

Chapter 181

SUBDIVISION OF LAND

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[HISTORY: Adopted by the Board of Trustees of the Village of Alden 3-6-1995 as L.L. No. 1-1995. Amended in its entirety 1-23-2003 by L.L. No. 13-2003. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention -- See Ch. 78.
Flood damage prevention -- See Ch. 105.
Licenses and permits -- See Ch. 125.
Mobile home parks -- See Ch. 131.
Sewers -- See Ch. 165.
Stormwater management – erosion & sediment control --See Ch. 175.
Stormwater management – illicit discharge --See Ch. 176.
Streets and sidewalks -- See Ch. 177.
Water use and service -- See Ch. 205.
Zoning -- See Ch. 210.
Fees -- See Ch. A220.

**ARTICLE I
General Provisions****§ 181-1. Approval authority.**

By authority of the resolution adopted by the Village Board pursuant to the provisions of Article 7 of the Village Law, the Planning Board has the power and authority to approve plats for subdivisions within the incorporated area of the village.

§ 181-2. Declaration of policy.

It is declared to be the policy of the Village Planning Board to consider land subdivisions as part of a plan for the orderly, efficient and economical development of the village. Land to be subdivided shall be of such character that it can be used for building purposes without danger to health or peril from fire, flood or other menace. Proper provision shall be made for drainage, water, sewerage and other needed improvements. The proposed streets shall compose a convenient system conforming to the Official Map¹ and shall be properly related to the proposals shown on the Village Plan. Streets shall be of such width, grade and location as to accommodate the prospective traffic, to afford adequate light and air and to facilitate fire protection. In proper cases, park areas of suitable location, size and character for playground or other recreational purposes shall be shown on the subdivision plat.

¹ Editor's Note: The Official Map is on file in the village offices.

§ 181-3. Conflict with other provisions.

Should any of these regulations conflict or be inconsistent with any provision of the Village Law, such provision of the Village Law shall apply.

§ 181-4. Title.

In order that land may be subdivided in accordance with this policy, these regulations, which shall be known as and which may be cited as the "Village of Alden Land Subdivision Regulations."²

**ARTICLE II
Terminology****§ 181-5. Definitions.**

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

ARTERIAL STREET -- A street or highway which is used as a main thoroughfare for trucks, automobiles and other traffic.

BUSINESS STREET -- A street which serves or is designed to serve as an access to abutting business properties.

COLLECTOR STREET -- A street which carries traffic from minor streets to the major street system of arterial streets, including the principal entrance streets of a residential development.

DEAD-END STREET or CUL-DE-SAC -- A street or a portion of a street with only one (1) vehicular outlet.

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

² Editor's Note: These regulations were originally adopted by the Planning Board of April 17, 1969, and approved by the Village Board.

MARGIN ACCESS STREET -- A street which is a minor street parallel to and adjacent to an arterial street and which provides access to abutting properties and protection from through traffic.

MINOR STREET -- A street intended to serve primarily as an access to abutting residential properties.

OFFICIAL MAP -- The map established by the Village Board under § 7-724 of the Village Law showing the streets, highways and parks heretofore laid out, adopted and established by law and any amendments thereto adopted by the Village Board or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.³

OFFICIAL SUBMISSION DATE -- The date when a subdivision plat shall be considered submitted to the Planning Board, as provided in § 7-728 of the Village Law, is hereby defined to be the date of a meeting of the Planning Board at which all required surveys, plans and data described in Article V are submitted.

PLANNING BOARD -- The Village Planning Board.

PLANNING BOARD CLERK -- The Clerk of the Village of Alden.

PRELIMINARY PLAT -- A drawing or drawings clearly marked "preliminary" and showing the salient features of a proposed subdivision, as specified in Article V, § 181-24, of these regulations, submitted to the Planning Board for purposes of consideration prior to submission of the final plat and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

SKETCH PLAN -- A sketch of a proposed subdivision showing the information specified in Article V, § 181-22, of these regulations to enable the subdivider 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 -- Includes streets, roads, avenues, lanes or other ways.

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

STREET WIDTH -- The distance between property lines.

³ Editor's Note: The current map is on file in the village offices.

SUBDIVIDER -- Any person, firm, corporation, partnership or association who shall lay out, for the purpose of sale or development, any subdivision or part thereof, as defined herein, either for himself or herself or others.

SUBDIVISION -- The division of any parcel of land into three (3) or more lots, blocks or sites, with or without streets or highways, and includes resubdivision.

SUBDIVISION, MAJOR -- Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five (5) or more lots, or any size subdivision requiring any new street or extension of municipal facilities.

SUBDIVISION, MINOR -- Any subdivision containing not more than four (4) lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Master Plan, Official Map or Zoning Ordinance,⁴ if such exists, or these regulations.

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 or Registrar.

VILLAGE DEVELOPMENT PLAN or VILLAGE PLAN -- A comprehensive plan for development of the village prepared by the Planning Board and approved by the Village Board of Trustees, pursuant to § 7-722 of the Village Law, which indicates the general locations recommended for various public works and reservations and for the general physical development of the village and includes any part of such plan separately adopted and any amendment to such plan or parts thereof.

ZONING ORDINANCE -- The officially adopted Zoning Ordinance of the village, together with any and all amendments thereto.⁵

⁴ Editor's Note: The Master Plan and Official Map are on file in the village offices. See Ch. 210, Zoning, for the current zoning provisions.

⁵ Editor's Note: See Ch. 210, Zoning.

