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TOWN OF ALABAMA

LAND SUBDIVISION REGULATIONS

LOCAL LAW NO. 3-2005
ADOPTED SEPTEMBER 12, 2005

ARTICLE I **DECLARATION OF POLICY**

By the authority of the resolution of the Town Board of the Town of Alabama on September 12, 2005.

Pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Alabama is authorized and empowered to approve Plats showing lots, blocks, or sites, with or without streets and highways, to approve development of entirely or partially undeveloped Plats already filed in the office of the Clerk of Genesee County and to conditionally approve Preliminary Plats within the Town of Alabama. It is declared to be the policy of the Planning Board to consider land Subdivision Plats as part of the plan for the orderly, efficient, and economical development of the Town. This means, among other things, the land to be subdivided shall be of 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 the drainage, water supply, sewage and other needed improvements, that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall comprise a convenient system conforming to the specifications set forth by the Town Superintendent of Highways and Town Engineer, if such exists, and shall be properly related to the proposals shown on the Comprehensive 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 fire-fighting equipment to buildings; and the proper provisions 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 Alabama Land Subdivision Regulations" have been adopted by the Planning Board on August 15, 2005 and approved by the Alabama Town Board on September 12, 2005.

ARTICLE II **DEFINITIONS**

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

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

Easement: Means authorization by a property owner for the use by another and for a specified purpose, of any designated part of his property.

Engineer, Licensed or Professional: Means a person licensed as a professional engineer by the State of New York.

Final Plat Approval: The signing of a plat in final form by a duly authorized officer of the Planning Board pursuant to a Planning Board resolution, granting final approval to the plat, or other conditions specified in a resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in the office of the Genesee County Clerk.

Formal Offer to Sell: Any offer to sell land which involves a form of public offering, including but not limited to real estate listings, auction listings, media advertising (printed, radio, television, etc.) or use of signs.

Lot, Tract or Parcel of Land: Any lot, tract, or parcel of land as the same existed, as of the date of the enactment of these regulations. The intension of this definition is to require that in determining the number of lots in any subdivision for the purpose of classifying the same as a Minor or Major Subdivision, or for determining whether these regulations shall apply, each subdivision of the Lot, Tract or Parcel of land subsequent to the enactment of these regulations shall be considered, even if such prior subdivision was not within the application of these requirements.

Major Subdivision: Any subdivision not classified as a minor subdivision, including, but not limited to, subdivision of ten or more lots, or any size subdivision requiring any new street or extension of municipal facilities.

Minor Subdivision: Any subdivision consisting of more than five (5) lots, but less than ten (10) lots all of which front 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 Law, if such exists, or these regulations.

Municipal Facility: Facilities operated by a municipality, governmental agency, or a public utility for the provision of potable water; collection, treatment and/or disposal of waste water; lighting, storm water and/or erosion control, or provision of/for transportation (streets, highways, etc.).

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, and any amendments thereto adopted by the Town Board, or additions thereto resulting from the approval of subdivision plats by the Planning Board, and subsequent filing of such approved plats.

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

Preliminary Plat: A drawing or drawings clearly marked “Preliminary Plat” showing the salient features of a proposed subdivision, as specified in Article VI Section 3 of these regulations, submitted to the Planning Board for the purposes of considering prior to submission of the final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

Preliminary Plat Approval: The approval of the layout of a proposed subdivision as set forth in a preliminary plat but subject to the approval of the plat in final form in accordance with the provisions of this Local Law.

Re-subdivision: Revision of all or part of any existing filed plat including consolidation of lots.

Sketch Plan: A sketch of a proposed subdivision showing information specified in Article VI, Section I of these regulations to enable the subdivider and the Planning Board to expeditiously reach general agreement as to the form of the layout and objectives of these regulations.

Street: Includes streets, roads, avenues, lanes, or other traffic ways, between right-of-ways.

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

Street Width: The width of right-of-way, measured at right angles to the center line of the street.

Subdivider: Any person, firm, corporation, partnership or association, who shall layout any subdivision or part thereof as defined herein, either for himself or other.

Subdivision: Division of land into lots shall include, but are limited to the division of land into five or more lots in a three year period, or the division into any number of lots when such lots: (1) do not front on an existing public street, (2) require the extension of municipal facilities, or (3) involve the creation of a lot, or lots, which would not comply with the Zoning Law. This definition shall apply when land is divided for the purpose, whether immediate or future, of transfer of ownership or development, and shall include re-subdivision. Once the division of land is determined to be a subdivision, the Town of Alabama Subdivision Regulations shall apply to all such lots, including any previous lots divided within the three year time period, regardless of whether said lots have been sold individually or collectively.

The three-year period shall commence running upon the final approval by the Planning Board of the first application to divide the original parcel. Public acquisitions by purchase of strips of land for the widening or opening of streets shall not be included within this definition nor subject to said subdivision regulations.

Once a subdivision has been created, any subsequent division of lots from the original tract of land, irrespective of when such division(s) occurs, shall be subject to review as a subdivision, unless such proposed lot(s) are greater one-half mile from any point on the boundary lines of a lot(s) created by previous subdivision.

Surveyor: A person licensed as a land surveyor by the State of New York.

Town Comprehensive Plan: A composite of the mapped and written proposals, or recommendations, as to the physical development of the Town, pursuant to Section 272-A of the Town Law, together with any additions or amendments thereto.

Town Engineer: An engineer designated by the Town, or such other person as the Town may designate to perform the functions of the Town Engineer under the provisions of these regulations.

Zoning Law: The officially adopted Zoning Law of the Town of Alabama together with all amendments thereto.

ARTICLE V **PROCEDURE FOR FILING SUBDIVISION APPLICATION**

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the Subdivider or his duly authorized agent shall apply, in writing, for approval of such proposed subdivision in accordance with the following procedures. These regulations shall not apply in the following cases:

1. The subdivision of land into four (4) or less than four (4) lots and not involving any new street, easement or extension of municipal facilities.
2. The subdivision of land, into parcels of more than five (5) acres for agricultural purposes, and not involving any new street or easement of access, and not involving extension of municipal facilities.

SECTION I **SKETCH PLAN**

A. Submission of Sketch Plans

Any owner of land shall, prior to subdividing or re-subdividing land, submit to the Planning Board, at least ten (10) days prior to the regular meeting of the Planning Board, six (6) copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of Article VI , Section 1, for the purpose of classification and preliminary discussion.

B. Discussion of Requirements and Classifications

The Subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewer, water supply, fire protection, and similar aspects, as well as the availability of existing services and pertinent information.

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 Planning 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, Section 2 of these regulations. If it is classified as a Major Subdivision, the Subdivider shall then comply with the procedures outlined in Article III, Section 3, Section 4, and Section 5.

