



# SUBDIVISION REGULATIONS

# TOWN OF CAMBRIA

NIAGARA COUNTY, NEW YORK

**March 2007**

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**PREFACE**

Good subdivision design requires awareness of all significant elements used in creating functional, well balanced and aesthetically pleasing communities. In addition to technical skill, the creation of satisfactory development is also predicated on achieving coordinated action on the parts of the developer, the Planning Board and other Town Officials. Since mistakes are often too expensive to correct after development of a site has occurred, it is in the best interests of the Town that ample study be given to each proposed plat in order to gain the most appropriate design for each site. It cannot be too strongly stressed that the decisions made at the time of Planning Board review are, in their effect, basic policy decisions about the community's character. Illustrations are provided in the APPENDIX to more clearly illustrate the Town of Cambria's objectives and policies toward residential development.

**ARTICLE I AUTHORITY, TITLE AND DECLARATION OF POLICY**

By the authority of the resolution of the Town Board of the Town of Cambria, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Cambria is authorized and empowered to review each plat for land subdivision within the Town, and to approve, approve with modification or disapprove such plats in accordance with the procedure and standards stated in this ordinance. This authority shall extend to Plats showing lots, blocks or sites, with or without streets or highways, undeveloped plats already filed in the office of the Clerk of the County and preliminary plats, within that part of the Town of Cambria outside the limits of any incorporated city or village. These regulations shall be known, cited and referred to as the "Town of Cambria Land Subdivision Regulations". It is declared to be the policy of the Planning Board to consider land Subdivision as part of a plan for the orderly, efficient and economical development of the Town. This means, among other things, that land to be subdivided 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; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map, and shall be properly related to the proposals in the Town's Comprehensive Plan and shall be of such width, grade and location as to accommodate prospective traffic, to facilitate fire protection and to provide access of fire fighting equipment to buildings; and that proper provision shall be made for open spaces for parks and playgrounds with a preference that recreation fees per lot be submitted to develop the Town Park. In order that land subdivisions may be in accordance with this policy, these regulations have been approved by the Planning Board on February 26, 2007 and adopted by the Town board on April 12, 2007. In their interpretation and application, the provisions of this regulation shall be held to be the minimum requirements. More stringent provisions may be required from time to time if it is demonstrated that different standards are necessary to promote the public health, safety and welfare. Where the conditions imposed by any provisions of this regulation are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this regulation or of any other applicable law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

## **ARTICLE II DEFINITIONS**

For the purpose of these regulations, certain words and terms used herein are defined as follows:

BUILDING DEPARTMENT - The Town of Cambria Building Inspector and his or her staff.

BOND, MAINTENANCE - A bond similar in nature to a performance bond, guaranteeing the satisfactory operation of installed improvements for a stated period.

BOND, PERFORMANCE- A performance bond duly issued by a bonding or surety company approved by the Town Board with security acceptable to the Town Board, or alternately a performance bond acceptable to the Town Board duly issued by the developer-obligor accompanied by security in the form of cash, certified check or U.S. Government bearer bonds deposited with the Town Board guaranteeing complete installation of required improvements.

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

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

IMPROVEMENT - A physical change to the land necessary to produce usable and desirable building lots from undeveloped acreage including, but not limited to, installation of grading, pavement, curbs, gutter, storm sewers, sanitary sewers, ditches, and drains, sidewalks, street signs, crosswalks, shade trees, sodding or seeding, street name signs, monuments and betterments to existing streets and watercourses.

LOT- A parcel of land intended for transfer of ownership or building development, whether immediate or future.

MASTER OR COMPREHENSIVE PLAN- A comprehensive plan, prepared pursuant to Section 272-a of NYS Town Law which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the Town and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

OFFICIAL MAP- The map established by the Town Board pursuant to Section 270 of the Town Law, showing streets and highways, both existing and proposed.

OWNER- The owner of the land proposed to be subdivided.

PLANNING BOARD- The Planning Board of the Town of Cambria.

PRELIMINARY PLAT- A drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision, as specified in Article V, Section 3 of these regulations, submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

RIGHT OF WAY- A strip of land between property lines opened for use as a street, crosswalk or other public purpose.

**SKETCH PLAN-** A sketch of a proposed subdivision showing the information specified in Article V, Section 1 of these regulations to enable the sub-divider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations.

**STREET (Road or Highway)-** Includes streets, roads, avenues, lanes, places, or other traffic ways within rights-of-way.

**Place -** a short street, cul-de-sac, or court. The primary purpose of a place is to conduct traffic to and from dwelling units to other streets within the hierarchy of streets. Usually a place has no through traffic and limited on-street parking.

**Lane -** a short street, or court, occasionally connecting with other lanes and/or places. The primary purpose of a lane is to conduct traffic to and from dwelling units to other streets within the hierarchy.

**Subcollector-** connects places and lanes, providing smooth traffic flow through the neighborhood to higher classifications of streets.

**Collector -** functions to conduct traffic between major arterial streets and/or activity centers. It is a principal traffic artery within residential areas and carries relatively high volume. A collector has potential for sustaining minor retail or other commercial establishments along its route which will influence the traffic flow.

**Arterial -** the major street in the hierarchy. It has a high Average Daily Traffic and is not intended to be a residential street. An arterial provides connections with major state and interstate roadways and has a high potential for the location of significant community facilities.

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

**STREET WIDTH-** The width of right-of-way, measured at right angles to the center line of the street.

**SUBDIVIDER-** Any person, firm, corporation, partnership or association, who shall lay out any subdivision or part thereof as defined herein, either as owner of the land or agent for owner.

