

Town of Amherst Subdivision Regulations



Chapter 204, Subdivision Regulations, of the
Code of the Town of Amherst

Effective Date: April 3, 2009

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PART 1. GENERAL PROVISIONS

§1-1. Title

The official name of this Local Law and this document shall be "Town of Amherst Subdivision Regulations" hereinafter referred to as the "Subdivision Regulations" or "these Regulations."

§1-2. Purpose and Intent

The purpose of these Subdivision Regulations and the intent of the use of legislative authority is to provide for the future growth and development of the town and the affording of adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population by regulating the development of residential subdivision pursuant to the authority set forth in Town Law §271 and §276. The Town Board finds and determines that these subdivision regulations are necessary to protect and safeguard the Town of Amherst and its residents with respect to subdivision developments in the town which, once accepted, become a permanent unit in the basic physical structure of the community which the future community will of necessity be forced to adhere. It is the purpose of this law that all subdivision and platting of land shall be designed to achieve, among others, the following objectives:

- 1-2-1** To ensure orderly development and redevelopment of land to obtain harmonious and stable residential and nonresidential areas.
- 1-2-2** To ensure the design and installation of high-quality improvements and infrastructure in compliance with the specifications and standards established by the Town of Amherst, and the correct and complete recording of improvements.
- 1-2-3** To minimize ongoing costs of operating and replacing the Town's infrastructure.
- 1-2-4** To provide coordination of land development activities in accordance with the objectives of the Zoning Ordinance and the Comprehensive Plan.
- 1-2-5** To coordinate local subdivision actions with the requirements of county, state and federal statutes.
- 1-2-6** To provide safe and convenient vehicular and pedestrian circulation.
- 1-2-7** To require reservation of space for school, recreation, and other public use.
- 1-2-8** To ensure accurate preparation and recording of plats.
- 1-2-9** To ensure subdivision design mindful of avoiding, minimizing, or mitigating natural hazards and protecting natural resources.

§1-3. Authority, Local Supercission

This Local Law is enacted under the authority of subparagraphs (a)(12) and (d)(3) of the Municipal Home Rule Law §10(1)(iii) and Municipal Home Rule Law §22. It is the intent of this legislation to supercede the provisions of New York State Town Law dealing with subdivisions and the Highway Law in the following circumstances:

- (a) Highway Law §171(c) – Minimum right-of-way width of three rods.
- (b) Town Law §276(11) – Filing of final plat; expiration of approval.

- (c) Town Law §277(9)(a) – Furnishing performance bond.
- (d) Town Law §277(9)(b) – Security where plat is approved in sections.

§1-4. Interpretation

- 1-4-1** The provisions of these Regulations shall be construed to be the minimum requirements necessary for the preservation of public health, safety, and welfare within the Town.
- 1-4-2** These regulations are not intended to repeal, abrogate, or supersede any existing regulation of the Town, nor to conflict with any statutes, laws, or regulations of the State of New York, or Erie County, except that these Regulations shall prevail in cases where they impose a lawful restriction or requirement more severe than existing statutes, laws, or regulations. The Town shall not enforce private deed or plat restrictions.
- 1-4-3** The Commissioner of Building shall be responsible for the interpretation of this Local Law.

§1-5. Delegation of Authority

By the authority of Article 16, Section 276 of the Town Law of the State of New York and resolution of the Town Board of the Town of Amherst, Erie County, New York, dated [insert effective date], the Planning Board of the Town of Amherst is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, and to approve preliminary plats, within that part of the Town of Amherst outside the limits of the Village of Williamsville.

§1-6. Jurisdiction

These Regulations shall govern all subdivision and resubdivision of land lying within the Town limits of the Town of Amherst outside the limits of the Village of Williamsville.

§1-7. Application

- 1-7-1** In accordance with Article 16, Section 278 of the Town Law of the State of New York, no plat of any subdivision shall be recorded in the Erie County Clerk's Office or have any validity until it shall have been approved in the manner prescribed in these Regulations and is in full compliance with them.
- 1-7-2** No building permit or certificate of occupancy shall be issued for any parcel or plot of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these Regulations.

§1-8. Validity

Should any section or provision of these Subdivision Regulations be declared invalid such decision shall not affect the validity of these Regulations as a whole, or any part thereof, other than the section or provision so declared to be invalid, nor shall the decision affect its application to different facts or circumstances.

§1-9. Duration of Planning Board Approval

1-9-1 Approval of the following procedures shall expire in accordance with the following table.

Application	Duration of Approval
Sketch Plan	2 years
Preliminary Plat	6 months
Final Plat	1 year

1-9-2 In the event that approval is revoked, the petitioner may resubmit a new plat subject to any new zoning or subdivision regulations.

1-9-3 Extension of the duration of approval may be granted by the Planning Board after determining that the plat remains in compliance with all applicable codes and regulations.

1-9-4 The subdivision regulations in effect at the time of preliminary plat approval shall be applied to all subsequent approvals required by these regulations in accordance with Part 4.

PART 2. DEFINITIONS

§2-1. Definition of Terms

2-1-1 Words in this Local Law are normally used in their ordinary English usage. Certain terms shall have the meanings that follow, except where the context clearly indicates a different meaning.

2-1-2 The word "shall" is mandatory; the word "may" is permissive; "should" is to be interpreted as expressing that which is desired and not specifically required.

2-1-3 All words used in the singular include the plural, and all words used in the present tense include the future tense.

§2-2. Abbreviations

FEMA. Federal Emergency Management Agency – United States Department of Homeland Security

PE. Professional Engineer

ROW. Right of Way

SEQR. State Environmental Quality Review Act

§2-3. General Terms

BUILDING DEPARTMENT. The Building Department of the Town of Amherst, New York.

COMMISSIONER OF BUILDING. Commissioner of Building of the Town of Amherst, New York.

COUNTY. Erie County, New York.

HIGHWAY SUPERINTENDENT. Highway Superintendent of the Town of Amherst, New York.

LAW. Law, ordinance, rule or regulation of the federal, state, county or town governments, as appropriate.

PERSON. Includes a firm, association, organization, partnership, company or corporation as well as an individual.

PETITIONER. Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases or develops or offers to sell, lease or develop, or advertises for sale, lease or development, any interest, lot, parcel site, unit or plot in a subdivision, or who (3) constructs or contracts to construct improvements on subdivided land or who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

PLANNING BOARD. Planning Board of the Town of Amherst, New York.

PLANNING DIRECTOR. Planning Director of the Town of Amherst, New York.

TOWN. Town of Amherst, Erie County, New York, outside the Village of Williamsville, New York.

TOWN BOARD. Elected legislative body, Town of Amherst, New York.

TOWN ENGINEER. Town Engineer of the Town of Amherst, New York.

ZONING ORDINANCE. The officially adopted Zoning Ordinance and Zoning Map of the Town of Amherst, together with any and all amendments and conditions adopted by the Town Board thereto.

§2-4. Specific Terms

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

ARCHITECT. A New York State licensed professional authorized to practice architecture as defined by New York State laws.

BUILDING LINE (OR FRONT SETBACK). A line parallel to the street right-of-way line, or edge of pavement for a private road, between which line and the street right-of-way no structure may be built.

COMPREHENSIVE PLAN. Materials, written and graphic, including 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 long-range protection, enhancement, growth and development which have been adopted and may be amended by the Amherst Town Board in accordance with NYS Town Law Section 272-a.

CONSTRUCTION DETAILS PLAN. See Public and Private Improvement Permit.

CURB CUT. A curb break, or a place or way provided for the purpose of gaining vehicular access between a street and abutting property.

DEVELOPMENT. The act of building structures or installing site improvements.

EASEMENT. An authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the property.

ENGINEER. A New York State licensed professional engineer (P.E.) authorized to practice engineering as defined by New York State laws.

EXCEPTION. See Reserve.

GRADES

1. **STREET GRADE.** 1) The elevation of the street as measured at its crown; or 2) the slope of the street as measured between two points.
2. **NATURAL GRADE.** The elevation above North American Vertical Datum of 1988, of the surface of the ground prior to any development. Within special flood hazard areas, the National Geodetic Vertical Datum of 1929 shall also be used.
3. **FINISHED GRADE.** The elevation of the finished surface of the ground adjoining the building after final grading and normal settlement.

HOMEOWNERS ASSOCIATION. An incorporated non-profit organization operating under recorded land agreements through which each lot owner of a developed area is a member and each lot is subject to charges for a proportionate share of the expenses for the organization's activities such as maintaining common property.

IMPROVEMENTS (PRIVATE). Any facility or service together with its associated site necessary to provide street pavements, curbs, gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, street trees, utilities, and other appropriate items provided in the development installed privately, and to be

owned, maintained or operated by a private entity, such as an individual, corporation or homeowners association.

IMPROVEMENTS (PUBLIC). Any public facility or service together with its associated public site or right-of-way necessary to provide street pavements, curbs, gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, street trees, utilities, and other appropriate items as installed or provided in the development and to be owned, maintained, and operated by the municipality or special district.

LAND SURVEYOR. A New York State licensed professional authorized to practice land surveying as defined by New York State Laws.

LOT. A parcel of land for a structure, use and the accessory structures or uses customarily incident to it, including such yards as are required by ordinance and such yards as are arranged and designed to be used in connection with such structure.

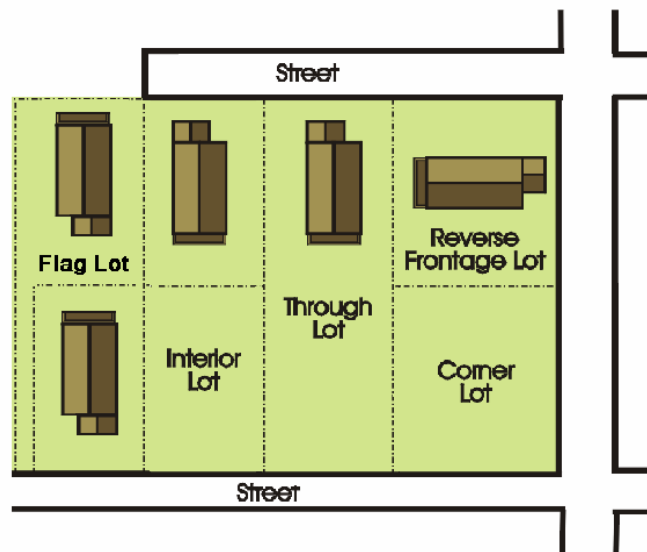
LOT LINE. Any boundary line of a lot.

LOT MEASUREMENTS.

1. DEPTH. The mean horizontal distance between the front and rear lot lines.
2. WIDTH. The horizontal distance of a lot measured along the building line at right angles to the mean lot depth line.

LOT TYPES.

1. CORNER LOT. A parcel of land having lot lines at the junction of two or more streets or having lot lines on the same street forming an interior angle of intersection not more than 135 degrees.
2. FLAG LOT. A lot so shaped that the main building site area is set back from the street on which it fronts and includes only a long narrow access strip connecting the main building site with the frontage street.
3. INTERIOR LOT. A lot other than a corner lot.
4. THROUGH LOT. An interior lot which has frontage on more than one street.
5. REVERSE FRONTAGE LOT. A lot on which the frontage is at right angles or approximately right angles to the general pattern in the area. A reverse frontage lot may also be a corner lot, an interior lot or a through lot.



LOT OF RECORD. Land designated as a separate parcel on a plat map or deed filed or recorded in the office of the Clerk of Erie County, New York.

MARGINAL ACCESS STREET. A local street or alley that provides access to abutting properties parallel and adjacent to an arterial street.

OPEN SPACE. An area unobstructed by buildings from the ground upward, except for walks, paths, landscaping or other site features in public, common or other private ownership. Yards of individual lots occupied by dwellings shall not constitute open space.

OPEN SPACE - COMMON. A parcel or parcels of land or an area of water, or a combination of land and water within the site, privately owned and designed and intended for the use and enjoyment of two or more households residing in the site or in specified portions thereof, or other users if permitted by the owners of the common open space. Common open space may contain such structures and improvements as are necessary and appropriate for the benefit and enjoyment of persons served by such common open space.

OWNER. Shall include, in addition to its usual meaning, tenant, lessee, occupant, or other user.

PEDESTRIAN WALK. A public or private right-of-way intended solely for pedestrian circulation which may be located within a street right-of-way.

PERFORMANCE BOND. An agreement by and between a petitioner and a bonding company or personal fidelity or property bond in favor of the Town for the amount of the estimated construction cost, and guaranteeing the completion of physical improvements according to approved plans and specifications within the time prescribed by the petitioner's agreement.

PLAT. A drawing showing the proposed plan of the subdivision and supplementary information which is submitted for approval to the Planning Board.

PLAT, PRELIMINARY. A map and related material submitted to the Planning Board in order to obtain approval for a proposed subdivision of land. If approved by the Planning Board, it provides the basis for proceeding with the preparation of the final plat of a subdivision.

PLAT, FINAL. A survey record of the subdivision, or part thereof, showing location of lots, street right-of-way, easements, and other pertinent data as required in these Regulations.

PUBLIC AND PRIVATE IMPROVEMENT PERMIT. Permit to build a public or private improvement approved by the Town Board and issued by the Town Engineer.

PRIVATE UTILITY. A utility whose ownership is not fixed in a public body as electrical, gas and phone lines and supporting apparatus, structures or markers.

RESERVE. A parcel of land within a subdivision that is intended for future use, or interim continued existing use.

