



**SUBDIVISION LAW**  
**Chapter 193 of the**  
**Code of the Town of Clarence**

Adopted October 12, 2005

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**Article I, Purpose and Intent**

These rules and regulations shall be known and may be cited as the “The Town of Clarence Subdivision Regulations.” Subdivisions within the Town of Clarence shall be designed and submitted for approval in compliance with the standards and procedures set forth herein.

**1. Purpose.**

These regulations are adopted for the following purposes:

- A. To protect and provide for the public health, safety and general welfare of the people of the Town of Clarence and Western New York.
- B. To guide the future growth and development in accordance with sound planning principles.
- C. To secure safety from fire, flood and other danger and to prevent overcrowding of the land and undue congestion of population.
- D. To protect a variety of neighborhoods including the Town’s hamlets, rural areas, industrial, and commercial areas.
- E. To encourage orderly and beneficial development for the economic stability of the community.
- F. To protect and conserve the value of land, buildings and improvements and to minimize conflicts among the uses of land and buildings.
- G. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation and other public services and facilities.
- H. To provide the most beneficial relationship between land and buildings that allows proper access and circulation of traffic.
- I. To allow for the safe movement of vehicles and pedestrians in streets, highways and pedestrian facilities.
- J. To establish design standards and procedures for subdivisions and re-subdivisions and to ensure proper legal descriptions, identification and monumenting of subdivided land.
- K. To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- L. To preserve the natural beauty and topography of the Town of Clarence and to ensure appropriate development with regard especially to environmentally sensitive areas.
- M. To provide for the preservation of open spaces by means of design layout of the land, including open space design to provide width and area of lots, while preserving living unit density as established in the Town of Clarence Zoning Law (Chapter 229 of the Code of the Town of Clarence)
- N. To carry out the objectives cited in the Town’s adopted comprehensive plan.

**ARTICLE II, General Provisions****1. Authority.**

This chapter is enacted pursuant to the authority granted to the Town Board in Article 16 of the New York State Town Law and Article 10 of the Municipal Home Rule Law for the purpose of providing for the future growth and development of the Town of Clarence and affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population. By this chapter, the Town Board is authorized to approve site plans and preliminary and final plats of subdivisions showing lots, blocks or sites, with or without streets or highways, within the Town of Clarence. It shall be the sole discretion of the Town Board to accept roads for public dedication. The Town Board shall identify during the concept plan review process, of any application for subdivision, whether public roads are to be dedicated.

**2. Title**

This chapter shall be known as “Local Law No. \_\_\_\_ 2005, Chapter 193, the Subdivision Law of the Town of Clarence.

**3. Interpretation; conflict with other laws.**

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

**A. Conflict with public and private provisions.**

(1) Public provisions. The regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

(2) Private provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of these regulations shall govern.

**4. Construal of provisions.**

These regulations shall not be construed as abating any action now pending under or by virtue of prior existing subdivision regulations or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue or affecting the liability of any person, firm or corporation or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations or as vacating or annulling any rights obtained by any person, firm or corporation by lawful action of the municipality except as shall be expressly provided for in these regulations.

**5. Enactment**

In order that land may be subdivided in accordance with these purposes and policy, these subdivision regulations are hereby adopted.

**6. Enforcement; penalties for offenses; right to inspect; technical inspections.****A. General enforcement.**

(1) The Town Board shall appoint appropriate Town Officials to enforce these regulations and to bring to the attention of the Town Board any violations or lack of compliance herewith.

Appropriate Town Officials shall include but are not limited to the following: Town Director of Community Development or designee, Town Engineer or designee, Town Highway Superintendent or designee, Senior Building Inspector or designee.

(2) Once a subdivision has been proposed, and reviewed and approved by the Town, no lot within that proposed subdivision shall be transferred or sold before the subdivision plan has been duly filed in the office of the Erie County Clerk.

(3) The subdivision of any lot or any parcel of land, by the use of a metes and bounds description for the purpose of sale, transfer or lease with the intent of evading these regulations, shall not be permitted.

**B. Violations.** Any person, firm, or corporation who fails to comply with or violates any of these regulations shall be guilty of an offense and subject to the penalties of that offense or offenses. No building permit shall be issued on any lot not approved by the Town Board.

**C. Penalties.** Any person, firm, company or corporation which neglects or refuses to do any act required by this chapter shall be guilty of an offense and shall be subject to a fine not less than \$100 nor greater than \$250 or imprisonment for not more than 15 days, or both such fine and imprisonment for each violation. Each week that such violation, disobedience, omission neglect or refusal continues or arises shall be deemed a separate offense.

**D. Civil enforcement.** Appropriate actions and proceedings may be taken by law to prevent any violation of these regulations, to prevent unlawful construction, to recover damages to restrain, correct or abate a violation and to prevent illegal occupancy of a building structure or premises, and these remedies shall be in addition to the penalties described above. The Town Board may institute any appropriate action or proceeding to prevent and to restrain, correct or abate such violation or to prevent any illegal act, conduct, business or use in and about such premises.

**D. Variances.** Where the Town Board finds that because of unusual circumstances of shape, topography, or other physical features of the subdivision tract, or because of the nature of adjacent development, extraordinary hardships may result from the strict compliance with these regulations, it may vary the regulations via supermajority vote. Such variance shall only be considered so that substantial justice may be done and the public interest is secured, provided that no such variation shall be granted which will have the effect of nullifying the intent and purpose of the adopted comprehensive Master Plan or of these regulations.

**E. Right to inspect.** The Town Engineer, Highway Superintendent, Code Enforcement Officer, Planning Board Member or other Town officials designated by the Town Board, shall have the

right to enter upon the property and premises of any business, in accordance with law, to inspect for compliance with the provisions of this chapter. Further, any applicant upon being granted any approval requested under the provisions of this chapter, grants to the Town of Clarence, its officers or designated representatives, a license to enter upon the property and premises governed by said approval to determine that the provisions of this chapter are being fulfilled and to require such work to be done as may be necessary to meet the conditions of said approval.

- F. Technical inspections. The Town Engineer, Town Highway Superintendent, or other Town representative or consultant shall, as part of any approval granted under this chapter, have a license to enter upon the property and premises governed by said approval to make such technical inspections as the Town in its discretion considers necessary to ensure compliance with the provisions of this chapter.

**7. Exemptions.**

The provisions of Town Law section 265-a shall apply for lots shown on an approved subdivision plat.

**ARTICLE III, Procedures****1. General procedures.**

- A. **General Description.** The following is a list of key considerations governing the subdivision of land.
- (1) Subdivisions. Subdivisions proposed for the Town of Clarence shall be considered either as major or minor subdivisions.
  - (2) Re-subdivisions. Any change to an existing plat is considered a re-subdivision and thus requires approval of the Town Board and may be deemed by the Town Board as a major or minor subdivision.
  - (3) Surety. The Town Board can require that appropriate surety be posted to assure that the project is constructed as designed or to assure that conditions of approval are met.
  - (4) Clustering. The Open Space Design Development (OSDD) Overlay District Zoning may be considered for any proposal, the Town Board reserves the right to require clustering to protect environmentally sensitive areas or preserve open space. The Planning Board, after a proposed subdivision has been referred from the Town Board, may recommend that clustering be employed and shall refer the application back to the Town Board for consideration of clustering. OSDD standards as defined and detailed in Chapter 229, Zoning, must be met in approving such applications.
  - (5) SEQRA. All proposals require appropriate environmental reviews in accordance with the State Environmental Quality Review Act (SEQRA).
- B. **Parcel Line Adjustments.**
- (1) Parcel line adjustment procedures.
    - (a) Any applicant wishing to make a parcel line adjustment must submit sufficient information to the Planning and Zoning Office to allow review for compliance with this section and the Town of Clarence Zoning Law (Chapter 229 of the Code). This shall include six (6) copies of a plat map sealed by a licensed surveyor reflecting both existing and proposed parcel boundaries, wells for potable water, and septic system locations, if any.
    - (b) The Planning and Zoning Office shall refer parcel line adjustment applications to the Planning Board Chairman, Town Engineer, Town Assessor and Town Attorney. The application shall be reviewed for compliance with all applicable zoning requirements, applicable subdivision, and New York State Department of Health regulations pertaining to well and septic system distances from parcel boundaries, utility easements, proximity to existing drainage facilities, and other engineering and legal considerations.
    - (c) Parcel line adjustments shall in no way create non-conforming parcels. Any parcel line adjustment that creates a non-conformity shall be denied. The applicant may appeal a decision on parcel line adjustments to the Zoning Board of Appeals following the procedures set forth in the

Zoning Law (Chapter 229 of the Code of the Town of Clarence).

(d) After receipt of approvals from the Town Engineer, Town Attorney, Town Assessor and Planning Board Chairman, the Director of Community Development may approve the parcel line adjustment.

(e) The approved parcel line adjustment must be filed with the Erie County Clerk's Office within 180 days of the date of approval. In the event that the approved parcel line adjustment and respective deeds are not filed within 180 days, the altered parcel line shall become null and void as though it had never been approved.

- C. Subdivision Processes. Minor subdivisions of land are considered to be less complex projects and require a two-step process for approval. Major subdivisions are considered complex divisions of land and require a three-step process for approval.

