

INSTRUCTIONS
FOR SUBDIVISION
APPLICATIONS

1. An application is deemed to be accepted by the Common Council when a completed application, all required fees, and all plans, specifications, reports found necessary are in the possession of the Common Council.
2. Site plans (plat) indicating all improvements to be made are required for all applications. The applicant should obtain copies of the subdivision regulations and the Zoning Ordinance for complete information and regulations required.
3. At least 14 copies of all plans and reports are required with each application.
4. A notarized letter from the property owner granting permission to seek the approval requested, if the applicant is not the owner, is required for all applications.
5. A fee is required an engineer's review. An escrow fee may be required.
6. The Common Council Committee shall study all maps, street profiles and the general preliminary map in connection with the topography of the area, its relation to topography of the adjoining areas, the existing requirements of the zoning ordinance, if any, the existing future storm sewers, sanitary and water systems. Additional information may be requested by the Council, as it deems necessary.
7. After preliminary review the Committee will discuss all maps and information submitted with the subdivider or his agents at a regular meeting of the Council. The applicant will be notified of the meeting.
8. The Council shall hold a public hearing, which hearing shall be advertised at the applicant expense at least once in an official newspaper at least ten (10) days before such hearing.

9. A presentation of the facts of the application may be required from the applicant at the Common Council hearing. You may present all information and data you desire. You may be represented by anyone of your choice. The public will also be provided an opportunity to speak at the public hearing. The members or staff may ask you questions.

10. **If** your application is granted you may have to contact the appropriate official (s) to obtain necessary permits. These include, but are not limited to, building, plumbing, electrical, pool, multiple dwelling, fire, sign permits and/or approval from the Commissioner of Public Works.

SUBDIVISION APPLICATION
CITY OF MIDDLETOWN, NEW YORK

Date deemed complete _____
Accepted by _____

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property _____

Section _____ Block _____ Lot _____ Current Zoning District _____

2. Owner of Property _____

Owner's Address _____

City _____ State _____ Zip _____

Phone numbers _____

Cell phone number _____

E-mail _____

3. Applicant name _____

If different from Owner
Applicant's Address _____

City _____ State _____ Zip _____

Phone number _____

Cell phone number _____

E-Mail _____

Application fee

Minor (2-3 lots) _____ \$250 Paid _____

Plus escrow if required _____ \$500 Paid _____

Major(over 3 lots) _____ \$500 Paid _____

Plus \$100 per lot for each lot over 10 lots, and \$1,000 escrow (to be replenished as required) Paid _____

4. **Proposed uses.** List the number of proposed lots and uses, which are to be created by this subdivision if approved. Additional sheets may be attached if more space is required.

5. **Zoning.** In the space provided list all lots or areas which would require a re-zoning of any zoning district. List all factors dealing with the requested re-zoning. Additional sheets may be attached if more space is required.

6. **Non Compliance of Zoning.** In the space provided list all lots, which are not in compliance with the zoning regulations of the City of Middletown. Provide all information from the zoning ordinance in which the lot is non compliant and the reasons therefore. Additional sheets may be attached if more space is required.

7. **Sign at the Place Indicated**

Signature _____

Printed Name and Title _____

Date _____

Chapter 420: SUBDIVISION OF LAND

[HISTORY: Adopted by the Common Council of the City of Middletown 5-11-1959 (Ch. 103 of the 1971 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Official Map — See Ch. 94.
Planning Board — See Ch. 97.
Building construction — See Ch. 193.
Environmental quality review — See Ch. 244.
Flood damage prevention — See Ch. 270.
Sewers — See Ch. 389.
Curb and sidewalk construction — See Ch. 416, Art. X.
Water — See Ch. 466.
Zoning — See Ch. 475.

§ 420-1. Definitions.

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

BOARD — The Planning Board of the City of Middletown.

ENGINEER — The Commissioner of Public Works of the City of Middletown, or if there be no such official, the planning consultant or engineer employed by or assigned by the Common Council.