ARTICLE III
Application Procedure

§ 181-6. Conformance required. [Amended 8-11-2016 by L.L. No. 7-2016]

- A. No subdivision of land shall be made, nor shall contract be made for the sale of any part thereof, and no permit for the erection of a structure in any proposed subdivision shall be granted and no street, sanitary sewer or water main shall be laid out, constructed, opened or dedicated except in accordance with the provisions of these regulations and in accordance with the following procedures, which includes, three (3) steps along with such other conditions as set by the Planning Board and/or Board of Trustees, as may be deemed necessary:
- (1) Preapplication hearing.
 - (2) Conditional approval of preliminary plat.
 - (3) Approval of the final plat.
- B. Plans, profiles and details for the construction of engineering projects must bear the seal of a professional engineer licensed by the State of New York. Plats, boundary surveys, contour maps and other related work not involving engineering projects may be prepared by a licensed land surveyor and must bear his or her seal.
- C. No land or part thereof shall be divided or subdivided for a period of three (3) years from the date of the last recorded division or subdivision of said land or part thereof, regardless of the number of parcels, lots, blocks or sites being created. Property shall be considered to be divided if separate deeds shall be used regardless of ownership. This shall include, but not be limited to, transfers for use or otherwise between family members or held by one member.
- D. In the case where public improvements such as, but not limited to, roadways, water, sanitary sewer, storm sewer and utilities are proposed as part of a subdivision, final subdivision approval shall be deemed null and void if construction of said improvements have not commenced and been substantially completed within two (2) years of the date final subdivision approval was granted.

§ 181-7. Preapplication hearing.

- A. Submission of data. Any owner of land shall, before subdividing or resubdividing land, submit to the Planning Board Clerk, two (2) copies of Planning Form No. 1⁶ and three (3) copies of the required sketch plan(s) showing information required in Article V, § 181-22, a minimum of twenty-one (21) days prior to a scheduled Planning Board meeting for the purposes of classification and preliminary discussion.
- B. Discussion of requirements and classification.
- (1) The subdivider or his or her 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.
 - (2) Classification of the sketch plan is to be made at this time by the Planning Board as to whether it is a minor or major subdivision, as defined in these regulations. The Board may require, however, when it deems it necessary for protection of the public health, safety and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions. If the sketch plan is classified as a minor subdivision, the subdivider shall then comply with the procedure outlined in Article III, § 181-8, of these regulations. If it is classified as a major subdivision, the subdivider shall then comply with the procedures outlined in Article III, §§ 181-9, 181-10 and 181-11.
- C. Study of sketch plan(s). The Planning Board shall determine whether the sketch plan(s) 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.

§ 181-8. Final plat approval of a minor subdivision.

- A. Application and fee.
- (1) Within six (6) months after classification of the sketch plan as a minor subdivision by the Planning Board, the subdivider shall submit two (2) copies of Planning Form Number 2, application for final plat approval of a

⁶ Editor's Note: This form can be obtained at the village offices.

minor subdivision.⁷ Failure to do so shall require resubmission of the sketch plan to the Planning Board for reclassification. The final plat shall conform to the layout shown on the sketch plan, plus any recommendations made by the Planning Board. The final plat shall in all respects comply with the requirements set forth in the provisions of §§ 7-728, 7-730 and 7-732 of the Village Law and Article V, § 181-23A, of these regulations.

- (2) All applications for final plat approval for minor subdivisions shall be accompanied by a fee as established from time to time by resolution of the Board of Trustees,⁸ per lot for each lot of the subdivision.
- B. Number of copies. Five (5) copies of the final subdivision plat shall be presented to the Planning Board Clerk at least fifteen (15) days prior to a scheduled monthly meeting of the Planning Board.
- C. Subdivider to attend Planning Board meeting. The subdivider or his or her duly authorized representative shall attend the meeting of the Planning Board to discuss the final subdivision plat.
- D. When officially submitted. The time of submission of the final subdivision plat shall be considered to be the date of the regular monthly meeting of the Planning Board, at least fifteen (15) days prior to which the application for final plat approval, complete and accompanied by the required fee and all data required by Article V, § 181-23, of these regulations, has been filed with the Planning Board Clerk.
- E. Public hearing. A public hearing shall be held by the Planning Board within sixty-two (62) days from the time of submission of the final subdivision plat for approval. Said hearing shall be advertised in a newspaper of general circulation in the village at least five (5) days before such hearing.
- F. Action on final subdivision plat. The Planning Board shall, within sixty-two (62) days from the date of the public hearing, approve, modify and approve, or disapprove the final subdivision plat.

⁷ Editor's note: This form can be obtained from the village offices.

⁸ Editor's Note: See Ch. A220, Fees.

§ 181-9. Preliminary plat approval for a major subdivision. [Amended 12-20-2007 by L.L. No. 16-2007]

- A. Application and fee.
- (1) Prior to the filing of an application for final approval of a major subdivision plat, the subdivider shall submit two (2) copies of Planning Form Number 3, application for approval of the preliminary plat for major subdivision⁹ in the form described in Article V, § 181-24, hereof. The preliminary plat shall in all respects comply with the requirements set forth in the provisions of §§ 7-728, 7-730 and 7-732 of the Village Law and Article V, § 181-24, of these regulations, except where a waiver may be specifically authorized by the Planning Board.
 - (2) The application for approval of the preliminary plat shall be accompanied by a fee as established from time to time by resolution of the Board of Trustees,¹⁰ per lot for each lot in the proposed plat section.
- B. Number of copies. Five (5) copies of the preliminary plat shall be presented to the Planning Board Clerk at least fifteen (15) days prior to a regular monthly meeting of the Planning Board.
- C. Preliminary plat to be marked. All copies of the preliminary plat shall be clearly marked "Preliminary Plat" and shall conform to the definition provided in this chapter.
- D. Subdivider to attend Planning Board meeting. The subdivider or his or her duly authorized representative shall attend the meeting of the Planning Board to discuss the preliminary plat.
- E. 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 and their relation to the topography of the land; water supply; sewage disposal; drainage; lot sizes and arrangement; the future development of adjoining lands as yet unsubdivided; and the requirements of the Master Plan, the Official Map¹¹ and zoning regulations, if such exist.

