

TOWN OF MINERVA
SUBDIVISION CONTROL LAW

May 2005

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ARTICLE I: ENACTMENT, PURPOSE, ADMINISTRATION

Section 110 Enactment

Pursuant to the authority granted to the Town in Articles 2 and 3 of the Municipal Home Rule Law, and Article 16 of the Town Law, the Town Board of the Town of Minerva authorizes and empowers the Planning Board of the Town of Minerva to approve subdivision plats within the Town of Minerva.

Section 120 Title

This law shall be known and cited as the Town of Minerva Subdivision Control Law.

Section 130 Purpose

The standards and procedures contained herein are intended to insure that; (a) land to be subdivided is suitable for building purposes without creating dangers to health, or peril from fire, flood, traffic hazard, or other hazard, (b) lots are created such that adequate provision can be made for septic systems, water supply, emergency vehicle access, storm water drainage, utility service, and other needed improvements, (c) roads are constructed to Town standards and are suitable to accommodate the expected volume of traffic, (d) the rural and scenic character of the Town is preserved, and (e) goals and objectives of the Town of Minerva Comprehensive Plan are furthered.

Section 140 Required Review

Within a subdivision as defined herein, no lot shall be sold nor shall a building permit be issued until a subdivision plat is approved by the Planning Board.

Section 150 Fees

Application review and inspection fees shall be established by resolution of the Town Board.

ARTICLE 2: DEFINITIONS

For the purpose of this law words and terms used herein are defined as follows:

Final Plat. A drawing, in final form, prepared by a surveyor, and also if required by a professional engineer, showing a proposed subdivision containing all information or detail required by law and by this law to be presented to the Planning Board for approval, and which after final plat approval, may be duly filed or recorded by the applicant in the Office of the County Clerk of Essex County.

Final Plat Approval. Signing of a final plat by a duly authorized officer of a Planning Board after a resolution granting final approval to the plat, or after conditions specified in a resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in the office of the County Clerk of Essex County.

Interior Lot. A lot wholly located at least 300 feet from a public highway, excepting a 25 to 50 foot wide strip intended to provide driveway access to such highway.

Land Surveyor. Land Surveyor, Licensed Land Surveyor, or Professional Surveyor, is one authorized under Article 145 of the Education Law to practice land surveying in New York State.

Major Road. A road intended as any of the following: (a) to be considered for takeover by the Town of Minerva as a Town highway, (b) to serve any use generating truck traffic, or (c) to serve a traffic volume of 100 or more vehicles per day.

Major Subdivision. Any subdivision involving the creation of 5 or more lots within any consecutive three year period, or any subdivision involving the construction of any new minor or major road.

Minor Road. A road intended to be used as a private road providing access to residential properties or seasonal accommodations with an anticipated average traffic volume of less than 100 vehicles per day.

Minor Subdivision. Any subdivision involving the creation of 4 or fewer lots within any consecutive three year period, and which does not require the construction of a minor or major road.

Planning Board. Planning Board of the Town of Minerva.

Preliminary Plat. A drawing marked "Preliminary Plat" showing the layout of a proposed subdivision, submitted to the Planning Board for approval prior to submission of the plat in final form, and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

Professional Engineer. An engineer authorized under Article 145 of the Education Law to practice engineering in New York State.

Residential Cluster Development. A development consisting of three or more lots or dwelling units whereby individual lots or structures are clustered closer together than otherwise permitted by the road frontage, building setback, and other dimensional requirements of the Town of Minerva Rural Zoning Law.

Shared Driveway. An arrangement whereby two, three, or four residential lots are served by a common driveway.

Sketch Plan. A sketch of a proposed subdivision to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the layout of the subdivision.

Subdivider. A person who is the registered owner, or authorized agent of the registered owner of land proposed for subdivision.

Subdivision. Division of any parcel of land into two (2) or more lots, parcels, or sites for the purpose of sale, lease, license or any form of separate ownership or occupancy. Subdivision of land shall not include the lease of land for hunting, fishing, or other forms of open space recreation.

Town Board. The Town Board of the Town of Minerva.