RESERVE STRIP. A strip of land not dedicated to public use located between a private parcel and a public right-of-way that prevents access to the public right-of-way.

RESUBDIVISION. A change in a map of an approved or recorded subdivision plat if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivision. This process is also referred to as replatting.

RIGHT-OF-WAY. The width, between property lines, of a street, alley, or easement (measured at right angles to the center line of a street).

RURAL SUBDIVISION. Residential subdivisions in the AG, Agricultural, or R-R, Rural Residential Districts, or on land which is outside the utility service area for wastewater services and for which the provision of these services will be accommodated through the use of individual, privately owned systems.

SALE OR LEASE. Any immediate or future transfer of ownership, including contract of sale or transfer, or an interest in a subdivision or part thereof.

SKETCH PLAN. A simple sketch of the proposed layout of streets, lots, and other features of a proposed subdivision in relation to existing conditions, including topography, prepared by the petitioner and submitted to the Planning Board for the purpose of obtaining the advice and assistance of the Planning Department Staff and approval of the Planning Board before preparation of the preliminary plat.

SPECIAL FLOOD HAZARD AREA. As defined by §7-7-4 of the Zoning Code of the Town of Amherst.

STREET. A public or private way which permits conducting of vehicular travel and/or affords a primary means of access by vehicles and pedestrians to abutting properties including the entire area within the right-of-way. The term includes those ways as shown on plats filed in the Office of the Erie County Clerk, whether improved or not.

1. **EXPRESSWAY.** A divided arterial highway for through traffic to which access from the abutting properties is prohibited and all street crossings are made by grade-separated intersections.
2. **MAJOR ARTERIAL.** A high volume roadway that carries the major portion of daily trips to centers of activity in the metropolitan area. Major arterials (also called principal arterials) place a greater emphasis on mobility rather than access to land and include fully and partially controlled access facilities in three categories: Interstates, Expressways, and Streets. A major arterial serves major through movements between important centers of activities in a metropolitan area, and a substantial portion of trips entering and leaving the area. It also connects freeways with major traffic generators.
3. **MINOR ARTERIAL.** A street that connects and augments the major arterial system. Although its main function is still traffic mobility, a minor arterial performs this function at a somewhat lower level and places more emphasis on land access than does a major arterial. A system of minor arterials serves trips of moderate length and distributes travel to geographical areas smaller than those served by a major arterial.
4. **COLLECTOR.** Street that distributes trips from and channels trips to arterials. Additionally, these roadways provide access and circulation within residential neighborhoods. Collector streets provide for both access and circulation within residential, commercial, and industrial areas. Their access function is more important than that of arterials, and unlike arterials, their operation is not always dominated by traffic signals.
5. **LOCAL COLLECTOR.** A street that distributes lower volumes of traffic from predominantly residential developments to collector streets and arterials. Local collectors carry through traffic, but at lower volumes than collectors.
6. **LOCAL STREETS.** A street that provides for local traffic and the lowest level of mobility. Through traffic movement is discouraged on local streets.

STREET GRADE. The slope of the street as measured between two adjacent points located on the street centerline.

STREET LINE. The right-of-way line associated with: 1) a public street; or 2) edge of pavement abutting a private street.

STREET PAVEMENT. The wearing or exposed surface of the roadway used by vehicular traffic excluding gutters, shoulders, and curbing.

SUBDIVISION. The division of any parcel of land into five or more lots, blocks or sites in any three year period, with or without streets or highways, for sale or for rent for residential lots or residential building plots. Such division shall include resubdivision of parcels of land for which an approved plat has already been filed in the office of the County Clerk and which is entirely or partially undeveloped.

SUBDIVISION, RURAL CLUSTER. A residential development in accordance with §278 of NYS Town Law in the R-R District that helps retain viable agriculture and open space; minimizes land use conflicts; provides for recreational and habitat corridors through linked open space networks; achieves flexibility, efficiency and cost reduction in the provision of services and infrastructure; and does not rely on central sewer facilities.

SUBDIVISION, MAJOR. See §4-3-2.

SUBDIVISION, MINOR. See §4-3-1.

SUBMISSION DATE. Date upon which the sketch plan, preliminary plat, or final subdivision plat, complete and accompanied by a fee, if required, and all supporting data required, has been received by the Planning Department.

SUPERELEVATION. The banking of a roadway along a horizontal curve so that motorists can safely and comfortably maneuver the curve at reasonable speeds.

THOROUGHFARE PLAN. The plan and recommendations adopted by the Planning Board or Town Board indicating existing and proposed freeways and streets.

TRAFFIC CALMING. The combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior, and improve conditions for non-motorized street users. Examples of traffic calming devices include speed tables, diverters, neck-downs, chicanes, bump-outs, and roundabouts.

UTILITIES. All lines and facilities related to the provision, distribution, collection, transmission or disposal of water, sanitary and storm sewage, oil, gas, power, information, telecommunication and telephone cable.

WETLAND. Areas regulated by the New York State Department of Environmental Conservation or applicable Federal agencies as Fresh Water Wetlands as prescribed by law.

PART 3. DESIGN STANDARDS

§3-1. General

3-1-1 Intent

These design standards are intended as a guide to sound land planning and are for typical development conditions. Should there be unusual topographic or physical development conditions, these standards may be waived in accordance with §4-7.

3-1-2 Conformity to Comprehensive Plan

Subdivisions shall be designed to be in agreement with objectives of the Comprehensive Plan and in general compliance with the plan for the area.

3-1-3 Conformity with Thoroughfare and Utilities Specifications

The arrangement, character, extent, size, grade and location of all streets and public utilities shall be consistent with the Thoroughfare and Public Utilities Plans and shall be considered in their relation to existing and planned streets and utilities. Proposed subdivisions shall be designed in such a way as to avoid casting an undue burden on the street system, drainage system, or other public facilities planned for the area. Subdivisions shall be designed in conformance with the Town of Amherst Standard Details and Specifications and are available at the Town of Amherst Engineering Department.

3-1-4 Conformity to the Zoning Ordinance

Subdivisions shall conform to the Zoning Ordinance regulations and Zoning Map for the area involved.

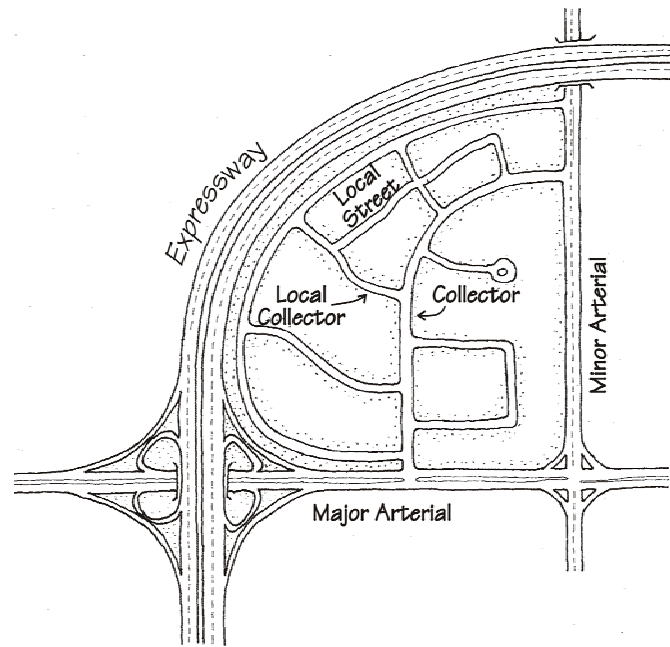
3-1-5 Suitability of Land and Relation to Natural Features

Land deemed by the Planning Board to be unsuitable for human habitation because of health, safety, public welfare, or sanitary problems shall not be platted for residential use, nor for such other uses as may involve danger to health, life, or property. Such land within a plat shall be set aside for uses appropriate to existing conditions. In subdividing any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic locations, or similar conditions.

§3-2. Streets

3-2-1 Hierarchy

- A.** A street is a public way for purposes of vehicular travel and includes the entire area within the right-of-way. The street also serves pedestrian traffic and often accommodates public utility facilities within the right-of-way or on easements adjacent thereto. The improvement or development of streets is based on a functional street classification system which is part of the Comprehensive Plan.
- B.** A typical hierarchy of streets is shown below.



3-2-2 General Design Guidelines

The following are general design guidelines for all public streets.

- A. Street and pedestrian circulation patterns shall be compatible with objectives established by the Future Thoroughfare System in the Comprehensive Plan.
- B. Planned layouts shall minimize overall length of local streets.
- C. Driveway entrances shall be prohibited on arterial streets and shall be avoided wherever possible on collector streets.
- D. Streets shall provide safe and convenient access to housing.
- E. All dwellings shall be accessible by emergency and service vehicles.
- F. Roadway networks shall improve efficiency and connectivity while preserving neighborhood character.
- G. Traffic calming and access management measures shall be used in conjunction with a connected roadway network where needed.
- H. Provide for looping of utilities, where appropriate and desirable.
- I. Necessary lighting along streets and walkways shall be provided.
- J. Use of signs shall be minimized and signposts shall be unobtrusive.
- K. Informational signs shall not compete with traffic control signs for driver attention.
- L. Use of break-away street furniture shall be considered wherever possible and shall be grouped for aesthetic as well as safety values.
- M. Sight distances shall be consistent with probable traffic speed, terrain, alignments, and climatic extremes.

- N. Pedestrian, bicycle, and vehicular traffic shall be separated to the extent feasible.
- O. Parks, play areas, and interior block open spaces, shall be visible from the street.
- P. Horizontal and vertical street alignments shall relate to the natural contours of the site insofar as is practical and shall be consistent with other design objectives.
- Q. Horizontal and vertical alignment of streets shall be selected to minimize grading quantities.
- R. Wherever possible, street layouts shall be planned to avoid excessive runoff concentration.
- S. Streets crossing drainageways inevitably will function as dams, and shall be designed to minimize adverse backwater effects, scour, and erosion.

3-2-3 General Construction Principles

- A. Pavement designs should be appropriate for the specific traffic load, subgrade soil, surface drainage, ground water, and climatic conditions existing at the pavement's location.
- B. The thickness of a pavement should be a function of both the assured load supporting value of the earth subgrade beneath the pavement and the wheel load distribution characteristics of the pavement materials.
- C. Pavement edge treatments other than curb and gutter may be used where conditions permit adequate drainage and the roadway base will not be adversely affected, subject to approval by the Highway Superintendent.

3-2-4 Specific Design Standards

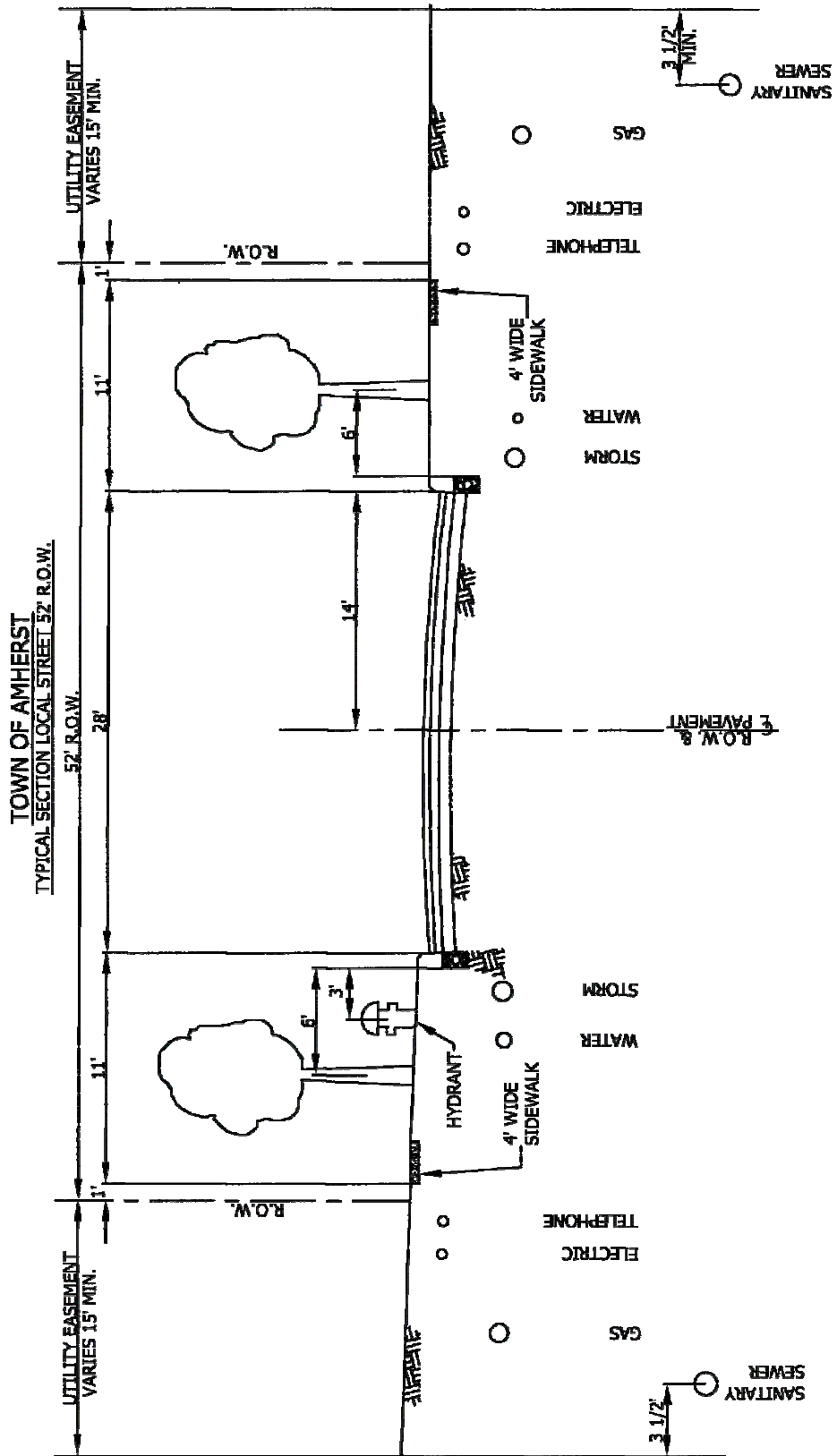
A. Geometric and Pavement Standards

(1) Local Streets

(a) The following standards shall apply to all local streets.

