



Town of Halfmoon

Road & Infrastructure Construction & Dedication Process

Step-by-Step Guide

with

Forms, Checklists & Regulations

REVISED January 2024

TABLE OF CONTENTS

<u>TABLE OF CONTENTS</u>	<u>PAGE</u>
STEP #1: Acknowledgment Form	1
STEP #2: Construction Initiation Request Form	2
STEP #3: Pre-Construction Meeting Checklist	3
STEP #4: Dedication & Acceptance Checklist	4
STEP #5: Infrastructure Security Release Checklist	5
Hold Harmless and Indemnity Agreement	6
Stormwater/ Soil Disturbance Permit Application	7
SAMPLE Letter of Credit (Lawn Stabilization)	8
SAMPLE Letter of Credit (Roads & infrastructure)	9
Offer of Cession	10
Tax Escrow Letter	11

**The Roadway and Infrastructure Dedication Procedures can be found in
Chapter 74, Appendix A, of the Halfmoon Town Code at:**

<https://ecode360.com/attachment/HA2075/HA2075-074c%20Roadway%20and%20Infrastructure.pdf>

STEP #1: Acknowledgment Form

The following form must be completed by the owner/builder/developer and submitted to the Coordinator of Building, Planning & Development at the time of submittal of the final, approved plans for stamping and signature by the Planning Board Chairman. The completed form should be included with at least two (2) mylars and seven (7) sets of hard copy/paper plans. Once signed/stamped, one (1) mylar and one (1) hard copy/paper plan set will be returned. If additional signed/stamped copies are needed, please submit accordingly.

Please Initial

- _____ I acknowledge receipt of the Town of Halfmoon Road & Infrastructure Dedication Procedures, Chapter 74 Attachment 3 of the Halfmoon Town Code (attached).

- _____ I understand that no more than five (5) Building Permits may be issued prior to submittal and approval of all required documents, maps, deeds, descriptions, etc. by the Town Attorney or her/his designee. Following approval of such documents by the Town Attorney, an additional five (5) Building Permits may be issued prior to completion of the Dedication Process.

- _____ I understand that only one (1) Certificate of Occupancy for a Model Home, allowing no overnight occupancy, will be issued by the Town in advance of completion of the Road & Infrastructure Dedication Process, including submission to the Town of the proof of filing of all necessary documents, maps, deeds, etc. with the Saratoga County Clerk.

- _____ I understand that all roads and infrastructure to be dedicated to the Town must be accepted by the Town Board no earlier than the first Town Board meeting in May and no later than the first Town Board meeting in November.

- _____ I understand that a Pre-Construction Meeting will not be held until the forms and required documents listed in Step #1 and Step #2 (attached) are submitted to the Town.

Date: _____

Signature: _____

Completed by (Print Name): _____

STEP #2: Construction Initiation Request Form

Please complete the following form to begin the Town of Halfmoon Road & Infrastructure Construction & Dedication Process. Prior to scheduling a Pre-Construction Meeting with the Town, the below form and the attached "Step #3: Pre-Construction Meeting Checklist", and any listed or related documents, must be completed and sent to the Coordinator of Building, Planning & Development. Upon receipt of the completed form, checklist and checklist documents, the Coordinator will contact you to schedule the Pre-Construction Meeting. **Please retain a copy of the completed documents for your use and guidance during the Construction and Dedication Process.**

1.) Project Name: _____

2.) Project Manager (primary contact responsible for communicating to all others):
Name: _____
Phone: _____ Email: _____

3.) Applicant/Developer: _____
Phone: _____ Email: _____

4.) Engineer/Design Consultant: _____
Phone: _____ Email: _____

5.) Attorney: _____
Phone: _____ Email: _____

6.) Roads, Infrastructure & Other Items to be Dedicated to the Town as part of this request:
a. Road Names (If portions of a road will be dedicated, or any amendments/modifications made during construction, please provide stations): _____

b. Other Infrastructure (e.g. stormwater areas, open space/parks, trails, other lands or items). Please list and describe (attach additional pages, if necessary):

