

**PROPOSED LOCAL LAW 3 OF THE YEAR 2019 TO AMEND §158-16
OF THE VILLAGE CODE OF THE INCORPORATED VILLAGE OF
MUTTONTOWN**

A local law to amend the Village Code § 158-16 of Chapter 158: Subdivision of Land

Section 1. Legislative Intent

It is the intent of this Local Law to amend § 158-16 of Chapter 158: Subdivision of Land.

Section 2. Authority

This Local Law is adopted pursuant to the provisions of the Village Law and the Municipal Home Rule Law of the State of New York.

Section 3. Amendment to Section 158-16 of the Village Code of the Incorporated Village of Muttontown

Chapter 158, SUBDIVISION OF LAND

ARTICLE IV, Design Standards

§ 158-16. General Requirements.

A. Considerations. In considering applications for subdivision of land and/or development, the Board shall be guided by the standards set forth herein. Said standards shall be deemed to be minimum requirements for the convenience, health, safety and welfare of the village.

B. Character of land. Land to be subdivided and/or developed shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Land subject to such hazards shall not be subdivided nor developed for residential purposes nor for such other uses as may increase danger to health, life or property or aggravate a flood hazard, but such land may be set aside for such uses as shall not involve such danger nor produce unsatisfactory living conditions.

C. Conformance to Village Comprehensive Plan and Official Map. Subdivisions and/or developments shall conform to the Official Map and shall be properly related to the proposals shown on the Village Comprehensive Plan. The plat shall include all streets, shown on the said plan and map, which are within the site and such other streets as the Board may require.

D. Frontage on improved street. The area proposed to be subdivided and/or developed shall have frontage on and direct access to a street duly placed on the Official Map and, if

such street is private, it shall be improved to the satisfaction of the Board or there shall be a bond held by the village covering such improvement.

E. Preservation of natural cover. Land to be subdivided and/or developed shall be laid out and improved in reasonable conformity to existing topography, in order to minimize grading, cut and fill and to retain, insofar as possible, the natural contours, limit stormwater runoff and conserve the natural cover and soil. No topsoil, sand or gravel shall be removed from any lots shown on any subdivision plat except for the purpose of improving such lots and for the laying out of streets shown thereon. Topsoil so removed shall be restored to the depth of six inches and properly seeded and fertilized on the areas of such lots not occupied by buildings or structures. No excess topsoil so removed shall be disposed of outside of the boundaries of the village except upon the approval of the Board of Trustees of the village.

F. Preservation of natural buffer. In granting approval of any application for a subdivision other than a partitioning as defined in section 158-8 (Word usage and definitions) of this Chapter, the subdivider shall set aside and reserve a perimeter buffer of fifty feet which shall remain undisturbed, except as may be required for access, utilities, or such augmentation of the existing flora or other existing natural features as the Planning Board may require or permit in accordance with the planning objectives set forth in the Village Comprehensive Master Plan, as amended from time to time. The perimeter buffer shall be contained within one or more lots and shall be included in the bulk and area calculation(s) when determining minimum lot size and all required setbacks shall be measured from the outer boundary of such perimeter buffer. Further, if a perimeter buffer traverses a lot designated for a park, playground or other recreational purpose, as defined in § 127-2 of the Village Code, the gross area of such buffer shall be credited towards the minimum required area for such park, playground or recreational lot. The metes and bounds of such perimeter buffer shall be memorialized in covenants and restrictions recorded in the office of the County Clerk as a condition of subdivision approval.

G. Preservation of existing natural features. Existing natural features that enhance the attractiveness of the site and which would add value to residential or other development or to the village as a whole, such as trees, watercourses, ponds and similar irreplaceable assets, shall be preserved insofar as possible by harmonious design of the subdivision. The Board may make reasonable modifications in standards for layout of streets to accomplish such purposes as well as the objectives noted in Subdivision E. For purposes of computing the number of lots that a subdivision will yield, the following features shall be excluded: all "slope lands" as defined by Chapter 190 (Zoning), Article I (Purpose,

Title and Definitions), section 190-2 (Word usage and definitions) of the Code of the Village of Muttontown; and all “freshwater wetlands” and “adjacent areas” as defined by Chapter 74 (Freshwater Wetlands), section 74-2 (Definitions) of the Code of the Village of Muttontown.

Section 4. Severability.

If a court determines that any clause, sentence, paragraph subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Applicability.

This article shall apply to all actions occurring on or after the effective date of this article.

Section 6. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.