C. Study of Sketch Plan

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

SECTION 2 **APPROVAL OF MINOR SUBDIVISION**

A. Application and Fee

Within six (6) months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the Subdivider shall submit an application for approval of a Subdivision Plat. Failure to do so shall require resubmission of the Planning Board for reclassification. The Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board. Said application shall also conform to the requirements listed in Article VI, Section 2A.

A fee, established by separate resolution of the Town Board, shall accompany all applications for Plat approval for Minor Subdivisions. This application shall be in addition to inspections fees herein after required.

B. Number of Copies

Six (6) copies of the Subdivision Plat shall be presented to the Planning Board at least ten (10) days prior to a scheduled monthly meeting of the Planning Board, by filing the same with the Town Clerk.

C. Subdivider to Attend Planning Board Meeting

The Subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Subdivision Plat.

D. When Officially Submitted

The time of submission of the Subdivision Plat shall be considered to be the date of the respective regular monthly meeting of the Planning Board. Ten (10) days, or more, prior to that meeting, the completed application and all data required by Article VI, Section 2 of these Regulations, shall have been filed with the Town Clerk, along with appropriate fees.

E. Public Hearing

The Planning Board shall hold a public hearing within sixty-two (62) days from time of submission of the Subdivision Plat for approval. Said hearing shall be advertised in a newspaper of general circulation in the town at least five (5) days before such hearing. The Town Board shall officially designate the newspaper.

F. Action on Subdivision Plat

The Planning Board, shall within sixty-two (62) days from the date of the public hearing, approve with or without modifications, or disapprove the Subdivision Plat.

SECTION 3 **PRELIMINARY PLAT FOR MAJOR SUBDIVISIONS**

A. Application and Fee

Prior to the filing of an application for the approval of a Major Subdivision Plat, the Subdivider shall file an application, available from the Town Clerk, for the consideration of a Preliminary Plat of the proposed subdivision, in the form described in Article VI, Section 3, hereof. The Preliminary Plat shall, in all respects, comply with the requirements set forth in the provisions of Section 276 and 277 of the Town Law, and Article V, Section 3, of these Regulations, except where a waiver may be specifically authorized by the Planning Board.

The application for conditional approval of the Preliminary Plat shall be accompanied by the required fee (See Fee Schedule).

B. Number of Copies

Six (6) copies of the Preliminary Plat shall be presented to the Planning Board at least ten (10) days prior to the respective regular monthly meeting of the Planning Board.

C. Coordination With The State Environmental Quality Review Act

The Subdivider shall comply with State Environmental Quality Review Act (SEQRA) pursuant to the determination by the Planning Board.

D. Receipt of a Complete Preliminary Plat

A Preliminary Plat shall not be considered complete until six (6) copies of the Preliminary Plat, accompanied by the required fee and all other data required by Article VI, Section 3 hereof, has been filed with the Planning Board and a Negative Declaration has been filed or until a notice of completion of the Draft Environmental Impacts Statement has been filed in accordance with the Preliminary Plat shall begin upon filing of such Negative Declaration or such notice of completion.

E. Subdivider to Attend Planning Board Meetings

The Subdivider, or his/her duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plat.

F. Study of Preliminary Plat

The Planning Board shall stud the practicability of the Preliminary Plat taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan, the Official Map, and Zoning Law.

G. Planning Board Lead Agency Under the State Environmental Quality Review Act; Public Hearing; Notice; Decision

1. Public Hearing on Preliminary Plats - The time within which the Planning Board shall hold a public hearing on the Preliminary Plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act as follows:

a. If such board determines that the preparation of and Environmental Impact Statement on the Preliminary Plat is not required, the public hearing on such Plat shall be held within sixty-two (62) days after receipt of a complete Preliminary Plat by the Planning Board.

b. If such board determines that an Environmental Impact Statement is required, and a public hearing on the Draft Environmental Impact Statement is held, the public hearing on the Preliminary Plat and the Draft Environmental Impact Statement shall be held jointly within sixty-two (62) days after filing of the notice of completion of such Draft Environmental Impact Statement in accordance with the provisions of the State Environmental Quality Review Act.

2, Public Hearing; Notice; Length - The hearing on the Preliminary Plat shall be advertised at least once in the official newspaper so designated by the Town Board at least five (5) days before the hearing, if no hearing is held on the Draft Environmental Impact Statement, or fourteen (14) days before a hearing held jointly therewith. The Planning Board shall send, by regular mail, a copy of the notice of public hearing to all owners of property situated within five hundred (500) feet of the subject of the Preliminary Plat at least fourteen (14) days before the date of the hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such Preliminary Plat. The hearing on the Preliminary Plat shall be closed upon motion of the Planning Board within one hundred twenty (120) days after it has been opened.

3. Decision - The Planning Board shall approve, with or without modifications, or disapprove such Preliminary Plat as follows:

a. If the Planning Board determines that the preparation of and Environmental Impact Statement on the Preliminary Plat is not required, such Board shall make its' decision within sixty-two (62) days after close of the public hearing, or

b. If the Planning Board determines that an Environmental Impact Statement is required, and a public hearing is held on the Draft Environmental Impact Statement, the Final Environmental Impact Statement shall be filed within forty-five (45) days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. Within thirty (30) days of the filing of such final Environmental Impact Statement, the Planning Board shall issue findings on the Final Environmental Impact Statement and make its' decision on the Preliminary Plat.

4. Grounds for Decision - The grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a Preliminary Plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the Plat in final form.

H. Planning Board Not As Lead Agency Under the State Environmental Quality Review Act; Public Hearing; Notice; Decision

1. Public Hearing on Preliminary Plats – The Planning Board shall, with the agreement of the Lead Agency, hold the public hearing on the Preliminary Plat jointly with their Lead Agency’s hearing on the Draft Environmental Impact Statement. Failing such agreement, the Planning Board shall hold the public hearing on the preliminary plat within sixty-two (62) days after receipt of a complete Preliminary Plat by the Planning Board.

2. Public Hearing; Notice; Length – The hearing on the Preliminary Plat shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before such hearing is held independently of the hearing on the Draft Environmental Impact Statement, or fourteen (14) days before a hearing held jointly therewith. The Planning Board shall send, by regular mail, a copy of the notice of public hearing to all owners of property situated within five hundred (500) feet of the property which is the subject of the Preliminary Plat, at least fourteen (14) days before the date of the hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such Preliminary Plat. The hearing on the Preliminary Plat shall be closed upon motion of the Planning Board within one hundred twenty days (120) after it has been opened

3. Decision – The Planning Board shall, by resolution, approve with or without modification or disapprove the Preliminary Plat within sixty-two (62) days after the close of the public hearing on such Preliminary Plat.

a. If the preparation of an Environmental Impact Statement on the Preliminary Plat is not required, the Planning Board shall make its decision within sixty-two (62) days after the close of the public hearing on the Preliminary Plat.

b. If an Environmental Impact Statement is required, the Planning Board shall make its’ own findings and its decision on the Preliminary Plat within sixty-two (62) days after the close of the public hearing on such Preliminary Plat or within thirty (30) days of the adoption of findings by the Lead Agency, whichever period is longer.