Overall Design Parameters	
Minimum stopping sight distance	115'
Maximum grade	8%
Minimum curve radius	72'
Design speed	20 – 30 mph
Roadway Requirements	
Minimum pavement width	28'
Minimum right-of-way width	52'
Geometric Parameters	
Travel lane width and number	Two lanes 14' wide
Median width	None required; additional width required for development requesting medians.
Parking lane width	Two lanes, 7' wide
Sidewalk width	4'
Bike lane width	None required; share street
Planting strip / snow storage area	11'; additional width optional.

(b) The following figure illustrates the location and relationships between the parameters and requirements listed in the table.

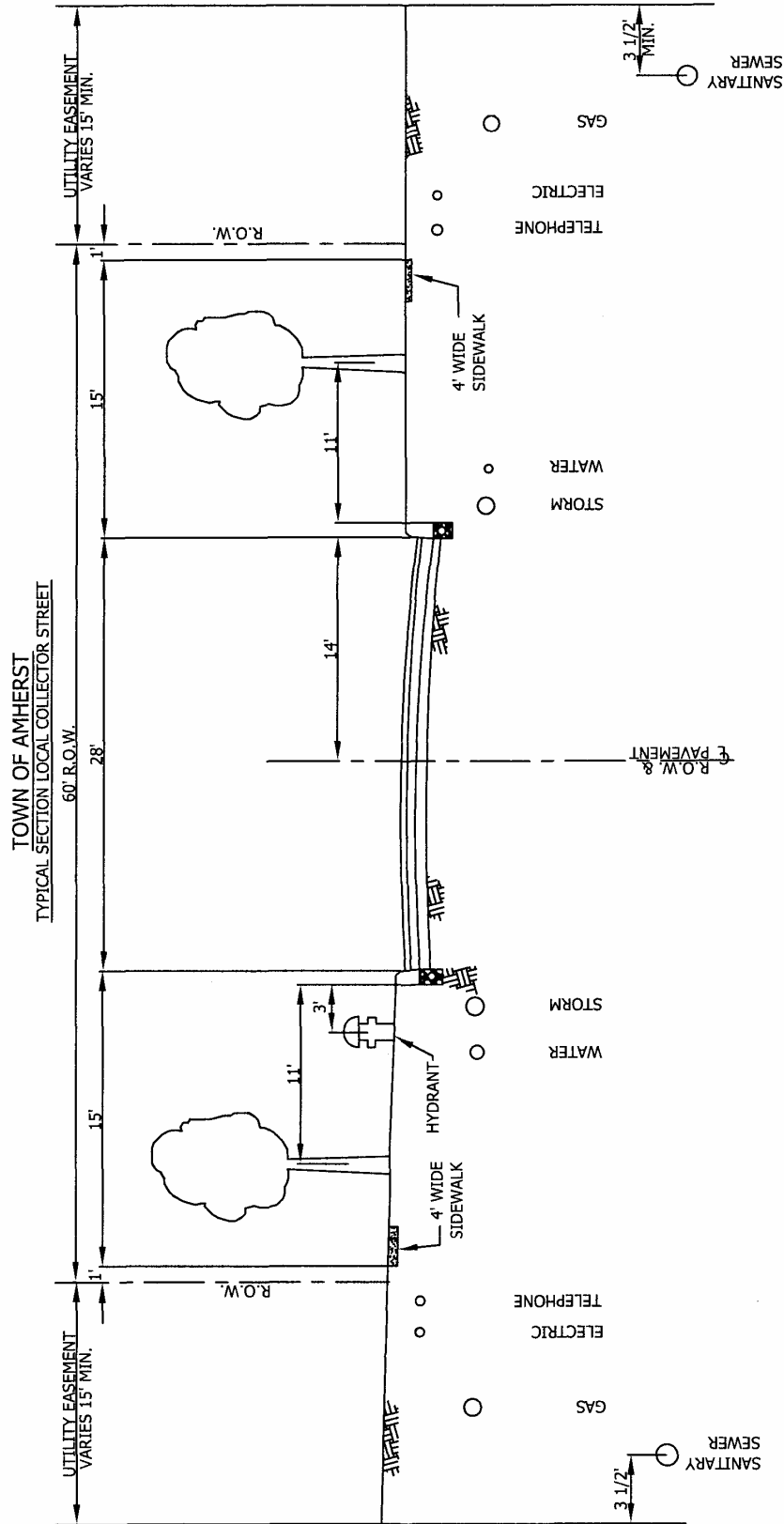


(2) Local Collectors

(a) The following standards shall apply to all local collectors.

Overall Design Parameters	
Minimum stopping sight distance	235'
Maximum grade	7%
Minimum curve radius	200'
Design Speed	20 – 30 mph
Roadway Requirements	
Minimum pavement width	28'
Minimum right-of-way width	60'
Geometric Parameters	
Travel lane width and number	Two lanes 14' wide
Median width	None required; except where necessary to control access and/or to provide pedestrian refuge. Additional roadway and ROW width will be required.
Parking lane width	7 – 8' if required
Sidewalk width	4'
Bike lane width	None required; share street
Planting strip / snow storage area	15'; additional width optional.

(b) The following figure illustrates the location and relationships between the parameters and requirements listed in the table.

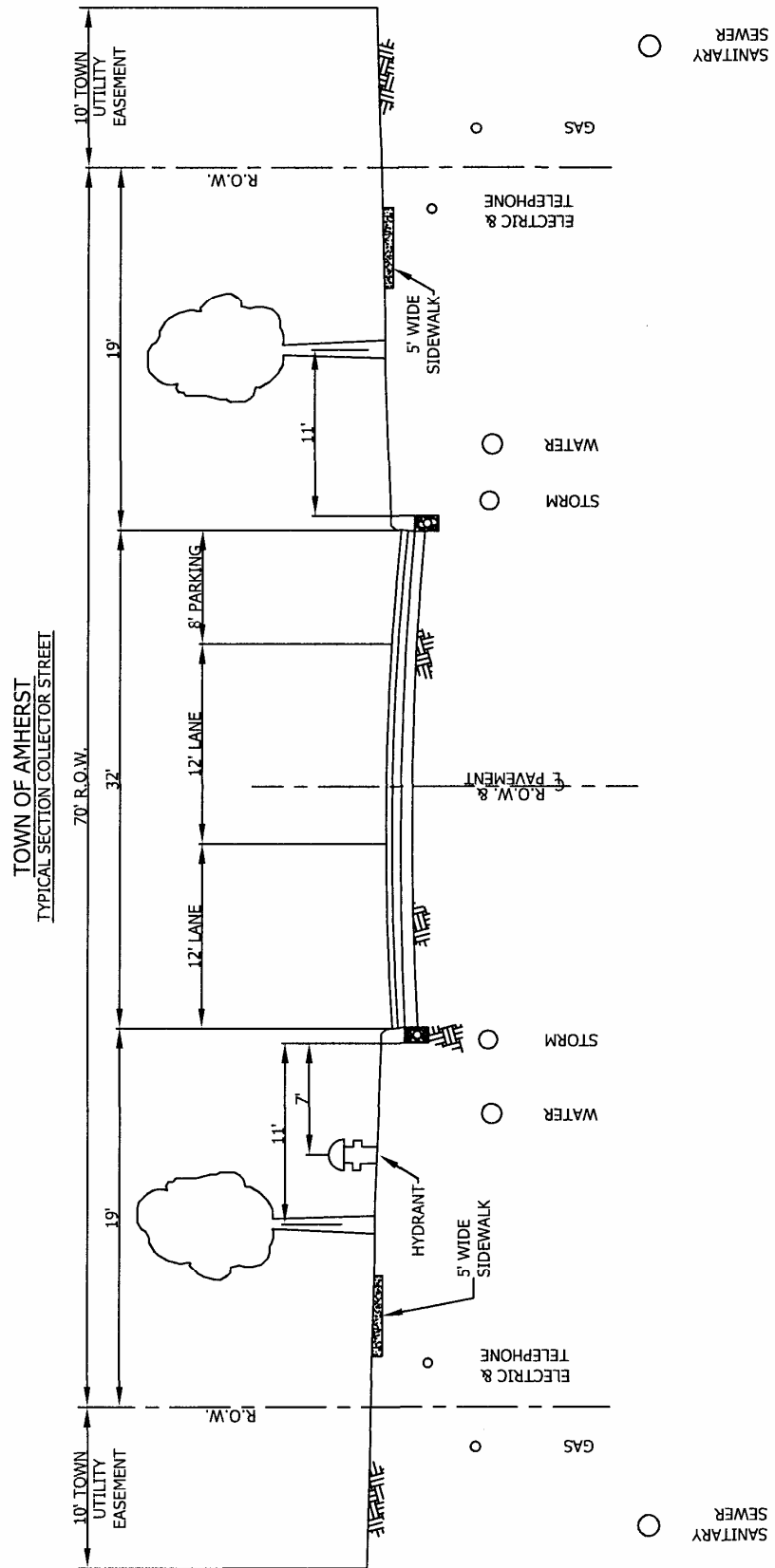


(3) Collectors

(a) The following standards shall apply to collectors.

Overall Design Parameters	
Minimum stopping sight distance	275'
Maximum grade	7%
Minimum curve radius	285'
Design Speed	30 – 60 mph
Roadway Requirements	
Minimum pavement width	32'
Minimum right-of-way width	70'
Geometric Parameters	
Travel lane width and number	Two 12' wide lanes
Median width	None required, except where necessary to control access and/or to provide pedestrian refuge. Additional roadway and ROW width will be required.
Parking lane width	Min. one 8' wide parking lane required
Sidewalk width	5'
Bike lane width	Optional; where provided, two one-way 5' wide lanes located on the outside of the travel lanes.
Planting strip / snow storage area	19'; additional width optional.

(b) The following figure illustrates the location and relationships between the parameters and requirements listed in the table.

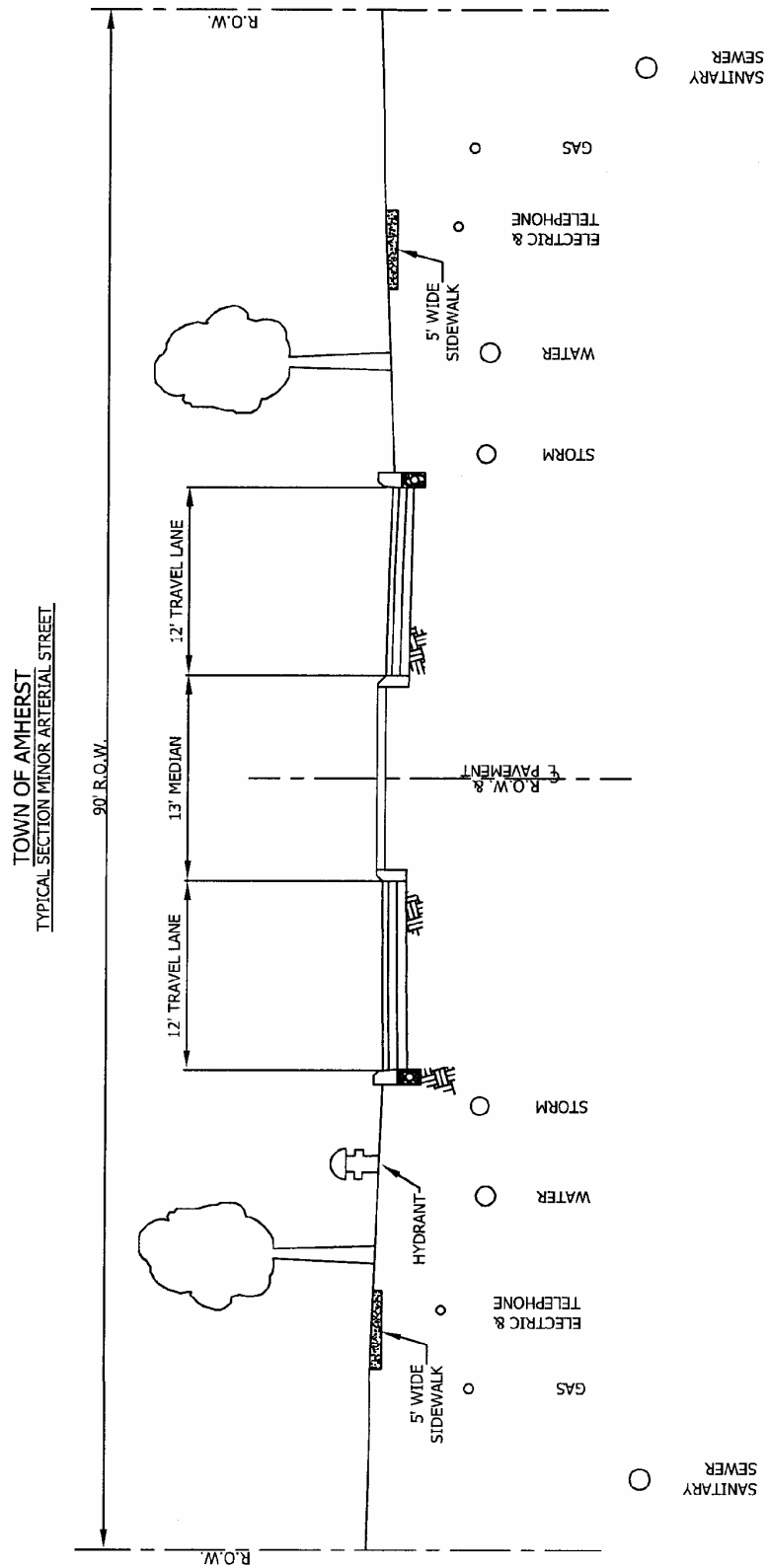


(4) Minor Arterials

(a) The following standards shall apply to all minor arterials.

