

# **TOWN OF ALMOND**

## **LAND SUBDIVISION REGULATIONS**

**WITH FORMS**

## ARTICLE I - DECLARATION OF POLICY

By the authority of the resolution of the Town Board of the Town of Almond, adopted on March 21, 1973, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Almond is authorized and empowered to approve Plat showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped Plat already filed in the office of the clerk of the county and to conditionally approve preliminary Plat, within that part of the Town of Almond outside the limits of any incorporated village.

It is declared to be the policy of the Planning Board to consider land Subdivision Plat 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 street shall compose a convenient system conforming to the Official Map, if such exists, and shall be properly related to the proposals shown on the Master Plan, if such exists, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of firefighting equipment to buildings; and that proper provision shall be made for open spaces for parks and playgrounds.

In order that land subdivision may be made in accordance with this policy, these Regulations which shall be known as, and which may be cited as, the "Town of Almond Land Subdivision Regulations" have been adopted by the Planning Board on March 21, 1973.

## ARTICLE II: - DEFINITIONS

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

Cul-de-sac: A short street having but one end open to traffic and the other end being permanently terminated by a vehicular turnaround.

Drainage Right-of-Way: The lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Easement: The lands created through authorization by a property owner for the use by another and for a specified purpose of any designated part of his property.

Lot: A piece, parcel, or plot of land intended as a unit for transfer of ownership or for development.

Official Map: The map established by the Town Board under Section 270 of the Town Law showing the streets, highways, and parks heretofore laid out, adopted, and established by law, and any amendments thereto adopted by the Town Board or additions thereto resulting from the approval of Subdivision Plat by the Planning Board and the subsequent filing of such approved Plat.

Official Submission Date: The date when a Subdivision Plat shall be considered submitted to the Planning Board, as provided in Section 276 of the Town Law, and 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 VI are submitted.

Performance Bond or Guarantee: Any security which may be accepted in lieu of a requirement that certain improvements be made before the Planning Board approves a Plat, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

Planning Board: The Town of Almond Planning Board as established pursuant to the provisions of Article 16 of the Town Law.

**Preliminary Plat:** The preliminary drawing or drawings indicating the proposed manner or layout of the subdivision to be submitted to the Planning Board for its consideration and meeting the requirements of Article VI.

**Resubdivision:** Revision of all or part of an existing filed Plat including consolidation of lots.

**Street:** Any street, avenue, boulevard, road, lane, parkway, alley, or other way which is an existing state, county, or town roadway or way shown upon a Plat theretofore approved pursuant to law or approved by official action or a street or way on a Plat duly filed and recorded in the Office of the County Clerk of Allegany County prior to the appointment of a Planning Board and the grant to such Board of the power to review Plat, and includes the land between the street lines whether improved or unimproved and may comprise pavement, shoulders, gutters, sidewalks, parking area, and other areas within the street lines. For the purpose of this Ordinance, streets shall be classified as follows:

- A. Arterial streets are those which are used primarily by a heavy volume of traffic.
- B. Collector streets are those which carry traffic from minor streets to the major system of arterial streets including the principal entrance streets of a residential development and streets for circulation within such a development.
- C. Minor streets or local residential streets are those which are used primarily for access to the abutting properties.
- D. Marginal service streets are streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
- E. Alleys are minor ways which are used primarily for vehicular service to the back or the side of properties otherwise abutting on a street.

**Street Pavement:** The wearing or exposed surface of the roadway used by vehicular traffic.

**Street Width:** The distance between property lines or right of way lines.

**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 others.

**Subdivision:** The division of any parcel of land into two or more lots, plots, sites, or other division of land for the purpose, whether or future, of transfer of ownership or building development and shall include resubdivisions provided, however, that the public acquisition by purchase of strips of land for the widening or opening of street shall not be included within this definition or subject to these Regulations.

- A. A major subdivision is any subdivision not classified as a minor subdivision including, but not limited to, subdivisions of five or more lots or any size subdivision requiring any new street or extension of municipal facilities.
- B. A minor subdivision is any subdivision containing not more than four 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 Comprehensive Plan, Official Map, or Zoning Ordinance, if such exists, or these Regulations.

**Subdivision Plat or Final 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

Allegany County Clerk.

Town Development Plan Comprehensive Plan Town Plan or Master Plan: A composite of the mapped and written proposals recommending the physical development of the Town prepared by the Planning Board pursuant to Section 272 - a of the Town Law which indicates the general locations recommended for various public works and reservations and for the general physical development of the Town and includes any part of such plan separately adopted and any amendment to such plan or parts thereof.

Town Engineer: The duly designated engineer of the Town of Almond.

Zoning Ordinance: The officially adopted Zoning Ordinance or the Town of Almond together with any and all amendments thereto.

## ARTICLE III - PROCEDURE FOR FILING MAJOR SUBDIVISION APPLICATIONS

Whenever any subdivision of land is proposed, before any contract for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the procedures set forth in this Article.

### Section 1 - Preliminary Plat Submission

#### A. Discussion of Requirements and Classification

Before preparing the Preliminary Plat, the applicant shall discuss with the Planning Board, or its representative, the requirements of land, street improvements, drainage, sewerage, water, fire protection and similar aspects as well as the availability of existing services.

