

# TOWN OF EAST OTTO

## SUBDIVISION REGULATIONS INCLUDING DESIGN STANDARDS

Adopted: 5-13-97, By Local Law No.1, 1997

Revised: \_\_\_\_\_

# CONTENTS

ARTICLE I, General Provisions	1
Section 1. General Provisions	1
Section 2. Purpose	1
Section 3. Definitions	2
ARTICLE II, Procedures	4
Section 1. General Requirements	4
Section 2. Minor Subdivisions	4
Section 3. Sketch Plan	4
Section 4. Submission of Preliminary Plat	6
Section 5. Submission of Final Plat	10
ARTICLE III, Design Standards	16
Section 1. General Requirements	16
Section 2. Roads	16
Section 3. Easements	19
Section 4. Blocks	19
Section 5. Lots	19
Section 6. Drainage Improvement	20
Section 7. Land for Park, Playground or Other Recreational Uses	
	21
ARTICLE IV, Fees	21
Section 1. General Requirements	21
ARTICLE V, Effective Date	21

# Town of East Otto, Subdivision Regulations

## Article 1 General Provisions

### Section 1 Authority.

1.1 By authority of the resolution adopted by the Town Board of the Town of East Otto, on the 13th day of may, 1997, the Planning Board of the Town of East Otto is empowered and authorized to approve plats for land subdivision within the Town of East Otto.

1.2 By the same authority, the Planning board does hereby exercise the power and authority to pass and approve the development of plats already filed in the office of the Clerk of Cattaraugus County if such plats are entirely or partially undeveloped. For the purposes of these regulations, the term, "undeveloped", shall mean those plats where twenty percent (20%) or more of the lots within the plat are unimproved unless conditions, such as poor drainage, have prevented their development.

### Section 2. Purpose      These regulations are adopted for the following purposes:

2.1 To protect and provide for the public health, safety and general welfare of the Town.

2.2 To guide the future growth of the municipality in accordance with development plans of the Town.

2.3 To protect the character of all parts of the Town and to encourage the orderly and beneficial development of its parts.

2.4 To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.

2.5 To guide public and private policy and action in order to provide adequate and efficient transportation. water, sewerage, parks, playgrounds, recreation and other public requirements and facilities

2.6 To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Town, having particular regard to the avoidance of congestion on the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for proper location and width of streets.

2.7 To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land, and to insure proper legal descriptions and documenting of subdivided land.

2.8 To utilize public facilities, if available, for a proposed subdivision.

2.9 To prevent the pollution of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity, stability and beauty of the community.

2.10 To preserve the natural beauty and topography of the Town and to insure appropriate development with regard to these natural features

2.11 To provide for the preservation of open spaces through the most efficient design and layout of the land, including use of cluster development, while preserving the density of land as established in the Zoning Law of the Town.

## Town of East Otto, Subdivision Regulations

2.12 To encourage all interested parties to participate in the planning and approval process through public hearings.

### Section 3. Definitions.

3.1 Applicant: The owner of land to be subdivided or any other **party** in interest who shall submit the written consent of the owner.

3.3 Cluster Development: Cluster development shall mean a subdivision plat or plats approved pursuant to article 278 of New York State Town Law in which the applicable zoning ordinance or local law is modified to provide an alternative permitted method for the layout, configuration and design of lots buildings and structures, roads, utility lines and other infrastructure, parks and landscaping in order to preserve the natural and scenic qualities of open lands.

3.3 County : The County of Cattaraugus, State of New York.

3.4 Developer: Means any individual, firm, association, syndicate, partnership, corporation trust or other legal entity commencing proceedings under these regulations to effect subdivision of land. For purposes of these regulations, the words applicant, sub divider or developer shall be synonymous.

3.5 Engineer: The duly designated engineer of the Town of East Otto.

3.6 Final Plat: The final maps, drawings and charts on which on which the sub divider's plan of subdivision, containing all information or detail required by law and by these regulations including, without limitation, modifications, if any, required by the Planning Board at the time of approval of the preliminary plat if such preliminary plat has been so approved, is presented to the Planning Board for approval and which, if so approved will be submitted by the developer to the Cattaraugus County Clerk for filing.

3.7 Health Department: The Department of Health of the County of Cattaraugus, State of New York.

3.8 Lot: A plot or parcel of land which is, or in the future may be offered for sale, conveyance, transfer, of improvement.

3.9 Master Plan: Any Town comprehensive plan which may be established by the Town Board or the Planning Board pursuant to the provisions of Section 272-a of the Town Law.