4. Grounds for Decision – The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a Preliminary Plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the Plat in final form.

I. Certification and Filing of Preliminary Plat – Within five (5) business days of the adoption of the resolution granting approval of such Preliminary Plat, the Chairman of the Planning Board shall certify such approved Plat and a copy of the Plat and resolution shall be filed with the Town Clerk. A copy of the resolution shall be mailed to the Subdivider.

J. Default Approval of Preliminary Plat – The time periods herein within which a Planning Board must take action on a Preliminary Plat are specifically intended to provide the Planning Board and the public adequate time for review and to minimize delays in the processing of Subdivision applications. Such periods may be extended only by mutual consent of the Subdivider and the Planning Board. In the event the Planning Board fails to take action on a Preliminary Plat within the time prescribed, therefore, after completion of all requirements under the State Environmental Quality Review Act, or within such extended period as may have been established by the mutual consent of the Subdivider and the Planning Board, such Preliminary Plat shall be deemed granted approval. The Subdivider may request a letter from the Planning Board stating the date of submission of the Preliminary Plat and the failure of the Planning Board to take action within the prescribed time. Such letter shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

K. Filing of Decision on Preliminary Plat – Within five (5) business days from the date of the adoption of the resolution approving the Preliminary Plat, the Chairman or the duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Town Clerk.

L. Revocation of Approval of Preliminary Plat – Within six (6) months of the approval of the Preliminary Plat, the Subdivider must submit the Plat in final form. If the Final Plat is not submitted within six (6) months, the Planning Board may revoke approval of the Preliminary Plat.

M. Additional Considerations for Approval of Preliminary Plat – When granting approval of the Preliminary Plat, the Planning Board shall state the terms of such approval, if any, with respect to:

1. The modifications to 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;

2. The character and extent of the required improvements for which waivers may have been requested and which in its' opinion may be waived without jeopardy to the public health, safety, morals, and general welfare;

3. The amount of improvement or the amount of all bonds (Section V-Paragraph A), therefore, which it will require as prerequisite to the approval of the Subdivision Plat. Approval of a Preliminary Plat shall not constitute approval of the Subdivision Plat, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Plat, which will be submitted for approval by the Planning Board and for recording upon fulfillment of the requirements of these regulations. Prior to approval of the 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

SECTION 4

FINAL PLAT FOR MAJOR SUBDIVISIONS

C. Application for Approval and Fee

The Subdivider shall, within six (6) months after the conditional approval of the Preliminary Plat, file with the Planning Board an application for the approval of the Subdivision Plat in final form, using the approved application. A fee shall accompany all applications for Plat approval for Major Subdivisions. If the Final Plat is not submitted within six (6) months after the conditional approval of the Preliminary Plat, the Planning Board may refuse to approve the final plat and require re-submission of the Preliminary Plat. Final Plats may require further review under the State Environmental Quality Review Act.

B. Number of Copies

A Subdivider intending to submit a proposed Subdivision Plat for the approval of the Planning Board shall provide the Board with a copy of the application and six (6) copies on staple based material plus one (1) mylar copy of the Plat, the original and one (1) true copy of all offers on cession, covenants, and agreements, at least ten (10) days in advance of the regular monthly Planning Board meeting at which it is to be officially submitted.

D. When Officially Submitted

The time of submission of the subdivision plat shall be considered to be the date of the respective regular monthly meeting of the Planning Board. Ten (10) days, or more, prior to the meeting, the completed application for approval of the Subdivision Plat and all data required by Article VI, Section 4, of these regulations shall have been filed with the Town Clerk along with the proper fees. In addition, if the applicant elects to construct any or all required improvements (as specified in Article III Section 5-A-2, hereof), the Town Engineer must file a certificate with the Planning Board stating that these improvements have been satisfactorily installed before the Final Subdivision shall be considered officially submitted.

D. Endorsement of State and County Agencies

Water and sewer facility proposals contained in the Subdivision Plat shall be properly endorsed and approved by the Genesee County Department of Health and/or NYSDEC. Application for approval of plans for sewer or water facilities will be filed by the Subdivider with all necessary Town, County and State agencies. The Subdivider, before official submission of the final Subdivision Plat, shall secure endorsement and approval by the Genesee County Department of Health

E. Final Plats Which Are In Substantial Agreement With Approved Preliminary Plats

When a Final Plat is submitted which the Planning Board deems to be in substantial agreement with a Preliminary Plat approved pursuant to this section, the Planning Board shall, by resolution, conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such Plat, within sixty-two (62) days of its' receipt by the Planning Board.

F. Receipt of Complete Final Plat; When No Preliminary Plat is Required To Be Submitted

When no Preliminary Plat is required to be submitted, a Final Plat shall not be considered complete until a Negative Declaration has been filed or until a Notice of Completion of the Draft Environmental Impact Statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for review of such Plat shall begin upon filing of such Negative Declaration or such Notice of Completion.

G. Final Plats; Not In Substantial Agreement With Approved Preliminary Plats or When No Preliminary Plat Is Required To Be Submitted

When a Final Plat is submitted, which the Planning Board deems not to be in substantial conformity with a Preliminary Plat approved pursuant to this section, or when no Preliminary Plat is required to be submitted and a Final Plat clearly marked "Final Plat" is submitted conforming to the definition provided by this section, the following shall apply:

a. Planning Board As Lead Agency, Public Hearing; Notice; Decision

a. Public Hearing on Final Plats – The time within which the Planning Board shall hold a public hearing on such final plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act, as follows:

1. If such Board determines that the preparation of an Environmental Impact Statement is not required, the public hearing on a Final Plat not in substantial conformity with a Preliminary Plat, or on a Final plat when no Preliminary Plat is required to be submitted, shall be held within sixty two (62) days after the receipt of a complete Final Plat by the Planning Board; or

2. If such Board determines that an Environmental Impact Statement is required, and a public hearing on the Draft Environmental Impact Statement is held, the public hearing on the Final Plat and the Draft Environmental Impact Statement shall be held jointly within sixty-two (62) days after the filing the Notice of Completion such Draft Environmental Impact Statement in accordance with the provisions of the State Environmental Quality Review Act.

b. Public Hearing; Notice; Length – The hearing on the Final Plat shall be advertised at least once in the official newspaper so designated by the Town Board at least fourteen (14) days before a hearing held jointly therewith. The Planning Board shall send, by regular mail, a copy of the notice of public hearing to all owners of property situated within five-hundred (500) feet of such property which is subject of the Preliminary Plat at least fourteen (14) days before the date of the hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for the full public consideration of such Final Plat. The hearing on the Final Plat shall be closed upon motion of the Planning Board within one hundred twenty (120) days after it has been opened.