PLAT — The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Common Council for approval and which, if approved, will be submitted to the County Clerk-Treasurer for recording. The developer may at his option submit either a preliminary or final subdivision plat. However, if the final map as submitted does not meet the approval of the Common Council, it will be considered as a preliminary plan only. **[Amended 9-12-2005]**

PRELIMINARY LAYOUT — The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Common Council for its consideration. **[Amended 9-12-2005]**

SUBDIVISION — The division of any parcel of land into two lots, plots, sites or other divisions of land for immediate or future sale or for building development.

§ 420-2. Procedure.

- A. Whenever any subdivision of land is proposed to be made and before any contract for the sale of or any offer to sell each subdivision or any part thereof is made, and before any permit for the erection of a structure shall be granted, the subdivider or owner thereof or his agent shall apply, in writing, to the Common Council for approval of such subdivision. The application of the subdivider, owner or agent to the Common Council shall conform to the specifications in §§ 420-3, 420-4 and 420-5 of these regulations. **[Amended 9-12-2005]**
- B. All maps and applications for subdivision approval shall be referred to the Planning Board, except those applications for two- or three-lot subdivisions. The Planning Board shall then study the street maps, street profiles and the general preliminary map in connection with the topography of the area, its relation to the topography of the adjoining areas, the existing requirements of the zoning ordinance, if any, the existing and future storm sewers, sanitary and water systems. The Planning Board may require the developer to furnish such additional information concerning the lands in question and adjoining lands as it deems necessary in order to render their opinion. The Planning Board shall discuss all maps and profiles submitted in § 420-1 with the subdivider or his agents at a regular meeting of the Board. Within 30 days after such discussion, the Planning Board shall communicate in writing to the Common Council whatever changes are deemed necessary and advisable. The Common Council may, within 20 days after receipt of such recommendations from the Planning Board, notify the subdivider of such changes, if any, and within three months after receipt of such notice, the subdivider shall file with the Council five original drawings of the formal subdivision plat and street profiles. **[Amended 9-12-2005; 6-11-2007]**
- C. The Common Council shall conduct a public hearing within 62 days from the day a complete subdivision application is received by it in accordance with § 32 of the General City Law. **[Amended 9-12-2005; 6-11-2007]**

- (1) Notice of the public hearing shall be printed in the official newspaper of the City at least five days prior to the date thereof. Additional notice shall be given in accordance with the requirements as established for hearings on appeals by the Zoning Board of Appeals in § 475-56H of this Code.
- (2) If the proposed subdivision involves any of the areas specified in § 475-56K or L of this Code, then the Common Council, at least 10 days before the public hearing, shall mail notices thereof to the Orange County Planning Department and the subject neighboring municipality as required by §§ 239-1 and 239-m of the General Municipal Law.
- (3) In considering any application for a subdivision, the Common Council shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.
- (4) The Common Council shall decide the subdivision application within 62 days after the public hearing and after the applicant has submitted all supporting information required by the Common Council. The time within which the Council must render its decision may be extended by mutual consent of the applicant and the Council.
- (5) The Common Council shall, by resolution, approve, with or without modification, or disapprove the application. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Common Council. When so approving a preliminary plat, the Council shall state in writing any modifications it deems necessary for submission of the plat in final form.
- (6) Certification and filing of preliminary plat. Within five business days of the adoption of the resolution granting approval of a preliminary plat, such plat shall be certified by the Clerk of the Common Council as having been granted preliminary approval, and a copy of the plat and resolution shall be filed in such Clerk's office. A copy of the resolution shall be mailed to the subdivider.
- (7) Revocation of approval of preliminary plat. Within six months of the approval of the preliminary plat the applicant must submit the plat in final form. If the final plat is not submitted within six months, approval of the preliminary plat may be revoked by the Common Council.
- (8) Approval of final plats. Final plats shall conform to the requirements contained in § 32 of the General City Law. When a final plat is submitted which the Common Council deems to be in substantial agreement with a preliminary plat approved pursuant to this section, the Common Council shall, by resolution, conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within 62 days of its receipt by the Clerk of the Common Council.
- (9) When a final plat is submitted which the Common Council deems not to be in substantial agreement with a preliminary plat approved pursuant to this section, the Common Council shall conduct a public hearing within 62 days from the day such final plat is received by it in accordance with § 32 of the General City Law and with Subsection C(1),(2) and (3) of this section.
- (10) Decision. The Common Council shall make its decision on the final plat by resolution conditionally approving, with or without modification, disapproving, or granting final approval and authorizing the signing of such plat within 62 days after the date of the public hearing. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Common Council.
- (11) Approval and certification of final plats. Within five-business days of the adoption of a resolution granting conditional or final approval of the final plat, such plat shall be certified by the Clerk of the Common Council as having been granted conditional or final approval, and a copy of such resolution and plat shall be filed in such Clerk's office. The date of approval and signature of the Clerk shall be affixed thereon. A copy of the resolution shall be mailed to the subdivider. In the case of a conditionally approved plat, such resolution shall include a statement of the requirements which, when completed, will authorize the signing thereof. Upon completion of such requirements the plat shall be signed by said Clerk, and a copy of such signed plat shall be filed in the office of said Clerk and in the offices of the Commissioner of Public Works and the Assessor.
- (12) Duration of conditional approval of final plat. Conditional approval of the final plat shall expire within 180 days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The Common Council may extend by not more than two additional periods of 90 days each the time in which a conditionally approved plat must be submitted for signature if, in the Common Council's opinion, such extension is warranted by the particular

