ZONING

Chapter 62

ZONING

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ARTICLE 1
Districts and Conformity

S. 62-1. Districts.

A. The Village of Attica shall be divided into three (3) districts, which shall be differentiated according to use and area, and for the purpose of which they shall be hereafter used and developed, and they shall hereafter be known and designated as follows:

Zone A Residence District

Zone B Business District

Zone C Industrial District

B. Said districts shall be located, bounded and described as shown by the zoning Map of the Village of Attica now on file in the office of the Village Clerk, a copy of which Zoning Map is hereto attached and together with the boundaries and designations thereon is made a part of these zoning ordinances.

From and after the date when these ordinances shall take effect, every building or portion of building erected, altered, moved, extended, converted or relocated shall henceforth be used in conformity with the provisions of these zoning ordinances.


From and after the date when these ordinances become effective, any building or premises which at that time is not being used in conformity with the ordinances herein prescribed shall be classed and considered as nonconforming and may continue in such nonconforming use subject to the regulations herein provided.

ARTICLE II
Definitions


For the purpose of these ordinances, the terms used herein are defined as follows:

ACCESSORY BUILDING – A detached building whose use is customarily incidental to that of the main building.

ALLEY - A public or privately owned thoroughfare less than twenty-four (24) feet in width.

ALTERATION OF BUILDING - Any change in supporting members of a building, except such changes as may be required for its safety.

CURB LEVEL - The mean street grade as established by the village ordinance or, in the absence of an established grade, the mean level of the existing curb or of the lot at the street line.

FRONT YARD – Space between established line and front property line.

HEIGHT OF BUILDING - The vertical distance measured from the curb to the extreme high point of the building.

MAIN and SIDE STREETS – The street faced by a building on a corner lot is a main street: the other abutting street is the side street.

PRIVATE GARAGE - A garage not conducted as a business.

PUBLIC GARAGE - A garage conducted as a business. The rental or storage space for more than four (4) cars shall be deemed a business use.
REAR YARD - An open space on the same lot with a building between the rear line of the building and the rear line of the lot, unoccupied except for the accessory buildings, which shall not occupy more than forty percent (40%) of the area.

ROOMING AND BOARDING HOUSES - A building wherein more than five (5) people are sheltered or fed for hire.

SIDE YARD – An open, unobstructed space on the same lot with a building between the building and the side line of the lot, extending from the front building line to rear yard.

SINGLE –FAMILY DWELLING - A detached house designed for the use of a single household including two (2) or more people living as a family, or wherein not more than five (5) people are sheltered or fed for hire.

TWO-FAMILY DWELLING - A detached house having living accommodations for two (2) families with no other connection than a common entrance or hallway.

ARTICLE III
Zone A or Residence District

S 62-5. Permitted uses. (Amended 3-30-72)

In the subdivision of the Village of Attica known and designated as Zone A or Residence District, no building or premises shall be used and no building shall be erected, constructed, altered or used for any purpose other than that of one or two-family dwelling houses; multiple or apartment houses; rooming or boarding houses; churches; clubhouses; schools; libraries; the offices of followers of the professions (doctors, dentists, etc); the studios of artists (musicians, painters, etc.); such customary and unobjectionable home occupations as dressmaking, hairdressing and home baking; and such other customary accessory buildings as private garages, greenhouses and nurseries.

S 62-6. Conformity; reduction in lot size.
All buildings hereafter erected, constructed or altered in the A or Residence Zone shall be required to conform to the restrictions in these ordinances in regard to yards and areas. No lot occupied by a building or buildings shall be reduced in size to such an extent as to cause a violation of these ordinances.

There shall be a rear yard twenty-five percent (25%) of the depth of the lot in depth at its lowest level, except that no rear yard shall be less than fifteen (15) feet in depth and no rear yard be required to exceed twenty-five (25) feet in depth; and except that
a building extending through from street to street shall observe the front-yard restrictions on each street in lieu of providing a rear yard.


No residence and no other structure more than fifteen (15) feet in height shall be placed closer than five (5) feet to either lot sideline, nor shall the sum of the width of the two (2) side yards be less than (15) feet. No principal building other than single- or a two –family dwelling shall be placed closer than ten (10) feet to the nearest lot line, nor shall the width of the two (2) side yards be less than twenty (20) feet. No side yard shall be reduced to less than the minimum width herein required by the intrusion of any part of the structure such as bay windows, porch or steps, except that windowsills, rain-water leaders and eaves (which may not overhang more than two (2) feet) may be allowed.


No building, including open porches, verandas and overhang-ing eaves, shall extend nearer to street line than the mean distance of setback of the nearest building or buildings with-in three hundred (300) feet on each side of said building front on the same street and, in no instance shall a building, including open porches, and eaves, extend nearer the line of a main street than twenty (20) feet or nearer the line of a side street than ten (10) feet, except that no building shall be required to set back more than fifty (50) feet from a street line. Where no building or buildings exist within one hundred (100) feet in either direction from a proposed building, the distance of setback shall be determined by the Board of Trustees. Nothing herein contained, however, shall be interpreted to prevent the line upon any street by and with the consent of the Board of Trustees, if said building line shall extend over a district not smaller than both sides of a street of an entire village block, and shall not include parts of blocks, and provided said building line meets with the concurrence of all property owners with-in the district.

S 62-10. Frontage on public streets.

No dwelling shall be erected in such manner as to have less obstructed frontage upon a public street than one-half (1/2) the width of the building.


No building or buildings, exclusive of accessory buildings, shall occupy more than thirty-five percent (35%) of the area of a lot.