1. _____

2. _____

3. _____

4. _____

5. _____

5.) Easements. List all easements to be dedicated to the Town. Attach additional pages, if necessary:

1. _____

2. _____

3. _____

4. _____

5. _____

Date: _____

Signature: _____

Completed by (Print Name): _____

STEP #3: Pre-Construction Meeting Checklist

The following checklist **must** be completed and all listed documents/items submitted to the **Coordinator of Building, Planning & Development** prior to scheduling a Pre-Construction Meeting:

Step/Document	Check
1. FINAL PLANS: Submit two (2) copies of the approved, signed final subdivision plans (by Planning Board Chair & other agencies) and any off-site improvement plans for the Town Engineer.	
2. PROOF OF MAP FILING: Submit proof of filing of the final subdivision map with the Saratoga County Clerk.	
3. TOWN STORMWATER/SOIL DISTURBANCE PERMIT ISSUED: See attached for a blank application and sample Stabilization LOC.	
4. PROOF OF CERTIFICATE OF INSURANCE: A Certificate of Insurance must be filed with the Department of Building, Planning & Development, naming the Town and Town Engineer as additional insured. Please attach proof.	
5. HOLD HARMLESS & INDEMNITY AGREEMENT: A Hold Harmless Agreement must be completed and submitted. See attached form.	
6. ANTICIPATED CONSTRUCTION START DATE: _____	
7. CONSTRUCTION SCHEDULE: Attach a schedule detailing when proposed operations will take place.	
8. WORK HOURS: Monday - Friday: _____ Saturday: _____ Sunday: _____ Other/Special Conditions: _____ _____	

Date: _____

Signature: _____

Completed by (Print Name): _____

Town of Halfmoon
Road & Infrastructure Construction & Dedication Process

STEP #4: Dedication & Acceptance Checklist

The following items ***must*** be submitted, as noted, prior to completion of the Road Dedication process. (This checklist is for your use only and should not be submitted to the Town.)

Road Dedication & Acceptance Step	Lead Contact	Check
1. START: Designated Project Manager for the applicant/developer contacts Building & Planning to begin the Road Dedication process; Building & Planning schedules Walk-Thru for development of a Punch List.	Building & Planning	
2. WALK-THRU/PUNCH LIST:		
a. Walk-Thru w/Applicant, Engineer & Town (Building & Planning, Highway, Water)	Engineer	
b. Engineer distributes Punch List	Engineer	
c. Applicant completes Punch List	Engineer	
d. Applicant contacts Building & Planning to schedule follow-up Walk-Thru with Town Engineer & Town to verify items completed	Building & Planning	
3. CONSTRUCTION DOCUMENT REVIEW: Applicant submits the following; Follow-up may occur from other Town staff during the review process.		
a. As-Built Record Mapping (Certified Survey) – One copy submitted to Legal for review by Town Engineer; once approved by Town Engineer, submit four (4) paper copies and two (2) electronic copies (DVD/CD, zip, or thumb drive) to Legal for distribution to Town Engineer, Water, Highway & Town Clerk.	Legal (w/review by Town Engineer)	
b. Roadway and Easement Descriptions for all roads and easements to be dedicated to the Town; a separate map (8.5 in. x 11 in. max) and description (8.5 in. x 11 in. max) for each easement and roadway; each must have the signature seal of a licensed land surveyor and last revision date. Submit to Legal for review by Town Engineer; final versions to Legal.	Legal (w/review by Town Engineer)	
4. BONDS: Building & Planning calculates bonds/letters of credit/cash escrow amounts for Maintenance, Top Course and other items (Performance). Applicant submits bonds/LOCs/cash escrow to Building & Planning for review and approval w/Legal. (sample LOC attached)	Request/develop with Building & Planning; Submit final to Legal	
5. OUTSTANDING TOWN FEES: Applicant pays all outstanding fees, engineering review or inspection escrow amounts or any other payments due to the Town	Legal (verify with Water, Building & Planning and Receiver of Taxes)	
6. LEGAL PACKAGE: Applicant submits the following to Legal for review:	Legal	
a. Saratoga County Sewer District #1 Resolution of Dedication	Legal	
b. Final versions, as approved by the Engineer, of the items listed in #3a & b, above, if necessary.	Legal	
c. Title Insurance	Legal	
d. Warranty deed(s) and/or Conveyance of Easements	Legal	
e. Offer(s) of Cession (sample attached)	Legal	
f. Mortgage release	Legal	
g. Resolution (if owned by an LLC or Inc.)	Legal	
h. Tax Liability Letter (sample attached)	Legal	
i. Transfer Tax Form (TP-584)	Legal	
j. Equalization and Assessment Form (RP-5217)	Legal	
k. Final versions of the Bonds/Letter(s) of Credit, as approved per #4, above.	Legal	
7. FINAL VERSIONS of all items listed in 3, 4, 5 & 6, above, at least five (5) business days prior to the targeted Town Board meeting date.	Legal	
8. DEDICATION MEMO: After Steps 1-7, above, are completed, Building & Planning prepares Dedication Memo authorizing placement on Town Board agenda, signed by Building & Planning, Highway, Water & Legal.	Building & Planning	
9. TOWN BOARD RESOLUTION: Acceptance for Dedication Resolution placed on Town Board Agenda and approved.	Legal	
10. DEDICATION FILING: Applicant files with the County and provides proof of filing to Legal. C.O.s and additional building permits may be issued once proof of filing submitted.	Legal	

