



Subdivision Review & Process:



March 20, 2025

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Governed by NYS Law, the Enabling Statutes

General City Law §§32, 33, 34

Town Law §§276, 277, 278

Village Law §§7-728, 7-730, 7-732

Define Subdivision as

“...the division of any parcel of land into a number of lots, blocks or sites as specified in a law, rule or regulation, with or without streets or highways, for the purpose of sale, transfer of ownership, or development. The term “subdivision” may include any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the office of the county clerk or register of the county in which such plat is located. Subdivisions may be defined and delineated by local regulation, as either “major” or “minor”, with the review procedures and criteria for each set forth in such local regulations.”

Local regulations expand on this definition, particularly as to whether a lot line change is considered a subdivision, and whether the municipality uses “major” and “minor” subdivisions which would have different procedures.

Town of Harrison Subdivision Regulations:

SUBDIVISION

A. MAJOR SUBDIVISION A division of land **into two or more lots** for immediate or future sales or for building development in such a way as to require one or more new streets to be constructed, or a division of land into five or more lots along an existing street or highway.

B. MINOR SUBDIVISION A division of land into fewer than five lots along an existing public road in such a way as to require no new streets to be constructed.

Village of Hastings-on-Hudson Zoning Code:

SUBDIVISION

The division of any parcel of land, regardless of use, into two or more lots, plots, blocks, sites or parcels, with or without the creation of new streets, for the purpose, whether immediate or future, of transfer of ownership or building development, and **shall include resubdivision as defined herein**

RESUBDIVISION

Any change of existing property lines or of property lines shown on a plat approved by the Planning Board and filed in the office of the County Clerk.

Many Codes up to about the 1980's defined a subdivision differently and included a minimum number of lots, often 5. A division of land into less than 5 lots did not require planning board approval and such division could be accomplished simply by recording deeds.

Subdivision review is intended to provide for functional, well balanced neighborhoods with appropriate street layouts, stormwater management, preservation of environmental features, and proper provision of sewer and water. As Westchester has become more fully developed we see very few large subdivisions, we are dealing mostly with two and three lot subdivisions, often without even new roads.

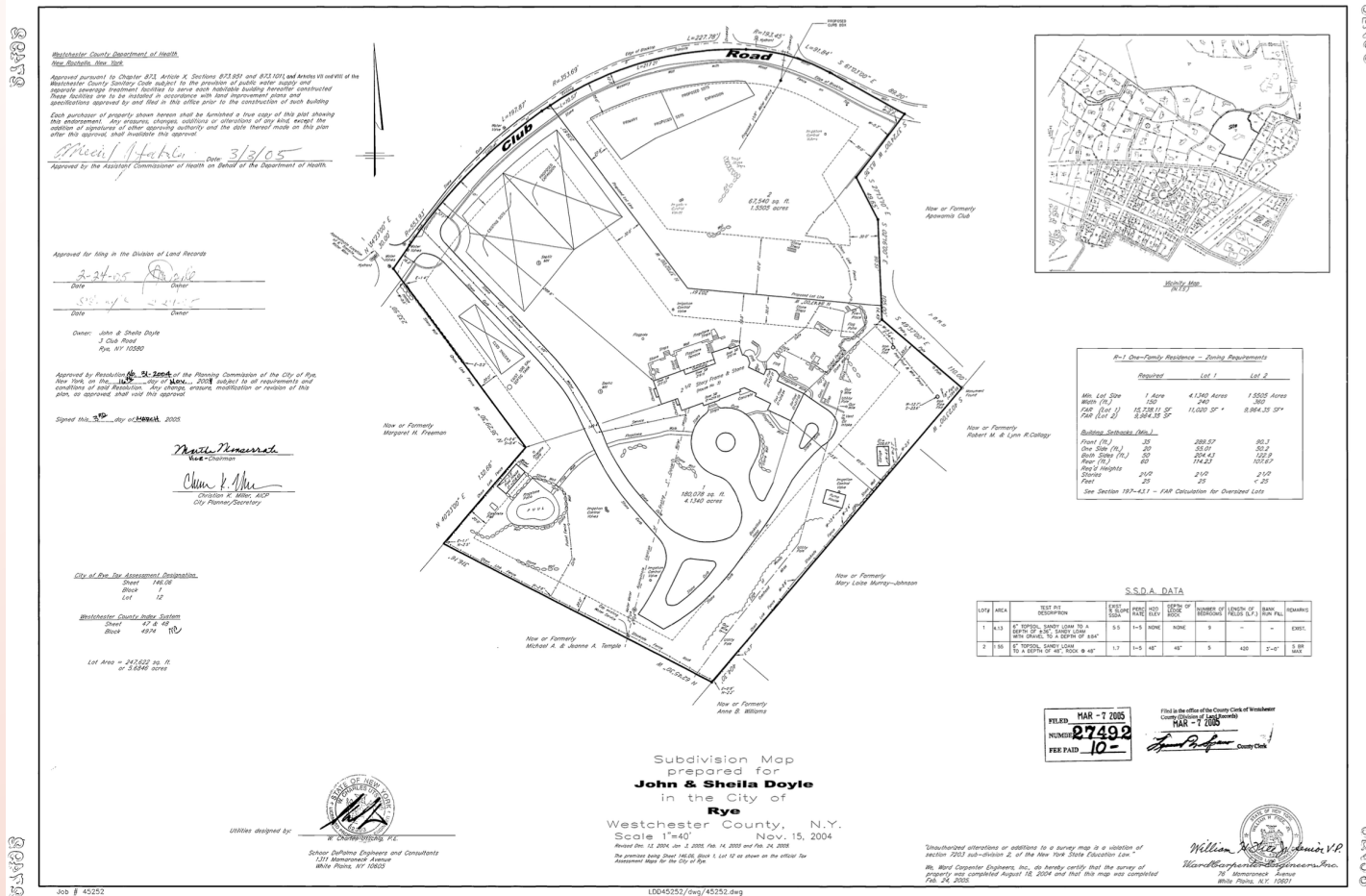
It is important to distinguish subdivision approval from the other major land use control - zoning.

While zoning and subdivision control are entirely separate and distinct parts of the planning implementation process, they complement each other, and taken together can ensure well-ordered development. Both are exercises of a municipality's "police power."

Zoning has as its principal purpose the prescription of **what land may be used** for. Zoning accomplishes this by establishing different districts and providing for permissible uses in each (e.g., residential, commercial, industrial).