No building shall be erected to a height in excess of the width of the street upon which it fronts, and subject to a maximum height of forty-five (45) feet, except that
churches and public buildings may extend that limit by one (1) foot for each foot that the building sets back from the property line.

Private garages and other accessory buildings.

No private garage or other accessory buildings shall be placed nearer than three (3) feet to a rear or side property line, except that this shall not prevent the building of common or joint garages upon adjoining lots. If abutting upon a public alley, the rear lot line offset need not be observed, providing that no part of the structure shall encroach upon or overhang said public alley. No private garage shall be placed nearer to any dwelling than fifteen (15) feet except the dwelling on the same lot, nor shall any private garage or other outbuilding be placed nearer to a main street than fifty (50) feet, or nearer to a side street than ten (10) feet, or nearer to a side street than the side of the house on the same lot. Nothing herein shall be interpreted to prevent the construction of a garage as part of a dwelling provided that it is at least fifteen (15) feet from any dwelling on an adjoining property. And three (3) feet from the lot line.


A. A public garage or gas filling station or neighborhood store, when permitted in the A or Residence Zone, by the Board of Zoning Appeals, shall observe the established building line and side yard line requirements for residences.
B. No boardinghouse shall be permitted in the A or Residence Zone except upon the approval of the Board of Zoning Appeals, and the permit for occupancy of such boardinghouse may be revoked by the Board of Zoning Appeals if it appears that the conduct of such boarding-house is detrimental to the neighborhood.


A residence, nonconforming with respect to lot lines or area, may, if destroyed accidentally, be replaced on the same or more nearly conforming foundation lines.

ARTICLE IV
Zone B or Business District


That portion of the Village of Attica, designated upon the Zoning Map herein referred to as Zone B, shall be primarily for the conduct of commercial and general business, and for the sale of commodities, and there shall be permitted therein retail stores,
banks, theatres, offices, newspaper establishments, hotels and restaurants and all other lines of business not specifically prohibited in this ordinance or in the fire ordinance.

S 62-17. Height.

No building shall be erected to a height in excess of one and one-half (1 1/2) times the width of the street upon which it faces and subject to a maximum height of five (5) stories or seventy-five feet, except that for each one (1) foot that the building or portion thereof sets back from the street line, three (3) feet may be added to the height limit of such building or portion thereof.


There shall be prohibited from the Business District all processes of manufacturing using more than five (5) horsepower or with more than five (5) employees except when the entire product is sold on the premises to the ultimate consumer; repair shops with more than ten (10) employees or using more than five (5) horsepower; storage ware houses; lumber and coal yards; storage of crude oil or any of its volatile products, except as provided in the fire ordinances of the Village of Attica, and all uses deemed by the courts to be public nuisances or fire or explosive hazards.


No building shall be erected or constructed in the B or Business Zone other that brick or fire-resistive construction, unless the location conforms to the side and rear yard requirements provided for Zone A or Residence Districts. No business building shall be erected, altered, moved, extended, converted or relocated in the B or Business Zone unless it conforms to the provisions of the Fire Ordinance of the Village of Attica.

ARTICLE V

Zone C or Industrial District


That portion of the Village of Attica may herein be referred to as Zone C or Industrial District, shall be used primarily for all manufacturing and lines of business excluded from Districts A and B and shall include all lines of business not detrimental to the public safety and general welfare by reason of the emission of smoke, gases, dust or any offensive or unhealthy odors or any line of business which has not been determined by the courts to be as extra hazardous. There shall also be permitted in such districts all uses designated in A and B Zones.

The erection of a hospital, sanitarium, railway passenger station, neighborhood store, and other public or semipublic utility uses may be permitted in the A or Residence District, provided that proper notice of application for the erection of such buildings or the establishment of such lines of business shall be given to all of the property owners within three hundred (300) feet of such proposed location, and a public hearing shall be had by the Board of Zoning Appeals; and the permit shall be granted by the board of Zoning Appeals only after it shall be determined that such structure or uses may be beneficial to the village as a whole and may be permitted without being detrimental to the comfort and well being of the particular neighborhood and without causing any substantial depreciation in the value of property to such neighborhood.


A. No public garage or gas filling station shall be permitted in the A or Residence Zone, except that if application has been made to the Board of Zoning Appeals and property notice given to the property owners within three hundred (300) feet of the proposed location and the written consent to such location by at least seventy-five percent (75%) of the owners of all property within two hundred (200) feet has been filed with the said Board of Zoning Appeals, and after a public hearing has been held, said Board of Zoning Appeals may grant permission for such location.

B. No such public garage or gas station shall be located in the A or Residence Zone within twenty-five (25) feet of any street line. No repair work upon any automobile or any other vehicle except emergency repair work shall be carried on in any public street. No public garage or filling station when permitted in the Residence District shall be within two hundred (200) feet of any public school, church or hospital excepting that said distance of two hundred (200) feet shall not apply if street of fifty (50) feet or more in width intervenes.


No stationary sign or billboards, except customary professional signs and real estate for sale or to let signs of a reasonable size or rooms to let signs shall be permitted in the Residence Zone. This shall not be construed as preventing the erection of street traffic and public safety and general welfare signs by the Village of Attica.

S 62-25. Fences and walls.

No fence or wall other than the walls of a building shall be erected to such a height as to be detrimental to adjoining property.

Nothing herein contained shall be construed so as to limit the height of any church spire, belfry, clock tower, wireless tower, chimney, smoke stacks or water tank.


On and after the date when these ordinances shall take effect, a nonconforming building or use may be continued in such use, provided that no structural extension or addition thereof of more than twenty-five percent (25%) of the existing cubical contents of the building shall be erected, and provided that such extension or addition shall be made in conformity with the regulations of this ordinance and the Fire Ordinance of the Village of Attica.