3.10 Official Man: The map which may be established by the Town Board pursuant to Section 271 of the Town Law, together with any amendments thereto which may be adopted by the Town Board. .

3.11 Planning Board: The Planning Board of the Town of East Otto, New York.

## Town of East Otto, Subdivision Regulations

3.12 Preliminary Plat: The maps, drawings or charts showing the layout of a proposed - subdivision, submitted to the Planning Board for approval prior to the submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout and improvements of such proposed subdivision in conformance with these regulations.

3.13 Road: A vehicular way which is one of the following: an existing Town, County or State highway, road or street, a public road shown on a filed subdivision plat, or a road shown on the official map of the Town.

3.14 Sketch Plan: The preliminary drawings indication the proposed layout of the subdivision to be submitted to the Planning Board for it's consideration.

3.15 Subdivision: Any parcel of land divided into two (2) or more lots, blocks or sites, with or without streets or highways. This definition shall be deemed to include developments which are held in common and no actual transfer of ownership is included. Subdivisions with all lots ten (10) acres or larger in size shall not be required to file a plat under these regulations. For the purpose of these regulations , there are two classifications of land subdivision. A subdivision as defined herein shall be considered a Minor Subdivision if it meets all of the following criteria:

3.15.1 The division of any parcel into four (4) or fewer lots within a period of three (3) years, or where all such lots are in excess of five (5) acres in area.

3.15.2 All such lots front on existing public roads with the minimum lot width for the district. And:

3.15.3. All such lots are approved by the Cattaraugus County Health Department with regard to sewerage disposal And;

3.15.4 The subdivision must be classified as an unlisted action with no significant adverse impact under SEQRA Regulations.

All other subdivisions as defined herein shall be considered as Major Subdivisions.

3.16 Town. Refers to the Town of East Otto, New York.

3.17 Town Board: The Town Board of the Town of East Otto.

3.18 Zoning Ordinance: The Zoning Ordinance of the Town of East Otto, as the same maybe amended from time to time.

# Town of East Otto, Subdivision Regulations

## Article II: Procedures.

### Section 1. General Requirements

1. Whenever any subdivision of land is proposed, 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 any structure in such proposed subdivision shall be granted, the developer or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the procedures stated herein.

### Section 2. Minor Subdivision Applications

2.1 Filing requirement. Should the developer interpret these regulations as defining his/her proposal as a minor subdivision, he/she must submit a minor subdivision application in duplicate to the Planning Board on the standard form available from the Town Clerk. Attached to the application shall be a scale drawing of the proposed subdivision, a completed Environmental Review Form, (short form is acceptable), and a check for the required fee as set forth in the Town of East Otto Fee Schedule.

2.2 Submission Requirement. The Application must be received by the Planning Board at least two weeks prior to the meeting of the Planning Board at which the matter is to be considered. The Planning Board shall give notice the the developer of such meeting, who may attend but is not required to do. At this meeting, the Planning Board shall determine if the application is complete and if so determined, set a date for a public hearing on the project.

2.3 Planning Board Action. After the public hearing and within 45 days after receipt of the completed application, the Planning Board shall approve, approve with conditions or disapprove with reasons, the application and so notify the applicant.

### Section 3 Sketch plan

3.1 Pre-Application Meeting. The applicant shall meet with the Planning Board at a regular or special meeting, after notifying the Planning Board of its intent at least two weeks prior to such meeting. The purpose of this meeting is to discuss in general terms, the concept of any proposed subdivision, the requirements of these subdivision regulations and any other information required by the Planning Board or the applicant.

# Town of East Otto, Subdivision Regulations

3.2 Submission of Sketch Plan. Any owner of land or authorized agent shall prior to subdividing ; land, submit to the Planning Board at least two weeks prior to the Meeting at which the sketch plan is to be discussed, twelve (12) copies of a sketch plan and one copy of a topographical map of the proposed subdivision.

3.3 Sketch Plan Specifications. The sketch plan shall be prepared by a licensed professional engineer and shall be clearly marked "Sketch Plan" and shall be drawn on paper or other suitable material at a standard scale of not more than one hundred (100) feet to one (1) inch unless the Planning Board approves a larger scale. It Shall show the following information:

3.3.1 Title of the concept layout, including name and address of developer.

3.3.2 North point, date and scale.

3.3.3 Boundaries of the tract to be subdivided plotted to scale. Even if the developer plans to develop the tract in stages, the entire tract shall be included in the concept layout. 3.3.4 A preliminary topographic survey, showing contours adjacent to and within the tract to be subdivided at intervals of no more than ten (10) feet in elevation, and all pertinent topographic and planimetric features within and adjoining the tract, including existing streets, existing buildings, watercourses and their one hundred (100) year flood limits, water bodies, existing gas wells, wetlands, wooded areas, known sensitive archeological areas and known hazardous disposal areas based upon known public information.