STEP #5: Infrastructure Security Release Checklist

The following checklist includes items necessary for the release of Top Course & Maintenance securities related to the completion of required infrastructure. In general, requests for release will not occur until approximately 75% of homes are constructed, or otherwise determined by the Town. (This checklist is for your use only and should not be submitted to the Town.)

TOP COURSE:

Step	Primary Contact	Completed
1. REQUEST WALK-THRU: Applicant contacts Building & Planning to indicate intent to install Top Course and request Walk-Thru.	Building & Planning	
2. WALK-THRU/PUNCH LIST*:		
a. Walk-Thru conducted w/Applicant, Engineer & Town Staff	Engineer	
b. Engineer distributes Punch List.	Engineer	
c. Applicant completes Punch List with Engineer observation.	Engineer	
d. Applicant contacts Building & Planning to schedule follow-up Walk-Thru with Engineer & Town Staff to verify items completed.	Building & Planning	
3. TOP COURSE INSTALLATION: Applicant installs Top Course.		
4. WALK-THRU/PUNCH LIST*: Applicant contacts Building & Planning to indicate Top Course installed. Town may conduct follow-up Walk-Thru and/or request verification by Engineer and Highway that installation is acceptable. New Punch List may be generated by Engineer (follow Step #2, above).	Engineer/ Building & Planning	
5. OUTSTANDING TOWN FEES: Applicant pays outstanding fees, escrows, municipal taxes, etc.	Building & Planning	
6. TOP COURSE RELEASE: After Steps #1-5 are completed, Building & Planning prepares memo for release of Top Course security. If a Letter of Credit or Bond, Building & Planning releases it directly. If a cash security, Building & Planning prepares memo for Town Supervisor and approval of the Town Board is required prior to release by Town Comptroller.	Building & Planning	

MAINTENANCE:

Step	Primary Contact	Completed
1. REQUEST WALK-THRU: After a minimum of one (1) year AFTER installation of the Top Course, Applicant may contact Building & Planning to request release of Maintenance security and request a Walk-Thru.	Building & Planning	
2. WALK-THRU/PUNCH LIST*:		
a. Walk-Thru conducted w/Applicant, Engineer & Town Staff	Engineer	
b. Engineer distributes Punch List.	Engineer	
c. Applicant completes Punch List with Engineer observation.	Engineer	
d. Applicant contacts Building & Planning to schedule follow-up Walk-Thru with Engineer & Town Staff to verify items completed.	Building & Planning	
3. OUTSTANDING TOWN FEES: Applicant pays outstanding fees, escrows, etc.	Building & Planning	
4. MAINTENANCE RELEASE: After Steps #1-3 are completed, Building & Planning prepares memo for release of Maintenance security. If a Letter of Credit or Bond, Building & Planning releases it directly. If a cash security, Building & Planning prepares memo for Town Supervisor and approval of the Town Board is required prior to release by Town Comptroller.	Building & Planning	

