

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~XXX County~~

~~XXX City~~ of

Ellicottville

~~XXX Town~~

Village

Local Law No. 2 of the year 20 11

A local law amending Local Law No. 2 of the year 2005 - Subdivision Regulations
(Insert Title)
and Procedures for Subdivision Review.

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~XXX County~~

~~XXX City~~ of

Ellicottville

as follows:

~~XXX Town~~

Village

(Delete this line of text and enter text of local law here)

SECTION 1. Article III - Design Standards, Section 1. Lots, Paragraph A. Design Requirements, Subparagraph 1 of Local Law No. 2 of the year 2005 is hereby amended to read as follows:

1. Subdivision of lands shall be subject to the provisions of Local Law No. 1 of 1994 entitled Flood Damage Prevention as incorporated into Section 17 - Flood Damage Prevention of Local Law No. 3 of 2009 - Zoning Local Law, and subdivision approval shall not be granted without compliance with the provisions of said Flood Damage Prevention Law.

SECTION 2. This local law shall take effect immediately.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Ellicottville
~~Town~~
Village

Local Law No. 2 of the year 2005

A local law adopting Subdivision Regulations and Procedures for Subdivision Review
(Insert Title) for the Village of Ellicottville

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~County~~
~~City~~ of Ellicottville as follows:
~~Town~~
Village

See Attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2005 ~~XXXXXX~~
of the ~~(County)(City)(Town)~~(Village) of Ellicottville was duly passed by th
Board of Trustees on January 10, 2005, in accordance with the applicable provisions of law
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19__
of the (County)(City)(Town)(Village) of _____ was duly passed by th
_____ on _____ 19__, and was (approved)(not disapproved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ and was deemed duly adopted on _____ 19__
(Elective Chief Executive Officer*)
in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19__
of the (County)(City)(Town)(Village) of _____ was duly passed by th
_____ on _____ 19__, and was (approved)(not disapproved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____ 19__. Such local law was
(Elective Chief Executive Officer*)
submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative
vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on
_____ 19__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19__
of the (County)(City)(Town)(Village) of _____ was duly passed by th
_____ on _____ 19__, and was (approved)(not disapproved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____ 19__. Such local law was subject
(Elective Chief Executive Officer*)
permissive referendum and no valid petition requesting such referendum was filed as of _____ 19__
in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Catherine M. Stokes

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
Catherine M. Stokes

Date: 1/10/05, 2005

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF CATTARAUGUS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Paul J. Lin

Signature

Village Attorney

Title

~~XXXXXX~~
County

~~XXXX~~

~~Town~~

Village

of Ellicottville

Date: 1/10, 2005

6/8/93

SUBDIVISION REGULATIONS
VILLAGE OF ELICOTTVILLE
CATTARAUGUS COUNTY, NEW YORK

ARTICLE I - GENERAL PROVISIONS

SECTION 1. AUTHORITY

Pursuant to Section 7-728 of the NYS Village Law and by the authority of a resolution adopted by the Board of Trustees of the Village of Ellicottville, the Planning Board of the Village of Ellicottville is empowered and authorized to approve, approve with modification, or disapprove plats for the subdivision of land within the Village of Ellicottville, County of Cattaraugus, State of New York.

SECTION 2. PURPOSE

The purpose of these regulations as herein adopted shall be to provide for the orderly growth and development of the Village with adequate provision for the housing, transportation, distribution, comfort, convenience, safety, health, and welfare of its population.

SECTION 3. SCOPE

These regulations are not intended to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, or with private

restrictions placed upon property by deed, covenant or other private agreements except that where these regulations impose a greater restriction upon land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of these regulations shall control. These regulations specifically supersede any Village of Ellicottville subdivision regulations approved or in use prior to the 10th day of January, 2005.

SECTION 4. DEFINITIONS

For the purpose of these regulations, certain words used herein are defined as follows:

A. County - means the County of Cattaraugus, State of New York.

B. Health Department - means the Department of Health of the County of Cattaraugus, State of New York.

C. Highway Department - means the Department of Highways of the County of Cattaraugus, or the Town or Village of Ellicottville, or the State of New York, whichever department exercises jurisdiction over the roadways involved.

D. Lot - any parcel of land in a subdivision, whether it be a lot, plot, site, or other division.

E. Letter of Intent - an initial presentation in writing submitted to the Planning Board for its consideration in classifying the subdivision as a major or minor subdivision.

F. Planning Board - means the Planning Board of the Village of Ellicottville, New York.

G. Plat - means the final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Planning Board for review, also known as the final plat, and which, if fully approved, shall be submitted by the subdivider to the County Clerk for recording.

H. Preliminary Plat - means the preliminary drawings indicating the proposed layout of the subdivision required to be submitted to the Planning Board in conforming with the requirements of Article II, Section 3 of these regulations.

I. Street - means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, thruway, road, avenue, boulevard, lane, place or however otherwise designated.

J. Subdivider - means any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

K. Subdivision - the division of any parcel of land into two or more lots or other divisions of land by deed, land contract or other conveyance for the purpose, whether immediate or future, of transfer of ownership or building development. This definition shall be deemed to include townhouse or condominium developments where the lands are held in common and no actual transfer of ownership is involved.