Overall Design Parameters	
Minimum stopping sight distance	275'
Maximum grade	7%
Minimum curve radius	443'
Design Speed	40 – 60 mph
Roadway Requirements	
Minimum pavement width	24'
Minimum right-of-way width	90'
Geometric Parameters	
Travel lane width and number	Two 12' wide lanes
Median / center turn lane width	13' where required
Parking lane width	8' where required
Sidewalk width	5'
Bike lane width	Optional; where provided, two one-way 5' wide lanes located on the outside of the travel lanes.
Planting strip / snow storage area	Distance from centerline to curb or outside of plowed area in feet x 0.6; additional width optional.

(b) The following figure illustrates the location and relationships between the parameters and requirements listed in the table.

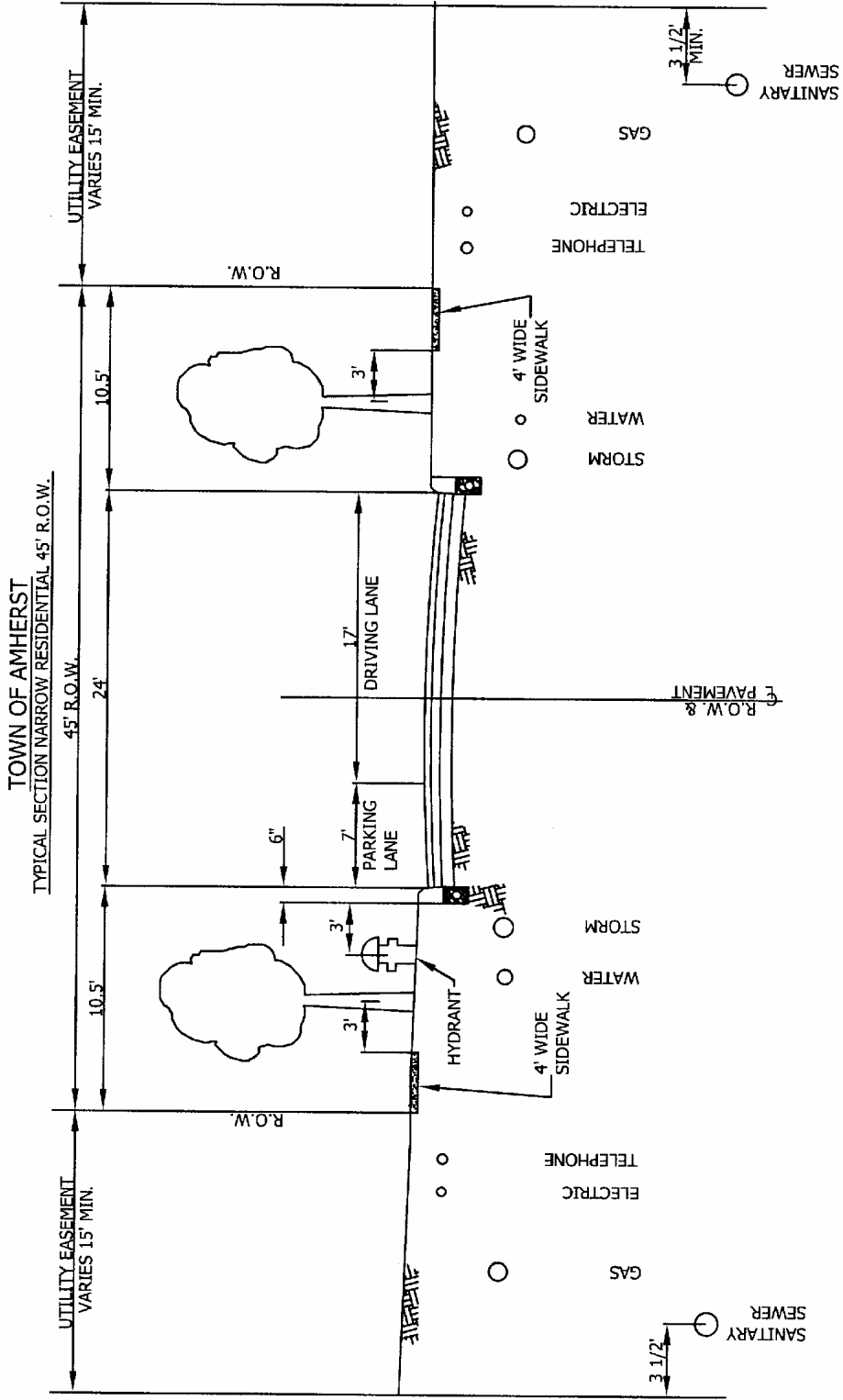


(5) Narrow Residential Streets

- (a) The following standards shall apply to all narrow residential streets. Narrow residential streets shall be used in conjunction with a private alley.

Overall Design Parameters	
Minimum stopping sight distance	115'
Maximum grade	8%
Minimum curve radius	72'
Design Speed	20 mph
Roadway Requirements	
Minimum pavement width	24'
Minimum right-of-way width	45'
Geometric Parameters	
Travel lane width and number	One 17' lane
Median width	None required
Parking lane width	One 7' lane
Sidewalk width	4'
Bike lane width	None required
Planting strip / snow storage area	10.5'; additional width optional.

- (b) The following figure illustrates the location and relationships between the parameters and requirements listed in the table.

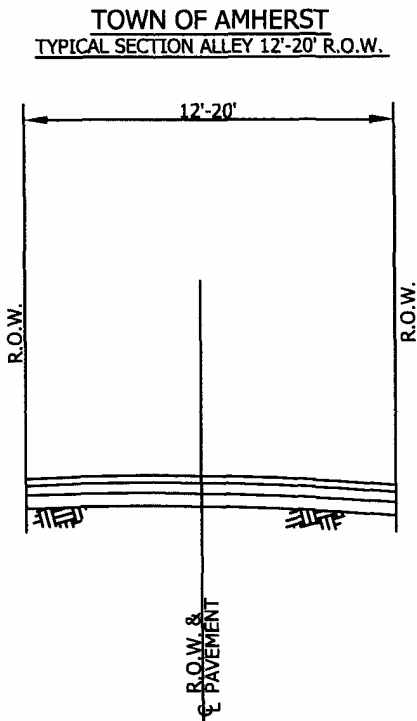


(6) Alleys

(a) The following standards shall apply to all alleys.

Overall Design Parameters	
Minimum stopping sight distance	50'
Maximum grade	8%
Minimum curve radius	72'
Design Speed	20 mph
Roadway Requirements	
Minimum pavement width	12' - 20'
Minimum right-of-way width	12' - 20'
Geometric Parameters	
Travel lane width and number	One 12-20' lane
Median width	None required
Parking lane width	None required
Sidewalk width	None required
Bike lane width	None required
Planting strip / snow storage area	Distance from centerline to curb or outside of plowed area in feet x 0.6; additional width optional.

(b) The following figure illustrates the location and relationships between the parameters and requirements listed in the table.



(7) Standards Applying to all Streets

- (a) In order to provide for proper drainage, the minimum grade shall be 0.4 percent for streets with outer curbs. A grade of 0.35 percent may be used where there is a high type pavement, accurately crowned and supported on firm subgrade.
- (b) An easement, when required, shall be a minimum of 15 feet for local streets and local collectors.
- (c) Private streets shall be designed in accordance with the applicable standards in the tables above.

B. Layout

The arrangement, character, extent, width and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in appropriate relation to the proposed uses of the land to be served by such streets. Where such streets are not shown on the Comprehensive Plan, the arrangement of streets in a subdivision shall either:

- (1) Provide for the continuation or appropriate projection of existing streets in surrounding areas; or
- (2) Conform to a plan for the neighborhood approved or adopted by the Planning Board.

C. Alignment

- (1) Streets shall be laid out so as to intersect as nearly as possible at right angles and no streets shall intersect any other street at less than 80 degrees.
- (2) The edge of pavement at street intersections shall be rounded with a radius of 20 feet, or of a greater radius where the Planning Board, Highway Superintendent, or Traffic and Safety Board deem it necessary.
- (3) In the case of dead-end streets, where needed, the Board may require the reservation of a 50-foot wide easement or dedication, to provide for continuation of pedestrian traffic and utilities to the next street.
- (4) Local streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic, or to facilitate access to neighborhoods by emergency service vehicles, or for other sufficient reasons, but connections shall be designed to avoid the use of such streets by substantial through traffic.
- (5) Whenever connections to anticipated or proposed surrounding streets are required, the right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. No lot shall take access from the terminal end of such streets. The Planning Board may also require temporary turn-arounds to be constructed at the end of such streets pending their extension when such turn-arounds appear necessary to facilitate the flow of traffic or accommodate emergency or service vehicles.
- (6) Street jogs with centerline offsets of less than 150 feet shall not be permitted.

- (7) A tangent at least 100 feet long shall be introduced between reverse curves on major arterial and collector streets.
- (8) An intersection of more than two streets shall be avoided unless specific conditions of design indicate otherwise.
- (9) In general, street lines within a block, deflecting from each other at any one point by more than 10 degrees, shall be connected with a curve, the radius of which for the centerline of street shall not be less than 400 feet on major streets and collector streets and 200 feet on local streets.
- (10) Minor or secondary street openings into collector or major arterial roads shall, in general, be at least 500 feet apart.
- (11) Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in these Regulations.
- (12) Alignment in residential areas shall fit closely the existing topography so as to minimize the need for cuts or fills. There is advantage in residential areas in purposely making the alignment of such nature as to discourage high speed through traffic. Caution shall be taken in the design of the alignment that the safety of the facility is not reduced.
- (13) Where curves are superelevated lower values apply, but the radius shall never be less than 115 feet for local streets and 275 feet for collector streets.

D. Intersections

(1) Design Principles

- (a) Paved areas within intersections shall be minimized.
- (b) Oblique intersections and large corner radii shall be avoided.
- (c) Wherever possible, intersections on curves should be avoided.

(2) Intersection Design

- (a) Intersections, including median openings, shall be designed with adequate corner sight distance and the area kept free of obstacles.
 - (i) The corner sight distance for collector streets shall be a minimum of 300 feet.
 - (ii) For local streets the corner sight distance shall be a minimum of 200 feet.
- (b) Intersecting streets shall meet at approximately a 90 degree angle.
- (c) The minimum off-set for "T" intersections shall be 125 feet centerline to centerline.
- (d) Intersections and stacking areas shall be designed with a flat grade; the maximum grade on the approach leg shall be less than five percent.
- (e) At street intersections in residential areas and elsewhere where there are heavy pedestrian movements, the minimum radius of curb return where curbs are used or the outside edge of pavement where curbs are not used, shall be a minimum radius of 30 feet.

E. Street Connectivity Requirements

An interconnected street system is necessary in order to promote orderly and safe development by ensuring that streets function in an interdependent manner, provide adequate access for emergency and service vehicles, enhance access by ensuring connected transportation routes, and provide continuous and comprehensible traffic routes.

(1) Connectivity Defined

- (a) Connectivity is defined by the ratio of links to nodes in any subdivision.
- (b) Connectivity ratio is the number of street links divided by the number of nodes or end links, including cul-de-sac heads.
- (c) A link is any portion of a public or private street meeting Town specifications and is legally accessible defined by a node at each end or at one end. Stubs to adjacent property shall be considered links. Alleys shall not be considered links.
- (d) A node is the terminus of a street or the intersection of two or more streets.
- (e) Any location where a street name changes shall be considered a node.
- (f) Any curve or bend of a street that exceeds 75 degrees shall receive credit as a node. Any curve or bend of a street that does not exceed 75 degrees shall not be considered a node.

