

# Town of Plattsburgh Subdivision Regulations

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# ARTICLE I. Policy

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## § 1-1. Declaration of policy; title.

- A. Pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Plattsburgh is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the Clinton County and to conditionally approve preliminary plats within that part of the Town of Plattsburgh outside the limits of any incorporated city or village. It is declared by the Town Board to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient, and economical development of the Town. This means, among other things, that 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; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map, if such exists, and shall be properly related to the proposals shown on the Comprehensive Plan or other official plans and policy adopted by the Town that may apply to the land proposed to be subdivided, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of fire-fighting equipment to buildings; and that proper provision shall be made for open spaces for parks and playgrounds.
- B. In order that land subdivisions shall be made in accordance with this policy, these regulations are adopted, which shall be known as and which may be cited as the "Town of Plattsburgh Subdivision Regulations."

# ARTICLE II. Terminology

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## § 2-1. Definitions.

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

### **BOND**

A performance bond duly issued by a bonding or surety company approved by the Town Board with security acceptability to the Town Board or a performance bond duly issued by the developer-obligor accompany by security in the form of cash or certified check deposited with the Town Board in the full amount of obligation of public improvements as specified in the resolution of approval of the subdivision, and normally released upon completion of such public improvements.

### **BOULEVARD STREET**

A Local Street as defined by this code with the entrance and exits separated by a traffic island, and widened in accordance with these regulations to facilitate emergency ingress/egress.

### **CLUSTER SUBDIVISION DEVELOPMENT**

A development pattern in which proposed lots are proposed to be smaller than required by zoning and grouped or clustered, rather than spread evenly throughout a parcel as in conventional lot-by-lot development to be subdivided without loss of permitted density in accordance with applicable zoning regulations for the purposes of creating permanently conserved land on the parcel.

### **CODE ENFORCEMENT OFFICER**

A Town employee appointed by the Town Board and charged with the responsibility of administering and enforcing these Subdivision Regulations, as well as the Town of Plattsburgh Zoning Regulations, the New York State Uniform Fire Prevention and Building Code, as amended, and other related regulations. Reference to Code Enforcement Officer may be construed to include Code Enforcement Officer, Fire Inspector and the like where applicable.

### **COLLECTOR STREET**

A street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major street.

### **CROSS LOT DRAINAGE**

**Cross-lot drainage means a system of drainage in which water from one parcel drains across one or more other parcels prior to reaching a public street, or other storm drainage system.**

### **CRITICAL DRAINAGE STRUCTURE**

**A critical drainage structure is a stormwater conveyance that is required to pass the design storm and or will or may be associated with an area where there are known flooding problems and or if the drainage structure failed in any manner could potentially affect the health and welfare of people, property or local infrastructure.**

### **DEAD-END STREET OR CUL-DE-SAC**

A street or a portion of a street with only one vehicular traffic outlet.

### **DIAMETER AT BREAST HEIGHT (DBH)**

The diameter of the tree as measured from the highest point of the tree on the ground at 4.5 feet.

### **TOWN PLANNER**

A Town employee or qualified designee appointed by the Town Board and charged with the responsibility of serving the Town of Planning Board and/or the Town of Plattsburgh Zoning Board of Appeals in assisting with development applications and other powers as may be designated herein.

### **EASEMENT**

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

**ENGINEER OR LICENSED PROFESSIONAL ENGINEER**

A person licensed as a professional engineer by the State of New York.

**FEMA FLOOD MAPS**

Maps developed by the Federal Emergency Management Agency (FEMA) to provide official designations within a community in the United States for floodplains, floodways and other specific hazard areas and risk premium zones in terms of probability of flooding within any year.

**LOCAL STREET**

A street intended to serve primarily as an access to abutting properties.

**MAJOR SUBDIVISION**

Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five or more lots or any size subdivision requiring any new public or private street or extension of municipal facilities.

**MASTER OR COMPREHENSIVE PLAN**

A Comprehensive Plan, approved by the Town Board pursuant to §272-a of the Town Law, which indicates the general locations recommended for various functional classes of public works, places, and structures and for general physical development of the Town and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein. For the purposes of this regulation, Master or Comprehensive Plans shall also include other plans or official policies adopted by the Town Board that target special land use districts or create design guidelines that may be applicable to the property proposed to be subdivided.

**THE PROBABLE MAXIMUM FLOOD (PMF)**

The PMF is the flood (based upon the Probable Maximum Precipitation and the Probable Maximum Storm) that may be expected from the most severe combination of critical meteorological and hydrologic conditions that are reasonably possible in a particular drainage area. The PMF is as determined in accordance with the US Army Corps of Engineers Hydrologic Engineering Center “HMR52 Probable Maximum Storm (Eastern United States)”

**MINOR SUBDIVISION**

Any subdivision containing not more than four lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Comprehensive Plan, Official Map or Zoning Ordinance or these regulations.

**NEW YORK STATE ENVIRONMENTAL REVIEW ACT (SEQR)**

A section of New York State Law that requires review of the potential environmental project in accordance with procedures found in Title 6 Department of Environmental Conservation, Chapter IV General Regulations, Part 617., also known as “SEQR”

**OFFICIAL MAP**

The map established by the Town Board pursuant to §273 of the Town Law, showing streets, highways and parks and drainage, both existing and proposed.

**PLANNING BOARD OR BOARD**

The Planning Board of the Town of Plattsburgh, appointed by the Plattsburgh Town Board pursuant to the NYS Town Law, having such powers and duties as are set out in the NYS Town Law, in this law and as lawfully may be further provided by the Plattsburgh Town Board.

**TOWN PLANNING BOARD ENGINEER**

The duly designated Engineer of the Town of Plattsburgh appointed to review subdivision applications as required by this regulation.

**PRELIMINARY PLAT**

A drawing or drawings, clearly marked "preliminary plat," showing the layout of a proposed subdivision, as specified in these subdivision regulations, 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.

**PRIMARY STREET (TOWN CENTER)**

A street specified in the Town Center Smart Growth Plan intended to provide primary connecting across the Town Center and into the existing roads outside of the Town Center as shown on the Official Map of the Town of Plattsburgh.

**RESERVE STRIP**

A strip of land offered for dedication to the Town, which is normally not improved, but might be used to provide future vehicular access from a proposed subdivision to any neighboring property to improve connectivity and future circulation and the provision of emergency services at a future date when the neighboring property is developed.

**RIGHT OF WAY**

Any agreement that affects a strip of land provided on any property, ordinarily dedicated to the right of the municipality, a group or entity or any other persons named in the right of way to access or use the right of way as specified in the deed.

**SECONDARY STREET (TOWN CENTER)**

A street specified in the Town Center Smart Growth Plan intended to provide secondary access within the Town Center by connecting primary access road within the Town Center as shown on the Official Map.

**SITE PLAN**

That map or drawing and related information submitted for review by the Planning Board in accordance with the requirements and procedure specified in the Town of Plattsburgh Zoning Ordinance.

**SITE PLAN DEVELOPMENT**

A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

**SKETCH PLAN**

A sketch of a proposed subdivision showing the information specified herein to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the general form of the layout and objectives of these regulations, and would be subject to change based on additional information provided to the board.

**STREET**

Includes streets, roads, avenues, lanes or other trafficways, between right-of-way lines.

**STREET PAVEMENT**

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

**STREET WIDTH**

The width of right-of-way, measured at right angles to the center of the street.

**SUBDIVIDER**

Any person, firm, corporation, partnership, or association who shall file an application and lay out any subdivision, or cause to layout a subdivision, or part thereof, as defined herein, either for himself or others for approval under this regulation.