#### B. Application Procedure

Prior to filing an application for the approval of a Subdivision Plat, the applicant shall file an application for the approval of a Preliminary Plat. The application shall:

1. Be made on forms available at the Office of the Town Clerk.
2. Include all land which the applicant proposes to subdivide as well as all lands owned by the applicant adjacent to the area proposed for subdivision.
3. Be accompanied by three copies of Preliminary Plat, as described in Article VI, Section 1, of these Regulations.
4. Comply in all respects with Article IV of these Regulations and with the provisions of Sections 276 and 277 of the Town Law, except where a modification may be specifically authorized by the Planning Board.
5. Be accompanied by a fee of \$25.00 plus \$10.00 for each lot within the subdivision proposed for approval at least two weeks before the next regularly scheduled Planning Board meeting. "The minimum shall be \$50.00". If the applicant subsequently elects not to file an application for approval of a Subdivision Plat, one-half the fee shall be returned.

#### C. Study Of Preliminary Plat

The Planning Board will carefully 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 will be given to the arrangement, location, and width of streets, their relation to the topography of the land, sewerage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan and the Official Map as they may be adopted.

#### D. Applicant to Attend Planning Board Meeting

The applicant should be prepared to attend the next regular meeting of the Planning Board and any subsequent meetings deemed necessary by the Chairman of the Planning Board to discuss the Preliminary Plat.

E. Required Changes for Conditional Approval

Within forty-five days after the time of submission of a Preliminary Plat, the Planning Board shall take action to conditionally approve, with or without modifications, or disapprove such Preliminary Plat and the ground of any modification required or the ground for disapproval shall be stated upon the records of such Planning Board. Failure of the Planning Board to act within such forty-five-day period shall constitute a "conditional approval" of the Preliminary Plat.

Section 2 - Subdivision Plat

A. Application Procedure

Within six months of the conditional approval of the Preliminary Plat, the applicant shall file with the Planning Board an application for approval of a Subdivision Plat. The application shall:

1. Be made on forms provided by the Planning Board at the time of conditional approval of the Preliminary Plat.
2. Include the entire subdivision.
3. Be accompanied by three copies of the Subdivision Plat and the Construction Detail Sheets as described in Article VI. Section 3 of these Regulations.
4. Comply in all respects with the Preliminary Plat as conditionally approved.
5. Be presented to the Chairman of the Planning Board at least two weeks prior to a regular meeting of the Board in order that a public hearing may be scheduled and the required notice given.

B. Official Submittal Date

The Subdivision Plat shall be considered officially submitted only at the regular meeting of the Planning Board following completion of the application procedure outlined above.

C. Endorsement of State Health Department

The proposed Subdivision Plat shall be properly endorsed by the State Health Department as meeting the standards of the State Sanitary Code, Public Health Law, or other applicable health code, before any public hearing is scheduled. The Plat should be in final form before State Health Department approval.

D. County Official Map Notification

The Planning Board will also, if the County has established a County Official Map, notify the Allegany County Planning Board and the County Superintendent of Highways or Commissioner of Public Works, if the Subdivision Plat proposes structures or new streets having frontage on, access to, or is otherwise directly related to any County road, existing or proposed, as shown on the County Official Map. The County Planning Board reports to the Planning Board within thirty days on its approval or disapproval or on its approval subject to stated conditions of the proposed Subdivision Plat. The Plat may be approved by the Town

subject to stated conditions, notwithstanding such report, when the application of such report will act to deprive the owner of the reasonable use of his land.

E. Public Hearing

Before the Planning Board acts on any Subdivision Plat, it shall hold a public hearing thereon within thirty (30) days after the time of official submittal date in accordance with Section 276 of the Town Law. If any zoning changes are to be requested at the time of approval of the Subdivision Plat, a public hearing thereon must be held in accordance with Section 281 of the Town Law. The two public hearings may be held at the same time.

F. Action on Proposed Subdivision

After careful study, the Planning Board shall, within forty-five days from the public hearing on the Subdivision Plat, approve, modify, or disapprove such Plat. The grounds for disapproval of any Plat shall be stated on the records of the Planning Board. A Subdivision Plat shall not be signed by the authorized officers of the Planning Board until the applicant has met all the conditions of the action granting approval of such Plat.

G. 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 Board and endorsed, in writing, on the Plat. In the event that any Subdivision Plat, when recorded, contains any such changes, the Plat shall be considered null and void, and the Board shall institute proceedings to have said Plat stricken from the records of the County Clerk.

H. Signing of Plat

Every Subdivision Plat submitted to the Board for its approval shall carry the following endorsement:

"Approved by Resolution of the Planning Board of the Town of Almond, New York, on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, subject to all requirements and conditions of said Resolution. Any change, erasure, modification, or revision of this Plat, as approved, shall void this approval. Signed this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

In the absence of the Chairman or Secretary, the Acting Chairman or Acting Secretary, respectively, may sign in his place. If there is a County Official Map, such endorsement shall stipulate that the Plat does not conflict with the County Official Map or, in cases where the Plat does front on, or have access to, or is otherwise related to roads or drainage systems shown on the County Map, that such Plat has been approved by the County Planning Board in the manner specified by Section 239 - K of the General Municipal Law.

