

Town of Chazy Subdivision Control Law

Adopted November 4, 1993

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ARTICLE 1: 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 Chazy authorizes and empowers the Planning Board of the Town of Chazy to approve subdivision plats within the Town of Chazy; and to approve the development of plats already filed in the office of the Clerk of Clinton County if such plats are entirely or partially undeveloped.

Section 120 Title

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

Section 130 Purpose

The standards and procedures contained herein are developed to ensure that the land to be subdivided is suitable for building purposes without creating dangers to health, or peril from fire, flood, or other hazard, and that adequate provision will be made for access of emergency vehicles, stormwater drainage, water supply, sewerage disposal, utility service, and other needed improvements. Roads and highways must meet minimum Town standards and must accommodate the expected volume of traffic.

Section 140 Required Review

Within a residential subdivision or a commercial 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:

Commercial Subdivision: Division of any tract of land into two (2) or more parcels, at least one of which is intended for commercial or industrial use, for the purpose of conveyance, transfer of ownership, improvement, building development, or sale.

Conditional Approval of Final Plat: Approval of a final plat subject to conditions set forth by the Planning Board in a resolution conditionally approving such plat. Conditional approval does not qualify a final plat for recording nor authorize issuance of building permits prior to final plat approval.

Driving Surface of a Shared Driveway: That portion of the driveway which is designed and constructed for driving on.

Final Plat: A drawing, in final form, 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 Clinton 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 Clinton County.

Official Submission Date: The date on which a complete application for plat approval is received by the Town of Chazy Planning Board. The Planning Board shall determine whether the application is complete at its first regular meeting subsequent to the receipt of an application. A complete application shall include all required information, endorsements, and fees.

Planning Board: Planning Board of the Town of Chazy.

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

Residential Subdivision: Division of any parcel of land into five (5) or more lots, blocks, or sites for the purpose of conveyance, transfer of ownership, improvement, building development, or sale of residential properties. A tract of land shall constitute a subdivision upon the sale, rental, offer for sale or lease, or building development of the fifth lot thereof within any consecutive five-year period. The term subdivision shall include re-subdivision.

Road, Major: A road intended to serve heavy flows of traffic from minor roads, or as a business road providing access to business properties.

Road, Minor: A road intended to serve primarily as an access to abutting residential properties.

Shared Driveway: An arrangement whereby two, three, or four residential lots may be 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 form of the layout and objectives of this law.

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

Town Board: The Town Board of the Town of Chazy.

Town Engineer: A licensed professional engineer employed by the Town of Chazy.

Undeveloped Plat: Those plats where twenty (20) percent or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.

Zoning Law: Town of Chazy Zoning Law

ARTICLE 3: DESIGN, STANDARDS, AND REQUIRED IMPROVEMENTS

Section 305 Access to Lots

1. Minimum Road Frontage. Each new building lot shall be accessible to a public road, or to a private road designed and constructed to the standards specified in this article. A building lot shall be deemed accessible to a road if:
 - a. The lot fronts directly upon a road for the minimal width shown below, or
 - b. A legally sufficient right-of-way easement has been obtained for the minimal width shown below.

Single or two family dwelling	25 feet
Three or more family dwelling	50 feet
Commercial or industrial use	50 feet