H. Approval and Certification of Final Plats

1. Certification of Plat – Within five (5) business days from the adoption of the resolution granting conditional or final approval of the Final Plat, such Plat shall be certified by a duly authorized officer of the Planning Board that conditional or final approval has been granted. A copy of such resolution and Plat shall be filed with the Planning Board. A copy of the resolution shall be mailed to the Subdivider. In the case of a conditionally approved Plat, such resolution shall include a statement of the requirements which when completed will authorize the signing thereof. Upon completion of such requirements the Final Plat shall be signed by said duly authorized officer of the Planning Board and a copy of such signed Plat shall be filed in the office of the Town Clerk.

2. Approval of Plat in Sections – In granting conditional or final approval of a Plat in final form, the Planning Board may permit the plat to be subdivided and developed in two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to ensure the orderly development of the Plat be completed before said sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of the Final Plat may be granted concurrently with conditional or final approval of the entire Plat, subject to any requirements imposed by the Planning Board.

3. Duration of Conditional Approval of Final Plat – Conditional approval of the Final Plat shall expire within one hundred eighty (180) days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The Planning Board may extend, by not more than two (2) additional periods of ninety (90) days each, the time in which a conditionally approved Plat must be submitted for signature if, in the Planning Board’s opinion, such extension is warranted by the particular circumstances.

I. Default Approval of Final Plat – The time periods herein within which the Planning Board must take action on a Final Plat are specifically intended to provide the Planning Board and the public adequate time for review and to minimize delays in the processing of Subdivision applications. Such periods may be extended only by the Planning Board, if such extension is appropriate to permit the public adequate time to review the Final Plat. In the event a Planning Board fails to take action on a Final Plat within the time prescribed therefore after completion of all requirements under the State Environmental Quality Review Act, or within such extended period as may have been established by the mutual consent of the Subdivider and the Planning Board, such Final Plat shall be deemed granted approval. The certificate of the Town Clerk as to the date of submission of the Final Plat and the failure of the Planning Board to take action within the prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

J. Filing of Decision on Final Plat – Within five (5) business days from the date of the adoption of the resolution approving the Final Plat, the Chairperson or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Town Clerk.

K. Notice To Genesee County Planning Board – The Chairman of the Planning Board shall refer all applicable Preliminary and Final Plats to the Genesee County Planning Board as provided for in Section 239 of the General Municipal Law and authorized by the Genesee County Legislature.

L. Expiration of Approval – The Subdivider shall file in the Office of the Genesee County Clerk such approved Final Plat or a section of such Plat within sixty-two (62) days from the date of final approval, or such approval shall expire. The following shall constitute final approval: the signature of the Chairperson or other duly authorized officer of the Planning Board following final approval by the Planning Board of a Plat as herein provided; or the approval by such board of the development of a Plat or Plats already filed in the Office of the Genesee County Clerk, if such Plats are entirely or partially underdeveloped; or the certificate of the Town Clerk as to the date of the submission of the Final Plat and the failure of the Planning Board to take action within the time herein provided. In the event the Subdivider shall file only a section of such approved Plat in the Office of the Genesee County Clerk, the entire approved Plat shall be filed within thirty (30) days of the filing of such section with the Town Clerk. Such

section shall encompass at least ten percent (10%) of the total number of lots contained in the approved Plat and the approval of the remaining sections of the approved Plat shall expire unless said sections are filed before the expiration of the exemption period to which such Plat is entitled under the provisions of Subsection 2 of Section 265-a of NYS Town Law.

M. Subdivision Abandonment – The owner of an approved subdivision may abandon such subdivision pursuant to the provisions of Section 560 of the Real Property Tax Law.

SECTION 5 **REQUIRED IMPROVEMENTS**

A. Improvements and Performance Bond

Before the Planning Board grants final approval of the Subdivision Plat, the Subdivider shall follow the procedure set forth in either sub-paragraph (1) or sub-paragraph (2) below:

1. The Planning Board, may require the applicant and/or owner to post and file with the Town Clerk, a maintenance and/or performance bond or other form of security acceptable to the Town Attorney, in an amount sufficient to cover construction or remediation costs associated with said Subdivision in an amount recommended by the Planning Board and authorized by the Town Board. The amount required shall be based upon the unique characteristics of the Subdivision. In furtherance of the foregoing, the applicant and/or owner shall cooperate with the Town Board in supplying all necessary construction and maintenance data prior to approval of final approval of the Subdivision Plat.

2. The Subdivider shall complete all required improvements to the satisfaction of the Town Engineer, 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 Town Clerk a performance bond or letter of credit covering the costs of such improvements and the cost of adequately installing any improvement not approved by the Town Engineer. Any such performance bond shall be satisfactory to the recommendation of the Town Planning Board and Town Attorney as to form, sufficiency, manner of execution and surety.

3. The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Engineer 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 subparagraph (2), 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 performance bond or letter or credit for all required improvements as specified in subparagraph (1), such bond or letter of credit shall not be released until such map is submitted.

B. Modification of Design Improvements

If at any time before or during the construction of the required Improvements, it is demonstrated to the satisfaction of the Town Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such requirement improvements, the Town Engineer may, upon approval by a previously delegated member of the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Town Engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board at the next regular meeting.

C. Inspection of Improvements

At least five (5) days prior to commencing construction of required improvements the Subdivider shall pay to the Town Clerk the inspection fee required by the Town Board (See Fee Schedule) and shall notify the Code Enforcement Officer and/or Building Inspector of the time when he/she proposes to commence construction of such improvements so that the inspection can be made to insure that all Town Specifications and Requirements have been met during the construction of the required improvements, and to ensure the satisfactory completion of improvements and utilities required by the Planning Board.

D. Proper Installation of Improvements

If the Town Engineer shall find, upon inspection of the Performance Bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the Subdivider, he shall so report to the Town Board, Zoning Enforcement Officer, Code Enforcement Officer/Building Inspector, and Planning Board. The Town Board then shall notify the Subdivider and, if necessary, the bonding company and take all necessary steps to preserve the Town's rights under the Performance Bond. The Planning Board shall approve no Plat as long as the Subdivider is in default on a previously approved Plat.

SECTION 6 **FILING OF APPROVED SUBDIVISION PLAT**

A. Final Approval and Filing

Upon completion of requirements in Sections 4 and 5 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 must be filed by the applicant in the Office of the County Clerk. any Subdivision Plat not so filed or recorded within sixty (60) days of the date upon which such plat is approved or considered approved, by reason of the failure of the Subdivider to act, shall result in the expiration and revocation of such approval, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension, which shall not exceed two (2) additional periods of ninety (90) days. Evidence of filing or recording shall be presented to the Town Clerk.