Section 3 - Required Improvements and Agreements

A. Improvements and Performance Bond

Prior to an action by the Planning Board approving a Subdivision Plat, the applicant shall be required to complete, in accordance with the Planning Board's decision and to the

satisfaction of the appropriate Town Departments, all the street, sanitary, and other improvements specified in the action approving said Plat or, as an alternative, to file with the Town Board a Performance Bond in an amount estimated by the Planning Board to secure to the Town the satisfactory construction and installation of the incompleting portion of the required improvements. A period of one year, or such other period as the Planning Board may determine appropriate, within which required improvements must be completed, shall be specified by the Planning Board and expressed in the Bond. Such Performance Bond shall comply with the requirements of Section 277 of the Town Law and shall be satisfactory to the Town Board as to form, sufficiency, and manner of execution. The Bond shall provide that an amount determined adequate by the Planning Board shall be retained for a period of one year after the date of completion of the required improvements to assure their satisfactory condition. All required improvements shall be made by the applicant at his expense without reimbursement by the Town or any district therein. Said improvements shall include the following:

1. Streets and Street Lighting Facilities
2. Street signs
3. Curbs and Gutters
4. Grass Curb Strips
5. Sidewalks
6. Street Shade Trees
7. Monuments
8. Storm Water Runoff System
9. Sanitary Sewage Collection System
10. Water Supply System
11. Park and Recreation Facilities
12. Electrical, Telephone and Utility Lines
13. Plantings and Ground Cover

**B. Inspection of Improvements**

The Town shall employ an inspector to act as agent of the Planning Board for the purpose of assuring the satisfactory completion of improvements required by the Planning Board and shall determine an amount sufficient to defray costs of inspection. The applicant shall pay the Town costs of inspection before the Subdivision Plat is signed for filing. If the Planning Board or its agent finds, upon inspection, that any of the required improvements have not been constructed in accordance with Planning Board recommendations or the approved Construction Detail Sheets, the applicant and the bonding company will be severally and jointly liable for the costs of completing said improvements according to specification.

**C. Offers of Cession and Release**

The Plat shall be endorsed with the necessary agreements in connection with required easements or releases. Offers of cession to the Town shall be presented prior to Plat approval.

Formal offers of cession to the Town 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. If the owner of the land or his agent who files the Plat does not add as part of the Plat a notation to the effect that no offer of dedication of such streets, highways, or parks or any of them is made to the public, the filing of the Plat in the office of the County Clerk or register shall constitute a continuing offer of dedication of the streets, highways, or parks or any of them to the public and said offer of dedication may be accepted



by the Town Board at any time prior to revocation of said offer by the owner of the land or his agent.

Before final approval of the Subdivision Plat, the Planning Board will require a certificate of approval from the Town Attorney as to the legal sufficiency of the offers of cession by the subdivider of the areas for public use such as parks, streets, playgrounds and other areas.

#### Section 4- Filing of Approved Subdivision Plat

Upon completion of all requirements set forth in the action approving the Subdivision Plat 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 and may be filed by the applicant in the Office of the Allegany County Clerk. Any Subdivision Plat not so filed and recorded within ninety (90) days of the date upon which said 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 additional periods of ninety (90) days. The applicant shall provide the Town Clerk with a copy of the Plat certified by the Allegany County Clerk as to being the true and certified copy of said Plat on file in the County Office.

#### Section 5 - Resubdivision

For a resubdivision, the same procedures, rules and regulations apply as for a subdivision.

#### Section 6 – Public Streets, Parks, and Playground Areas

The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute or imply the acceptance by the Town of any street, park, playground or other open space shown on said Plat. The Planning Board may require said Plat to be endorsed with appropriate notes to this effect. If the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in any such Plat or is otherwise not practical, the Board may require as a condition to approval of any such Plat a payment to the Town of a sum to be determined by the Town Board, which sum shall constitute a trust fund to be used by the Town Board exclusively for neighborhood park, playground, or recreation purposes including the acquisition of property. The Planning Board may require the filing of a written agreement between the applicant and the Town Board covering future title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any park or playground area, as well as a written agreement covering the maintenance and plowing of all streets within the subdivision until such time as they are accepted for public maintenance by the Town Board.

#### Section 7 - Time of Construction

Upon posting of the Performance Bond in accordance with Article III, Section 3-A, and after approval and filing of the Subdivision Plat, the subdivider may initiate land sales or construction of the Subdivision itself.

Article IV – DEVELOPMENT STANDARDS FOR MAJOR SUBDIVISIONS

The Planning Board, in considering an application for the subdivision of land, shall be guided by the following considerations and standards:

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 streets and parks shown on the Official Map of the Town as may be adopted and shall be properly related to the Town Comprehensive Plan as it is developed and adopted by the Town Planning Board.

Section 2 - Design Standards

A. Streets

The following regulations shall govern the layout of streets:

1. Subdivisions shall be so designed as to provide a street pattern which is curvilinear in design. The design of the street pattern shall be based upon a local residential or minor street pattern connected to a residential collector street system.
2. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas, or their proper protection where adjoining land is not subdivided, at the same or greater width insofar as such may be deemed necessary for public requirements.
3. Local residential streets shall be designed so as to discourage through traffic.
4. All right-of-way street widths and street pavements shall be measured at right angles or radial to the center line of the street and shall not be less than the following:

	<u>Right-of-Way</u>	<u>Pavement</u>
Arterial Street	120 feet	12 feet (Min. each lane)
Collector Street	80 feet	36 feet
Local Residential Street	50 feet	24 feet
Marginal Service Street	50 feet	24 feet

5. Whenever possible, streets should intersect at right angles and not intersect at angles of less than sixty (60) degrees unless approved by the Planning Board.