circumstances.

- (13) Filing of final plat; expiration of approval. The subdivider shall file in the office of the County Clerk such approved final plat within 62 days from the date of final approval or such approval shall expire.
- D. Within one year from the date of said approval, the developer shall complete the development in accordance with the Council's decision to the satisfaction of the Engineer and any other official or body authorized by law to act. If the development is not completed within one year, the Engineer shall inspect the development and estimate the cost of completion. Upon certification by the Engineer to the Common Council of his estimate of the cost to complete the development, no further building permits shall be issued for the development until the subdivider shall post either cash or a performance bond complying with Section 33 of the General City Law, satisfactory to the Corporation Counsel as to form, sufficiency, manner of execution and surety. Simultaneously with the posting of cash or a performance bond for the satisfactory completion of the work, the subdivider shall tender offers of cession in a form satisfactory to the Engineer and the Corporation Counsel, of all lands included in the streets, highways or parks, not specifically reserved by him, to the City, but said tender shall not constitute an acceptance by the City of said lands. **[Amended 5-8-1961]**
- E. Within two years from the date of said approval, the Engineer shall inspect the development, and if the work certified to be done is not completed by the subdivider, the cash deposited as surety shall be forfeited and the City shall complete the work, or if a performance bond has been posted, the City may declare said performance bond to be in default, and require the surety to complete the work remaining undone in accordance with the certification of the Engineer. **[Amended 5-8-1961]**

§ 420-3. General requirements for preliminary or final plat.

The subdivider shall observe the following requirements and principles of land subdivision:

- A. In general, the proposed subdivision shall conform to Chapter 475, Zoning, and the Master Plan.
- B. The arrangement of streets in the subdivision shall provide for the continuation of the principal streets adjoining subdivisions or for their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of such existing connecting streets, with a minimum width of 50 feet.
- C. Minor streets shall be so laid out that their use by through traffic will be discouraged.
- D. In general, main highways and secondary highways shall not be less than the width shown on the Master Plan. Parkways and boulevards shall be such width as may be designated by the Common Council. The width of streets shall not be less than 50 feet. Editor's Note: Former Subsection E, which immediately followed this subsection and listed dead-end or cul-de-sac streets, was repealed 4-10-1972. **[Amended 9-12-2005]**
- E. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Common Council. **[Amended 9-12-2005]**
- F. Corner lots shall be increased in size whenever necessary so as to provide that any structure to be placed thereon shall conform to the building line of each street.
- G. The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the locations of the subdivision and for the type of development and use contemplated. Lot dimensions shall conform to the requirements of Chapter 475, Zoning. Lots shall have a minimum width of 50 feet. This minimum width of lots shall not apply to row houses or townhouses which are attached to buildings on contiguous lots and which have a common party wall. **[Amended 10-26-1970]**
- H. The subdividing of land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.
- I. Grades of all streets shall conform in general to the terrain and shall be the reasonable minimum, but shall not be less than 0.5% nor more than 5% for main thoroughfares nor more than 10% for minor streets.
- J. Land subject to flooding and land deemed by the Common Council 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 uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions may be permitted. **[Amended 9-12-2005]**
- K. In case a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged

so as to allow the opening of future streets and logical further resubdivision.