For the purpose of these regulations there shall be two classifications of land subdivision. A subdivision as defined herein shall be considered a Minor Subdivision if it meets the following criteria:

1. The division of any parcel into five (5) or fewer lots or all lots are five (5) acres or more in area; and

2. All lots front on an existing public highway; and

3. All lots meet the Health Department standards with regard to water supply and sewage disposal.

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

L. Village - means the Village of Ellicottville, Cattaraugus County, New York.

ARTICLE II - PROCEDURE FOR FILING

SUBDIVISION APPLICATIONS

SECTION 1. GENERAL

Whenever any subdivision is proposed, before the transfer of any lot or other interest therein and before the execution of any contract providing for such transfer, and before any permit for the erection of any structure in such proposed subdivision shall be granted, the subdivider or his authorized agent shall apply for and secure the final approval of the Planning Board for such proposed subdivision, and shall record the plat in the office of the Cattaraugus

County Clerk in accordance with the procedures set forth herein.

SECTION 2. LETTER OF INTENT

A. Filing Requirement

Should the subdivider interpret these regulations as defining his proposal as a minor subdivision, he must submit a Letter of Intent to the Planning Board on the standard form available from the Village Zoning Enforcement Officer. Attached to the Letter of Intent shall be a scale drawing of the proposed subdivision or a survey map prepared by a licensed NYS Surveyor. Drawing or survey shall include the following:

1. Location of property, including name of Town and Township, Range and lots as per Holland Land Company's survey, and liber and page numbers.
2. All existing and proposed houses and buildings.
3. All existing and proposed property lines, easements, streets and rights-of-way.
4. Minimum building setback lines (building envelopes).
5. A table of area and dimensional requirements for applicable zoning district(s).
6. Subdividers name and address, scale, north arrow, date, and name, address and license information of surveyor.

B. Submission Requirement

The Letter of Intent, map and application fees shall be submitted to the Village Clerk or the Village Planner who shall forward the submittal to the Chairperson of the Planning Board; such letter shall be submitted at least fourteen (14) days prior to the meeting of the Planning Board at which the matter is to be considered and the Village Clerk shall give notice of such meeting to the subdivider, who should attend but is not required to do so.

C. Planning Board Review

The Planning Board shall review and respond to the Letter of Intent within sixty-two (62) days of the date that the Letter of Intent is received by the Village Clerk.

1. If the Planning Board determines that the proposal does not meet the criteria, in Article I, Section 4., established for a minor subdivision, it shall return one copy of the Letter of Intent to the subdivider and require that the subdivider submit a preliminary plat as outlined in Article II, Section 3 of these regulations.

2. If the Planning Board determines that the proposal does meet the criteria established for a minor subdivision, but further determines that the proposed subdivision will potentially have the impact of a major subdivision; ie: on the orderly growth or development of the Village it shall return one copy of the Letter of Intent to the Subdivider and require that the subdivider submit a preliminary plat as outlined in Article II, Section 3 of these regulations.

3. If the Planning Board determines that the proposal does meet the criteria established for a minor subdivision and further determines that the proposed subdivision will not have a major impact on the orderly growth or development of the Village, it shall return one copy of the Letter of Intent to the subdivider marked as approved, dated, and signed by the Chairperson of the Planning Board. The Planning Board Chairperson may also be authorized by the Planning Board to sign a plat for filing in the Cattaraugus County Clerk's office if the requirements of this paragraph have been met.

SECTION 3. PRELIMINARY PLAT - SUBMISSION REQUIREMENTS

A. Initial Presentation - Sketch Plan Review

Prior to the preparation of the preliminary plat, the subdivider should seek the assistance of the Planning Board staff in order that he may become familiar with the zoning requirements, subdivision procedures, and with other plans, proposals or regulations which might affect the geographic area in which the proposed subdivision is located. Applications shall be made on Subdivision Development Form No. 1 and are available in the office of the Town Clerk. Applications shall be accompanied by a fee of \$50.00.

The Planning Board shall review the sketch plan and hear the applicants general project plans. The sketch plan shall be reviewed for its compliance with the zoning requirements in terms of land use, yield, area and dimensional

requirements, general road layout and availability of services.

The sketch plan shall be drawn to scale, indicate proposed and existing property lines and, in the case of townhouses, the general location of buildings. The plan shall also include sufficient contours and topographic features to allow the Planning Board to evaluate the project.

B. Preliminary Plat Application

On reaching conclusions regarding his general program and objectives, the subdivider shall make application in writing to the Planning Board for preliminary approval of the proposed subdivision. Included in this submission shall be ten (10) copies of the preliminary plat and three (3) copies of all other exhibits required in Article II, Section 4 of these regulations.

Applications for Preliminary Plat Approval, Subdivision Development Form No. 2, shall be available in the office of the Town Clerk. Applications shall be submitted to the Town Clerk, who shall forward the application to the Chairman of the Planning Board. Applications shall be accompanied by a fee of \$100.00 plus \$75.00 per lot.

C. Public Hearing

As required by Section 7-728 of the NYS Village Law, the Planning Board shall hold a public hearing within sixty-two (62) days after receipt of a complete submission. The hearing must be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before

it is held. The Village Clerk shall notify the subdivider in writing of the date of the Public Hearing.

