

SUBDIVISION CONTROL LAW OF THE TOWN OF THERESA

ARTICLE 1: ENACTMENT, AUTHORIZATION AND PURPOSE

SECTION 110 ENACTMENT AND AUTHORIZATION

Pursuant to the authority granted to the Town in Section 10 of the municipal Home Rule Law and Sections 276, 277, and 278 of the Town Law, the Town Board of the Town of Theresa authorizes and empowers the Planning Board of the Town of Theresa: to approve plats within that part of the Town outside the limits of any incorporated city or village; and to pass and approve the development of plats already filed in the office of the Clerk of Jefferson County if such plats are entirely or partially underdeveloped, and the Planning Board is authorized and empowered to approve or disapprove (a) changes in the lines of existing streets, highways, or public areas shown on subdivision plats or maps filed in the office of the Clerk of Jefferson County, (b) the laying out, closing off or abandonment of streets, highways or public areas under the provisions of the Town and Highway Laws within that part of the Town outside the limits of any incorporated city or village.

SECTION 120 TITLE

This law shall be known as the "Subdivision Control Law of the Town of Theresa."

SECTION 130 PURPOSE

The purpose of this law is to provide for orderly efficient growth within the community, and to afford adequate facilities for the transportation, housing, comfort, convenience, safety, health and welfare of its population.

SECTION 135 APPLICABILITY

No subdivision or portion thereof shall be sold, offered for sale, leased, rented, or otherwise disposed of by any corporation, company or person until a plan or map of such subdivision shall be submitted to the Planning Board for approval, and either approved or deemed approved by failure of the Planning Board to render a decision within the time specified in Section 350.

SECTION 140 ADMINISTRATION

This Subdivision Control Law shall be administered by the Planning Board and the Subdivision Inspector, as defined herein.

SECTION 150 WAIVER

The Planning Board may waive the provision any or all of the improvements and requirements when in their opinion they are not essential to the public's health, safety and general welfare.

SECTION 160 FEES

Application fees shall be set by resolution of the Town Board.

ARTICLE 2: DEFINITIONS

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

Final Plat: Means a drawing in final form, certified by a licensed professional, engineer, showing a proposed subdivision containing all information or detail required by law and by this law to be presented to the Planning Board for approval, and which if approved, may be duly filed or record by the applicant in the Office of the County Clerk.

General Plan: Means a comprehensive or master plan for the development of the Town.

Official Submission Date: The date that all required information (as set forth in Article 4, herein) and fees for a preliminary or final plat are received by, presented to or otherwise examined by the Planning Board at an official meeting thereof. Materials presented at a sketch plan conference shall not be considered and official submission unless so decided by the Planning Board.

Planning Board: The Town of Theresa Planning Board

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

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

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

Sketch Plan: Means a sketch of a proposed subdivision to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of this law.

Subdivision: Division of any parcel of land into two (2) or more lots, blocks, or sites for the purpose of conveyance, transfer of ownership, improvement, building development or sale. The term subdivision shall include re-subdivision. A tract of land shall constitute a subdivision upon the sale, rental, offer for sale or lease, or building development of the second lot thereof.

Subdivision Inspector: Any person appointed, designated, or otherwise retained by the Town Board to carry out the functions assigned to such.

Subdivision, Major: A subdivision containing five (5) or more lots, or any subdivision requiring a new road.

Subdivision, Minor: A subdivision containing two (2), three (3) or four (4) lots, fronting on an existing road.

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

Zoning Law: Zoning Law of the Town of Theresa.