**SUBDIVISION-** The division of any single lot, tract or parcel of land, or a part thereof, into two or more lots, sites, tracts or parcels of land, with or without streets or highways, for the purpose, whether immediate or future, of sale, transfer of ownership or building of development. The sale or exchange of parcels of land between adjacent or adjoining property owners or where such sales do not create additional lots shall not be considered a subdivision of land. Any subdivision not classified as a Minor Subdivision, including, but not limited to, subdivisions of more than one split, or any size subdivision requiring any new street or extension of municipal facilities or alteration of drainage elements are subject to procedures contained herein. The term subdivision shall also include "re-subdivision". Major Subdivision - All initial subdivisions within the Town of Cambria shall be considered major subdivisions, except as provided for in Article III Section 2 of these regulations. Minor Subdivision - Any subdivision containing not more than four (4) total lots so subdivided within five (5) years or less, fronting on an existing street, not involving any new street or road or the extension of municipal facilities, not adversely affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision of the Master Plan, Official Map or Zoning Law.

SUBDIVISION PLAT OR FINAL SUBDIVISION PLAT- A drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval, and which, if approved, may be duly filed or recorded by the applicant in the Office of the County Clerk.

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

THE TOWN BOARD-The Town Board of the Town of Cambria.

TOWN ENGINEER-The duly designated engineer of the Town of Cambria.

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## **ARTICLE III PROCEDURE IN FILING SUBDIVISION APPLICATIONS**

Prior to subdividing property, the subdivider shall obtain the applicable form(s) to apply for subdivision approval for any subdivision of land involving two or more parcels or when creation of any new roads or easements of purpose or alteration of natural drainage elements are proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for erection of a structure in such proposed subdivision shall be granted. The subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures. Official application forms, which are available from the Building Department, shall be submitted to the Chairman of the Planning Board. A form fee, as set by the Town Board, for the application, Subdivision Regulations and Zoning Ordinance is payable at the time the application is obtained from the Town. The requirement of subdivision approval of any nature shall be waived for the sale or exchange of parcels of land between adjacent or adjoining property owners or where such sales do not create additional lots.

### **SECTION 1 SKETCH PLAN**

#### **A. Submission of Sketch Plan**

Any owner of land shall, prior to subdividing or re-subdividing land, submit to the Chairman of the Planning Board as per Planning Board regulations and not later than the first Monday of the month prior to the regular meeting of the Board, an appropriately completed Official Application Form along with nine copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of Article V, Section 1, for the purposes of preliminary discussion. Such copies of the sketch plan are considered part of the subdivision application. The subdividers shall also submit, along with the Subdivision application, an Environmental Assessment Form, duly prepared, as prescribed in the regulations under the State Environmental Quality Review Act (6NYCRR Part 617, as amended). A determination of the environmental significance of the action shall be made prior to any approval by the Planning Board. Subsequent procedures under SEQR will coincide as closely as possible with the procedures under these regulations.

#### **B. Discussion of Requirements and Classification**

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information. Notification of Owners of Abutting Lands: In the instance of any subdivision of a tract larger than five acres in area or any subdivision involving a new street, the subdivider shall submit to the Planning Board, along with other required materials, a listing of any property owners,

showing the owner of record of each and every lot directly alongside to or abutting the property planned for development. (See Article V, Section 1, Item 3).

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The Planning Board shall, not less than five days prior thereto, notify each such land owner of the Planning Board Meeting at which Sketch Plan for subdivision will be considered and shall provide opportunity at such meeting for any interested party to be heard. A reasonable failure to notify any particular abutting land owner shall not of itself, however, be grounds for invalidation of these proceedings.

### **C. Study of Sketch Plan**

The Planning Board shall determine whether the Sketch Plan meets the purposes of these regulations and shall, where it deems it necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board.

## **SECTION 2 MINOR SUBDIVISION**

For minor subdivision as defined in Article II (Definitions), this section shall apply. Any proposed alteration of a natural drainage course shall require application for major subdivision approval in accordance with these regulations. The Building Department of the Town of Cambria is authorized to accept applications as hereinafter referenced for minor subdivision for consideration and approval by the Planning Board, in its sole discretion, which procedure is intended to simplify and expedite the requirements for review and may eliminate the requirements of formal engineering and public hearing for subdivisions which do not conflict with the general policy of said Ordinance.

For such minor subdivision requests, the Building Department and/or Planning Board Chairman shall accept an eight (8) question request for minor subdivision approval, which is incorporated herein by reference, together with the usual subdivision application appropriately completed. Upon a determination that the questions have been accurately answered, the Building Department and/or Planning Board Chairman shall schedule the applicant to meet with the Planning Board for a minor subdivision review pursuant to the usual requirements for sketch plan review. If the Planning Board is satisfied that dispensing with the formal requirements of subdivision, including, but not limited to, the necessity of requiring a public hearing, formal engineering or recording an approved subdivision with the Niagara County Clerk, will result in substantial justice, not affect the public safety and welfare, and not affect surrounding uses in the Town of Cambria, it may grant minor subdivision approval subject to any reasonable conditions that it may impose. The Planning Board may also waive the requirements of the subdivision regulations when the answers to questions 1, 4 and 5 of the request are answered

“yes” and the answers to questions 2, 3, 6, 7 and 8 of the request are answered “no”. If the Planning Board determines that the granting of a drainage easement or fulfillment of any other reasonable condition is necessary to protect the interests of the Town of Cambria, it may place conditions on its minor subdivision approval that requires the applicant to comply with such reasonable conditions as the Planning Board has required, provided such conditions adequately protect the Town’s interest. Nothing contained herein shall require the Planning Board to grant minor subdivision approval

resulting in a waiver of the formal requirements of subdivision for any particular application.