**SUBDIVISION**

The division of any parcel of land into two or more lots, blocks or sites, with or without streets or highways, and includes re-subdivision; provided, however, that this shall not apply to a lot line adjustment for which a waiver has been granted by the Planning Board pursuant to these subdivision regulations.

**SUBDIVISION PLAT OR FINAL PLAT**

A drawing, in final form, showing a proposed subdivision, containing all information or detail required by the law and by these regulations, to be presented to the Planning Board for approval and which, if approved, may be duly filed or recorded by the subdivider in the office of the County Clerk or Register.

**SURVEYOR**

A person licensed as a land surveyor by the State of New York.

**STORM WATER POLLUTION PREVENTION PLAN (SWPPP)**

A Plan meeting the requirements of the latest issuance of The New York State Department of Environmental Conservation (NYS DEC) SPDES general permit for stormwater discharges from construction activity, and meeting the requirements of the NYS DEC Stormwater Design manual and the NYS DEC Standards and Specifications for Erosion and Sediment Control, latest editions.

**TOWN CENTER SMART GROWTH PLAN**

Adopted in 2019, a plan affecting an area referred to as the “Town Center” as shown on the Official Map, and having specific goals in regards to creating areas that creates “sustainable growth” by creating efficiencies in land use patterns to reduce sprawl and create areas that are more conducive to efficient land use patterns and more affordable and livable community center.

**TOWN CENTER**

The Town Center is an area defined by the Town Center Smart Growth Plan adopted in 2019 and shown on the Official Map as an area where policies have been recommended and implemented in the Town Zoning Code.

# ARTICLE III. Application Procedure

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## § 3-1. Application required; information to be provided.

- A. Whenever any subdivision of land is proposed to be made and before any contract for the sale of or any offer to sell any lots in such subdivision or any part thereof is made and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply, in writing, for approval of such proposed subdivision in accordance with the following procedures.
- B. The application shall be submitted, signed and acknowledged by the legal owner of record or equitable contract owner(s) of all rights to the real property in the entire area to be included within the subdivision.
  - (1) If the subdivider is an individual, he/she shall set forth his/her name and residence.
  - (2) If the subdivider is a partnership, joint venture or other business entity, except a corporation, it shall set forth:
    - (a) The name and address of the business entity or partnership.
    - (b) The date established or created.
    - (c) Where created or established.
    - (d) The names and residences of all parties in interest, showing the nature and extent of the interest.
  - (3) If the subdivider is a corporation, it shall set forth the following:
    - (a) The name and address of the corporation.
    - (b) The date, place and method of incorporation.
    - (c) The name and residence of each officer.
    - (d) The name and address of the agent for service.
- C. The following additional information shall accompany each application.
  - (a) Proof of ownership of property proposed to be subdivided in the form of the latest filed deed.
  - (b) Affidavit of the Town Receiver of Taxes that payment of taxes on the property are current.
  - (c) The subdivider shall identify whether or not he/she has contracted for purchase of the property.
  - (d) The subdivider is not the owner, the subdivider shall also submit a letter from the legal owner authorizing the subdivider to proceed with the subdivision application.
  - (e) The name and address of the Professional Surveyor and/or Engineer preparing the subdivision map for the subdivider.
  - (f) All fees and escrow shall be paid in accordance with the adopted fee schedule prior to scheduling the proposed application on the Planning Board Agenda.
- D. All application materials and documents to be submitted shall be submitted as required in Article V herein, and shall include paper originals (hard copies) both full scale size and half scale size and copies along with digital format documents in such file formats as: Adobe Acrobat Reader pdf files or equivalent digital format appropriate for digital inspection and/or review.

## § 3-2. Sketch plan approval.

- A. Pre-submission of sketch plan required. Prior to submission to the Planning Board, the applicant shall submit all materials to the Planning Board office for review and comment to determine if sufficient information has been provided for an initial review and comment before the Board. The applicant shall submit three (3) copies for the purposes of this review, and the Planning Board office shall review and provide comments within 30 days submission. If the review of the pre-submission application has not been received within 30 days, the application shall be deemed to be complete.



- B. Submission for sketch plan approval to the Planning Board. At the conclusion of the pre-submission process outlined in A, any subdivider, prior to subdividing or re-subdividing land, shall submit an application for sketch plan subdivision approval to the Planning Board at least 21 business days prior to the regular meeting of the Board. Such submission shall include five (5) copies of a sketch plan approval package of the proposed subdivision, which shall comply with the requirements of Article V, § 5-1 for the purposes of classification and preliminary discussion. The sketch plan approval shall not be binding and shall allow the Planning Board to provide information to the subdivider regarding known information local to the subdivider that may affect the layout of the subdivision and provide general approval of the layout subject to further engineering design.
- B. Discussion of requirements and classification.
  - (1) The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection and similar aspects, as well as the availability of existing services and other pertinent information that shall be a requirement of the submission for formal approval.
  - (2) Classification of the proposed subdivision plan shall be made at this time by the Planning Board as to whether it is a minor or a major subdivision, as defined in these regulations. The Board may require, however, when it deems it necessary for protection of the public health, safety and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions. If the sketch plan is classified as a minor subdivision, the subdivider shall then comply with the procedure outlined in Article III, §3-4, §3-7 through 3-10, of these regulations. If it is classified as a major subdivision, the subdivider shall then comply with the procedures outlined in Article III, §3-5 through §3-10.
  - (3) Classification of the project under SEQRA. The Planning Board shall determine the classification of the proposed subdivision under SEQRA regulations under 6 NYCRR Part 617 and identify all involved agencies for the proposed action.
- C. Study of Sketch Plan. The Planning Board shall determine whether the proposed plan meets the purposes of these regulations and shall, where it deems it necessary, make specific recommendations, in writing, to be incorporated by the subdivider into the next submission to the Planning Board. If for any reason, the subdivider could not incorporate recommendations of the Planning Board in the design because of significant land constraints, the subdivider shall provide a statement in writing with the plans with the reasons why the recommendation could not be included with the formal application, whether it is classified as a minor or major subdivision.

### **§ 3-4. Approval of minor subdivision.**

- A. Application and fee.
  - (1) Within six months after classification of the conceptual site plan as a minor subdivision by the Planning Board, the subdivider shall submit an application for conceptual final approval of a subdivision plat. Unless an extension is approved by the Planning Board by resolution, failure to do so shall require resubmission of the sketch plan to the Planning Board for reclassification. The plat shall conform to the layout shown on the sketch plan, plus any recommendations made by the Planning Board. Said application shall also conform to the requirements listed in Article V, §5-2.
  - (2) A subdivider may seek one (1) six-month extension for the initial submission of the minor subdivision after the sketch plan has been discussed and conceptually endorsed by the Planning Board. The subdivider shall submit the request for the extension in writing.
  - (3) All applications for plat approval for minor subdivisions shall be accompanied by payment of the fee set forth in the schedule of fees established from time to time by resolution of the Town Board and on file in the offices of the Town Clerk and Town Planning Board.
- B. Number of copies. Five (5) paper copies of the proposed subdivision plat and other required materials as specified in Article V, §5-2, shall be submitted to the Planning Board prior to discussion at the Planning Board meeting and accompanied by a written response to comments received at the Sketch Plan review. Such submission shall be

accompanied by a digital copy of the submitted plans in PDF or similar digital format. All new submissions shall include an updated Part I EAF short form, if applicable.