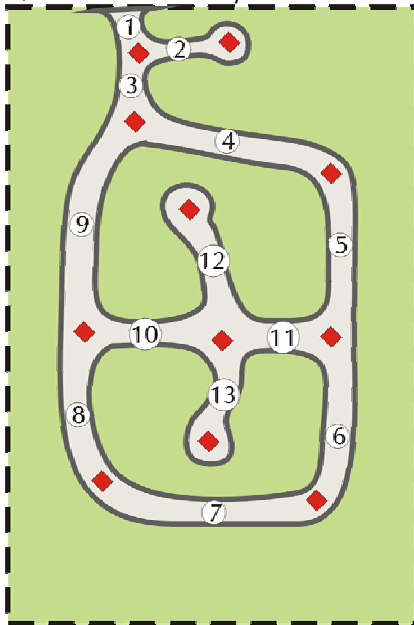
(2) Required Ratio

- (a) The street network for a subdivision of 30 or more lots with internal roads or access to any public road shall achieve a connectivity ratio of not less than 1.40, measured within the subdivision.
- (b) Street links and nodes along a local collector, collector or arterial street providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.
- (c) A higher connectivity ratio in a surrounding area shall not provide justification to reduce the required connectivity of a proposed subdivision.
- (d) The Planning Board may permit a lower connectivity ratio based upon site constraints.

(3) Sample Calculation

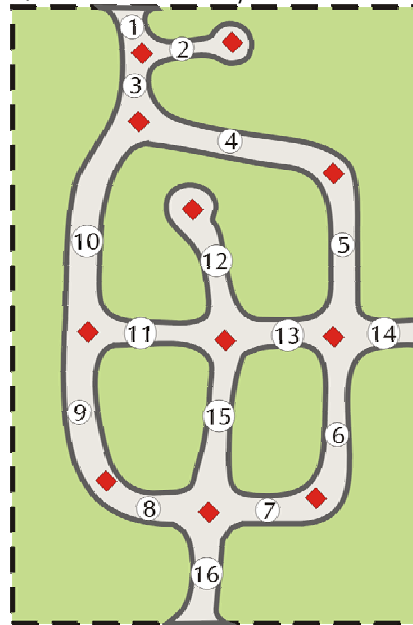
The following sample calculation and figures show how the street connectivity ratio for a subdivision shall be calculated.

EXAMPLE 1: Does not meet ratio
(13 links/11 nodes = 1.18)



Number = Link ◆ = Node

EXAMPLE 2: Modified to meet ratio
(16 links/11 nodes = 1.45)



(4) External Access Required

- (a) All subdivisions shall provide the appropriate number of fire apparatus access roads, as described in §7-6-7(c) of the Zoning Ordinance, Fire Apparatus Access Road Requirements.

F. Cul-de-sac Streets

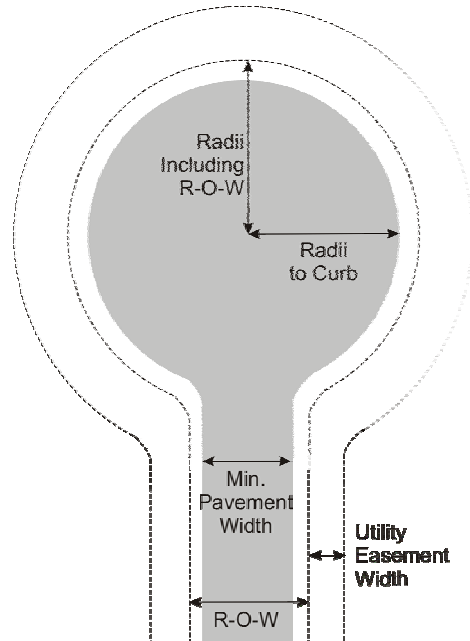
- (1) A curbed permanent turnaround shall be provided at the end of any permanent dead-end street. This turnaround may be T- or circular-shaped. The commonly used circular form shall have the following dimensions.

Standard	Without Island	With Island
Minimum Cul-de-Sac Radii (including R-O-W)	62 ft	66 ft
Minimum Cul-de-Sac Radii (to inside of curb)	52 ft	56 ft
Minimum pavement width	28 ft	36 ft
Right-of-way width, minimum	50 ft	50 ft
Utility Easement Width	15 ft	15 ft*
Maximum island radii	--	20 ft

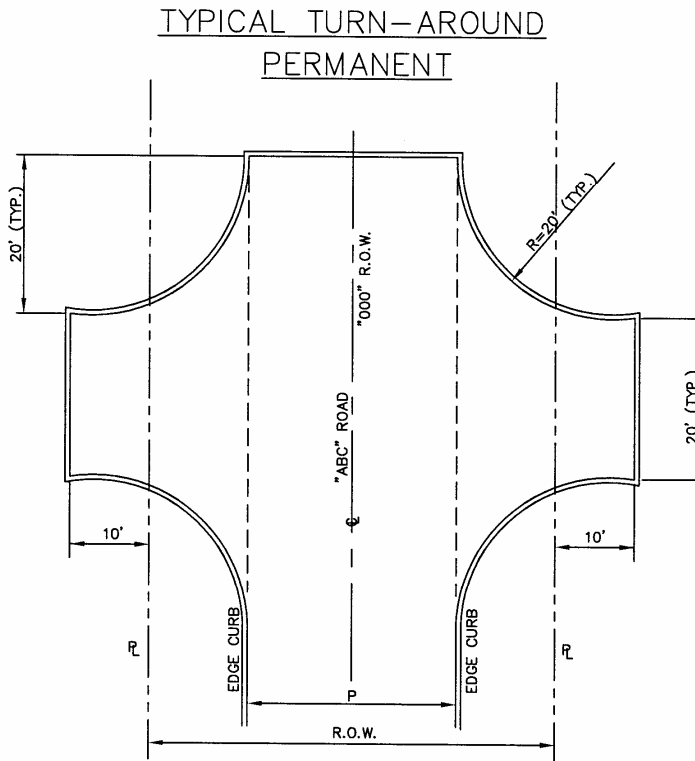
* May be modified by the Planning Board or Director.

- (2) An unpaved island may be provided at the center of the turnaround in accordance with the standards in the table above and provided that:
 - (a) The island shall be surrounded by an island curb;
 - (b) The surface of the island shall be landscaped;

- (c) Landscaping or other elements located in the island shall not interfere with the sight distance standards in §3-2-4D(2).
- (d) The island shall have a minimum diameter of 20 feet measured to the back of the curb.
- (e) The petitioner shall provide for perpetual maintenance of the unpaved island through a homeowners association or other acceptable organization.

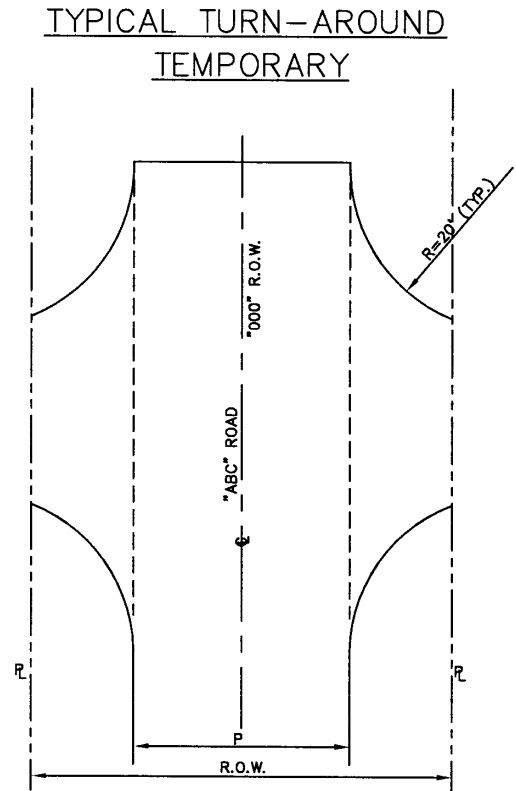


- (3) The T-shaped turnaround shall have the dimensions required in the figures below.



NOTE:
 P = PAVEMENT WIDTH
 R.O.W. = RIGHT OF WAY
 R_L = PROPERTY LINE

NOTE:
 TEMPORARY & PERMANENT TURNAROUNDS CONSTRUCTED
 USING STANDARD PAVEMENT SECTION



NOTE:
 P = PAVEMENT WIDTH
 R.O.W. = RIGHT OF WAY
 R_L = PROPERTY LINE

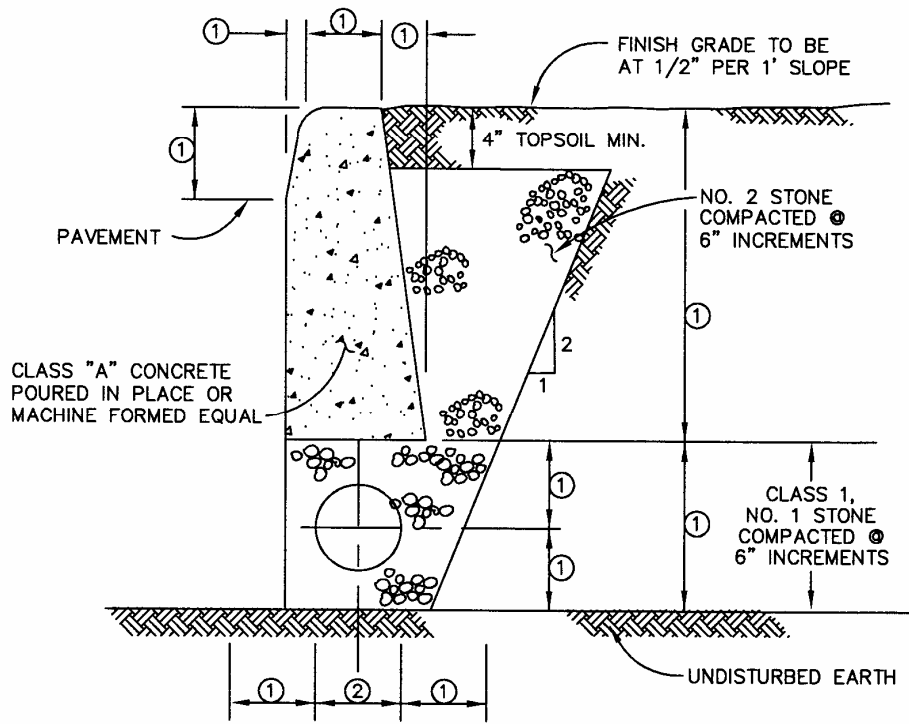
NOTE:
 TEMPORARY & PERMANENT TURNAROUNDS CONSTRUCTED
 USING STANDARD PAVEMENT SECTION

- (4) No lot shall take access to a temporary or permanent turnaround unless permission is granted at the discretion of the Highway Superintendent.
- (5) All turnarounds shall contain adequate space for snow storage and for the maneuvering of emergency vehicles.

G. Curbs

Minimum curb specifications and the measurement at pavement width are shown in the figure below. There are three types of curbing which shall be permitted. However, it is the policy of the Town of Amherst that "A" Type curbing shall be used wherever possible. The final selection of curbing shall be dependent on the site conditions, design character of the proposed subdivision and the anticipated traffic.

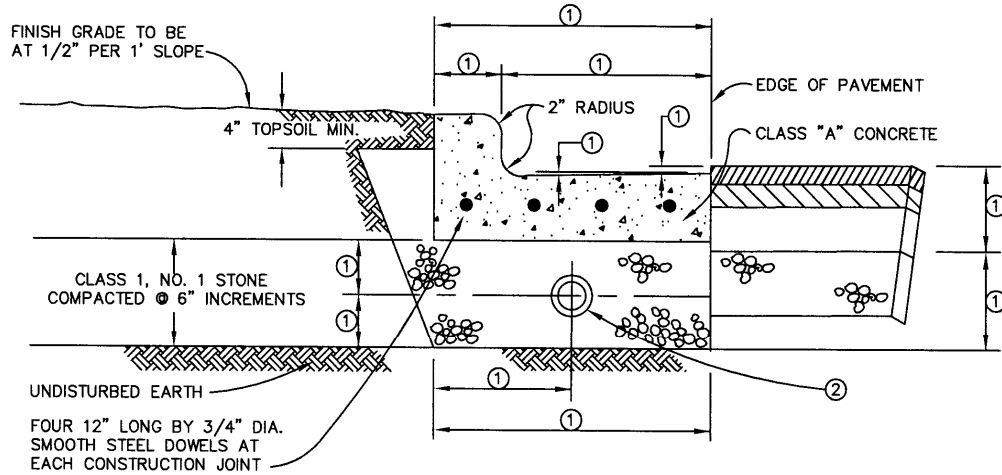
TYPE "A" CURBING



NOTE:

- ① DIMENSIONS ARE FOUND ON THE CURRENT STANDARD DETAILS ON FILE AT THE TOWN ENGINEERING DEPARTMENT
- ② P.V.C. UNDERDRAIN TO BE SDR-35, ASTM 27-29 OR EQUAL

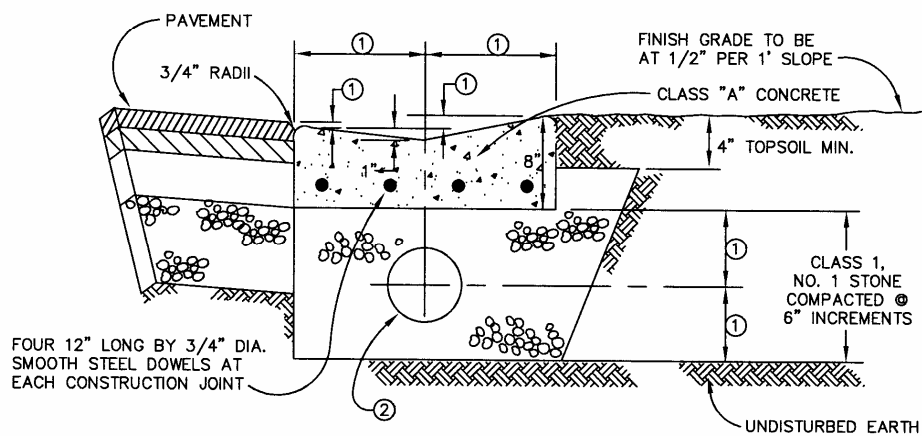
TYPE "B" CURBING POURED IN PLACE



NOTE:

- ① DIMENSIONS ARE FOUND ON THE CURRENT STANDARD DETAILS ON FILE AT THE TOWN ENGINEERING DEPARTMENT
- ② P.V.C. UNDERDRAIN TO BE SDR-35

TYPE "C" CURBING POURED IN PLACE



NOTE:

- ① DIMENSIONS ARE FOUND ON THE CURRENT STANDARD DETAILS ON FILE AT THE TOWN ENGINEERING DEPARTMENT
- ② P.V.C. UNDERDRAIN TO BE SDR-35

H. Sidewalks and Pedestrian Circulation

A plan for safe and convenient pedestrian circulation within the subdivision and between the subdivision and surrounding areas shall be provided. Such plan may provide for walks along the streets, along rear property lines or in some other location acceptable to the Planning Board. The pedestrian circulation plan as approved by the Planning Board shall be based on expected use and function consistent with the following standards. A list of roads and their functional classifications is available from the Town of Amherst Planning Department.