Subdivision control, however, is concerned with **how land is used** - i.e., it attempts to ensure that when development does occur, it will be accompanied by adequate services and facilities.

Subdivision Plat means the graphical representation of the subdivision of land, prepared by a licensed professional land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.



Kirby

Subdivision Plat Notes

1. Any principle building on lots 2 and 3 shall be subject to the setbacks indicated on this plat or the building envelope, even though lesser building setbacks may be permitted by the Rye City Zoning Code.
2. The intent of the area designated as "Restricted Landscape Area" is that this area shall remain as a landscaped buffer including plant material at least 6 feet in height between the driveway serving lots 2 and 3 and the adjacent properties to the south and is subject to restrictions set forth in the Declaration of Easements, Covenants and Restrictions which shall be filed in the Office of the County Clerk.
3. No structures may be placed within the 100 foot wetland buffer as indicated hereon. The 100 foot buffer shall be subject to further restrictions as set forth in the Declaration of Easements, Covenants and Restrictions which shall be filed in the Office of the County Clerk.
4. Wetland boundary noted and depicted hereon was defined by Evans Associates and is the result of a Licensed Soil Scientist's delineation.
5. City sewer and public water supply exist in Forest Avenue.
6. Westchester County identification is Sheet 48 Block No. 5048 City of Rye Tax Assessor's designation is Section 146.12 Block 2 Lot 39.
7. Remove the existing Forest Avenue Cut-Cut on Lot 1. New Driveway access shall be provided to common driveway per 20-1 and per Restrictive Covenant.
8. The existing residence on Lot 39.1 is currently served by municipal water and sanitary sewer connections as shown hereon and will remain as is for this project. Lots 39.2 and 39.3 will be served by municipal water service connections and individual sanitary sewer ejector pump systems to the existing sanitary sewer main in Forest Avenue.

Approved by Resolution 02-2009 of the Planning Commission of the City of Rye, New York on the 14th day of April, 2009, subject to all requirements and conditions of said resolution. Any change, erratum, modification or revision of this plat as approved, shall void this approval. Signed this day of April, 2009.

John J. ...
Chairman
Chris ...
Secretary

EXISTING PUBLIC WATER/PUBLIC SEWER
Westchester County Department of Health
New Rochelle, New York

Approved pursuant to Chapter 873, Article X, Sections 873.951 and 873.1021 of the Westchester County Sanitary Code subject to the provision of public water supply and public sanitary sewer facilities to serve all structures intended for human occupancy constructed hereon.

Each purchaser of property shown hereon shall be furnished a true copy of this plat showing this endorsement. Any erratum, change, addition or alteration of any kind, except the addition of signatures of other approving authority and the date thereof made on this plat after this approval, shall invalidate this approval.

Michael Hill Date: 2-27-04
Approved by the Assistant Commissioner of Health on Behalf of the Department of Health

FILED MAR 12 2004
NUMBER 17339
FEE PAID 170

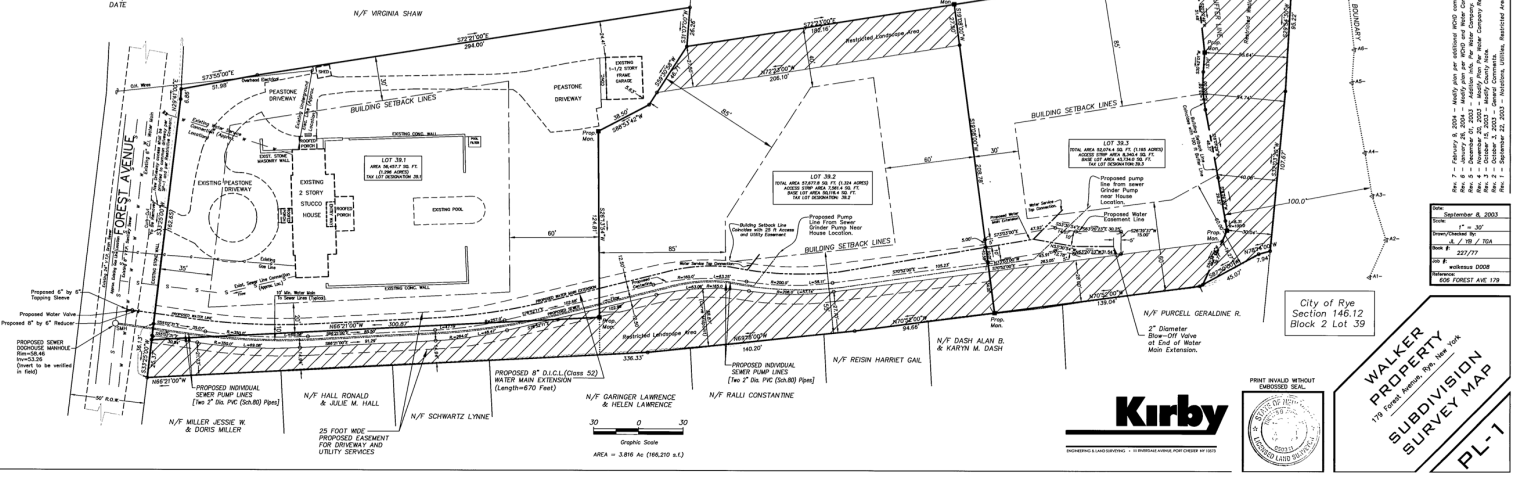
FILED MAR 12 2004
COUNTY CLERK

Approved for Filing By Record Owner:
Thomas G. Aneman Date: 2-09-04
Surveyor

Filed in Westchester County Clerk's Office, Division of Land Records as Map No. _____

I, Thomas G. Aneman, the surveyor who made this map, do hereby certify that the survey on which this map is based was completed on March 8, 2002 and that this map was completed on March 11, 2002 in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, sub-section 2, of the New York Education Law.

Thomas G. Aneman
THOMAS G. ANEMAN, L.S. 050341
DATE: Feb 9 2004



LEGEND

- Setback Boundary
- Setback Buffer
- Property Line
- Building Setback
- Existing Delineations
- Wetland Play and Number
- Restricted Landscape Area
- Proposed Monument
- Proposed Driveway Centerline

Map No. 17339
Date: September 8, 2003
Scale: 1" = 30'
Surveyed by: J. G. Aneman
Book: 17339/177
Sheet: 1 of 1
City of Rye, New York
605 FOREST AVE 178



34389

What should/must be shown on the subdivision plat?