6. The grades of streets shall be in accordance with specifications established by the Town Engineer and such grades as submitted on Subdivision Plats shall be approved by him prior to final approval by the Planning Board.
7. All proposed subdivisions shall be designed to provide access to adjacent properties. When a proposed subdivision abuts an existing subdivision, the subdivider shall make every attempt to design the street system of the proposed subdivision to connect with dead-end or "stub" streets of the existing subdivision
8. The following standards apply to cul-de-sac streets:
  - a. A cul-de-sac should be located, if possible, so that it drains toward its entrance.
  - b. Unless there is the expectation extending the street through to adjoining property, a cul-de-sac street should never be brought to the property boundary line, but should be placed so that the lots can back on the property line of the subdivision.
  - c. No cul-de-sac shall exceed five hundred (500) feet in length.
  - d. All cul-de-sacs shall have a turnaround at the end of the street which shall have a right-of-way radius of sixty (60) feet, the outer curb at the turn shall have a minimum radius of forty-five (45) and a twenty (20) foot paving width which will permit a turning radius of twenty-five (25) feet at the inner curb.
9. If a dead-end street is of a temporary nature, a similar turnaround shall be provided and provisions made for future extension of the street through to adjacent property and reversion of the excess right-of-way to the adjoining properties
10. New half or partial streets shall not be permitted, except that wherever a proposed subdivision borders a half or partial street, the Planning Board may require that the other part of the street be platted in the proposed tract if it is found that such a requirement would increase the effectiveness of the circulation system in the area.
11. Multiple intersections involving a junction of more than two streets shall be prohibited.
12. Local residential streets and residential collector streets shall not intersect with arterial streets less than eight hundred (800) feet apart, measured from center line to center line.
13. The minimum distance between center line offsets at street jogs shall be one hundred fifty (150) feet.
14. No streets shall have a name which will duplicate or so nearly duplicate as to be confused with the names of existing streets. The continuation of an existing street shall have the same name.
15. The minimum radius of horizontal curve, minimum length of vertical curves, and minimum length of tangents between reverse curves shall be in accordance with specifications established by the Town Engineer, and said items shall be approved by him prior to final approval of the Subdivision Plat by the Planning Board.

#### B. Lots

The following regulations shall govern the layout of lots:

1. The lot size, width, depth, shape, orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
2. All lots shown on the Subdivision Plat must conform to the minimum requirements of the Zoning Ordinance as to area and dimensions for the zone in which the subdivision is located. However, in the event of utilizing Section 281 of the Town Law, the Planning Board may use its discretion in determining lot sizes.
3. Each lot shall abut on a street built to the Town's specifications. Corner lots shall have extra width sufficient for maintenance of required building.
4. Corner lots shall have extra width sufficient for maintenance of required building lines on both streets as required by the Zoning Ordinance.
5. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.
6. Side lines of lots shall be at right angles to straight streets, and radial to curved streets.
7. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions, or similar circumstances, the Planning Board may, after adequate investigation, require modification of such lots.
8. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the Zoning Ordinance and to provide for convenient access, circulation control and safety of street traffic.
9. Blocks intended for commercial or industrial use shall be designed specifically for such purposes with adequate space set aside for offstreet parking and delivery facilities.
10. Double frontage lots will not, in general, be approved.

### C. Easements

An easement shall be provided for all natural drainage ways and all utility lines when such utility line or lines do not fall within a dedicated right-of-way. All easements shall be plotted on the Preliminary Plat and Subdivision Plat. A clause shall be inserted in the deed of each lot affected by an easement indicating that the easement exists and its purpose. Except as further required in this section, easements shall have a minimum width of ten (10) feet. Where a subdivision is traversed by a drainage way, channel, or stream, a drainage way easement conforming substantially with the lines of such watercourse shall be provided. The easement shall be twenty (20) feet wide or such width as will be adequate to preserve natural drainage and provide sufficient width for maintenance. Where it is found that additional easement width is needed, such width shall be determined by the Planning Board in consultation with the Town Engineer. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines. All utility lines which are primarily intended to provide service to the lots within the subdivision shall be installed underground at a depth and at such locations as will minimize risk of interruption of services. A five (5) foot easement running parallel with and contiguous to all street and highway rights-of-way shall be provided to the Town granting the Town the right to protect, plant, prune, spray, remove, control, regulate and improve shrubbery and shade trees thereon.

#### D. Landscaping and Ground Cover

1. All lot areas which are not covered by structures or paving shall be properly seeded by the developer.
2. The developer shall provide a liberal and functional landscaping scheme for the entire subdivision. Each lot shall be provided with a minimum of two (2) trees which shall be in addition to the street shade trees. This requirement may be waived by the Planning Board in wooded areas where the subdivider intends to maintain existing trees.
3. Individual homeowners may, by written agreement with the subdivider and builder, seed and landscape their yards independently.
4. When a proposed subdivision borders upon an existing commercial or industrial establishment, or any other use which, in the opinion of the Planning Board, may be visually detrimental to the tranquility of the future residents of the subdivision, the Planning Board may require a landscape screen to buffer the subdivision from the visually non-compatible use.