* The Walk-Thru/Punch List process may be repeated, as necessary, until all items completed by Applicant.

HOLD HARMLESS AND INDEMNITY AGREEMENT

To the fullest extent provided by law, the Contractor/Company and all of it employees, agents and assigns agree to indemnify and hold harmless the Town of Halfmoon, a New York State municipal corporation, from and against any and all liability, loss, or damage, from any claims, demands, payments, suits, actions, recoveries and judgments of every nature and description brought or recovered against it, including reasonable attorneys’ fees by reason of any act or conduct, including negligence, omission, tortuous act, willful conduct or otherwise of _____, its agents or representatives, arising out of the agreement with the Town of Halfmoon to provide service and/or the performance thereof.

The Contractor/Company agrees to name the Town of Halfmoon as an additional insured on its liability insurance policies by way of policy endorsement and to provide the Town of Halfmoon with Certificates of Insurance or other evidence of insurance as may be required by the Town.

Contractor/Company Name:_____

By: _____
(Signature)

Print Name and Title:_____

STATE OF NEW YORK)
COUNTY OF SARATOGA) ss:

On the _____ day of _____, 2016, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC-STATE OF NEW YORK



Town of Halfmoon
2 Halfmoon Town Plaza
Halfmoon, NY 12065
371-7410 ext. 2266
Fax: 371-0304
Building and Planning
Departments

Stormwater Application

*Soil Disturbance Permits &
Requests for NOI/SWPPP Acceptance &
Notices of Termination*

7

Application Date: _____

FEE SCHEDULE:

Soil Disturbance

Residential: Minor Subdivision = \$475 flat fee
Major Subdivision = \$875 flat fee or \$75 per lot, whichever is greater

Commercial: \$275 per acre disturbed

Notice of Intent/SWPPP Acceptance Form: \$275

Notice of Termination: \$275

Fee: _____

Permit #: _____

Type of Request: ☐ Soil Disturbance (☐ Residential - ☐ major/ ☐ minor OR ☐ Commercial)
☐ Notice of Intent/SWPPP Acceptance ☐ Notice of Termination

Business/Project Name: _____

Address/Location: _____

Property Owner: _____

Address: _____ Date of Birth/Employer ID#: _____

Phone: _____ Email: _____ Fax: _____

Business Representative: _____

Address: _____

Phone: _____ Email: _____ Fax: _____

Contractor/Builder: _____

Address: _____

Phone: _____ Email: _____ Fax: _____

Site:

a. Number of Lots: _____ Parcel identification # (SBL) of lots: _____

b. Town Zoning Code: _____

c. Size of total project: _____ acres Area to be disturbed: _____ acres

d. Type of work proposed: _____

e. Has a SPDES General Permit for Stormwater Discharges from a Construction Activity been applied for?

☐ Yes ☐ No If yes, please provide a copy of the NOI (Notice of Intent) Acknowledgement Letter from NYSDEC
**** Please maintain a copy of your Stormwater Pollution Prevention Plan on site at all times. ****

Applicant Signature: _____ **Date:** _____

(For Department Use Only)

Action: Approved ☐ Disapproved ☐ Reason for Disapproval: _____

Planning/Stormwater Management Officer (Signature): _____ Date: _____

**SAMPLE
TOWN OF HALFMOON
LETTER OF CREDIT – LAWN STABILIZATION**

The following is a SAMPLE of suggested language that may be used for establishing a Letter of Credit with the Town of Halfmoon. It includes the minimum information required by the Town and may be supplemented with language or other information required by the bank or institution supplying the letter. Individual projects may require additional details or information not listed below and the Town of Halfmoon will make the final determination on the adequacy of the Letter of Credit on a case-by-case basis.