Lot lines

Building setbacks

Roads

Open spaces (parkland or restricted open space)

Sewer and water mains showing laterals into each lot

Delineated wetland and buffer lines

Easements – including for access, utilities and for drainage improvements

Existing structures, noting to be removed if applicable

Zoning table

Notes – check subdivision regulations for required notes, others may be required by Planning Board approval

Signature blocks

Owner

Engineer (if utility main extensions)

Department of Health

Planning Board Chair

Receiver of taxes (or provide letter)

Other information on Improvement Plans

Subdivision plat is filed in County Land Records and becomes a record document in the chain of title for those lots in perpetuity.

Subdivision Process

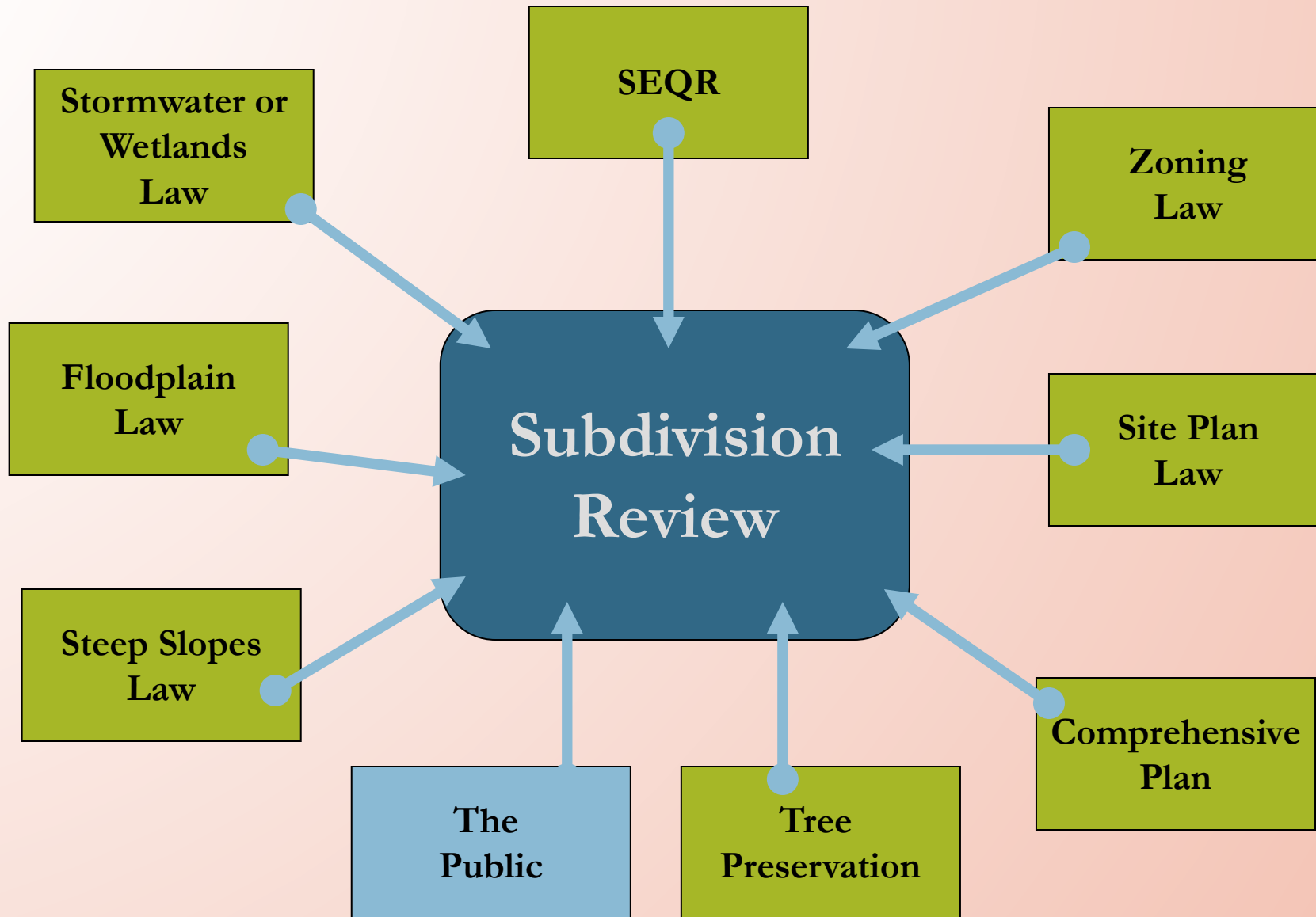
- Informal Review (Optional)
- Preliminary Review (Sometimes Optional)
 - Submit Complete Application
 - 62 Days – Public Hearing (close within 120 days)
 - 62 Days – Approve Preliminary Plat
- Final Plat
 - Submit Complete Application
 - 62 Days – Public Hearing (optional)
 - 62 Days – Conditional Approval of Final Plat
- **Watch Out for Default Approval!!**