Features to be retained should be so indicated

3.3.5 The approximate line of proposed roads, sidewalks, lots and neighborhood recreation areas or other permanent open space.

3.3.6 Schematic indication of proposed system for storm water drainage. "

3.3.7 Statement as to proposed source of water supply and method of sewerage disposal. 3.3.8 Indication of the zoning of the tract and other legal restrictions on it's use.

3.3.9. Name or names of the licensed engineer, land surveyor, landscape architect and any others responsible for the preparation to the sketch plan layout and preliminary information.

3.4 Environmental Assessment Form (EAR) The sketch plan must be accompanied by a full EAF, part 1 completed by the applicant.

3.5 The Planning Board may at any time schedule a field trip to the site of the proposed sudivision.

3.6 Approval of Sketch Plan: The planning Board shall within forty-five (45) days after the first regular meeting after receipt of the completed sketch plan determine whether the sketch plan meets the objectives of these subdivision regulations, however, if special conditions involving the proposed subdivision, (such as unusual easements or uses or the formation of special districts) require approval by the Town Board, the time within which the Planning Board is required to approve or disapprove the sketch plan shall be extended for an additional period of forty-five (45) days.

3.7 Effect of Sketch Plan Approval. Approval of a sketch plait by the Planning Board constitutes approval of the concept of the proposed subdivision only and shall not in any manner

# Town of East Otto, Subdivision Regulations

restrict the **Planning Board's** review or require its approval of any plat of the proposed subdivision thereafter submitted.

## Section 4 Submission of Preliminary Plat.

4.1 Within six (6) **months after the Planning Board has approved the sketch plan, the applicant shall make application** in writing to the Planning Board for approval of a preliminary plat of the proposed subdivision. The application shall:

4.1.1 Be made on a form supplied by the Planning Board, together with the fee as specified in the Town of East Otto Fee Schedule.

4.1.2 Include a map or plat of all land immediately adjacent extending five hundred (500) f, feet from the property line of such adjacent land with names of owners as shown on the most recent tax roll of the Town. This information may be shown on a separate, current Tax Map reproduction showing the proposed subdivision superimposed thereon.

4.1.3. Be accompanied by a minimum twelve (12)) copies of the preliminary plat as described herein.

4.1.4. Comply in all respects with the sketch plan as approved.

4.1.5 Be presented to the Planning Board at least fourteen (14) days prior to the next scheduled or special meeting of the Planning Board.

## 4.2 Data and Maps Required for Preliminary Plat Submission.

4.2.1 Data and maps shall be provided, including without limitation to additional information which may be required by the Planning Board, the following information describing the existing conditions at the site, except when otherwise specified by the Planning Board:

4.2. 1.1 Location of tract, including name of town or towns and Range, Township and Lots of the Holland Company's survey in which the proposed subdivision is located and recording information of the deed, including the liber and **page numbers**;

**4.2.1.2 Existing property lines, easements, streets and right-of-way;**

**4.2.1.3 Existing utility lines on or adjacent to** the tract, including location, size and invert elevations;

4.2.1.4 Existing ground elevation contours on the tract at intervals of not more the five (5) feet; **other conditions on the tract, including watercourses, marshy, floodable areas, houses, other buildings** and other significant features;\*. zoning on and adjacent to the tract; and land title and survey, by deed description and map survey.

4.2.2 The preliminary plat map shall include the following information, except when otherwise specifies by the Planning Board:

4.2.2.1 Proposed streets and roads, including names, right-of-way and roadway widths; approximate grades and gradients.

4.2.2.2 Other proposed right-of-way or easements and their location width and purpose.



## Town of East Otto, Subdivision Regulations

4.2.2.3 Locations of proposed and existing [utilities](#).

[4.2.2.4](#) Lot lines, lot numbers and block letters.

4.2.2.5 Sites, if any to be reserved for parks, playgrounds or other public uses.

4.2.2.6 Sites, if any for multi family-dwellings, stores or shops, shopping centers, churches, industry or restaurants or other uses exclusive of single family dwellings.

4.2.2.7 Minimum building setback lines.

4.2.2.8 A table of site data including the number of residential lots, individual lot area, areas of parks, or other specified non-residential use.

4.2.2.9 All proposed water and sewer district and other improvement districts, fire districts and all other areas proposed to be used for any public purpose,

4.2.2.10 Subdivision name or title number under which it will eventually be recorded. Also, the scale of the plat, north point, date, name and address of the subdivider, and name, address, and license number of the applicant's engineer.