If a nonconforming building or use, existing at the time these ordinances shall become effective, is subsequently changed to a conforming use or is destroyed by fire, explosion, act of God or the public enemy, to the extent of more than seventy-five percent (75%) of its assessed valuation, such building or use shall not again be altered or rebuilt, except in conformity with the ordinances and regulations of the district in which such building is located. This shall not apply to a nonconforming dwelling in the B or Business Zone, which, if accidentally destroyed, may be replaced or similar material on the same or more nearly conforming foundation lines.


When a proposed building cannot be placed on an irregularly shaped lot in accordance with the letter of the ordinance, the application for permit to build shall be referred to the Board of Zoning Appeals, which may hold hearings thereon and shall issue the permit only if it appears that substantial justice is accorded to applicant and to adjoining property owners.

S 62-30. Lots intersected by zone boundaries.

When any lot lies in more than one (1) zone, the whole lot shall be deemed to lie in that zone in which the largest part lies.

S 62-31. Floor space and room height of dwellings.
[Added 9-26-55; amended 6-19-69]

No building, structure or edifice of a single story or of a one-floor plan shall be erected, placed, located or relocated for dwelling purposes within the Village of Attica unless such building, structure or edifice shall have at least nine hundred (900) square feet of floor space, at least one (1) room of not less that one hundred fifty (150) square feet of floor space, nor unless all rooms therein shall be at least seven
and one-half (7½) feet in height, height measurements being taken from the floor to the finished underside of the ceiling. Buildings or structures of more than one (1) floor or story proposed for dwelling purposes shall have at least six hundred (600) square feet of floor space on the street or ground floor, at least one (1) room of not less than one hundred thirty (130) square feet of floor space, nor unless such rooms shall be seven and one-half (7½) feet in height, height measurements being taken from the floor to the finished underside of the ceiling.


A. No house trailer or mobile home shall be placed, located, occupied, stored or parked within the Village of Attica unless in an authorized trailer park approved by the Board of Trustees of the Village of Attica, except as herein provided.

B. A house trailer or mobile home may be placed in Zone A, Residence Zone, on a lot owned by the owner of such house trailer or mobile home, for a period not exceeding one hundred twenty (120) days, for the sole temporary purpose of housing such owner and his immediate family during the construction of a permanent dwelling house on such lot. Such house trailer or mobile home shall not be or constitute any part or portion of the proposed permanent house, and shall be entirely removed before the expiration of the one-hundred-twenty-day permitted period.

C. No such temporary placement of a house trailer or mobile home shall be occupied unless fully connected to the village water and sanitary-sewer systems, such connections to be at the expense of the owner.

D. Prior to any such house trailer or mobile home placement, the owner shall obtain a permit of occupancy from the Board of Trustees upon payment of the fee therefore in the sum of ten dollars ($10.). Such proposed placement and occupancy shall nevertheless comply with all rules and regulations established for lots and structures in the A Zone prior to the issuance of such permit.

E. Trailer parks. The Board of Trustees may approve and license trailer parks or camps in accordance with the procedure and within the limitations herein contained.

(1) An application for a trailer park license shall be in a form prescribed by the Board of Trustees, shall be accompanied by an application fee of one hundred dollars ($100.), and shall contain the following:

(a) Name and address and telephone number of applicant, who must be the owner of the land proposed to be used.

(b) A legal description of the premises to be used as a camp or park sufficient to establish its bounds with reasonable certainty.

(c) The number of units proposed for said park.

(d) Exact location of all roadways, driveways and sidewalks.

(e) Location of parking facilities for motor vehicles.
(f) Location and proposed use of all permanent structures to be erected upon the premises.

(g) Method, plan and diagram of sewage disposal.

(h) Method and plan of garbage disposal or removal.

(i) Water-Supply system plan.

(j) Electrical system plan for units.

(2) The aforesaid application shall be verified, shall be accompanied by the license fee herinafter provided and six (6) copies of the camp plan in scale, showing the bounds thereof, all unit lots, roadways and parking areas, prepared by a civil engineer or land surveyor duly licensed by the State of New York.

(3) The license fee shall be the sum of five dollars ($5.) per month for each month or fraction thereof for each trailer parked or located in the park, but in no event less than the minimum annual license fee of two dollars ($2.), per unit lot per month or two hundred dollars ($200.), whichever is the greater, which minimum fee for the first year shall accompany the application, but shall be refunded to the applicant if the application is denied. License fees due thereafter shall be paid in full to the Village Treasurer not later than the 15th day of each month.

(4) For the purposes of this ordinance, a trailer camp or park means any plot of ground upon which two (2) or more house trailers or mobile homes are located or placed, regardless of whether or not such house trailers or mobile homes are occupied and regardless of whether or not any charge is made for such placement or accommodation.

(5) The following restrictions and stipulations shall govern all trailer parks, and the Board of Trustees shall issue no license unless the application and accompanying plans comply:

(a) Roadways and streets shall be at least thirty (30) feet in width, and shall not dead-end unless an adequate turning circle is provided.

(b) Owner shall provide adequate street lighting to illuminate the roadways in the park.

(c) Each proposed unit shall have separate sewer, water and electrical service.

(d) Each unit shall have adequate parking space for one (1) automobile.

(e) Each unit lot shall have a minimum width of fifty (50) feet and a minimum length of one hundred (100) feet.

(f) No trailer park shall be permitted in any zone other than the A Zone or Residence District.

(g) Owner shall provide adequate water lines and hydrants to protect the camp area from the dangers of fire.