- C. When officially submitted. The date of official submission of the subdivision plat shall reflect the date of which the application is deemed complete by the Planning Board or its appointed agents and accompanied by the required fee and all data required by Article V, §5-2, of these regulations. Should the Planning Board or its appointed agents determine that the proposed plat or application materials submission is incomplete, it shall be returned to the subdivider with the deficiencies noted.
- D. Subdivider to attend Planning Board meeting. The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the subdivision plat.
- E. Once an application has been deemed complete, the application shall be on file with the Planning Board and available for public inspection under the Freedom of Information Act (FOIA).
- F. Public hearing. A public hearing shall be held by the Planning Board as soon as reasonably possible, but within 62 days after, in the Planning Board's opinion, Board comments have been sufficiently addressed by the subdivider. Said hearing shall be advertised in a newspaper of general circulation in the Town at least five days before such hearing. Such public hearing does not guarantee that additional requests for changes or information will not be required from the subdivider, prior to finalizing the subdivision.
- G. Action on a minor subdivision plat
  - (1) The Planning Board shall, within 62 days from the date of the close of the public hearing, act to conditionally approve, conditionally approve with modification, disapprove, or grant final approval and authorize the signing of the subdivision plat. This time may be extended by mutual consent of the subdivider and the Planning Board, or if the subdivider has failed to provide requested information or address comments occurring as a result of information gained at the public hearing. Also, the time in which the Planning Board must act shall be automatically extended as required until the SEQR process has been completed. Failure of the Planning Board to act within such sixty-two-day period, except as noted above, shall constitute approval of the plat.
  - (2) Within five days of the resolution granting conditional final approval, the plat shall be certified by the Planning Board Chairman as having conditional final approval and a copy with the resolution stating the conditions shall be filed in the Planning Board Office. A certified copy shall be provided to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the final approved plat. Conditional final approval of a plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning 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, though not to exceed two additional periods of 90 days each.
  - (3) Upon granting conditional final approval, with or without modification to the plat, the Planning Board shall empower the Planning Board Chairman to sign the final approved plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional final approval, if in the opinion of the Planning Board Chairman, in consultation with the Town Planning Board Engineer, Town Planner and Code Enforcement Officer such plat meets the conditions of final approval and all requested documents and required permits have been obtained.
  - (4) In such case at the time of the close of the public hearing that there are no further comments on the subdivision plat that are required to be addressed, and in the opinion of the Planning Board that the public interest is best served with the final approval of such plat, and sufficient information has been submitted to evaluate the proposed action of the subdivision under SEQR, a negative declaration may be granted in accordance with 6 NYCRR Part 617. If the Planning Board finds that the applicant has made all requested modifications to the Plat and all required information has been submitted, the Planning Board shall be authorized to grant final approval of such subdivision after completing SEQRA.

### § 3-5. Preliminary plat for major subdivision.

- A. Application and fee.
  - (1) Prior to the filing of an application for the approval of a major subdivision plat, the subdivider shall file an application for the approval of a preliminary plat of the proposed subdivision. Such preliminary plat shall be clearly marked "preliminary plat" and shall be in the form described in Article V, § 5-3, of these regulations, except where a waiver may be specifically authorized by the Planning Board. The preliminary plat shall in all respects comply with the requirements set forth in the provisions of the §§ 276 and 277 of the Town Law and Article V, § 5-3, of these regulations, except where a waiver may be specifically authorized by the Planning Board.
  - (2) The application for approval of the preliminary plat shall be accompanied by a fee set forth in the schedule of fees established from time to time by resolution of the Town Board and on file in the offices of the Town Clerk and Planning Board.
  - (3) An application for a major subdivision shall be accompanied by a Part 3 EAF long form, prepared using the NYS DEC EAF mapper tool.
- B. Number of copies. Five (5) paper copies of the preliminary plat shall be submitted to the Planning Board prior to any formal discussion at the Planning Board Meeting and accompanied by a written response to comments received at the Sketch Plan review. Such submission shall be accompanied by a digital copy of the submitted plans in PDF or similar digital format.
- C. When officially submitted. The date of official submission of the proposed preliminary subdivision plat and application materials shall reflect the date of which the application is deemed complete by the Planning Board or its appointed agents and accompanied by the required fee and all data required by Article V, § 5-21, of these regulations. Should the Planning Board or its appointed agents determine that the plat submission is incomplete, it shall be returned to the subdivider with the deficiencies noted.
- D. Subdivider to attend Planning Board meeting. The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the preliminary plat.
- E. Study of preliminary plat. The Planning Board shall study the practicability of the preliminary plat, taking into consideration the requirements of the community and the best use of the lands being subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided and the requirements of the Comprehensive Plan, the Official Map and Zoning Regulations as applicable.
- F. Once an application has been deemed complete, the application shall be on file with the Planning Board and available for public inspection under FOIA.
- G. Approval of the preliminary plat.
  - (1) A public hearing shall be held by the Planning Board as soon as reasonably possible, but within 62 days after, in the Planning Board's opinion, Board and advisor comments have been sufficiently addressed by the subdivider. The Planning Board shall hold a public hearing, which hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. In addition, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing, and the provision of such information shall automatically extend the timeline for preliminary approval.
  - (2) Within 62 days after the date of the close of the public hearing, the Planning Board shall approve with or without modification or disapprove such preliminary plat, and the grounds of a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. 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. Also, the time in which the Planning Board must take action shall be automatically extended as

required until the SEQR process has been completed. When so approving a preliminary plat, the Planning Board shall state, in writing, modifications, if any, as it deems necessary for submission of the plat in final form. Within five days of the approval of such preliminary plat, it shall be signed by the Planning Board Chairman as being granted preliminary approval and a copy filed in the Planning Board office and a copy of the resolution shall be mailed to the owner. Failure of the Planning Board to act within such sixty-two-day period, except as noted, shall constitute approval of the preliminary plat.

- (2) When granting approval to a preliminary plat, the Planning Board shall state the terms of such approval, if any, with respect to the modifications to the preliminary plat; the character and extent of the required improvements for which waivers may have been requested and which, in its opinion, may be waived without jeopardy to the public health, safety, morals and general welfare; and the amount of improvement or the amount of all bonds therefor which it will require as prerequisite to the approval of the subdivision plat. Approval of a preliminary plat shall not constitute approval of the final subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the final plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations.
- (3) The Planning Board shall be authorized to waive Preliminary Approval of an application, and grant Final Conditional Approval of a major subdivision, provided that the following conditions are met:
  - (i) The applicant is in conformance with written conditions and Board recommendations imposed by the Sketch Plan.
  - (ii) There are no site constraints that required approval from NYSDEC or ACOE.
  - (iii) The applicant has provided a draft SWPPP, and the Town Engineer is in agreement that the SWPPP is in substantial conformance with State and Local Laws.
  - (iv) The applicant has received conceptual approval of utility connections from the County Health Department.
  - (v) Road connections proposed to serve the subdivision connect to established public rights of way.
  - (vi) The action is determined to be an Unlisted Action in accordance with definitions in NYCCR Part 617, and the action does not require the study of the environmental impacts through an environmental impact statement and the board can close the environmental review with a negative declaration.

Upon granting conditional approval, with or without modification to the plat, the Planning Board shall empower the Planning Board Chairman to sign the final approved plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional final approval, if in the opinion of the Planning Board Chairman, in consultation with the Town Planning Board Engineer, Town Planner and Code Enforcement Officer such plat meets the conditions of final approval.