- L. In general, no reserve strips controlling access to land dedicated or to be dedicated to public use shall be permitted.
- M. The Common Council shall generally require the developer to pay the cost of bringing sanitary sewers, storm sewers, water mains, pumping stations or other facilities from existing areas to the proposed development.
- N. In front of areas designed and zoned or where a petition for a change in zoning is contemplated for commercial use, to permit such use the street width shall be increased by such amount on each side as may be deemed necessary by the Common Council 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. [Amended 9-12-2005]
- O. In considering applications for subdivisions, the Common Council shall apply and mandate all of the provisions of Chapter 414 of the Code of the City of Middletown, Stormwater Management; Erosion and Sediment Control. [Added 11-27-2007 by L.L. No. 3-2007]

§ 420-4. Preliminary layout. [Amended 9-12-2005]

Subdividers shall present to the Common Council a preliminary layout. Four copies shall be filed at the scale of not more than 50 feet to the inch, showing or accompanied by the following information:

- A. Proposed subdivision name and identifying title and the name of the City in which the subdivision is located.
- B. Name and address of record owner, subdivider and designer of preliminary layout.
- C. Location of property lines, existing easements, buildings, watercourses and other essential features.
- D. The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.
- E. Subsurface conditions on the tract, if required by the Common Council; location and results of tests made to ascertain subsurface soil, rock and groundwater conditions.
- F. Other conditions on the tract, such as watercourses, marshes, rock outcrop, wooded area, isolated preservable trees one foot or more in diameter, houses, barns, shacks and other significant features.
- G. Other conditions on adjacent land, such as approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, nonresidential land uses or adverse influence, and other significant features.
- H. Photographs, if required by the Common Council.
- I. The location of any existing sewers and water mains, culverts and drains, on the property to be subdivided.
- J. Location, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public open spaces, and similar facts regarding adjacent property.
- K. Minimum building setback line on all lots and other sites.
- L. Any changes in the use, height, area and density districts or other regulations under Chapter 475, Zoning, applicable to the area to be subdivided, and any boundaries of such districts affecting the tract; all parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- M. The width and location of any street or other public ways or places shown upon the Official Map or Master Plan, if such exists, within the area to be subdivided, and the width, location, grades and street profiles of all streets or other public ways proposed by the developer.
- N. Typical cross sections of the proposed grading and roadways or sidewalks and topographical conditions.
- O. Date, true north point and scale.
- P. Deed description and map of 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 engineer or land surveyor and shall have the signature, license number and seal of such engineer or surveyors affixed thereto. The corners of the tract shall also be located on the ground and marked by substantial stone monuments referenced and shown on the plan.

- Q. Connection with existing water supply.
- R. Connections with existing sanitary sewage system.
- S. Provisions for collecting and discharging surface drainage.
- T. Preliminary design of any bridges or culverts which may be required.
- U. The proposed lot lines with approximate dimensions.
- V. The preliminary layout shall show proposed location and type of sidewalks, species of street trees, location of curbs, water mains, sanitary sewers and storm sewers and drains and the sizes and types thereof, the character and depth of pavement and subbase, the location of manholes and catch basins, underground conduits and fire alarm boxes.
- W. Where the topography is such as to make difficult the inclusion of any such facilities within the public area so laid out, the preliminary layout shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall be not less than 10 feet in width and which shall provide satisfactory access to an existing public highway or other public open space shown upon the layout.
- X. Where the preliminary layout submitted covers only a part of the subdivider's entire holding, a drawing of the prospective future street system of the unsubmitted part shall be furnished, and the street system of the unsubmitted part will be considered in the light of adjustments and connections with the street system of the part not submitted.

§ 420-5. Subdivision plat.

