

- A.** If public improvements are to be constructed after the approval of the final plat, the applicant shall file with the Commission a surety company bond and a cash escrow deposit, or cash in lieu of such bond and escrow, in an amount to be determined by the Commission in accordance with forms supplied by the Commission, to secure to the County the actual construction and satisfactory installation of all such improvements. The applicant shall pay a fee for the bond and cash processing, in accordance with the fee schedule in Section XII (Commission Fee Schedule) below.
- B.** A Bond Estimate Worksheet, and all other related documentation required by the Commission, shall be completed and submitted before the Final Map will be reviewed by the Commission. In addition to the computations required on such worksheet, a comparison of the developer's unit prices and total materials cost to the current County unit prices and total materials cost shall be provided.
- C.** There may also be included in determining the amount of such bond the reasonable cost of inspection of public improvements required by the Commission, the estimated cost for employing guards for any storm water drainage or storage basins required to be installed, the cost of liability insurance, and the estimated cost of the installation of necessary water supply facilities. Such bond shall be a surety company bond, on a form and by a surety company acceptable to the County Attorney.
- D.** Only one bond shall be submitted for an approved plat. If the developer wishes to provide individual bonds for separate sections of the plat, prior permission to do so must be sought from the Commission.

- E. If the applicant seeks to reduce the bond or cash escrow amount during the course of the construction of public improvements, a bond or cash reduction application shall be filed, with the appropriate fee as specified in Section XII (Commission Fee Schedule) below, and shall indicate the actual amount of work completed as a percentage of the total amount of work originally estimated to be completed.
- F. The Commission's Inspector shall review the bond or cash reduction application and may request revisions to the reduction based on a written assessment of actual field conditions.
- G. No more than one bond or cash reduction application shall be submitted throughout the duration of construction, unless the Commission shall permit such additional reduction applications, upon good cause shown.
- H. All applications for bond and cash releases shall describe the total work performed including any additional construction which was not originally specified or estimated, and shall be accompanied by a fee in accordance with Section XII (Commission Fee Schedule) below.
- I. The Commission's Inspector shall review all bond and cash escrow release applications, and may request that further information be submitted and/or additional work be performed based on a written assessment of actual field conditions.
- J. Subdivision public infrastructure "as-builts" shall be submitted (in .dxf, .dwg or other requested format, properly georeferenced) at the time of all bond/escrow release applications.

### **SECTION VIII - INSPECTIONS**

**A.** The Commission shall employ inspectors to ensure the satisfactory completion of public improvements required by the Commission. No improvements shall be installed before the final approval of the plat, unless otherwise approved in advance by the Commission. If such approval is granted, an inspector will be assigned thereto, along with bonding requirements as set forth above and in all applicable laws, rules and regulations. In addition, if an inspector has not yet been assigned after a bond or cash escrow is provided to ensure completion of such improvements, the Commission will assign an inspector to ensure such satisfactory completion after final approval of the plat. The applicant shall pay to the Commission the cost of such inspections. The reasonable cost of such inspection shall be paid by the applicant in accordance with the fees set in Subsection Q. of Section XII (Commission Fee Schedule) below.

**B. A Pre-construction Conference** is required prior to the installation of any public improvements. At the pre-construction conference, the developer and/or owner shall sign documentation acknowledging construction and inspection requirements.

**C. Stop Work Orders** - Pursuant to Section 1610 of the Charter, the Commission or Department staff may direct that all work relating to public improvements be suspended or stopped if any violation of the Charter or these regulations occurs.

**D. Submissions to the Inspector** – If applicable, applicants shall provide copies of all approved stormwater pollution prevention plans, including but not limited to SWIPs, immediately upon receipt.

## **SECTION IX – VARIANCES, HEARINGS and APPEALS**

**A. Variances.** The Commission may vary, subject to appropriate conditions, such requirements of these Regulations as in its judgment of the special circumstances and conditions relating to a particular plat are not requisite in the interest of public health, safety and general welfare. When making its determination as to the approval of proposed subdivisions, the Commission shall take into consideration the health, safety and welfare of the public, including but not limited to the prospective character of the development and the allowed density of population under all applicable laws, rules and regulations, including but not limited to Section 1610 of the Charter. Applications for variances shall be accompanied by a fee as specified in Section XII (G) (Commission Fee Schedule) below.

**B. Hearings.** The Commission shall hear and decide all matters upon which it is required to pass under these regulations.

**C. Appeals.** Any appeals to the Commission pursuant to the Charter shall be filed with the Commission no later than thirty (30) days after the decision is made, and a fee shall be paid as specified in Section XII (E) (Commission Fee Schedule) below.

## **SECTION X – APPROVED SUBDIVISION FILING REQUIREMENTS**

**A.** After receiving approval of a subdivision plat, the applicant shall immediately file the Final Map and deeds, describing the newly-created lots, in the office of the Nassau County Clerk within six (6) months from the date of certification of the Commission's written resolution. Proof of filing with the clerk all required documentation shall be provided to the Commission immediately upon filing.