#### E. Preservation of Nature Features

1. Topsoil moved during the course of construction shall be redistributed so as to provide at least four (4) inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting. At no time shall topsoil be removed from the site without written permission from the Planning Board. There shall be a minimum of four (4) inches of topsoil redistributed over all leach beds or fields.
2. To the fullest extent possible, all existing trees and shrubbery shall be conserved by the subdivider. Special consideration shall be given to the arrangement and ultimate improvement or development of the lots to this end. Precautions shall also be taken to protect existing trees and shrubbery during the process of grading the lots and roads. Where there is a question as to the desirability of removing a group of trees, which serve to add interest and variety to the proposed subdivision, in order to allow for use of the land for a lot or lots, the Planning Board may, after proper investigation, require modification of such lots. Where any land other than that included in public rights-of-way is to be dedicated to the public use, the developer shall not remove any trees from the site without written permission from the Planning Board.
3. Where a subdivision is traversed by a natural lake, pond, or stream, the boundaries or alignment of said watercourse shall be preserved unless, in the opinion of the Planning Board, a change or realignment will enhance the development and beauty of the subdivision or the utilization of such features by the future residents of the subdivision. All proposed changes in watercourse alignment shall be in accordance with the revised New York State Stream Conservation Law.
4. Unique physical features such as historic landmarks and sites, rock out-croppings, hilltop lookouts, desirable natural contours, and similar features shall be preserved if possible.
5. The subdivider shall not be permitted to leave any surface depressions which will collect pools of water.

6. The subdivider shall not be permitted to leave any hills or mounds of dirt around the tract. All surfaces shall be restored within six (6) months of the time of the completion of the section of the subdivision.

#### F Floodplain

1. Mapping - If any portion of the land within the subdivision is subject to inundation or flood hazard by storm water, such fact and portion shall be clearly indicated on the Preliminary Plat and the prominent note on each sheet of such map whereon any such portion shall be shown.
2. Use - Land subject to flooding, and land deemed by the Planning Board to be otherwise 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.

#### G Self-Imposed Restrictions

The owner may place restrictions on the development greater than those required by the Zoning Ordinance. Such restrictions, if any, shall be indicated on the final Subdivision Plat.

#### H. Modification of Standards

The Planning Board may modify the specified requirements in any individual case where, in the Board's judgement, such modification is in the public interest or will avoid the imposition of unnecessary individual hardship.

#### I. Parks Playgrounds, or Open Space

1. Land shall be reserved for park, playground, open space, or other recreational purposes in locations designated on the Comprehensive Plan or elsewhere where the Planning Board deems that such reservations would be appropriate. For a major subdivision, each reservation shall be of an area equal to five percent (5%) of the total land within the subdivision, but in no case shall a reservation be less than one (1) acre. The area to be preserved shall possess the suitable topography, general character, and adequate road access necessary for its recreational purposes.
2. Where the Planning Board requires land to be set aside for parks, playgrounds, or other recreational purposes, the Board shall require that the site be graded, loamed, and seeded and may require it to be fenced.
3. When area for park, playground, recreational purposes or open space shall have been required on the Subdivision Plat, the approval of said Subdivision Plat shall not constitute an acceptance by the Town of such an area.

## ARTICLE V - IMPROVEMENTS FOR MAJOR SUBDIVISIONS

The developer, before the approval of the Subdivision Plat, shall complete all improvements to the satisfaction of the Town Engineer, or post a Performance Bond sufficient to insure the satisfactory completion of the following required improvements except where waivers may be requested and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of public health, safety, and general welfare.

- A. All streets shall be constructed, graded and paved in accordance with the standards and specifications on file in the Town Clerk's Office.
- B. Storm drains, culverts, catch basins, and other drainage structures shall be installed in accordance with the standards and specifications on file in the Town Clerk's Office and in accordance with the final map approved by the Planning Board. All pipe shall comply with the requirements of the current New York State Highway Department specifications governing construction of these facilities. The location, length, depth, size, grade, and type of pipe shall be designated in the plans. If unusual conditions are discovered at the time of construction, which are not provided for on the plans, the Superintendent of Highways shall determine the type and extent of construction required to overcome such conditions.
- C. Curbing shall be constructed on both sides of all streets shown on all proposed Subdivision Plats and in accordance with the construction standards on file in the Town Clerk's Office.
- D. Sidewalks shall be required on both sides of the street and constructed in accordance with the standards on file in the Town Clerk's Office.
- E. Driveway aprons shall be required between the curbing and the sidewalk and shall be of six-inch concrete meeting the same specifications established for curbing.
- F. Street signs shall be of metal and shall be installed at the intersection of all streets in conformity with Town specifications at the locations approved by the Planning Board.
- G. Grass strips shall be provided within the portion of the street right-of-way beyond the curb line and shall be properly graded and seeded.
- H. Street trees shall be planted in every subdivision at intervals from forty to sixty feet along both sides of the street. Existing trees may be taken into consideration when determining the above. Trees shall be at least three feet from any sidewalk and located on the building side of the walk rather than the street side. Where dwelling structures are oriented with their rear on the street, street trees shall be at least six feet from the curb line, Trees should also be at least ten feet from any line which is directly under utility wires. The average trunk diameter shall be at least two inches and an average height of six feet above finished grade level is required. "Such trees shall be of a species and at locations approved by the Planning Board. No tree shall be planted within twenty-five feet from an existing or proposed street light or street intersection."
- I. Shade trees, other than within the right-of-way, may be required when, taking into consideration the existing trees on the lots, the Planning Board shall deem it necessary. Such trees shall be in conformance with the standards of size, kind and locational limitations prescribed for trees along the street line.
- J. Street lighting facilities shall be provided along all streets in the subdivision and along all streets upon which the subdivision abuts. Such lighting facilities shall be in accordance with the Town standards and shall be installed as approved and directed by the Town Engineer