## **2. Subdivision applications.**

A. Applications. All related application forms are available from the Planning & Zoning Department.

B. Pre-application conferences. Pre-application conferences with the Planning Board and/or the Director of Community Development are encouraged and serve the following functions:

- (1) To review application requirements (available in the Planning & Zoning Department).
- (2) To identify any potential area of environmental concern.
- (3) To discuss preliminary design of the project.
- (4) To set a possible timetable for review.
- (5) To review Town policies concerning development.

C. Fees. All applications for subdivision approval shall be accompanied by a fee to be established by resolution of the Town Board. This fee shall be used to cover part of the cost of the subdivision review process, including such administrative costs as public hearing notices, inspections, and communications.

D. Public hearing. All major subdivision proposals require a public hearing before the Town Board. Notice will be served by the Town Board to all owners of property located within 500 feet of the parcel proposed for subdivision. The public hearing is held to permit the public to learn details of the proposed subdivision. Minor Subdivisions shall be agenda items on a public meeting of the Town Board, noticed via the approved Notification Policy of the Town Board. Free, open and orderly discussion of the project and its impacts will be encouraged during the hearing.

E. Environmental review. Plans for proposed subdivisions may be referred by the Town Board for review and recommendations under the State Environmental Quality Review Act (SEQRA). The Lead Agency will consider the probable environmental impacts of the proposed subdivision. For all subdivisions the Town Board will act as Lead Agency under SEQRA.

F. Review by other governmental agencies. All major subdivisions shall be referred to all affected local,

state and federal agencies. Every subdivision plat must undergo review by the Town Engineer who will ascertain that civil engineering standards are met. All comments received from reviewing agencies shall become a part of the permanent public record of the project.

- 1.) County Planning Department Review. The Town Board shall, where required by a 239-n of the General Municipal Law or as may be requested by resolution of the Planning Board, submit the plat to the Erie County Department of Environment and Planning for review and recommendation. No final decision will be rendered prior to the receipt of such recommendation when the plat is referred pursuant to 239-n.
- 2.) County Health Department Approvals. The Town Board shall not approve any building permits for a subdivision that requires a permit for a septic field and that permit has not been issued by the Erie County Health Department because of New York Realty Subdivision Law requirements (Article 11, Title II Public Health Law and Article 17, Title 15 of the Environmental Conservation Law).

G. Date of Receipt. Timetables for decisions shall commence on the date of the first Town Board meeting subsequent to the filing of a completed application.

H. Zoning Compliance Required. All subdivisions of land shall be made in accordance with the Town of Clarence Zoning Law (Chapter 229 of the Code of the Town of Clarence).

I. Property Posting. The applicant must post a “pending action” sign, as approved by the Town, within one week of submission of the application to the Planning and Zoning Office and/or the Town Clerk. The sign shall remain on the property until final disposition of the application.

### **3. Minor subdivision review.**

A. General Principles. A minor subdivision plat shall be prepared and submitted to the Town Board for all proposed minor subdivisions. This is a two-step process that involves town departmental review and Town Board review and approval. The requirements and procedures of this process are as follows:

#### B. Requirements.

- (1) Nine (9) copies of the minor subdivision plat, a completed application, and a fee as required by Chapter 99 of the Code of the Town of Clarence (Fees), shall be submitted to the Planning & Zoning office for necessary review coordination.
- (2) Additional copies may be required to be submitted to the Planning & Zoning Department if it is determined that other officials, agencies or consultants need to be informed about the project.
- (3) The minor subdivision plat shall comply with the requirements set forth in the Manual of Standards for Land Development of the Town of Clarence and as developed by the Town Engineering and Highway Departments and as adopted by the Town Board.

#### C. Procedures shall be as follows:

- (1) Completed application. Upon the receipt of an application for a minor subdivision, the Director of Community Development or designee shall review the application submitted, to determine whether it is complete in accordance with the standards of this chapter. The Director of Community Development or designee shall place the matter on the agenda of the next available Town Board meeting. The Director of Community Development shall distribute the plat to affected agencies, including but not limited to the

Town Engineer, the Building Department, the Highway Superintendent, the Traffic Safety Board, the Fire Advisory Board, the Town Assessor, and the Town Attorney.

(2) Action on minor subdivision plat.

- (a) Prior to taking final action on the submitted application for a minor subdivision, comments from all involved agencies and departments shall be forwarded to the Town Board through the Planning and Zoning Office.
- (b) The Town Board shall, by resolution, within 62 days of receipt of complete application, approve conditionally, approve with or without modification or disapprove such application. In the case of disapproval of a proposed minor subdivision application, the Town Board shall identify reasons for disapproval in its minutes. Failure of the Town Board to act within the required time period shall constitute approval. The time in which the Board must take action may be extended by mutual consent between the developer and the Town Board.
- (c) The Town Board, at its sole discretion, may refer such application for minor subdivision, to the Planning Board for review and recommendation. Comments from the Planning Board shall be forwarded by the Planning Board to the Town Board for consideration during the identified time period.
- (d) Upon approval of a minor subdivision plat by the Town Board, the Town Clerk shall sign such plat for filing with the Erie County Clerk's Office.
- (e) Expiration of approval. An approved minor subdivision plat shall be filed in the Erie County Clerk's office within 62 days from the date of the signature of the Town Clerk. Failure to file the plat within this period shall constitute expiration of approval.
- (f) Issuance of permits restricted. No site improvements within the subdivision shall be installed until the plat has received final plat approval by the Town Board and surety has been posted pursuant to this chapter. No building permits shall be issued within the proposed subdivision until the plat has been filed in the Erie County Clerk's Office and notification of the filing has been received by the Assessor, Planning and Zoning and Building Departments.

#### 4. Major Subdivisions.

A. General Principles. Major Subdivisions are a three-step process consisting of concept plan approval, development plan approval and final plat approval as follows:

- (1) Concept Plan. A concept plan is a subdivision map/plan that has preliminary information about the proposed subdivision and is used for discussion purposes, and to determine compatibility with existing and proposed land use regulations including the adopted Master Plan and generally describes the proposed layout of the subdivision. The purpose of the concept plan review is to provide the subdivider with an opportunity to consult with the Town in order to save time and money to come to an understanding as to the most desirable design given the site constraints and the development requirements of the Town. This plan may also be known as the sketch plan.

(2) Development Plan. A subdivision map containing more detailed refinement of the plats and is considered the major design portion of the project. Development plan approval allows an applicant to proceed with obtaining permits to commence construction on required infrastructure to support the project. Under State Town Law, this plan also includes a preliminary plat.

(3) Final Plat. A refinement of the project into its final acceptable form for utilization as a permanent record on the project.

B. Concept Plan Procedure.

(1) Requirements.

(a) Nine (9) copies of a proposed concept plan, a completed application, including completion of a concept plan checklist and a fee, as required by Chapter 99 of the Code of the Town of Clarence, shall be submitted to the Planning and Zoning Department two weeks prior to a Town Board meeting. The copies shall be utilized for departmental reviews and files and for referrals to regional regulatory agencies.

(b) Additional copies may be required at the request of the Town Board and/or Planning Board. Digital files will also be required for public presentation purposes.

(c) The concept plan shall comply with the Manual of Standards for Land Development as developed by the Town Engineering and Highway Departments and as adopted by the Town Board.

(d) The concept plan shall meet all of the requirements in the concept plan review checklist made available in the Planning & Zoning Department.

(2) Process.

(a) Completed application. Upon the receipt of an application for a concept plan review, the Director of Community Development shall review the application submitted to determine whether it is complete in accordance with the standards of this chapter. The Director of Community Development shall place the matter on the agenda of the next available Town Board meeting for discussion purposes. The Director of Community Development will distribute the concept plans to affected agencies and departments for review and comment.

(b) Referral. If the Town Board determines that the proposed subdivision application is in substantial conformance with the adopted comprehensive master plan in terms of land use, community character, and substantial conformance with these regulations, the application may be referred to the Planning Board for further review.

(c) Notification. The Director of Community Development will notify adjacent property owners in accordance with the Town's adopted notification policy that the property is currently under concept plan review. The date and time of a Planning Board meeting to introduce the concept will be identified to welcome adjoining property owners to comment on the proposal. The Planning Board will hold a preliminary review of the prospective plans and alternative development scenarios in order to achieve the best overall concept.

(d) State Environmental Quality Review Act (SEQRA). The Planning Board shall study the concept plan of a proposed subdivision in relation to existing and potential development of the adjacent area, compliance with zoning, environmentally sensitive areas and general development patterns of the Town. Prior to taking any formal action on the application, the Planning Board shall refer the application for appropriate actions under SEQRA.

(e) Planning Board Action on the Concept. Upon completion of SEQRA, the Planning Board shall thereafter convey a written report or provide minutes of Planning Board meetings relative to the concept plan with comments to the subdivider. The report or minutes shall contain the Planning Boards comments concerning the design of the proposed subdivision, as well as any suggestions as to coordination with the design of the adjacent subdivisions or compliance with requirements of other affected public agencies. Copies of minutes of the relevant meetings shall be considered a sufficient written report.

(f) Public Hearing.

1. Upon recommendation of the Planning Board, the Town Board shall set a date for a public hearing to consider the Concept plans and take an action.
2. The public hearing will be held within 45 days of the receipt of a formal recommendation on the Concept Plan from the Planning Board.
3. The notice of the public hearing shall be advertised at least once in the Town newspaper at least five days before such hearing is held. Owner of property located within 500 feet of the land proposed for subdivision shall be sent a copy of the notice by the Director of Community Development, in accordance with the Town Board Public Notification Policy.