ARTICLE 3: REVIEW PROCEDURE

SECTION 310 GENERAL

Minor subdivisions shall be processed in the following stages:

1. Sketch Plan Conference (optional)
2. Final Plat Submission
3. Public Hearing
4. Planning Board renders decision on Final Plat

Major subdivisions shall be processed in the following stages:

1. Sketch Plan Conference (optional)
2. Preliminary Plat Submission
3. Public Hearing
4. Planning Board renders decision on Preliminary Plat
5. Preparation and Submission of Construction Drawings
6. Review of Construction Drawings by Town Engineer, Planning Board, and Town Highway Superintendent, and all other involved agencies/parties
7. Installation of or bonding for improvements
8. Final Plat Submission
9. Public Hearing (optional)
10. Planning Board renders decision on Final Plat

SECTION 320 PRE-APPLICATION PROCEDURE

Prior to the preparation of and the submission of a plat for approval, the subdivider should proceed to gather data concerning the existing conditions of the site and information regarding financing, planning and marketing feasibility. Early contact with the New York State Department of Health and Department of Environmental Conservation is advised. A preliminary layout, in sketch form, developed in conjunction with a licensed land surveyor may be submitted to the Planning Board for advice and assistance.

SECTION 330 SKETCH PLAN CONFERENCE

The subdivider should request an appointment with the Planning Board for the purpose of reviewing the sketch plan. The Planning Board Clerk will notify the subdivider of the time, date, and the place that the Planning Board will meet to consider and review such sketch plan and the development schedule, as they relate to the General Plan, design standards, and improvement requirements. This meeting is intended to assist the subdivider in the planning and preparation of the preliminary or final plat to save him both time and money in preparing maps and plans. The plan will be classified as a minor or major subdivision by the Planning Board as defined by this law. This step does not require formal application, fee or filing with the Planning Board.

SECTION 340

PRELIMINARY PLAT

All major subdivisions shall be subject to the Preliminary Plat requirements, as specified herein. The Subdivider shall file an application for approval of the Preliminary Plat on forms available from the Town Clerk accompanied by all documents specified in Article 4, herein.

Review of Subdivision: Following the review of the Preliminary Plat and supplementary material submitted for conformity to this law, and following negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Board shall hold a public hearing. This hearing shall be held within forty-five (45) days of the official submission date of the plat. The subdivider shall attend the hearing. Within forty-five (45) days from the public hearing, the Planning Board shall approve, approve with modifications or disapprove the preliminary plat and state its reasons for disapproval. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the subdivider and the Planning Board.

Notice of Public Hearing: The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before the hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate to gain full public consideration of the subdivision proposal.

Notice of Decision: Within Five (5) days of the Planning Board's decision, the action taken shall be noted on three (3) copies of the Preliminary Plat and reference made to any modifications determined. Two (2) copies shall be returned by mail to the subdivider and one (1) copy shall be retained by the Planning Board.

Effect of Approval: Approval of a preliminary plat shall not constitute approval of the final plat. The preliminary plat shall be a guide to the preparation of the final plat or any portion thereof for formal review, the subdivider must comply with this law and all requirements set forth by the Planning Board in their review of the preliminary plat, and any other local, State or Federal permitting requirements.

SECTION 350

FINAL PLAT

All subdivisions, as defined herein, shall require Final Plat approval by the Planning Board.

The subdivider shall file an application for Final Plat review on forms available from the Town Clerk, and accompanied by documentation as specified in Article 4 herein, to the Planning Board. Such application shall be submitted at least ten (10) days prior to the meeting at which it is to be considered by the Planning Board, and no later than six (6) months after the date of the preliminary plat approval.

Optional Public Hearing: A public hearing may be held by the Planning Board after a complete application is filed and prior to rendering a decision. This hearing shall be held within

forty-five (45) days of the official submission date of the plat. The subdivider shall attend the hearing. The Planning Board shall approve, conditionally approve, or disapprove the Final Plat within forty-five (45) days of the public hearing. 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.

If disapproved, the grounds for disapproval shall be stated in the record of the Planning Board. Failure of the Planning Board to render a decision within the stated forty-five (45) day period shall be deemed final approval of the plat.

Notice of Public Hearing: The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before the hearing. The Planning Board may provide that the hearing be further advertised in such a manner as it deems most appropriate to gain full public consideration of the subdivision proposal.

Waiver of Public Hearing: If the final plat is in substantial agreement with the preliminary plat, the Planning Board may waive the public hearing requirement. If no hearing is held, the Planning Board shall approve, conditionally approve, or disapprove the plat within forty-five (45) days of the official submission date.