Zoning Law. Town of Minerva Rural Zoning Law

ARTICLE 3: DESIGN, STANDARDS AND REQUIRED IMPROVEMENTS

Section 305 Minimum Road Frontage

All building lots shall have the minimum road frontage required by Schedule B of the Town of Minerva Zoning Law, excepting (a) lots within an approved residential cluster development, and (b) interior lots as defined herein.

Section 310 Lots

- A. Lots to be Buildable. There shall be a buildable area on each lot of sufficient size and suitably located for a building and septic system, well (if not on the town water system), utility access, driveway and on-site parking.
- B. Driveway Locations. Each lot shall have a suitable location for a driveway such that driveway slope at the intersection with the roadway does not exceed three (3) percent, driveway slope does not exceed fifteen (15) percent over any length, and such that to the extent feasible, sight distance in each direction at the entrance to the roadway complies with the standards of Section 330 herein.
- C. Shape. Extremely narrow lots shall be avoided. The average depth of a lot shall generally not be greater than four (4) times its average width.
- D. Lot Lines. Side lot lines shall generally be approximately at right angles to the road except to follow natural features.
- E. Corner Lots. Corner lots for residential use shall have extra width to permit required building setback from both roads.

Section 315 Preservation of Natural and Cultural Features

Features such as historic landmarks and buildings, existing trails, country lanes, rock outcrops, cliffs, hill top lookouts, rock gorges, unique stands of vegetation, significant wildlife habitats, and similar features of physical or cultural value that provide a sense of uniqueness to the site shall be preserved where feasible. Shorelines of streams, lakes, and ponds shall be left in their natural state except for areas where vegetation is removed in compliance with shoreline vegetative cutting regulations of the Adirondack Park Agency Act. The Planning Board may require the provision of a green space buffer around such features.

Section 320 Tree Removal

Removal or damage to existing mature trees shall be avoided to the extent feasible.

Section 325 Road Design Standards

- A. General Standards. Roads should conform to the recommendation of the Planning Board based on existing and planned roads, topography, public safety, convenience and proposed uses of land.

- B. Relation to Topography. Roads should be designed to be parallel to existing land contours where possible. Long stretches of road straight downhill should be avoided in order to minimize erosion problems, and for safety reasons.
- C. Intersections. Roads shall intersect one another at right angles. Intersections less than one hundred twenty-five (125) feet apart shall be avoided.
- D. Dead End Roads. Each dead end road shall terminate in a turn around area deemed sufficient for snow plowing and emergency vehicle access.
- E. Names and Numbers. Names of new roads shall not duplicate existing or platted roads. New roads which are extended or in alignment with existing roads shall bear the name of the existing roads.
- F. Road Signs. The subdivider shall provide and erect road signs of a type to be approved by the Town Board at all road intersections prior to acceptance of the constructed roads.
- G. Engineering Standards.

Minimum width of right-of-way	50 feet
Additional right-of-way for turn around on dead end roads	Turn around area 100 feet long by 50 feet wide
Minimum width of driving surface	Major road = 20 feet Minor road = 14 feet
Minimum width of shoulders, each side	Major road = 4 feet Minor road = 2 feet
Minimum width, total roadbed	Major road = 28 feet Minor road = 18 feet
Maximum Grade	Shall not exceed 12% average grade over an 150 foot length, nor a 15 percent average grade over any 50 feet length, and in no case more than 3% within 50 feet of any intersection
Minimum distance between intersections	No proposed intersection with an existing road shall be less than 125 feet from any existing intersection unless the proposed intersection is directly opposite the existing intersection creating a four-way intersection.
Horizontal and vertical alignment, minimum braking distance. At all points along a road, there shall be an unobstructed line of sight in each direction for the minimum distance specified.	Major road = 300 feet Minor road = 200 feet

Section 330 Sight Distance at Driveways and Intersections

- A. To the extent feasible, all intersections with any public road, including driveway intersections, shall be designed so that minimum safe sight distances and other standards set forth in "Policy and Standards for Entrances to State Highways," State of New York Department of Transportation publication number M.A.P. 7.12-34, shall be maintained. As set forth in the above cited publication, the minimum unobstructed line of sight in each direction at the entrance to a public road shall be as follows:

Design Speed of Highway	Left Turn	Right Turn
30 mph	396 feet	286 feet
40 mph	583 feet	484 feet
50 mph	814 feet	770 feet

Said distances shall be measured from the point of entry onto the public road.