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The granting of minor subdivision approval shall be at the sole discretion of the Planning Board. If the Planning Board finds that the above requirements for minor subdivision approval are not

met by the applicant, the proposed subdivision will be treated as a major subdivision. The Planning Board may decide to schedule a Public Hearing for a minor subdivision if it feels that it is in the best interest of the public to do so. At its discretion, the Planning Board may also request a Final Plat map, which shall include the following information as appropriate.

- A. A copy of such covenant or deed restrictions as are intended to cover all or part of the tract.
- B. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearing and distances, made and certified to by a licensed land surveyor. If topographic conditions are significant, contours shall also be indicated at intervals of not more than one (1) foot. The corners of the tract, and lot corners as deemed necessary by the Planning Board, shall also be located on the ground and marked by monuments as approved by the Planning Board, and shall be referenced and shown on the Final Plat.
- C. All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the County Department of Health, and a note to this effect shall be stated on the Final Plat signed by a licensed engineer.
- D. Proposed subdivision name, name of the Municipality and County in which it is located.
- E. The date, north point, map scale, name and address of record owner and subdivider.
- F. The Plat, to be filed with the County Clerk, shall be printed upon acceptable filing material. The fee for a minor subdivision review shall be as established by the Town Board. The SEQRA process must be completed prior to the Planning Board approving or disapproving a minor subdivision.

### **SECTION 3 PRELIMINARY PLAT FOR MAJOR SUBDIVISION**

#### **A. Application and Fee**

Prior to the filing for the final approval of a Subdivision Plat, the subdivider shall file an application for the approval of a preliminary plat of the proposed subdivision. Such preliminary plat shall be clearly marked "preliminary plat" and shall be in the form described in Article V, Section 3, hereof. The preliminary plat shall, in all respects, comply with the requirements set forth in the provisions of Sections 276 and 277 of the Town Law, and Article V, Section 3 of these regulations, except where a waiver may be specifically authorized by the Planning Board. The application for approval of the Preliminary Plat of the subdivision shall be accompanied by a fee as established by the Town Board. An additional fee, as established by the Town Board, per lot for each lot in the proposed subdivision and an advertising fee shall be due upon submission of the Final Subdivision Plat Application.

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#### **B. Number of Copies**

Nine (9) copies of the preliminary plat shall be presented to the Planning Board at the time of submission of the preliminary plat.

#### **C. Subdivider to Attend Planning Board Meeting**

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the preliminary plat.

#### **D. Study of Preliminary Plat**

The Planning Board shall study the practicability of the preliminary plat, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, easements, lot sizes and

arrangement, the future development of adjoining land as yet unsubdivided, and the requirements of the Comprehensive Plan, the Official Map (if such exists), and the Zoning Regulations.

#### **E. When Officially Submitted**

The time of submission of the preliminary plat shall be considered to be the date on which the application for approval of the preliminary plat, complete and accompanied by the required fee and all data required by Article V, Section 3 of these regulations, has been filed with the Planning Board.

#### **F. Approval of the Preliminary Plat**

Within sixty-two (62) days after the receipt of such preliminary plat by the Planning Board, they shall hold a public hearing, which hearing shall be advertised at least once in the official newspaper of the Town at least five (5) days before such hearing.

The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. Within forty-five (45) days after the date of such hearing and after the SEQRA process has been completed, the Planning Board shall approve with or without modification or disapprove such preliminary plat, and the ground of a modification, if any, or the ground for disapproval shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on such plat, may be extended by mutual consent of the subdivider and the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing modifications if any, as it deems necessary for submission of the plat in final form. Within five (5) days of the approval of such preliminary plat it shall be certified by the Planning Board as granted preliminary approval and a copy filed in the Building Department, a certified copy mailed to the owner, and a copy forwarded to the Town Board. Failure of the Planning Board to act within such fortyfive (45) day period shall constitute approval of the preliminary plat. These time frames presume that all requirements and reviews under the State Environmental Quality Review Act (SEQRA) have been completed. Time frames may be extended in order to accommodate required SEQR reviews. When granting approval to a preliminary plat, the Planning Board shall

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state the terms of such approval, if any, with respect to (1) the modifications to the preliminary plat, (2) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals, and general welfare, (3) the amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the final Subdivision Plat. Approval of a preliminary plat shall not constitute approval of the final Subdivision Plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the final Subdivision Plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations. Prior to approval of the final Subdivision Plat, the Planning Board may require additional changes as a result of further study of the subdivision in its final form or as a result of new information obtained at the public hearing.

### **SECTION 4 FINAL PLAT FOR SUBDIVISION**

#### **A. Application for Approval**

The subdivider shall, within six (6) months after the approval of the preliminary plat, file with the Planning Board an application for approval of the Subdivision Plat in final form, using the approved application blank available from the Planning Board. The Final Plat shall conform in all

important respects to the Preliminary Plat, and incorporate any revisions or modifications specified by the Planning Board. The Plans shall also conform to all requirements of the Town of Cambria Public Improvement Permit (PIP) Program and to Town Standards. A check for the appropriate review fee, as established by the Town Board, shall be submitted along with the Plans. In addition to covering expenses for Town Department review, this fee covers two (2) reviews of the construction plans by the Town Engineer. If additional fees are requested of the Developer by the Town Engineer for the third or additional review, such expenses shall be approved by the Planning Board. If the final plat is not submitted within six (6) months after the approval of the preliminary plat, the Planning Board may refuse to approve the final plat and require re-submission of the preliminary plat.