4.2.3 Additional data and maps shall be provided, further detailing the proposed improvements, including the following, except when otherwise specified by the Planning Board

4.2.3.1 Profiles along the centerline of proposed roads showing existing and proposed finished street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision.

4.2.3.2 Typical cross sections of the proposed road right-of-way showing grading, road, sidewalks (if applicable), and utility locations.

4.2.3.3 Preliminary plans of water supply approved by the Health [Department](#).

[4.2.3.4](#) Preliminary plans for sanitary sewerage collection and treatment or disposal approved by the Health Department.

4.2.3.5 Preliminary drainage plan, including proposed individual lot drainage and proposed method of collection and discharge of storm drainage.

4.2.3.6 If the water supply proposed involves an extension to an existing municipal water system, a letter of approval shall be provided from the governing body of the concerned water district stating that they are able and willing to provide safe and reliable water service to all lots in the proposed subdivision, that sufficient water is available for adequate fire protection, and they approve the preliminary water system plan accompanying the [application](#).

[4.2.3.7](#) If the sewerage collection system is an extension to an existing municipal sewerage collection system, a letter of approval shall be provided from the governing body of the concerned sewage district stating that they are willing and able to accept the flows generated by the proposed subdivision and they approve the preliminary plan accompanying the application. A letter from the governing body of the treatment facility stating that they have sufficient capacity to accept the expected flows shall be provided.

All plans for public improvements shall be prepared by a professional engineer licensed to practice in the State of New York.

4.2.4 In addition, a draft of protective covenants or restrictions pursuant to which the subdivider proposes to regulate land use in the subdivision shall be submitted. This shall include deed restrictions, homeowners associations, etc. The Planning Board may require

# Town of East Otto, Subdivision Regulations

- Inclusion of certain restrictions or covenants or the formation of mandatory homeowner's associations as a prerequisite of approval of the final plat.

4.3 Coordination with State Environmental Quality Review Act. The applicant's filing of a preliminary plat shall be coordinated with the actions of the Planning Board and the applicant taken in compliance with the provisions of the State Environmental Quality Review Act (SEQRA) and its implementing regulations.

4.4 Receipt of a Complete Preliminary Plat. A preliminary plat shall not be considered complete until a negative declaration had been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of SEQRA. The time periods for review of a preliminary plat shall begin upon the filing of such a negative declaration or such notice of completion.

## 4.5 Planning Board as Lead Agency Under SEQRA; Public Hearing; Notice; Decision.

4.5.1 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 SEQRA, as follows:

4.5.1.1 If the Planning Board determines that the preparation of an impact statement on the preliminary plat is not required, the Planning Board shall hold a public hearing on the preliminary plat within sixty-two (62) days after receipt of a complete preliminary plat by such Board; or

4.5.1.2 If the Planning 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 SEQRA. If no public hearing is held on the draft environmental impact statement, the public hearing on the preliminary plat shall be held within sixty-two (62) days of the notice of the filing of completion.

4.5.2 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 if no hearing is held on the draft environments impact statement, or at least fourteen (14) days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of the 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.

4.5.3 Decision. The Planning Board shall approve, with or without modification, or disapprove such preliminary plat as follows:

4.5.3.1 If the Planning Board determines that the preparation of an environmental impact statement on the preliminary plat is not required, such Board shall make its decision within sixty-two a (62) days after the close of the public hearing; or

## **Town of East Otto, Subdivision Regulations**

4.5.3.2 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 SEQRA. If no 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 the public hearing on the preliminary plat. Within thirty (30) days of 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.

4.5.4 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 the submission of the plat in final form.

4.6 Planning Board Not as Lead Agency Under SEQRA; Public Hearing; Notice; Decision.

4.6.1 Public Hearing on Preliminary Plats. The Planning Board shall, with the agreement of the lead agency, hold a public hearing on the preliminary plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning Board shall hold a public hearing on the preliminary plat within sixty-two (62) days after receipt of a complete preliminary plat by the Planning Board.

4.6.2 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 if held independently of the hearing on the draft environmental impact statement, or fourteen (14) days before a hearing held jointly therewith. 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.

4.6.3 Decision. The Planning Board shall by resolution approve with or without modification or disapprove the preliminary plat as follows:

- 4.6.3.1 If the preparation of an environmental impact statement 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.

4.6.3.2 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 adoption of findings by the lead agency, whichever period is longer.