(g) Town Board Action on the Concept. No later than sixty-two (62) days following the initial introduction of the proposed subdivision, unless required reviews under SEQRA have legally delayed the process, and upon recommendation from the Planning Board and after the public hearing, the Town Board shall either approve the Concept Plans as submitted, approve with modifications, or deny the application for just cause. The resolution shall contain the findings of fact generated from the public hearing and agency and departmental review of the project.

C. Development Plan Procedure.

(1) A sufficient number of copies of the development plan and construction detail of the proposed improvements, a completed Development Plan Checklist, an application, and fee as required by Chapter 99 Fees, shall be submitted to the Planning and Zoning Department two weeks prior to a Planning Board meeting. This must occur within two years of the date of the resolution approving the concept plan. The Town Board may, by resolution, authorize an extension beyond the two-year limit.

(2) Additional copies may be required to be submitted to the Planning Board, who may determine that other officials, agencies or consultants need to be informed about the project.

(3) The development plans shall comply with the Manual of Standards for Land Development of the Town of Clarence and any protective covenants or deed restrictions.

(4) The development plans shall comply with the conditions made by the Planning Board and the Town Board in the report on the concept plan.

(5) The development plan shall be clearly marked “preliminary plat” and shall satisfy the requirements for such plats as described in the Manual of Standards for Land Development of the Town of Clarence.

(6) The development plan shall comply with the development plan review checklist made available in the Planning and Zoning Department.

D. General Procedures.

(1) Completed application. Upon receipt of an application for a Development Plan review, the Planning Board shall review the application submitted to determine whether it is complete in accordance with the standards of this chapter. The Director of Community Development also may distribute the preliminary plat to the affected agencies, including but not limited to, the Town Assessor, the Town Engineer, the Highway Superintendent and the Building Department for comment. Accompanying the preliminary plat shall be all documents showing construction details of proposed improvements, any supporting materials or engineering reports, and a completed environmental review form.

(2) The Planning Board will review the development plan and the comments from the agencies to which the plat was referred. The Planning Board then may refer the subdivider to appropriate officials or agencies to resolve any issues of design or legal requirements of the respective agencies.

E. Action on Development Plan.

(1) The Planning Board shall, within 45 days after the receipt of a completed Development Plan application, including all required departmental and regulatory agency approvals, shall recommend approval conditionally, approval with or without modification or disapproval of such development plans. The resolution shall contain the findings of fact generated from agency review of the project.

(2) The Town Board, upon recommendation from the Planning Board, shall take final action on the development plans. The Town Board may approve with or without conditions, disapprove, or table the proposal.

(3) Public hearing. If the Town Board deems the Development Plan to be significantly different from the preliminary plat with required modifications, the Board may require a public hearing. A hearing shall be required in those instances where there has been a change in primary egress or ingress, an increase in the number of lots or alteration of grading plans or method of water supply and/or sanitary wastewater disposal. A simple change in lot lines without causing any of the above shall not be deemed a significant change requiring a hearing. However, for just cause the Town Board reserves the right to hold a public hearing on a Development Plan approval. Such public hearing, if required, requires notice to be given. The notice of the hearing shall be advertised at least once in the official Town newspaper at least five days before such hearing is held. Owners of property located within 500 feet of the land proposed for subdivision shall be sent a copy of the public hearing notice by the Director of Community Development.

- (4) Notification. Notification of action shall be mailed to the subdivider and filed in the Town Clerk's office within seven (7) working days of the date of the Town Board action. Failure of the Town Board to act within the required time period shall constitute approval. The certificate of the Town Clerk as to the date of the submission and/or hearing and the failure to take action within such prescribed time shall be issued on demand and shall be sufficient in lieu of written approval. Notwithstanding these provisions, the time in which the Board must take action may be extended by mutual consent of the applicant and the Town Board.
- (5) Approval of Development Plans shall allow the applicant to proceed to pursue necessary permits to proceed with construction. No construction activity shall commence without first obtaining Development Plan approval from the Town Board and the appropriate regulatory agency and departmental permits.

F. Completion of improvements; expiration; certificate of approval.

(1) Completion of improvements. The developer shall complete all improvements in accordance with the approved development plans. The quality of the improvements must be in accordance with final development plans. Their quality also must be acceptable to the Town Engineer, the Highway Superintendent, the Planning and Zoning Department, or any other agency having jurisdiction.

(2) Expiration. Approval shall expire two years after the date of the resolution granting approval unless major construction has commenced. Major construction consists of infrastructure such as roads, water and sewer line extensions or other such similar improvements. Upon mutual consent of the developer and Town Board, the approval period may be extended up to an additional two years.

(3) Certificates of subdivision completion. Upon completion of improvements in accordance with the approved development plans, an inspection shall be made of the project by municipal officials who have jurisdiction over various improvements installed. Upon satisfactory review, a certificate of subdivision completion shall be issued by the Town Engineer. Acceptance of offers of dedication and release of final performance bond shall be prerequisites to the issuance of the certificate.

G. Surety.

(1) Provisions of this section are administered as provided for in Chapter 277 of the Town Law of the New York State statutes.

H. Public Improvement Permits.

(1) A Permit as monitored by the Town Engineer pursuant to Chapter 121 of the Code of the Town of Clarence, Public Improvement Permits, must be obtained for all required improvements.

**5. Final Plat Review.**

A. Purpose. This step provides for the final refinement and documentation of information submitted in

the Development Plan review procedure, finalizing information about site design and improvements. This information permits the Town Board, the Planning Board and Planning & Zoning Department, the Building Department, and the Town Engineer and the Town Attorney to make decisions concerning the final dedication and acceptance of the proposed subdivision. Some important considerations include but are not limited to:

- (a) Conditions of the preliminary plat approval.
- (b) Mitigating measures resulting from environmental review.
- (c) Offers of dedication.
- (d) Requirements of outside agencies.
- (e) The final plat shall be clearly marked “final subdivision plat” and shall satisfy the requirement for such plat as described in the Design and Construction Standards for Land Development of the Town of Clarence.
- (f) If the subdivider wishes to develop the subdivision in phases, a subdivision plat covering a portion of the area encompassed by the preliminary plat must be submitted, provided that the proposed development phases were generally indicated on the preliminary plat approved by the Town Board. However, no more than two individual phases shall be in the process or under construction at any time.

#### B. Procedures.

(1) Completed application. Upon receipt of an application for a final plat review, the Director of Community Development shall review the application submitted to determine whether it is complete in accordance with the standards of this chapter. The Director of Community Development also will distribute the final plat to the affected agencies, including the Town Engineer, Town Attorney, Town Assessor, Highway Superintendent and the Building Department for review and comment.

(2) The Town Board at this time shall process any requests for formation or extension of special districts.

(4) Action on final subdivision plat. The Town Board shall, by resolution within 62 days after the date of the completed submittal approve, conditionally approve or disapprove such a plat. The resolution shall contain the findings of fact from agency review and from the public hearing, if one has been held. Notwithstanding these provisions, the time in which, the Board must take action may be extended by mutual consent of the applicant and the Town Board.

(5) Notification of action shall be mailed to the subdivider and filed in the Town Clerk’s office within seven working days of the date of Town Board action. In the case of disapproval of a proposed plat, the Town Board shall state its reasons for denial in its minutes. A letter stating the reasons for denial shall be sent by the Town Board to the applicant. Failure to act within the required time period shall constitute approval. The certificate of the Town Clerk as to the date of submission and/or hearing and the failure to take action within such prescribed time shall be issued on demand and shall be sufficient in lieu of written approval.

(6) Conditional approval. Upon resolution by the Town Board of a conditional final plat approval, the Town Clerk shall sign the plat, subject to completion of such requirements as may be stated in the Town Board’s resolution. Conditional approval shall expire within 180 days after the date of the resolution granting conditional approval unless all such requirements are completed. This period may be extended by the Town Board for up to two ninety-day periods beyond the one hundred eighty (180) day initial period. Within five (5) days of the resolution of conditional approval, the plat shall be certified by the Town Clerk as conditionally approved. A sufficient number of copies shall then be filed in the Planning

and Zoning Office and the Erie County Clerk's Office.

(7) Issuance of building permits restricted.

(a) No building permits shall be issued within the proposed subdivision until the final plat has been signed by the Town Clerk and filed with the County Clerk. Notification of such filing must be received by the Planning Board and the Building Department prior to the issuance of permits. When a certificate of occupancy is requested for a new building in a subdivision prior to the completion of all improvements shown on the approved subdivision plat, the utilities and streets serving the building shall be completed to a degree satisfactory to the Town Engineer. The decision of the Engineer shall be based upon the following considerations:

- 1) Adequate vehicular access for the prospective occupant and emergency vehicles, including permanent road signage as approved by the Highway Superintendent.
- 2) Services adequate or completed, including water systems and an approved means to dispose of sanitary wastes.
- 3) Structure completed to the satisfaction of the Code Enforcement Officer, who shall utilize standards set forth in the New York State Fire Prevention and Building Code.
- 4) Where such certificate of occupancy has been issued, the streets and utilities proposed for dedication shall be maintained in a suitable condition by the subdivider at his expense and liability until such time as it is accepted by the Town Board.

(8) Expiration of the final plat.

- (a) The owner shall file an approved final plat with the Erie County Clerk's Office within 62 days of Town Board approval or such approval shall expire.