- (1) Pedestrians shall have convenient access to schools, shopping, and existing or possible public transportation load points.
- (2) Pedestrian and bicycle-way alignments shall have a reasonable relationship to foreseeable movement, parking, and community facilities, and shall be safe, secure, and attractive.
- (3) Potential pedestrian, bicycle, and vehicular conflicts shall be minimized.
- (4) Pedestrian and bicycle travel routes shall be selected to have minimum practical change in grade (elevation) throughout their lengths.
- (5) Sidewalks shall be installed on existing and proposed streets unless waived by the Planning Board as a part of an approved site plan or by the Town Board in which event they shall be constructed in accordance with Chapter 83, Building Construction Administration, of the Town Code and located in accordance with §3-2-4A.
- (6) Sidewalks shall be installed on all collector streets and arterials on all road frontages, as applicable, and shall be located in accordance with §3-2-4A.
- (7) Sidewalks shall be of a width as required in the specifications for sidewalk construction available from the Town of Amherst Engineering Department, Town of Amherst Standard Details and Specifications and Chapter 83, Building Construction Administration, of the Town Code.
- (8) All required ramps and curb cuts shall be constructed to be in compliance with the requirements of the Americans with Disabilities Act and be included and constructed with the P.I.P. for the roadway.
- (9) The Planning Board may require that sidewalks on existing or proposed streets be included and constructed with the P.I.P. for the roadway.

I. Roadway Width for Bridges

The minimum clear width for all new bridges on streets with curbed approaches shall be the same as the curb-to-curb width of the approaches. For streets with shoulders and no curbs, the bridge width shall be the same as the approach roadway including shoulders. Sidewalks on the approaches shall be carried across all new structures and shall be considered an additional width to the bridge. There shall be at least one sidewalk on all sidewalk bridges.

J. Pavement

- (1) The design of the pavement and subbase shall be consistent with the specifications in the Town of Amherst Standard Details and Specifications, available at the Town of Amherst Engineering Department.
- (2) Due to the variables inherent in any design there can be no minimal standard. Each design shall be reviewed on its own merits.

- (3) Pavement cross slope shall be adequate to provide proper drainage. The recommended standard is 0.020 feet per foot.

K. Superelevation

- (1) Superelevation is advantageous for street traffic operation, but in built up areas the combination of wide pavement areas, proximity of adjacent development, control of cross slope and profile for drainage, the frequency of cross streets and other urban features combine to make its use impractical or undesirable. Usually superelevation is not provided on local streets in residential and commercial areas; it should be considered on those in industrial areas. Superelevation shall be provided on collector streets wherever operating speeds will not be low.
- (2) Where superelevation is used, street curves shall be designed for a maximum superelevation rate of 0.04 to 0.06 feet per foot.

L. Paved Shoulders

Paved shoulders are permitted on arterial or collector roads. Such shoulders shall be a minimum of six feet in width and shall be designed as an integral part of the road, and shall be constructed according to the Town's minimum specifications as detailed in the Town of Amherst Standard Details and Specifications, available at the Town of Amherst Engineering Department.

M. Railroad-Street Grade Crossings

- (1) Appropriate grade crossing protection devices shall be installed at all railroad-street grade crossings.
- (2) The minimum stopping sight distance for any street that intersects a railroad track shall be 200 feet.

N. Clearance to Above-Grade Obstructions

A minimum clearance of two feet shall be provided between the face of curb or edge of shoulder and above-grade obstructions, such as utility poles, lighting poles, and fire hydrants. On all streets these obstructions shall be located at or near the right-of-way line and outside of sidewalks.

O. Street Lighting

- (1) Street lighting should be considered at all intersections and continuous lighting should be considered in heavily built up areas, particularly on collector streets. Determinations on lighting should be coordinated with crime protection and other community needs.
- (2) Factors that should be taken into consideration in determining whether or not lighting should be provided are the ratio of night to day accidents, pedestrian and vehicular volumes, type of marginal development and previous experience at other locations having similar geometric design.

P. Traffic Control Devices

- (1) It is important that there be consistent and uniform application of traffic control devices. Details of the standard devices and warrants for many conditions are found in the "Manual on Uniform Traffic Control Devices" prepared by the Federal Highway Administration and supplemented by the New York State D.O.T.

- (2) Geometric design of streets should include full consideration of the types of traffic control to be used, especially at intersections where multiphase or actuated traffic signals are likely to be needed.

Q. Landscaping, Erosion Control, and Street Trees

(1) Landscaping and Erosion Control

- (a) The Planning Board shall carefully consider all landscaping elements within the right-of-way especially in culs-de-sac, islands, and other areas where public ownership and maintenance will be required. A detailed planting and landscaping plan shall be submitted for all such areas and approved by the Planning Board, after receiving a recommendation from the Town's Planning Director, as a part of the preliminary platting process.
- (b) A Landscape Plan for the area within ten feet from the edge of pavement along private streets shall be submitted with the preliminary plat. The owner shall be responsible for all planting, maintenance, and necessary replacement.

(2) Street Trees

(a) Tree Removal Permit

No trees shall be removed from an area in anticipation of development unless a Tree Removal Permit has been obtained under the Tree Local Law, Town Code Chapter 179.

(b) Trees Required

- (i) The issuance of each building permit for buildings adjacent to a public street shall be subject to planting one tree per forty feet of street frontage.
- (ii) At the time of filing the building permit, the Town Clerk shall collect the cost of planting the required trees which cost shall be determined by the Town Board from time to time.

(c) Specifications for Planting

- (i) All trees shall be guaranteed for one year from the date of planting and shall be handled and transported in a manner conducive to good nursery practices at all times. All trees shall be pruned and planted and refilled with soil acceptable to the Highway Superintendent in a tree pit two times the ball diameter and one and one-half times the ball depth, or twelve inches greater than the spread of the bare root stock and six inches greater in depth. Each planting shall be well watered at the time of planting. Stakes shall be hard wood, eight-foot minimum height, and will be placed at time of planting outside the tree placement cavity with a minimum of two stakes per tree.
- (ii) The top four inches to six inches of each stake shall be painted a color as specified by the Superintendent of Highways. In addition, all trees will be wrapped with tree wrap-up to the first branch. Fertilizer should be one-half pound per inch of caliper, worked into the trees' pit soil.
- (iii) All trees shall be local or northern grown and will be subject to inspection at time of planting. All trees shall be supplied with well

developed root systems. All trees are to have straight trunks with well developed heads. The caliper of trees shall be measured at a point six inches above ground level with a minimum caliper of one and three-quarters inches.

- (iv) All trees shall be planted in accordance with Section 179 of the Local Tree Law, Planting distance requirements.

R. Yard Drainage - General

- (1) Yards and areas shall be properly drained and connected to a storm sewer or other approved outfall.
- (2) See the Town of Amherst Standard Details and Specifications, available at the Town of Amherst Chapter 83, Building Construction Administration, of the Town Code for details, including rear yard drainage and Sump Pump and Downspout Pipe Discharge.

S. Rural Residential Subdivision Streets

Each lot in a rural residential subdivision shall be provided with access to a durable and maintainable public or private street with adequate capacity, while retaining rural aesthetics and cost effectiveness, and without compromise to the Thoroughfare Plan.

(1) Exceptions to Street Standards for Rural Residential Subdivisions

The subdivision may contain roadside ditches in lieu of curb and gutter.

3-2-5 Grading and Topography

The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography and shall be in accordance with the Town Specifications for Public Improvements.

3-2-6 Marginal Access Streets

A. Where a subdivision abuts or contains an existing or proposed arterial street as specified in the Comprehensive Plan, the Planning Board may require the following:

- (1) Marginal access streets, and controlled access points;
- (2) Reverse frontage with screen planting contained in a non-access reservation along the rear property line;
- (3) Deep lots with rear service access; or
- (4) Such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

B. Where a subdivision borders on or contains a railroad right-of-way or limited access thoroughfare right-of-way, the Planning Board may require a street approximately parallel to and on each side of the right-of-way at a distance suitable for the appropriate use of the intervening land as for the following purposes:

- (1) Parks;
- (2) Deep residential lots backing to railroad or arterial street with planting screen in a no-access area at rear property lines of lots; or

- (3) Motor vehicle parking, business or industry in appropriate districts.
- C. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.

3-2-7 Other Street Improvements

Design standards for other required improvements such as fire hydrants, water main, and the location of sanitary and storm sewers are also available within the Town of Amherst Standard Details and Specifications on file at the Town's Engineering Department. Street lighting, traffic control signs, and street signs are found within Town Specifications for Public Improvements. Public and Private Improvement Permits are issued on the basis of compliance with these specifications.

3-2-8 Reserve Strips

Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the Town under conditions approved by the Planning Board, Town Engineer, and Town Attorney.

3-2-9 Street Designation

Street names for a proposed subdivision shall be proposed by the owner which shall not duplicate or be confused with the names of existing streets in Erie County irrespective of modifying terms such as street, avenue, boulevard, etc. Streets that are or will eventually be continuations of existing or platted streets shall be of the same name. Street names shall be subject to the policies established by the Town Board and the approval of the Planning Director.

§3-3. Utilities

3-3-1 Underground Utilities

Utilities, to the extent practicable, are to be placed underground throughout a subdivision area and in conformance with Town Specifications for Public and Private Improvements.

3-3-2 Utility Easements

Suitable easements shall be provided for any utility service, including storm water drainage, as determined by the Town Engineer. They shall be established at sanitary sewers and applicable lot lines so as to provide continuity of alignment from block to block.

3-3-3 Storm Drainage Easements

Where a subdivision is traversed by an existing or proposed watercourse, storm sewer, drainage way, channel or stream, there shall be provided a permanent public or private drainage easement conforming substantially with the limits of such watercourse, which may include additional area adjoining such watercourse as determined by the Town Engineer and/or Highway Superintendent.

3-3-4 Pipes for Ditches

Street side ditch piping for stormwater along an existing street shall be the responsibility of the lot owner (or petitioner) and construction, removal, or replacement shall be in

accordance with Town Specifications. Maintenance of a public facility shall be the responsibility of the Town.

3-3-5 Sewers

- A. Any building that has sanitary facilities, or is used by human occupants for living or sleeping, must be connected to a sanitary sewer system approved by the Erie County Health Department, if such sewer is available.
- B. All sanitary sewers and laterals must be installed before a street is improved and construction shall be in accordance with Town Specifications for Public Improvements.
- C. The Town reserves the rights to require the installation of improvements necessary for non-rural subdivisions when the site is within a sewer district but public wastewater utility services are not currently available.

3-3-6 Water Distribution and Fire Hydrants

- A. Waterline types and installation shall be in accordance with Town of Amherst Engineering Department specifications.
- B. Waterline size shall be a minimum of eight inches and on a grid system or interconnected wherever possible, based on generally accepted engineering practices for required fire flow.
- C. Fire hydrant type and installation shall be in accordance with Town of Amherst Engineering Department specifications.
- D. Fire hydrants shall be located a maximum of 500 feet apart.

§3-4. Blocks

3-4-1 Shape

No specific rule concerning the shape of blocks is made, but blocks shall fit readily into the overall plan of the subdivision, and their design shall evidence consideration of topographical conditions, lot planning, traffic flow and public open space areas.

3-4-2 Block Dimensions

- A. The maximum lengths of blocks containing a majority of lots seventy-five feet and over in width shall be 1,800 feet, and the maximum length of blocks containing a majority of lots less than seventy-five feet in width shall be 1,200 feet.
- B. Blocks over 900 feet long may, at the discretion of the Planning Board, require pedestrian ways at their approximate centers. The provision of additional access ways to schools, parks or other destinations may be required by the Planning Board.
- C. Blocks shall have sufficient width to accommodate two tiers of lots including any additional allowance for natural features in between such as an existing watercourse. This standard shall not apply where single tier lots are required to separate residential development from arterial traffic, to separate lots from an incompatible use, to accommodate a requirement for single loaded streets, to allow for unusual topographical conditions or when adjacent to the outer perimeter of the subdivision.

§3-5. Lots**3-5-1 Buildable**

All lots shall meet the minimum area and lot dimensions required by the Zoning Ordinance for the zoning district in which the lot is located.