## Town of East Otto, Subdivision Regulations

4.6.4 Grounds for Decision. The grounds for modification, if any, or the grounds for disapproval shall be stated on the records of the Planning Board. When so approving the preliminary plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the plat in final form.

4.7 Extension of Time by Agreement Notwithstanding the foregoing provisions, the time within which the Planning Board must hold a public hearing on or render a decision on a preliminary plat may be extended by agreement between the applicant and the Planning Board.

4.8 Certification and Filing of a Preliminary Plat.

4.8.1 Within five (5) business days after the adoption of a resolution granting approval of the preliminary plat, such plat shall be certified by the Clerk or the Chairman of the Planning Board as having been granted preliminary approval and a copy of the plat and resolution shall be filed in the office of the Planning Board. A copy of the resolution shall be mailed to the applicant.

4.8.2 Within five (5) business days from the date of adoption of the resolution approving the preliminary plat, the Chairman 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.

### Section 5. Submission of Final Plat

5.1 General. Within six (6) months of the Planning Board's approval of the preliminary plat, the applicant shall make application in writing to the Planning Board for approval of the final plat. The time for such filing may be extended by agreement between the applicant and the Planning Board for not more than six (6) additional months from the date of preliminary plat approval. If the final plat is not submitted within the time hereby required, approval of the preliminary plat may be revoked by the Planning Board. The applicant shall:

5.1.1 Be made on a form supplied by the Planning Board.

5.1.2 Include a map or plat of all land immediately adjacent extending five hundred (500) feet from the property line of such adjacent land with names of owners as shown on the most recent tax roll of the Town. This information may be shown on a separate, current Tax Map reproduction showing the proposed subdivision superimposed thereon.

5.1.3 Be accompanied by at least twelve (12) copies of the final plat of the subdivision conforming to the definition provided by these Regulations each of which shall be clearly marked "Final Plat" and shall conform to the definition and requirements of the Regulations.

5.1.4 Substantially agree with the approved Preliminary Plat. \*

## Town of East Otto, Subdivision Regulations

5.1.5 Be presented to the Planning Board at least fourteen (14) days prior to the next scheduled or special meeting of the Planning Board.

5.1.6 Be accompanied by formal irrevocable offers of dedication of all roads, rights-of-way and sites proposed for public uses, including utilities, in form acceptable to the Town Attorney. The applicant shall also tender to the Town a deed or deeds or other conveyance acceptable to the Town Attorney of all such lands in recordable form, and, if the Town attorney deems it appropriate, a fee title policy insuring the Town's interest in such lands.

5.1.7 Be accompanied by an affidavit identifying all the owners of the property proposed to be subdivided, including a list of all officers, directors, partners and shareholders of the applicant and the owner or owners of the property.

5.1.8 Be accompanied by final agreements covering the improvement and maintenance of unceded common spaces and areas designated for common use and/or ownership and time limits, if any, applying to the site reservations.

5.1.9 Be accompanied by written statements from each utility company whose facilities are proposed to be installed, addressed to the Planning Board, stating that such public utility company has made or shall make the + of a performance bond or other Securities necessary for the furnishing of its services. Such statement shall specify the time when such service will be available. Locations of such public utilities are subject to the review and approval of the Planning Board.

5.1.10 Be accompanied by such other certificates, affidavits, endorsements, protective covenants or agreements as may be required by the Planning Board or by the Town Attorney in connection with the enforcement of these regulations.

5.1.11 Be accompanied by certification that the applicant had complied with the following:

5.1.11.1 All improvements and infrastructure have been installed in accordance with the requirements of the approved preliminary plat, these regulations and all other applicable Federal, State, County and Town laws and regulations.

5.1.11.2 That the applicant has filed drawings clearly and legibly drawn or reproduced on cloth or mylar sheets twenty-four (24) inches by thirty-six (36) inches showing all public improvements "as built".

5.1.12 Performance bond or other security.

5.1.12.1 Furnishing of performance bond or other security. As an alternative to installation of improvements and infrastructure, as herein provided, prior to Planning Board approval, a performance bond or other security sufficient to cover the full cost of same, as estimated by the Planning Board or a Town department designated by the Planning Board to make such estimate, where the departmental estimate is deemed acceptable by the Planning Board, shall be furnished to the Town by the applicant.

## Town of East Otto, Subdivision Regulations

5.1.12.2 Security for plat in approved sections. In the event that the applicant shall be authorized to file the approved plat in sections, approval of the plat may be granted upon installation of the required improvements in the section of the plat filed in the office of the County Clerk or the furnishing of security covering the costs of such improvements. The applicant shall not be permitted to begin construction of buildings in any other section until such section has been filed in the office of the County Clerk and the required improvements have been installed in such section or a security covering the cost of such improvements is provided.