- B. If the location of one or more proposed driveways is such that a traffic hazard is created on an existing roadway due to inadequate sight distance, the Planning Board may require an alternative lot arrangement making use of a shared driveway or short access road which enters the existing roadway at a safe location.
- C. This section is intended to insure that the best location for a driveway or entrance to a roadway is chosen given the unique circumstances of the lot to be subdivided. It is not intended to prevent the subdivision of the lot, but to minimize any possible hazard.

Section 335 Road Construction Standards

- A. All improvements shall be made at the expense of the subdivider.
- B. The road bed shall consist of at least twelve (12) inches of a good grade of gravel, approved by the Town Highway Superintendent, underneath the entire width of the road bed.
- C. All stumps and rocks and any other foreign objects or materials shall be removed prior to installation of the gravel.
- D. All necessary drainage facilities shall be installed prior to take over, and all culverts shall be of the necessary length and diameter and shall be approved by the Highway Superintendent.
- E. All necessary drainage shall be dug and all rocks and stumps shall be removed from these ditches. The average depth of the ditches shall be eighteen (18) inches.
- F. In the event that sloping needs to be done in the area of a steep bank or embankment this shall be done at a grade of 2 to 1 (2 units vertical distance for each 1 unit horizontal distance).
- G. The Planning Board may waive or vary the requirements of this section on the recommendation of a professional engineer.

Section 340 Provision for Future Road Maintenance

Provision shall be made for future road maintenance via one of the following alternatives.

- A. Public roads. A road may be constructed to the design standards for major roads as defined herein. The subdivider shall seek assurance from the Town Board that it intends to accept such road provided that it meets the design and construction standards required herein.
- B. Private roads. Provision shall be made for future maintenance and repair of any private road. Such provision may include but is not limited to:
 - 1. A road maintenance agreement entered into by purchasers of lots within the subdivision whereby the expense of maintenance and repair are shared.
 - 2. A road may be maintained and repaired by a legally created Home Owner's Association.
 - 3. Other legally binding arrangement.

Section 345 Standards for Shared Driveways

- A. Sufficient legal arrangement, such as a right-of-way easement, shall be made to provide for the future use and maintenance of shared driveways.
- B. Shared driveways shall be constructed so as to be passable by emergency vehicles during all seasons of the year.
- C. The right-of-way easement for any shared driveway shall be at least fifty (50) feet wide.
- D. Minimum width of the driving surface shall be 12 feet.
- E. Maximum grade shall be twelve (12) percent.
- F. No shared driveway shall serve more than four (4) lots.
- G. Maximum length of any one shared driveway shall be one-thousand (1000) feet.

Section 350 Water supply

- A. If Town water is requested by the subdivider, it must have approval by the Town Board before the final plat is approved.
- B. Public water shall be installed at the expense of the subdivider.

Section 355 Erosion Control, Revegetation

- A. Ditch bottoms shall be constructed and maintained to minimize soil erosion by means of sodding, mulching, netting, stone paving, rip-rap, or other suitable materials.
- B. All cleared areas associated with the construction of roads and installation of utilities, excluding those areas comprising road surfaces or shoulders, all exposed borrow areas, and all cut and fill slopes including ditch banks, shall be successfully vegetated to grasses or legumes that are suited to site conditions.
- C. Areas on which vegetation has been destroyed or removed, excluding roadways, driveways, building sites and parking lots, shall be successfully revegetated or otherwise stabilized with structural erosion control measures.
- D. Timing. Upon completion of final grading of any area, revegetation operations shall begin within five (5) working days and shall be completed within ten (10) working days, provided however that where this is not possible or desirable because of weather conditions or other circumstances, such revegetation operations shall be performed as soon as reasonably possible.

Section 360 Future Access to Interior Property

At the discretion of the Planning Board, one or more 50 feet rights-of-way may be required to be reserved in order to provide for future road access to interior land.

Section 365 Storm Water Runoff

- A. Off-site stormwater runoff shall not create damage or difficulty to downstream properties, shall not overload downstream culverts and other drainage facilities, and shall not introduce significant amounts of pollutants to surface waters of the Town of Minerva. Retention basins, dry wells and other structural devices to reduce runoff from the site may be required by the Planning Board. The Planning Board may require that the applicant furnish an engineering study which estimates the volume of storm water runoff and proposes sufficient structural measures to reduce adverse impacts of such runoff.
- B. All major subdivisions as defined herein, and any subdivision that involves one acre or more of land disturbance, shall comply with the Stormwater Phase II Permit requirements of the New York State Department of Environmental Conservation.