D. Review of Preliminary Plat

The subdivider or his agent shall attend the next scheduled meeting of the Planning Board after the Public Hearing to discuss the Preliminary Plat. The Planning Board shall carefully study the practicability of the proposed layout, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the following areas:

1. arrangement, location, and width of streets
2. relation of proposed street and lot layout to the topography of the land
3. domestic water supply
4. sanitary sewage disposal
5. storm drainage
6. lot sizes and arrangement
7. future development of adjacent lands
8. the requirements of the Village Zoning Ordinance and any other applicable Town plans.

E. Approval

Within sixty-two (62) days after the Public Hearing, the Planning Board shall approve, approve with modifications or disapprove the application. The Planning Board shall advise the applicant in writing of its decision.

Time can be extended by mutual agreement. In its written decision, the Planning Board shall, if granting preliminary approval, state the specific changes, if any, which it will require, the character and extent of any required improvements and reservations which it will require, and any special conditions applicable as a prerequisite to the approval of a final Subdivision Plat.

One copy of the Preliminary Plat shall be returned with the written decision having an attached notation stating that it has received preliminary approval, the date of the preliminary approval, and that the preliminary approval is revocable pending compliance with the final approval requirements.

If the Preliminary Plat is disapproved, the Planning Board shall clearly state the reasons for its disapproval.

SECTION 4. PRELIMINARY PLAT CONTENT AND SUPPLEMENTARY INFORMATION

A. Form

The Preliminary Plat shall be clearly and legibly drawn. The map shall be on one or more sheets twenty (20) inches by twenty (20) or forty (40) inches. All maps of subdivisions containing less than one hundred (100) acres shall be drawn at scale no smaller than one inch equals one hundred feet (1" = 100'); larger subdivisions may be drawn at a scale of one inch equals two hundred feet (1" = 200').

B. Coverage

The Preliminary Plat shall include all contiguous property under common ownership even though only a portion of the tract is to be initially developed and/or recorded.

C. Requirements for Preliminary Plat Submission

1. Data and maps shall be provided, including the following information describing the existing conditions at the site, except when otherwise specified by the Planning Board:

a. Location of tract, including name of village or villages, town or towns, and Range, Township and Lots per the Holland Land Company's survey and recording information of the deed, including the liber and page numbers; and tax map parcel number(s).

b. Existing property lines, easements, streets, and rights-of-ways;

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

d. Existing ground elevation contours on the tract at intervals of not more than five (5) vertical feet; other conditions on the tract, including watercourses, wetlands, floodplain boundaries, wooded areas, houses, other buildings and other significant features; zoning district boundaries on and adjacent to the tract; and land title and survey (if any) by deed description and map survey.

2. The Proposed Preliminary Plat map shall include the following information, except when otherwise specified by the Planning Board:

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

b. Other proposed rights-of-way or easements and their location, width and purpose.

c. Locations of proposed and existing utilities.

d. Proposed lot lines, lot numbers and lot dimensions.

e. Proposed sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.

f. Proposed sites, if any, reserved for multi-family dwellings, stores or shops, shopping centers, churches, industry or restaurants or other uses exclusive of single-family dwellings.

g. Minimum building setback lines as per current zoning.

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

i. Zoning district area and dimensional requirements.

j. Proposed subdivision name or title under which it will eventually be recorded. Also, the scale of the

plat, north arrow, date, name and address of subdivider, and the name address, and license number of surveyor or engineer.

3. Supplementary data and maps shall be provided, further detailing the proposed improvements; including the following, except when otherwise specified by the Planning Board.

Letters of approval from the Village Engineer, County Health Department Engineer, NYS Department of Environmental Conservation for the applicable item a. through g. below shall be prerequisites of a complete preliminary plat application. Preliminary plat approval shall not be granted prior to the applicant obtaining the prerequisites approvals.

a. Profiles along the centerline of proposed streets showing existing ground surface, and proposed finished street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivisions.

b. Typical cross-sections of the proposed street right-of-way showing grading, street, driveway access, sidewalks (if applicable), and utility locations.

c. Preliminary plans of water supply.

d. Preliminary plans for sanitary sewage collection and treatment or disposal.

e. Preliminary drainage plans, including proposed individual lot drainage and proposed method of collection and discharging of storm drainage.

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

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

All plans for public improvements shall be prepared by a professional engineer or land surveyor registered to practice in the State of New York, pursuant to applicable provisions of the New York State Education Law.

4. In addition, a draft of protective covenants or restrictions whereby the subdivider proposes to regulate land use in the subdivision shall be provided. This shall include deed restrictions, homeowners associations, etc. The

Planning Board may require inclusion of certain restrictions or covenants or the formulation of mandatory homeowners associations as a prerequisite to approval of the final Plat. However, the Planning Board shall not be responsible for enforcing the developers restrictive covenants which are more restrictive than the existing zoning requirements.

SECTION 5. FINAL PLAT - SUBMISSION REQUIREMENTS

A. General

Within six months of the approval of the Preliminary Plat, the applicant shall submit an Application for Final Plat Approval, Subdivision Development Form No. 3, to the Planning Board. The time allotment may be extended by mutual agreement between the subdivider and the Planning Board. The application shall include two (2) mylar copies and ten (10) paper copies of the plat and other exhibits required for approval as specified in Article II, Section 5 and Article II, Section 6 of these regulations.

Applications shall be submitted, with an application fee of \$250.00 plus \$35.00 per lot, to the Village Clerk who shall forward the application to the Chairman of the Planning Board.