5.1.12.3 Form of Security. Any such security must be provided pursuant to a written agreement with the Town approved by the Town Board and also approved by the Town Attorney as to form, sufficiency, and manner of execution, and shall be limited to: (a) a performance bond issued by a bonding or surety company; (b) the deposit of funds in or a certificate of deposit issued by a bank or trust company located and authorized to do business in the State of New York; (c) an irrevocable letter of credit from a bank located and authorized to do business in the State of New York; (d) obligations of the United States of America; or (e) any obligations fully guaranteed as to interest and principal by the United States of America, having a market value at least equal to the full cost of such improvements. If not delivered to the Town, such security shall be held in a Town account at a bank or trust company.

5.1.12.4 Term of security agreement. Any such performance bond or security agreement shall run for a term to be fixed by the Planning Board, but in no case for a longer term than three (3) years, provided, however, that the term of such performance bond or security agreement may be extended by the Planning Board with the consent of the parties thereto. If The Planning Board shall decide at any time during the time of the performance bond or security agreement that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such security, or that the required improvements have been installed as provided herein in sufficient amount to warrant reduction in the amount of said security, and upon approval by the Town Board, the Planning Board may modify it's requirements for any or all such improvements, and the amount of such security shall thereupon be reduced by an appropriate amount so that the new amount will cover the cost in full of the amended list of improvements required by the Planning Board.

5.1.12.5 Default of security agreements In the event that any required improvements have not been installed as provided herein within the term of such security agreement, the Town Board may thereupon declare the said performance bond or security agreement to be held in default and collect the sum remaining payable there under and upon the receipt of the proceeds thereof, the Town shall install such improvements as are covered by such security and as commensurate with the extent of building development that has taken place in the subdivision but not exceeding in cost the amount of such proceeds.

## **Town of East Otto, Subdivision Regulations**

### 5.2 Final Plat Content.

5.2.1. Form. The final subdivision plat shall be clearly and legibly drawn in ink on tracing cloth on sheets twenty (20) inches by twenty (20) inches or twenty (20) inches by forty (40) inches. The scale shall be one hundred (100) feet to the inch or larger. Where necessary, the plat may be on several sheets accompanied by an index sheet depicting the entire subdivision.

5.2.2 Content. The final plat must be completed and certified by a professional engineer, shall show, in addition to the information set forth in the preliminary plat, the following:

5.2.2.1 Primary control points approved by the Town Engineer, or descriptions and "ties" to such control points, to which all dimensions, angles, bearing and similar data on the plat shall be referred.

5.2.2.2 Tract boundary lines, right of way lines of roads easements and other rights of way, and property lines of lots; with accurate dimensions, bearing or deflection angles and radii, arcs and central angles of all curves.

5.2.2.3 Purpose for which lots are dedicated or reserved.

5.2.2.4 Location and description of monuments (shown thus "X") and lot corner markers (shown thus "O").

5.2.2.5 Adjoining properties shall be clearly indicated and shall show owner's name and recording date of relevant deeds.

5.2.2.6 Certification of title showing the state of title of the parcel to be

subdivided and that the applicant has authority to act in the capacity of subdivider.

5.2.2.7 Water supply and sewage disposal facilities, together with locations and other necessary details with certification of approval of the Cattaraugus County Health Department.

5.3 Public Hearing on Final Plat. The Planning Board may elect to hold a public hearing on the final plat. If such election is made, the hearing shall be held within forty-five (45) days following the Planning Board's receipt of a complete final plat and application for its approval. Notice of public hearing shall be provided in the same manner as is required by these regulations for public hearings on preliminary plats. The holding of a public hearing shall not extend the period within which the Planning Board must approve, disapprove or approve with conditions, the final plat.

5.4 Final Subdivision Plat Approval. The Planning Board shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize signing of such final plat within sixty-two (62) days of its receipt by the Planning Board. Conditional approval of a final plat means approval by the Planning Board of the final plat subject to conditions set forth by the Planning Board in the resolution conditionally approving such plat. Such conditional approval does not qualify a final plat for recording or authorize the issuance of any building permits prior to the signing of the plat by a duly authorized officer of the Planning Board and recording of the plat in the office of the County Clerk. Conditional approval of a final plat shall expire one hundred eighty (180) days after the date on which the Planning Board adopts a resolution granting such conditional approval unless

## Town of East Otto, Subdivision Regulations

the conditions and/or modifications required by such resolution have been completed to the satisfaction of the Planning Board. The Planning Board may, upon written request of the applicant, extend the time within which the applicant must complete such conditions and/or modifications for two (2) additional periods of ninety (90) days if, in the Planning Board's sole discretion, such extensions are deemed warranted.