B. Plat Void if Revised After Approval

No change, erasure modification, or revision shall be made in any Subdivision Plat after approval by the Planning Board endorsed in writing on the Plat, unless the Plat is resubmitted to the Planning Board and any modification approved is added to the endorsement. In the event that any Subdivision Plat is recorded without complying with this requirement, the same shall be null and void and the Town Board may take court action to have said Plat stricken from the records of the County Clerk.

SECTION 7 **PUBLIC STREET, 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 Town of any street, easement, or other open space shown on such Subdivision Plat.

B. Ownership and Maintenance of Recreation Areas

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

SECTION 8 **APPLICATION OF SECTION 278 OF NYS TOWN LAW**

The Planning Board is hereby authorized, in its discretion, to approve Cluster Development simultaneously with the approval of a Plat or Plats or plans pursuant to these Regulations. Such discretion, shall be exercised by the Planning Board in situations where it believes that application of Cluster Development is to the benefit of the Town. The purpose of Cluster Development is to enable and encourage feasibility of design and development of land in such a manner as to preserve the natural and scenic qualities of local land.

Approval of Cluster Development shall be subject to the conditions set forth in Section 278 of NYS Town Law and this Local Law as follows:

A. Applicable Zoning Districts

Clustering shall be permitted only in those Zoning Districts where it is allowed under the Zoning Law.

B. Permitted Number of Building Lots or Dwelling Units

A Cluster Development shall result in a permitted number of building lots or dwelling units which shall not exceed the number that would be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the Town's Zoning Law for the District or Districts in which such land is situated and all other applicable requirements. Where the Plat falls into two (2) or more contiguous Districts, however, the Planning Board may approve a Cluster Development representing the cumulative density as derived from the summing of all units allowed in all such Districts, and may authorize actual construction to take place in all or any portion of one or more such districts.

C. Conditions on the Ownership, Use and Maintenance of Open Lands

The Planning Board as a requirement of Plat approval may establish such conditions for the ownership, use and maintenance of such open lands shown on the Plat as deemed necessary to assure the preservation of the natural and scenic qualities of such lands. Any such conditions shall be approved by the Town Board before the Plat may be approved for filing.

D. Plat Requirements

The Plat showing a Cluster Development may include areas in which structures may be located, height and spacing of buildings, open spaces and their landscaping, off street, open and enclosed parking places, streets, driveways, and other features required by the Planning Board. In case of a Residential Plat or Plats, the

dwelling units permitted may be, at the discretion of the Planning Board, un-detached, semi-attached or multi-storied structures.

E. Procedures To Be Followed For Cluster Developments

1. A Subdivider may request the use of Clustering simultaneously with or subsequent to presentation of the Sketch Plan as provided in Article III, Section 1. However, any such request subsequent to Preliminary Plat approval, shall require a re-application for Sketch Plan Review.

2. A Subdivider shall present along with his request for Clustering, a standard Sketch Plan consistent with the criteria established by these Regulations including, but not limited to, streets being consistent with the Zoning Law.

3. If the application for Clustering results in a Final Plat showing land available for park, recreation, open space, or other municipal purposes, directly related to the Sketch Plan, then conditions as to ownership, use and maintenance of such lands necessary to assure the preservation of such lands for their intended purposes shall be made by the Planning Board and subject to Town Board approval.

4. Upon a determination by the Planning Board that such Sketch Plan complies with the Clustering requirements set forth herein, a Preliminary Plat also meeting such requirements shall be presented to the Planning Board, and thereafter the Planning Board shall proceed in accordance with these Regulations.

5. The proposed Cluster Development shall be subject to review at a public hearing or hearings as required by these Regulations for approval of plats.

6. On the filing of a Final Plat in the Office of the Genesee County Clerk, a copy shall be filed with the Town Clerk, who shall cause to make appropriate notations and references thereto on the Town's Zoning Map. The Town Clerk shall notify the Planning Board, Zoning Enforcement Officer and Code Enforcement Officer/Building Inspector when such Plat is filed.

7. The provisions of this Section shall not be deemed to authorize a change in the permissible use of lands as provided in the Town's Zoning Law.

ARTICLE IV **DESIGN STANDARDS**

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

SECTION 1 **GENERAL CONDITIONS**

A. Character of Land

Land to be subdivided shall be of such character that it can be used safely for intended purposes without danger to health or peril from fire, flood or other menace.

B. Conformity to Official Map or 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.

SECTION 2 **DESIGN STANDARDS OF IMPROVEMENTS**

A. Streets

The following regulations shall govern the layout of streets:

1. Subdivisions shall be so designed as to provide a street pattern that is curvilinear in design. The design of the street pattern shall be based upon a local 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 extension where adjoining land is not subdivided, at the same or greater width, as may be deemed necessary for public requirements.

3. Local residential streets shall be designed to discourage through traffic.

4. The width of all street right-of-ways shall be measured at right angles or radial to the centerline of the street and shall be measured at right angles or radial to the centerline of the street and shall not be less than 49.5 feet in width. Streets shall have a minimum of two lanes, each of which shall be ten feet or wider as specified by the Town Highway Superintendent.

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 and Town Engineer.

6. Streets shall be designed and constructed in compliance with The Town of Alabama "Requirements for Subdivision Streets and/or Roads".

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 shall apply to cul-de-sac streets:

a. A cul-de-sac should be designed and graded, if possible, so that It drains towards its’ entrance.

b. Unless there is the expectation of extending the street through to the adjoining property, a cul-de-sac street shall not be placed so that it backs on the property line of the Subdivision.

c. A cul-de-sac should not exceed five hundred feet In length, as measured from the centerline of the street at the open end to the radius point of the turn around.

d. All cul-de-sac shall have a turn around at the end of the street, which shall have a right-of-way radius of eight feet. The curb at the turn shall have a minimum radius of seventy (70) feet.

9. If a dead end street is of a temporary nature, a turn around shall be provided and provisions made for future extension of the street and the revision of the excess right-of-way of such temporary turnaround 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 and Town Engineer 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. Arterial streets shall not intersect with local residential streets and residential collector streets less than eight hundred feet apart, measured from centerline to centerline.

13. To avoid confusion, no street shall have a name which will duplicate or nearly duplicate as to be confused with the name of an existing street. The continuation of an existing street shall have the same name. All proposed street names are subject to approval of the Planning Board, which may consult with such sources as the U.S. Postal Service, Genesee County Emergency Dispatch Center, State and County Law Enforcement Agencies.

14. The minimum radius of horizontal curve, minimum length of

vertical curves shall be designated so as to be acceptable to the Town Highway Superintendent and Town Engineer, and said items shall be approved prior to the final approval of the Subdivision Plat by the Planning Board.

15. New streets shall be located to provide adequate sight distance on any adjacent street in both directions from the interior street in accordance with the current edition of the American Association of State Highway and Transportation Officials.

