

ARTICLE IV
PROCEDURES

When any subdivision of land is proposed to be made and before any contract for the sale of, or any offer to sell such subdivision or any part thereof, is made, and before a building permit shall be granted, the procedure outlined will be observed:

4.1 PRE-APPLICATION PROCEDURE

- 4.11** Previous to the filing of an application for approval of a Preliminary Plat the subdivider shall submit to the Planning Board a Sketch Plan and date as specified in Section VII. This step does not require formal application fee, or filing of plan with the Planning Board.
- 4.12** Within thirty (30) days the Planning Board shall inform the subdivider that the Sketch Plan and data as submitted, or as modified, do or do not meet the objectives of these regulations and it shall express its reasons therefor.
- 4.13** When the subdivider has been notified that the Sketch Plan has met the objectives, he should then consult the Clinton County Department of Health, if his proposed subdivision is five (5) or more lots.
- 4.14** If the subdivision is to utilize a form of subsurface leaching, the subdivider's engineer should prepare a Preliminary Plan, only after an inspection and percolation tests have been made of the property.
- 4.15** If the installation of a sewer system is involved, the subdivider should consult with the Clinton County Department of Health.

4.2 PRELIMINARY PLAN PROCEDURE

- 4.21** On reaching conclusions informally as recommended in Section 4.1, above, regarding his general program and objectives, the subdivider shall cause to be prepared a Preliminary Plan, together with improvement plans and other supplementary material as specified in Section V and VII.
- 4.22** Two copies of the Preliminary Plan and supplementary material specified shall be submitted to the Planning Board with two copies of the application for conditional approval at least fourteen (14) days prior to the meeting at which it is to be considered.
- 4.23** Following (a) review of the Preliminary Plan and other material submitted for conformity thereof to these regulations, and (b) negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Board shall, within thirty (30) days, hold a public hearing as required by Section 276 of Town Law and within forty-five (45) days, from and after required public hearing act thereon as submitted or modified. If approved, the Planning Board shall express its approval as Conditional Approval and state the condition of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefor in the minutes of the meeting.
- 4.24** The action of the Planning Board shall be noted on the two (2) copies the Preliminary Plan, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the other retained by the Planning Board.

- 4.25** For any subdivision or portion of subdivision, the Planning Board shall state in writing the character and extent of required public improvements for which waivers may have been requested by the subdivider, and which in the opinion of the Planning board may be waived without jeopardy to public health, safety, morals, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities adjacent to or in proximity to the proposed subdivision.
- 4.26** Approval of Preliminary Plan shall not constitute approval of the Final Plan. Rather, it shall be deemed an expression of approval to the lay-out submitted on the Preliminary Plan as a guide to the preparation of the Final Plan which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations and the conditions of the approval, if any.
- 4.27** Approval of the Preliminary Plan may not be revoked by the Planning Board unless a substantial change in the character of the area of the availability of new information about the site and its surroundings indicate the unsuitability of the development, as shown on the Preliminary Plan. Before such revocation the subdivider shall be informed, in writing, of the reasons, therefore, and shall be given an opportunity to be heard before the Planning Board.
- 4.28** Approval of Preliminary Plan shall expire after twenty-four (24) months from the date of approval. Extension for periods of twelve (12) months may be granted by the Planning Board upon application. Such applications for extension shall be granted unless changed conditions or new information indicate the unsuitability of the development as shown on the Preliminary Plan.

4.3 FINAL PLAN PROCEDURE

- 4.31** The Final Plan shall conform substantially to the Preliminary Plan, as approved, and, if desired by the subdivider, it may constitute only than portion of the approved Preliminary Plan which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.
- 4.32** Four cloth-backed copies of the Final Plan, and all required supplementary material as specified in Article VII, together with two copies of the application for final approval shall be submitted. This application, copies of the Final Plan, and supplementary material shall be received within two (2) years of approval of the Preliminary Plan, unless an extension of time is applied for and granted by the Planning Board.
- 4.33** At the time of filing the Final Plan, the subdivider shall also submit the following:
- A.** A certificate as to adequacy of the proposed water supply and sewerage system by the Clinton County Department of Health and the New York State Water Resources Commission, where applicable.
 - B.** A certificate by a licensed professional engineer that any required improvements constructed by the subdivider have been designed and inspected and meet the minimum standard in these regulations, or as otherwise required by law.
 - C.** A performance bond conforming to the provisions of Section 277 of the Town Law, approved by the Planning Board and Town Board as to form, sufficiency, manner of execution and surety, for the completion of such required improvements and have not been constructed.

- D.** Offer of cession, in a form certified as satisfactory by the Town Attorney, of all land to be dedicated for streets, highways, easements, parks, or other public facilities.
 - E.** A certified check, in the amount of one percent (1%) of the cost of the required improvements, as determined by the ENGINEER to meet the costs of inspection of required improvements, unless the improvements are to be provided by special district.
 - F.** Drawings, certified by a Licensed Land Surveyor, or engineer showing the location of such required improvements as may have been constructed prior to Final Plan Submission.
- 4.34** Within forty-five (45) days of submission of the Final Plan and other required material, the Planning Board shall review and act to approve or disapprove the plat.
- 4.35** In the event of disapproval, the grounds for such action shall be stated in the records of the Planning Board, and a copy of such decision shall be sent to the subdivider.
- 4.36** If the Final Plan is approved, the Planning Board shall make an appropriate notation to that effect on the face of the original drawings or on the cloth prints. Three (3) copies will be retained by the Planning Board.
- 4.37** Approval of the Final Plan shall expire within ninety (90) days from the date of such approval unless within such ninety (90) days period such plat shall have been duly recorded by the Owner in the office of the County Clerk. If the Final Subdivision is not filed within this period, the approval shall expire as provided in Section 276 of the Town Law.
- 4.38** The Planning Board may permit the Final Plan to be divided into two or more sections, subject to such condition, as it deems necessary to assure orderly development of the subdivision. Approval of the sections shall be granted concurrently with the Approval of the plat. The approved plan, or any approved section, thereof, shall be recorded within ninety (90) days of approval, subject to any conditions imposed, and shall encompass at least ten (10%) per cent of the total number of lots shown on the Final Plan. Approval of any other sections not recorded, shall expire unless recorded before the expiration of three (3) years. In the event the Owner does not record all approved sections, the entire Final Plan shall be filed with the Town Clerk within thirty (30) days of the recording of any section with the County Clerk.
- 4.39** Within thirty (30) days from the recording of the Final Plan or any approved section thereof, the Owner shall file with the Planning Board a photostat copy of the plat certified by the County Clerk to be a true copy of the recorded plat.
- 4.40** Drawings showing the location of all required improvements as built shall be certified by a Licensed Land Surveyor and filed with the Planning Board within thirty (30) days prior to the acceptance of the improvements by the Town. Until as built plans are filed, no performance bond guaranteeing the completion of such improvements shall be released.
- 4.41** Performance Bonds may be changed only under provision of Section 277 of the Town Law.