#### **6. Adequate Public Facilities and Special Districts.**

A. Purpose. The purpose shall be to provide certain utilities and services, on an equitable basis and also to assure a means of ongoing maintenance of those utilities and services; the Town of Clarence will create or extend special districts. These districts shall be formed in conformance to the provisions of New York State Town Law and as also set forth in these regulations. The formation of these special districts is accomplished to assure that only those who benefit from the installation of those utilities and services are responsible for paying for their installation and maintenance. Special districts must be in place prior to approval of any subdivision that will utilize such facilities.

#### **B. Requirements.**

(1) Requirements to create or extend districts are set forth in Article 12 of New York State Town Law.

(2) Applications to create or extend a district must be accompanied by the required fee as set forth in Chapter 99 of the Code of the Town of Clarence (Fees), a metes and bounds description of the district and a description of any easements or other information required to form the type of district requested. One copy of any application and accompanying materials to be presented to a state agency whenever

necessary is required as part of the process of obtaining final plat approval.

3) Procedures. Application for the formation of a district is processed as follows:

a.) Applications for state approval are submitted to the Town Board through the Planning and Zoning Department.

b.) The Director of Community Development refers the Town application and accompanying documents for processing.

c.) The Town Board must ensure that the following procedural steps are completed:

1. The documents are forwarded to the Town Engineer, who prepares the maps and plats for the creation or extension of the district.

2. The Town Attorney or designee receives and reviews all documents to assure that all provisions of Article 12 of the New York State Town Law and all other legal requirements are met. If all matters are in compliance, the Town Attorney's Office or its designee shall prepare:

- a. The petition for creation of the district.
- b. The notice for public hearing.
- c. The resolution creating or extending the district.

3. All proposed districts are in compliance with the Town's adopted comprehensive Master Plan.

d.) Public hearing. Upon receipt of a completed application for the district and recommendation of the Town Attorney, the Town Board shall schedule and hold a public hearing on the proposed district or extension of a district. The purpose of the public hearing is to permit free and open discussion of the proposed district. Notice of the public hearing shall be published in accordance with the provisions of New York State Law. If the Town Board determines the proposal meets all state and local requirements, the district shall be created or extended by resolution of the Town Board.

e.) Notification. Notification of the decision shall be the responsibility of the Town Clerk and shall be performed in accordance with all provisions of state law. Final documentation concerning the creation or extension of the district shall become a part of the permanent public record of the subdivision and distributed by the Town Clerk accordingly.

**ARTICLE IV, Required Improvements****1. Required improvements.**

The following improvements are necessary to assure that all lots in subdivisions are adequately served with utilities, accessible to pedestrians and to vehicles, safeguarded against physical dangers, such as flooding and erosion, and have sanitation features, which provide a healthy and safe environment. Improvements are required to preserve the natural features of the land and to make the subdivision an attractive and desirable place to live.

**A. Preservation of natural features.**

1) The subdivision shall be designed with consideration being given to the preservation of natural features. Precautions shall be taken to protect existing trees and shrubbery during the process of grading the lots and roads. The developer shall not remove any trees over 6" DBH from the site without Town Board approval. In the event any trees over 6" DBH are removed from a site, the developer shall replace each tree at a ratio of two to one.

2) Where a subdivision is traversed by natural surface water, the boundaries and alignment of the body of water shall be preserved unless the Town Board finds that a change would be ecologically sound and would enhance the development and beauty of the project. All proposed changes in the boundaries of bodies of water shall be referred to the New York State Department of Environmental Conservation, the United States of America Army Corps of Engineers, or the Erie County Soil & Water Conservation District for review and recommendations and be designed and approved in accordance with Article 15 of the New York State Environmental Conservation Law.

3) The subdivider shall preserve unique physical features, such as historic landmarks and sites, rock outcroppings, hilltop lookouts, desirable natural contours, stands of trees and similar natural features.

**B. General requirements.**

1) The location and width of all proposed streets shall be in conformity with the existing or amended plans of the Town.

2) The proposed street layout shall be coordinated with the street system of the surrounding area. Existing principal streets shall be extended and the names of such streets continued.

3) When the Town Board can provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround shall be provided.

4) Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further resubdivision. Reverse-frontage lots may be required on major arterials as a means to avoid additional curb cuts along the arterial.

5) Double frontage lots shall be prohibited unless access to the property from one of the affronting roadways is restricted in perpetuity. No usable property shall become landlocked.

6) Proposed streets which are obviously in alignment with others existing and named shall bear the

assigned name of the existing streets. In no case shall the name for proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, etc.

7) In order to preserve the existing public view, the minimum setback for lots from the existing public road frontage shall be determined by the Town Board based upon natural features of the land proposed for development, the ultimate density of the proposed development and the location of existing uses along the public road. At a minimum, a setback of 200' shall be required from any existing public road right-of-way and the first lot proposed within a new subdivision involving public road dedication.

8) In calculating the overall density of a proposed development, lands that are deemed not developable due to natural constraints, shall not be included in the overall density calculation of the development. This section shall not apply to subdivisions utilizing open space design techniques as described in the Zoning Law (Chapter 229 of the Code of the Town of Clarence).

C. Lots.

1) The size, shape and orientation of non-residential lots shall be such as the Town Board deems appropriate or as stated herein, for type of development and use contemplated. Residential lots shall comply with the following requirements:

2) Lot dimensions and area shall not be less than the requirements of Chapter 229, Zoning, unless a variance has been granted by the Zoning Board of Appeals. Lot area shall include only usable lands as defined in Chapter 229 of the Code of the Town of Clarence and Article VI.

3) Side lot lines shall be substantially at right angles or radial to street lines.

4) All lots shall abut their full frontage on a publicly dedicated street or a street that has received the legal status as such or on an approved private road as approved by the Town Board in an Open Space Design Development or Open Development Area.

5) Lots in a floodway or floodplain or within 100 feet of a designated wetland, whether incorporated as a part of the subdivision or not, are subject to the following provisions:

- a) Flood damage prevention as provided for in Chapter 107 of the Code of the Town of Clarence.
- b) Article 24 of the New York State Environmental Conservation Law.
- c) Wetlands falling under federal jurisdiction will be subject to a site-specific buffer zone, the width of which is to be as designated by the Town Board, unless appropriate fill permits are obtained from the United States Army Corps of Engineers. Under no other circumstances shall the Town approve any project or issue permits for a project that includes plans to build a structure or place fill within the designated buffer zone.

6) A lot of less than three hundred (300) feet frontage fronting on a county or state highway shall be designed so as to share a common curb cut with an adjacent lot if either adjacent lot has not been previously granted a curb cut permit. When more than three (3) lots are proposed to be subdivided from a parcel with frontage on a county or state highway, access for all such lots shall be on internal streets, not on a county or state highway. Each lot permitted to front on a county or state highway shall provide for an approved on site turnaround so as to obviate the necessity of any vehicle from backing onto such highway.

7) Any such common curb cut and/or common driveway shall be subject to reciprocal easements and suitable maintenance agreements which shall be noted by reference on the subdivision plat, reviewed and approved by the Town Board and recorded in the Erie County Clerk’s Office. Any such common driveway shall be further subject to criteria that may be promulgated by the Town Board for the design, construction and approval of common driveways.

8) Access from private streets. Access from privately owned and maintained streets, as may be specifically authorized by the Town Board in accordance with section 280(a) of the Town Law, shall be deemed acceptable only if such streets are designed and improved in accordance with this section and means satisfactory to the Town Board are provided for the long term ownership and maintenance of said privately owned and maintained streets. The subdividing of land shall be such as to provide each lot with satisfactory access for routine and emergency purposes from the community’s system of public streets and roadways.

D. Easements.

Utility and other easements shall be provided as follows:

1) Utility easements. An easement shall be provided for all utility lines wherever those utility lines do not fall within a dedicated right-of-way. All utility easements shall be plotted on both the preliminary and final subdivision plat. The developer must identify all easements in deeds for each lot affected. Utility easements shall have a minimum width of 15 feet. All utility lines which are primarily intended to provide service to the lots within the subdivision shall be installed underground at a depth and at such locations as will minimize risk of interruption of services.

2) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose.

3) Lakes, ponds, creeks and similar areas may be accepted for maintenance by the Town only if sufficient land is dedicated as a public recreation area or park. Such areas must be approved by the Town Board before approval of the final plat. Where such area constitutes a necessary part of the drainage control system, such area must be approved by the Town Engineer.

4) Drainage easements. Drainage easements shall be provided for all natural and man-made drainageways which do not fall within a dedicated right-of-way. All drainage easements shall be plotted on the preliminary and final plats. The Town shall be provided with a metes and bounds description of all proposed easements prior to final plat approval. These descriptions will be used by the Town Engineer in creating or extending special districts.

5) The Town Board reserves the right to require additional cross access easements when the purposes of the easements are found to be in the public interest.

E. Buffer strips/Greenbelt.

When residential districts directly abut major arterials and/or commercial and industrial development or other areas as determined by the Town Board, a buffer strip consisting of at least 45 feet shall be provided along the line where such land uses abut. For purposes of title, these buffer strips shall be part of the platted lots but shall have the following restriction set forth on the final plat: “This buffer strip is reserved for the planting of trees or shrubs by the owner or the preservation of natural features; the building of

structures and other impervious surfaces hereon is prohibited.” No rear yard drainage or utility easements shall be placed in this buffer area unless approval of the Town Board is otherwise granted.