(h) Sod and topsoil on all streets and roadways in the park shall be removed to sufficient depth to be replaced with at least ten
(10) inches of bank-run gravel of a grade equal to New York State specifications. Such gravel base shall be topped with blacktop or other permanent topping acceptable to the Board of Trustees.

(i) No trailer shall be permitted in the park unless equipped with toilet and bath or shower.

(j) The park shall set off and provide for a play and recreation area equal in size to one (1) unit lot for each five (5) unit lots to be located in the park, but in no event shall said recreation area be required to exceed one hundred by one hundred (100 x 100) feet.

(k) The Board of Trustees may make such additional or further requirements to insure that the park will not be detrimental to the health, safety and well-being of its residents and the residents of the Village of Attica.

F. Regardless of any other provision herein contained, no trailer park, house trailer or mobile home shall be located, placed, parked or stored within five hundred (500) feet of a municipal park or playground.

G. Camping trailers. Camping trailers or camping truck units may be parked within the village on lots owned or leased by the owners of the units, but may not be lived in or occupied within the village by any person or persons.

ARTICLE VII

Administration

S 62-32. Interpretation.

In interpreting, construing and applying the provisions of these ordinances, they shall be held to be the minimum requirements of the public safety, convenience, prosperity and general welfare of the public. It is not intended that these ordinances shall conflict, abrogate or annul any other ordinances, rule or regulation of the Village of Attica previously adopted or which may be hereafter adopted and not in conflict with these ordinances.

S 62-33. Enforcement; record of permits.

All provisions of these ordinances shall be enforced by the Trustees of the Village of Attica, or by such official as may be hereafter appointed by the Trustees of the Village of Attica for the purpose of such enforcement. It shall be the duty of such enforcement official, if appointed, and, in the absence of such appointment, it shall be the duty of the Village Clerk to keep a record of all applications for permits and a record of all permits issued with a notation of all special conditions relating thereto. He shall file copies of all plans submitted, all of which records shall be available for
use by the Board of Assessors of the Village of Attica. The Board of Trustees of the Village of Attica shall issue no permit for the use of any property not conforming to the requirements of these ordinances and all other ordinances of the Village of Attica.

S 62-34. Building permits.

A. All applications for building permits shall be made to the Board of Trustees of the Village of Attica and shall be in writing and shall be accompanied by a statement of the use or intended use of such building and a thumbnail sketch or a plan drawn to scale showing the dimensions of the proposed building, its location in reference to street lines and side lines and distance from buildings on adjoining lots.

B. No excavations for a building and no erection of any building shall be commenced unless a permit therefore has been previously issued by the Board of Trustees or other official authorized by the Board of Trustees to issue permits.

C. All applications for building permits shall be referred to the Trustees of the Village of Attica and no such permits shall be granted until after inspection and the approval of the Trustees or their appointee.

D. Blank forms of application for building permits shall be provided by the Village Clerk.

E. Fees. [Added 5-4-67]
   (1) Upon the filing of an application for a building permit, the following fees shall be payable:
      (a) For the remodeling, additions, garages, signs, etc.: two dollars ($2.).
      (b) For new homes (residential): five dollars ($5.).
      (c) For new commercial structures, including multiple dwellings; ten dollars ($10.).

   (2) The foregoing fees shall be administrative fees and, in the event that an application for a building permit is not approved, the fees paid shall not be refunded.


A. No building hereafter erected, reconstructed or altered shall be used or occupied in whole or in part for any purpose whatever until a permit for such occupancy shall be issued by the Board of Trustees of the village of Attica or other duly authorized official, which permit shall certify that the building and the intended use thereof comply in all respects with the provisions of these ordinances. The application for such permit shall clearly state the intended use of such building and that such building and that such building has been built in conformity with the statements included in the application for permit for construction and the plans accompanying the same. No other or further
use of such building shall be permitted than that set forth in such application for permit for construction and occupancy.

B. The blank form of application for a permit for occupancy shall be provided by the Village Clerk.

S 62-36. Precautions against flooding. [Amended 7-1-74]

A. The Board of Trustees shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must:

   (1) Be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure.
   (2) Use construction materials and utility equipment that are resistant to flood damage.
   (3) Use construction methods and practices that will minimize flood damage.

B. The Board of Trustees shall review subdivision proposals and other proposed new developments to assure that:

   (1) All such proposals are consistent with the need to minimize flood damage.
   (2) All public utilities and facilities, such as sewer, gas, electrical and water systems, are located, elevated and constructed to minimize or eliminate flood damage.
   (3) Adequate drainage is provided so as to reduce exposure to flood hazards.

C. The Board of Trustees shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.


Upon the written application made by owners of fifty percent (50%) of the frontage within three hundred (300) feet of any district or part of district for the change, relocation or revision of said district or part of district, the Board of Trustees may, after due notice to interested parties and a public hearing, grant said petition for the revision or modification of the uses of said district.

S 62-38. (Reserved)
ARTICLE V
Board of Zoning Appeals


The Board of Trustees of the Village of Attica shall appoint a Board of Zoning Appeals to consist of three (3) residents of the Village of Attica, whose duties and powers shall be as defined in S 179-b of Article 6-A of the Village Law of the State of New York.

ARTICLE IX
Violations and Penalties


The owner, general agent or tenant of a building, or the contractor or architect having charge of any building, who shall violate or cause to be violated any of the provisions of these ordinances or who takes part in or assists in the violating of any of these ordinances or who maintains any building or premises in which any such violations shall exist shall, for each and every violation, be subject to a fine of not more than fifty dollars ($50.) and a further fine of not more than fifty dollars ($50.) for each and every day that such violation continues after receiving proper notice to cease or remedy such violation. The violation of any of the provisions of these ordinances, or any part thereof, shall be and hereby is declared to be disorderly conduct, and any person violating these ordinances, or any part thereof, shall be and hereby is declared a disorderly person and may be dealt with as provided by S 338 of the Village Law of the State of New York.