16. New streets shall not be placed so as to intersect another street directly opposite on existing residence.

B. Lots

The following regulations shall govern the layout of lots:

1. All lots shown on the Subdivision Plat must conform to the Zoning Law as to area and dimensions, for the zone in which the Subdivision is located. In the event Section 281 of the Town Law is utilized, however, the Planning Board may use discretion in determining lot sizes.

2. Each lot shall abut on a street in the Subdivision Plat or an existing public street.

3. Corner lots shall be of sufficient size to meet the minimum building line, lot width and yard setback requirements of the Zoning Law for each street.

4. Where extra widths have been provided/dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.

5. Sidelines of lots shall be at right angles to straight streets, and radial to curved streets.

c. Where there is a question as to the suitability of a lot or lots for heir intended use due to factors such as rock formation, flood conditions or similar circumstances, the Planning Board may, after investigation, withhold approval of such lots.

d. Block length and width, or acreage within boundary roads, shall be sufficient to meet the lot area requirements of the Zoning Law and to provide for the convenient access, circulation control and safety of street traffic.

e. Lots intended for commercial or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and Delivery facilities.

C. Utility Easements

Easements shall be provided for utilities where they do not fall within a dedicated right-of-way. All such easements shall be plotted on the sketch plan, Preliminary Plat and Subdivision Plat. Unless otherwise provided in this section, easements shall have a minimum width of twenty (20) feet. To the extent possible, such easements shall be centered on or adjacent to rear or side lot lines. Also, all utilities, 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 service.

D. Storm Water Drainage, Erosion and Sediment Control Measures and Easements

The Planning Board shall refer all residential subdivision proposals to the Genesee County Soil and Water Conservation District (SWCD) and the Town Engineer, for their review as to the acceptability of proposed drainage, erosion and sediment control measures both during construction phases and after completion. Such review shall be based upon U.S. Soil Conservation Service TR-55 system or an acceptable equivalent. All easements deemed necessary to maintain either natural, or man-made, storm water drainage, erosion and/or sediment control measures shall be provided and plotted accordingly on the Subdivision Plat.

E. Landscaping and Ground Cover

1. All areas which are not covered by structures or paving shall be properly seeded or landscaped by the Subdivider or owner pursuant to plan, and maintained by the owner thereof.

2. Each lot shall be provided with a minimum of two trees of a size and species that is acceptable to the Planning Board. This requirement may be waived by the Planning Board in wooded areas where the Subdivider intends to maintain existing trees.

3. Individual landowners may, by written agreement with the Subdivider and/or builder, seed and landscape their own areas. The Planning Board may waive these requirements if circumstances allow.

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 protect the Subdivision for the visually incompatible use.

F. Preservation of Natural Features

1. Topsoil moved during the course of construction shall be redistributed so as to provide a minimum depth of six inches to 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.

2. 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 New York State Environmental Conservation Law.

3. 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.

4. All surfaces, including hills or mounds of dirt, shall be removed and/or restored within six (6) months of the time of the completion. This requirement shall apply only to completed sections of Subdivision.

5. The Subdivider shall not be permitted to leave any surface depressions which will collect pools of water, except whether needed for proper drainage..

6. No tree with a diameter of eight inches or more as measured three feet above the base of the trunk shall be removed unless the tree is within the right-of-way of a street as shown on the Final Plat. Removal of additional tress shall be subject to approval of the Planning Board.

G. Floodplains

1. Mapping – If any portion of the land within the Subdivision is subject to inundation or flood hazard by storm water, such face and area shall be clearly delineated on the Preliminary Plat and Final Plat.

2. Use – Land subject to flooding, and land deemed by the Planning Board to be otherwise uninhabitable, shall not be platted for residential occupancy or for such other uses so as to increase danger to health, life or property, or aggravate the flood hazard.

H. Self-imposed Restrictions

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

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 Town's recreation or master plans, if any, or otherwise where the Planning Board deems that such reservations would be appropriate. Each reservation shall be of an area equal to ten (10) percent of the total land area within the Subdivision. The area to be preserved shall possess the suitable topography, general character and adequate road access necessary for its recreational purposes.

2. Where it is determined that land is to be set aside for parks, playgrounds, open space or other recreational purposes, such site shall be graded, loamed, and seeded and the Planning Board may require fencing.

3. The Planning Board may waive the requirement for including land for recreational purposes if such land cannot be properly located in the Subdivision, or if the Planning Board is of the opinion that such use is not desirable.

4. In such event, the Planning Board shall then require a payment to the Town per gross acre of land that would have otherwise been acceptable as a recreational site as provided for in NYS Town Law Section 277. This "per gross acre" recreational fee shall be established by separate resolution of the Town Board.

Article V **Improvements**

As to completion of necessary improvements and security to be provided therefore, see Article III, Section 5.

As to waiver of improvements, see Article VIII.

Section 1 **General Improvements**

A. Streets

All streets shall be constructed, graded and paved in accordance with specifications established by the Town of Alabama "Requirements for Subdivision Streets and/or Roads".

B. Storm Drains

Storms drains, culverts, catch basins and other drainage structures shall be located and installed in accordance with the Subdivision Plat approved by the Planning Board. All such construction, basins, culverts and pipe shall comply with the storm water drainage, erosion and sediment control plan required in Article IV, Section 2, Subsection D and any applicable provisions of the Town of Alabama “Requirements for Subdivision Streets and/or Roads”.

C. Signs

Traffic control and street signs shall be constructed and installed in conformity with the “Manual on Uniform Traffic Control Devices” (MUTCD) together with any additional requirements specified by the Town Highway Superintendent and/or the Planning Board.

D. Lighting

Street lighting facilities shall be provided along all streets in the Subdivision and along all streets upon which the subdivision abuts, when and where required by the Planning Board and acceptable to the Town Board.

E. Wastewater Treatment Systems

All wastewater treatment systems shall be installed in accordance with plans approved by the Genesee County Health Department. Such systems shall provide each residence and other structures containing plumbing fixtures with an adequate and safe method of wastewater treatment. Where a public wastewater system is not available, an adequate private wastewater treatment system, approved by Genesee County Health Department, shall be provided.

F. Water Supply Systems

All water supply systems shall be installed pursuant to plans approved by the Genesee County Health Department. Such systems shall be designed to provide a sufficient supply of potable water, under adequate pressure, to all outlets, including, but not limited to, residences, other structures, drinking fountains, and hose connections and hydrants. Where a public water supply system is not available, an adequate private water supply system, approved by the Genesee County Health Department, shall be provided.

G. Monuments

1. Property boundary monuments shall be of concrete, stone or other material acceptable to the Planning Board. Monuments shall not be less than six (6) inches in diameter, thickness or width. Concrete monuments shall be reinforced with metal. All monuments shall not be less than forty-two (42) inches in length and set

vertically with the top of the monument flush with the top of the improved ground. The final monuments shall be installed prior to completion of final grading.