Procedural Issues

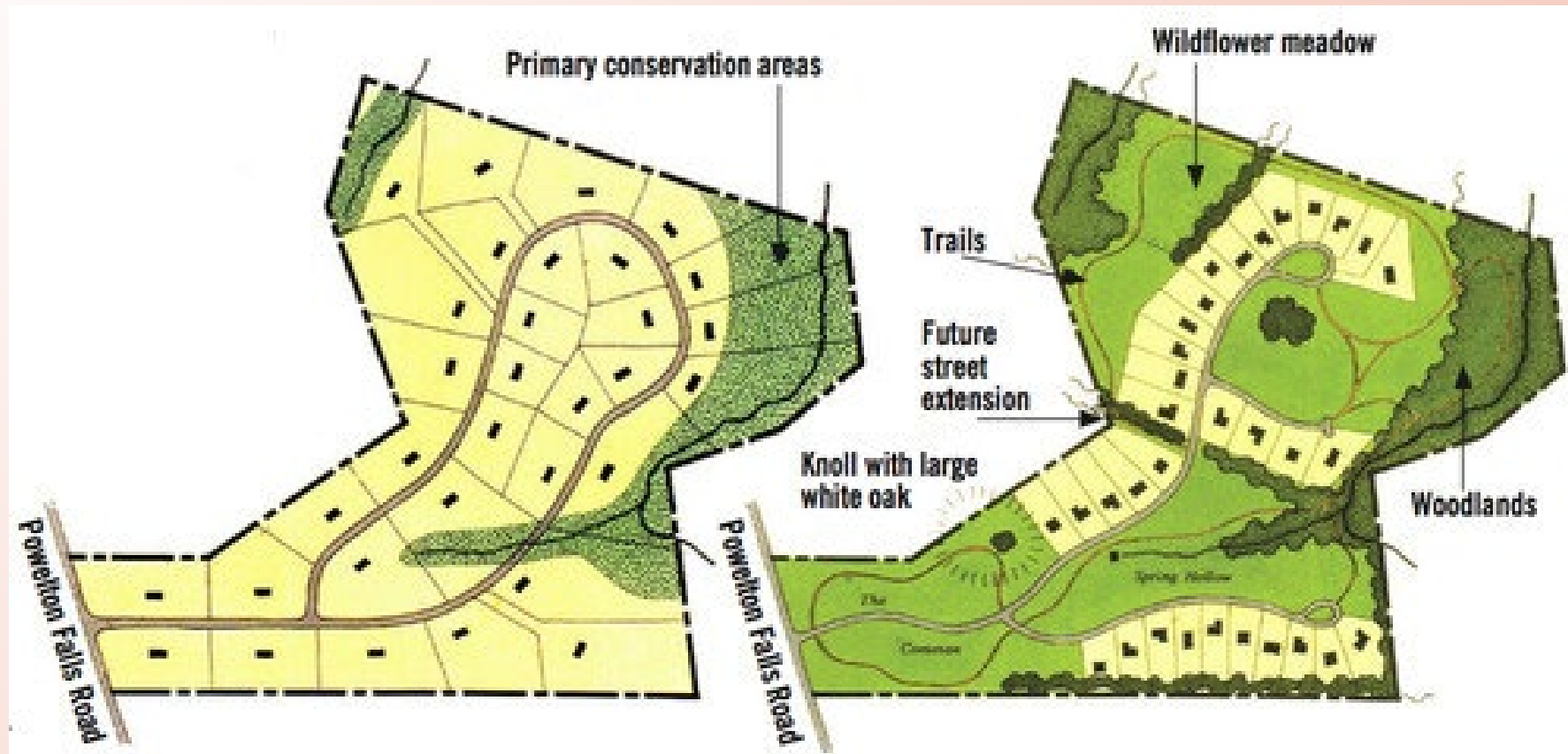
- SEQRA
- Variance Required
- Site Plan vs. Subdivision Approval
- Other Approvals
- Department of Health

Integrating Approvals



Conventional vs Cluster (Conservation) Subdivision

Importance of lot count



Factors to consider when reviewing a subdivision

Environmental



Constraints

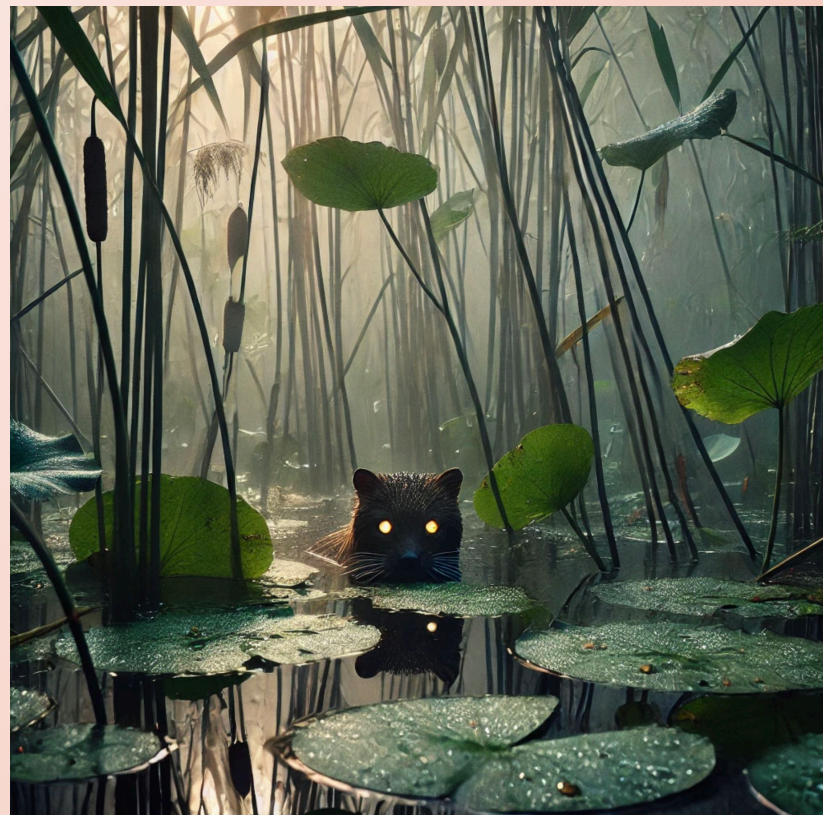
- ✓ Topography & Steep Slopes
- ✓ Wetlands
- ✓ Watercourses
- ✓ Floodplains
- ✓ Sensitive Habitat
- ✓ Specimen Trees
- ✓ Viewsheds

Review boards must ensure that the land shown on the plat is of “such character that it can be used safely for building purposes without danger of health or peril from fire, flood, drainage, or other menace to neighboring properties of the public health, safety and welfare.