**B. Number of Copies**

A subdivider intending to submit a proposed final Subdivision Plat for the approval of the Planning Board shall provide the Planning Board with a copy of the Application, two copies of the Engineers Report and, nine (9) copies of the Plat, the original and one true copy of all offers of cession, covenants, and agreements and nine (9) prints of all construction drawings.

**C. When Officially Submitted**

The time of submission of the final Subdivision Plat shall be considered to be the date on which the application for approval of the final Subdivision Plat, complete and all data required by Article V, Section 4 of these regulations, has been filed with the Planning Board.

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**D. Endorsement of State and County Agencies**

Water and sewer facility proposals contained in the final Subdivision Plat shall be properly endorsed and approved by the Niagara County Department of Health. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary Town, County and State agencies. Endorsement and approval by the Niagara County Department of Health and appropriate Town Water and Sewer Districts shall be secured by the subdivider before official submission of final Subdivision Plat.

**E. Public Hearing**

Within forty-five (45) days of the submission of a plat of a subdivision in final form for approval, a hearing shall be held by the Planning Board. This hearing shall be advertised at least once in the official newspaper of the Town at least five (5) days before such hearing, provided however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under Section 3 of this article, and modified in accordance with requirements of such approval if such preliminary plat has been approved with modification, the Planning Board may waive the requirement for such public hearing.

**F. Action on Proposed Final Subdivision Plat**

Prior to the Planning Board taking action on the Final Subdivision Plat, the Town Engineer shall review the construction plans and recommend approval to the Planning Board. If more than one review of the plans is required by the Town Engineer to recommend approval because the original submitted plans require modification, the time frames specified below for Planning Board action must be extended by the time needed to achieve the Town Engineer's recommendation for approval. The Planning Board shall by resolution conditionally approve, conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within sixty-two (62) days of its receipt by the Planning Board if no hearing is held, or in the event a hearing is held, within forty-five (45) days after the date of such hearing. This time may

be extended by mutual consent of the subdivider and the Planning Board. Failure to take action on a final plat within the time prescribed therefore shall be deemed approval of the plat. Upon resolution of conditional approval of such plat the Planning Board shall empower a duly authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution. Within five (5) days of such resolution, the plat shall be certified by the Planning Board Chairman as conditionally approved and a copy filed in his office and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved final plat. Upon completion of such requirements, the plat shall be signed by said duly authorized officer of the Planning Board. Conditional approval of a final plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may,

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however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances for not to exceed two additional periods of ninety (90) days each.

## **SECTION 5 REQUIRED IMPROVEMENTS**

### **A. Improvements and Performance Bond**

All public improvements in the Town of Cambria shall be designed and constructed in compliance with the Town's Standard Specifications as adopted by the Town Board. Before the Planning Board grants final approval of the Subdivision Plat, the subdivider shall follow the procedure set forth in either sub-paragraph (1) or sub-paragraph (2) below:

1. In an amount set by the Town Board, the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements or the subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Section 277 of the Town Law and further, shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed.
2. The subdivider shall complete all required improvements to the satisfaction of the Water and Sewer Departments, the Highway Superintendent and the Town Engineer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Board and meeting Town specifications and guidelines. For any required improvements not so completed, the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Town Engineer. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety.
3. The required improvements shall not be considered to be completed until the installation of the improvements have been approved by the Town Engineer and a map satisfactory to the Town Engineer has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to subparagraph (2), then said map shall be submitted prior to endorsement of the plat by the Town Engineer. However, if the subdivider elects to provide a bond or certified check for all required

improvements as specified in subparagraph (1), such bond shall be released by the Town Board after such a map is submitted.

**B. Modification of Design of Improvements**

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Town Engineer that unforeseen conditions make it

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necessary or preferable to modify the location or design of such required improvements, the Town Engineer may, upon approval by a previously delegated member of the Planning Board, authorize modifications, provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver of substantial alteration of the function of any improvements required by the Board. The Town Engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Board at their next regular meeting.

**C. Proper Installation of Improvements**

If the Town Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Town Board, Building Inspector, and the Planning Board. The Town Board then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond. No Plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plat.

**D. Maintenance Bond**

The subdivider, on completion and acceptance of required improvements, shall furnish the Town with a maintenance bond in the amount of 25 percent (25%) of the cost of such improvements, guaranteeing the maintenance of such improvements against deterioration traceable to inadequate installation or materials during the first two (2) years following acceptance.

**E. Modification of Town Standards**

The Town Standard Specifications and/or Standard Details may be changed, modified or updated from time to time, if such changes are considered desirable by the Town. Construction plan approval shall expire and be of no further effect twelve (12) months from the date of approval of the Planning Board. Extension time may be applied for if acceptable to the Planning Board and if construction plans are updated to conform to current Town requirements. When the construction of any approved subdivision is phased, all phases not constructed within twelve (12) months of the date of approval of the Planning Board are subject to the above requirements.

**F. Road and Easement Dedications**

The Subdivider must provide, prior to acceptance of constructed public improvements, in a form approved by the Town Attorney, a dedication deed for all roadways and/or easements within the Subdivision which are to be dedicated to the Town. The Subdivider must also pay a fee, at a rate established by the Town Board, for recordation of each roadway and easement dedication. The fee shall be of sufficient amount to offset the costs of recordation and handling.