### **§ 3-6. Final Subdivision plat for major subdivision.**

- A. Application for final approval. The subdivider shall, within six months after the approval of the preliminary plat, file with the Planning Board an application for approval of the subdivision plat in final form, accompanied by a filled application form as required, and a narrative response addressing all conditions of approval. All applications for plat approval for major subdivisions shall be accompanied by the fees and escrow established from time to time by resolution of the Town Board and on file in the office of the Town Clerk and the Planning Board Office. If the final plat is not submitted within six months after the approval of the preliminary plat, the Planning Board may grant up to two (2) 6-month extensions of the original approval, for a total of an additional one (1) year, or refuse to approve the final plat and require resubmission of the preliminary plat. In addition to the fees set forth above, the subdivider shall pay into a required escrow for all costs required for review of the subdivision plat and all fees for inspection of the project.
- B. Number of copies. A subdivider intending to submit a proposed subdivision plat for the approval of the Planning Board shall provide the Planning Board Office with a copy of the application and five (5) copies; the original and one true copy of all offers of cession, covenants, and agreements; and three (3) prints of all construction drawings.

- C. When officially submitted. The date of official submission of the proposed preliminary subdivision plat and application materials shall reflect the date of which the application is deemed complete by the Planning Board or its appointed agents and accompanied by the required fees and all data required by Article V of these regulations. Should the Planning Board or its appointed representative determine that the plat submission is incomplete, it shall be returned to the subdivider with the deficiencies noted.
- D. Endorsement of state and county agencies.
  - (1) Water and sewer facility proposals contained in the subdivision plat shall be properly endorsed and approved by the Clinton County Department of Health and, where applicable, the New York State Department of Environmental Conservation. Applications for approval of plans for sewer, water, or stormwater coverage will be filed by the subdivider with all necessary Town, county and state agencies. Endorsement and approval by the Clinton County Department of Health and, where applicable, the New York State Department of Environmental Conservation shall be secured by the subdivider before final approval of the subdivision plat.
  - (2) For subdivisions which are not under the jurisdiction of the Clinton County Health Department, on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the Clinton County Health Department, and a note to this effect shall be stated on the plat and signed by a licensed engineer.
- E. Public hearing. Within 62 days of the submission of a complete plat in final form for approval, a hearing shall be held by the Planning Board. This hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing; provided, however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under §3-5 of this article and modified in accordance with requirements of such approval, the Planning Board may waive the requirement for such public hearing.
- F. Action on proposed subdivision plat. The Planning 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 62 days after the date of such hearing. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure to take action on a final plat within the time prescribed therefor shall be deemed approval of the plat. Upon resolution of conditional approval of such final plat, the Planning Board shall empower a duly authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution.
- G. The copy of the resolution mailed to the subdivider shall include a 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 Planning Board. The subdivider shall provide three (3) Mylar copies of the final subdivision layout once the final plat has been deemed consistent with all approvals. Within five days of such submission, the plat shall be reviewed and certified by the Town Planner and/or Town Planning Board Engineer as conditionally approved or returned with a list of requested changes. If approved without changes, an official copy of the plat shall be filed in his/her office and a copy of the resolution shall be mailed to the subdivider, and the subdivider shall submit (3) Mylar copies for signing. Conditional approval of a final plat shall expire 180 days after the date of the resolution granting final approval, unless the requirements have been certified as completed within that time. The Planning 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 additional periods of 90 days each.

### **§ 3-7. Required improvements for all Subdivision Plats.**

- A. Improvements and performance bond. Before the Planning Board grants final approval of the subdivision plat, the subdivider shall follow the procedure set forth in either Subsection A(1) or (2) below:
  - (1) In an amount set by the Planning Board, the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements, or the subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Consolidated Laws of New York, Chapter 62, Article 16, § 277 of the Town Law and further shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond, within which time required improvements must be completed.

- (2) The subdivider shall complete all required improvements in accordance with the Town of Plattsburgh Subdivision Regulations and Design and Construction Standards and to the satisfaction of the Town Planning Board Engineer and Town Planner, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board. After all required improvements have been deemed completed, the Bond shall be held for a period of 12 months, and released if there are no damages to infrastructure at that time. Any such bond or money held in escrow shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety.
  - (3) The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Highway Superintendent, Water & Wastewater Director, Supervisor of Buildings & Grounds and Town Planner and a survey map, prepared by a licensed surveyor has been submitted to the Planning Department indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to Subsection A(2), then said map shall be submitted prior to endorsement of the plat by the authorized Planning Board representative. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in Subsection A(1), such bond shall not be released until such a survey map is submitted.
- B. Modification of design of improvements. If, at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the Town Planner that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Planner may, authorize modifications, provided that these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Town Planner shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board for review and filing.
- C. Inspection of improvements. All required improvements shall be inspected as detailed in this regulation in Article VIII, General Provisions.
- D. Proper installation of improvements.
- (1) If the Town Planner or Designated Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with the Design and Construction Standards and the plans and specifications filed by the subdivider, he shall so report to the Town Planning Board. The Planning Board then shall notify the subdivider and, if necessary, the bonding company and take all necessary steps to preserve the Town's rights under the bond. No plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plat.
  - (2) An escrow account shall be established to pay for the fees and/or costs incurred by the Town for construction and inspection of improvements.

### **§ 3-8. Filing of approved subdivision plat.**

- A. Final approval and filing. Upon completion of the requirements in §§ 3-6 and 3-7 above and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the duly designated officer of the Planning Board and may be filed by the subdivider in the office of the County Clerk. Any subdivision plat not so filed or recorded within 30 days of the date upon which such plat is approved or considered approved, unless the reason is because of the failure of the Planning Board or its appointees to act, shall become null and void.
- B. 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 Planning Board and endorsed in writing on the plat, unless said plat is first resubmitted to the Planning Board and such Board approves any modifications. If any such subdivision plat is recorded without complying with this requirement, the subdivision plat shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

### **§ 3-9. Public streets and recreation areas.**

- A. Public acceptance of streets. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement or other open space shown on such subdivision plat.
- B. Ownership and maintenance of recreation areas.
  - (1) When a park, playground or other recreation area shall have been shown on a plat, the approval of said plat shall not constitute an acceptance by the Town of such area. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the subdivider and the Town Board covering future deed and title, dedication, and provision for the cost of grading, development, equipment and maintenance of any such recreation area.

### **§ 3-10. Consultant review fees.**

The Planning Board may require a subdivider for any review, permit or approval to deposit in escrow, an amount established by the Planning Board to pay for the fees and/or costs of any engineer, consultant or attorney designated by the Planning Board to review such application. The fees and/or costs charged by such engineer, consultant, or attorney in connection with such review shall be reimbursed by the Town by the subdivider, or shall be charged against the sum deposited in escrow if any outstanding balances exist prior to release of the bond.

# ARTICLE IV. General Requirements

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## § 4-1. Requirements to be minimum standards.

In considering applications for the subdivision of land, the Planning Board shall be guided by the general subdivision requirements set forth hereinafter. Said general subdivision requirements shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article VI herein.

## § 4-2. General provisions.

- 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. Subdivisions shall conform to the Official Map of the Town and shall be in harmony with the adopted Comprehensive Plan and when applicable, the Town Center Smart Growth Plan.
- C. Conformity to Zoning required. Unless granted a zoning variance, all property subdivided under this subdivision regulation shall conform to the most recent adopted Town of Plattsburgh Zoning Ordinance.
- D. Specifications for required improvements. All required improvements shall be constructed or installed to conform to all construction and design standards specified herein.

## § 4-3. Layout of Streets.

- A. Width, location, and construction. Streets shall be of sufficient width, suitably located and adequately constructed to conform to the Road Standards as specified herein and in Design Specifications and the Plattsburgh Zoning Code. In addition, roads shall be laid out to accommodate the prospective traffic and afford access for fire-fighting, snow removal and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated to compose a convenient system of roads that can be used and maintained.
- B. Arrangement. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers and water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.
- C. To facilitate the transition between areas outside the Town Center into the areas designated as part of the future Town Center, the Planning Board shall have the authority to modify the minimum standards (width, features, and area of dedication to proposed roads and streets within 500 feet of any street build in accordance with street layouts required in the Town of Plattsburgh zoning code in the Section entitled "Town Center Zoning," which features a map of the street types and general standards to be provided within the Town Center Zoning.