F. Utilities.

These improvements are required to assure that the property is adequately served by water, sewer and drainage systems and by electric power and other fuel-distribution systems. To assure that these systems are properly installed and easily repaired, inspection of the installation of these improvements is required.

1) Water distribution. A system of transmitting potable water to the subdivision and appurtenances in adequate amounts for the normal use of each lot in the proposed subdivision.

a) The public water supply system in the Town of Clarence is owned and operated by the Erie County Water Authority. Any extension of or service from the public water system is subject to the rules and regulations and approval of the Erie County Water Authority and the New York State Department of Health.

2) Sanitary sewer systems. Sanitary sewage is the combination of human and household wastes with water. These sewer systems are used to dispose of sanitary sewage from individual lots in a subdivision. Two types of sanitary sewer systems are permitted: public sanitary sewer systems and individual sewage disposal systems. All public and selected individual sanitary sewer systems must be approved by the New York State Department of Environmental Conservation and/or the New York State Department of Health, whichever is applicable.

a) Public sanitary sewers shall be provided whenever existing sanitary sewers are reasonably accessible as identified in the adopted Master Sewer Plan and available capacity exists to support the proposed subdivision. These systems also must conform to the Manual of Standards/Design and Construction Standard of Land Development of the Town of Clarence.

b) Individual sewage disposal systems are on-lot systems, which means that the sewage is disposed of on the lot. Individual sewage disposal systems shall not be used in any development, which has more than four (4) lots of less than five acres (5 ac.) in size.

3) Drainage systems. These are a combination of natural watercourses and man-made facilities intended to convey stormwater runoff and shall conform to the Design and Construction Standards for Land Development in the Town of Clarence.

a) Adequate and comprehensive drainage systems shall be provided in accordance with the natural direction of runoff for the total upland watershed area affecting the subdivision. Such drainage systems shall have sufficient capacity to accommodate the potential future runoff based upon the probable land use and ultimate development of the total watershed area upland of the subdivision.

b) The preservation of natural watercourses is preferable to the construction of drainage channels, and such watercourses should be preserved and utilized.

c) When storm drain connections to storm sewers are not possible, all storm drainage shall be piped underground so as to take all runoff away from the building, parking and walk areas and discharge to the nearest swale or detention facility.

4) Cable television. It shall be the developer’s responsibility to coordinate the installation of the cable television wire with the cable television provider and the lead utility company.

5) The installation of improvements shall be subject to inspection at all stages by representatives of the Town of Clarence. For this purpose, free and unrestricted access shall be afforded and requested information shall be promptly submitted. The cost of such inspections shall be approved by the Town Engineer and included in the value of the surety submitted for the project.

G. Site surface improvements.

These improvements are required to ensure the ecology of the subdivision is not disturbed adversely, that the subdivision presents an attractive appearance, that is properly paved and monumented and that all improvements are recorded on the final plat for approval by the Town of Clarence.

1) Erosion control. The subdivider shall preserve unique physical features, such as historic landmarks and sites, rock outcroppings, hilltop lookouts, stands of trees, desirable natural contours and similar natural features in designing a project.

a. Erosion and sedimentation control shall conform to the Design and Construction Standards for Land Development of the Town of Clarence.

b. During the development process, the developer shall expose the smallest practical area of land at any one time. Proper erosion control measures shall be in place prior to any area being disturbed. Examples of normal erosion control are straw baling, silt dams made of synthetic materials and siltation collection depressions.

2) Topsoil.

a) Topsoil moved during the course of construction should be stored in such a manner as to allow for minimum volume to be stacked or stored at any one time. The stacking or storage period should be kept as short as possible.

b) Storage and redistribution of topsoil should be consistent with the phasing of construction for the purpose of reducing the need for the storage of large volumes of topsoil. Topsoil shall be redistributed so as to cover all areas of the subdivision adequately to a minimum depth of eight inches for each lot and shall be stabilized by seeding or planting. Topsoil piles shall be stabilized by seeding. Permanent removal of topsoil from areas of proposed road and utility construction, requires prior permission of the Town Board as part of the permit required by this chapter. Prior to said removal authorization the applicant shall demonstrate that sufficient topsoil will remain. A minimum of eight inches of topsoil must remain for portions of the site not covered by structures, sidewalks, parking areas, roadways or driveways.

c) Temporary vegetation and/or mulching should be provided to prevent potential erosion problems during construction.

d) Upon completion of the project, the subdivider shall not be permitted to leave any hills or mound of dirt around the tract. All surfaces should be restored within six months of the time of the completion of the section of the subdivision.

e) Upon completion of the project, the subdivider shall not be permitted to leave any surface

depressions which will collect pools of water except as may be required for retention of stormwater runoff.

f) All fill introduced to the project site to meet grading requirements as approved by the Town Engineer shall be pre-approved as to quality and source.

3). Landscaping. Landscaping is the improvement of land by contouring and decorative planting, which includes vegetative ground cover.

a) All lots which are disturbed during the course of construction and which are not covered by structures or paving shall have a minimum vegetative ground cover to prevent erosion.

b) Additional landscaping may be recommended by the Planning Board to screen or buffer the subdivision from a visually non-compatible use.

c) All subdivisions must be in conformance with Chapter 131 of the Code of the Town of Clarence (Landscape Ordinance) and any other local laws regulating trees.

4). Fill. To achieve required grades within the subdivision, any fill introduced to the property must have written verification as to the source of the fill and such fill must be approved by the Town Engineer. Designs should be developed so as to discourage the introduction of fill to a property so as to utilize the natural setting of the property and to encourage the preservation of mature vegetation.

5). Street signs. Permanent street signs of the same type and design in general use throughout the town, showing the names of intersecting streets, shall be erected at each intersection.

6). Monuments. Permanent reference monuments shall be set at critical corners and angle points of the boundaries within the subdivision. Generally, critical corners and angle points shall be deemed to mean boundary corners and angle points in the boundaries of the parcel being subdivided and in street right-of-way boundaries at all street intersections. Variations to this general rule shall be permitted with Town Board approval. Requests for deviations shall be made prior to preliminary plat approval. Agreements on monumentation shall be incorporated into the subdivision plan of the final plat.

7). Accessways. All roads and streets shall be constructed in conformance with the Manual of Standards/Design and Construction Standards for Land Development in the Town of Clarence.

8). Planting. Adequate tree planting shall be completed. Street trees shall be approximately 35 feet apart. Tentative tree species will be indicated on the preliminary plat. Trees shall not be less than two and a half inches DBH at the time of planting. They may be planted on either side of the sidewalk, unless the planting strip is less than eight feet, in which case, they should be planted in the lawn area. Trees must be adequately supported by guy wires until firmly rooted. All tree planting/landscape plans shall be reviewed and approved by the Town Highway Superintendent and the Town Landscape Committee.

#### H. Driveway grade and design.

Driveway grades between the street pavement and the minimum building setback line shall not exceed ten percent (10%), with a suitable negative grade provided within twenty (20) feet of the intersecting street pavement. The remainder of the driveway shall be designed and built to afford suitable access to the building site in accordance with the provisions of the New York State Uniform Fire Prevention and

## Article IV

## Required Improvements

Building Code and to prevent adverse impacts from either stormwater drainage or erosion on the public street or roadway.

### I. Streets.

General objectives. Streets shall be of sufficient width, suitably located and adequately constructed to accommodate the prospective traffic and normal road maintenance equipment. Street systems shall promote connectivity. The arrangement of streets shall be coordinated such that the streets compose a convenient system, cause no undue hardship to adjoining properties and render no property inaccessible from an existing street or from a proposed street in a subdivision for which a completion bond or similar performance guaranty has been posted.

a). Right-of-Way widths shall be as follows:

Type of Street	Minimum right-of-Way Width
Arterial	100 Feet*
Collector	80 Feet*
Local or Minor Street	60 Feet*
Alley	36 Feet*

\*NOTE: Or as determined after consultation with the Erie County Department of Public Works, Planning Board, the State Department of Transportation, or the agency with jurisdiction of the road it contacts.

b). Pavement widths face-to-face curb shall be not less than the following:

Type of Street	Pavement Width (feet)
Arterial	50 Feet*
Collector	36 Feet*
Local or Minor Street	28 Feet*
Alley	20 Feet*

\*NOTE: Or as determined after consultation with the Erie County Department of Public Works, Planning Board, the State Department of Transportation, or the agency with jurisdiction of the road it contacts.

c). Street grades:

Street grades may be not more than 7% nor less than 0.4 of 1% (or as determined after consultation with the Town or Erie County Department of Public Works, the Town Board or the State Department of Transportation, when applicable).

Grades approaching intersections may not exceed 4% for a distance of not less than 100 feet from the center line of said intersection where possible (or as determined after consultation with the Town Highway Department, Erie County Department of Public Works, the Town Board or the New York State Department of Transportation, when applicable).

d). Where a center-line deflection angle of more than 10 degrees occurs, a circular curve shall be

introduced, having a centerline radius of not less than the following:

Major street:	500 feet
Collector Street:	300 feet
Local or Minor Street:	150 feet
Alley:	100 feet

e). All vertical curves shall have such length as necessary to provide safe sight distances as specified by the American Association of State Highway Officials.

f). Except for minor streets and alleys, there shall be a tangent of at least 100 feet between reverse curves.

g). Street intersections shall be laid out as follows:

Streets shall intersect as nearly as possible at right angles, and no street shall intersect at less than 75 degrees. Intersections with principal arterial streets shall be at least 1,300 feet apart measured from center-line to center-line.