Section 370 Waiver of Standards and Required Improvements

Where the Planning Board finds that compliance with these requirements would cause unusual hardship or unreasonable difficulties, the minimum requirements of this article may be modified provided that the public interest is protected, and that the development is in keeping with the spirit and intent of this law.

Section 375 Modification of Designs

If at any time before or during construction of the public improvements it is demonstrated that unforeseen conditions make it necessary to modify the location or design of public improvements, the Chairman of the Planning Board may authorize such modifications, provided these modifications are within the spirit and intent of the Planning Board's approval and do not substantially alter the function of any such improvement required by the Board. Any such authorization issued under this section shall be in writing.

ARTICLE 4: REVIEW AND APPROVAL PROCEDURE

Section 400 Review Steps

Applications for subdivision approval shall be processed in the following steps.

1. Sketch plan conference. (Optional)
2. Application for preliminary plat approval. (Optional. Minor subdivisions and applications of an uncomplicated nature may proceed directly to step 5 below.)
3. Public hearing on preliminary plat.
4. Planning Board action on preliminary plat.
5. Application for final plat approval.
6. Public hearing on final plat. (Required for subdivisions not undergoing preliminary plat approval. Optional for subdivisions having received preliminary plat approval.)
7. Planning Board action on final plat.

Section 405 Sketch Plan Conference

- A. The subdivider may request an appointment with the Planning Board for the purpose of reviewing a sketch plan. The intent of such a conference is to enable the applicant to inform the Planning Board of the proposal prior to the preparation of a detailed subdivision plat map, and for the Planning Board to review the basic design concept, advise the applicant of potential problems and concerns, and to determine the information to be required on the application for subdivision approval. This step does not require formal application, fee or filing with the Planning Board.
- B. In order to accomplish the aforementioned objectives the applicant shall provide the following:
 - 1. A tax map showing the location of the property to be subdivided.
 - 2. A rough sketch showing the locations and dimensions of lot lines, roads, and driveways.
- C. The Planning Board shall locate the property on maps showing topography and other environmental characteristics of the site in order to evaluate the proposal.

Section 410 Application for Preliminary Plat Approval

The subdivider shall file an application for approval of a preliminary plat on forms available from the Town accompanied by all documents specified in Article 5 herein. Preliminary plat approval is not required for Minor Subdivisions as defined herein, nor for subdivisions of an uncomplicated nature.

Section 415 Public Hearing for Preliminary Plat

- A. Within sixty-two (62) days of receipt of a complete application for preliminary plat approval the Planning Board shall conduct a public hearing. The hearing shall be advertised at least once in a newspaper of general circulation in the town at least ten (10) days before the hearing.
- B. An application shall not be deemed to be complete until all the requirements of the State Environmental Quality Review Act (SEQRA) are fulfilled, including the preparation of a Full Environmental Assessment Form or Environmental Impact Statement as may be required.

Section 420 Action on Preliminary Plat

Within sixty-two (62) days from the public hearing the Planning Board shall render a decision on the application. The Planning Board shall approve, approve with modifications, or disapprove the preliminary plat, and state any modifications or reasons for disapproval. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the subdivider and the Planning Board. Within five (5) days of approval, it shall be certified by the Chairperson of the Planning Board, acting as the Clerk of the Planning Board, as having been granted preliminary approval. One copy shall be returned by mail to the subdivider, and one copy shall be retained by the Planning Board.

Section 425 Effect of Preliminary Plat Approval

Approval of a preliminary plat shall not constitute approval of the final plat. The preliminary plat shall be a guide to the preparation of the final plat.

Section 430 Application for Final Plat Approval

The subdivider shall file an application for approval of a final plat on forms available from the Town accompanied by all documents specified in Article 5 herein.

Section 435 Public Hearing for Final Plat

This step is not required for subdivisions that have received preliminary plat approval, and that are in substantial agreement with the approved preliminary plat. For other applications, the Planning Board shall conduct a public hearing within sixty-two (62) days of receipt of a complete application for final plat approval. The hearing shall be advertised at least once in a newspaper of general circulation in the town at least ten (10) days before the hearing.