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## **SECTION 6 FILING OF APPROVED FINAL SUBDIVISION PLAT**

### **A. Final Approval and Filing**

Upon completion of the requirements in Sections 4 and 5 above and notation to that effect upon the final Subdivision Plat, it shall be deemed to have final approval and shall be properly signed by the duly designated officer of the Planning Board and filed in the Office of the County Clerk. Any final Subdivision Plat not so filed or recorded within sixty (60) days of the date upon which such Plat is approved or considered approved by reasons of the failure of the Planning Board to act, shall become null and void.

### **B. Plat Void if Revised After Approval**

No changes, erasures, modifications, or revisions shall be made in any final Subdivision Plat after approval has been given by the Planning Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such final Subdivision Plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

## **SECTION 7 PUBLIC STREETS, RECREATION AREAS**

### **A. Public Acceptance of Streets**

The approval by the Planning Board of a final Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or other open space shown on such final Subdivision Plat.

### **B. Ownership and Maintenance of Recreation Areas**

When a park, playground, or other recreation area shall have been shown on a final Plat, the approval of said Plat shall not constitute an acceptance by the Town of such area. The Planning Board shall require the Plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

## **SECTION 8 CLUSTER DEVELOPMENTS**

Certain zoning provisions relating to area requirements may be modified by the Town Board to allow for the clustering of lots in order to enable and encourage flexibility of design and/or the preservation of natural and scenic qualities.

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## **ARTICLE IV GENERAL REQUIREMENTS AND DESIGN STANDARDS**

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. The said standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article VI herein.

## **SECTION 1 GENERAL**

### **A. Character of Land**

Land to be subdivided 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.

### **B. Conformity to Official Map and Comprehensive Plan**

Subdivisions shall conform to the Official Map of the Town and shall be in harmony with the Comprehensive Plan.

### **C. Specifications for Required Improvements**

All required improvements shall be considered or installed to conform to the Town's Standard Specifications, which may be obtained from the Building Department.

## **SECTION 2 STREET LAYOUT**

### **A. Width, Location and Construction**

Streets shall be of sufficient width, suitably located, and adequately constructed to conform with the Comprehensive Plan and to accommodate the prospective traffic and afford access for fire fighting, snow removal and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.

### **B. Arrangement**

The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of proposed principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Street extensions to adjoining properties shall be constructed and paved in accordance with Town Standard Specifications and all Town-owned utilities must be extended to the property line as well for these stub streets. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

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### **C. Minor Streets**

Minor streets shall be so laid out that their use by through traffic will be discouraged.

### **D. Frontage on Major Streets**

Original Section D deleted and replaced with the following: When a subdivision abuts or contains an existing or proposed major street, the Planning Board may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. Where property depth permits, residential street patterns such as U-shaped courts and loop streets are strongly suggested as alternatives to strip development. To avoid landlocking developable areas, the contiguous development (both existing and planned) of frontages along major streets shall not

exceed a distance of two thousand (2,000) feet before a 66-foot wide strip of land is provided for access to any developable land behind such frontages.

#### **E. Provision for Future Resubdivision**

Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Planning Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these regulations.

#### **F. Dead-End Streets**

The creation of dead-end or loop residential streets will be permitted wherever the Planning Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead end streets, where needed or desirable, the Planning Board may require the reservation of a twenty (20) foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street. Subdivisions containing twenty (20) lots or more shall have at least two street connections with existing public streets, or streets shown on the Official Map, if such exists, or streets on an approved Subdivision Plat for which a bond has been filed.

#### **G. Block Size**

Blocks generally shall not be less than four-hundred (400) feet nor more than twelve-hundred (1,200) feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding eight-hundred (800) feet in length, the Planning Board may require the reservation of a twenty (20) foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four (4) foot wide paved foot path be included.

#### **H. Intersections with Collector or Major Arterial Roads**

Minor or secondary street openings into such roads shall, in general, be a minimum of fivehundred (500) feet apart.

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#### **I. Street Jogs**

Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

#### **J. Angle of Intersection**

In general, all streets shall join each other so that for a distance of a least one-hundred (100) feet, the street is approximately at right angles to the street it joins.

#### **K. Relation to Topography**

The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property and all streets shall be arranged so as to obtain as many of the buildings sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography. To preserve tree life, street grades in wooded areas shall be low enough so as not to require additional fill.

#### **L. Other Required Streets**

Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts or for commercial or industrial purposes in appropriate

districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

### **M. Private Streets**

Private streets may be approved by the Planning Board with the following requirements:

1. Private streets must be constructed to Town standards.
2. In general, when a private street has been approved, all storm sewer and drainage improvements serving the site will also be private. However, private utilities must be designed and constructed to Town standards.
3. Unless special legal entities are established in accordance with Health Department requirements, sanitary sewer and waterlines serving a private street must be public utilities within an easement to the Town. These must be designed and constructed to Town Standards.
4. Approval of a subdivision with private streets will follow the same review and approval procedure as for a Subdivision with proposed public streets.
5. Where street access to an adjoining property or a continuation of the adjoining street system is required, the proposed streets shall be dedicated to the Town. Utilities such as sewer and water that could be used to service adjoining parcels are to have provisions for dedication to the Town.
6. The Town will not maintain private streets or private utilities including, but not limited to, snow plowing, street repairs and utility repairs. All maintenance is the responsibility of the Subdivider or Homeowner's Association.

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7. The requirements of Article III, Section 5 of these regulations must be followed, with the exception that no maintenance bond is required for private streets and private utilities.
8. Minimum property dimensions as established by the Town's Zoning Regulations will be measured from the edge of the private right-of-way as established by the Homeowner's Association.
9. If the Town approves a private street or private utilities, a Homeowner's Association must be established as set forth in Section 9 prior to the issuance of a Public Improvement Permit.
10. Any street lighting will be the responsibility of the Subdivider or Homeowner's Association.