⁹ Editor's Note: This form can be obtained from the village offices.

¹⁰ Editor's Note: See Ch. A220, Fees.

¹¹ Editor's Note: The Master Plan and Official Map are on file in the village offices. See Ch. 210, Zoning, for the current zoning provisions.

- F. When officially submitted. The time of submission of the preliminary plat shall be considered to be the date of the regular monthly meeting of the Planning Board, at least fifteen (15) days prior to which the application for approval of the preliminary plat, complete and accompanied by the required fee and all data required by Article V, § 181-24, of these regulations, has been filed with the Planning Board Clerk.
- G. When preliminary plat is considered complete.
- (1) A preliminary plat shall not be considered complete until the provisions of the state environmental quality review act have been complied with as outlined in §§ 7-728, 7-730 and 7-732 of Village Law.
- H. Decision on the preliminary plat.
- (1) Within sixty-two (62) days after the time of submission of a completed preliminary plat, the Planning Board shall take action to approve, with or without conditions and modifications, or disapprove such preliminary plat, and the grounds of any condition and modification required or the grounds for disapproval shall be stated upon the records of the Planning Board. Failure of the Planning Board to act within such sixty-two (62) day period shall constitute an approval of the preliminary plat.
- (2) When granting approval for a preliminary plat, the Planning Board shall state the conditions of such approval, if any, with respect to:
- (a) The specific changes which it will require in the final plat.
- (b) 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.
- (c) The amount of improvement or the amount of all bonds therefor which it will require as prerequisite to the approval of the final subdivision plat.
- (3) The action of the Planning Board, plus any conditions attached thereto, shall be noted on three (3) copies of Planning Form Number 3.¹² One (1) copy shall be returned to the subdivider, one (1) retained by the Planning Board and one (1) forwarded to the Village Board. Approval of a

¹² **Editor's Note: This form can be obtained from the village offices.**

preliminary plat shall constitute approval of a preliminary plat only as a guide to the preparation of the final plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations and the conditions of the preliminary approval, if any. 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 final form or as a result of new information obtained at the public hearing.

- I. A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of Chapter 175 and Chapter 176 of this Code shall be required for Preliminary Subdivision Plat Approval. The SWPPP shall meet the performance and design criteria and standards in Chapter 175 and Chapter 176 of this Code. The approved Preliminary Subdivision Plat shall be consistent with the provisions of this Chapter.

§ 181-10. Final plat approval of a major subdivision. [Amended 12-20-2007 by L.L. No. 17-2007]

- A. Application for approval and fee. The subdivider shall, within six (6) months after the approval of the preliminary plat, file with the Planning Board Clerk two (2) copies of Planning Form Number 4, application for approval of the final subdivision plat.¹³ All applications for final plat approval for major subdivisions shall be accompanied by a fee as established from time to time by resolution of the Board of Trustees.¹⁴ 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 resubmission of the preliminary plat.
- B. The final plat shall in all respects comply with the requirements set forth in the provisions of §§ 7-728, 7-730 and 7-732 of the Village Law and these regulations, except where a waiver may be specifically authorized by the Planning Board.
- C. 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 Clerk with copies of the application and seven (7) copies [one (1) copy on mylar] of the plat, one (1) copy of the plat in electronic format (if available), the original and one (1) true copy of all offers of cession, covenants and agreements and two (2) prints of all construction drawings, at least fifteen (15) days in advance of the regular monthly Planning Board meeting at which it is to be officially submitted.

¹³ Editor's Note: This form can be obtained from the village offices.

¹⁴ Editor's Note: See Ch. A220, Fees.

- D. When officially submitted. The time of submission of the final subdivision plat shall be considered to be the date of the regular monthly meeting of the Planning Board, at least fifteen (15) days prior to which the application for approval of the final subdivision plat, complete and accompanied by all data required by Article V, § 181-25, of these regulations, has been filed with the Planning Board Clerk.
- E. 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 Village Engineer and the Superintendent of Public Works. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary village, county and state agencies. Endorsement and approval by the State Department of Health shall be secured by the subdivider before official submission of the final subdivision plat.
- F. Public hearing. A public hearing shall be held by the Planning Board within sixty-two (62) days after the time of submission of the final subdivision plat for approval. This hearing shall be advertised in a newspaper of general circulation in the village at least five (5) days before such hearing.
- G. Action on proposed final subdivision plat. The Planning Board shall, within (62) days from the date of the public hearing on the final subdivision plat, approve, modify and approve, or disapprove the final subdivision plat. However, the final subdivision plat shall not be signed by the authorized officers of the Planning Board for recording until the subdivider has complied with the provisions of § 181-11 of this Article.
- H. Signing of plat.

- (1) Every final subdivision plat submitted to the Board for its approval shall carry the following endorsement:

Approved by resolution of the Planning Board of the Village of Alden, New York, on the _____ day of _____, 20____, subject to all requirements and conditions of said resolution. Any change, erasure, shall void this approval.