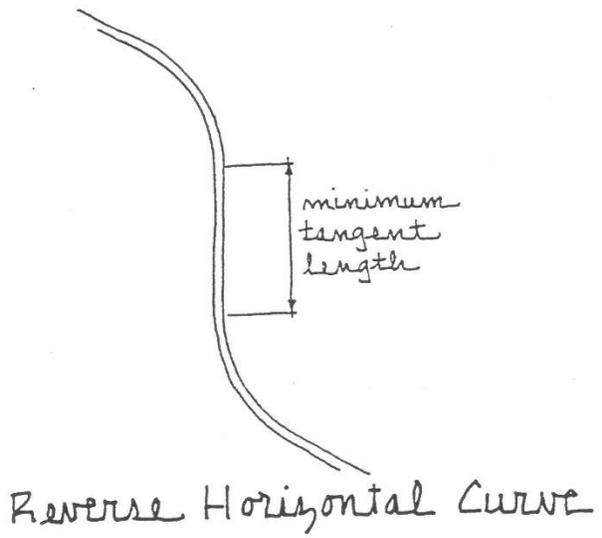
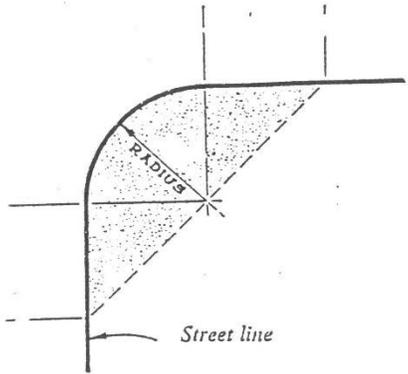
2. Required Roads. Up to a maximum of four (4) single family residential lots may be served by a shared driveway which is designed and constructed such that it is passable by emergency vehicles during all seasons of the year. More than four (4) lots shall not be served by a single shared driveway; such lots shall be served by a road designed and constructed to the road design and construction standards specified in this article.

Section 310 Road Design Standards

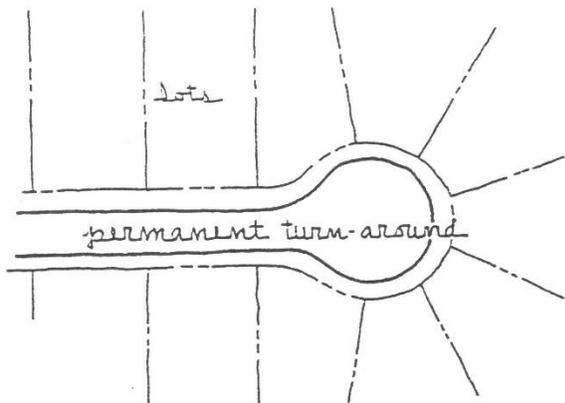
1. General Standards. Roads should conform to the recommendation of the Planning Board based on existing and planned roads, topography, public safety, convenience, and proposed uses of land. The Town Highway Superintendent shall be consulted by the Planning Board for an advisory opinion before the approval of any new road.
2. Discouraging Through Traffic. Residential minor roads shall be designed to discourage through traffic whose origin and destination is not within the subdivision.
3. 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.
4. Intersections. Roads shall intersect one another at right angles. Road jogs with offsets of less than one hundred twenty-five (125) feet shall be avoided.
5. Dead End Roads. Each dead end road shall terminate in a circular turn-around of minimum diameter one hundred (100) feet, or some other similar arrangement deemed sufficient for snow plowing. No more than 20 housing units shall be served by a dead end road.
6. Access to Adjoining Property. In order to make possible the extension of roads or utilities into neighboring properties, the arrangement of roads in a subdivision shall provide for connection to adjoining lands which may be subdivided in the future.
7. 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.
8. 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 constructed roads.

9. Engineering Standards;

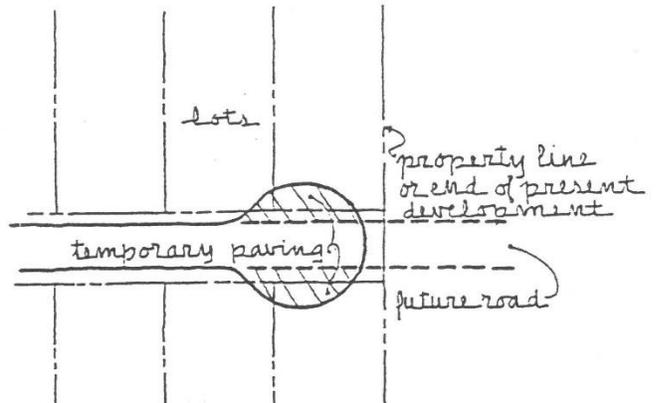
Minimum width of right-of-way:	50 feet
Minimum width of roadbed (pavement plus shoulders):	28 feet
Maximum grade:	No more than 12% over any length, and no more than 3% within 50 feet of an intersection
Minimum radius of horizontal curves:	
Minor Road	100 feet
Major Road	300 feet
Minimum braking sight distance:	
Minor Road	200 feet
Major Road	300 feet
Minimum length of tangents between reverse curves	
Minor Road	100 feet
Major Road	200 feet
Minimum distance between centerline offsets at street jogs:	125 Feet