Topography & Steep Slopes

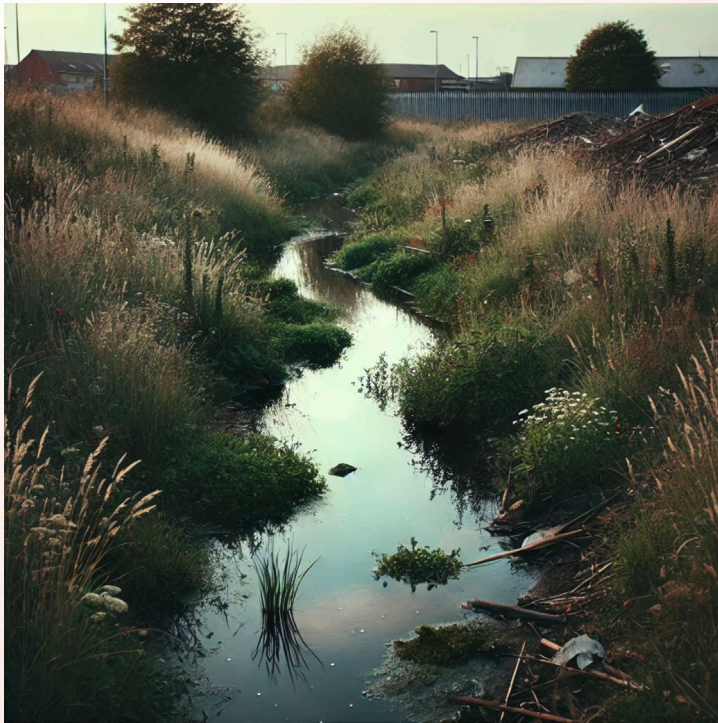


Wetlands



**6 NYCRR Part 664
Big Changes!!**

Watercourses



Floodplains



Sensitive Habitat



Specimen Trees



Viewsheds



Factors to consider when reviewing a subdivision

Neighborhood Context