3-5-2 Shape

- A. Generally, side lines of lots shall be at right angles to straight street lines and radial to curved street lines.
- B. The average depth of a lot shall not generally exceed three and one-half times its average width.
- C. Flag lots shall be discouraged in non-rural subdivisions, except where environmental, design or other constraints render subdividing otherwise unreasonable.

3-5-3 Access

- A. All lots shall have adequate access to the public thoroughfare system, and lots shall abut a public dedicated street or private drive or have access to such street or drive via a public alley. See NYS Town Law Section 280-a(4) for streets not having frontage on a public street.
- B. No lot shall take access from the turnaround areas described in Section 3-2-4F.
- C. In an effort to minimize the number of curb cuts and maximize green space, the Planning Board may require the sharing of curb cuts by adjacent lots.

3-5-4 Corner Lots

Corner lots shall be increased in width over the width of typical interior lots, in accordance with the Zoning Ordinance.

3-5-5 Through Lots

Through lots shall not be permitted except under the following circumstances:

- A. Where lots back upon an arterial, local collector or collector street. In such instances, vehicular access between the lots and the arterial or collector street is prohibited.
- B. Where topographic or other conditions render subdividing otherwise unreasonable. Such through lots shall have an additional depth, as determined by the Planning Board, in order to allow for a protective screen planting on one frontage.

3-5-6 Lots Abutting a Watercourse**A. Riparian Buffer**

- (1) Lots abutting upon or extending into a watercourse, drainage way, channel or stream shall be required to provide additional depth in the form of a riparian buffer to assure an acceptable building site.
- (2) Riparian buffers shall be clearly indicated on all sketch plans, preliminary plats and final plats. Where maps show a difference in stream type for a

particular reach of stream, the map that shows the greater level of stream protection shall apply.

B. Buffer Width

Riparian buffers shall apply on each side of the watercourse and shall begin at the most landward limit of the top of the bank perpendicular to the direction of stream flow. Riparian buffers shall be a minimum of 50 feet in total width.

C. Buffer Limitations

- (1) Buildings and other features that require grading and construction shall be set back a minimum of 10 feet from the edge of the buffer.
- (2) Crossings by streets, driveways, bridges, utilities, culverts, recreational features or other facilities shall be allowed provided that they are designed to minimize intrusion into the riparian buffer. Such facilities may run generally within and parallel to the buffer only where no other access to the property is practical and when their design minimizes intrusion into the buffer.
- (3) Riparian buffers may be used for passive recreational activities, provided that service facilities for such activities, including but not limited to parking, picnicking and sanitary facilities, shall be located outside of the stream buffer.

3-5-7 Lots in a Floodway or Flood Plain District

All structures and uses in the Special Flood Hazard Areas are subject to the Flood Damage Prevention provisions of §7-7 of the Zoning Ordinance.

§3-6. Monuments and Lot Corner Markers

3-6-1 Permanent concrete monuments shall be made of concrete four inches by six inches by 24 inches, or six-inch diameter by 24 inches, or an approved equal, with ½-inch or larger iron pipe or iron rod cast in the center.

3-6-2 At least one permanent concrete monument shall be in each subdivision in accordance with Local Law No. 6, Chapter 119 and the Rules and Regulations 119-5.A, Town of Amherst Geodetic Survey Maintenance Network. The monument's location shall be approved by the Town Engineer.

3-6-3 Pipe monuments ¾-inch in diameter, or steel rods ½-inch in diameter by 18 inches in length, shall be placed at the corners of each lot, block, at each intersection, of street center lines at angle points and at the ends and at suitable intervals along curbs. A suitable nail may be used should any of these locations fall within the street pavement.

3-6-4 All U.S., State, County, Town or other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position and identified on the final plat.

§3-7. Commercial and Industrial Areas

3-7-1 Vehicular Movement

The location for vehicular movements between commercial and industrial areas and adjacent streets shall be indicated, and restrictions shall be recorded upon the plat which shall restrict such vehicular movements to the location shown on the plat.

3-7-2 Easements

Easements may be required providing for vehicular movements through parking areas and to and from service areas, as well as easements which can be improved as buffer areas wherever the area adjoins property zoned for residential use. The installation of planting, walls, fences or other improvements that assure a satisfactory buffer or protective screen within said easement may be required by the Planning Board.

§3-8. Open Space Dedication

A. General

Dedication of open space shall be in accordance with Chapter 155, Recreation and Open Space, of the Town Code.

B. Cluster Subdivision

- (1) Ownership of open space created as part of a cluster subdivision shall be retained by or transferred to any of the following third-party organizations, including any combination of such organizations:
 - (a) The owner of the property to be developed;
 - (b) A homeowners association;
 - (c) An established land trust, created as a not-for-profit agency in accordance with Section 501(c)(3) of the Internal Revenue Code;
 - (d) A non-profit conservation organization created in accordance with Section 501(c)(3) of the Internal Revenue Code;
 - (e) The Town of Amherst; or
 - (f) Another public agency responsible for natural resource preservation.
- (2) A conservation easement limiting the use of the open space in perpetuity shall be required. The easement shall provide for third party enforcement of the limits placed on the open space area.

§3-9. Acceptance of Dedications

A. Streets

Streets shall be dedicated according to all applicable State and local laws.

B. Parkland Sites

- (1) Acceptance of dedications for parkland shall be by resolution of the Amherst Town Board.

PART 4. REVIEW PROCEDURES AND ENFORCEMENT

§4-1. Applicability

Whenever any subdivision of land of five or more lots is proposed and before any permit for the erection of a structure or facilities in or for such proposed subdivision shall be granted, the petitioner or authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the procedures set forth in this Part.

§4-2. Pre-Application Conference

The petitioner for subdivision approval shall schedule a pre-application conference with the Planning Director or his or her designee to discuss the requirements for the following, but not limited to: the general layout of streets and lots, the reservation of land, street improvements, drainage, soil conditions, special flood hazard areas, wetlands, sewerage, water, fire protection, other community services and facilities, and the availability of existing services.

§4-3. Subdivision Classification

The Planning Director shall classify the subdivision as requiring a major or minor subdivision on the basis of the pre-application conference and in accordance with the criteria in this Section.

4-3-1 Minor Subdivision

- A. The Planning Director shall only classify a subdivision as a minor subdivision where the proposal meets all of the following criteria:
- (1) The subdivision contains a minimum of five lots, but not more than nine lots fronting on an existing street;
 - (2) The subdivision does not require the construction of new streets or roads, the extension of municipal facilities or the dedication of land;
 - (3) The subdivision does not adversely affect the development of the remainder of the parcel or adjoining property;
 - (4) The subdivision is not in conflict with any provision or portion of the Comprehensive Plan or Zoning Ordinance; and
 - (5) The subdivision does not require a waiver from these Regulations.

4-3-2 Major Subdivision

Any subdivision that contains more than nine lots shall be considered a major subdivision.

§4-4. Application Requirements

The following requirements shall apply to all applications for development review.

4-4-1 Who May Submit Applications

- A. All applications shall be reviewed by the Planning Director for his or her signature prior to filing with the Town Clerk. The Town Clerk shall receive payment of the required fees.

Part 4. Review Procedures and Enforcement

§4-4. Application Requirements

- B.** Applications shall only be accepted from persons having the legal authority to submit such applications. In general, applications shall be made by the owners or lessees of property, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary approval under these Regulations.
- C.** The Planning Director may require a petitioner to present additional evidence of authority to submit the application.

4-4-2 Forms

- A.** Applications required under these Regulations shall be submitted on forms and in such numbers as required by the Town.
- B.** All application forms are available from the Planning Department. The content of such application forms shall be determined by the Planning Director and may be amended from time to time.

4-4-3 Fees

- A.** No application shall be accepted by the Town Clerk until all applicable fees, charges and expenses have been paid in full.
- B.** Filing fees shall be established from time to time by resolution of the Town Board to defray the actual cost of processing the application.
- C.** All required fees shall be made payable to "The Town of Amherst."
- D.** A petitioner who has paid an appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application within 24 hours of application shall be entitled to a full refund upon written request to the Town. After this 24-hour period, the petitioner may petition the Town Board for a partial refund. The Town Board may request a recommendation on any request for a refund considered under this Section.

4-4-4 Applications to be Complete

- A.** An application and fee will be accepted for review when it contains all information necessary to initiate review as determined by the Planning Director or his or her designee. In addition, an application shall not be considered complete until a SEQR determination of significance under Town Code, Chapter 104, Environmental Quality Review, can be made.
- B.** The presumption is that all of the information required in the Town's application forms is necessary to satisfy the requirements of this Section. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The petitioner may rely on the recommendations of the Planning Director as to whether more or less information should be submitted with the application.
- C.** An application not considered complete within six months after the initial date of submittal shall be considered null and void, except where such application is part of an ongoing SEQR review.

4-4-5 Staff Consultation After Application Submitted

- A. Upon determination of a complete application, the Planning Director shall review the application and confer with the petitioner to ensure that the petitioner understands the requirements of these Regulations; has submitted all of the information that the petitioner is required to submit; and that the application represents precisely and completely what the petitioner proposes to do.
- B. Once the petitioner indicates that the application is as complete as the petitioner intends to make it, the application shall be distributed to the appropriate departments, officials and boards. However, if the Planning Director finds that the application remains incomplete, a recommendation to deny the application on that basis shall be provided to the Planning Board.

4-4-6 Notice and Public Hearings

A. Required Hearing

(1) Preliminary Plat

Within 62 days after the receipt of a preliminary plat by the Planning Board, the Planning Board shall hold a public hearing. The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing.

(2) Final Plat

- (a) No public hearing shall be required for review of a minor subdivision, or review of a final plat of a major subdivision provided that such plat is in substantial agreement with the approved preliminary plat.
- (b) In the event that the Planning Director determines that the final plat of a major subdivision is not in substantial agreement with the approved preliminary plat, the Planning Board shall hold a public hearing within 62 days from the time of submission of the subdivision for final plat approval. The hearing shall be advertised in a newspaper of general circulation in the Town at least five days before such hearing.

4-4-7 Summary of Review and Approval Authority

The following table summarizes review and approval authority under these Regulations.

Review Procedure	Planning Director	Planning Board
Minor Subdivision		
Sketch Plan	Not Required	Not Required
Preliminary	Recommendation	Decision*
Final	Recommendation	Decision
Major Subdivision		
Sketch Plan†	Recommendation	Decision*
Preliminary	Recommendation	Decision*
Final	Recommendation	Decision

* = Public hearing required

† = The Planning Director may waive the requirement for a sketch plan for a major subdivision of five to nine lots.

§4-5. Minor Subdivision Submission Requirements

A minor plat shall be submitted and reviewed consistent with the requirements for a preliminary plat.

§4-6. Major Subdivision Submission Requirements

4-6-1 Sketch Plan Review

A. Intent

The sketch plan is not intended to be recorded. Its purpose is to show graphically all facts needed to enable the Planning Board and other Town departments to determine whether the proposed layout of land in question is satisfactory from the standpoint of public interest.

B. Staff Review

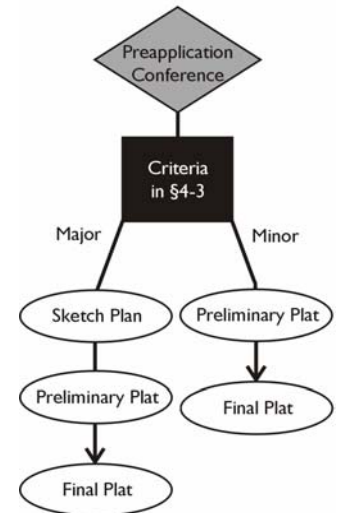
- (1) Copies of the sketch plan shall be referred to the Building, Highway and Engineering Departments, the Traffic and Safety Committee, the Assessor, the Recreation Commission, and any other agencies the Planning Director deems appropriate.
- (2) Within 30 days of determination of completeness, each agency shall review the application and notify the Planning Board in writing of its comments or recommendations.

C. Planning Board Final Action

- (1) Within 62 days from the date that the sketch plan is deemed complete, or such extension as mutually agreed upon, the Planning Board shall meet and approve, approve with conditions or disapprove the sketch plan taking into account the criteria in §4-6-1D.
- (2) If the Planning Board disapproves, it shall advise the petitioner in writing of the reasons for disapproval and the specific changes, if any, it shall require in the layout, and the character and extent of required improvements and land reservations as a prerequisite to the approval of the sketch plan.
- (3) In approving the subdivision sketch plan, the Planning Board may impose such conditions as it deems necessary and consistent with the Zoning Ordinance, Comprehensive Plan, and other laws.

D. Sketch Plan Review Criteria

- (1) The Planning Board shall review the sketch, considering the requirements of these Regulations, the Zoning Ordinance, Comprehensive Plan, comments of the reviewing agencies and the best design use of the land being subdivided.
- (2) In evaluating any sketch plan, the Planning Board shall consider the following:
 - (a) The arrangement, location and width of streets and their relation to the topography of the land;
 - (b) Vegetation, wetlands, special flood hazard area/base flood elevation;
 - (c) Sewage disposal, drainage requirements, water needs;



- (d) Lot sizes and arrangement;
- (e) Soil conditions;
- (f) Recreation facilities and open spaces;
- (g) Such other concerns as may be appropriate including new streets or street extensions; and
- (h) Policies and recommendations of the Comprehensive Plan.