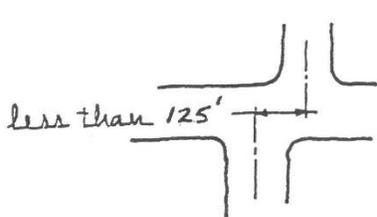
Reverse Horizontal Curve



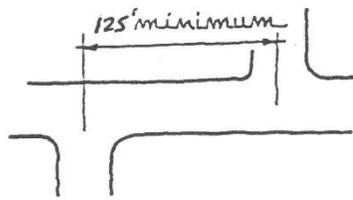
Dead-End Street (cul-de-sac)



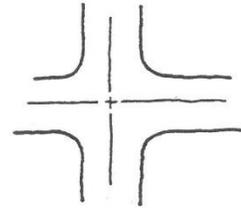
Temporary Turn-Around



poor



safer



safer

Centerline Offsets at Street Jogs

Section 315 Road Construction Standards

1. Road improvements shall be installed at the expense of the subdivider.
2. The primary road bed will be constructed two feet deep of gravel or similar material. The sub-base will be a minimum of six inches of Item 4 gravel two inch minus.
3. The road bed will be constructed with a 3% crown to facilitate drainage.
4. Culverts shall be installed in driveways and across the roadway to facilitate drainage of surface water.
5. The following measures shall be taken to control erosion and minimize siltation of downstream drainage-ways and watercourses: Ditch bottoms shall be constructed and maintained to minimize soil erosion by means of revegetation, sodding, mulching, netting, stone paving, riprap, and other such materials. All cleared areas associated with the construction of roads and 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.
6. The Town Highway Superintendent shall approve the design of all drainage facilities.
7. These standards are established for natural conditions or satisfactory subgrade, slope, and drainage; in the case of unusual conditions, the Planning Board, after consultation with the Town Highway Superintendent, may specify other requirements.

Section 320 Standards for Shared Driveways

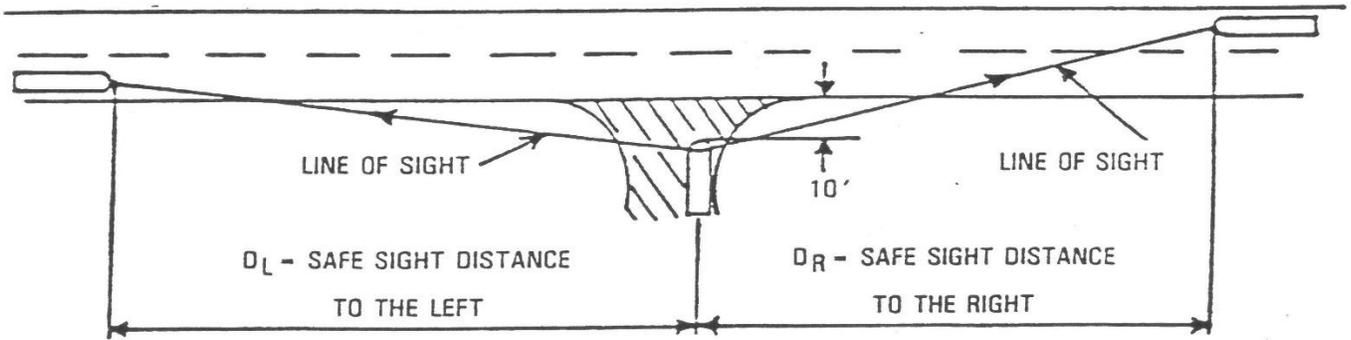
1. Sufficient legal arrangement, such as covenant in the deed or road maintenance agreement, shall be made to provide for the future use and maintenance of shared driveways.
2. Shared driveways shall be passable by emergency vehicles during all seasons of the year.
3. Minimum width of the driving surface on a shared driveway shall be 12 feet.
4. Maximum grade shall be twelve (12) percent.
5. Maximum length of any one shared driveway shall be one thousand (1,000) feet.