ARTICLE X
Effective Date

S 62-41. When effective.

These ordinances, known as the “Zoning Ordinances of the Village of Attica,” shall take effect ten (10) days after publication and posting of the same as provided by S 95 of the Village Law of the State of New York.

ARTICLE XI
Subdivision Regulations
[Added 4-14-1992 by L.L. No. 1-1992]

S 62-42. Title.

This local law shall be referred to as the “Subdivision Law of the Village of Attica.”

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

CUL-DE-SAC – A short street having but one (1) end open to traffic and the other end being permanently terminated by a vehicular turnaround.

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

EASEMENT – The lands created through authorization by a property owner for the use by another and for a specified purpose of any designated part of his property.

LAND SEPARATION – The separation of land into fewer than five (5) lots, plots, sites or other separation of land in a three-year period for the purpose, whether immediate or future, of transfer of ownership or building development and where the lots front on an existing street or road and do not involve the extension of municipal facilities.

LOT – A piece, parcel or plot of land intended as a unit for transfer of ownership for development.

MAJOR SUBDIVISION - The division of any parcel of land into five (5) or more lots, plots, sites or division of land in a three-year period for the purpose, whether immediate or future, of transfer of ownership or building development, and shall include re-subdivision. Public acquisitions by purchase of strips of land for the widening or opening of streets shall not be included within this definition nor be subject to these regulations. A division of land shall constitute a “major subdivision” upon the sale of the fifth lot there from within any consecutive three-year period, and at this time, the application procedure for a major subdivision under these regulations shall apply to all such lots thereof, including the first four (4) lots, regardless of whether said lots have been sold singly or collectively.

MINOR SUBDIVISION – The division of any parcel of land into fewer than five (5) lots, sites or division of land in a three-year period for the purpose, whether immediate or future, of transfer of ownership or building development, and shall include re-subdivision, and where the lots do not front on an existing street or road or involve the extension of municipal facilities. Public acquisition by purchase of strips of land for the widening or opening of streets shall not be included within this definition nor be subject to these regulations.
PERFORMANCE BOND OR GUARANTY – Any security which may be accepted in lieu of a requirement that certain improvements be made, before the Village Board approves a plat, including performance bonds, escrow agreements and other similar collateral or surety agreements.

PLANNING BOARD- The Village of Attica Planning Board as established pursuant to the resolution of the Village Board.

PRELIMINARY PLAT – The preliminary drawing or drawings indicating the proposed manner or layout of the subdivision, to be submitted to the Village Board for its consideration, and meeting the requirements of S 62-55.

RESUBDIVISION – Revision of all or part of an existing filed plat, including consolidation of lots.

STREET – Any street, avenue, boulevard, road, lane, parkway, alley or other way, which is an existing state, county, town or village roadway or way shown upon a plat theretofore approved pursuant to law or approved by official action, or a street or way on a plat duly filed and recorded in the office of the Village Clerk, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street lines.

STREET PAVEMENT – The wearing or exposed surface of the roadway used by vehicular traffic.

SUBDIVIDER – Any person, firm, corporation, partnership or association who or which shall lay out, for the purpose of sale or development, any subdivision or part thereof as defined herein, either for himself or others.

VILLAGE BOARD – The duly elected Board of Trustees of the Village of Attica.

ZONING ORDINANCE – The officially adopted Zoning Ordinance of the Village of Attica, together with all amendments thereto.

S 62-44. Approval required.

Whenever any major or minor subdivision of land is proposed before any contract for the sale of any part thereof and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the procedures set for the in SS 62-44 through 62-50.

A. Discussion of requirements and classification.

(1) Before preparing the preliminary plat, the applicant shall discuss with the Village Board or its representative the requirements of land, street improvements, drainage, sewerage, water, fire protection and similar aspects, as well as the availability of existing services.

(2) Classification of the proposed preliminary plat is to be made at this time by the Village Board as to whether it is a minor subdivision or major subdivision as defined in these regulations. The Board may require, however, when it deems it necessary for the protection of the public health, safety and welfare that a minor subdivision comply with all or some of the requirements specified for major subdivisions in these regulations.

B. Application procedure. Prior to filing an application for the approval of a subdivision plat, the applicant shall file an application for the approval of a preliminary plat. The application shall:

(1) Be made on forms available at the office of the Village Clerk.
(2) Include all land which the applicant proposes to subdivide.
(3) Be accompanied by three (3) copies of the preliminary plat complying with these regulations, prepared by a licensed New York State professional engineer or architect.
(4) Comply in all respects with these regulations and with the provisions of all applicable village laws of the village, except where a modification may be specifically authorized by the Village Board.
(5) Be accompanied by a fee of fifty dollars ($50.), plus any incurred expenses for each lot within the subdivision. The minimum fee shall be fifty dollars ($50.). If the applicant subsequently elects not to file an application for approval of a subdivision plat, one-half (1/2) of the fee shall be returned.

C. Study of the preliminary plat. The Village Board will carefully study the practicability of the preliminary plat taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention will be given to the arrangement, the future land development of adjoining lands as yet un-subdivided and the requirements of the Comprehensive Plan and the Official Map, if any.

D. Applicant to attend Village Board meeting. The applicant or his representative should be prepared to attend the next regular meeting of the Village Board and any subsequent meetings deemed necessary by the Village Board to discuss the preliminary plat.