B. Public Hearing

As required by Section 7-728 of the NYS Village Law, the Planning Board shall hold a public hearing within sixty-two (62) days after the receipt of the plat in final form. The hearing must be advertised at least once in a paper of

general circulation in the Village at least five (5) days before it is held. If the Planning Board deems the final plat to be in "substantial agreement" with the approved preliminary plat, the hearing may be waived.

The Village Clerk shall notify the subdivider in writing of the date of the Public Hearing.

C. Review Process

The subdivider or his agent shall attend the meeting of the Planning Board when his application is considered to present the final application for Plat approval.

Within sixty-two (62) days after the public hearing, or sixty-two (62) days after the final plat submission, if the hearing has been waived, the Planning Board must, by resolution, conditionally approve (with or without modification), disapprove or grant final plat approval.

If a plat receives conditional approval, the applicant shall have 180 days to meet the conditions of the approval by the Planning Board. Once the conditions are met, the plat must be signed by an official of the Planning Board before it may be filed. If a plat is disapproved, the Planning Board shall clearly state the reasons for its disapproval.

The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute or imply the acceptance by the Village of any street, park, playground, open space, water facilities, sewage facilities, drainage facilities, or other areas and improvements shown of the

Plat. All improvements shall meet the applicable standards of the Village.

D. Filing

After the satisfactory completion of the foregoing procedures and of the requirements outlined elsewhere herein and the notation to that effect upon the plat, it shall be deemed to have final approval and within thirty (30) days thereafter the developer must file the plat with the County Clerk. Otherwise, such approval will expire as provided in Section 7-728 of NYS Village Law.

**SECTION 6. FINAL PLAT CONTENT AND SUPPLEMENTARY INFORMATION
AND BONDING**

A. Form

The final subdivision plat shall be clearly and legibly drawn in ink on mylar or tracing cloth on sheets either 20 inches by 20 inches or 20 inches by 40 inches. The scale shall be 100 feet to the inch or larger. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the Board.

B. Content

The final plat, which must be prepared and certified by a professional engineer or land surveyor, shall show, in

addition to information approved on the preliminary plat (as required by Article II, Section 4), the following:

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

2. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of lots; with accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves.

3. Purpose for which lots are dedicated or reserved.

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

5. Adjoining properties shall be clearly indicated and shall include owner's name and recording data of relevant deeds.

6. Certification of title showing the state of title of the parcel proposed to be subdivided and that the applicant has authority to act in the capacity of subdivider.

7. Water supply and sewage disposal facilities, together with locations and other necessary details with certification of approval by the Cattaraugus County Health Department. Where any water or sewer line, water plant or sewage treatment plant is to be installed by the subdivider and/or municipality outside existing districts, the

establishment or enlargement of a water district and/or a sewer district may be required at the expense of the subdivider. The formation of private utility companies, if any shall be in accordance with the Transportation Corporations Law in New York State.

8. Offers of cession by owner dedicating streets, rights-of-way and any sites proposed for public uses; and final agreements covering the improvement and maintenance of unceded public spaces and areas designated for common use and/or ownership and the conditions and time limits, if any, applying to site reservations.

9. Title or name under which subdivision will be filed, scale, north point and date.

C. Supplementary Information

The final submission shall include the following data and supplementary information:

1. Assurance from each public utility company whose facilities are proposed to be installed, in writing, addressed to the Planning Board, stating that such public utility company has made or shall make the installations necessary for the furnishing of its services in accordance with the approved construction detail sheet. This letter shall specify the time when service will be available. Locations of such public utilities are subject to the review and approval of the Planning Board.

2. Other Data: Such as other certificates, affidavits, endorsements, protective covenants, homeowners association

application and report filed with NYS Attorney General's office or other agreements as may be required by the Planning Board or the Town attorney in the enforcement of these regulations.

3. Performance Bond: Pursuant to Section 7-728 of NYS Village Law, the Planning Board shall require all necessary and appropriate improvements including but not limited to roads, sewers, water and drainage controls to be made to the standards and requirements of the appropriate Village Officials or Departments. If improvements are not complete prior to final plat approval a performance bond sufficient to cover the full cost of the improvements, as estimated by the Village, shall be provided by the applicant prior to obtaining signature on the final plat. In such case, final plat approval shall be granted conditional to the posting of the bond.

Terms of the bond shall be determined by the Planning Board at the preliminary plat public hearing. Term of the bond shall run for no longer than three years, However, it may be extended by the planning board with consent of the applicant(s).

Such performance bond shall be issued by a bonding or surety company acceptable by the Village Board and shall also be approved in terms of form, sufficiency and manner of execution.

In the event that any required improvements have not been installed within the term of the bond, the Village Board

may thereupon declare the bond to be in default and collect the sum remaining payable and install such improvements as covered.

ARTICLE III - DESIGN STANDARDS

SECTION 1. LOTS

A. Design Requirements

1. Subdivision of lands shall be subject to the provisions of Local Law No. 1 of 1994 entitled Flood Damage Prevention as incorporated into Section 17 - Flood Damage Prevention of Local Law No. 3 of 2009 - Zoning Local Law, and subdivision approval shall not be granted without compliance with the provisions of said Flood Damage Prevention Law.