Section 440 Action on Final Plat

- A. If a public hearing is held, the Planning Board shall render a decision on the application within sixty-two (62) days from the public hearing.
- B. If a public hearing is not held, the Planning Board shall render a decision on the application within sixty-two (62) days from the date of receipt of a complete application. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the subdivider and the Planning Board.
- C. The Planning Board shall approve, approve with modifications, conditionally approve, or disapprove the final plat and state any modifications, conditions or reasons for disapproval. Within five (5) days of approval, it shall be certified by the Chairperson of the Planning Board, acting as the Clerk of the Planning Board, as having been granted preliminary approval. One copy shall be returned by mail to the subdivider, and one copy shall be retained by the Planning Board.

Section 445 Conditional Approval of Final Plat

Upon conditional approval of the final plat the Planning Board shall empower a duly authorized officer to sign the plat and grant final approval upon completion of such requirements as may be stated in the conditional approval resolution. The plat shall be certified by the Chairperson of the Planning Board, acting as the Clerk of the Planning Board. A certified statement of the requirements shall accompany the plat which, when completed, will authorize the signing of the conditionally approved final plat. Upon completion of the requirements the plat shall expire one hundred eighty (180) days after the date of the resolution granting conditional approval. The Planning Board may, however, extend the expiration time not to exceed two additional periods of ninety (90) days each. Conditional approval does not qualify a final plat for recording nor authorize issuance of building permits prior to final plat approval.

Section 450 Guarantees for Required Improvements

In order that the Town has the assurance that construction and installation of public improvements will be guaranteed, the Planning Board, at its discretion, may require that the applicant enter into one of the following agreements with the Town:

1. Construct all improvements as required by this law and by the Planning Board prior to final approval of the plat.

2. In lieu of the completion of the improvements prior to final plat approval, furnish guarantee as provided in Article 6 of this law.

Section 455 Recording of Final Plat

The subdivider shall record the Final Plat, or section thereof, in the Office of the Clerk of Essex County, N.Y. within sixty-two (62) days after the date of approval; otherwise the approval shall expire.

Section 460 Filing of Plats in Sections

- A. Prior to granting its approval of a plat in final form, the Planning Board may permit the plat to be subdivided into two or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. Approval to the sections, subject to any conditions imposed by the board, shall be granted concurrently with approval of the plat.
- B. In the event the owner shall file only a section of such approved plat in the office of the county clerk within such sixty-two (62) day period, such section shall encompass at least ten percent of the total number of lots contained in the approved plat and the approval of the remaining sections of the approved plat shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of Section 265-a of the Town Law.

Section 465 Acceptance of Roads

Planning Board approval of a Final Plat shall not be deemed an acceptance by the Town of any road or other land shown as offered for dedication for public use.

Section 470 Residential Cluster Development

Any subdivision which also requires site plan approval as residential cluster development pursuant to the Town of Minerva Zoning Law shall be processed concurrently with the process for approval of such cluster development.

ARTICLE 5: DOCUMENTS TO BE SUBMITTED

Section 500 Application for Preliminary Plat Approval

1. Name and address of subdivider and professional advisers, including license numbers and seals.
2. Subdivision name, scale, north arrow and date.
3. Subdivision boundaries.
4. Contiguous properties and names of owners.
5. Total acreage of subdivision and number of lots proposed.
6. Copy of tax map(s).
7. Existing restrictions on the use of land including easements, covenants and zoning.
8. Water courses, marshes, wooded areas, public facilities and other significant physical features on or near the site.
9. Land contours or other suitable indicators of slope.
10. Proposed lot lines with approximate dimensions and area of each lot.