Signed this _____ day of _____, 20____,

Chairman

Secretary

- (2) In the absence of the Chairman or Secretary, the Acting Chairman or Acting Secretary, respectively, may sign in his or her place.
- I. Plat notation. The following notation must appear on all final subdivision plats before final approval of the Planning Board:

"No building permit for construction on any lot in this subdivision will be issued if the dimensions of the lot area are less than that indicated on this subdivision map unless a change in lot size is approved by the Village of Alden Planning Board."
at the public hearing.
- J. A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of Chapter 175 and Chapter 176 of this Code and with the terms of preliminary plan approval shall be required for Final Subdivision Plat Approval. The SWPPP shall meet the performance and design criteria and standards in Chapter 175 and Chapter 176 of this Code. The approved Final Subdivision Plat shall be consistent with the provisions of this Chapter.

§ 181-11. Required improvements and agreements. [Amended 5-18-2006 by L.L. No. 8-2006]

- A. Required improvements.
 - (1) The subdivider shall at his or her own expense install all of the following improvements in accordance with the standards and specifications of these regulations, other regulations of the Village Board or, in the absence of such specific regulations, in accordance with the requirements of the Village Engineer.
 - (a) Streets with curbs or gutters.
 - (b) Sidewalks in front of all lots.
 - (c) Sanitary sewer lines.
 - (d) Storm sewer lines.
 - (e) Water mains and fire hydrants.
 - (f) Monuments at block corners and other necessary points.

- (g) Aboveground drainage facilities, i.e., ditch, swale, sluiceway, etc.
 - (h) Street trees (willows, American elm and poplars are not acceptable) in front of all lots.
- (2) The Planning Board may waive, subject to appropriate conditions and guaranties, for such period as it may determine, the provision of any or all such improvements of a particular plat or plats which are not requisite in the interests of the public health, safety and general welfare. (See Article VI).
- (3) In the case of required sidewalks, the subdivider shall have the option to complete all required sidewalks as provided for in this section, or exercise the following procedure:
- (a) The subdivider shall request, in writing, to delay installation of sidewalks per this section.
 - (b) The cost of installation of all required sidewalks shall be determined by the Village of Alden. This cost shall be doubled and shall hereinafter be referred to as “final sidewalk cost”.
 - (c) A cash deposit in the amount of the final sidewalk cost shall be placed into an escrow account designated and controlled by the Village of Alden. No interest shall be paid to the subdivider for deposited monies in the escrow account, for the entire life of the account.
 - (d) The subdivider shall indemnify and hold the Village of Alden harmless in the event any claims are filed as a result of the lack of sidewalks being installed.
 - (e) The subdivider shall require any person or entity purchasing one or more lots in the subdivision to sign an affidavit acknowledging the subdivider’s option to not install all required sidewalks immediately. Said affidavit shall indicate that it is the financial responsibility of the developer to install all sidewalks unless other arrangements are made with individual property owners.
 - (f) The subdivider shall install all required sidewalks within two (2) years of the date of issuance of the first building permit for any lot in said subdivision. Failure to do so will result in the withdrawal

of escrow funds by the Village of Alden to install required sidewalks.

- (g) The Village of Alden will hold the remainder of the escrow funds for a period of two (2) years after the date of acceptance by the Village of Alden of all required sidewalks as a maintenance assurance.
- (h) Any remaining escrow funds existing after the maintenance assurance period shall be returned to the subdivider without interest within thirty (30) days of written request by the subdivider.

B. Public improvements and performance bond.

- (1) After approval of public improvement drawings, plans and specifications, and thirty (30) days prior to commencing any work on such proposed public improvements, the subdivider shall obtain a public improvement permit by first submitting an application for the installation of public improvements.¹⁵ Such permit shall outline the type and extent of the public improvement(s) and their approximate costs.
- (2) A filing fee to defray inspection costs of such improvements shall be submitted at the time of filing. Such fees shall be payable to the Village of Alden and shall be as established from time to time by resolution of the Board of Trustees.¹⁶
- (3) Before the Planning Board grants final approval of the subdivision plat, the subdivider shall follow the procedure set forth in either Subsection B(3)(a) or (b) as follows:
 - (a) In an amount set by the Planning Board, the subdivider shall either file with the Village Clerk a certified check to cover the full cost of the required improvements or the subdivider shall file with the Village Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of § 7-724 of the Village Law and shall be satisfactory to the Village Board, the Village Engineer, the Superintendent of Public Works, and the Village Attorney or other person designated by the Village Board as to form, sufficiency, manner of execution and surety. A period of one (1) year [or such

¹⁵ Editor's Note: This form can be obtained from the village offices.

¹⁶ Editor's Note: See Ch. A220, Fees.

other period as the Planning Board may determine appropriate, not to exceed three (3) years] shall be set forth in the bond within which required improvements must be completed.

- (b) The subdivider shall complete all required improvements to the satisfaction of the Village Engineer, the Superintendent of Public Works, or other engineer designated by the Village Board who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed, the subdivider shall file with the Village Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Village Board. Any such bond shall be satisfactory to the Village Board, the Village Engineer, the Superintendent of Public Works, the Village Attorney, or other person designated by the Village Board as to form, sufficiency, manner of execution and surety.
- (c) The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Village Engineer, the Superintendent of Public Works, or other engineer designated by the Village Board and a map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to Subsection B(3)(b), then said map shall be submitted prior to endorsement of the plat by the appropriate Planning Board officer. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in Subsection B(3)(a), such bond shall not be released until such a map is submitted.