2. All lots shall conform to the area and dimensional requirements of the current zoning ordinance.

3. Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

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

5. The subdividing of the land shall be such as to provide each lot with adequate frontage for access to an existing or proposed public street. "Panhandle" or "flag" lots should be avoided except where a design benefit will result from not extending a road to serve these lots. No more

more than 25% of lots in a subdivision should be "panhandle lots".

6. Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

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

8. When a parcel is subdivided into building lots greater than two times larger than the minimum required by the Zoning Ordinance, for the purpose of developing residences, a note shall be placed on the plat that these lots shall not be further subdivided.

9. When large contiguous acreage is to be reserved from a proposed subdivision the roads and building lots shall be arranged so as to allow the opening of future streets and logical resubdivision of the out parcel(s).

10. Lot arrangement shall be such that there will be no foreseeable difficulties in securing building permits to build on all lots in compliance with the Zoning Ordinance, or in providing access to buildings on such lots from an existing or approved street.

11. Land-locked lots shall not be created.

12. Common driveways shall only be utilized to overcome topographic constraints. Use of common driveways shall not be utilized in lieu of frontage. No more than two (2) lots shall share one common driveway. Each lot sharing a

common driveway shall have adequate frontage to create and maintain separate driveways.

SECTION 2. STREETS

A. Design Requirements

1. Streets shall be laid out in order to provide through circulation, having two points of access. Excessively long cul-de-sacs and dead-end streets shall be avoided. Dead-end streets shall be no longer than 1,000' or serve more than 12 residences.

2. Streets shall provide for the continuation or approximate projection of existing principle streets from adjacent areas.

3. Where appropriate, rights-of-ways shall be provided to the property line of adjoining large or land-locked parcels. Where rights-of-way are provided for the continuation of proposed streets into the adjacent undeveloped property, the streets must dead-ended temporarily.

4. Streets to be dedicated to the Village shall comply in all respects with the Village of Ellicottville "Streets and Roads Specifications" or their latest revisions and shall be approved by the Village Engineer.

SECTION 3. STORMWATER MANAGEMENT

A. Detention

1. The design shall assure that the runoff after development does not exceed that existing at the time of the plan submission.

2. Calculations demonstrating that this condition is met for both a 10 and 25 year frequency storm shall be submitted with the plan for the review of the Town Engineer.

B. Siltation and Erosion Control

1. Provisions shall be made for siltation and erosion control, both during and after construction. A siltation and erosion control plan for use during construction shall be shown on the Construction Drawings for the development.

2. Vegetation shall be established on all disturbed surfaces as soon as possible upon completion of the work.

3. Siltation control measures shall be maintained in continuous use until adequate vegetation is established.

ARTICLE IV - REQUIRED IMPROVEMENTS

SECTION 1. MONUMENTS AND LOT CORNER MARKERS

A. Requirements

1. Permanent monuments shall be set at block corners and at intervals of approximately 500 feet, and their location shall be shown on the Subdivision Plat. Iron pipes shall not be considered permanent for the purposes of these regulations.

2. Lot corner markers shall be located in the ground at final grade at all lot corners. Such markers shall be steel rods 3' 0" long and at least 1/2" in diameter.

SECTION 2. UTILITY IMPROVEMENTS

A. Schedule of Required Improvements

1. Utility and street improvements shall be provided in each new subdivision in accordance with the standards and requirements described below:

a. Water supply system as per plans approved by the Cattaraugus County Health Department and in accordance with the Village of Ellicottville's regulations for public water facility improvements. Public water systems shall provide fire protection capacity and facilities and shall be approved by the Town Engineer.

b. Sewage disposal system as per plans approved by Cattaraugus County Health Department and in accordance with the Village of Ellicottville's regulations for public sanitary sewer systems. Such systems shall be approved by the Village Engineer.

c. Grading and centerline gradients per plans and profiles approved by the Highway Superintendent and the Town Engineer.

d. Storm drainage facilities designed by a licensed professional engineer or land surveyor and approved by the Village Engineer.

e. Provision for installation of public utilities, including telephone, cable television, gas and electric in full accordance with New York State Law, local ordinances or law and all other pertinent laws, rules and regulations.

f. No such improvements shall be accepted until the subdivider furnishes to the Village Engineer a certification signed by licensed professional engineer that the improvements have been constructed according to the approved plans and specifications.

SECTION 3. PARKS, PLAYGROUNDS OR OPEN SPACE

A. General Requirements

1. The Planning Board may require that land be reserved for park, playground, open space or other recreational purposes in a location where the Planning Board deems appropriate. For a major subdivision, each reservation shall be of an area equal to 10 percent of the total land within the subdivision, but in no case shall a reservation be less than one acre. The area to be preserved shall possess the suitable topography, general character, and adequate road access necessary for its recreational purposes.

2. Where the Planning Board requires land to be set aside for parks, playgrounds or other recreational purposes, the Board may require that the site be graded, loamed and seeded.

3. When areas for park, playground, recreational purposes or open space have been required on the subdivision plat, the approval of said subdivision plat shall not constitute and acceptance by the Village of such an area.

ARTICLE V - FEES

SECTION 1. GENERAL REQUIREMENTS

At the time of submitting an application for review, the subdivider shall pay to the Planning Board the appropriate fee, as per Article V, Section 2. No portion of any application fee shall be returned to the subdivider except in the case where an application is withdrawn before initial study by the Planning Board. However, in the event that an application is disapproved, the subdivider will be excepted from the payment of an application fee on the refiling of the same or an amended plat containing the same number or fewer lots, providing the refiling is done within a period of one year from the date of disapproval.