11. The width and location of any roads or public ways and the width, location, grades and road profiles of all roads or public ways proposed by the developer.
12. Plans and cross-sections showing sidewalks, road lighting, roadside trees, curbs, water mains, sanitary sewers and storm drains, the character, width and depth of pavements and sub-base, and the location of any underground cables.
13. The approximate location and size of all proposed waterlines, hydrants and sewer lines, showing connection to existing lines.
14. Drainage plan, indicating profiles of lines or ditches and drainage easements on adjoining properties.
15. Preliminary designs for any bridges or culverts.
16. Grading and landscaping plans.
17. An actual field survey of the boundary lines of the tract, giving complete description by bearings or azimuth and distance, made and certified by a licensed surveyor. The corners of the tract shall also be marked by monuments of such size and type as approved by the Planning Board, shown on the plat.
18. A copy of all covenants or deed restrictions intended to cover all or part of the tract.
19. All parcels of land proposed to be dedicated to public use and the conditions of such use.
20. Where the preliminary plat submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future road and drainage system of the unsubdivided part shall be submitted for study to the Planning Board.
21. Any required fees.
22. A Full Environmental Assessment Form (EAF) or draft Environmental Impact Statement (EIS), if required.
23. Additional information as deemed necessary by the Planning Board.

Section 510 Final Plat

1. One copy of the plat to be submitted to the County Clerk prepared by a land surveyor, and also if required by a professional engineer, drawn with ink on suitable material, plus two copies supplied to the town. The map scale shall be one inch = one hundred feet unless specified otherwise by the Planning Board.
2. Proposed subdivision name and the name of the Town and County in which the subdivision is located; the name and address of record owner and subdivider; name, address, license number and seal of the surveyor and/or engineer.
3. Road lines, pedestrian walkways, lots, easements and areas to be dedicated to public use.
4. Sufficient data acceptable to the Planning Board to determine readily the location, bearing and length of every road line, lot line, and boundary line; such data shall be sufficient to allow for the reproduction of such lines on the ground.
5. The length and bearing or azimuth of all straight lines; radii and length of curves; tangent bearings for each road. All dimensions of the lines of each lot shall also be given. The plat shall show the boundaries of the property, locations, graphic scale and north arrow (with orientation as to magnetic or true).
6. All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
7. Permanent reference markers shall be shown and constructed in accordance with Planning Board specifications.
8. Approval of the State Health Department of water supply systems and sewage disposal systems proposed or installed.
9. A Full Environmental Assessment Form (EAF) or draft Environmental Impact Statement (EIS), if required.
10. Construction drawings including plans, profiles, and typical cross sections, as required, showing the proposed location, size and type of road, sidewalks, road lighting standards,

roadside trees, curbs, water mains, sanitary sewer or septic systems, storm drains or ditches, pavements, and sub-base and other facilities.

11. Evidence of legal ownership of property.
12. Deed restrictions, existing and proposed in form for recording.
13. Any required financial guarantees for public improvements (see Article 6).
14. Any other data such as certificates, affidavits, endorsements or other agreements as may be required by the Planning Board in enforcement of this law.

Section 530 Waiver of Submission Requirements

The Planning Board, at its discretion, may waive any of the submission requirements specified in this article which it deems unnecessary for their review of the subdivision and which imposes unnecessary cost and expense upon the applicant.

ARTICLE 6: FINANCIAL GUARANTEES FOR PUBLIC IMPROVEMENTS

Section 600 Required Public Improvements

- A. The construction or installation of any improvement or facilities, other than roads, for which a financial guarantee has been made pursuant to this Article shall be completed within one (1) year from the date of the posting of the guarantee. Road improvements shall be completed within two (2) years from the date of the posting of the guarantee.
- B. The applicant may request an extension of time to perform required public improvements provided he can show reasonable cause for inability to construct and install said improvements within the required time. Such extension of time shall not exceed six (6) months. At the end of such extension of time, if the required public improvements are not completed and accepted by the Town, the Town may use as much of the financial security required by this Article to construct and install, maintain, or perfect the improvements as necessary to meet all applicable state and local laws, ordinances, rules, and regulations.
- C. At least five (5) days prior to commencing construction of required public improvements the applicant shall pay to the Town Clerk the inspection fee required by the municipality and shall notify the Town Board or an official designated by the Board in writing of the time when the construction of such improvements will be commenced so that the Board may cause inspections to be made to assure that all applicable specifications and requirements shall be met in the construction of such improvements, and to assure the satisfactory completion of public improvements.