Section 325 Sight Distance Standards

To the extent practicable, 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. Said distances represent the safe braking distance for traffic along the public road.



If the location of one or more proposed driveways is such that a traffic hazard is created on a through highway due to inadequate sight distance, the Planning Board may require an alternative lotting arrangement making use of a shared driveway or short access road which enters the through highway at a safe distance.

Section 330 Utilities

1. All gas, electric, telephone, sewer, and water lines shall be installed in accordance with the specifications of the agency, utility company, government authority or special district which has jurisdiction in the area.
2. Any public water or sewer system shall be installed at the expense of the developer.

Section 335 Lots

1. Dimensions. The size, width, and depth of lots shall comply with the provisions of the Town of Chazy Zoning Law.
2. Lots to be Buildable. There shall be a buildable area on each lot of sufficient size for a building and septic system. Such buildable area shall be free from such restrictions as wetlands, ponded or wet areas, floodplains, steep slope, rock outcrops, extremely shallow soils, and other conditions which would create difficulties for home construction or for sewerage treatment.
3. Shape. Extremely narrow lots shall be avoided. The average depth of a lot shall not be greater than four (4) times its average width.
4. Lot Lines. Side lot lines shall be approximately at right angles to the road or radial to curved roads. On large size lots and except when indicated by topography, lot lines should be straight.
5. Corner Lots. Lots for residential use shall have extra width to permit approximate building setback from and orientation to both roads.
6. 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 340 Unique and Natural Features

1. Unique physical features such as historic landmarks and sites, rock outcrops, hilltop lookouts, groups of mature trees, and similar features shall be preserved where possible. Also streams, lakes, and ponds shall be left unaltered and protected by easements. The Planning Board may require the provision of a green space buffer around such features.
2. Removal or damage to existing mature trees should be avoided to the extent practicable.

Section 345 Revegetation and Land Restoration

Areas on which vegetation has been destroyed or removed, excluding areas proposed for road surfaces or shoulders, driveways, building sites, or parking lots, shall be successfully revegetated or otherwise stabilized with structural measures to minimize the potential for soil erosion. All surfaces must be graded and restored so that no unnatural mounds or depressions are left. Original topsoil moved during construction shall be returned and stabilized by approved methods.

Upon completion of the final grading of any area, all revegetation and land restoration operations shall be accomplished within thirty (30) days.

Section 350 Retention Ponds

For subdivisions located near Lake Champlain or other surface waters, the Planning Board may require the provision of a stormwater retention pond or ponds in order to reduce pollution and siltation from stormwater runoff, both during the construction phase of the project and thereafter.

Section 355 Off-Site Stormwater Runoff

Off-site stormwater runoff shall not create damage or difficulty of downstream properties, nor shall it overload downstream culverts and other drainage facilities. Retention basins, drywells, 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 stormwater runoff and proposes sufficient structural measures to reduce adverse impacts of such runoff.

Section 360 Land Subject to Ponding or Flooding

Land subject to ponding or flooding, or otherwise deemed uninhabitable by the Planning Board, shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, unless improved in a manner satisfactory to the Planning Board to remedy such hazardous condition.