SECTION 2. SUBDIVISION FEES

A. Application Fees

1. Application fees are to cover filing, public hearing, administrative, review and overhead costs; as well as costs related to the review and preparation of Environmental Assessment Forms (EAF) and State Environmental Quality Review notices and determinations. Application fees

shall be paid to the Supervisor's office at time of submittal.

2. Fees are as follows:

	<u>Sketch</u>	<u>Preliminary</u>	<u>Final</u>
<u>Letter</u>	<u>Plan</u>	<u>Plat</u>	<u>Plat</u>
<u>Intent</u>			<u>of</u>
Minor Subdivision: \$20/lot	--	--	--
Major Subdivision:	\$50	\$100+\$75/lot	\$250+\$35/lot -

SECTION 3. NYS ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) FEES

Pursuant to Section 617.17 of Part 617 "State Environmental Quality Review" (SEQR) of the New York State Consolidated Rules and Regulations (NYCRR) and Subdivision 8-0109.7 of the New York State Environmental Conservation Law (ECL), the Planning Board, acting as lead agency, shall charge a fee to the applicant to cover the actual costs of preparing or reviewing an Environmental Impact Statement (EIS). The applicant shall not be charged for both the preparation and review of the EIS. If applicant prepares the EIS, the Planning Board shall charge applicant for the actual cost of the review. If applicant does not choose to prepare EIS, Planning Board shall charge applicant for the actual cost of preparing EIS.

ARTICLE VI. - ENFORCEMENT**SECTION 1. RECORDING**

The subdivider shall have sole responsibility for the filing and recording of any plat. Pursuant to Section 7-728 of NYS Village Law, no subdivision map or plat of any land which is subject to control under the provision of these regulations shall be filed or recorded in the office of the County Clerk of the County of Cattaraugus, State of New York, unless it shall have been approved by the Village of Ellicottville Planning Board and in testimony of that fact bears the signature of the Chairman of the Planning Board.

In the event any such unapproved plat is recorded, it shall be considered invalid and the Planning Board shall institute proceedings to have the plat stricken from the records of the County of Cattaraugus, State of New York.

SECTION 2. PENALTIES

A violation of these regulations is an offense, punishable by a fine not exceeding \$250 or by imprisonment for a period not to exceed fifteen (15) days, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers, generally, all such violations shall be deemed misdemeanors and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations, except that the penalties set forth herein shall apply. Each week's continued violation shall constitute a separate additional violation.

The description of any lot, parcel or tract by metes and bounds in the deed or instrument of transfer shall not serve to exempt the seller from the provisions of these regulations.

The provisions of this Article shall not limit the available procedures for enforcement and remedies provided for under the Village Law of the State of New York or any other law including, without limitation, the right to compel compliance with or to restrain by injunction the violation of such regulations.

ARTICLE VII - SEPARABILITY

If any section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or void, such decisions shall not affect the validity of the remaining portions of these regulations.

ARTICLE VIII - EFFECTIVE DATE

These regulations shall take effect immediately. Pursuant to Section 7-728 of NYS Village, the Village Board also hereby authorizes the Planning Board to review and approve pursuant to these regulations, plat development of plats already filed in the Cattaraugus County Clerk' office in which such plat is partially or wholly undeveloped. The term "undeveloped" shall mean those plats where twenty percent or more of the lots within the plat are unimproved.

VILLAGE OF ELLICOTTVILLE
PROCEDURES FOR SUBDIVISION REVIEW
OFFICIAL POLICY

GENERAL

The subdivision procedures differentiate between a minor and a major subdivision. A minor subdivision is defined as any land division for development purposes into no more than 5 parcels, each having frontage on an existing public road. The procedures for minor subdivision approval are relatively simple, requiring a Letter of Intent and survey showing proposed lots. Minor Subdivisions will not be further addressed in this document. This official policy statement shall address the general procedure to be followed for a major subdivision.

While preparing its own subdivision regulations the Village of Ellicottville uses a version of the Town of Ellicottville's Subdivision Regulations adapted to meet the requirements of the NYS Village Law Section 7-728 effective July 1, 1993.

PLANNING BOARD SCHEDULE

The Planning Board of the Village of Ellicottville holds a regularly scheduled meeting on the second Tuesday of each month. These meetings are held at the Town Hall located at One West Washington Street in the Village of Ellicottville. An agenda is prepared for each meeting. In order for an item to be included on the agenda complete application materials must be received at the office of the Village Zoning Enforcement Officer at least 14 calendar days preceding the meeting. If an item does not appear on the agenda it will not be considered until the following month's meeting.

All submissions to the Planning Board shall be addressed to or submitted to the Village Zoning Enforcement Officer at the Town Hall. The mailing address is:

Village Zoning Enforcement Officer
Village of Ellicottville
P.O. Box 478
Ellicottville, New York 14731

In addition to the application fees it has been a policy of the Village of Ellicottville to charge back to the applicant all outside professional review and/or inspection costs related to a development. These include the Village Engineer and Village Attorneys fees resulting from review or development materials.

SKETCH PLAN

The developer or his agent shall make an initial presentation to the Planning Board to discuss the proposal prior to making a formal application for Preliminary Plat Approval. This step has been referred to as the sketch plan review.