Improvement Guarantees: Prior to Approval or Conditional Approval of the final plat, the Planning Board and the Subdivider shall agree on the method of guaranteeing the proposed improvement associated with the subdivision. This agreement shall adhere to the requirements contained in Article 6 of the Local Law.

Notice of Decision: Within five (5) days of the Planning Board's decision the subdivider shall be notified by mail of the Board's final action. The subdivider shall record the Final Plat, or section thereof, in the Office of the Clerk of Jefferson County, N.Y. within sixty (60) days after the date of approval; otherwise the plat shall be considered void and must again be submitted to the Planning Board for approval before recording in the Office of the Clerk of Jefferson County, N.Y.

Conditional Approval: Within five (5) days of granting conditional approval the plat shall be certified by the Clerk of the Planning Board as conditionally approved, filed in the office of the Planning Board and mailed to the subdivider along with a certified statement of the of a final plat shall expire 180 days from it is granted. The Planning Board may, however, extend the expiration time, not to exceed two (2) additional periods of 90 days each.

Upon completion of the requirements of the conditional approval, a duly authorized officer of the Planning Board shall sign the plat thereby certifying it as completed.

Filing of Plats in Sections: Prior to granting conditional or final approval of a plat in final form the Planning Board may permit the plat to be subdivided into two or more sections and may in its

resolution granting conditional or final approval state that such requirements, as it deems necessary to insure the orderly development of the plat, be completed before such sections may be signed by the duly of the sections of a final plat, subject to any conditions imposed by the Board, shall be granted concurrently with conditional or final approval of the plat.

In the event the owner shall file only a section of such approved plat in the office of the County Clerk, the entire approved plat shall be filed within thirty (30) days of the filing of such section with the Town Clerk in each town in which any portion of the land described in the plat is situated. Such section shall encompass at least ten percent of the total number of lots contained in the approved plat and the approval of the remaining sections of the approved plat shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of Section 265-a of the Town Law.

ARTICLE 4: DOCUMENTS TO BE SUBMITTED

SECTION 410 INFORMATION REQUIRED FOR ALL PLAT SUBMISSIONS

1. Name and address if subdivider and professional advisors, including license numbers and seals.
2. Map of property, drawn to scale, at a scale of one (1) inch to fifty (50) feet, and one (1) inch to one hundred (100) feet, or one (1) inch to two hundred (200) feet, showing:
 - a. Subdivision name, scale, north arrow and date.
 - b. Subdivision boundaries
 - c. Contiguous properties and names of owners.
 - d. Existing and proposed roads, sidewalks, utilities, drainage systems and drainage ways.
 - e. Water courses, marshes, wooded areas, public facilities and other significant physical features on or near the site.
 - f. Proposed pattern of lots, including lot widths and depths, road layout, open space, drainage, water supply, and sewage disposal facilities.
 - g. Land contours at ten (10) feet intervals, or other suitable indicators of slope.
 - h. Proposed alterations of existing topography.

3. Copy of tax map(s).
4. Design and location of all water supply and on-site sanitation facilities in accordance with Article 5, Sections 525, and 530, herein.
5. Total acreage of subdivision and number of lots proposed.
6. Building types, approximate size and cost.
7. The environmental assessment form as required by the State Environmental Quality Review Act (SEQR).

SECTION 420 REQUIRED INFORMATION, MINOR SUBDIVISIONS

The following shall be submitted with all applications for approval of a Final Plat for a minor subdivision:

1. One (1) copy of the plat to be submitted to the County Clerk, drawn with ink on appropriate material, plus two (2) paper copies.
2. Information specified under Section 410, updated and accurate.
3. Sufficient data acceptable to the Planning Board to readily determine the location, bearing and length of every road line, lot line and boundary line; such data shall be sufficient to allow for the reproduction of such lines on the ground.
4. Design and location of all water and on-site sanitation facilities in accordance with Article 5, Section 540 and 550, herein.
5. Copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
6. Additional information as deemed necessary by the Planning Board.
7. Any required fees.