## §4-4. Layout of streets within the Town Center

- A. When developing projects, provisions for primary roadways shall be provided at a minimum, as shown on the Official Map for the Town of Plattsburgh, with preferred layouts following the layout within the Town Center entitled "Future Streets Map" and Street featuring street types 1 through 6 as shown on said map, adopted as an addendum to the Zoning Code of the Town of Plattsburgh, known as "The Town Center Zoning." While the exact alignment may vary from the Official Map, projects shall consider adjoining properties, how future connections may align, and how goals will be met in the Development of Streets in accordance with the "Future Street Map. An adequate amount of land area shall be designated for said future use if a waiver from the features is permitted because of lack of safe connection across other properties.

## §4-5 General Layout

- A. Local streets shall be so laid out that their use by through traffic will be discouraged.



- B. Special treatment along major arterial streets. When a subdivision abuts or contains an existing or proposed major arterial street, the Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- C. Provision for future re-subdivision. Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in these regulations.
- D. Dead-end or looped streets. The creation of dead-end or looped residential streets shall be discouraged and shall be limited to 600 feet. Dead-end or loop streets in excess of 600 feet may be allowed by the Board up to 1,200 feet with a boulevard type road entrance/exit. Dead-end or looped streets may be allowed wherever the Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end or looped streets, where needed or desirable, the Board may require an extension of the right-of-way to provide for future road connections, continuation of pedestrian traffic, and utilities to the next street. Subdivisions containing 20 lots or more shall have at least two street connections with existing public streets or streets shown on the Official Map, if such exists, or streets on an approved subdivision plat for which a bond has been filed. Water distribution mains shall be looped to avoid dead-end conditions.
- E. Block size. In general, no block width shall be less than twice the normal lot in depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a thirty-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic, where needed or desirable, and may further specify, at its discretion, that an accessible pedestrian footpath with a minimum width of 5 feet be provided.
- H. Intersections with collector or major arterial roads. Local or secondary street openings into such roads shall, in general, be at least 500 feet apart.
- I. Street jogs. Street jogs with center-line offsets of less than 125 feet shall be prohibited.
- J. Angle of intersection. In general, all streets shall join each other so that, for a distance of at least 100 feet, the street is approximately at right angles to the street it joins. If determined to be not feasible by reason of topography or other site constraints, intersections shall be provided with acceptable site distances and traffic controls to facilitate safe turning movements at the proposed street intersection.
- K. Relation to topography. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so that finished floor elevations are above the grade of the streets by a minimum of 18". Grades of streets shall conform as closely as possible to the original topography.
- L. Other required streets. Where a subdivision borders on or contains a railroad right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land (such as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- M. Utilities in streets. All utilities shall be placed underground unless a waiver is granted by the Planning Board. The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for each required utility before the street is paved.
- N. Utility easements. Where topography is such as to make impractical the inclusion of utilities within the street rights-of-way, perpetual unobstructed easements at least 30 feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.
- O. Watercourses. Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Town Planning Board Engineer.

- P. Free flow of vehicular traffic abutting commercial developments. In front of areas zoned and designed for commercial use or where a change of zoning to a zone which permits commercial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles and to provide adequate and safe parking space for such commercial or business district.
- Q. Sidewalks and bicycle lanes/paths outside the Town Center. Unless determined not to be appropriate by the Planning Board, provision shall be made for sidewalks and bicycle lanes/paths. All Bike paths shall be designed to extend the paths that are planned within the Town Center as much as practicable.

#### **§ 4-6. Street names.**

- A. Type of name. All street names shown on a preliminary plat or subdivision plat shall be approved by the Town Board. In general, streets shall have names and not numbers or letters.
- B. Names to be substantially different. Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street should change direction by more than 90° without a change in street name.

#### **§ 4-7. Lots.**

- A. Lots to be buildable. The lot arrangement shall be such that, in constructing a building in compliance with the Town of Plattsburgh Zoning Ordinance, and in the Planning Board's opinion, there will be no foreseeable difficulties for reasons of topography or other natural conditions to impede reasonable development of the lots. Furthermore, lots proposed to be served by private wells, a private septic, or on-site stormwater systems shall be required to demonstrate the feasibility of the establishment of the system on site through the use of test pits conducted and witnessed by the Town Planning Board Engineer or his appointees.
- B. Side lot lines. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless granted a waiver by the Planning Board from this rule to provide a better overall street or subdivision layout.
- C. Corner lots. In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building unless waived by the Planning Board.
- D. Driveway access. Driveway access and grades shall conform to specifications contained in Road Standards as specified herein and in Design Specifications and the Plattsburgh Zoning Code.
- E. Access from private roads/driveways. Access from private roads/ driveways shall be deemed acceptable only if such roads/driveways are designed and improved in accordance with applicable regulations contained herein and contained as specified herein and in Design Specifications and the Plattsburgh Zoning Code.
- F. Monuments and lot corner markers. Permanent granite stone or reinforced concrete monuments shall be set at such block corners, angle points, points of curves in streets and other points as the Town Planning Board Engineer may require. Their location shall be shown on the subdivision plat.

#### **§ 4-8. Drainage improvements.**

- A. Removal of spring- and surface water. The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible or in perpetual unobstructed easements of appropriate width.
- B. Drainage structures. Drainage structures shall be designed in accordance with regulations for New York State Stormwater Pollution and Protection Plans (SWPPP) and shall be reviewed and approved by the Town Planning Board Engineer as well as any other applicable Town or State Agency. The subdivider and Planning Board shall take in account the need to size the drainage structures to account for all reasonable development potential of the site, if portions of the site will have remaining development potential after the subdivision is approved.
- C. Responsibility for drainage downstream. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision, and this study shall be reviewed by the Town Planning Board Engineer. Where it is anticipated that the additional runoff incident to the development of

the subdivision will overload an existing downstream drainage facility, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.

- D. Drainage structures critical to the SWPPP shall be protected by easement and offered to the Town for dedication when not included as part of the road infrastructure, in which case, all drainage infrastructure for publicly dedicated roads shall be offered for dedication with roads. The Town shall have the option of establishing a drainage district and assess a fee in the event that drainage structures critical to the functioning of the approved SWPPP are in need of repair and require funding to recover costs of repair.
- E. Cross-lot drainage is prohibited, unless deemed unavoidable by the Planning Board after examination of the alternatives to provide individual lot stormwater drainage attenuation. In such case when it has been deemed necessary, and easement shall be dedicated to the Town so that corrective action can be taken if the drainage way has been filled.
- F. Land subject to flooding. The subdivider shall show the areas of 100-year and 50-year flooding on the Subdivision Map, as shown on FEMA maps. Land subject to flooding or land deemed by the Planning Board to be uninhabitable 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, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or be improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions. In no case shall a home or accessory uses be built within the 50-year FEMA flood plain.
- G. In such cases where areas to be developed have a known potential to be subject to severe flooding, the Planning Board shall be authorized to require the subdivider to calculate the 50 year flooding zone based on the Probable Maximum Flood (PMF) calculation as defined in this chapter.