***** PLEASE NOTE: Items below in bold, italics and underlined needs to be inserted by the bank or institution supplying the letter. *****

(Insert Date of Letter)

Beneficiary: Town of Halfmoon
2 Halfmoon Town Plaza
Halfmoon, New York 12065

Applicant: **(Insert company name & address)**
Project Name & Address: **(Insert approved project name & address)**
Letter of Credit Number: **(Insert LOC No.)**
Type of Letter of Credit: **(Insert "Lawn Stabilization")**

Ultimate Date of Expiration (if any) : **(Insert "N/A, automatically renewed annually" OR a date that is a minimum five (5) year date from date of the letter or other ultimate expiration date approved by the Town of Halfmoon.)**

We hereby establish Irrevocable Letter of Credit No. **(insert number)**, in the favor of the Town of Halfmoon for an amount up to **(insert dollar amount provided by Town)** for the account of **(insert Applicant name)** which may be drawn upon by the Town of Halfmoon due to the default of **(insert Applicant name)** to satisfactorily complete the Final Lawn Stabilization, as required pursuant to Section 165-42, and which will be returned/released when the Notice of Termination associated with the stormwater pollution prevention plan (SWPPP) is filed by the applicant. This Letter of Credit shall be considered a Final Lawn Stabilization Letter of Credit by the Town of Halfmoon.

It is a condition of this Letter of Credit that it shall be deemed automatically extended without amendment for one (1) year from the present or any future expiration date hereof, unless at least thirty (30) days prior to such expiration date we shall notify you in writing at the above address by registered mail, return receipt requested or courier services that this Letter of Credit will not be extended for any such additional time period. **(The above may include an ultimate expiration of a minimum five (5) years from the date of the letter or other ultimate expiration date approved by the Town of Halfmoon.)** Upon receipt by the Town of such notice of termination, the Town may draw the full amount of the credit hereunder, without any further documentation.

(Insert signature of responsible bank official)

**SAMPLE
TOWN OF HALFMOON
LETTER OF CREDIT – ROADS & INFRASTRUCTURE**

The following is a SAMPLE of suggested language that may be used for establishing a Letter of Credit with the Town of Halfmoon. It includes the minimum information required by the Town and may be supplemented with language or other information required by the bank or institution supplying the letter. Individual projects may require additional details or information not listed below and the Town of Halfmoon will make the final determination on the adequacy of the Letter of Credit on a case-by-case basis.

***** PLEASE NOTE: Items below in bold, italics and underlined needs to be inserted by the bank or institution supplying the letter. *****

(Insert Date of Letter)

Beneficiary: Town of Halfmoon
2 Halfmoon Town Plaza
Halfmoon, New York 12065

Applicant: **(Insert company name & address)**

Project Name & Address: **(Insert approved project name & address)**

Letter of Credit Number: **(Insert LOC No.)**

Type of Letter of Credit: **(Insert "Maintenance" or "Top Course")**

Ultimate Date of Expiration (if any) : **(Insert "N/A, automatically renewed annually" OR a date that is a minimum five (5) year date from date of the letter or other ultimate expiration date approved by the Town of Halfmoon.)**

We hereby establish Irrevocable Letter of Credit No. **(insert number)**, in the favor of the Town of Halfmoon for an amount up to **(insert dollar amount provided by Town)** for the account of **(insert Applicant name)** which may be drawn upon by the Town of Halfmoon due to the default of **(insert Applicant name)** to satisfactorily complete the **(insert either "construction of roads, infrastructure, structures or other elements of the approved plan, for maintenance and/or repairs that the Town requires to ensure that the subdivision is in compliance with the approved plan, " for the Maintenance Letter of Credit or "top course pavement" for the Top Course Letter of Credit, whichever applies)** and for payment of any taxes incurred on the property prior to receiving tax exempt status when transferred to the Town for the project known as **(insert project name and address)**. This Letter of Credit shall be considered a **(Insert either "Maintenance" or "Top Course", whichever is applicable)** Letter of Credit by the Town of Halfmoon.