- K. Sanitary sewers and treatment disposal facilities shall be required. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system required to make the sewer accessible to each lot in the subdivision. Sewer systems shall be approved by the Town and Health Official(s) and be in accordance with other requirements of law. The construction is subject to the supervision of the Town Engineer.
- L. Where a public water main is reasonably accessible, the subdivider shall connect with such water main and provide a water connection for each lot in accordance with Town standards, procedures, and supervision. Fire hydrants shall be required and shall be installed in the locations approved by the Town Engineer and in accordance with the New York State Board of Fire Underwriters.
- M. Permanent monuments shall be set at block corners and at intervals of approximately five hundred feet, or such other distance as the Planning Board may determine appropriate, and their location shall be shown on the Subdivision Plat. Iron pipes shall not be considered permanent monuments for the purpose of these Regulations. Standards for monuments are on file in the Town Clerk's Office.

#### Permitted Modifications

- A. Concrete curbing may be omitted and, lieu thereof, rolled gutters or other means for controlling storm waters may be constructed as may be approved by the Town Engineer and Planning Board.
- B. Sidewalks may be omitted on one or both sides of the street to the extent deemed appropriate by the Planning Board.
- C. Where curbing and/or sidewalks are not provided adequate provision for the protection of the edge of the road pavement, and graded shoulders, at all driveway openings and other accessways shall be provided in a manner approved by the Town Engineer.
- D. Where sidewalks and curbing are not provided, grass curb strips shall not be required. However, grading and seeding of the area between the pavement edge, shoulder, or approved drainage structure and the front property line of the lot shall be provided.
- E. Individual sewage disposal systems (septic tanks) may be provided in lieu of facilities connected to a public sanitary sewage disposal system. Where such system is not reasonably available, such on-site disposal systems shall not be subject to the provisions of these Regulations regarding subdivision control but shall be subject to all other applicable laws and regulations of the Town, County, and State. Sewerage lagoons shall be prohibited.
- F. Individual on-site water supply systems may be provided in lieu of providing a water supply connected to a public utility system. Where such a system is not reasonably available, such on-site water supply systems shall not be subject to the provisions of these Regulations regarding subdivision approval but shall be subject to all other applicable laws and regulations of the Town, County, and State.
- G. Fire hydrants may be omitted where adequate water mains which are a part of a public utility water system are not either existing or proposed to be available to the subdivision.



ARTICLE VI - SPECIFICATIONS FOR PRELIMINARY PLATS AND SUBDIVISION PLATS FOR MAJOR SUBDIVISIONS

Section 1-Preliminary Plat

Preliminary Plats submitted to the Planning Board shall be drawn to a scale of not more than one inch equals one hundred feet, and shall show the following information:

- A. The location of the property with respect to surrounding property and streets. There shall also be included a key map at a scale of one inch equals five hundred feet showing all streets, streams, and property within fifteen hundred feet of the applicant's property. All property held by the applicant in the area should be identified.
- B. The location and approximate dimensions of all existing property lines (include entire area proposed to be subdivided and remainder of the tract owned by the subdividing owner).
- C. All pertinent features such as existing structures, streets, railroads, water bodies, streams, swamps, and large trees, that may influence the design of the subdivision, and topography at a contour interval of not more than five feet, unless waived by the Planning Board.
- D. The location, width, and approximate grade of all proposed streets. Approximate elevations shall be shown at the beginning and end of each street, at street intersections, and at all points where there is a decided change in the slope or direction.
- E. The approximate location, dimensions, and area of all proposed or existing lots.
- F. The approximate location and dimensions of all property proposed to be set aside for playground or park use.
- G. The names of all property owners of record, or the names of developments within five hundred feet.
- H. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider, if other than the owner, and the name of the land surveyor.
- I. The date, source of the north point, and scale.
- J. Acreage of tract to be subdivided to nearest tenth of an acre.
- K. Proposed provision of water supply, fire protection, disposal of sanitary waste, storm water drainage, street trees, street lighting fixtures, street signs, and sidewalks, data on which must be available for consideration at this stage.
- L. Each block shall be numbered and the lots within each block shall be numbered consecutively in accordance with the procedure established by the Town. The total number of residential lots shall be noted on the Plat.

Section 2 - Major Subdivision Plat

Major Subdivision Plats shall be accompanied by separate Construction Detail Sheets, and both shall be submitted to the Planning Board for approval, as follows:

- A. Drawing, Scale and Size of Plat and Construction Detail Sheets

The Subdivision Plat and Construction Detail Sheets shall be clearly and legibly drawn on a stable transparent base (milar, cronaflex, etc.). In areas zoned for lots of minimum size of 20,000 square feet or more, maps and profiles shall be at a scale of one inch equals 100 feet. In areas zoned for lots less than 20,000 square feet, maps and profiles shall be at a scale of one inch equals 50 feet. Maps shall be on uniform size sheets in accordance with the New York State Statutes. Whenever any project is of such size that more than one sheet is required, then an index map on the same size sheet shall accompany these sheets. The Construction Detail Sheets shall show all items included in Section 2 — C and as actually constructed.