- C. 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 Village Engineer, the Superintendent of Public Works, or other engineer designated by the Village Board that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Village Engineer, the Superintendent of Public Works, or other engineer designated by the Village Board may, upon approval by a previously delegated member of the Planning Board, authorize modifications, provided that these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Village Engineer or other engineer

designated by the Village Board shall issue any authorization under this section, in writing, and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

D. Inspection and approval of improvements.

- (1) In the instance where the Village Engineer and the applicant's engineer are one and the same individual or concern, the Village may, at its discretion, employ a qualified inspector to act as its agent for the purposes of assuring the satisfactory completion of improvements required by the Planning Board and adherence to appropriate construction detail sheets and specifications.
- (2) Approval of improvement drawings and inspection of the necessary work for improvements shall be made by (a qualified person designated by the Planning Board or) the Village Engineer or the Superintendent of Public Works, for the purpose of assuring satisfactory function and completion of improvements required by the Planning Board per these regulations, other resolutions by the Village Board pertaining to such matters or, in the absence of specific regulations, in accordance with the requirements of the Village Engineer or the Superintendent of Public Works.
- (3) At least ten (10) days prior to commencing construction of required improvements, the subdivider shall notify the Superintendent of Public Works, in writing, of the time when he or she proposes to commence construction of such improvements so that he/she may cause inspection to be made to assure that all village specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities required by the Planning Board.
- (4) If the Village Engineer, the Superintendent of Public Works, or other person designated by the Village Board 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 or she shall so report to the Village Board and the Planning Board. The Village Board then shall notify the subdivider and, if necessary, the bonding company and take all necessary steps to preserve the village 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.

- E. Utilities. As to utilities required by the Planning Board, the Board may accept assurance from each public utility company whose facilities are proposed to be installed. Such assurance will be in writing, addressed to the Board, stating that such public utility company will make the installations necessary for the furnishing of its services within a specified time, in accordance with the approved construction detail sheets.
- F. Offers of cession and releases.
- (1) The plat shall be endorsed with the necessary agreements in connection with required easements or releases.
 - (2) The plat shall be accompanied by an offer of cession of all streets and parks and other recreation areas and any other required easements or conveyances, such offer to remain binding on the subdivider of the premises or his or her heirs and assigns until acceptance or disapproval by the Village Board or until application for a resubdivision is approved. No action taken by the Planning Board or any other officer or agency of the village in accordance with these procedures shall be deemed to be agreement to accept or an acceptance of title or other interest in and to any real or personal property until the same is accomplished by specific resolution of the Village Board.
 - (3) Formal offers of cession to the village of all streets and parks, not marked on the plat with notation to the effect that such cession will not be offered, shall be filed with the Planning Board prior to plat approval.

§ 181-12. Filing of approved subdivision plat.

- A. Final approval and filing. Upon completion of the requirements in §§ 181-10 and 181-11 above and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Planning Board (Chairman or Acting Chairman) and may be filed by the applicant in the office of the County Clerk. Any subdivision plat not so filed or recorded within ninety (90) 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, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two (2) additional periods or ninety (90) days.
- B. Plat void if revised after approval. No changes, erasures, modifications or revisions shall be made in any subdivision plat after approval has been given by

the Planning Board and endorsed, in writing, on the plat, unless said plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such 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.

§ 181-13. Public streets and recreation areas.

- A. Public acceptance of streets. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the village of any street, easement or other open space shown on such subdivision plat.
- B. Ownership and maintenance of recreation areas. When a park, playground, greenbelt or other recreation area shall have been shown on a plat, the approval of said plat shall not constitute an acceptance by the village 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 Village Board covering future deed and title, dedication and provision for the cost of grading, development, equipment and maintenance of any such area.

ARTICLE IV

General Requirements and Design Standards

§ 181-14. Standards established.

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. 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.

§ 181-15. General standards.

- 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 Master Plan.¹⁷ Subdivisions shall conform to the Official Map of the village and shall be in harmony with the Master Plan, if such exists.
- C. Specifications for required improvements. All required improvements shall be constructed or installed to conform to the village specifications and requirements.

§ 181-16. Street layout.

- A. Width, location and construction. Streets shall be of sufficient width, suitably located and adequately constructed to conform with the Master Plan, if such exists, 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 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 and water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.
- C. Minor streets. Minor streets shall be so laid out that their use by through traffic will be discouraged.
- D. Special treatment along major arterial streets. When a subdivision abuts or contains an existing or proposed major arterial street, the 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.
- 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 Board may require that streets and lots be laid out so

¹⁷ **Editor's Note: The Official Map and Master Plan are on file in the village offices.**

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 encouraged wherever the 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 Board may require the reservation of a twenty-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 (2) street connections with existing public streets or streets shown on the Official Map,¹⁸ 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 one thousand two 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-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 five-foot-wide paved footpath be included.
- H. Intersections with collector or major arterial roads. Minor or secondary street openings into such roads shall, in general, be at least five hundred (500) feet apart.
- I. Street jogs. Street jogs with center-line 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 at 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 building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.
- 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

¹⁸ **Editor's Note: The Official Map is on file in the village offices.**

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.

§ 181-17. Street design.

- A. Widths of rights-of-way. Streets shall have the following widths. When not indicated on the Master Plan or Official Map,¹⁹ if such exists, the classification of streets shall be determined by the Board. (See Table I, Standards for Street Design.²⁰)

Type of Street	Minimum Right-of-Way (feet)	Minimum Pavement (feet)
Marginal access	40	20
Minor	70	26
Collector	70	28
Arterial or business	80	30

- B. Improvements. Streets shall be graded and improved with pavements, curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, streetlights 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 Village Engineer. Such grading and improvements shall be approved as to design and specifications by the Village Engineer.

- (1) Fire hydrants. Installation of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York.
- (2) Streetlighting facilities. Lighting facilities shall be in conformance with the lighting system of the village. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized village electrical inspector.