**SECTION 430 REQUIRED INFORMATION, PRELIMINARY PLAT ,
MAJOR SUBDIVISION**

The following shall be submitted with all applications for approval of a Preliminary Plat for a major subdivision:

1. Three (3) copies of the plat map, drawn to scale. The map scale shall be one (1) inch to one hundred (100) feet unless otherwise specified by the Planning Board.
2. All information specified under 410, updated and accurate.
3. All parcels of land proposed to be dedicated to public use and the conditions of such use.
4. Grading and landscaping plans.
5. The width and location of any roads or public ways and the width, location, grades and road profiles of all roads or public ways proposed by the developer.
6. The approximate location and size of all proposed waterlines, hydrants and sewer lines, showing connection to existing lines.
7. Drainage plan, indication profiles of lines or ditches and drainage easements on adjoining properties.
8. Plans and cross-section showing sidewalks, road lighting, roadside trees, curbs, water mains, sanitary sewer and storm drains, the character, width and depth of pavements and subbase, and the location of any underground cables.
9. Preliminary designs for any bridges or culverts.
10. The proposed lot lines with approximate dimensions and area of each lot.
11. An actual field survey of the boundary lines of the tract, giving complete description by bearings and distance, made and certified by a licensed surveyor. The corners of the tract shall also be marked by monuments of such size and type as approved by the Planning Board, shown on the plat.
12. A copy of all covenants or deed restrictions intended to cover all or part of the tract.
13. A draft Environmental Impact statement, if required.
14. Where the preliminary plat submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future road and drainage system of the unsubdivided part shall be submitted for study to the Planning Board.

15. Additional information as deemed necessary by the Planning Board.
16. Any required fees.

SECTION 440 REQUIRED INFORMATION, FINAL PLAT MAJOR SUBDIVISION

The following shall be submitted with all applications for approval of a Final Plat for a major subdivision:

1. One (1) copy of the plat to be submitted to the County Clerk, drawn with ink on suitable material, plus two (2) copies. The map shall be on (1) inch to on hundred (100) feet unless otherwise specified by the Planning Board, showing or indicating;

- a. Proposed subdivision name and the name of the Town and County in which the subdivision is located ; the name and address of record owner and subdivider; name, address, license number and seal of the survey and/or engineer.
- b. Road lines, pedestrian ways, lots, easements and areas to be dedicated to public use.
- c. Sufficient data acceptable to the Planning Board to determine readily the location, bearing and length of every road line, lot line, boundary line; such data shall be sufficient to allow for the reproduction of such lines on the ground.
- d. The length and bearing of all straight lines, radii, length of curves and central angles of all curves; tangent bearings shall be given. The plat shall show the boundaries of the property, locations, graphic scale, and true North point.
- e. All offers of cession and any covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
- f. Permanent reference monuments shall be shown and constructed in accordance with Planning Board specifications.
- g. Construction drawings including plans, profiles, and typical cross sections, as required, showing the proposed location, size and type of road, sidewalks, road lighting standards, roadside trees, curbs, water mains, sanitary sewer or septic systems, storm drains or ditches, pavements, and sub-base and other facilities.
- h. Evidence of legal ownership of property.
- i. Deed restrictions, existing and proposed in form for recording.

- j. All those items required by Section 410, items b through h.
- 2. A certificate by the Subdivision Inspector certifying that the subdivider has complied with one of the following alternatives:
 - a. All improvements have been installed in accord with requirements of this law and with the action of the Planning Board giving approval of the preliminary plat, or
 - b. Installation guarantees have been provided for, as indicated in Article 6, in sufficient amount to assure such completion of all required improvements.
- 3. State Health Department and/or State Department of Environmental Conservation approval(s) of water supply systems and sewage disposal systems as shown or installed, and any permit as required by Federal, State or local law.
- 4. An approved Environmental Impact Statement, if required pursuant to SEQR.
- 5. Any other data such as certificates, affidavits, endorsements or other agreements as may be required by the Planning Board in enforcement of this law.