B. Information to be Shown on Plat

Plats shall show the following information:

1. Proposed subdivision name or identifying title which shall not duplicate or too closely approximate that of any other development in the Town.
2. Date, source of the north point and scale.
3. Name, address, and signature of owner, subdivider, and licensed engineer or and surveyor.
4. Names of owners of record of abutting properties or developments.
5. Locations, names, and widths of existing streets, highways and easements, building lines, park, and other public properties.
6. Locations and widths of all streets and sidewalks, together with names of streets, and location, dimensions, and status of all easements proposed by the subdivider.
7. Lot areas in square feet.
8. Lot lines with accurate dimensions and bearings of angles.
9. Sufficient data to determine readily the location, bearing and length of all lines, and to reproduce such lines upon the ground.
10. Radii of all curves and lengths of arcs of arcs
11. Location material, and approximate size of all monuments.
12. The accurate outline of all property which is offered, or to be offered, for dedication for public use, with the purpose indicated thereon, and all property that is proposed to be reserved by deed covenant for the common use of the property owners of the Subdivision.
13. Acreage of tract to be subdivided to nearest tenth of an acre.
14. Each block shall be numbered and the lots within such block shall be numbered consecutively in accordance with the procedure established by the Town. The total number of residential lots shall be noted on the Plat.

In addition to the Subdivision Plat as described above the following shall also be presented to the Planning Board:

1. A certificate that there are no tax liens on the property being subdivide
2. A Performance Bond in such amount as is necessary to complete street and utility improvements.

#### C. Construction Detail Sheets

Construction Detail Sheets shall show the following information, except that where requirements have been waived, applicable specifications may be omitted:

1. Profiles showing existing and proposed elevations along the center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets, within 100 feet of the intersection, in both directions, shall be shown. All elevations must be referred to established U.S. Government or approved local bench marks, where they exist within one-half mile of the boundary of the subdivision.
2. The Planning Board may require, where steep slopes exist, that present elevations of all proposed streets shall be shown every 100 feet at five points on a line at right angles to the center line of the street, each property and points s thirty feet inside each property line.
3. Plans and profiles showing the location and a typical section of street payments, including curbs and gutters, sidewalks, manholes, and catch basin; the locations of street trees, street lighting standards and street signs the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants; and the exact location and size of all water, gas, electric or other underground utilities or structures.

All plans shall conform to the Town minimum road specifications and shall be subject to the approval of the Town Engineer.

## ARTICLE VII - VARIANCES AND WAIVERS

### Section 1

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these Regulations, it may vary the Regulations so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or the Zoning Ordinance, if such exists.

### Section 2

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 are 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.

### Section 3

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

## ARTICLE VIII - VALIDITY

If any Article, Section, subsection, sentence, clause or phrase of these Regulations is for any reason held to be unconstitutional, illegal, or otherwise invalid, such decisions shall not affect the remaining portions of these Regulations.



12. Requested Exceptions: The Planning Board is hereby requested to authorize the following exceptions to or waivers of its regulations governing subdivision (attach list of such exceptions with the reason for each exception set forth).

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13. List proposed improvements and utilities and intentions to install or post performance guarantee prior to approval of Subdivision Plat:

	<u>Improvement</u>	<u>Intention</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

14. List of maps and other material accompanying application and number of each:

	<u>Item</u>	<u>Number</u>
a.	_____	_____
b.	_____	_____
c.	_____	_____
d.	_____	_____

15. Name and profession of person designing Preliminary Plat:

Name: \_\_\_\_\_ Profession: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

16. The undersigned hereby requests approval by the Town of Almond Planning Board of the above identified subdivision:

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Date \_\_\_\_\_ Signature of Applicant \_\_\_\_\_

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(Do Not Write Below This Line)

Date Received and fee collected by Town Clerk:

Date	Fee	Town Clerk
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Action of the Planning Board: \_\_\_\_\_

Date of the Planning Board Action: \_\_\_\_\_

Changes Required: \_\_\_\_\_

Character and extent of required improvements and reservations: \_\_\_\_\_

CONDITIONAL APPROVAL OF PRELIMINARY PLAT GRANTED ON \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chairman, Town of Almond Planning Board

# ARTICLE III – PROCEDURE FOR FILING MAJOR SUBDIVISION APPLICATIONS

## CHECK OFF LIST

### Section 2 – Subdivision Plat

#### **A. Application Procedure**

Within six months of the conditional approval of the Preliminary Plat, the applicant shall file with the Planning Board an application for approval of a Subdivision Plat. The application shall:

1. Be made on forms provided by the Planning Board at the time of conditional approval of the Preliminary Plat.
2. Include the entire subdivision.
3. Be accompanied by three copies of the Subdivision Plat and the Construction Detail Sheets as described in Article VI, Section 3 of these Regulations.
4. Comply in all respects with the Preliminary Plat as conditionally approved.
5. Be presented to the Chairman of the Planning Board at least two weeks prior to a regular meeting of the Board in order that a public hearing may be scheduled and the required notice given.