Section 610 Required Financial Security

- A. If required by the Planning Board, applicants for subdivision plat approvals shall provide the Town with acceptable financial security in an amount sufficient to guarantee revegetation and land restoration, and the installation of basic public improvements. Such public improvements may include public water supply, sewage disposal systems, storm drains and sewers, roads, pavement markings and traffic signs and signals, sidewalks, and other public improvements commonly required of applicants for subdivision plat approvals.
- B. Acceptable financial security shall be provided to the Town in one of the following ways:

1. The applicant shall furnish a bond executed by a surety company in an amount equal to the cost of construction of the public improvements required by the Planning Board pursuant to this law.
2. The applicant shall present to the Town Clerk a certified check in an amount equal to the cost of construction of the public improvements required by the Planning Board pursuant to this Law.
3. The applicant shall present to the Town Clerk an irrevocable letter of credit drawn in favor of the Town in an amount equal to the cost of construction of the public improvements required by the Town Board pursuant to this law.

Section 620 Review of Proposed Financial Security

For each of the above options, the required public improvements shall be shown on subdivision plats, and the total amount of the required financial security shall be based thereon. Such estimates shall be certified by a licensed professional engineer, and shall be reviewed by the Town Board for financial adequacy as a guarantee of construction and of reasonable performance during a warrantee period. The Town Board and the Town Attorney shall jointly review the guarantee agreement for sufficiency of form and execution and for the soundness of the financial guarantee offered by the applicant.

Section 630 Schedule of Improvements

When a guarantee agreement has been approved by the Town Board and the required surety bond, certified check, or letter of credit has been received by the Town Clerk, the Town and the applicant shall enter into a written agreement itemizing the required public improvements, establishing a schedule for the construction and installation for each improvement. Whenever feasible, costs shall be organized by logical phases of work completion in order to facilitate the partial release of funds held as a financial guarantee by the municipality to the applicant as work is satisfactorily completed.

Section 640 Staged Refunding of Financial Guarantees

- A. At such times as the applicant wishes to have guarantee funds released in consideration of work performed and accepted, the applicant shall cause to be prepared an accurate statement of the work performed and accepted as of a date certain. This statement shall use the same item structure as was employed in the written agreement itemizing the required public improvements.
- B. The applicant, after preparing such statement, shall submit it for review, approval, and signature by an engineer acting on behalf of the Town, by the appropriate municipal inspectors, and by the Town fiscal officer. If the statement is approved by the Town fiscal officer, the statement shall be forwarded promptly to the Town Clerk, together with a recommendation that the amount approved on said statement be released from the financial guarantee provided by the applicant. Where the financial guarantee provided by the applicant makes staged refunding possible, the Town Clerk will then direct in writing to the surety company of financial institution having custody of the guarantee funds to release the approved amount of those funds to the applicant.

Section 650 Acceptance of Required Public Improvements

When the Town Code Enforcement Officer, following final inspection of the project, certifies to the Planning Board and the Town Board that all required public improvements have been completed in

accordance with all applicable requirements, the Town Board may act by resolution to accept the public improvements.

Section 660 Required Maintenance Guarantee

Upon acceptance of the required public improvements, a maintenance guarantee shall be established. All such guarantees shall be for ten percent (10%) of the financial guarantee originally required of the applicant. The applicant may provide a maintenance guarantee by one of the methods provided for in Section 620 of this Article, but no maintenance bond shall be for less than five thousand dollars (\$5,000) (face value). All maintenance guarantees required by this section shall commence immediately upon acceptance of the required public improvements by the municipality and shall extend for two (2) years from the June first next succeeding the acceptance of the required public improvements, whichever period is longer.

ARTICLE 7: MISCELLANEOUS PROVISIONS

Section 700 Penalty Provisions

- A. Any person, firm or corporation who violates, disobeys, neglects, refuses to comply, or resists the enforcement of any provisions of this law shall, upon conviction, be guilty of an offense punishable by a fine of not more than \$250.00 or imprisonment for a period not more than six (6) months, or both. Each week an offense is continued shall be deemed a separate violation of this law.
- B. In addition to the penalties provided by statute, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this law.

Section 710 Certification and Filing with County

The Town Clerk is hereby directed to forthwith file a certified copy of this local law with the Clerk of Essex County.

Section 720 Severability

If any clause, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate any other clause, sentence, paragraph, section, or part of this local law.

Section 730 Effective Date

This local law shall effect immediately upon filing with the Secretary of State.