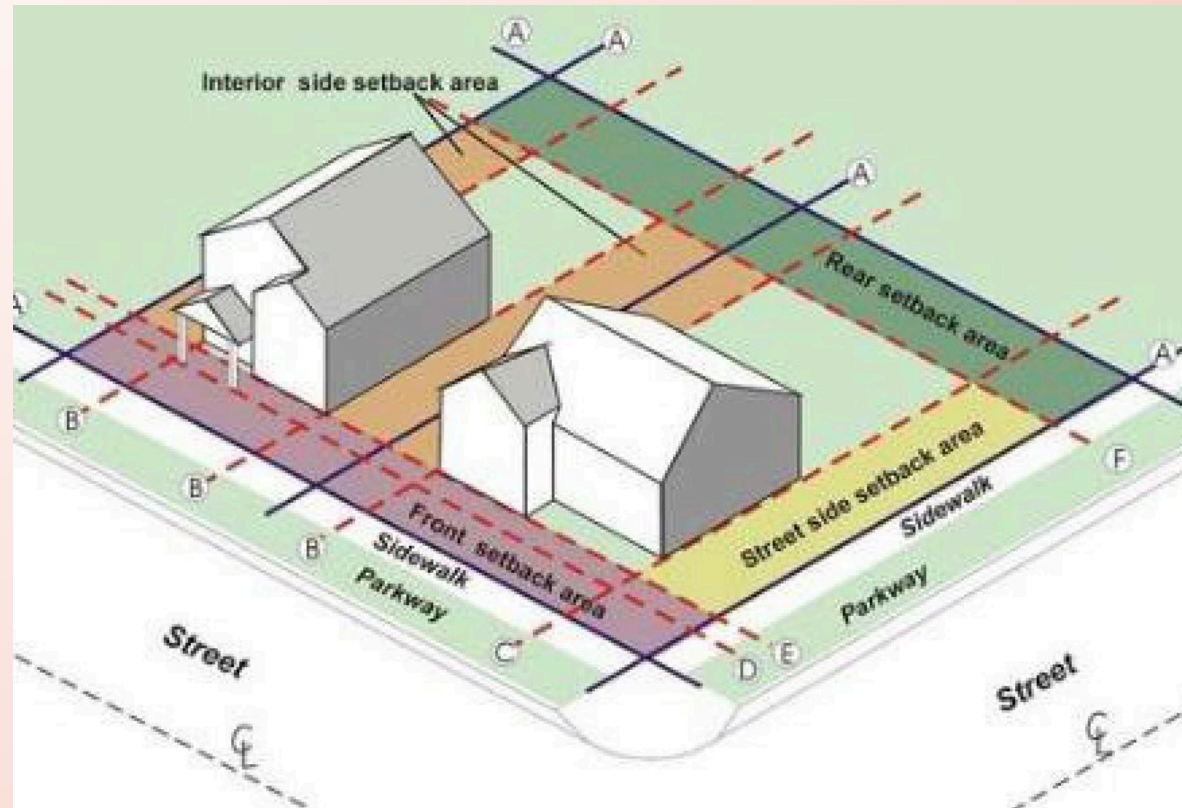


Neighborhood Context

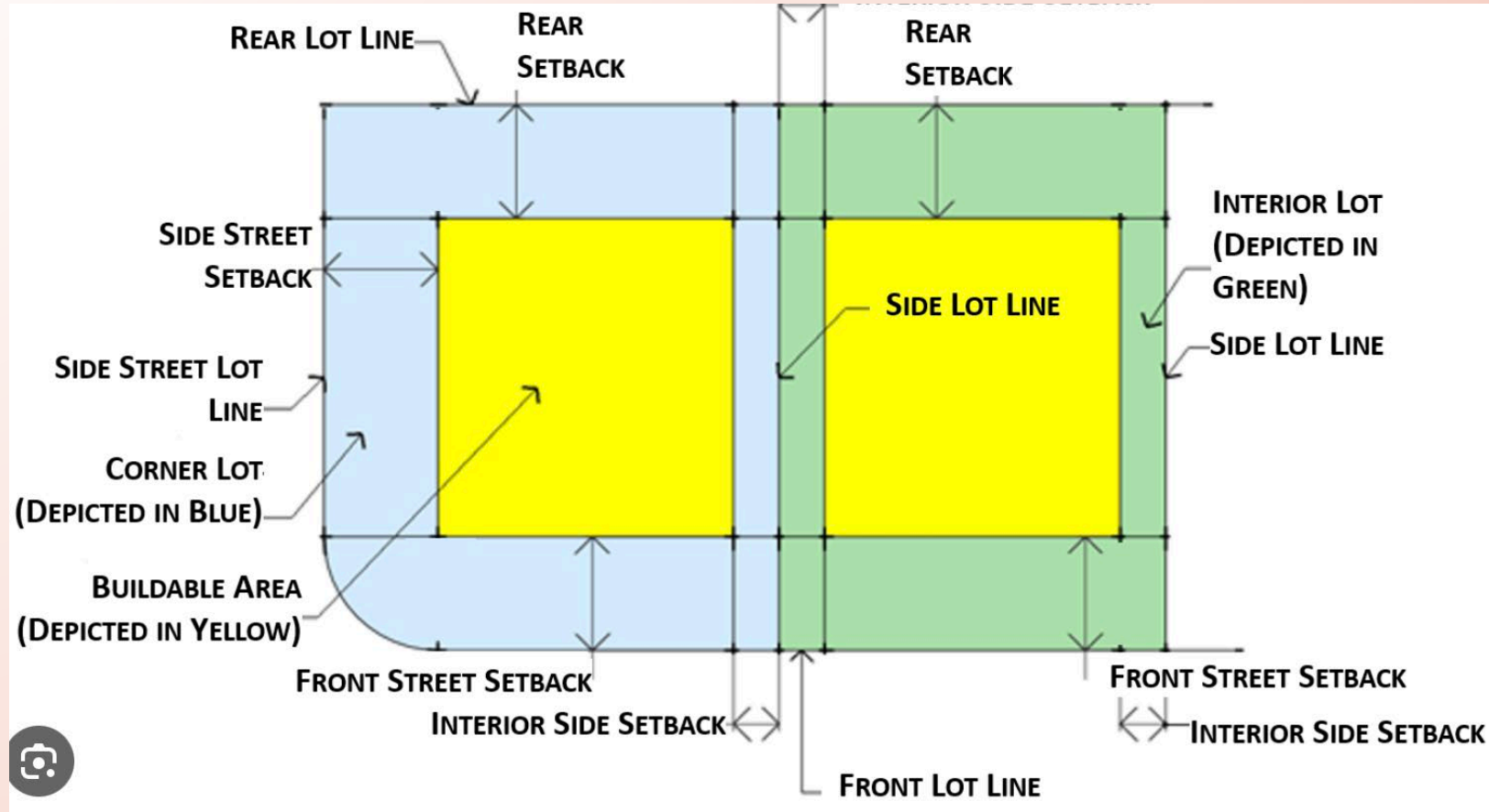


Factors to consider when reviewing a subdivision

Zoning Compliance

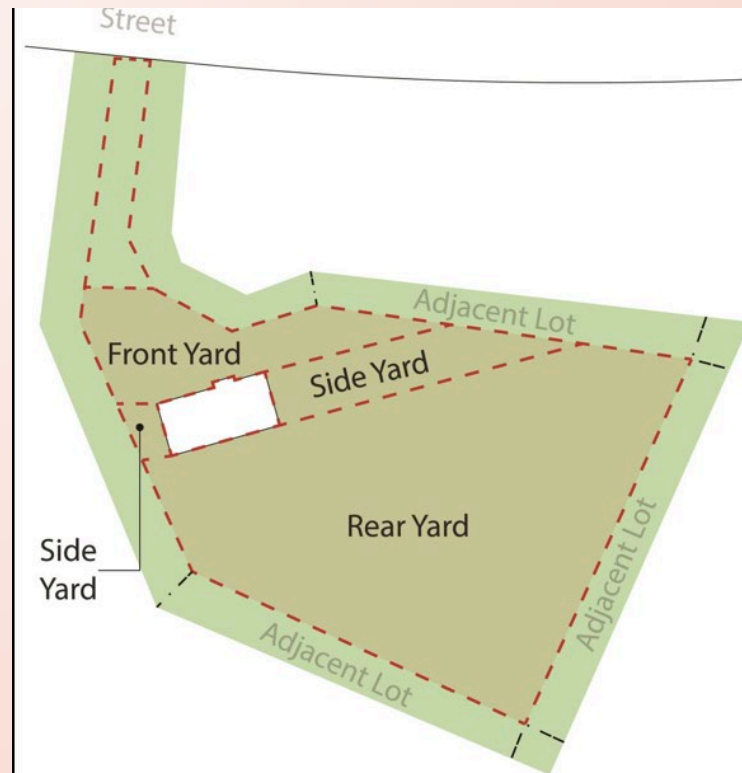
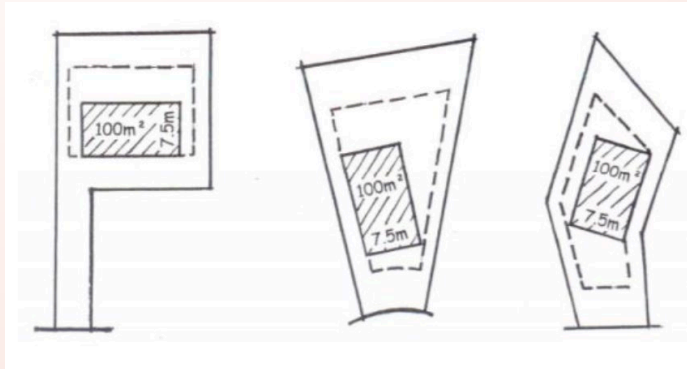