SECTION 450 WAIVER OF SUBMISSION REQUIREMENTS

When an application concerns a subdivision of uncomplicated nature such as a small subdivision along an existing road that required no installation of public facilities, the Planning Board may waive certain submission requirements.

ARTICLE 5: DESIGN, STANDARDS AND REQUIRED IMPROVEMENTS

SECTION 510 ROAD DESIGN STANDARDS

Conformity with General Plan: The arrangement width, location and extent of major roads and all minor roads should conform and be in harmony with General Plan and road construction standards of the Town. All roads shall be installed at the expense of the subdivider and shall meet the requirements of the Planning Board based on existing and planned roads, topography, public safety, convenience and proposed uses of land. The Town Highway Superintendent shall be consulted by the Planning Board for an advisory opinion before the approval of any new road.

Arrangement: Residential minor roads shall be designed to discourage through traffic, whose

origin and destination is not within the subdivision. Road intersections shall be as near to right angles as possible and shall be separated from one another at a distance specified by the Planning Board and Town Highway Superintendent to promote safe traffic circulation.

Location: When a proposed subdivision is adjacent to or contains a State Highway, the Planning Board may seek information from the New York State Department of Transportation as to the status of said highway in reference to right-of-way and direction. The Planning Board may require a marginal road approximately parallel to and on each side of such a right-of-way at a distance suitable for an appropriate use of the intervening land as for park purposes in residential district, or for commercial or industrial purposes. Such distance shall also be determined with due regard for the requirements of approach grades and future grade separation. Railroad right-of-ways shall receive similar consideration.

Dead End Roads: Each dead end road shall be provided with a turn around deemed sufficient by the Town Highway Superintendent and Planning Board for snow plowing. Dead end roads designed to be so permanently shall not be permitted unless provided with a turn around.

Half Roads: Dedication of a half road shall be prohibited.

Access: In commercial and industrial districts, definite and assured provision shall be made for service access such as off road parking, loading and unloading consistent with and adequate for the uses proposed.

Names and Numbers: Names of new roads shall not duplicate existing or platted roads. New roads which are extended or in alignment with existing roads shall bear the name of the existing roads. House numbers shall be assigned in accordance with the house numbering system now in effect in the Town.

Road Signs: The subdivider shall provide and erect road identification and traffic control signs of a type to be approved by the Town Board on all roads prior to acceptance of the constructed roads.

Trees: If roadside trees are provided, they should be outside of the road right-of-way and planted in such a manner as not to impair visibility at any corner or corners.

SECTION 520 SIDEWALKS

Sidewalks may be required and shall be installed as follows:

1. Sidewalks shall be installed at the expense of the subdivider, at such locations as the Planning Board may deem necessary.
2. Sidewalks must be constructed to comply with the detail specifications of the Planning Board.

3. Sidewalks shall be concrete (three thousand (3,000) pound minimum strength) or other approved material, and have a minimum width of four (4) feet in residential areas, and five (5) feet in commercial and industrial areas. They shall be four (4) inches thick at driveway crossings where the sidewalk shall be six (6) inches thick and reinforced.
4. Sidewalk construction design shall include accommodations for the handicapped.

SECTION 530 UTILITIES

Public utility improvements may be required and shall be installed as follows:

1. Fire protection: Hydrants to be of size, type and location specified by the Insurance Services Organization. System shall be reviewed by the Town Fire Department.
2. Street Lighting: Poles, brackets and lights to be of size, type and location approved by the local power company.
3. Electricity: Power lines shall be placed underground and shall be approved by the local power company.
4. Utility Services: Shall be located from six (6) to eight (8) feet from the front property line to the center line of the utility service, between the sidewalk and curb line.

SECTION 540 WATER SUPPLY

Adequate water supply shall be available to the subdivision. All water supply systems shall meet the requirements of the New York State Sanitary Codes, receive approval of the Planning Board and be installed at the expense of the subdivider.