It is a condition of this Letter of Credit that it shall be deemed automatically extended without amendment for one (1) year from the present or any future expiration date hereof, unless at least thirty (30) days prior to such expiration date we shall notify you in writing at the above address by registered mail, return receipt requested or courier services that this Letter of Credit will not be extended for any such additional time period. **(The above may include an ultimate expiration of a minimum five (5) years from the date of the letter or other ultimate expiration date approved by the Town of Halfmoon.)** Upon receipt by the Town of such notice of termination, the Town may draw the full amount of the credit hereunder, without any further documentation.

(Insert signature of responsible bank official)

OFFER OF CESSION

THIS IRREVOCABLE OFFER OF CESSION made this ____ day of _____, 2015, from _____, a **Limited Liability Company** organized and existing under the laws of the State of New York, with offices located at _____ (hereinafter referred to as “_____”) to the **TOWN OF HALFMOON**, a Municipal Corporation, having its offices at 2 Halfmoon Town Plaza, Halfmoon, New York, 12065 (hereinafter referred to as “Halfmoon”).

WITNESSETH

WHEREAS, _____ is the owner of certain lands located within the Town of Halfmoon, County of Saratoga and State of New York, more particularly described in a deed recorded in the Saratoga County Clerk’s Office in Liber ____ of Deeds at Page ____, as shown on a map entitled, “_____”, dated _____, prepared by _____ and filed in the Saratoga County Clerk’s Office on _____ as Map No. _____ and being further bounded and described as follows:

SEE SCHEDULE “A” ATTACHED HERETO

WHEREAS, Halfmoon, as a condition for the dedication to and acceptance of the roads and easements, has required _____ to file with Halfmoon a formal Irrevocable Offer of Cession of the proposed subdivision roadways and easements as shown on said maps;

NOW, THEREFORE, _____ hereby irrevocably offers to grant, cede and convey to Halfmoon all that tract, piece or parcel of land as is more particularly described in Schedule “A” annexed hereto, said parcel to be used as a public roadway or as utility easements, all as shown of the aforementioned subdivision maps.

This Irrevocable Offer of Cession shall continue indefinitely and may be accepted by the Town of Halfmoon at any time, it being the intent that this offer will be accepted at the Town Board’s discretion. It is expressly understood that the receipt of this Offer of Cession by the Town of Halfmoon, and/or the recording hereof, does not constitute any actual acceptance of the Offer herein contained.

IN WITNESS WHEREOF, _____ has executed this Irrevocable Offer of Cession as of the day and year first above written.

NAME OF COMPANY
By: _____

STATE OF NEW YORK :
COUNTY OF SARATOGA : SS.:

On the ____ day of _____, 20__ before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within Instrument and he acknowledged to me that he executed the same in his capacity, and that by his signature on the Instrument, the individual or person upon behalf of which the individual acted, executed the Instrument.

NOTARY PUBLIC
Commission Expires:

TAX LIABILITY LETTER

PLEASE PLACE ON LETTERHEAD

DATE

Town of Halfmoon
2 Halfmoon Town Plaza
Halfmoon, New York 12065

RE: TAX LIABILITY
Offer of Cession - Dedication of _____

Dear Sir/Madam:

This letter will confirm the offer of _____ to dedicate _____

Street(s)/Road(s) to the Town of Halfmoon by Offer of Cession dated _____,
remaining liable for any and all taxes due or to become due on the said streets/roads until such time as the
property is listed on the assessment roll in the name of the Town of Halfmoon, and the tax bill reflects the
same regardless of when the Deed conveying the property to the Town of Halfmoon is filed.

Thank you,

Sincerely,