E. Required changes for conditional approval. Within forty-five (45) days after the time of submission of a preliminary plat, the Village Board shall hold a
public hearing, which hearing shall be advertised at least once in a newspaper of general circulation in the village at least five (5) days before such hearing. The Village Board may provide that the hearing be further advertised in such a manner as it deems most appropriate for full public consideration of such preliminary plat. Within forty-five (45) days after the date of such hearing, the Village Board shall approve, with or without modification, or disapprove such preliminary plat, and the ground of a modification, if any, or the ground for disapproval shall be stated upon the records of the Village Board. The time in which the Village Board must take action on such plat may be extended upon mutual consent of the sub-divider and the Village Board. When so approving a preliminary plat, the Village Board shall state, in writing, modifications, if any, as it deems necessary for submission of the plat in final form. Failure of the Village Board to act within such forty-five-day period shall constitute approval of the preliminary plat.


A. Application procedure. Within six (6) months of the conditional approval of the preliminary plat, the applicant shall file with the Village Board an application for approval of a subdivision plat. The application shall:

1. Be made on forms provided by the Village Board at the time of conditional approval of the preliminary plat.
2. Include the entire subdivision.
3. Be accompanied, for a minor subdivision, by three (3) copies of the subdivision plat conforming to these regulations, prepared by a licensed New York State engineer or architect.
4. Be accompanied, for a major subdivision, by three (3) copies of the subdivision plat and the construction detail sheets as described in these regulations.
5. Comply in all respects with the preliminary plat as conditionally approved.
6. Be presented to the Village Board at least two (2) weeks prior to a regular meeting of the Board.

B. Official submission date. The subdivision plat shall be considered officially filed only at the regular meeting of the Village Board following completion of the application procedure outlined above.

C. Endorsement of County Health Department. The proposed subdivision plat shall be properly endorsed by the Wyoming and/or Genesee County Health Department as meeting the standards of the State Sanitary Health Code, Public Health Law or other applicable health code before any public hearing is scheduled. The plat should be in final form before County Health Department approval.

D. County Official Map notification. The Village Board will also, if the county has established a County Official Map, notify the Wyoming/Genesee County
Planning Board and the County Superintendent of Highways or Commissioner of Public Works if the subdivision plat proposes structures or new streets having frontage on, access to or is otherwise directly related to any county road, existing or proposed, as shown on the County Official Map. The County Planning Board shall report to the Village Board within thirty (30) days on its approval or disapproval or on its approval subject to stated conditions of the proposed subdivision plat. The plat may be approved by the village subject to stated conditions, notwithstanding such report, when the application of such report will act to deprive the owner of the reasonable use of his land, including SEQR floodplains, wetlands or any other mandated studies as required.

E. Public hearing. Within forty-five (45) days of the submission of a plat in final form or approval, a hearing shall be held by the Village Board. This hearing shall be advertised at least once in a newspaper of general circulation in the village, at least five (5) days before such hearing; provided, however, that when the Village board deems the final plat to be in substantial agreement with a preliminary plat and modified in accordance with requirements of such approval if such preliminary plat has been approved with modification, the Village Board may waive the requirement for such public hearing.

F. Action on proposed subdivision plat.

(1) The Village Board shall by resolution conditionally approve, conditionally approve with or without modification, disapprove or grant final approval and authorize the signing of such plat within forty-five (45) days of its receipt by the Village Board if no hearing is held or, in the event that a hearing is held, within forty-five (45) days after the date of such hearing. This time may be extended by mutual consent of the subdivider and the Village Board. Failure to take action on a final plat within the time prescribed therefore shall be deemed approval of the plat.

(2) Upon resolution of conditional approval of such final plat, the Village Board shall empower a duly authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution. Within five (5) days of such resolution, the plat shall be certified by the Village Board as conditionally approved and a copy mailed to the sub-divider. The copy mailed to the sub-divider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved final plat. Upon completion of such requirements, the plat shall be signed by said duly authorized officer of the Village Board. Conditional approval of a final plat shall expire on one hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Village Board may, however, extend the time within which a conditionally approved plat may be submitted for signature if, in its opinion, such extension is
warranted in the circumstances, for not to exceed two (2) additional periods of ninety (90) days each.

G. Plat void if revised after approval. No changes, erasures, modifications or revisions shall be made in any subdivision plat after approval has been given by the Board and endorsed, in writing, on the plat. In the event that any subdivision plat, when recorded, contains any such changes, the plat shall be considered null and void, and the Board shall institute proceedings to have such plat stricken from the records of the County Clerk.

H. Filing of the final subdivision plat at the Wyoming/Genesee County Clerk’s office shall be done by the applicant and also paid for by the applicant.

I. Filing of the final subdivision plat submitted to the Board for its approval shall carry the following endorsement:

“Approved by resolution of the Village Board for the Village of Attica, New York, on the _________ day of __________________ 19___, subject to all requirements and conditions of said resolution. Any change, erasure, modification or revision of this plat, as approved, shall void this approval. Signed this _________ day of __________________ 19 ___, by ______________________, Mayor.”