## **SECTION 3 STREET DESIGN**

### **A. Widths of Rights-of-Way and Pavements**

Streets shall have the following widths. (When not indicated on the Comprehensive Plan or Official Map, if such exists, the classification of streets shall be determined by the Planning Board):

**Arterial  
Collectors &  
Minor  
Streets  
Outside  
Radius  
of Cul-de-sac  
Marginal  
Access**

Minimum Right-of-Way Width As Determined by State or County Road Authorities 66' 89' 66'.

Minimum Pavement Width As Determined by State or County Road Authorities

24' 70' 24'. Any culvert under a collector or minor street shall have minimum length of 50' unless otherwise specified by the Town Highway Superintendent.

### **B. Improvements**

Streets shall be graded and improved with pavements, curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, street lights and signs, street trees, and fire hydrants, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Town Engineer. Such grading and improvements shall be approved as to design and specifications by the Town Engineer.

1. Fire Hydrants. Installation of fire hydrants shall be in conformity with all Town requirements and standard thread and nut dimensions as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York.

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2. Street Lighting Facilities. Lighting facilities shall be in conformance with the lighting system of the Town. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and authorized by the Town Board.

### **C. Location of Utilities**

The Planning Board shall, wherever possible, require that underground utilities to be dedicated to the Town be placed in street rights-of-way between the paved roadway and street line or in designated utility easements if impractical in the right-of-way, in order to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision or one length past all underground utilities, whichever is longer, for such required utilities before streets are paved.

### **D. Utility Easements**

Where topography is such as to make impractical the inclusion of utilities within the street rights-of-way, perpetual unobstructed easements for utilities to be dedicated to the Town at least fifteen (15) feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required. Locations and widths of easements for private utilities are to be reviewed by the Town at the time of final plat submittal.

### **E. Grades**

Grades of all streets shall conform in general to the terrain, and shall not be less than 0.4 percent nor more than 6 percent for major or collector streets or 10 percent for minor streets in residential zones, but in no case more than 3 percent within 50 feet of any intersection.

### **F. Changes in Grade**

All changes in grade with an algebraic difference greater than 1% shall be connected by vertical curves of such length and radius as meet with the approval of the Town Engineer so that clear visibility shall be provided for a safe distance.

### **G. Curve Radii at Street Intersections**

All street right-of-way lines at intersections shall be rounded by curves of at least 20 feet

radius. Curbs at intersections with major or collector streets shall have a minimum radius of thirty (30) feet. Curbs at intersections of minor streets shall have a minimum radius of twenty (20) feet.

#### **H. Steep Grades and Curves; Visibility of Intersections**

A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new street with an existing street) which is shown shaded on Sketch A shall be cleared of all growth (except isolated trees) and obstructions above the

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level three feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.

#### **I. Dead-End Streets (Cul-de-Sacs)**

Where dead-end streets are designed to be so permanently, they should, in general, not exceed 500 feet in length, and shall terminate in a circular turn-around having a minimum right-of-way radius of 89 feet and pavement radius of 70 feet. Cul-de-sacs in the Town of Cambria are discouraged and will only be approved if no other reasonable alternative exists in the opinion of the Planning Board. At the end of temporary dead-end streets, a temporary turn-around shall be provided in accordance with the Town Standard Specifications.

#### **J. Watercourses**

Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Town Engineer. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required by the Town Engineer, and in no case less than 20 feet in width.

#### **K. Curve Radii**

In general, street lines within a block, deflecting from each other at any one point by more than 10 degrees, shall be connected with a curve, the radius of which for the centerline of street shall not be less than 400 feet on major streets, 200 feet on collector streets and 100 feet on minor streets.

#### **L. Service Streets or Loading Space in Commercial Development**

Paved rear service streets of not less than 20 feet in width, or in lieu thereof, adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.

#### **M. Free Flow of Vehicular Traffic Abutting Commercial Developments**

In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district.

#### **N. Islands**

Center islands in cul-de-sacs must be paved as roadways unless ownership of the islands is maintained by homeowners surrounding the islands by an extension of property lines. The Town will not maintain landscaping/grass on islands. If non-paved islands are desired, the Town will

not accept dedication of the unpaved cul-de-sac island(s) as roadways and roadway dedication descriptions must exclude any unpaved islands from

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the description. Cul-de-sac center islands must have gutter curbs. Subdivision entrance islands must also be paved as roadways unless landscaping/grass is maintained by homeowners within the Subdivision or the subdivider. If a non-paved entrance island is desired, deed restrictions must be placed on Subdivision lots next to the entrance islands which indicate the property owner's responsibility to maintain the island. Subdivision entrance islands must have gutter curbs and must be designed to allow adequate turning radii for snow plows, emergency vehicles, buses, etc.

## **SECTION 4 STREET NAMES**

### **A. Type of Name**

All street names shown on a Preliminary Plat or Subdivision Plat shall be approved by the Planning Board. In general, streets shall have names and not numbers or letters. After approved, street names shall not be changed without approval of the Town Board.

### **B. Names to be Substantially Different**

Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street should change direction by more than 90 degrees without a change in street name.

## **SECTION 5 LOTS**

### **A. Lots to be Buildable**

The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear.

### **B. Side Lines**

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

### **C. Corner Lots**

In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site.

### **D. Driveway Access**

Driveway access and grades shall conform to Town Standard Specifications. Driveway grades between the street and the setback line shall not exceed 10%.