Zoning Compliance

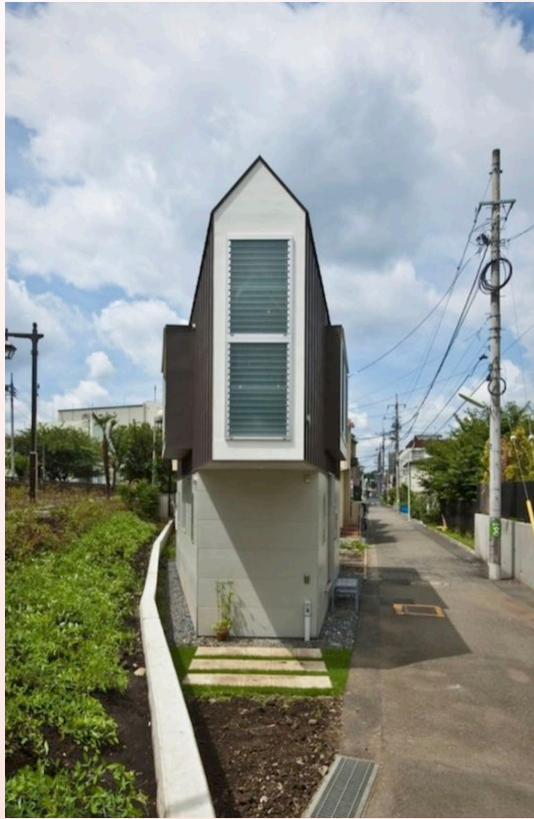


Factors to consider when reviewing a subdivision

Lot Geometry and Configuration



Lot Geometry and Configuration



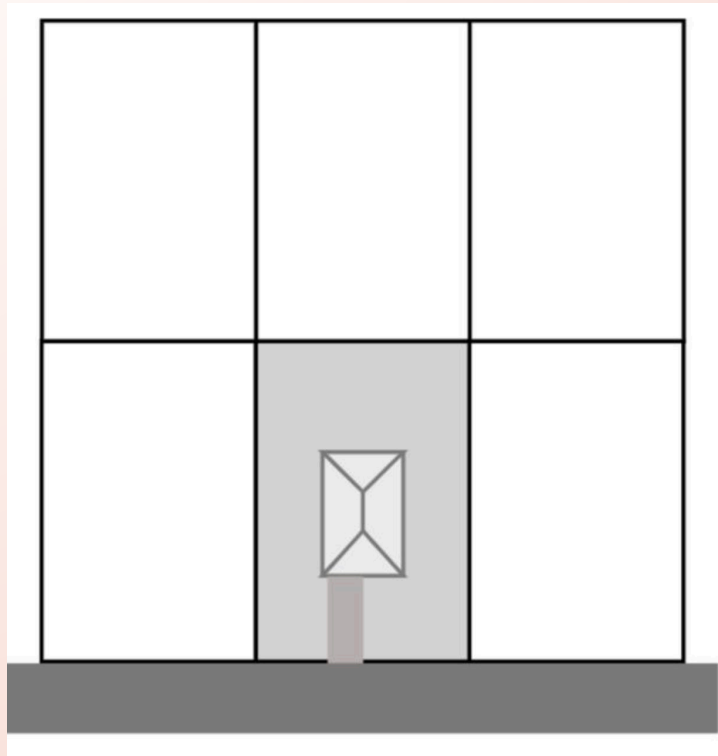
Factors to consider when reviewing a subdivision

Site Access & Connections



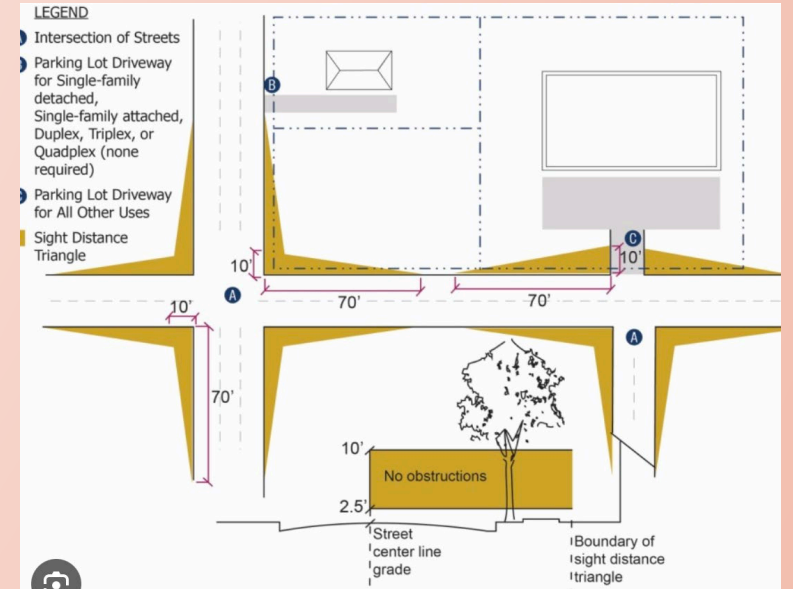
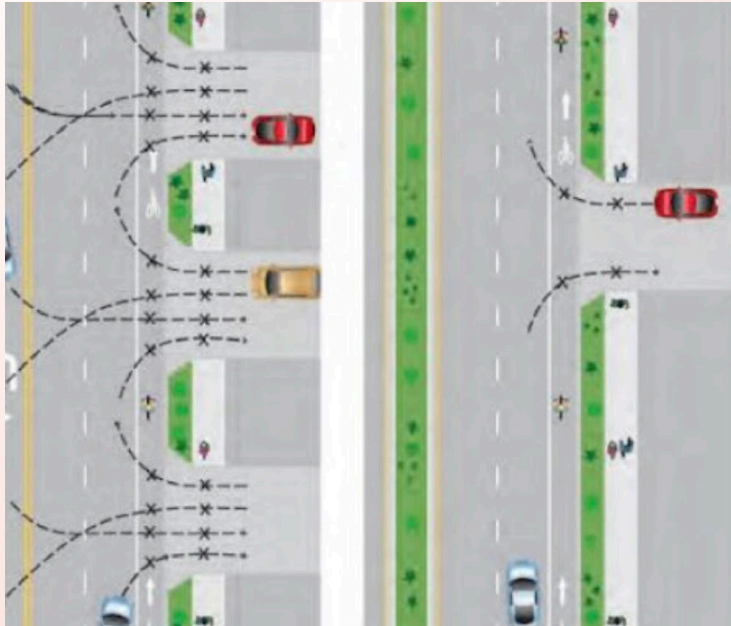
Site Access & Connections