Property boundary monuments shall be required for each subdivision. Monuments shall be set in the out boundaries of the land subdivided, at each point where there is a change of alignment. Except where the boundary is a watercourse, the monuments shall be offset in the line of the adjacent traverse.

Two street boundary monuments shall be set at diagonally opposite corners of each street intersection; also on one side of a curve in a street at the point of tangency and at the point of curvature.

2. Each lot in the Subdivision shall be referenced by two markers located at the intersection of the side boundary line of the lot and the front property line. Lot boundary line markers shall be of metal rod or pipe not less than three-quarters inch in diameter and twenty-four inches in length and driven so that the top of the marker is flush with the level of improved ground.

3. A letter from a NYS Licensed Land Surveyor shall be provided by the Subdivider to the Planning Board certifying that all monuments are installed as shown in the approved Subdivision Plat.

SECTION 2 **PERMITTED MODIFICATIONS**

A. Curbing and Sidewalks

Concrete curbing may be omitted, and in lieu thereof, rolled gutters or other means for controlling storm waters may be constructed as may be acceptable to the Town Engineer, the Town Highway Superintendent and the Planning Board.

Where curbing and/or sidewalks are not provided, adequate provisions for the protection of the edge of the road pavement and graded shoulders, at all driveway opening and other access ways, shall be provided in a manner approved by the Town Engineer and the Planning Board.

Where sidewalks and curbing are not provided, grass curb strips shall not be required. However, grading and permanent seeding of the area between the pavement edge, shoulder or approved drainage structure and the front property line of the lot shall be provided.

B. Fire Hydrant

Where adequate water mains are neither existing, nor proposed to be available to the Subdivision, fire hydrants may be omitted.

Article VI

DOCUMENTS TO BE SUBMITTED

SECTION 1

Sketch Plan

A. Requirements

The sketch plan initially submitted to the Planning Board shall be based on the 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 sheet. The sketch plan shall be submitted, showing the following information:

1. The location of that portion 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 area 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 10 feet.
3. The name of the record owner and record owners of all adjacent property(s) as disclosed by the most recent municipal tax records.
4. The tax map sheet, block and lot numbers, if available. All utilities available and/or proposed including easements thereof, and all streets which are either existing, proposed, or shown on the official map, if any.
5. The proposed pattern of lots (including lot width and depth), street layout, recreation areas, system of drainage, wastewater treatment, and water supply within the area to be subdivided.
6. All existing and proposed restrictions on the use of land including easements, covenants, or zoning lines.

SECTION 2

MINOR SUBDIVISION PLAT

In case of a Minor Subdivision only, the Subdivision Plat application shall include the following information:

- a. Copies of such covenants or deed restrictions as are intended to cover all or part of the tract.

b. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed Land Surveyor. The corners of tract shall also be located on the ground marked by monuments as approved by the Town Engineer, and shall be referenced and shown on the Plat.

c. All on site sanitation and water supply facilities shall be designed to meet the minimum specification of the State Board of Health, and a note to this effect shall be stated on the Plat and signed by a licensed engineer.

d. Proposed Subdivision name, name of the Town and County in which it is to be located.

e. The date, north point, map scale, name and address of the record owner and Subdivider.

f. The Plat to be filed with the County Clerk as per County requirements as per size and material.

SECTION 3 MAJOR SUBDIVISION PRELIMINARY PLAT AND ACCOMPANYING DATA

In the case of a major Subdivision Plat, the following documents shall be submitted for Plat approval.

A. Six (6) copies of the Preliminary Plat prepared at a scale (preferably not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet showing:

1. Proposed Subdivision name, name of Town and County in which it will be located, date, true north point, scale, name and address of record owner, Subdivider and Engineer or Surveyor, including license number and seal.

2. The name of all name of all Subdivisions immediately adjacent and the name of the owners of record of all adjacent property.

3. Zoning District, including exact boundary lines of districts, if more than one district, and any proposed changes in the zoning district lines and/or the Zoning Law text applicable to the area to be subdivided.

4. All parcels of land proposed to be dedicated to the public use and the conditions of such dedications.

5. Location of existing property lines, easements, buildings, water courses, marshes, rock outcrops, wooded areas, single trees with a diameter of eight (8) inches or more as measured three (3) feet above the base of the

trunk, and other significant existing features for the proposed Subdivision and adjacent property.

6. Location of existing sewers, water mains, culverts and drains on the property, with sizes, grades and direction of flow.

7. Contours with intervals of five (5) feet or less as required by the Planning Board, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than two (2) feet.

8. The width and location of any streets or public ways or places shown on the official map or the comprehensive plan, if such exists, within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the developer.

f. The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.

g. Storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing lines or alternate means of disposal.

h. Plans and cross-sections showing the proposed location, and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins, and underground conduits.

i. Preliminary designs of any bridges or culverts, which may be required.

j. Where the topography is such as to make difficult the inclusion of the required facilities within the public area as laid out, the Preliminary Plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than twenty (20) feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the Subdivision or the official map.

k. The proposed lot lines with approximate dimensions and area of

each lot.

1. 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 substantial monuments of such size and type as approved by the Town Engineer, and shall be referenced and shown on the Plat.

B. Phasing

If the application covers only a part of the Subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than two hundred (200) feet to the inch showing an outline of the platted area with its proposed streets drainage in the remaining portion of the tract and the probably future drainage layout of the entire tract shall be submitted. The part of the Subdivider's entire holding submitted shall be considered in the light of the entire holdings.

C. Convenants and Deed Restrictions

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

SECTION 4 MAJOR SUBDIVISION PLAT AND ACCOMPANYING DATA

In the case of a Major Subdivision Plat, the following documents shall be submitted for plat approval:

A. Requirements

The Plat to be filed with the County Clerk shall be clearly drawn (on material and to the size of County requirements) including margin for binding of two (2) inches, outside of the border along the left side and margin of one (1) inch outside of the border along the remaining sides. The Plat shall be 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 sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire Subdivision with lot and block numbers clearly legible.

The Plat shall show:

1. Proposed Subdivision name or identifying title and name of the Town and County in which the Subdivision is located, the name and address of the record owner and Subdivider, name, license number and seal of the icensed Land Surveyor.

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

3. Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State System of plan 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, radi, lengths of curves and central angles of all curves, tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The Plat shall show the boundaries of the property, location, graphic scale and true north point.

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

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

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

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

9. All lot corner markers shall be permanently located satisfactorily to the Town Engineer, at least three-quarters (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 Town Engineer shall be set at all corner and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Town Engineer.

11. A map shall be submitted to the satisfaction of the Planning Board

indicating the location of monuments marking all underground utilities as actually installed. If the Subdivider completes all required improvements according to Article III, Section 5 (2), then said map shall be submitted prior to final approval of the Subdivision Plat. However, if the Subdivider elects to provide a bond or certified check for all required improvements, as specified in Article III Section 5 (1), such bond shall not be released until such a map is submitted in a form satisfactory to the Planning Board.