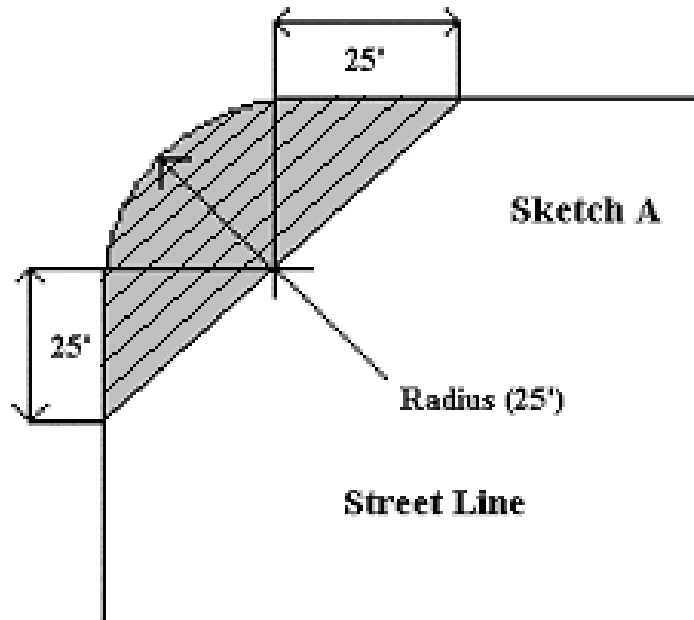
¹⁹ Editor's Note: The Master Plan And Official Map are on file in the village offices.

²⁰ Editor's Note: Table I is included at the end of this chapter.

- C. Utilities in streets. The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and street line 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 for such required utilities before the street is 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 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 and shall be indicated on the plat.
- E. Grades. Grades of all streets shall conform in general to the terrain and shall conform to Table I, Standards for Street Design.²¹
- F. Changes in grade. All changes in grade shall be connected by vertical curves of such length as given in Table I, Standards for Street Design.²²
- G. Curve radii at street intersections. All street right-of-way lines at intersections shall be rounded by curves of at least twenty-five (25) feet radius, and curbs shall be adjusted accordingly.
- H. Steep grades and curves; visibility at 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 below, shall be cleared of all growth, except isolated trees, and obstructions above the level two and one-half (2 ½) feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.

²¹ Editor's Note: Table I is included at the end of this chapter.

²² Editor's Note: Table I is included at the end of this chapter.



- I. Dead-end streets (culs-de-sac). Where dead-end streets are designed to be so permanently, they should, in general, not exceed five hundred (500) feet in length and shall terminate in a circular turnaround having a minimum right-of-way radius of sixty-five (65) feet and pavement radius of fifty (50) feet. At the end of temporary dead-end streets, a temporary turnaround with a pavement radius of fifty (50) feet shall be provided, unless the Planning Board approves an alternate arrangement.
- J. Watercourses.
- (1) 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 Village Engineer.
 - (2) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way as required by the Village Engineer and in no case less than twenty (20) feet in width.

- K. Curve radii. In general, street lines within a block deflecting from each other at any one (1) point by more than ten degrees (10°) shall be connected with a curve, the radius of which for the center line of the street shall not be less than four hundred (400) feet on major streets, two hundred (200) feet on collector streets and one hundred fifty (150) feet on minor streets.
- L. Service streets or loading space in commercial development. Paved rear-service streets of not less than twenty (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.

§ 181-18. Street names.

- A. Type of name. All street names shown on a preliminary layout or subdivision plat shall be approved by the Planning Board. In general, streets shall have names and not numbers or letters.
- 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 ninety degrees (90°) without a change in street name.

§ 181-19. Lots. [Amended 12-20-2007 by L.L. No. 9-2007]

- A. Lots to be buildable. The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance²³ 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.

²³ Editor's Note: See Ch. 210, Zoning.

- 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 to provide a desirable building site.
- D. Lot dimensions. Lot dimensions shall at the least comply with the minimum standards of the Zoning Ordinance.²⁴ Where lots are more than double the minimum required area for the zoning district, the Planning Board may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots.
- E. Double frontage lots. Double frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet in width, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
- F. Building setback. All subdivision maps must show a minimum building setback line which shall be thirty (30) feet from any existing or proposed street, except buildings fronting on Exchange Street, Broadway, Crittenden or other proposed major streets shall be set back thirty-five (35) feet.
- G. Access from arterial streets. Lots shall not, in general, derive access exclusively from an arterial street. Where driveway access from an arterial street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a marginal access drive in order to limit possible traffic hazard on such street.
- H. Lot drainage.
 - (1) All lots within a subdivision shall have a storm sewer installed across the entire street frontage of each lot.
 - (2) Drainage grades in rear or side yards shall be established by the subdivider and shown on all drawings of storm sewer facilities.
 - (3) Storm sewers accommodating rear yard drainage shall have receivers at least every four hundred (400) feet.

²⁴ **Editor's Note: See Ch. 210, Zoning.**

- (4) A minimum grade of not less than thirty-three hundredths percent (0.33%) shall be maintained along these easements.
 - (5) Special conditions. If, in the opinion of the Planning Board or the Village Engineer, after review of plans submitted by the subdivider additional sewer facilities are needed to carry off surface water from rear and/or side yard areas, these additional sewer structures shall become part of the general sewer plan.
- I. Driveway access. Driveway access and grades shall conform to specifications of the Village Driveway Ordinance, if one exists. Driveway grades between the street and the setback line shall not exceed ten percent (10%).
 - J. 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.
 - K. Monuments. Permanent monuments meeting specifications approved by the Village 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 Village Engineer may require, and their location shall be shown on the subdivision plat.