#### § 4-7. Parks, open spaces and natural features.

- A. Recreation areas shown on the plan. Where a proposed park, playground or open space shown on the Town Plan is located in whole or in part in a subdivision, the Board shall require that such area or areas be shown on the plat in accordance with the requirements specified in Subsection B below. Such area or areas may be dedicated to the Town or county by the subdivider if the Town Board approves such dedication.
- B. Parks and playgrounds not shown on Town Plan.
  - (1) For subdivisions of 100 or more lots, the Planning Board shall require that the plat show sites of a character, extent and location suitable for the development of a park, playground or other recreation purpose. The Planning Board may require that the developer satisfactorily grade and make required improvements of any such recreation areas shown on the plat.
  - (2) The Board shall require that no less than three acres of recreation space be provided per 50 dwelling units shown on the plat. To further the goal of establishing three acres of recreation space per 50 dwelling units, the Planning Board shall have the discretion to require a proportionate amount of recreation space for subdivisions of fewer than 50 dwelling units. Such area or areas may be dedicated to the Town by the subdivider if the Town Board approves such dedication. Appropriate legal conditions will be attached to ensure that such land can never be developed for other than recreational purposes.
  - (3) If the proposed subdivision is less than 50 lots, or if it is not feasible to provide recreational land within the proposed subdivision of any size, the subdivider shall have the option of developing a park or playground outside the development on property that the subdivider controls with approval from the Planning Board, as long as the land is within 1000 feet of the proposed subdivision and the Planning Board determines that residents of the proposed subdivision could reasonably walk to the property.

Alternatively, the Planning Board may require a fee in lieu of recreational land to be paid on a per lot basis if land is not available. All such payments shall be held by the Town Board, to be used for the acquisition or improvement of land that is suitable for permanent park, playground or other recreational purposes.

- C. Information to be submitted. In the event that an area to be used for a park or playground is required to be so shown, the subdivider shall submit, prior to final approval, to the Board three prints [one on Mylar] drawn in ink showing, at a scale of not less than 30 feet to the inch, such area and the following features thereof:
- (1) The boundaries of said area, giving lengths and bearings of all straight lines and radii, lengths, central angles and tangent distances of all curves.
  - (2) Existing features such as brooks, ponds, clusters of trees, rock outcrops and structures.
  - (3) Existing and, if applicable, proposed changes in the grade and contours of said area and of areas immediately adjacent.
  - (4) Location of any improvements or equipment proposed to be installed for public use.
- D. Preservation of natural features. The Planning Board shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and falls, beaches, historic spots, vistas and similar irreplaceable assets. All trees in areas to be disturbed with diameters of eight (8) inches or more as measured, diameter at breast height (DBH) shall be shown on the subdivision plan. No tree with a diameter of eight inches DBH or more shall be removed unless such tree is within the right-of-way of a street or grading limit line as shown on the final subdivision plat. Removal of additional trees shall be subject to the approval of the Planning Board. In no case, however, shall a tree with a diameter of eight inches or more DBH, be removed without prior approval of the Planning Board.

# ARTICLE V. Documents to be Submitted

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## § 5-1. Sketch plan.

The sketch plan initially submitted to the Planning Board shall be based on Tax Map information or some other similarly accurate base map at a scale, preferably not less than 200 feet to the inch, to enable the entire tract to be shown on one sheet. The sketch plan shall be submitted, showing the following information:

- (1) The location of that portion which is to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection.
- (2) All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet.
- (3) The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
- (4) The Tax Map sheet, block and lot numbers, if available.
- (5) All the utilities available and all streets which are either proposed, mapped or built.
- (6) The proposed pattern of lots (including lot width and depth), street layout, recreation areas, proposed areas of planned for drainage, sewerage and water supply within the subdivided area.
- (7) A topographic map, showing topography at five-foot intervals shall be provided.
- (8) A soils map overlay shall be provided with appropriate soils descriptions and USDA Natural Resources Conservation Service web soil survey report.
- (9) All existing restrictions on the use of land, including easements, covenants, or zoning lines.
- (10) All known wetlands designated by the Army Corps of Engineers and NYDEC.
- (11) 100- and 50-year floodplains as identified by FEMA Flood Plain Maps.
- (12) A zoning table comparing the existing bulk requirements and proposed conditions of each lot.

## § 5-2. Minor subdivision plat.

- A. In the case of minor subdivision only, the subdivision plat application shall include the following additional information:
  - (1) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
  - (2) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments and shall be referenced and shown on the plat.
  - (3) The proposed subdivision name, the name of the Town and County in which it is located, the date, the true North point, the scale, the name and address of the record owner, the subdivider and the engineer or surveyor, including license number and seal.
  - (4) The proposed lot lines with approximate dimensions and area of each lot.
  - (5) The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
  - (6) All proposed on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the Rensselaer County Department of Health, and a note to this effect shall be stated on the plat and signed by a licensed engineer. This requirement may be waived for lots greater than 10 acres in size which are not to be used for building purposes.

- (6) The plat to be filed with the County Clerk shall conform to the requirements of the County Clerk's office.
  - (8) A zoning table comparing existing bulk requirements proposed conditions for each proposed lot.
  - (9) If applicable, all parcels of land proposed to be dedicated to public use and the conditions of such dedication.
  - (10) The location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas, and other significant existing features for the proposed subdivision and adjacent property.
  - (11) The location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and directions of flow.
  - (12) Contours with intervals of five feet, including elevations on existing roads and a grading plan with proposed contours.
  - (13) All trees in areas to be disturbed with diameters of eight (8) inches or more as measured, diameter at breast height (DBH) above the base of the trunk shall be shown.
  - (14) The width and location of any streets or public ways or places shown on the Official Map or the Master Plan, if such exists, within the area to be subdivided and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
  - (15) The approximate location and size of all proposed waterlines, valves, hydrants and sewer lines and fire alarm boxes; connections to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law; and profiles of all proposed water- and sewer lines.
  - (16) A storm drainage plan indicating the approximate location and size of proposed lines and their profiles and connection to existing lines or alternate means of disposal. The subdivider shall be required to submit only three (3) copies of the A Storm Water Pollution Prevention Plan (SWPPP) shall accompany the submittal.
  - (17) Plans, construction details, profiles and cross sections showing the proposed location and type of sidewalks, street lighting specifications, street trees, curbs, water mains, sanitary sewers and storm drains and the size and type thereof, the character, width and depth of pavements and subbase and the location of manholes, basins and underground conduits.
  - (18) The preliminary design of any bridges or culverts which may be required.
- B. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 feet to the inch, showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract, shall be submitted. The part of the subdivider's entire holding submitted shall be considered in light of the entire holdings, even if current plans submitted are for approval of part of the subdivision.
- C. If applicable, a soil survey, including field test pits, or borings and infiltration tests as may be required and analysis as approved by the Town Planning Board Engineer. Soils test pits or borings shall be of suitable depths for the proposed project and shall be at the following minimum rates:
- a. Building Lots: one for every five building lots proposed if all lots are identified as being within the same soil classification;
  - b. Roadway and utility alignments: one for every 500 feet roadway or alignment proposed.
  - c. All areas: Additional tests/borings as determined necessary by the Planning Board Engineer.
  - d. A Part I EAF (Short Form), prepared using the NYSDEC online EAF Mapper, unless required by the Planning Board to submit a Part I EAF (Long Form) using the NYSDEC online EAF Mapper after initial review of the application.