Proper sight lines shall be provided and maintained at all intersections of streets. Measured along the center line, three feet above pavement, there shall be a clear sight distance triangle of 200 feet on major arterials, 100 feet on collector streets and 75 feet on local or minor streets, measured from a point of the center-line intersection of the streets.

A centerline-offset minimum of 125 feet shall be provided at street jogs.

Multiple intersections involving the junction of more than 2 streets shall be avoided whenever possible, but where they are unavoidable, such intersections shall be designed with extreme care for both vehicular and pedestrian safety.

h). Cul-de-sac streets shall not be created to provide access to residential lots except in situations where, in the view of the Town Board, and with review and recommendation from the Planning Board, a through street cannot reasonably be provided due to the physical characteristics of the subdivision parcel and adjoining properties. Where a cul-de-sac street is authorized, either as a permanent dead-end street or as a temporary dead-end street pending completion of a through road network, not more than twelve (12) single-family residential lots may gain access from either the initial development or extension of such cul-de-sac street.

1. A cul-de-sac shall be restricted to a maximum of seven percent (7%) grade in all zoning districts and to a length of fifteen hundred feet (1,500').

2. A turnaround with a right-of-way radius of at least sixty (60) feet and a pavement radius of at least fifty (50) feet shall be provided at the end of any cul-de-sac or permanent dead-end street. The cul-de-sac street shall otherwise be governed by all stated requirements of the Town Street and Highway Specifications.

i). The dedication of stub streets at the perimeter of a new subdivision is prohibited. Where there exists a stub street in an adjoining subdivision, the remaining half shall be provided by the proposed development.

j). A temporary turnaround, 50 feet in radius, shall be required where the logical extension of a subdivision street is terminated and that the street is two or more lots deep. A “T” type turnaround may be used with the approval of the Highway Superintendent and the Planning Board.

k). Minimum design standards. Streets and related improvements shall be laid out and constructed in accordance with the minimum design standards prescribed in the Town Street and Highway Specifications of the Town of Clarence, as adopted by the Town Board and incorporated by reference in this chapter.

l). Where subdivisions are developed abutting existing or dedicated or platted streets where rights-of-way are inadequate, the developer shall make available the additional rights-of-way to meet the minimum standards of these regulations. Rights-of-way may be determined after consultation with the Town Highway Superintendent and the Town Engineer.

m). Adequate plan consideration and provision for pedestrian and/or bicyclists shall be made accommodating safe and convenient circulation within the subdivision and between the subdivision and surrounding areas of interest (parks, schools, commercial activity, etc.). Design elements shall include walks, paths, or other linkages along roads, property lines or other common areas within the boundaries of the subdivision, as acceptable to the Town Board. Pedestrian Access Way requirements may be waived by the Town Board at its discretion.

J. Blocks.

- 1) Block lengths shall not exceed 1,500 feet.
- 2) Blocks shall have a sufficient width to allow two tiers of lots of minimum depth. Blocks may consist of single tier lots where such are required to separate residential developments from through vehicular traffic or non-residential uses.
- 3) Commercial areas shall comply with Chapter 229, Zoning, of the Code of the Town of Clarence. The block layout shall conform, with due consideration of site conditions, to the best possible layout to serve the buying public, to permit good traffic circulation and the parking of cars, to make delivery and pickup efficient and to reinforce the best design of the units in the commercial area.
- 4) The block layout in industrial areas shall be governed by the most efficient arrangements of space for present use and future expansion, with due regard for worker and customer access and parking, and shall comply with Chapter 229, Zoning, of the Code of the Town of Clarence.

K. Park and Passive Recreation Space Dedication.

- 1) The Town Board shall require that a minimum of twelve percent (12%) of the total usable land area within a major subdivision be set aside and shown on the plat for active and passive recreation purposes, including trails and other linkages between neighborhoods. All lands designated on the plat as park or open space must be deemed suitable for this purpose by the Town Board based upon overall consistency with the adopted comprehensive plan and a site-specific analysis of the lands topographic, geologic, hydrological and location characteristics.
- 2) The authority granted herein shall not preclude the Town Board from requiring that a given

project

meet the open space requirements of the Town Code.

3) Land for park, playground or other recreational purposes may not be required until the Town Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Town based on projected population growth to which the particular subdivision will contribute.

4) All subdivisions shall comply with the comprehensive master plan as adopted by the Town Board of the Town of Clarence. Minor residential subdivisions will not require an open space set aside. A minimum of 12% of the overall developable property will be required for open space preservation. Per the Zoning Law, a minimum of 25% open space will be required for incentive lots and a minimum of 50 % open space will be required for an open space design development overlay. The following table illustrates this requirement:

Subdivision Type	Minimum open space requirement (% of gross ac.)
Minor Subdivision	0
Major Subdivision	12
Major Incentive Subdivision	25
Open Space Design Development	50

5) Subject to Town Board approval, the open space set aside must be addressed by:

a) Conservation easements, subject to Town approval or approval by a Town approved land trust;

b) Land dedication; or

c) Other methods, with recommendation by the Planning Board and approval of the Town Board.

d) The Town Board may establish such conditions on the subdivision concerning access, use and maintenance of such park and open space lands as deemed necessary to ensure the preservation of the lands, in perpetuity, for their intended purposes. Such conditions shall be clearly noted by the licensed land surveyor and/or professional engineer on the plat prior to final plat approval and subsequent recording of the plat in the office of the Erie County Clerk.

e) Information to be submitted. In the event that an area to be used for park or open space is required, the subdivider shall submit, prior to final plat approval, to the Town Board, drawings at a scale of not less than twenty (20) feet to the inch of such area and the following features thereof:

1.) The boundaries of said area, giving lengths and bearings of all straight lines, and radii, lengths, central angles and tangent distances of all curves.

2.) Existing features, such as streams, ponds, clusters of trees, rock outcrops and structures, existing or proposed. A tree survey shall be submitted for all trees over 6” measured at DBH.

3.) Existing and, if applicable, proposed changes in the grade and contours of said area and of the area immediately adjacent for a distance of not less than one hundred (100) feet, with such contours to be at an interval of not more than two (2) feet.

4.) Plans for improvements of said area, not limited to grading, seeding, fencing, landscaping, the provision of play and related equipment and the address of conditions relating to the protection of the public health and safety.

6) Payment in lieu of dedication. In cases where the Town Board has made a determination that the proposed subdivision presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that because of the size, topography or location of the subdivision or because of the area of the individual lots provided within the subdivision or of the proposed open space, the requirement for land dedication or reservation for parks and other open space purposes would be deemed unreasonable or undesirable by the Town Board, the Town Board shall alternatively require, under Section 277 of the Town Law, that a payment be made into a special recreation fund for town recreation site acquisition and/or improvement in lieu of such land dedication or reservation within the subdivision. Such payment shall be a condition of approval of the final plat and shall be assessed on a per lot or per dwelling unit basis in accordance with the subdivision fee schedule established and annually reviewed by the Town Board upon recommendation of the Planning Board. This fee shall be equivalent to 12% of the assessed value of such land proposed for development to reflect the minimum recreational requirements as identified in Section K, above, for the proposed subdivision. This fee shall not apply to any proposed lot presently developed with a residential structure and legally occupied within the past twelve (12) months for residential purposes.

L. Pedestrian Traffic Improvements.

1) Adequate provision shall be made for the convenient and safe movement of pedestrians and bicyclists in a subdivision for residential, institutional or commercial purposes throughout the Town of Clarence. All streets designated as through roads shall have an improved pedestrian path, sidewalk, or bikeway provided on at least one (1) side of the street. Any such sidewalk or pedestrian path shall be so placed that there will be a distance of not less than four (4) feet between the sidewalk and the street pavement. A bikeway or combined bicyclist/pedestrian path, not less than four (4) feet in width, may be alternatively situated adjacent to the street pavement and be visually separated by striping on both its inner and outer edges. Sidewalks on both sides of a proposed new public road, may be required in all major subdivisions of 25 lots or more with density equivalent to the Residential Single-Family Zone as defined in the Zoning Law.

2) The Town Board may require that additional or alternatively located pedestrian ways be provided within a subdivision to provide access to parks or public spaces, school sites, neighborhood shopping facilities or similar destinations. Any such pedestrian way may be situated within either a public right-of-way or established within a suitable easement.

3) In all subdivisions, where the unit densities are greater than two units per acre and there is a destination or recreational benefit that can be achieved by the installation of Pedestrian Access Ways, such facilities shall be installed by the developer.

**ARTICLE V, Open Development Areas**1. Purpose:

A. Pursuant to Section 280-a of Town Law, the Town Board, in order to maintain the rural character of the Town and to provide relief to landowners that wish to subdivide land which lacks adequate public road frontage for standard lot development or for more efficient utilization of rear yard space, may by resolution, establish an open development area or areas within the Town. An Open Development Area is not an as of right use and must be designed to maintain the rural character of the Town as well as to meet the conditions as herein established.

2. Requirements:

A. The maximum number of lots in any open development area shall be four (4).

B. There shall be a minimum of one hundred foot (100) separation along the public road between the common driveway to an open development and any existing or proposed driveway and any public street or right-of-way. This condition will encourage efficient land use by eliminating exception lots and future frontage lots adjoining the open development.

C. The minimum lot size in an open development area shall be two (2) acres each. No home may be built closer than one hundred fifty (150) feet from a public road right-of-way and forty-five (45) feet from a private drive. The minimum width shall be two hundred (200) feet at the setback line. All other setback regulations and lot coverage requirements for the zoning district in which the open development area is located shall apply.