✓ Frontage



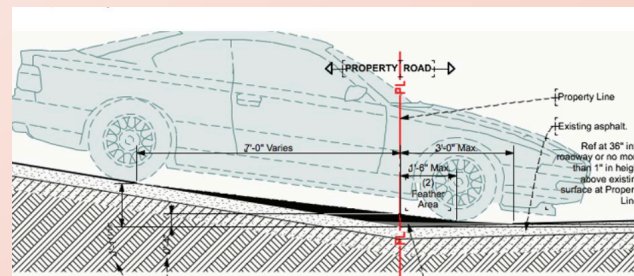
Site Access & Connections

✓ Access configuration



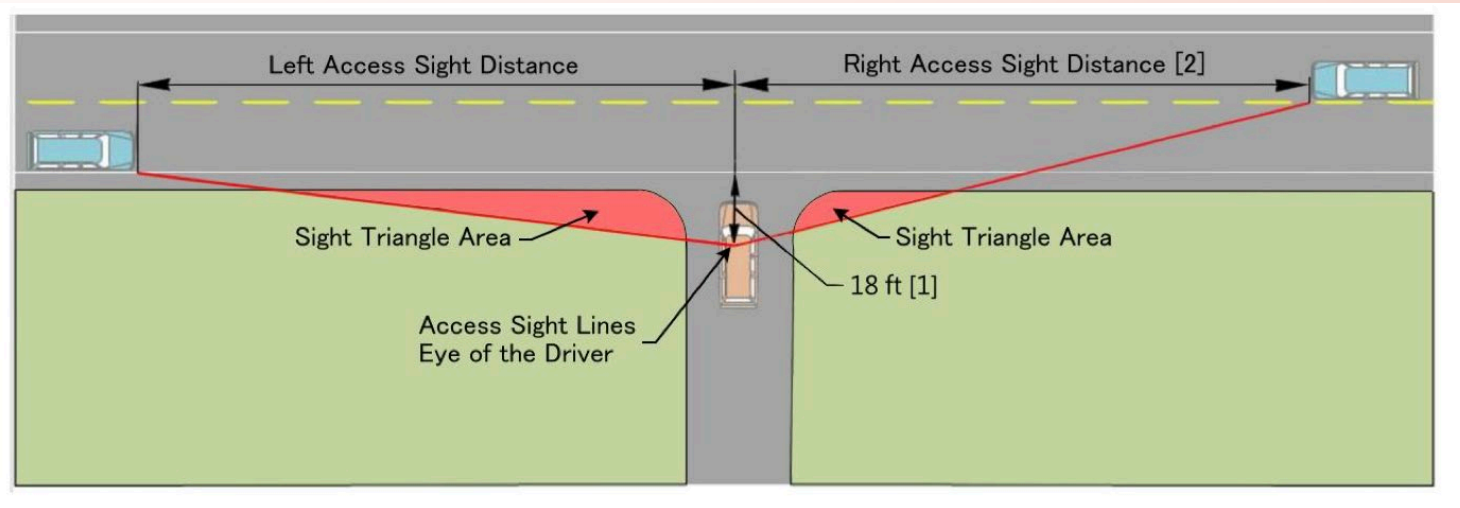
Site Access & Connections

✓ Roadway/driveway grades



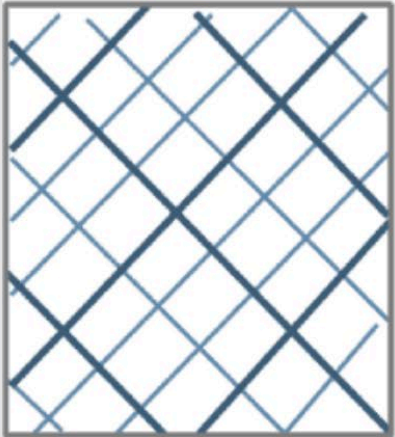
Site Access & Connections

✓ Site Distance

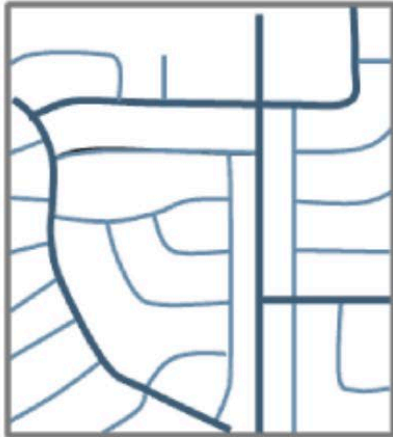


Site Access & Connections

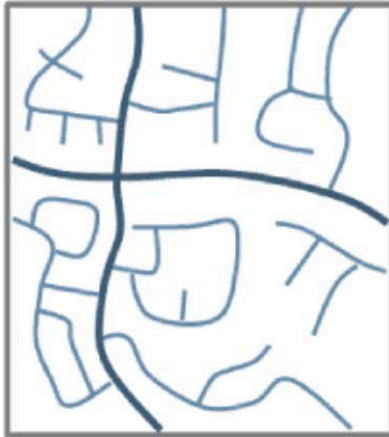
✓ Interconnected roadway network



Conventional Grid
Pattern (c 1900)



Curvilinear Loop Pattern &
Beginning of Cul-de-Sacs (1930-1950)

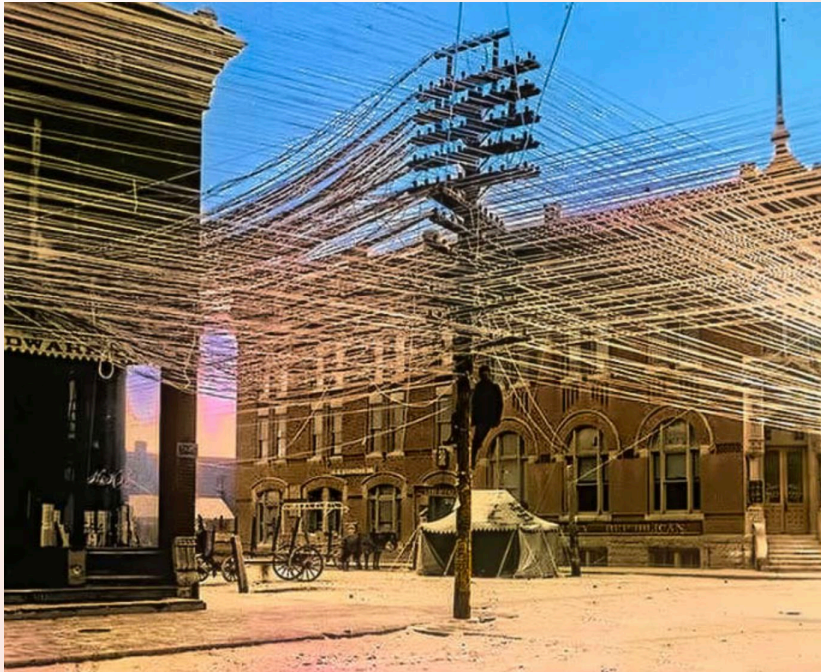


Conventional
Cul-de-Sac Pattern
(since 1950)



Factors to consider when reviewing a subdivision

Utility Infrastructure



Factors to consider when reviewing a subdivision

Off-Site Improvements



Factors to consider when reviewing a subdivision

Stormwater Management



Factors to consider when reviewing a subdivision

Park Land



Conditions and Compliance Strategies

Effective Conditions:

- Rational Basis
- Reasonable and Practical
- Avoid Vagueness
- Consider who's enforcing
- Anticipate future needs and changes
- Are consistent with local laws
- **Best approvals have fewer conditions**

Compliance Strategies:

- Performance Bonds
- Legal Easements*
- Covenants and Restrictions*
- Notes on a Plat*
- Conditions in Resolution
- Field delineations (i.e. markers)
- Work with local enforcement officials

* Documents recorded in County Land Records Office

New York State Department of
State Publication (dos.ny.gov):

Search online for:
“subdivision review in nys”





WESTCHESTER MUNICIPAL PLANNING FEDERATION
WWW.WMPF.ORG