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### **E. Access from Private Streets**

Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with these regulations.

### **F. Monuments and Lot Corner Markers**

Permanent monuments meeting specifications approved by the Town Engineer as to size, type and installation, shall be set at such block corners, angle points, points of curves in streets and other points as the Town Engineer may require, and their location shall be shown on the final Subdivision Plat.

## **SECTION 6 DRAINAGE IMPROVEMENTS**

### **A. Removal of Spring and Surface Water**

The subdivider will be required by the Planning Board to carry away any spring or surface water that may exist either previous to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width. Under most circumstances, the drainage facilities must be a closed, or piped system. The Town may allow open ditches in certain instances, at the Town Planning Board's sole discretion upon recommendation of the Town Engineer, after consideration of factors such as technical feasibility, economic viability, public health and safety, aesthetics, and any other factors that the Planning Board deems reasonable and necessary. All natural creeks, streams, and tributaries must remain open except for road or driveway culverts. All drainage facilities must be designed to convey, at a minimum, the anticipated runoff from a ten (10) year storm event. Drainage system design must meet all Local, State and Federal regulations. The Planning Board may require the recommendation of the Town Drainage Committee and Town Engineer in such cases where proper drainage is in question.

### **B. Drainage Structure to Accommodate Potential Development Upstream**

A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Town Engineer shall approve the design and size of facility based on anticipated runoff from a "ten year" storm under conditions of total potential development permitted by the Zoning Ordinance in the watershed. Drainage system design must meet all local, State and Federal regulations.

### **C. Detention Requirements**

Detention of storm water must be provided unless the subdivider can prove that detention will increase the peak flow downstream. Detention facilities must be designed to meet the New York State Stormwater Management Design Standards, and also, must be designed to detain the difference between the twenty-five (25) year post-developed runoff and the ten (10) year pre-developed runoff.

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### **D. Land Subject to Flooding**

Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions.

## **SECTION 7 PARKS, OPEN SPACES, AND NATURAL FEATURES**

#### **A. Recreation Areas Shown on Town Plan**

Where a proposed park, playground or open space shown on the Town Comprehensive Plan is located in whole or in part in a subdivision, the Planning Board shall require that such area or areas be shown on the Plat as dedicated or reserved for the park, open space or other recreational use. Such area or areas may be dedicated to the Town or County by the subdivider if the Town Board approves such dedication.

#### **B. Parks and Playgrounds Not Shown on Town Plan**

The Town of Cambira's preference is to collect a recreation fee per lot, in lieu of dedicated park land, to be used for developing the Town Park. However, the Planning Board may require the dedication or reservation of an area or areas for a park or parks, playground, open space or other recreational use. This area or areas shall not be less than ten (10) percent of the total subdivision area, and shall be of a character, extent and location suitable to the needs created by such developments. If such area is dedicated or reserved, the maintenance of this area would be the responsibility of a Homeowner's Association. The Homeowner's Association would need to be established in accordance with Section 9 of these regulations.

#### **C. Waiver of Reservation of Areas**

In cases where the Planning Board finds that due to the size, topography, or location of the subdivision, land for park, playground or other recreation purpose cannot be properly located therein, or, if in the opinion of the Planning Board, it is not desirable, the Planning Board may waive the requirements that the Plat show land for such purposes. The Planning Board may then require the payment of a fee as established by the Town Board per subdivision lot in lieu of the dedication or reservation of areas or sites for the above uses. Such fee shall be paid to the Town Board at the time of final Plat approval, and no Plat shall be signed by the authorized officer of the Planning Board until such payment is made. All such fees shall be placed in a reserve account for the acquisition or development of permanent parks or playgrounds, and shall in no event become a part of any fund for general recreational purposes or of the general fund of the Town. For minor subdivisions, the recreation fee per lot is also required and will be collected at the time of issuance of a building permit.

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#### **D. Reserve Strips Prohibited**

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

#### **E. Preservation of Natural Features**

The Planning Board shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, water courses and falls, beaches, historic spots, vistas and similar irreplaceable assets. No tree with a diameter of 8 inches or more as measured 3 feet above the base of the trunk shall be removed unless such tree is within the right-of-way of a street as shown on the final Subdivision Plat. Removal of additional trees shall be subject to the approval of the Planning Board. In no case, however, shall a tree with a diameter of 8 inches or more as measured 3 feet above the base of the trunk be removed without prior approval by the Planning Board.

### **SECTION 8 TOPSOIL**

**A. Removal of Topsoil**

If a subdivider wishes to remove excess topsoil from a subdivision, sufficient topsoil must remain on site such that after development, each lot has a minimum of five (5) inches of topsoil in all grassed areas. The subdivider shall include, with the construction drawings submitted with the Final Plat, calculations indicating the volume of topsoil that must remain on site. Required topsoil must be placed on each lot prior to issuance of a Certificate of Occupancy. A conditional Certificate of Occupancy may be granted if, at the discretion of the Building Inspector, the topsoil cannot be placed on the lot at the time that a Certificate of Occupancy is requested. At no time shall storage of topsoil infringe on any required drainage easements.

**B. Stripping of Topsoil**

During construction of roads, no stripping of topsoil outside of the Right-of-Way will be allowed unless approved by the Planning Board. In most cases, topsoil stripping will not be permitted wider than 100 feet.

**SECTION 9 HOMEOWNER’S ASSOCIATION**

**A. Requirements**

If open space, streets, or utilities are owned and maintained by a Homeowner or Condominium Association, the subdivider shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for the preliminary approval. The provisions shall include, but are not necessarily limited to, the following:

1. The Homeowner’s Association must be established before the homes/lots are sold. In the case of private streets or private utilities, the association must be established prior to

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the issuance of the Public Improvement Permit.