If no preliminary layout is filed, the plat shall conform to specifications of § 420-3, and in addition:

- A. Five subdivision plats shall be submitted for approval and subsequent recording shall be clearly and legibly drawn in ink upon tracing cloth. The size of the sheets shall be 20 inches by 20 inches, or 20 inches by 40 inches.
- B. The drawing shall be at the scale of not more than 50 feet to the inch. The subdivision plat shall show:
 - (1) Proposed subdivision name or identifying title and the name of the City and county or counties in which the subdivision is located, the name and address of record owner and subdivider, name, license number and seal of the licensed professional engineer or land surveyor.
 - (2) Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
 - (3) Sufficient data acceptable to the engineer to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where practicable, these should be referenced to monuments, included in the state system of plan coordinates, and in any event should be tied to reference points previously established by a public authority.
 - (4) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearing 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 final plat shall show the boundaries of the property, location, graphic scale and true North point.
 - (5) The final plan shall also show by proper designation thereon all public open spaces for which deeds of cession are included, and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the final subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.
 - (6) All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Corporation Counsel as to their legal sufficiency.
 - (7) Before the final approval of the plat, there shall be filed with the Common Council a certificate of the Engineer as to the completion of all improvements required by the Common Council to his satisfaction in accordance with standards and specifications prescribed by him. For any required improvements not so completed, there shall be submitted with the plat a certificate of the Corporation

Counsel as to the sufficiency of the bond offered in lieu thereof. [Amended 9-12-2005]

- (8) Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing City practice.
- (9) Monuments of a type approved by the 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 intermediate points as shall be required by the Engineer.
- (10) Permanent reference monuments shall be identified on the plat. They shall be constructed in accordance with specifications of the Engineer, and shall be placed as required by the Engineer and their location noted and references upon the plat.
- (11) All corner markers shall be permanently located satisfactory to the City Engineer, at least 3/4 inch (if metal) in diameter and at least 24 inches in length, identified on the plat and located in the ground to existing grade.
- (12) Variations of the general requirements above outlined may be permitted by the Board on application when, in their judgment, special factors warrant such variation.

§ 420-6. Minimum standards for new streets; installation of utilities. [Amended 2-26-1968; 4-10-1972; 5-14-1973; 3-11-1974; 2-24-1975]

- A. No existing street shall be extended unless the portion so extended shall have a width not less than the street width of the street now used or formally accepted, but in no case shall the width of the extended portion be less than 40 feet. When the proposed extension of an existing street shall exceed 600 linear feet, or when topography or the existing surface conditions shall indicate that the ultimate extension of the street will exceed 600 linear feet, or when deemed necessary by the Commissioner of Public Works or his designated representative, then the width requirements for new streets shall govern.
- B. No new street shall be acceptable unless it shall have a width of not less than 50 feet.
- C. The developer shall establish and clearly mark on the site the limits of the road right-of-way and easements, the center line and grades of the road pavement, in accordance with the approved plans. Such markers shall be maintained at the developer's expense until the public improvements have been completed, inspected and approved by the Commissioner of Public Works or his designated representative.
- D. The developer shall clear the street a minimum of 30 feet in width. If sidewalks are required, the developer shall clear the street a minimum of 50 feet in width. The developer shall remove all topsoil, sod, roots and stumps over the width cleared. This material shall be removed from the site by the developer.
- E. Grading and filling.
 - (1) The developer shall rough grade the proposed street by bringing it to the subgrade line and grade as shown on the approved plans, and as otherwise may be directed by the Commissioner of Public Works or his designated representative, before installing any public utilities.
 - (2) All unsuitable or unstable materials, such as clay, ashes, organic material or peat shall be completely excavated and removed from the road right-of-way, and all rock or boulders larger than six inches in diameter shall be excavated at least eight inches below the finished subgrade of the road pavement.
 - (3) Fills of excavated material or fills necessary to complete the required line and grade, or to backfill trenches, shall be material acceptable to the Commissioner of Public Works or his designated representative.
 - (4) Fill shall be thoroughly consolidated and must be placed in layers not to exceed one foot in depth and rolled or compacted until the fills are firm and unyielding.
- F. The developer shall install water mains and sanitary sewers in accordance with the approved plans, with services inside the curblines. If the curb requirement is waived, the curblines shall be staked. The water mains and sanitary sewers shall be installed according to specifications set forth by the Commissioner of Public Works. Inspection and approval shall be made by the City of Middletown Plumbing Inspector, the Commissioner of Public Works and/or their designated representatives. Prints of the water and sanitary sewer lines shall be given to the electric, gas and telephone companies.
- G. The developer shall install storm sewers and catch basins in accordance with the approved plans and

specifications set forth by the Commissioner of Public Works. Inspection and approval shall be made by the Commissioner of Public Works or his designated representative.