D. The common driveway for an open development area shall have a minimum right-of-way width of thirty-six (36) feet. The paved surface shall consist of a minimum width of twenty (20) feet of asphalt pavement with a turnaround provided. The required pavement cross-section and turnaround shall comply with the town of Clarence standard details for open development pavement.

E. The common driveways shall not be used for any more than four (4) single family lots unless adequate public road frontage exist to allow frontage lots that meet the dimensional requirements for open development area lots. The Town Board may approve such frontage lots as long as the intent of this law and the character of the surrounding area is maintained, including a requirement that frontage lots be accessed via the common driveway approved for the open development area. Provisions of the New York Real Property Law must be met.

## F. Water Supply

1.) Domestic Water. A minimum of a two (2) inch waterline designed by a professional engineer, licensed in New York State, to provide adequate volume and pressure and approved by the Erie County Water Authority.

2.) Fire protection shall require an eight inch (8) waterline and hydrant be provided to service any principal use within an open development area located more than six hundred (600) feet from an existing fire hydrant. Such line shall be designed by a professional engineer, licensed in New York State, and must be approved by the Erie County Water Authority.

3.) In lieu of extending a fire protection water line, a National Fire Protection Association compliant sprinkler system, meeting the requirements for the specific occupancy load of the structure, must be installed for each principal structure and any detached accessory structure exceeding 720 square feet in floor area. Accessory structures with setbacks exceeding one hundred (100) feet from any principal structure and lot line are exempt from this requirement.

G. An access and maintenance agreement for common infrastructure and utilities within any open development area, acceptable to the Town Board, must be reviewed and approved by the Town Attorney prior to development plan approval.

H. No principal building within an open development area shall contain less than two thousand (2,000) square feet of living area for a one-story structure and two thousand five hundred (2,500) square feet of living area for a two-story structure.

I. Only one single family home per lot may be allowed in an open development area.

J. All other zoning requirements of the zone in which the open development area is approved shall be met.

K. Engineering drawings and specifications submitted to and approved by the Town Engineering Department presenting existing topography, proposed grades, pavement details, drainage plans with calculations, sanitary sewer service, waterline size and hydrant locations signed and sealed by a New York State licensed engineer.

L. Any open development area, if approved, shall expire two years from the date of development plan approval if major construction has not commenced. Major construction consists of infrastructure such as roads, waterline, and other improvements.

M. Erie County Health Department must approve the plans for wastewater management and the potable water line prior to Town Board approval for any open development area.

N. All recreation and open space fees apply in any open development area including frontage lots approved as a part of the final design.

O. Any open development area application must be evaluated under the State Environmental Quality Review Act requirements.

P. All other applicable parts of this subdivision law (Sec L.L. 193) and New York State Real Property Law shall apply.

Q. Clearly marked house numbers and street signs shall be placed at the developer's expense. A Stop sign must be provided by the developer at the developers expense on the common driveway at the intersection with any public road.

**ARTICLE VI, Definitions and Word Usage****1. Definitions; word usage.**

A. Word usage. Words in the singular include the plural, and words in the plural include the singular. The word “person” includes a corporation, limited liability companies or partnerships, unincorporated association and a partnership as well as an individual. The word “lot” includes “parcel” or “plot.” The word “building” includes “structure” and shall be construed as if followed by the word “or part thereof.” The word “street” includes “road,” “highway” and “lane;” while “watercourse” includes “drain,” “ditch” “swale” and “stream.” The word “may” is permissive. The word “shall” is mandatory.

B. Definitions. Unless otherwise expressly stated, the following terms shall, for the purposes of this regulation, have the meanings indicated:

ACCESS – a way or means of approach to provide vehicular or pedestrian entrance or exit to a parcel

ACCESS CONNECTION, VEHICULAR – Any driveway, private street, turnout, or other means of providing for the movement of vehicles to or from a public street.

ACCESS MANAGEMENT – The process of locating and designing vehicular access connections to preserve the flow of traffic in terms of safety, capacity and speed.

ALLEY - A strip of land over which there is a right-of-way, municipally or privately owned, serving as a secondary means of access to two or more properties.

APPLICANT - The owner of land proposed to be subdivided or developed or his agent. Proof of ownership shall be required from the legal owner of the land proposed to be subdivided.

APPURTENANT ACTIVITIES - All on site operations located on properties with approved subdivision or site plans involved in the hauling, treatment, processing or further fabrication of soil, sand, gravel or natural deposits, including washing, sedimentation ponds, grading, sorting, grinding and crushing.

ARCHITECT - A person licensed as an architect by the State of New York.

BLOCK - A tract of land bounded by streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or boundary lines of other municipalities.

BOARD - The Town of Clarence Town Board.

BOARD OF HEALTH - The New York State Department of Health.

BOND - Any form of security, including a cash deposit, surety bond, collateral, property or letter of credit, in an amount and form satisfactory to the attorney for the Town. All forms of security shall be approved by the Town Board wherever a “bond” is required by these regulations.

BUILDING DEPARTMENT - The Town of Clarence agency responsible for matters of code enforcement and building construction.

## Article VI

## Definitions

**BUILDING PERMIT** - An authorization issued by the Building Department to commence work on a structure in accordance with approved plats and specifications and in compliance with the New York State Uniform Fire Prevention and Building Code.

**CERTIFICATION OF COMPLETION** - A document which certifies that all site improvements have been completed in compliance with plans approved by the Town Board.

**CERTIFICATE OF OCCUPANCY** - A document which certifies that a structure is habitable.

**CLUSTERING** - Authority, granted by Section\*278 of the Town Law of New York State, whereby the Town Board is authorized to modify certain provisions of Town of Clarence Zoning. The modification must occur at the same time the plat or plats are approved pursuant to this Article and modifications are subject to reasonable conditions set forth by the Town Board. The purposes of such authorization will be to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of the land. It is designed to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open lands. This term shall be synonymous with Open Space Design as identified in the Town of Clarence Zoning Law, Chapter 229 of the Town Code of the Town of Clarence.

**CODE ENFORCEMENT OFFICER** – The agent appointed by the Town Board to enforce the codes of the Town of Clarence.

**COLLECTOR STREET** - A dedicated street used to carry traffic from minor streets to primary or major thoroughfares, including the principal entrance streets of a development and streets for circulation within a development.

**COMPREHENSIVE PLAN** – The materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports, and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices, and instruments for the immediate and the long range protection, enhancement, growth and development of the town.

**CONCEPT PLAN** - A drawing prepared in accordance with Article III of these laws showing in general form the manner in which a tract of land is to be subdivided or developed. This definition shall also include “sketch plan/plat”

**CONDITIONAL APPROVAL OF A FINAL PLAT** - The approval by the Town Board of a final plat subject to conditions set forth in a resolution. Such conditional approval does not qualify a final plat for recording in the office of the Erie County Clerk, nor does it provide authorization for the issuance of building permits.

**CONSERVATION ADVISORY COUNCIL** - An environmental research and advisory board created by the Town Board pursuant to Article 12-F of the General Municipal Law. The Board reviews and makes recommendations to the Town Board on natural and physical environmental factors for projects under review by the Planning Board and Town Board.

**CONSTRUCTION DETAIL** - The maps or drawings accompanying a subdivision plat or site plan and showing the specific location and design of improvements to be installed in the subdivision pursuant to the requirement of these regulations and in conformance with the Design and Construction standards for Land Development of the Town of Clarence.

## Article VI

## Definitions

**CONTRACTOR** - An agent acting for the developer to construct the required improvements of the project. The “contractor” is responsible to perform the work in conformance with these requirements subject to the approval of Town officials.

**CORNER CLEARANCE** – The distance from an intersection of two or more public or private streets

**CROSSWALK** - See pedestrian access walkway.

**CUL-DE-SAC** - A minor street with one end open for vehicular traffic and pedestrian access and the other end terminating in a vehicular turnaround.

**DEDICATION** - The deliberate unconditional appropriation of real property by its owner for any general and public uses. Offers of “dedication” are subject to approval by the Town Board and/or the Superintendent of Highways.

**DEVELOPER** - An individual, partnership, Limited Liability Company, Limited Liability Partnership, corporation or its agent holding title to a parcel of land to be developed or subdivided.

**DEVELOPMENT PLAN** - a tentative subdivision plat clearly marked “preliminary plat,” prepared in accordance with Article III of these regulations. This plat shows in greater detail than the sketch plat features of the land, street and lot layout within and adjacent to the proposed subdivision and includes preliminary design data of the Town of Clarence related improvements.

**DIAMETER BREAST HEIGHT (DBH)** – The diameter of a tree species at approximately four and one half (4-1/2) feet above ground level.

**DOUBLE-FRONTAGE LOT (REVERSE FRONTAGE LOT)** - A lot having at least two sides fronting on separate streets, which do not intersect while adjoining the lot.

**DRAINAGE DISTRICT** - A special district established or extended pursuant to the Town Law of New York State statutes for the purpose of constructing or maintaining storm water drainage facilities.

**DRAINAGE EASEMENT** - The lands or easements required for the installation of storm water sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

**DRIVEWAY** - An access point serving one or more lots that provides ingress or egress to a local or collector road or street. Mutually owned driveways must have reciprocal easements and a common maintenance agreement.