4-6-2 Preliminary Plat Review

A. Submittal of Preliminary Plat and Improvement Plans

Following approval of the sketch plan, the petitioner shall prepare a preliminary plat of a subdivision, together with improvement plans and other supplementary material as specified in these Regulations. This plat shall cover the entire tract of land concerned, or portion thereof, unless the Planning Board has authorized a lesser area.

B. Staff Review of Preliminary Plat

- (1) Upon receipt of a complete application in accordance with §4-4-4, copies of the preliminary plat and other supplementary material shall be referred to the Building, Highway and Engineering Departments, the Traffic and Safety Committee, and any other agencies the Planning Director deems appropriate.
- (2) Within 30 days of determination of completeness, each agency shall review the application and notify the Planning Board in writing of its comments or recommendations.

C. Planning Board Final Action

Within 62 days or two consecutive Planning Board meetings after determination of completeness, the Planning Board shall approve, approve with conditions or disapprove the preliminary plat, taking into account the criteria in §4-6-2D.

D. Preliminary Plat Review Criteria

In reviewing the preliminary plat, the Planning Board may impose conditions consistent with the intent and purpose of these Regulations, the Zoning Ordinance, Comprehensive Plan, sketch plan and other applicable laws. If the Planning Board recommends disapproval, it shall state its reasons in writing.

E. Limits of Approval

Approval of a preliminary plat shall not constitute final approval of the plat, but rather shall be deemed the approval of the design submitted on the preliminary plat as a basis to the preparation of the final plat, which shall be submitted for approval by the Planning Board and for recording in the Erie County Clerk's office upon fulfillment of the requirements of these Regulations and the conditions of the approval, if any.

F. Failure to Take Action

Unless an extension is mutually agreed upon, in the event the Planning Board fails to take action on a preliminary plat within the time prescribed herein, such plat shall be deemed granted preliminary approval. A certificate of the Town Clerk as to the date of submission and the failure to take action within such prescribed time

shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval required in these Regulations.

G. Zoning Ordinance

All town regulations, including the Town Code, in effect at the time of preliminary plat approval shall apply to the preparation and approval of the final plat.

H. Public Improvement Plans

Engineering drawings or plans for all proposed improvements, including but not necessarily limited to streets, pedestrian pathways, sidewalks, sanitary sewers, storm drainage sewers and systems, water system, etc., shall be furnished to the Planning Board along with the preliminary plat.

I. Phasing Plan

If phasing of the subdivision is anticipated, a conceptual phasing plan shall be submitted for review with the preliminary plat application and used as a guide for submittal of the final plat.

4-6-3 Final Plat Review

A. Submittal of Final Plat

Within six months after approval by the Planning Board of a preliminary plat, the petitioner shall submit the final plat. The plat shall conform to the layout shown on the preliminary plat and shall contain any conditions imposed by the Planning Board during preliminary plat review.

B. Staff Review and Final Action

- (1) The Planning Board shall approve, approve with conditions or disapprove the final plat taking into account the criteria in §4-6-3C.
- (2) If the Planning Board disapproves the final plat, it shall state in writing the reasons for disapproval.
- (3) The petitioner shall have 180 days to satisfy the requirements upon which the approval has been conditioned and obtain the certification from the Planning Board. This period may be extended by the Planning Board, if in its opinion the circumstances warrant such extension.
- (4) If the petitioner does not meet the conditions of approval within 180 days or within the extension period provided by the Planning Director, then the application shall be deemed disapproved.

C. Final Plat Review Criteria

In evaluating any final plat, the Planning Board shall consider the following:

- (1) The application is complete and the information contained within the application is correct and sufficient enough to allow adequate review and final action.
- (2) The final plat is determined to be consistent with an approved preliminary plat. The petitioner must certify in writing that the final plat is consistent with the preliminary plat. Any changes to the final plat that are not consistent with the preliminary plat must be identified in writing upon submittal of the final plat application. Failure to disclose changes pursuant to this section may result in the Planning Board declaring the final plat null

and void after giving the petitioner notice and an opportunity to be heard on the matter.

- (3) The final plat is consistent with any Town-approved construction plans for any required or agreed improvements.

D. Failure to Take Action

In the event the Planning Board fails to take action on a complete final subdivision plat application within the time prescribed in New York State Town Law, such plat shall be deemed approved, unless an extension has been mutually agreed upon. A certificate of the Town Clerk as to the date of submission and the failure to take action within such prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval required in these Regulations.

E. Phasing

Prior to granting approval of a final plat, the Planning Board may permit the plat to be phased into two or more sections. The Planning Board may stipulate such requirements as it deems necessary to insure the orderly development of the plat be completed. Conditional or final approval of the phases of a final plat shall be granted concurrently with conditional or final approval of the plat. Each phase shall comply with all applicable provisions of §3-2, Streets.

F. Filing of Plat

- (1) The issuance of the following shall constitute final approval of a final plat:
 - (a) The signature of the Chairman of the Planning Board on the final plat;
or
 - (b) The certificate of the Amherst Town Clerk as to the date of the submission of the final plat and the failure of the Planning Board to take action thereon within the time prescribed.
- (2) The plat shall expire 62 days from the date of the Chair's signature constituting such approval of the final plat, or from the date such certificate is issued, unless within such 62-day period such plat or a section thereof shall have been duly filed or recorded by the owner in the office of the County Clerk.
- (3) The filing of a final plat shall be consistent with the phasing plan approved in conjunction with the final plat.

G. Period of Exemption for Subdivision Plats

If a final plat or the first phase thereof has been duly filed in the office of the County Clerk, provisions of a change or amendment to the Town of Amherst Zoning Ordinance which establish or increase side, rear or front yard or setback requirements in excess of those applicable to building plots under the provisions of the Zoning Ordinance in effect at the time of the filing of the said subdivision plat or first section thereof, shall not, for a period of three years after the filing of the subdivision plat or first section thereof, be applicable to or in any way affect any of the lots shown and delineated on such subdivision plat.

H. Modifications to Plat

- (1) No changes, erasures, modifications, or revisions shall be made in any final plat after approval has been given by the Planning Board and

endorsed in writing on the plat, unless the plat is resubmitted to the Planning Director and the Director deems such modifications to be minor in accordance with (2) below.

- (2) Provided the number of lots remains the same, the moving of lot lines and the rearrangement of easements shall be considered a minor modification, subject to the approval of the Planning Director, provided that the resulting lots meet the minimum requirements of the Zoning Ordinance and all other applicable regulations for the subject parcel. All other modifications shall be deemed major modifications and shall require resubmission of a preliminary plat.
- (3) In the event that any such plat is recorded without complying with this requirement, the same shall be considered null and void, and the Director shall institute proceedings to have the plat stricken from the records of the County Clerk.

I. Approval Not Acceptance

- (1) If any plat contains public streets, thoroughfares or easements which are to be dedicated as such, the approval of the plat shall not constitute an acceptance by the Town of Amherst of the improvements constructed or installed in the subdivision, irrespective of any acts by an officer, agent or employee of the Town with respect to such improvements.
- (2) The acceptance of such improvements shall be made only by the adoption of a resolution by the Town Board after there has been filed with the Town Clerk a certificate by the Town Engineer certifying that all improvements required to be constructed or installed in or upon such street, thoroughfares and easements in connection with the approval of the plat or subdivision by the Planning Board have been fully completed and the construction or installation thereof has been approved by the Town Engineer. All accepted easements shall be filed with the plat and copies sent to the Planning, Engineering, and Highway Departments.

J. Status of Streets on a Subdivision Plat

Every street shown on a plat filed or recorded in the office of the County Clerk shall be deemed to be a private street until such time as it has been formally offered to the Town and formally dedicated as a public street, or alternatively until it has been accepted by the Town for use as a public street.

K. Protective Covenants

All protective covenants and deed restrictions required by the Planning Board as a condition of approval in form for recording shall be approved, by the Town Attorney prior to filing of the final plat with the County Clerk.

§4-7. Waivers

- A. Where the Planning Board finds that extraordinary hardships may result from strict compliance with these Regulations, it may waive these Regulations so that substantial justice may be done and the public interest secured, provided that any such adjustment shall not have the effect of nullifying the intent and purpose of these Regulations.

- B. In granting any adjustment, the Planning Board shall attach such conditions as are, in its judgment, necessary to secure substantially the objectives of the standards or requirements so adjusted.
- C. Applications for waivers shall be made upon the filing of the preliminary plat.
- D. Any waivers, if known, should be included during sketch plan review.

§4-8. Text Amendments

This Local Law may, from time to time, be revised, modified, or amended.

§4-9. Appeal

- 4-9-1** Appeal of decisions made under these Subdivision Regulations by the Town Board, Planning Board, Planning Director, Commission of Building or Town Engineer shall be heard in accordance with Article 78 of the New York Civil Practice and Law Rules.

§4-10. Enforcement

4-10-1 Penalties for Violation

Any person who violates any provision of this Local Law or any regulation adopted hereunder is guilty of an offense punishable by a fine not exceeding \$250, or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate violation.

4-10-2 Administrative Procedures for Enforcement

A. General Provisions

This local law shall be interpreted by the Commissioner of Building with the assistance of the Town Engineer, Planning Director, the Town Clerk and other agencies as the Town Board shall direct and shall be enforced by the Town Engineer and Commissioner of Building. Those departments and agencies shall be provided with the assistance of such persons as the Town Board may direct.

B. Records and Reports

The Commissioner of Building shall keep, or cause to be kept, a record in his or her Department suitably indexed in regard to any decision or determination reached by him or her in connection with the interpretation or enforcement of these Regulations.

PART 5. PROVISION OF REQUIRED IMPROVEMENTS

§5-1. Installation of Improvements

The petitioner, at his or her own expense, shall provide (design, construct, install) the improvements required by these Regulations. All improvements shall meet Town standards and specifications as found in the Town Specifications for Public and Private Improvements.

§5-2. Performance Bond

5-2-1 There may be cases when, due to weather conditions or other factors beyond the control of the petitioner (exclusive of financial hardship) it would be unreasonable to require the petitioner to comply with all of the requirements of these Regulations prior to commencing the intended use of the property or occupying any buildings. In these cases, the Commissioner of Building may authorize commencement of the intended use or occupancy of buildings if the permit recipient provides a performance bond or other security of up to 125 percent of the cost of the remaining improvement to ensure that all subdivision regulations will be fulfilled within not more than three years.

5-2-2 In the event that any required improvements have not been installed in accordance with these Regulations within the term of the performance bond, the Town Board may declare the bond to be in default and collect the sum remaining payable. Upon the receipt of the proceeds of the bond, the Town shall install such improvements as are covered by the bond and as commensurate with the extent of building development that has taken place in the subdivision but not exceeding in cost the amount of such proceeds.

§5-3. Approval of Plans

5-3-1 Public and Private Improvement Permit

No improvement shall be constructed or installed without the prior approval of plans by the Town Board and the Town Engineer, who shall issue Public and Private Improvement Permits, as appropriate, following approval of the final plat or posting of a performance bond in accordance with §5-2.

5-3-2 Construction Contracts

Prior to the start of construction of any required improvements, the petitioner shall furnish to the Town Engineer a copy of the specifications included in any contract entered into by the petitioner for such construction.

5-3-3 Modification of Design of Improvements

If at any time before or during the construction of the required public improvements it is demonstrated to the satisfaction of the Town Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Engineer, in consultation with the Highway Superintendent, may authorize such modifications upon written request of the petitioner, provided such modifications are within the spirit and intent of the approved final plat approval and do not amount to the waiver or substantial alteration of the function of any improvement required by the Town. The Town Engineer shall issue any authorization under this

Section in writing and shall transmit a copy of such authorization to the Planning Director.

§5-4. Inspection of Improvements

5-4-1 Supervision of Construction

The construction of all required improvements shall be supervised by a registered professional engineer employed by the Town of Amherst at the expense of the petitioner. After completion of construction, the supervising engineer shall certify to the Town Engineer that all required improvements have been constructed as required and approved by the Board or as such requirements have been modified by the Town Engineer. In addition, after completion of construction, the supervising engineer shall submit a certified plan showing all improvements as constructed, in the same detail as required for the Public and Private Improvement Permit drawings.

5-4-2 Inspection by the Town

The Town Engineer or designee shall inspect required improvements during construction to assure their satisfactory completion.

5-4-3 Notification

The petitioner shall notify the Town at least five days prior to the start of construction or installation of any improvement and at least 24 hours prior to the completion of such improvements.

5-4-4 Fees

All costs of inspection shall be charged to the petitioner at the issuance of a Public and Private Improvement Permit.

5-4-5 Petitioner Responsible

- A. If the Town Engineer finds, upon inspection, that any of the required improvements have not been constructed in accordance with the approved plans and specifications filed by the petitioner, he or she shall so report to the Town Board, Commissioner of Building and Planning Board. The Town Board shall then notify the petitioner and instruct the petitioner to correct any discrepancies.
- B. Failure to reject improvements shall not, in any way, prevent later rejection when such defects are discovered, or obligate the governing body to final acceptance.

§5-5. Maintenance Bond

The required improvements shall not be considered to be completed until the installation of the improvements has been approved and certified by the Town Engineer and a final as-built map has been submitted indicating the location of monuments marking all underground utilities as actually installed. In addition, a two-year maintenance bond for all required improvements shall be submitted prior to acceptance of all the improvements by the Town Engineer and issuance of a Public and Private Improvement Permit. A maintenance bond shall be in the amount of 25 percent of the construction cost for each utility.