A. Improvements and performance bond. Prior to an action by the Village Board approving a subdivision plat. The applicant shall be required to complete, in accordance with the Village Board’s decision and to the satisfaction of the appropriate village departments, all the street, sanitary and other improvements specified in the action approving said plat or, as an alternative, to file with the Village Board a performance bond in an amount estimated by the Village Board to secure to the village the satisfactory construction and installation of the incompleted portion of the required improvements. A period of one (1) year, or such other period as the Village Board may determine appropriate, within which required improvements must be completed shall be specified by the Village Board and expressed in the bond. Such performance bond shall comply with the requirements of S 7-730 of the Village Law and shall be satisfactory to the Village Board as to form, sufficiency and manner of execution. The bond shall be retained for a period of one (1) year after the date of completion of the required improvements to assure their satisfactory condition. All required improvements shall be made by the applicant at his expense without reimbursement by the village or any district therein. Said improvements shall include the following, unless waived by the Village Board:

(1) Streets and street lighting facilities.
(2) Street signs.
(3) Grass curb strips.
(4) Storm water runoff system.
(5) Sanitary sewage collection system.
(6) Water supply system.
(7) Electrical, telephone and utility lines.
(8) Sidewalks.

B. Offers of cession and release. The plat shall be endorsed with the necessary agreements in connection with required easements or releases. Offers of cession to the village shall be presented prior to plat approval.


Upon completion of all requirements set forth in the action approving the subdivision plat and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Village Board and may be filed by the applicant in the office of the Wyoming/Genesee County Clerk.

S 62-49. Re-subdivision.

For re-subdivision, the same procedure, rules and regulation apply as for a subdivision.

S62-50. Initiation of land sales or construction.

Upon posting of the performance bond in accordance with S 62-47A and after approval and filing of the subdivision plat, the sub-divider may initiate land sales or construction of the sub-division itself.


The Village Board, in considering an application for the subdivision of land, shall be guided by the following considerations and standards:

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

B. Conformity to Official Map and Comprehensive Plan. Sub-divisions shall conform to the streets and parks shown on the Official Map of the village, as may be adopted, and shall be properly related to the Village Comprehensive Plan, as it is developed and adopted by the Village Board, if any.

S 62-52. Design standards.

A. Streets. The following regulations shall govern the layout of the streets.
(1) The design of the street pattern shall be based upon a local residential or minor street pattern connected to a residential collector street system.

(2) The arrangement of streets in new sub-divisions shall make provision for the continuation of existing streets in adjoining areas or their proper protection where adjoining land is not sub-divided, at the same or greater width insofar as such may be deemed necessary for public requirements.

(3) Local residential streets shall be designed so as to discourage through traffic.

(4) All right-of-way street widths and street pavements shall be measured at right angles or radial to the center line of the street and shall not be less than the following:

   (a) The street right-of-way: sixty (60) feet.
   (b) The street pavement: twenty-four (24) feet.

(5) If a dead-end street is of a temporary nature, a similar turnaround shall be provided and provisions made for future extension of the street through to adjacent property and reversion of the excess right-of-way to the adjoining properties.

B. Lots. The following regulations shall govern the layout of lots.

(1) The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Each lot shall have at least one hundred (100) feet of frontage on a proposed public street and be one hundred fifty (150) feet in depth.

(2) Any structure constructed on a lot shall be at least fifty (50) feet back from the edge of the pavement or at least as far back as any other preexisting structure on the same street within three hundred (300) feet.

(3) No structure shall be built within ten (10) feet of a boundary line.

(4) All other terms and conditions of the existing Zoning Ordinance not modified herein shall apply.

C. Easements. An easement shall be provided for all natural drainage-ways and all utility lines when such utility line or lines do not fall within a dedicated right-of-way. All easements shall be plotted on the preliminary plat and sub-division plat.

D. Natural features.

(1) The sub-divider shall not be permitted to leave any surface depressions which will collect pools of water.
(2) The sub-divider shall not be permitted to leave any hills or mounds of dirt around the tract. All surfaces shall be restored within six (6) months of the time of the completion of the section of the subdivision.

E. Floodplain.

(1) Mapping. If any portion of the land within the subdivision is subject to inundation or flood hazard by storm-water, such fact and portion shall be clearly indicated on the preliminary plat and such portion shall be shown.

(2) Any sub-division shall be subject to the terms of Chapter 23, Flood Damage Prevention, of the Code of the Village of Attica.

F. Self-imposed restrictions. The owner may place restrictions on the development greater than those required by the Zoning Ordinance. Such restrictions, if any, shall be indicated on the final sub-division plat.

G. Modification of standards. The Village Board may modify the specified requirements in any individual case, where, in the Board’s judgment, such modification is in the public interest or will avoid the imposition of unnecessary individual hardship.


The developer. Before the approval of the subdivision plat, shall complete all improvements to the satisfaction of the Village Board or post a performance bond sufficient to insure the satisfactory completion of the following required improvements, except where completion of the following required improvements, except where waivers may be requested and the Village Board may waive, subject to appropriate conditions, such improvements as it considers are not prerequisite in the interest of public health, safety and general welfare.

A. Streets. All streets shall be constructed, graded and paved in accordance with the standards and specifications on file in the Village Clerk’s office.

B. Storm drains, culverts, catch basins and other drainage structures shall be installed in accordance with the standards and specifications on file in the Village Clerk’s office and in accord with the final map approved by the Village Board. All pipe may comply with the requirements of the current New York State Highway Department specifications governing construction of these facilities. The location, length, depth, size, grade and type of pipe shall be designated in the plans. If unusual conditions are discovered at the time of construction which are not provided for on the plans, the Village Board shall determine the type and extent of construction required to overcome such conditions.

C. Curbing/gutters shall be constructed on both sides of all streets shown on all proposed subdivision plats and in accord with the standards on file in the Village Clerk’s office.
D. Sidewalks, if required, shall be required on both sides of the street and constructed in accord with the standards on file in the Village Clerk’s office.

E. Driveway aprons shall be required to be installed to the lot line.

F. Grass strips shall be provided within the portion of the street right-of-way beyond the curb or gutter line to the lot line and shall be properly grades and seeded.