1. All individual wells shall be designed in accordance with Appendix 5-B of the State Sanitary Code, entitled Rural Water Supply. Test well data shall be provided for at least ten (10) percent of the proposed lots and for each test well a twelve (12) hour pump test shall be conducted. The results of such tests shall be submitted to the Planning Board.
2. If, in the opinion of the Planning Board, it is feasible and desirable to require a public water supply system, such system shall receive approval of the New York State Department of Health.

SECTION 550 SEWAGE DISPOSAL

Adequate sewage disposal systems shall be provided by the subdivider and all systems shall meet the requirements of the New York State Sanitary Code and receive approval of the Planning Board.

1. Individual septic systems shall be installed in accordance with Appendix 75-A of the State Sanitary Code, entitled Waste Treatment Individual Household Systems. Perk tests and deep hole tests shall be performed for at least one third of the total number of lots in the subdivision.
2. If, in the opinion of the Planning Board, it is feasible and desirable to require a community sanitary sewage system, such systems shall receive any necessary approvals from the New York State Department of Health and Environmental Conservation.

SECTION 560 LOTS

Location: All lots shall about by their full frontage on public roads and /or ensure suitable access.

Dimensions: The lot size, width, depth, shape and area shall comply with the Town Zoning Law.

Double Frontage Lots: Frontings on two roads other than corner lots, shall be discouraged.

Pedestrian Easements: In order to facilitate pedestrian access from roads to schools, parks, play areas or nearby roads, perpetual unobstructed easements at least twenty (20) feet wide may be required by the Planning Board. In heavy traffic areas, sidewalks may be required in addition.

Setback: The provisions of the Town's Zoning Law shall apply regarding setback lines.

Lot Lines: Side lot lines shall be approximately at right angles to the road or radial to curved roads. Other arrangements of lot lines may be approved by the Planning Board if topography, development plans or other factors indicate such to be advantageous.

Corner Lines: Lots for residential use shall have extra width to permit appropriate building setbacks from and orientation to both roads.

SECTION 570 UNIQUE AND NATURAL FEATURES

Unique physical features such as historic landmarks and sites, rock outcrops, hill top lookouts, desirable natural contours, and similar features shall be preserved where possible. Also streams, lakes, ponds and wetlands shall be left unaltered and protected by easements. All surfaces must be graded and restored within six (6) months of completion of subdivision so no unnatural mounds or depressions are left. Original topsoil moved during construction shall be returned and stabilized by approved methods. Damage to existing trees should be avoided.

SECTION 580 PUBLIC OPEN SPACES AND SITES

Consideration shall be given to the allocation of areas suitably located for community purposes as indicated on the General Plan and be made available by one of the following methods:

1. Dedication to the Town.
2. Reservation of land for the use of property owners by deed or covenant.
3. Reservation for acquisition by the Town within a reasonable period of time. Said reservation shall be made in such manner as to provide for a release of the land to the subdivider in the event the Town does not proceed with the purchase.
4. If the planning Board determines that suitable park or parks of adequate size can not be properly located in the plat or is otherwise not practical, the Board may require as a condition to approval of the plat a payment to the Town of a sum to be determined by the Town Board, which sum shall constitute a trust fund to be used by the Town exclusively for neighborhood park, playground or recreational purposes including the acquisition of property.

The Planning Board may require the reservation of such other areas or sites of a character, extent and location suitable to the needs of the Town as water plants, sewage treatment plant and other community purposes not anticipated in the General Plan.

SECTION 590 UNSUITABLE LAND FOR SUBDIVISION

As a safety measure for the protection of the health and welfare of the people of the Town, that portion of a proposed lot which is found to be unsuitable for subdivision due to harmful features (e.g. drainage problems), shall not be subdivided until adequate methods are formulated by the subdivider and approved by the Planning Board. Before final approval the subdivider and approved by the Planning Board. Before final approval the subdivider shall , in lieu of the improvements, provide installation guarantees as indicated in Article 6.

ARTICLE 6: INSTALLATION OF IMPROVEMENTS

SECTION 610 INSTALLATION GUARANTEE

In order that the Town has the assurance that the construction and installation of such improvements as storm sewer, water supply, sewage disposal, landscaping, road signs, sidewalks, parking, access facilities, and road surfacing will be constructed, the Planning Board shall require that the applicant complete said improvements before final approval is granted or that the applicant shall enter into one of the following agreements with the Town:

1. Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant

and approved by the Planning Board. Such bond shall require the approval of the Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety.