### § 5-3. Major subdivision preliminary plat and accompanying data.

The following documents shall be submitted for approval:

- A. Five (5) copies of the preliminary plat prepared at a scale of not more than 100 feet but preferably not less than 50 feet to the inch, show:
  - (1) The proposed subdivision name, the name of the Town and county in which it is located, the date, the true North point, the scale, the name and address of the record owner, the subdivider and the engineer or surveyor, including license number and seal.
  - (2) The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
  - (3) The zoning district, including exact boundary lines of the district, if more than one district and any proposed changes in the zoning district lines and/or the Zoning Law text applicable to the area to be subdivided.
  - (4) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
  - (5) The location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas, and other significant existing features for the proposed subdivision and adjacent property.
  - (6) The location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and directions of flow.
  - (7) Contours with intervals of two feet, including elevations on existing roads and a grading plan with proposed contours.
  - (8) A zoning table comparing existing bulk requirements and proposed conditions for each proposed lot.
  - (8) All trees in areas to be disturbed with diameters of eight (8) inches or more as measured, diameter at breast height (DBH) above the base of the trunk shall be shown.
  - (9) The width and location of any streets or public ways or places shown on the Official Map or the Master Plan, if such exists, within the area to be subdivided and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
  - (10) The approximate location and size of all proposed waterlines, valves, hydrants and sewer lines and fire alarm boxes; connections to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law; and profiles of all proposed water- and sewer lines.
  - (11) A storm drainage plan indicating the approximate location and size of proposed lines and their profiles and connection to existing lines or alternate means of disposal. The subdivider shall be required to submit only three (3) copies of the A Storm Water Pollution Prevention Plan (SWPPP) shall accompany the submittal.
  - (12) Plans, construction details, profiles and cross sections showing the proposed location and type of sidewalks, street lighting specifications, street trees, curbs, water mains, sanitary sewers and storm drains and the size and type thereof, the character, width and depth of pavements and subbase and the location of manholes, basins and underground conduits.
  - (13) The preliminary design of any bridges or culverts which may be required.
  - (14) The proposed lot lines with approximate dimensions and area of each lot.
  - (15) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 30 feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision plat or the Official Map.
  - (16) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments and shall be referenced and shown on the plat.

- (17) A soil survey, including field test pits, or borings and infiltration tests as may be required and analysis as approved by the Town Planning Board Engineer. Soils test pits or borings shall be of suitable depths for the proposed project and shall be at the following minimum rates:
  - e. Building Lots: one for every five building lots proposed if all lots are identified as being within the same soil classification;
  - f. Roadway and utility alignments: one for every 500 feet roadway or alignment proposed.
  - g. All areas: Additional tests/borings as determined necessary by the Planning Board Engineer.
- B. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 feet to the inch, showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract, shall be submitted. The part of the subdivider's entire holding submitted shall be considered in light of the entire holdings, even if current plans submitted are for approval of part of the subdivision.
- C. As part of the application, the subdivider shall include a copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- D. Other consistent with SEQR environmental assessment form as applicable. At a minimum, the subdivider shall submit a Full Environmental Assessment Form prepared using the New York Department of Environmental EAF Mapper tool.
- E. The form of documents to be submitted shall be as paper originals (hard copies) both full scale size and half scale size and copies along with digital format documents in such file formats as: Adobe Acrobat Reader pdf files, AutoCAD dwg files, and other geographic information system (GIS) file formats as may be deemed appropriate by the Planning Board in consultation with the Planning Board Engineer.

#### **§ 5-4. Major subdivision final plat and accompanying data.**

The following documents shall be submitted prior to requesting final plat approval:

- A. The plat to be filed with the County Clerk shall comply with the requirements of the County Clerk's office. The plat shall show:
  - (1) The proposed subdivision name or identifying title and the name of the Town and county in which the subdivision is located, the name and address of the record owner and subdivider and the name, license number and seal of the licensed land surveyor.
  - (2) Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
  - (3) Sufficient data acceptable to the Town Planning Board Engineer to determine readily the location and bearing length of every street line, lot line and boundary line and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the state system of plane coordinates and in any event should be tied to reference points previously established by a public authority.
  - (4) The length and bearing of all straight lines, radii, length of curves and central angles of all curves and tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true North point.
  - (5) The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.
  - (6) All offers of cession and any other covenants governing the maintenance of any open space not offered to the Town shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.



- (7) Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.
  - (8) Permanent reference monuments shall be shown and shall be constructed in accordance with specifications of the Town Planning Board Engineer. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Town Planning Board Engineer and their location noted and referenced on the plat.
  - (9) All lot corner markers shall be permanently located satisfactorily to the Town Planning Board Engineer, at least 3/4 inch (if metal) in diameter and at least 24 inches in length and located in the ground to existing grade.
  - (10) Monuments of the type approved by the Town Planning Board Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided and at all street intersections, angle points in street lines, points of curve and such immediate points as shall be required by the Town Planning Board Engineer.
  - (11) If grades exceed 5% or portions of the site are susceptible to erosion, flooding or ponding, a soils overlay map and a topographic map, showing contour intervals of not more than two feet of elevation, shall be provided. In all other instances, unless otherwise requested, topography at five-foot intervals shall be provided.
- B. Construction drawings, including plans, profiles and typical cross sections, as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and subbase, manholes, catch basins and other facilities.
  - C. A letter of compliance and approval by the Town Planner or Designated Engineer.
  - D. The form of documents to be submitted shall be as paper originals (hard copies) both full scale size and half scale size and copies along with digital format documents in such file formats as: Adobe Acrobat Reader pdf files, AutoCAD dwg files, and other geographic information system (GIS) file formats as may be deemed appropriate by the Planning Board in consultation with the Planning Board Engineer.

# ARTICLE VI. Waivers

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## § 6-1. Waiver for special circumstances.

Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is 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, provided that such waiver will not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive of the Town of Plattsburgh or the Town of Plattsburgh Zoning Law or any other official plans adopted by the Town. In granting waivers, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

## § 6-2. Waiver for lot line adjustment.

- A. A subdivider may request that the subdivision review process be waived when a proposed subdivision:
  - (1) Would not create an additional lot; and
  - (2) A lot otherwise in conformance with the minimum Town zoning requirements would not be rendered nonconforming by virtue of the proposed action; and
  - (3) Either of the following conditions is satisfied:
    - (a) The action involves a modification of an existing lot line; or
    - (b) The action involves the conveyance and merger of a portion of one parcel to an adjoining parcel.
- B. To request such a waiver, the subdivider shall submit a waiver application, a sketch plan and a narrative explaining the proposed action to the Planning Department and pay the required fee. A survey map showing the adjustment shall also be required as part of the application. The survey shall show, at a minimum, locations of any buildings, driveway, wells, sanitary septic systems, wetlands and elevations represented every 5 feet, and locations of zoning setback lines, and a zoning table to demonstrate compliance.
- C. Upon submission of a complete application, the Planning Department shall review such application and shall either approve the application or require an application to be submitted before the Planning Board. Approval of the waiver may be granted when the Planning Department determines that the lot line change would not affect essential characteristics of the neighborhood, adversely impact the health safety and welfare of residents, nor require any variances. At such time, the Planning Department shall refer the subdivider to the Planning Board for final approval. No public hearing shall be required, and the Planning Board Chairman shall be authorized to certify the final plat
- D. If the Planning Department denies the request for the waiver, the reasons for denial shall be set forth in the minutes, and the subdivider may proceed with the minor subdivision review process as set forth in this Chapter.

## 6-3. Waiver for Cluster Subdivision Layout.

The Planning Board is hereby authorized to Grant a waiver for Cluster Subdivision in accordance with Section 278 of the State of NY Town Law.

# ARTICLE VII. Fees

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## § 7-1. Establishment of fees and charges.

An subdivider for any review, approval or permit prescribed in this Chapter shall not be placed on an agenda for discussion before the Planning Board without first making payment of the required fee. Costs incurred by the Town for third party engineering and design reviews shall be reimbursed to the Town by the applicant prior to final plan approval. At final approval, an escrow shall be established for field review of construction by the Town Planning Board Engineer on behalf of the Town as necessary. This amount shall also cover the sum identified in section 8-5.C2 of these regulations.