- H. The developer shall, at his expense, have installed underground gas and electric facilities in the streets and on lots in accordance with Public Service Commission regulations, unless waived by the Public Service Commission and/or the Planning Board. [Amended 9-12-2005]
- I. The developer shall contact the telephone company and have installed underground or overhead telephone facilities in the street right-of-way and on the lots. These requirements are under Public Service Commission and Planning Board rulings. [Amended 9-12-2005]
- J. The developer shall, at his expense, have installed the necessary bases, connections, fixtures and wood-laminated lighting standards for the streetlighting of the development. The plan for the streetlighting shall be prepared by the utility company after preliminary site plan approval has been granted.
- K. The developer shall, at his expense, install or have installed whatever fire alarm standards, bases, connections or any fire alarm system which is deemed necessary by the Chief of the Fire Department or his designated representative.
- L. The developer shall install concrete curbing and sidewalks unless waived by the Common Council. The curbing, sidewalks and driveway cuts shall be in accordance with current City of Middletown standards and specifications set forth by the Commissioner of Public Works. Inspection and approval shall be made by the Commissioner of Public Works or his designated representative. [Amended 9-12-2005]
- M. The location of underground utilities in the street shall be as follows:
 - (1) The sanitary sewer shall be located in the center line of the street.
 - (2) The water and storm sewer lines shall be located on the north and west sides of the street.
 - (3) The electric and gas facilities shall be located on the south and east sides of the street.
 - (4) The telephone and other communications (i.e. fire alarm systems) shall be located on the south and east sides of the street and/or on a strip of land five feet in width contiguous to each side of the public right-of-way.
 - (5) Any waiver in these locations requires approval by the Commissioner of Public Works or his designated representative and demands notification of all parties involved.
- N. The developer shall fine grade the subgrade to the line and grade as shown on the approved plans and as otherwise directed by the Commissioner of Public Works or his designated representative, and thoroughly compact the subgrade with an approved self-propelled roller, weighing not less than 10 tons, after all underground public utilities and services have been installed and all fill and backfill has been thoroughly compacted. Any soft or unstable portions of the subgrade which develop under the roller shall be completely excavated and removed from the right-of-way and shall be replaced with acceptable granular material and shall be regraded and compacted.
- O. Base course; materials.
 - (1) The developer shall build a base course, which shall be a minimum of 30 feet wide, centered in the public right-of-way. The base course shall be brought to the line and grade, as shown on the approved plans, with at least eight inches of run-of-bank gravel or shale, after all public utilities are installed, inspected and approved. Where conditions warrant, an increased depth of the base course may be required by the Commissioner of Public Works or his designated representative.
 - (2) The gravel used for the base course shall be well graded from coarse to fine. The maximum diameter of particles shall not exceed four inches. One hundred percent by weight of the particles shall be of such size as will pass through a four-inch-square hole. Not more than 60% by weight of the particles shall be of such size as will pass through the No. 40 mesh sieve and not more than 10% by weight of the particles shall be of such size as will pass through the No. 200 mesh sieve.
 - (3) In all instances, approval of the material shall be secured from the Commissioner of Public Works or his designated representative, before applying such material to the proposed street.
 - (4) The material shall be placed by mechanical spreaders, and shall be thoroughly compacted by rolling with a self-propelled ten-ton roller.
- P. Binder course and concrete wearing course.