5.5 Certification of Plat. Within five (5) business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the clerk or chairman of the Planning Board as having been granted conditional or final approval, and a copy of such resolution and plat shall be filed at the Planning Board's office. A copy of the resolution shall be mailed to the applicant. 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 plat shall be signed by such duly authorized officer of the Planning Board and a copy of such signed plat shall be filed in the office of the Clerk of the Planning Board or filed with the Town Clerk as determined by the Town Board.

5.6 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 (2) 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 a final plat, may be granted concurrently with conditional or final approval of the entire plat, subject to any requirements imposed by the Planning Board.

5.7 Filing of Decision on Final Plat. Within five (5) business days of the date of the adoption of the resolution approving the final plat, the Chairman 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.

5.8 Notice to County Planning Board. In the event that the Cattaraugus County Planning Board is authorized to review subdivision plats pursuant to Section 239-n of the General Municipal Law, the Planning Board shall refer all applicable preliminary and final plats to such County Planning Board as provided in that section.

5.9 Filing of the Final Plat; Expiration of Approval. The applicant or its authorized representative shall file in the office of the County Clerk the 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 duly authorized officer of the Planning Board constituting final approval by the Planning Board of the 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 County Clerk if such plats are entirely or partially undeveloped. In the event the applicant shall file only a section of such plat in the office of the County Clerk, the entire approved plat shall be filed within thirty (30) days of the filing of such section with the



## **Town of East Otto, Subdivision Regulations**

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 Subdivision 2 of Section 265-a of the Town Law

# Town of East Otto, Subdivision Regulations

## ARTICLE III DESIGN STANDARDS

### Section 1. General Requirements

1.1 Conformance with Official Map Subdivision plats and improvements provided shall conform to the Official Map and Zoning Ordinance of the Town of East Otto.

1.2 Plats with Access Through Other Municipalities. Whenever access to a subdivision is by crossing land in another municipality, the Planning Board may require certificates from authorities having appropriate jurisdiction that such access is adequately improved or that a legally adequate performance bond has been duly posted and is sufficient in amount to assure the construction of the necessary road or roads.

1.3. Frontage on improved Road. The area to be subdivided will have frontage on, or access from, an existing street on the Town Official Map, which shall have been improved to comply with the Town Highway Codes.

### Section Z Roads 2. 1. Roads

2.1.1 The arrangements, character, extent, width, grade, and location of all streets shall conform to the Official Map, if any, and shall be considered in their relation to other existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be served and/or abutted by such streets.

2.1.2 Where such is not shown on the Official Map the arrangements of streets in a subdivision shall either:

2.1.2.1 Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

2.1.2.2 Conform to a plan for the neighborhood approved or adopted by the Board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

2.2 Pavement, Drains and Culverts. All pavement, gutters, drains, culverts, and other street improvements required by the Planning Board shall conform to the Construction Specifications for Town Roads.

# Town of East Otto, Subdivision Regulations

2.3. Design Standards for New Roads. In order to provide for the objectives set forth, roads shall meet the design standards set forth in the following table. Road classification may be indicated on the Town development -plan or official map, otherwise, it shall be determined by the Planning Board.

## 2.3.1 Minimum Width of Right-of-Way (R.O. W. ).

Local Road: 60'

Private\*\* 60'

Arterial or major roads, as required.

\*\* Private (dead-end) roads shall be permitted at the discretion of the Planning Board and limited to no more than four (4) lots.

## 2.3.2. Minimum **Width** of Pavement.

As indicated in Construction Specifications for Town Roads for Town of East Otto.

## 2.4. Road Pavement, Shoulders, Drainage, Structures, Curbs, Etc.

2.4.1. See Town of East Otto, Construction Specifications For Town Roads.

## 2.4.2. Maximum Grade.

Local Road; Absolute Maximum 10%

Desirable Maximum 8%

Arterial or Major Roads . 8%

## 2.4.3. Minimum Radius of Curve at Center Line\_(C.L.).

Local Road 150'

# Town of East Otto, Subdivision Regulations

## 2.3.4. Minimum Length of Vertical Curve.

Local Road 100', but not less than 20'

for each 1% algebraic differences in grade.

## 2.4.5. Minimum Length of Tangents Between Reverse Curves.

Local Road 100'

## 2.4.6 Minimum Sight Distance.

Local Road 200'

At Intersections Across corner - 50' back from intersection R.O.W.