§ 181-20. Drainage improvements.

- A. Removal of spring- and surface water. The subdivider may be required by the Planning Board to carry away by pipe or open ditch 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.
- 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 Village Engineer shall approve the design and size of the facility based on anticipated runoff from a ten-year storm under conditions of total potential development permitted by the Zoning Ordinance²⁵ in the watershed.
- C. Responsibility from drainage downstream. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities

²⁵ Editor's Note: See Ch. 210, Zoning.

outside the area of the subdivision; this study shall be reviewed by the Village Engineer or other engineer designated by the Village Board. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year storm, the Planning Board shall notify the Village Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.

- 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.

§ 181-21. Parks, open spaces and natural features. [Amended 5-18-2006 by L.L. No. 9-2006]

- A. Recreation areas shown on Village Plan. Where a proposed park, playground or open space shown on the Village Plan is located in whole or in part in a subdivision, the Board shall require that such area or areas be shown on the plat in accordance with the requirements specified in Subsection B below. Such area or areas may be dedicated to the village, town or county by the subdivider if the Village Board approves such dedication.
- B. Parks and playgrounds not shown on Town Plan.
- (1) The Planning Board shall require that the plat show sites of a character, extent and location suitable for the development of a park, playground or other recreation purpose. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the plat.
 - (2) The Board shall require that not less than three (3) acres of recreation space be provided per one hundred (100) dwelling units shown on the plat. However, in no case shall the amount be more than ten percent (10%) of the total area of the subdivision. Such area or areas may be dedicated to the town or county by the subdivider if the Village Board approves such dedication.
- C. Information to be submitted. In the event that an area to be used for a park or playground is required to be so shown, the subdivider shall submit, prior to final approval, to the Board, three (3) prints [one (1) in cloth] drawn in ink showing, at

a scale of not less than thirty (30) feet to the inch, such area and the following features thereof:

- (1) The boundaries of said area, giving lengths and bearings of all straight lines; radii, lengths, central angles and tangent distances of all curves.
- (2) Existing features such as brooks, ponds, clusters of trees, rock outcrops and structures.
- (3) Existing and, if applicable, proposed changes in grade and contours of said area and of area immediately adjacent.

D. Waiver of plat designation of area for parks and playgrounds.

- (1) 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 purposes cannot be properly located therein or if, in the opinion of the Board, it is not desirable, the Board may waive the requirement that the plat show land for such purposes. The Board shall then require, prior to approval of the plat, a payment to the village in the amount as established from time to time by resolution of the Board of Trustees.²⁶
- (2) Such amount shall be paid to the Village Clerk 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 payments shall be held by the Village Board in a special Village Recreation Site Acquisition and Improvement Fund to be used for the acquisition of land that is suitable for permanent park, playground or other recreational purposes; is so located that it will serve primarily the general neighborhood in which the land covered by the plat lies; and shall be used only for park, playground or other recreational land acquisition or improvements. Such money may also be used for the physical improvement of existing parks or recreation areas serving the general neighborhood in which the land shown on the plat is situated, provided that the Planning Board finds there is a need for such improvements.

E. 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.

²⁶ Editor's Note: See Ch. A220, Fees.

- F. 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, watercourses and falls, beaches, historic spots, vistas and similar irreplaceable assets.
- (1) A tree planning schedule must be submitted and approved by the Planning Board for all building lots in newly created subdivision lots prior to any lot clearing or removal of trees on said lot.
 - (a) The tree planting schedule shall contain a plot diagram of the entire building lot, with all proposed improvements and dimensions shown, including the location of all existing or proposed trees necessary to meet the requirements of this Section. All other non-required trees with a diameter of six (6) inches or more as measured three (3) feet above the base of the trunk proposed to remain on the lot must be indicated on the plan.
 - (2) No tree with a diameter of six (6) inches or more as measured three (3) feet above the base of the trunk shall be removed, unless trees proposed for removal are in compliance with a tree planting schedule that has been approved by the Village of Alden Planning Board. This requirement shall not apply to any trees located within the right-of-way of a street as shown on the final subdivision plat.
 - (3) All building lots in a newly created subdivision shall maintain a minimum of one (1) tree for every five thousand (5,000) square feet of lot area or fraction thereof.
 - (a) Said trees shall have a minimum diameter of six (6) inches as measured three (3) feet above the base of the trunk, on the property.
 - (b) If the minimum number of trees as specified above do not exist, the property owner shall plant new trees with a minimum diameter of one and one-half (1 ½) inches, as measured three (3) feet above the base of the trunk, so that the total number of trees on any lot is at least equal to one (1) tree for every five thousand (5,000) square feet of lot area or fraction thereof.
 - (c) A minimum of one (1) tree, as specified and required above, must be located within the required front yard of the property, as defined in Chapter 210 of this Code.

- (d) Said trees must be in place prior to the issuance of a final Certificate of Occupancy for the property.

ARTICLE V
Documents to be Submitted

§ 181-22. Sketch plan.

- A. The sketch plan(s) 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 two hundred (200) feet to the inch] to enable the entire tract to be shown on one (1) sheet.
- B. The sketch plan(s) 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 two hundred (200) feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than ten (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 and systems of drainage, sewerage and water supply within the subdivided area [see § 181-23A(3)].
 - (7) All existing restrictions on the use of land, including easements, covenants or zoning lines.
 - (8) A description of soils and soil conditions and an overlay map and evaluation of the soils for the proposed use.