Section 365 Public Open Spaces and Pathways

In subdivisions of ten (10) or more lots, consideration shall be given to the provision of open space and recreation areas. The Planning Board may require that up to ten (10) percent of the total land area of the subdivision be designated as open space and recreation areas which would benefit residents of the subdivision.

Such open space or recreation areas may be made available by reservation of land for use of property owners within the subdivision by deed, covenant, or other sufficient legal arrangement.

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 Chairperson 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 410 Review Procedure

Subdivisions shall be processed in the following steps:

1. Sketch plan conference (optional)
2. Application for preliminary plat approval
3. Public hearing
4. Planning Board action on preliminary plat
5. Application for final plat approval
6. Public hearing (optional)
7. Planning Board action on final plat

Section 415 Sketch Plan Conference

The subdivider may request an appointment with the Planning Board for the purpose of reviewing a sketch plan. Upon such request, the subdivider shall be notified of the time, date, and the place that the Planning Board will meet to consider and review such sketch plan as it relates to the Comprehensive Plan, design standards, and improvement requirements. This meeting is intended to assist the subdivider in the planning and preparation of the preliminary or final plat to save both time and money in preparing maps and plans.

This step does not require formal application, fee, or filing with the Planning Board.

Section 420 Clinton County Health Department

Clinton County Health Department review is required for any subdivision containing five (5) or more lots. Early contact with this department is advised.

Section 425 Application for Preliminary Plat Approval

The subdivider shall file an application to approval of the Preliminary Plat on forms available from the Town Clerk accompanied by all documents specified in Article 5 herein. Such application shall be filed at least ten (10) days prior to the meeting at which it is to be considered by the Planning Board.

Section 430 Public Hearing for Preliminary Plat

Within forty-five (45) days of receipt of a complete application for preliminary plat approval the Planning Board shall conduct a public hearing. The subdivider shall attend the hearing. The hearing shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before the hearing. The Planning Board may further advertise the hearing in such manner as it deems appropriate, such as by mailing notice to all adjacent property owners.

Section 435 Action on Preliminary Plat

Within forty-five (45) days from the public hearing the Planning Board shall approve, with or without modifications, or disapprove the preliminary plat and state its 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 two copies shall be retained by the Planning Board.

Section 440 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. Before submission of the final plat or any portion thereof for formal approval, the subdivider must comply with this law and all requirements set forth by the Planning Board in their review of the preliminary plat, and any requirements of the Clinton county Health Department.

Section 445 Application for Final Plat Approval

The subdivider shall file an application for Final Plat approval on forms available from the Town Clerk, and accompanied by documentation as specified in Article 5 herein, to the Planning Board. Such application shall be submitted at least ten (10) days prior to the meeting at which it is to be considered by the Planning Board, and no later than six (6) months after the date of the preliminary play approval.

Section 450 Public Hearing for Final Plat

A public hearing shall be held by the Planning Board after a complete application is filed and prior to rendering a decision. This hearing shall be held within forty-five (45) days of the official submission date of the plat. The subdivider shall attend the hearing. The hearing shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before the hearing. The Planning Board may further advertise the hearing in such manner as it deems appropriate, such as by mailing notice to all adjacent property owners.

Section 455 Waiver of Public Hearing for Final Plat

The Planning Board may waive the public hearing for final plat if the final plat is in substantial agreement with the preliminary plat.

Section 460 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, or
2. In lieu of the completion of the improvements prior to final plat approval, furnish guarantee as provided in Article 6 this law.

Such guarantee shall not be required for shared driveways as provided pursuant to Sections 305 and 320 of this law.

Section 465 Action on Final Plat

The Planning Board shall by resolution conditionally approve, with or without modifications, disapprove, or grant final approval to the final plat within forty-five (45) days of the public hearing. If the public hearing has been waived pursuant to Section 455 above, the Planning Board shall act within forty-five (45) days of the official submission date of the final plat. The time in which the Planning Board must action on such plat may be extended by mutual consent of the subdivider and the Planning Board. The subdivider shall be notified of the final action of the Planning Board by mail within five (5) days. If disapproved, the grounds for disapproval shall be stated in the record of the Planning Board.