B. Construction Drawings

Construction Drawings include plans, profiles and typical cross-sections, as required, showing the proposed location, size and types of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes, catch basins and other facilities.

ARTICLE VII **TIME LIMITATIONS**

The time limitations set forth in these regulations and the corresponding provisions of Town Law may be varied when required for the purpose of complying with the provisions of State Environmental Quality Review Act (SEQR) (Part 617 of Article 8 of the Environmental Conservation Law).

ARTICLE VIII **WAIVERS**

Where the Planning Board finds that, due to special circumstances of a proposed Final Plat, the provision of certain improvements is not required in the interest of public health, safety and general welfare, or is inappropriate because inadequacy or lack of connecting facilities adjacent or in proximity to the proposed Subdivision, it may waive such requirements, subject to appropriate conditions, provided that such waiver shall not have the effect of nullifying the intent and purpose of the Zoning Law or any existing master plan and official map.

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

ARTICLE IX **SEPARABILITY**

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

ARTICLE X

FEES

Fees may be charged for review of both preliminary and final plats and associated administration activities. Such fees shall be set by resolution of the Town Board and may be obtained from the Town Clerk.

ARTICLE XI

VIOLATIONS AND PENALTIES

a. It shall be unlawful for any person, firm or corporation to divide or otherwise alter existing property lines of lots or parcels of property without first complying with the Town of Alabama Land Subdivision Regulations.

b. Where the Zoning Enforcement Officer finds a violation of these provisions he/she shall serve a written Order-Notice upon the owner by registered mail to remedy such conditions. Such written notice shall include the provision of law violated, the corrective action to be taken, the penalties and remedies which may be involved by the Town for noncompliance and time for compliance.

c. Any violation of this Land Subdivision Regulations Local Law shall be deemed an offense punishable by fine and/or imprisonment as set forth in Section 268 of New York State Town Law. Each and every week such violation continues shall be deemed a separate and distinct violation.

d. The Zoning Enforcement Officer may, with the permission of the Town Board, institute court action to enforce any violation of the provisions of this Local Law.

e. In addition to the remedies described in this Article, the Town of Alabama may seek an injunction to restrain, correct or abate any violation of this Local Law and/or maintain an action at law for damages sustained as a result of any violation of this Local Law. Damages may include but not be limited to legal fees and court costs expended or incurred by the Town as a result of legal proceedings brought hereunder.

SECTION XII

EFFECTIVE DATE

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

TOWN OF ALABAMA

Requirements For Subdivision Streets and/or Roads

- 1.) Approval of all drawings, maps and legal papers shall be obtained from the proper authorities prior to the start of any construction.
- 2.) All drawings shall be by an approved engineer and include a detailed engineering study. All surveyed areas are to be done by a licensed New York Land Surveyor and carry that seal.
- 3.) All right-of-ways shall be at least fifty (50) feet wide for residential, sixty (6) feet wide for all other uses with the pavement to be located at the centerline of the right-of-way. The Planning Board reserves the right to require right-of-ways greater than sixty (60) feet upon review of the proposed use of the street or road.
- 4.) Prior to placement of the roadside material, the right-of-way shall be cleared and grubbed. After which time, the sub-base shall be shaped and cross section to allow drainage. All areas are to be excavated and filled and shall be brought back to grade with acceptable borrow and compacted so as to form a uniform sub-grade and match final grades and cross slope.

5.) Drainage:

All culvert and driveway pipes shall be such that they are designed in conformance to the latest ASTM design for use under highways. All drainage structures shall be placed prior to the road base and installed to proper grade and slope. All ditches shall have a minimum of 2% grade and grade shall extend not less than 800 feet from road ditch to permit free flow away from road/street project. Drainage easements shall be transferred to the Town of Alabama upon completion and acceptance of the project. Ditch slopes (cross section) shall be no greater than 3 to 1.

6.) Residential:

Roadway shall be minimum of two (2) ten feet driving lanes with four (4) foot shoulders. Pavement shall consist of one layer of crusher run #3 limestone to be 9 inches when compacted and one layer of crusher run #1 limestone to be 3 inches when compacted or a total of 12 inches of compacted crusher run limestone material.

7.) All Other Uses:

Roadway shall be a minimum of two (2) twelve foot driving lanes with five foot shoulders. Pavements shall consist of twelve inches of course crushed limestone such as six inches minimum material, four inches of crusher run #3 limestone, two inches of crusher run #1 limestone. All base courses of limestone shall extend to the outside slope of the ditch line to allow under pavement drainage to ditches. Base aggregates must be placed in six inch maximum lifts, graded and compacted to proper grade and cross slope.

- 8.) The Town Superintendent of Highways reserves the right to order changes in the design, materials and depths due to any unforeseen or unusual ground conditions.
- 9.) Crusher run #1, the top layer of the pavement metal to be properly graded and course stone and other foreign material removed from surface of road before applying the bituminous top layers.
- 10.) Pavement in driving lanes shall be application of 3 ½" (compacted depth) of binder coarse asphalt as outlined in N.Y.S.D.O.T. Specification for Type 3. Top coarse shall be minimum of 1 ½" (compacted depth) of Type 6 Top as outlined in the N.Y.S.D.O.T. Specification Table 401.1 Pavement cross slope shall not be less than ½" per foot. Shoulders shall be compacted crushed limestone screenings with adequate fines to permit compaction. Cross slope shall be not less than ½" per foot.
- 11.) After pavement and shoulders have been placed, top soil shall be redistributed and seed all areas and ditches that were disturbed during construction.
- 12.) The Planning Board and Highway Superintendent reserve the right, at the time of review, to choose any option or upgrade to match construction to end use production. All decisions by the Planning Board and Highway Superintendent are final.
- 13.) Dead end roads must have a turn-around provided by the property owner for the purpose of turning trucks, school buses, fire trucks, snow plows around, said turn-around to be 100 feet in diameter or more and shall be level and so constructed as called for in Item 7 above or a cal-de-sac.
- 14.) All roads dedicated to the Town of Alabama shall be accompanied by maps of sewers and titled drainage and shall show location in reference to other roads in said Town.
- 15.) The Town of Alabama shall not be held responsible for under ground drains.
- 16.) The Town of Alabama Highway Superintendent shall be notified three (3) days in advance of any work to be done under these specifications

- 17.) All material and workmanship to be approved by the Town Superintendent of Highways.
- 18.) Upon acceptance of said road by the Town Board of the Town of Alabama with the approval of the State Department of Transportation, a marketable title to said right-of-way of road shall be given to the Town of Alabama. Along with a one (1) year 100% performance bond guaranteeing said road against defects in materials and workmanship. Any resulting defects will be corrected by the Town and charged against said bond.