Subdivision Development Form No. 1 shall be completed and submitted to the Planning Board along with a conceptual plan of the proposed development in order to receive initial comments. There is an application fee of \$50 for sketch plan review. The sketch plan review is an informal discussion between the developer and the Planning Board. It is an attempt to identify potential problems and to discuss the options available to satisfy Town requirements while still presenting a viable development plan to the Developer. The sketch plan review will facilitate a better preliminary plan and reduce wasted time and effort. This meeting should conclude with a summary of the Board's concerns and conditions that have to be sufficiently answered before Preliminary Plat approval can be granted. No formal approval is granted at this stage, only direction to move to the preliminary plat phase.

The conceptual plan shall be drawn to scale, shall indicate proposed and existing property lines and, in the case of town houses, the location of the units themselves. The plan shall include sufficient contours and topographic features to allow the Planning Board to evaluate the lay of the land and the associated impacts. The plan should also reflect the proposed means for water supply and sewage disposal. This does not mean that detailed engineering plans are required. The plan is to be conceptual in nature only.

A State Environmental Quality Review (SEQR) Environmental Assessment Form (EAF) - Part 1 shall be submitted with the Sketch Plan. In cases where the development is thought to be an unlisted action and a FULL EAF shall be submitted. NOTE: Preliminary Plat Application is not complete until a Determination of Significance is made. Approval can not be granted until SEQR is complete - either a Negative Declaration issued or Findings Statement adopted.

PRELIMINARY PLAT APPLICATION

The Subdivision Regulations for the Village of Ellicottville detail the submission requirements for preliminary plat application in Article II Sections 3 and 4. It is not intended to reproduce a detailed list of the requirements here. Please refer to the Subdivision Regulations. Generally speaking the submission shall include:

1. Application for Preliminary Plat Approval - Subdivision Development Form No. 2.

2. Preliminary Plat Application Fee of \$100 plus \$75 per lot.

3. A Preliminary Plat meeting the requirements of the Subdivision Regulations. The map should show all proposed easements to be dedicated with proposed public utilities. Another important item is off-street parking in the case of multi-unit residential developments.

4. Preliminary plans of all sanitary sewers. These plans must be in sufficient detail that a preliminary determination of the suitability of the proposal can be made. A written conceptual approval of the sewer plan from the Cattaraugus County Health Department and the Village Engineer. The Developer shall supply plans to the Village of Ellicottville Sewer Superintendent for his comments prior to the Village Engineer granting conceptual approval.

5. Preliminary plans of all proposed water lines and accessories, similar detail to above. A letter of conceptual approval from the Cattaraugus County Health Department and the Village Engineer shall be submitted.

6. Preliminary plans of all proposed roadways including plan and profile. In the case of a development where the developer intends to dedicate the road the plans shall include all horizontal and vertical curve data. In either case the plans shall reflect the plan for storm water runoff control. It will be required that the developer submit a letter of conceptual approval from the Streets Superintendent and the Village Engineer with his application if it is a proposed public road. All roads to be dedicated must comply with the adopted standard street specifications which is available from the Village Clerk at a cost of \$5.

7. A draft of any proposed Restrictive Covenants or other such restrictions to be placed on the deeds. This shall include any proposed by a Home Owners Associations.

The Planning Board will consider a complete application at their next regularly scheduled meeting. The Developer or a representative must attend. The Planning Board must conduct a public hearing prior to ruling on a Preliminary Plat. The developer may request the Public Hearing before the Planning Board at the Sketch Plan meeting or at a later meeting. Public hearings will be scheduled only by resolution of the Planning Board. The Developer should be sure that he can obtain all required conceptual approvals prior to the requested Public Hearing date.

Once the developer obtains preliminary approval, he has six months to meet all conditions of the approval and to obtain all final plan approvals as stipulated below. He must then make application for Final Plat Review.

FINAL PLAT APPLICATION

The Subdivision Regulations list the submission requirements for Final Plat application in Sections 5 and 6. It is not intended

to reproduce a complete list here; please refer to the regulations. Generally speaking the submission shall include the following:

1. Application for Final Plat Review - Subdivision Development Form No. 3.

2. Final Plat application fee of \$250 plus \$35 per lot. All required signatures shall be obtained on the form prior to submission.

3. A Final Plat meeting the requirements of the Subdivision Regulations. The map must show all easements to be dedicated for public utilities. Sufficient metes and bounds data should show on the plat regarding the easements to accurately locate them. The Village Attorney will adjudge the adequacy of the description. The Plat shall also show the proposed location of all public utilities (this refers to water, sewer, drainage, roads, cable and telephone).

4. Deeds conveying any easements to the Village or appropriate district. As stated in 3. above, all easements must be located by survey. The easements shall be shown on the Cover Map as required above and the deeds shall refer to the Cover Map.

5. Copies of the any Restrictive Covenants or other such restrictions including Homeowners Associations or Community Associations.

If complete application has been received at least 14 calendar days prior to a meeting the Planning Board will consider the submission at that month's regularly scheduled meeting. The developer or his representative must attend. The Subdivision Regulations require that a Public Hearing be held prior to granting Final Plat Approval. If there are no major variations from the preliminary approval, and there has been no public controversy surrounding the project, the Planning Board may waive the second Public Hearing.