**DULY DESIGNATED OFFICER** - The person or public official authorized to sign subdivision plats or site plans pursuant to these regulations. In the absence of any designated official, the duly designated officer shall be assumed to be the Town Supervisor.

**EASEMENT** - Authorization granted by a property owner for the use by another of any designated part of his property for a specified purpose not inconsistent with the general property rights of the owner.

**ENGINEER** - A person licensed as professional engineer (P.E.) by the State of New York.

**ENGINEER FOR THE TOWN** - The duly designated engineer for the Town of Clarence.

ENVIRONMENTAL REVIEW - See “State Environmental Quality Review (SEQR).

ENVIRONMENTALLY SENSITIVE AREA - Land or land features critical to the maintenance of ecosystems.

FINAL SUBDIVISION PLAT - A plat of a major subdivision, prepared in accordance with Article III of these regulations, showing the subdivision in its most detailed form.

FLOOD HAZARD AREA - The land in the floodplain within the community subject to a one-percent or greater chance of flooding in any given year.

FLOOD LIMITS - The land/water boundary of a natural watercourse flowing at its one-hundred-year frequency as defined by a responsible agency, such as the United States Army Corps of Engineers and the United States Department of Housing and Urban Development.

FLOODPLAIN - Areas adjoining a watercourse, which are flooded as a result of a severe combination of meteorological and hydrologic conditions.

FLOODWAY - The channel and those parts of the adjoining floodplain which are required to carry and discharge floodwaters without unduly raising upstream water levels.

GRADING PLAN - A plat showing all present and proposed grades for stormwater drainage and final site design.

GREENBELT – A Landscaped area between adjoining land uses.

IMPROVEMENTS - Those physical additions and changes to the land that may be necessary to produce functional lots, including but not limited to grading, paving, curbing, fire hydrants, water mains, sanitary sewers and drains, utilities, sidewalks, pedestrian access walkways and required plantings which may or may not be offered for dedication.

INDIVIDUAL SEWERAGE SYSTEM - A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage or other liquid wastes into the soil of the lot.

INSPECTOR - An agent of the Town empowered to inspect the progress of the project and compliance of the construction with the approved plats and specifications.

LETTER OF CREDIT - A letter taken out by the owner from a bank which guarantees the Town that a specific amount of money will be kept available for the completion of construction of facilities to be dedicated. This security can be drawn on only by the Town and guarantees that certain or all improvements will be made in accordance with the approved plats.

LOT - Land identified by legal description or tax account number which is filed or proposed to be filed in the Erie County Clerks office, having minimum area or dimensions permitted in the Town of Clarence land use controls. A “lot” is considered to be a unit of transfer or a unit for development.

METES AND BOUNDS SURVEY – Legal boundary survey stamped by a licensed professional engineer of the State of New York with a legal text description.

## Article VI

## Definitions

**MINOR SUBDIVISION** - Any subdivision containing not more than four (4) lots, each of at least the minimum lot area and dimension permitted by the Zoning Law, not involving any new public street or road or the extension of town or other municipal facilities, not adversely affecting the development of the remainder of the parcel or adjoining properties and not in conflict with any provision or portion of the adopted comprehensive plan, Official Map, Zoning Law, or this chapter.

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

**MONUMENT** - A permanent reference marker set at points as may be required by this chapter.

**MULTIPLE DWELLING** - A dwelling of three or more separate living units.

**MUNICIPAL REVIEW COMMITTEE** – The Town Board appointed committee responsible for reviewing and forwarding recommendations under the State Environmental Quality Review Act (SEQRA).

**NONCONFORMING ACCESS** – An access connection existing prior to the date of adoption of this Law which in its design or location does not conform with the requirements of this Law.

**OFFICIAL MAP** – A map so designated by the Town Board that shows streets, highways, parks, or drainage systems or areas where new streets, highways, parks, or drainage systems are to be implemented.

**OFFICIAL SUBMISSION DATE** - The date when a subdivision plat shall be considered submitted to the Town Board, as provided in \*276 of the Town Law of the New York State statutes, and is hereby defined to be the date of a meeting of the Town Board at which all required surveys, plats and data required in subdivision application are deemed submitted.

**OPEN DEVELOPMENT AREA** – Pursuant to Section 280-a of Town Law, a subdivision of not more than four lots, developed along a private drive.

**OWNER** - Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided or developed under these regulations.

**PARALLEL ACCESS ROAD** - A local street, which is parallel and adjacent to a primary or major thoroughfare.

**PARCEL** - An area of land defined by a Tax Map (Section Block and Lot) number or by metes and bounds.

**PARCEL LINE ADJUSTMENT** - A transfer of land from one parcel to another parcel without creating any new parcels.

**PARENT PARCEL** - A parcel of land as it existed on the effective date of these regulations.

**PEDESTRIAN ACCESS WALKWAY** - A right-of-way, municipally or privately owned, at least 4 feet in width, which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

**PERMANENT HIGHWAY EASEMENT** - A strip of land adjacent to an existing street right-of-way line used for a public purpose. The front lot line shall be considered to be coincident with the “permanent highway easement” boundary. Front setbacks and other necessary lot measurements shall be measured from the “permanent highway easement” line. Where there is no requirement for a “permanent highway easement,” the front line shall be considered to be coincident with the existing right-of-way line, with front setbacks and any other necessary lot measurements being measured from the existing right-of-way line.

**PIN** - A metal reference marker set at points as may be required in this chapter.

**PLANNING BOARD** - A Municipal Board created pursuant to \* 271 of the New York State Town Law.

**PLAT** – A map cover of a major or minor subdivision that is filed with the Erie County Clerk’s Office pursuant to these regulations.

**PRE-APPLICATION CONFERENCE** - An informal meeting between the Town and a subdivider or developer to develop an understanding of the general design and layout of the land, street and lot Article III of these regulations. This plat shows in greater detail than the sketch plat features of the land, street and lot layout within and adjacent to the proposed subdivision and includes preliminary design data of the Town of Clarence for related improvements.

**RECORD SHEET** - A map or plat, which provides information concerning the actual location of improvements as built. -A.K.A. “As - Built” Drawings.

**RESUBDIVISION** - Revision of all or part of an existing filed plat, including consolidation of lots or alteration of approved lot boundaries. If the proposed “resubdivision” consists solely of the simple alteration of lot lines, then normal subdivision procedures may be waived at the discretion of the Board. Major or minor status is at the discretion of the Town Board..

**RIGHT-OF-WAY**

(1) **PRIVATE RIGHT-OF-WAY** - Existing land owned by a nonpublic agency or organization and occupied or intended to be occupied by transmission mains, gas pipelines, rails or other special use.

(2) **PUBLIC RIGHT-OF-WAY** - Existing land owned by public agencies for use as a street or other public purpose.

**SERVICE DRIVE** -See “alley.”

**SETBACK** - The required space between any street or highway line and the wall of the main structure, including any attachment thereto, with the exception only of cornices or entrance steps.

**SIGNIFICANCE DETERMINATION** - A decision made by the lead agency at one or more points in the approval process. The decision establishes the degree to which the proposed project is likely to affect the environment.

**SITE PLAN** - A diagram drawn to scale showing the development plans for a lot.

**SKETCH PLAN** – see Concept Plan.

STATE ENVIRONMENT QUALITY REVIEW (SEQR) - A formal review pursuant to part 617 of the New York Codes, Rules and Regulations which encourages productive and enjoyable harmony between man and his environment to promote efforts which will prevent or eliminate damage to the environment and enhance human and community resources; and to enrich the understanding of ecological systems, natural, human and community resources important to the people of the Town of Clarence.

STREETS – A paved surface used for public transportation purposes. The following functional classifications are defined as follows:

- ALLEY - A strip of land over which there is a right-of-way, municipally or privately owned, serving as a secondary means of access to two or more properties.
- LOCAL STREET – A publicly dedicated right-of-way used as the primary means of access for individual properties.
- COLLECTOR - A publicly dedicated right-of-way used to carry traffic from local streets and alleys to minor or major arterials, including but not limited to, the principal entrance streets of a development and streets for circulation within a development.
- MINOR ARTERIAL – A publicly dedicated right-of-way used to carry traffic from collector streets to other areas of the Town or adjacent municipalities. Efficiency and limited access controls are present to reduce conflicts and improve effectiveness of roadway.
- PRINCIPAL ARTERIAL – A publicly dedicated right-of-way used to carry traffic from collectors and minor arterials to other areas of the Town and Western New York Region.

STREET GRADE - The approved elevation of any public road.

SUBDIVIDER - Any person, firm or corporation or their agent proposing a subdivision as defined herein.

SUBDIVISION - The division of any parcel into two or more parcels.

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

TOPSOIL - The layer surface material which is not less than eight inches deep and which is capable of nurturing vegetation.

TOWN BOARD - The municipal governing board of the Town of Clarence.

USABLE LAND - Land that is not protected by State or Federal Environmental Law, not covered with water, or subject to flooding. Also, land not encumbered by any utility, conservation, or access easement including public and private highway right-of-ways.

WETLANDS - Freshwater wetlands, including lands and submerged lands, commonly called “marshes,” “swamps,” “sloughs,” “bogs” and “flats,” supporting aquatic and semi-aquatic types identified in Article 24 of the New York State Environment Conservation Law.

ZONING MAP - The officially adopted map of the Town of Clarence, which shows the boundaries of the zoning districts.

ZONING ORDINANCE - The officially adopted Zoning Ordinance of the Town of Clarence.