## 2.4.7. Minimum Turnaround.

### Local Roads:

<sup>R</sup>

2.4.7.1 Circular Cul-de-sac See Town of East Otto Construction Specifications for Town Roads

2.4.7.2 T- or L-shaped, where approved by the Town Highway Superintendent and the Planning Board.

## 2.4.8. Sidewalks.

Local Roads Two sides where required. 4' wide

Sidewalks may be required at the discretion of the Planning Board in some areas of the Town where walking on road shoulders is considered an excessive hazard.

## 2.4.9. Minimum Radius at Intersections.

R.O.W. 25'

Pavement 35'

## Town of East Otto, Subdivision Regulations

2.4.10. Maximum Length of Dead-end Roads. Dead end roads, permanent or temporary, shall not exceed one thousand, two hundred fifty (1250) feet in length

2.4.11. Excess Road Right-of-Way. Right-of-Way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall be in excess of three (3) to one (1).

### Section 3. Easements

3.1. Where the subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water courses, and such further width as may be necessary for construction and/or maintenance purposes. Access roads may be required in connection therewith. Adequate retention areas, if required, shall be developed and maintained.

3.2. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be as required.

3.3. The applicant shall dedicate, either in fee or by drainage or conservation easement, land on both sides of existing watercourses, to a distance to be determined by the Planning Board upon the recommendation of the Town Engineer.

### Section 4. Blocks

4.1 The lengths, widths and shapes of blocks shall be determined with regard to:

4.1.1 Provision for adequate building sites suitable to the needs of the use contemplated.

4.1.2. Zoning requirements as to lot sizes and dimensions.

4.1.3 Needs for convenient access, circulation, control and safety of street traffic.

4.1.4 Limitations and opportunities of topography.

4.2 Block lengths generally shall not exceed 1,250 feet, or be less than 400 feet.

### Section 5 Lots

5.1. The lot size, width, depth, shape, and orientation, and the minimum building setback lines, shall be appropriate for the location of the subdivision and for the type of development and

## **Town of East Otto, Subdivision Regulations**

use contemplated, and shall be subject to the applicable provisions of the Zoning Ordinance of the Town of East Otto..

5.2. Land subject to flooding shall not be platted for residential occupancy nor for such other uses as may increase danger to life or property or aggravate the flood hazard.

5.3. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.

5.4. The subdividing of the land shall be such as to provide each lot with satisfactory access to an existing or proposed public road.

5.5. Turnaround driveways may be mandatory on certain roads in the Town of East Otto.

### **Section 6 Drainage Improvements**

6.1 The applicant shall be required by the Planning Board to carry away by pipe or open ditch, any spring or surface water that may exist either previously to, or as a result of, the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the Town construction standards and specifications.

6.2 A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The applicants engineer shall determine the necessary size of drainage facility, based on the provisions of the Town construction standards and specifications, assuming conditions of maximum potential watershed development permitted by the Town Zoning Law. Accommodations for proper drainage shall also be determined by the Guidelines for Urban Erosion and Sediment Control, as amended, for the State of New York.

6.33 The applicants engineer shall also study the effect of the subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Board may withhold approval of the subdivision until provision has been made for the improvement of said potential condition or, in the alternative, the applicant may deposit the full cost of the required improvement of the said potential condition in such sum as the Planning Board shall determine, in a manner established by the Town. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

6.4 The Planning Board, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of wetlands,

## **Town of East Otto, Subdivision Regulations**

water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within a wetland or within the flood plain of any stream or drainage course. These wetland and flood plain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Board, the Town Engineer, and any other approval agency having jurisdiction.

### **Section 7. Land for Park, Playground or Other Recreational Uses**

7.1 Preliminary and final subdivision plats shall show, when required by the Planning Board, a park or parks suitably located for playground or other recreational purposes, pursuant to provisions of Section 77(4) of the Town Law. In the event, however, that the Planning Board finds that the proposed subdivision plat presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such subdivision plat, the Planning Board may require a sum of money in lieu thereof, in an amount to be established by the Town Board. Any moneys required by the Planning Board in lieu of land for park, playground or other recreational uses shall be deposited into a trust fund to be used by the Town exclusively for park, playground or other recreational purposes, including acquisition of property.

## **ARTICLE IV FEES**

### **Section 1. General Requirements**

Upon submission of its sketch plan, preliminary plat and final plat, the applicant shall remit payment of the applicable application fee provided by the fee schedule adopted by the Town Board.

## **ARTICLE V EFFECTIVE DATE**

The effective date of these regulations shall be June 2, 1997.