- (1) The developer shall construct a two-course bituminous concrete wearing course after the base course has been completed to the satisfaction of the Commissioner of Public Works or his designated representative.
 - (2) The asphaltic concrete shall conform to the latest New York State Department of Public Works specifications for NYS Item 403.05 asphalt concrete, Type 1A binder; NYS Item 403.01 asphalt concrete, Type 1A top.
 - (3) After the base course has been approved by the Commissioner of Public Works, a bituminous concrete binder course shall be uniformly spread by a self-propelled mechanical spreader, and in sufficient depth so as to provide a finished compacted thickness after rolling of not less than two inches. The course in place shall be thoroughly rolled with a ten-ton roller.
 - (4) After the binder course has been completed and thoroughly cleaned of foreign material, and a tack coat of asphalt emulsion has been applied to the surface at the rate of 1/10 to 1/20 gallon per square yard, in the event that the binder course has been subject to traffic for an extended period of time, a final wearing course of bituminous concrete top shall be uniformly spread by a self-propelled mechanical spreader and in sufficient depth so as to provide a finished compacted thickness, after rolling, of not less than one inch. The top wearing course in place shall be thoroughly compacted with a two-wheel tandem roller weighing not less than 10 tons.
 - (5) The bituminous concrete wearing course shall conform accurately to the line, grade and crown shown on the approved plans and specifications set forth by the Commissioner of Public Works. All roadwork shall be in accordance with the above City of Middletown standards and specifications set forth by the Commissioner of Public Works. Typical street cross section details will be available from the Department of Public Works. Inspection and approval shall be made by the Commissioner of Public Works or his designated representative.
- Q. The developer shall give the City of Middletown, New York, all easements shown on the approved plans, before street acceptance can be attained.
- R. The developer shall have the professional engineer, whose seal is on the approved subdivision plat, supply the City of Middletown Department of Public Works with detailed as-built plans for all public improvements, including house services, after all public improvements have been approved by the Commissioner of Public Works or his designated representative.
- S. The developer's professional engineer, whose seal is on the approved subdivision plat, shall have inspectors at the subdivision site daily to inspect all public improvements and ensure that they are installed according to the approved plans and City of Middletown specifications. These inspectors shall work closely with and coordinate inspections and tests with City of Middletown inspectors.
- T. The developer's professional engineer, whose seal is on the approved subdivision plat, shall submit to the Commissioner of Public Works, in writing, an engineer's certification of completed works, stating that all public improvements have been completed in accordance with the approved plans and City of Middletown, New York, specifications, before street acceptance can be attained.
- U. Prior to acceptance by the City of Middletown, New York, of the dedication of the street, the developer shall deposit with the Treasurer a maintenance bond of acceptable surety or shall deposit with the Treasurer acceptable negotiable government bonds, cash or a certified check drawn upon a national or state bank payable, at sight, to the Common Council, guaranteeing that, for a period of one year from the date of acceptance of the dedication of the street by the City, the developer will maintain the street to the standard of construction set by the approved plans and City of Middletown specifications, normal wear and tear excepted. This shall be interpreted to mean that the developer will, at his own expense, repair and make good any defects or damage which may develop during this maintenance period as a result of faulty construction within the right-of-way, or as a result of other construction by the developer off the right-of-way. During the maintenance period the City shall be responsible for snow and ice control, street cleaning, cleaning of culverts and catch basins and other work of a similar routine nature, provided that such work has in no way been caused by the developer's operations. The amount of the maintenance bond shall be equal to at least 10% of the total cost of all public improvements, this cost to be estimated by the Commissioner of Public Works or his designated representative. **[Amended 1-7-2008]**
- V. No new street shall be accepted for dedication until all public improvements have been installed in accordance with the approved plans, City of Middletown, New York, specifications, and until all public improvements have been inspected and approved by the Commissioner of Public Works or his designated

representative.

- W. No certificate of occupancy will be issued until the street is accepted.
- X. Final decision as to the interpretation of any part of these specifications shall rest with the Commissioner of Public Works. The Commissioner of Public Works shall have the authority to modify the requirements of these specifications if, in his opinion, conditions warrant a change.
- Y. No new street shall be accepted for dedication until the developer shall have posted with the City Treasurer a policy of title insurance for said street, issued by an insurance company licensed to do business in the State of New York, and in an amount to be set by the Corporation Counsel, but in no case for an amount less than \$3,000. Editor's Note: Original § 103-7, Installation of utilities, which immediately followed this section, as added 9-11-1972 and amended 12-11-1972, was repealed 5-14-1973.