- A. Approval of Lot Line Change with waiver. The purpose of the waiver for the Lot Line Change is to minimize the administrative costs and processing of the approval of a request for a Lot Line Change. Therefore, a set fee without escrow shall be established for such application, and if waiver is not approved, the escrow shall be set in accordance with a minor subdivision.
- B. Approval of minor subdivision. An engineer, consultant or attorney designated by the Town Planning Board shall, after appointment and receipt of the proposed preliminary plat, forward to the subdivider thereof a detailed review estimate setting forth the estimated cost of the engineering, consultant and/or legal review to be paid through the established escrow account.
- C. Preliminary plat for major subdivision. An engineer, consultant or attorney designated by the Town Planning Board shall, after appointment and receipt of the proposed preliminary plat, forward to the subdivider thereof a detailed review estimate setting forth the estimated cost of the engineering, consultant and/or legal review to be paid through the established escrow account at the option of the Planning Board.
- D. Plat for major subdivision. An engineer, consultant or attorney designated by the Town Planning Board shall, after appointment and receipt of the proposed plat, forward to the subdivider thereof a detailed review estimate setting forth the estimated cost of the engineering, consultant and/or legal review to be paid through the established escrow account established at the option of the Planning Board.

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## ARTICLE VIII. General Provisions for Major Subdivisions

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### § 8-1. Purpose and applicability.

- A. Improvements constructed in the Town of Plattsburgh as part of a major subdivision or site plan development shall meet these minimum standards.
- B. The purpose of these standards is to ensure that any privately constructed improvements which may at some future date be owned by the Town of Plattsburgh will not adversely impact the general health and safety of the people of the Town of Plattsburgh and can be economically maintained and operated by the Town.
- C. These minimum standards do not limit consideration of alternative construction materials and methods when warranted.

### § 8-2. Application and approval procedures.

Prior to the construction of any improvements, a site development permit shall be obtained from the Code Enforcement Officer. No improvements shall be made until all necessary federal, state and local permits (including necessary site plan and subdivision approvals) are obtained and the environmental review has been completed in accordance with SEQR.

### § 8-3. Application Information Required.

The following required information shall be submitted as part of the application to the Director of Planning and Zoning:

- A. Plans, specifications, engineer's report and accompanying data shall be submitted as detailed in the appropriate sections of the Subdivision Regulations or Zoning Regulations.
- B. The name and address of the contractor(s) performing the work.
- C. The name and telephone number of the owner's representative in charge of the work.
- D. A construction schedule.
- E. A quality assurance plan indicating the frequency and type of inspections and tests required and who will be making the inspections and performing the tests.
- F. Product data and/or shop drawings for manufactured and fabricated materials to be incorporated into the work.
- G. Certificates of compliance with referenced specifications will be required upon request.
- H. As-built plans showing the actual field locations and elevations of improvements as constructed and shall minimally include details of crossings, etc. with appropriate measurements taken during construction and so noted on the plans. The form of these plans shall be as paper originals (hard copies) both full scale size and half scale size and copies along with digital format documents in such file formats as: Adobe Acrobat Reader pdf files, AutoCAD dwg files, and other geographic information system (GIS) file formats as may be deemed appropriate by the Planning Board Engineer. The number of each type shall be as required by the Planning Board and Planning Board Engineer.

### § 8-4. Inspections.

- A. Notification.
  - (1) The subdivider shall notify the Town Planning Board Engineer, Town Planner, and the Code Enforcement Officer 48 hours prior to the start of any work and at other times noted herein so that appropriate inspections can be made by the Town or Town's representative. Such inspections shall not relieve the subdivider's obligation to perform the work in compliance with these standards and the approved plans.
  - (2) A pre-construction meeting shall be scheduled with the Town Planning Board Engineer, Planning & Zoning Director, and the Code Enforcement Officer prior to any other notifications as noted below and prior to the undertaking of any proposed site disturbances.

- (3) Notifications shall be made prior to:
  - (a) Site clearing.
  - (b) Subgrade preparation.
  - (c) Proof rolling of subgrade.
  - (d) Gravel subbase installation.
  - (e) Compaction tests.
  - (f) Asphalt paving.
  - (g) The installation of water, sewer or storm pipe.
  - (h) The backfill of water, sewer or storm pipe.
  - (i) The testing of water and sewer pipes.
  - (j) Other inspections as detailed in the quality assurance plan or as requested by the Town or its representative(s).

B. Inspections.

- (1) The subdivider shall provide cash escrow to the Town for the Planning Board Engineer to make inspections of the work as deemed necessary by the Planning Board Engineer.
- (2) The subdivider Planning Board Engineer shall prepare reports for each inspection which shall be made available to the Town and subdivider as requested.
- (3) The Planning Board Engineer shall provide written certification that the constructed improvements meet the minimum construction standards and are in conformance with the approved plans and specifications contained herein, and in the Design Specifications and in the Town Plattsburgh Zoning Code.

**§ 8-5. Acceptance of improvements.**

A. Policy.

- (1) Acceptance of street, utilities and other improvements for Town ownership shall be at the discretion of the Town Board.
- (2) The Town Board may refuse to accept any improvements, notwithstanding that the improvements conform to the Design and Construction Standards.
- (3) The Town Board may, at its discretion, accept a proposed street or highway notwithstanding that it does not conform to all provisions of the Subdivision Regulations and Design and Construction Standards if, in the Town Board's judgment, the public interest will best be served by such acceptance and subject to such conditions as the Town Board may impose.

B. Submittals. In addition to submittals required elsewhere in these specifications, the following items shall be submitted for dedication of streets or parcels of land to the Town:

- (1) A proposed deed.
- (2) A current abstract or title insurance policy in an amount acceptable to the Town Attorney.
- (3) A release of liens and claims on property.
- (4) All required easements and rights-of-way for drainage, utilities and other improvements.
- (5) All necessary information for filing of the above.

C. Time of acceptance.

- (1) No street or improvements shall be accepted until one year from the date of substantial completion, provided a sufficient cash escrow is provided to cover all outstanding items as determined by the Planning Department in consultation with the Planning Board Engineer and is deposited with the Town.
- (2) The Town may temporarily waive the placement of the top course of pavement on streets.
  - (a) Such waiver shall cease upon seventy-five percent (75%) complete buildout of the subdivision or 30 months after substantial completion or acceptance whichever may occurs first at which time the top course of pavement shall be constructed after any remediation of failed, previously constructed pavement sections.
  - (b) A cash escrow guaranty for the construction of the top course shall be provided prior to the issuance of a Town waiver. The escrow shall be equal to the full cost of the top course of the pavement at the time of estimate made to the satisfaction of the Highway Superintendent, as adjusted from time to time based on the cost of asphalt and supplies.
- (c ) Maintenance bond. A cash escrow or letter of credit in an amount acceptable to the Town Planning Board Engineer not less than ten percent of the cost of the top course of pavement shall be posted for a three-year maintenance period after acceptance or twelve (12) months after the top course maintenance is complete, whichever occurs later. The cash escrow or letter of credit shall be in a form acceptable to the Town Attorney.

E. Maintenance and repairs of non-dedicated roads.

- (1) The subdivider is responsible for all maintenance, repairs and liability of non-dedicated roads.
- (2) It is the subdivider's responsibility to keep private roads in a safe and well-maintained condition.
- (3) The Town may agree, upon request of the subdivider, to accept responsibility for snow and ice control on approved roads during the one-year waiting period for dedication without risk of costs for damages incurred.