Once the developer has obtained Final Plat Approval he is responsible to obtain signatures on two mylar copies for filing. In addition to the original to be filed in the County Clerks Office, the developer must provide one reproducible mylar and one paper print containing all required signatures to the Village for its records. The following signatures must be obtained on Application Form No. 3 prior to filing:

1. Superintendent of Public Works
2. Village Engineer
3. County Health Department

VILLAGE OF ELLICOTTVILLE
SUBDIVISION DEVELOPMENT FORM NO. 1

SKETCH PLAN

1. Name and Address of Applicant: _____

2. Landowner (if not applicant) : _____
3. Applicant's Representatives : _____
Engineer

Attorney

Others

4. Location of proposed development : _____

5. Name of Development : _____
6. Type of Development : _____
7. Existing Zoning : _____ Vicinity : _____
8. Predominant Soils Group : _____
9. Public Utilities Available : Sewer____; Water____; Other____
10. Sketch Plan Review Fee : \$50 Rec'd by _____ Date _____
11. Remarks :

VILLAGE OF ELLICOTTVILLE
SUBDIVISION DEVELOPMENT FORM NO.2

APPLICATION FOR PRELIMINARY PLAT APPROVAL

Subdivision Name _____

Owner _____ Date of Submission _____

No. Lots _____ Acreage _____ Township _____ Range _____ Lot _____

Preliminary Application Fee _____ Rec'd By _____ Date _____
(\$100 plus \$75 per lot)

Water _____ Sanitary Sewer _____

Deed Restrictions Proposed _____ Yes _____ No; Draft Filed _____

Conceptual Approvals Obtained: Street Supt. _____ Yes _____ No

Sewer Supt. _____ Yes _____ No

Co. Health Dept. _____ Yes _____ No

Village Engineer. _____ Yes _____ No

Environmental Assessment Form Filed _____ Yes _____ No

Public Hearing Scheduled : _____

Planning Board Action
Comments, Conditions, Modifications: _____

Further Approvals Required:

SEQR Determination : _____ Date _____

Preliminary Plat Approval Granted _____ Denied _____

By _____ Date _____
Board Chairman

VILLAGE OF ELLICOTTVILLE
SUBDIVISION APPLICATION FORM NO. 3

APPLICATION FOR FINAL PLAT APPROVAL

Subdivision Name _____

Owner _____ Date of Submission _____

Final Plat Application Fee: \$250 plus \$35 per lot
Rec'd by _____ Date _____

Final Approvals Obtained:

Cattaraugus County Health Department _____ Yes _____ No

Signature _____ Date _____

Village Superintendent of Public Works _____ Yes _____ No

Signature _____ Date _____

Village Engineer _____ Yes _____ No

Signature _____ Date _____

Zoning Action :

ZBA Variance Granted _____ Public Hearing _____
Conditional Use _____ Public Hearing _____
Master Planned Dev. _____ Date _____

SEQR Action : _____ Date _____

Transmitted herewith are one (7) paper and two (2) mylar prints of the Final Plat, and two (2) copies of a legal description of the plot, for your review, Public Hearing, and approval.

Owner _____ Date _____

Public Hearing Date _____

Final Plat Approval Date _____

By _____ Date _____
Board Chairman

VILLAGE OF ELLICOTTVILLE
PLANNING BOARD

APPLICATION FOR MINOR SUBDIVISION - LETTER OF INTENT

File No. _____

Date Filed _____

The undersigned hereby applies for approval of a subdivision in accordance with Article II, Section 2 of the Village of Ellicottville Subdivision Regulations, and represents and states as follows:

1. Name and Address of Applicant: _____

Phone Number: _____

2. Landowner (if not applicant): _____

Deed(s) recorded in Cattaraugus County Clerks Office as follows:

LIBER _____ PAGE _____, ON _____ 19 _____
LIBER _____ PAGE _____, ON _____ 19 _____

3. Applicant's Representatives: _____
Engineer

Attorney

4. Location of proposed project: _____

5. Area of parcel to be subdivided: _____ acres
Number of parcels to be created: _____

6. Existing Land Use: _____ Existing Zoning: _____

8. Public Utilities Available: Sewer _____; Water _____;

9. Tax Map Parcel Number : _____

10. There are no encumbrances or liens against the property except the following: _____

11. The entire land under application shall be included in a survey map attached to this application. The map shall contain the following information:

- () all adjoining land owned by applicants,
- () location of all existing property lines, roads, drives, buildings and easements
- () minimum yard set back lines for that zoning district

- all proposed property lines
() subdivider's name and address, scale, north arrow, date
and surveyor's certification.

Applicant's Signature

Land Owner's Signature

PLANNING BOARD ACTION

() Proposal is classified as a Major Subdivision. Please prepare a Preliminary Plat for submission to this planning Board in compliance with Article II, Section 3 of the Village of Ellicottville Subdivision Regulations.

() Proposal is classified as a Minor Subdivision with a potential impact of a Major Subdivision on the orderly growth and development of the Village. Please prepare a preliminary plat for submission to the this Planning Board in compliance with Article II, Section 3 of the Village of Ellicottville Subdivision Regulations.

() Proposal is classified as a Minor Subdivision and this application is approved subject to any and all conditions imposed by the Planning Board.

Planning Board Chairman
Village of Ellicottville

Date