Section 470 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 Town Clerk. 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 be signed by said duly authorized officer of the Planning Board. Conditional approval of a final 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.

Section 475 Recording of Final Plat

The subdivider shall record the Final Plat, or section thereof, in the Office of the Clerk of Clinton County, NY within sixty (60) days after the date of approval; otherwise the plat shall be considered void and must again be submitted to the Planning Board for approval before recording in the Office of the Clerk of Clinton County, NY.

One opaque black line cloth print or acceptable substitute shall be filed in the office of the County Clerk, and one such print shall be provided to the Town Clerk.

Failure to make such a filing with the County Clerk will result in revocation of Planning Board approval of the Final Plat.

No building permits may be issued prior to the time that such a filing is made with the County Clerk.

Section 480 Filing of Plats in Sections

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.

In the event the owner shall file only a section of such approved plat in the office of the County Clerk within such sixty (60) 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 until the provisions of Section 265-a of the Town Law.

Section 485 Acceptance of Roads

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

ARTICLE 5: DOCUMENTS TO BE SUBMITTED

Section 510 Application for Preliminary Plat Approval

1. Name and address of subdivider and professional advisers, including license numbers and seals.
2. One (1) copy of the plat map to be submitted to the County Clerk drawn with ink on appropriate material, plus two (2) paper copies, drawn to a scale of not less than 1 inch = 100 feet.
3. Subdivision name, scale, north arrow, and date.
4. Subdivision boundaries.
5. Contiguous properties and names of owners.
6. Total acreage of subdivision and number of lots proposed.
7. Copy of tax map(s).

8. Existing restrictions on the use of land including easements, covenants, and zoning.
9. Water courses, marshes wooded areas, public facilities, and other significant physical features on or near the site.
10. Land contours at five (5) feet intervals, or other suitable indicators of slope.
11. Proposed lot lines with approximate dimensions and area of each lot.
12. 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.
13. 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 subbase, and the location of any underground cables.
14. The approximate location and size of all proposed waterlines, hydrants, and sewer lines, showing connection to existing lines.
15. Drainage plan, indicating profiles of lines or ditches and drainage easements on adjoining properties.
16. Preliminary designs for any bridges or culverts.
17. Grading and landscaping plans.
18. An actual field survey of the boundary lines of the tract, giving complete description by bearings and distances, 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.
19. Building types, approximate size, and cost.
20. A copy of all covenants or deed restrictions intended to cover all or part of the tract.
21. All parcels of land proposed to be dedicated to public use and the conditions of such use.
22. 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.
23. Any required fees.
24. A draft Environmental Impact Statement, if required.
25. Additional information as deemed necessary by the Planning Board.

Section 540

Final Plat

1. One (1) copy of the plat to be submitted to the County Clerk prepared by a licensed professional surveyor or engineer, drawn with ink on suitable material, plus two (2) copies. 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 ways, 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 of all straight lines; radii and length of the 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 true north point.
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. An approved Environmental Impact Statement, 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 subbase 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 550 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 610 Required Public Improvements

1. 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.
2. 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 extensions 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.

3. 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 620 Required Financial Security

If required by the Planning Board pursuant to Section 460 of this law, 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, traffic signs and signals, sidewalk, and other public improvements commonly required of applicants for subdivision plat approvals.

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 630 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 warranty period. The Town Board and 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 640 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 at work is satisfactorily completed.

Section 650 Staged Refunding of Financial Guarantees

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.

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 660 Acceptance of Required Public Improvements

When the project inspector, 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 670 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 (\$5,000.00) (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 710 Penalty Provisions

1. 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.
2. 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 720 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 Clinton County.

Section 730 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 judgement shall not affect, impair, or invalidate any other clause, sentence, paragraph, section, or part of this local law.

Section 740 Effective Date

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