G. Street-lighting facilities shall be provided along all streets in the subdivision and along all streets upon which the subdivision abuts.

H. Sanitary sewers shall be required. The sub-divider shall connect or provide for connection with such sanitary sewer system required to make the sewer accessible to each lot in the subdivision.

I. The sub-divider shall connect with a water main and provide a water connection for each lot in accordance with village standards, procedures and supervision. Fire hydrants shall be required and shall be installed in the locations approved by the village.

S 62-54. Permitted modifications.

A. Concrete curbing may be omitted and in lieu thereof, concrete gutters, rolled gutters or other means for controlling storm waters may be constructed as may be approved by the Village Board.

B. Sidewalks may be omitted on one (1) or both sides of the street to the extent deemed appropriate by the Village Board.

C. Where curbing and/or sidewalks are not provided, adequate provision for the protection of the edge of the road pavement and graded shoulders at all driveway openings and other access ways shall be provided in a manner approved by the Village Board.

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

E. Fire Hydrants may be omitted where adequate water mains which are a part of a public utility water system are either not existing or proposed to be available to the subdivision.

S 62-55. Preliminary plat submission requirements.

Preliminary plats submitted to the Village Board shall be drawn to a scale of not more than one (1) inch equals one hundred (100) feet and shall show the following information:

A. The location of the property with respect to surrounding property and streets.

B. The location and approximate dimensions of all existing property lines.

C. All pertinent features such as existing structures, streets, railroads, water bodies and streams.
D. The location, width and approximate grade of all proposed streets. Approximate elevations shall be shown at the beginning and end of each street, at street intersections and at all points where there is a decided change in the slope or direction.

E. The approximate location, dimensions and area of all proposed or existing lots.

F. The name and address of the owner or owners of land to be subdivided, the name and address of the sub-divider, if other than the owner, and the name of the land surveyor.

G. The date, source of the North point and scale.

H. The acreage of tract to be subdivided to the nearest tenth of an acre.

I. Proposed provision of water supply, fire protection, disposal of sanitary waste, storm water drainage, street trees, street lighting fixtures, street signs and sidewalks and the date on which these must be available for consideration at this stage.

J. Each block shall be numbered and the lots within each block shall be numbered consecutively in accordance with the procedure established by the village. The total number of residential lots shall be noted on the plat.

S 62-56. Minor subdivision plat submission requirements.

A. In case of a minor subdivision only, the subdivision plat application shall include the following information:

(1) A copy of such covenants or deed restrictions as are intended to cover all or parts of the tract.

(2) An actual field survey of the boundary lines of the tract being created by subdivision, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor or civil engineer. The corners of the tract shall also be located on the ground and marked by monuments.

(3) The proposed subdivision name and the name of the village, town and county.

(4) The date, North point, map scale and name and address of the owner and/or sub-divider.

B. The plat to be filed with the County Clerk shall be on uniform size sheets in accordance with New York State statutes.

S 62-57. Major subdivision plat submission requirements.

Major subdivision plats shall be accompanied by separate construction detail sheets and both shall be submitted to the Village Board for approval, as follows:
A. Drawing, scale and size of plat and construction detail sheets. The subdivision plat and construction detail sheets shall be clearly and legibly drawn on a stable transparent reproducible base.

B. Information to be shown on plat.

(1) The plat shall show the following information:

(a) The proposed subdivision name or identifying title which shall not duplicate or too closely approximate that of any other development in the village.
(b) The date, source of the North point and scale.
(c) The name, address and signature of the owner, sub-divider and licensed engineer or land surveyor.
(d) The location, names and widths of existing streets, highways and easements.
(e) The locations and widths of all streets and sidewalks, together with the names of streets, location, dimensions and status of all easements proposed by the sub-divider.
(f) Lot areas.
(g) Lot lines with accurate dimensions and bearings of angles.
(h) Sufficient data to determine readily the location, bearing and length of all lines and to reproduce such lines upon the ground.
(i) The radii of all curves and lengths of arcs.
(j) The accurate outline of all property which is offered, or to be offered, for dedication for public use.
(k) The acreage of the tract to be subdivided to the nearest tenth of an acre.
(l) Each block shall be numbered and the lots within such block shall be numbered consecutively in accordance with the procedure established by the village. The total number of residential lots shall be noted on the plat.

C. In addition to the sub-division plat as described above, the following shall also be presented to the Village Board:

(1) A certificate that there are no tax liens on the property being subdivided.
(2) A performance bond in such amount as is necessary to complete street and utility improvements.
(3) Construction detail sheets. Construction detail sheets shall show the following information, except that where requirements have been waived, applicable specifications may be omitted:

(a) Profiles showing existing and proposed elevations along the centerlines of all streets. Where a proposed street intersects
an existing street or streets, the elevation along the centerline of the existing street or streets within one hundred (100) feet of the intersection, in both directions, shall be shown.

(b) Plans and profiles showing the location and a typical section of street pavements, including curbs and gutters, sidewalks, manholes and catch basins, street lighting standards and street signs; the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains and fire hydrants; and the exact location and size of all water, gas, electric or other underground utilities or structures.

D. All plans shall conform to the village’s minimum road specifications.


Where the Village Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan or the Zoning Ordinance, if such exists.


Where the Village Board finds that, due to the special circumstances of a particular plat, the provisions of certain required improvements are not requisite in the interest of the public health, safety and general welfare or are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions.

S 62-60. Standards to be maintained upon modification.

In granting variances and modifications, the Village Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.


If any Article, section, subsection, clause or phrase of these regulations is for any reason held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the remaining portions of these regulations.