2. Membership must be mandatory for each home-buyer and any successive buyer.

3. Any open space restrictions must be permanent, not just for a period of years.

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4. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.

5. Homeowners must pay their pro rated share of the cost, and the assessment levied by the association can become a lien on the property if allowed in the master deed establishing the homeowners association; and

6. The association must be able to adjust the assessment to meet changed needs.

**ARTICLE V DOCUMENTS TO BE SUBMITTED**

**SECTION 1 SKETCH PLAN**

The Sketch Plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate base map at a scale (preferably not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet. The Sketch Plan shall be submitted, showing the following information:

1. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.

2. All existing structures, wooded areas, streams and other significant physical features, within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet.

3. The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
4. The tax map sheet, block and lot numbers, if available.
5. All the utilities available, and all streets which are either proposed, mapped or built.
6. The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage, and water supply within the subdivided area.
7. All existing restrictions on the use of land including easements, covenants, or zoning.

## **SECTION 2 SUBDIVISION PRELIMINARY PLAT AND ACCOMPANYING DATA**

The following documents shall be submitted for approval:

- A. Nine (9) copies of the preliminary plat prepared at a scale of not more than one hundred (100) but preferably not less than fifty (50) feet to the inch, showing:
  1. Proposed subdivision name, name of Town and County in which it is located, date, true north point, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal.
  2. The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
  3. Zoning District, including exact boundary lines of district, if more than one district.

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4. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
5. Location of existing property lines, all survey monuments, easements, buildings, water courses, marshes, rock outcrops, wooded areas, single trees with a diameter of 8 inches or more as measured 3 feet above the base of the trunk, and other significant existing features for the proposed subdivision and adjacent property.
6. Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
7. Contours with intervals of 5 feet or less as required by the Board, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than 2 feet.
8. The width and location of any streets or public ways or places shown on the Official Map or the Comprehensive Plan, if such exists, within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
9. The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.
10. Storm drainage plan indicating the approximate location and size of proposed lines and their profiles, connection to existing lines or alternate means of disposal.
11. Plans and cross-sections showing the proposed location and type of sidewalks, street lightning standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits.
12. Preliminary designs of any bridges or culverts which may be required.
13. The proposed lot lines with approximate dimensions and area of each lot.
14. Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which

permanent easements shall not be less than 15 feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision or the official map.

15. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Town Engineer, and shall be referenced and shown on the final plat.

16. Proposed street names.

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

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drainage layout of the entire tract shall be submitted. The part of the subdivider's entire holding submitted shall be considered in the light of the entire holdings.

C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

### **SECTION 3 SUBDIVISION FINAL PLAT AND ACCOMPANYING DATA**

The following documents shall be submitted for Plat approval:

A. The Plat to be filed with the County Clerk shall be printed upon mylar. The size of the sheets shall be 24 inches by 36 inches, or as specified by Niagara County, including a margin for binding of two inches, outside of the border, along the left side and a margin of one half inch outside of the border along the remaining sides. The Plat shall be drawn at a scale of no more than 100 feet to the inch and oriented with the north point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible. The Plat shall show:

1. Proposed subdivision name or identifying title and the name of the Town and County in which the subdivision is located, the name and address of record owner and subdivider, name, license number and seal of the licensed land surveyor.

2. Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.

3. Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State system of plane coordinates, and in any event should be tied to reference points previously established by a public authority.

4. The length and bearing of all straight lines, radii, length of curves and central angles of all curves, tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The Plat shall show the boundaries of the property, location, graphic scale and true north point.

5. The Plat shall also show, by proper designation thereon, all public open spaces for which deeds are included and those spaces, title to which is reserved by the developer.

For any of the latter, there shall be submitted with the Subdivision Plat copies of agreements or other documents showing the manner in which such areas are to be

maintained and the provisions made thereof.

6. All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.

7. Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.

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8. Permanent reference monuments shall be shown, and shall be constructed in accordance with specification of the Town Engineer. When referenced to the State system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Town Engineer and their location noted and referenced upon the Plat.

9. All lot corner markers shall be permanently located satisfactorily to the Town Engineer, at least three-quarter (3/4) inches (if metal) in diameter and at least 24 inches in length, and located in the ground to existing grade.

10. Monuments of a type approved by the Town Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Town Engineer.

11. Certification of Health Department approval.

12. Street names.

13. All existing trees with a diameter of 8 inches or more as measured three feet above the base of the tree.

B. A subdivider intending to submit a proposed final Subdivision Plat for the approval of the Planning Board shall provide the Planning Board with a copy of the Application and nine (9) copies of the Plat, the original, and one true copy of all offers of cession, covenants, and agreements and two prints of all construction drawings. Construction drawings including plans, profiles and typical cross-sections, as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes, catchbasins and other facilities. Also required is a detailed grading plan, which shall include elevation figures for each proposed building lot and elevation contours for surrounding properties for a distance satisfactory to the Town Engineer with intervals of one foot or less. Final construction plans that are developed using a digital format (i.e., AutoCAD, MicroStation) must be submitted to the Town, prior to approval in an acceptable electronic format.

## **ARTICLE VI WAIVERS**

### **SECTION 1**

Where the Planning Board finds that, due to the special circumstances of a particular Plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan or the Zoning Ordinance.

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**SECTION 2**

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

**ARTICLE VII SEPARABILITY**

**SECTION 1**

Should any section or provision of the regulations contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be invalid.