#### **B. Official Submittal Date**

The Subdivision Plat shall be considered officially submitted only at the regular meeting of the Planning Board following completion of the application procedure outlined above.

#### **C. Endorsement of State Health Department**

The proposed Subdivision Plat shall be properly endorsed by the State Health Department as meeting the standards of the State Sanitary code, Public Health Law, or other applicable health code, before any public hearing is scheduled. The Plat should be in final form before State Health Department approval.

#### **D. County Official Map Notification**

The Planning Board will also, if the County has established a County Official Map, notify the Allegany County Planning Board and the County Superintendent of Highways or Commissioner of Public Works, if the Subdivision Plat proposes structures of new streets having frontage on, access to, or is otherwise directly related



to any County road, existing or proposed, as shown on the county Official Map. The County Planning Board reports to the Planning Board within thirty days on its approval or disapproval or on its approval subject to stated conditions of the proposed Subdivision Plat. The plat may be approved by the Town subject to stated conditions, notwithstanding such report, when the application of such report will act to deprive the owner of the reasonable use of his land.

**E. Public Hearing**

Before the Planning Board acts on any Subdivision Plat, it shall hold a public hearing thereon with thirty (30) days after the time of official submittal date in accordance with Section 276 of the Town Law. If any zoning changes are to be requested at the time of approval of the Subdivision Plat, a public hearing thereon must be held in accordance with Section 281 of the Town Law. The two Public hearings may be held at the same time.

**F. Action on Proposed Subdivision Plat**

After careful study, the Planning Board shall, within forty-five days from the public hearing on the Subdivision Plat, approve, modify, or disapprove such Plat. The grounds for disapproval of any Plat shall be stated on the records of the Planning Board. A subdivision Plat shall not be signed by the authorized officers of the Planning Board until the applicant has met all the conditions of the action granting approval of such Plat.

**G. Plat Void if Revised After Approval**

No changes, erasures, modification, or revision shall be made in any Subdivision Plat after approval has been given by the Board and endorsed, in writing, on the Plat. In the event that any Subdivision Plat, when recorded, contains any such changes, the Plat shall be considered null and void, and the Board shall institute proceedings to have said Plat stricken from the records of the County Clerk.

**H. Signing of Plat**

Every Subdivision Plat submitted to the Board for its approval shall carry the following endorsement:

“Approved by Resolution of the Planning Board of the Town of Almond, New York, on the \_\_\_\_\_ Day of \_\_\_\_\_, 19\_\_\_\_, subject to all requirements and conditions of said Resolution. Any change, erasure, modification, or revision of this Plat, as approved, shall void this approval.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

In the absence of the Chairman or Secretary, the Acting Chairman or Acting Secretary, respectively, may sign in his place. If there is a County Official Map, such endorsement shall stipulate that the Plat does not conflict with the County Official Map or, have access to, or is otherwise related to roads or drainage systems shown on the County Map, that such Plat has been approved by the County Planning Board in the manner specified by Section 239 – k of the General Municipal Law.

11/19/00

**TOWN OF ALMOND PLANNING BOARD  
APPLICATION FOR APPROVAL OF FINAL SUBDIVISION PLAT**

Application is hereby made for final approval of a Final Plat of a proposed subdivision as shown and described on the accompanying maps and documents:

1. Name or Identifying Title: \_\_\_\_\_

2. Applicant's Name \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

3. Date Conditional Approval of Preliminary Plat Received: \_\_\_\_\_

4. Does the Subdivision Plat follow exactly the Preliminary Plat in regard to details and area covered: \_\_\_\_\_

If not, indicate changes (attach additional sheets if necessary).

\_\_\_\_\_

5. Number of lots proposed for final approval: \_\_\_\_\_

6. Lists of maps and other material accompanying application and number of each:

a. \_\_\_\_\_ Transparent copy of the Plat

b. \_\_\_\_\_ Black on white prints

c. \_\_\_\_\_ Construction Detail Sheets

d. \_\_\_\_\_

e. \_\_\_\_\_

7. General Remarks: \_\_\_\_\_

**TOWN OF ALMOND PLANNING BOARD  
APPLICATION FOR APPROVAL OF FINAL SUBDIVISION PLAT**

8. The undersigned hereby requests approval by the Planning Board of the above identified Subdivision Plat.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

-----  
(Do Not Write Below This Line)

1. Date Received by Town Clerk: \_\_\_\_\_  
Date Signature-Town Clerk

2. Date of Public Hearing on Proposed Subdivision: \_\_\_\_\_

3. Date of Official Submission: \_\_\_\_\_  
(See Land Subdivision Regulations for Definition)

4. Endorsement of State Health Department: \_\_\_\_\_

5. Allegany County Planning Board and/or Highway Department  
action if applicable:

6. Required improvements installed and inspected by Town Engineer:

\_\_\_\_\_  
Date

7. Performance Bond posted for Required Improvements: \_\_\_\_\_  
Date

8. FINAL APPROVAL OF SUBDIVISION PLAT GRANTED ON  
\_\_\_\_\_, 20\_\_\_\_

9. Filed with the Allegany County Clerk on : \_\_\_\_\_, 20\_\_\_\_  
Official Number : \_\_\_\_\_