2. In lieu of the bond, the applicant may deposit cash, certified check, an irrevocable bank letter of credit, certificate of deposit, or other forms of financial security acceptable to the Town. Acceptable substitutes, if furnished, shall be kept on deposit with the Town for the duration of the bond period.

SECTION 620 MAINTENANCE GUARANTEE

In order that the Town has the assurance that the improvements mentioned above function properly for a reasonable period, the applicant shall enter into an agreement with the Town upon completion of the work required under the installation guarantee so that:

1. Such work is guaranteed for a minimum of two (2) years after it is completed and inspected;
2. Such work is guaranteed for a minimum of ten (10) percent of the total improvements costs of \$5,000, whichever is greater.

The method of providing the maintenance guarantee shall meet the approval of the Town Board and the Town Attorney.

SECTION 630 CONDITIONS

Installation and maintenance guarantees to the Town shall provide that the subdivider, his heirs, successors, and assigns, their agent or servants, will comply with all applicable terms, conditions, provisions, and requirements of this law; will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with such laws and regulations. Any such guarantees shall require the approval of the Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety, and the same shall be made payable to the Town.

SECTION 640 EXTENSION OF TIME

The construction or installation of any improvements or facilities, other than roads, for which guarantee has been made by the subdivider in the form of a bond or certified check deposit, shall be completed within one (1) year from the date of approval of the final plat. Road improvements shall be completed within two (2) years from the date of approval of the plat. The subdivider may request an extension of time provided he can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six (6) months, at the end of which time the Town may use as much of the bond or check deposit to construct the improvements as necessary. The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.

SECTION 650 AGREEMENT - SCHEDULE OF IMPROVEMENTS

When installation guarantees are made pursuant to Section 610, the Town and Subdivider shall enter into a written agreement itemizing the schedule of improvements in sequence. Each cost as listed may be repaid to the subdivider upon completion and approval after inspection of such improvement or installation.

SECTION 660 MODIFICATION OF REQUIREMENTS

Upon approval by the Town Board, the Planning Board after due notice and public hearing may modify its requirements for any or all improvements, and the face value of the installation guarantee shall thereupon be increased or reduced by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Planning Board and any security deposited with the installation guarantee may be increased or reduced proportionately.

SECTION 670 INSPECTIONS

Periodic inspections during the installation of improvements shall be made by the Subdivider Inspector to insure conformity with the approved plans and specifications as contained in the subdivider's contract and this law. The subdivider shall notify the Subdivision Inspector when each phase of improvements is ready for inspection. (At least five (5) days prior to commencing construction or required improvements, the subdivider shall pay to the Town Clerk the inspection fee required by the Town Board). Upon acceptable completion of installation and improvements, the Town Board shall issue a letter to the subdivider or his representative certifying the completion of such work.

SECTION 680 ACCEPTANCE OF ROADS AND FACILITIES

When the Town Highway Superintendent and the Subdivision Inspector, following final inspection of the improvements, certify to the Town Board that all installation and improvements have been completed in accordance with the contract, the Town Board may, by resolution, proceed to accept the facilities for which installation and maintenance guarantees have been provided.

ARTICLE 7: MISCELLANEOUS PROVISIONS

SECTION 710 PENALTY PROVISIONS

1. Any person, firm or corporation who commits an offense against, disobeys, neglects or refuses to comply with or resist the enforcement of any of the provisions of the Subdivisions of the Subdivision Control Law of the Town of Theresa shall, upon conviction, be deemed guilty of a violation. Each week an offense is continued shall be deemed separate violation of this law.
2. In addition to the penalties provided by statute, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this law.

SECTION 720 CERTIFICATION AND FILING WITH COUNTY

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

SECTION 730 SEVERABILITY

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

SECTION 740 EFFECTIVE DATE

This local law shall take effect immediately.