- (9) A written plan or program indicating provisions for management and protection of soil, water, woodland and wildlife resources [for Subsections B(8) and (9), assistance is available at no cost from: Erie County Soil and Water Conservation District, 21 South Grove Street, East Aurora, New York 14502; phone: 652-8480]. Where no natural resource plan accompanies this phase, the Erie County Soil and Water Conservation District will be asked for comments and recommendations. No actions will be taken on the proposed development until such a report is received by the Planning Board.

§ 181-23. Minor subdivision plat.

- A. In the case of minor subdivision only, the subdivision plat application shall include the following information:
 - (1) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
 - (2) 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 the tract shall also be located on the ground and marked by monuments as approved by the Village Engineer and shall be referenced and shown on the plat.
 - (3) On-site sanitation and water supply facilities designed to meet the minimum specification of the State Department of Health, and a note to this effect shall be stated on the plat and signed by a licensed engineer.
 - (4) Proposed subdivision name and the name of the village and county in which it is located.
 - (5) The date, North point, map scale and the name and address of the record owner and subdivider.
- B. The plat to be filed with the County Clerk shall be printed in form and quantity as prescribed by the Erie County Clerk's Office.

§ 181-24. Major subdivision preliminary plat and accompanying data.

The following documents shall be submitted for approval of the preliminary plat:

- A. Seven (7) copies each of the following:
 - (1) A preliminary plat map prepared at a scale of not more than two hundred (200) but preferably not less than one hundred (100) feet to the inch, showing the data given in Technical Checklist D, available from the Village Clerk.²⁷
 - (2) Site Base Map A, showing information on Technical Checklist A; the same scale as the preliminary plat.
 - (3) Site Base Map B, showing information on Technical Checklist B; the same scale as the preliminary plat.
 - (4) Site Base Map C, showing information on Technical Checklist C; the same scale as the preliminary plat.
 - (5) The subplot grading plan.
 - (6) The preliminary layout of the subdivision, with the preliminary plat section clearly shown if the application covers only a part of the subdivider's entire holding.
- C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- D. A copy of approved requests for variance(s).

§ 181-25. Major subdivision final plat and accompanying data.

The following documents shall be submitted for final plat approval:

- A. The plat to be filed with the County Clerk shall be in form and quantity as prescribed by the Erie County Clerk's Office. The size of the sheets shall be in accordance with the Erie County Clerk's specifications, including a margin for binding of two (2) inches, outside of the border, along the left side and a margin of one (1) inch, outside of the border, along the remaining sides. The plat shall be

²⁷ **Editor's Note: Technical Checklists A through C are also available from the Clerk.**

drawn at a scale of no more than one hundred (100) feet to the inch and oriented with the North point at the top of the map. When more than one (1) 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) The proposed subdivision name or identifying title and the name of the village and county in which the subdivision is located, the name and address of the record owner and subdivider and the name, license number and seal of the licensed land surveyor shall be provided.
- (2) Street lines, pedestrianways, lots, reservations, easements and areas to be dedicated to public use shall be provided.
- (3) Sufficient data acceptable to the Village Engineer to determine readily the location, bearing and length of every street line, lot line and boundary line and to reproduce such lines upon the ground shall be provided. 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 and 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 therefor.
- (6) All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Village 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 practice.

- (8) Permanent reference monuments shall be shown and shall be constructed in accordance with specification of the Village Engineer. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the State Department of Public Works. They shall be placed as required by the Village Engineer and their location noted and referenced upon the plat.
 - (9) All lot corner markers shall be permanently located satisfactorily to the Village Engineer, at least three-fourths ($\frac{3}{4}$) inches (if metal) in diameter and at least twenty-four (24) inches in length, and located in the ground to existing grade.
 - (10) Monuments of a type approved by the Village 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 Village Engineer.
- B. Construction drawings, including plans, profiles and typical cross sections, as required, showing the proposed location, size and type of streets, sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and subbase, manholes, catch basins and other facilities shall be provided.

ARTICLE VI Variances and Waivers

§ 181-26. Waivers.

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. Such waiver(s) shall be granted only in situations where extraordinary and unnecessary hardships may result from strict compliance with the requirements of this chapter, and such waiver(s) shall only be granted to the extent necessary to meet the minimum objectives of said waiver(s).

§ 181-27. Conditions.

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

**Table I
Standards for Street Design
Street Classifications**

Requirement	Marginal Access	Minor	Collector	Arterial or Business
Minimum width of right-of-way	40 feet	70 feet	70 feet	80 feet ¹
Minimum width of pavement	20 feet	28 feet	30 feet	40 feet
Minimum radius of horizontal curves		150 feet, except for street intersection corners	200 feet	400 feet
Minimum length of vertical curves	100 feet, but not less than 20 feet for each 1% algebraic difference of grade	100 feet, but not less than 20 feet for each 1% algebraic difference of grade	200 feet, but not less than 30 feet for each 1% algebraic difference of grade	200 feet
Minimum length of tangents between reverse curves	100 feet, except where excessive grades may be reduced to reasonable grades by shortening tangent	100 feet, except where excessive grades may be reduced to reasonable grades by shortening tangent	200 feet	200 feet
Maximum grade ²	8%	8%, except that grades up to 12% may be approved on short runs	6%	4%

Requirement	Marginal Access	Minor	Collector	Arterial or Business
Recommended minimum grade	0.5%	0.5%	0.5%	0.5%
Absolute minimum	0.3%	0.3%	0.3%	0.3%
Minimum sight distance	150 feet	150 feet	250 feet	250 feet

Notes:

Street classification is adopted by the Association of State Highway Officials.

¹ Not including right-of-way for marginal access streets, if any.

² Equal to or less than three percent (3%) within fifty (50) feet of any intersection.