**B.** The deadline to file maps and deeds may be extended by the Commission in accordance with Section 1610 of the Charter. All applications for an extension of time must be submitted prior to the initial deadline date.

**C.** Failure to timely file the map and deeds, or apply for an extension of time, within the required time period shall constitute a lapsed approval and require the re-filing of the entire application.

**D. Extensions of Time to File Final Subdivision Approval** - An application to Extend the Time to file a Final Subdivision Approval may be requested by filing a form required by the

Planning Department a fee paid in accordance with Section XII (K) (Commission Fee Schedule) below. The applicant may be required to provide any and all documentation required for the initial application, in the sole discretion of the Commission or Department staff.

**E. Applications to Amend Previously Approved Maps** - An application to amend a previously approved subdivision map may be requested in order to comply with governmental requests, conditions placed on the previous subdivision approval, actual field conditions, or to correct inadvertent errors. The applicant shall pay a fee in accordance with Section XII (D) below (Commission Fee Schedule). The applicant may also be required to provide any and all documentation required for the initial application, in the sole discretion of the Commission or Department staff.

**F. Certified Resolutions** – Any person or entity seeking a copy of a resolution previously provided, or a certified resolution, shall make such a request in writing, and shall pay a fee in accordance with applicable law.

**SECTION XI – STORMWATER RECHARGE BASIN VIOLATIONS**

Any person, or entity violating any of the provisions of Section VI above (concerning storm water drainage or storage basins), or failing to comply therewith, or failing to comply with any order made thereunder, shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding five hundred dollars (\$500) or by imprisonment not exceeding six (6) months, or both, for each and every such violation. The imposition of the penalty under this section shall not excuse the violation or permit it to continue. All such persons or entities shall be required to remedy or correct such violation and each day thereafter that such violation shall continue shall constitute a separate offense.

**SECTION XII – COMMISSION FEE SCHEDULE**

The following fees shall be established for all applications, approvals and other functions performed under these regulations, and shall be payable to the Treasurer, County of Nassau. Such fees shall accompany each such application, approval or other function performed under these regulations:

	<b>Application Or Filing</b>	<b>Fee</b>	<b>Commission Regulations Section</b>
A.	Minor Subdivision Applications, including Lot Line Adjustments	Residential - \$500 per lot or unit Non-residential - \$750 per lot or unit Lot Line Adjustments - \$250	IV (C)(10)

	<b>Application Or Filing</b>	<b>Fee</b>	<b>Commission Regulations Section</b>
B.	Preliminary Map Applications	Residential - \$500 per lot or unit Non-residential - \$750 per lot or unit	V (E)(10)
C.	Final Map Applications	\$1,500 per map section filed	V (G)(7)
D.	Amended Map Applications	\$500	X (E)
E.	Appeals to the Planning Commission	\$500	IX (C)
F.	Condominium or Cooperative Conversion Exception Letter Requests	\$75	II (E)
G.	Variance from Commission Regulations	Residential - \$500 per variance Non-residential - \$750 per variance	IX (A)
H.	Bond and Cash Escrow Filing Fee	\$500	VII
I.	Reduction of Bond or Escrow	\$500	VII
J.	Release of Bond or Escrow	\$500	VII
K.	Extension of Time to File Map or Deeds	\$500	X (D)

	<b>Application Or Filing</b>	<b>Fee</b>	<b>Commission Regulations Section</b>
L.	Certified Copy of a Resolution	Pursuant to applicable law	X (F)
M.	Environmental Assessment Form (EAF) Filing Fee	\$500	II (A)
N.	Draft Environmental Impact Statement (DEIS) Filing Fee	\$750 per acre	II (A)
O.	Final Environmental Impact Statement (FEIS) Filing Fee	\$1,500 per acre	II (A)
P.	Supplemental Environmental Impact Statement (SEIS) Filing Fee	\$1,500 per acre	II (A)
Q.	Inspection Fee	7 ½ % of the cost of the required public improvements and utilities, or of their estimated cost, as established by the Commission	VIII

**SECTION XIII - SEVERABILITY AND EFFECTIVE DATE**

If any clause, sentence, paragraph, section or part of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

These regulations shall take effect immediately, and shall apply to all new applications submitted to the Commission.

§ 2. SEQRA Determination. This legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this action is an unlisted action under the provisions of Title 6 NYCRR Part 617, and that based on an evaluation of the environmental criteria set forth in §617.7(c) that are considered to be indicia of significant adverse environmental impacts, along with the recommendation of the Nassau County Planning Commission acting in its advisory capacity to the legislature, that such action will not have significant adverse impacts on the environment, and that no additional environmental review or action is necessary.

§ 3. The provisions of this ordinance shall take effect immediately.