

Subdivision Regulations

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Town Of Virgil, NY

Adopted: April 22, 2004

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ARTICLE 1: TITLE, AUTHORIZATION, PURPOSE, WAIVERS

Section 110 Title

These regulations shall be known as the “Town of Virgil Subdivision Regulations” and upon their effective date shall supercede all previous subdivision regulations of the Town of Virgil.

Section 120 Authorization

Pursuant to the authority granted to the Town in Article 16 of the Town Law of the State of New York, the Town Board of the Town of Virgil has, by resolution adopted on November 9, 1972, authorized and empowered the Planning Board of the Town of Virgil to approve Plats within the Town of Virgil and to pass and approve the development of Plats already filed in the office of the Clerk of Cortland County if such Plats are entirely or partially undeveloped, and the Planning Board was also 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 Cortland 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 the Town of Virgil.

Section 130 Purpose

The purpose of these regulations 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, with due regard to topography so that the natural beauty of the land and vegetation shall be protected and enhanced.

Section 140 Administration

The Subdivision Regulations shall be administered by the Planning Board and its designee, if any.

Section 150 Waivers

Where the Planning Board finds that because of unusual circumstances of shape, topography or other physical features of the proposed subdivision or because of the nature of adjacent developments – extraordinary hardship may result from strict compliance with these regulations, it may waive the regulations so that substantial justice may be done and the public interest secured.

ARTICLE 2: DEFINITIONS

A. Words in the singular include the plural, and words in the plural include the singular. The word "person" includes corporation, unincorporated association and a partnership as well as an individual. The word "building" includes "structure" and shall be construed as if followed by the words "or part thereof". The word "Street" includes "road", "highway", and "lane"; and "watercourse" includes "drain", "ditch", and "stream". The words "shall" or "will" are mandatory, and not directive; the word "may" is permissive.

B. Unless otherwise expressly stated the following terms shall, for the purpose these regulations, have the meaning indicated.

Authorized Agent: A person with expressed written consent of the property owner to act on his/her behalf.

Average Lot Width: The mean width of a lot measured at right angles to its depth.

Block: An area bounded by streets.

Board: The word Board or the words Planning Board or Town Planning Board shall mean the Town of Virgil Planning Board.

Boulevard: A street whose two driving lanes are separated from one another by a median with a minimum width of 5 ft. which is not intended to be a driving surface.

Consolidation: The combination of two (2) or more lots, or any portion thereof, so as to result in fewer lots, each of which are larger in size than prior to such combination.

Cul-de-sac (Dead-end Street) : A street that terminates in a vehicular turnaround.

Double Frontage Lots: A lot, having at least two sides fronting on separate streets which do not intersect while adjoining the lot.

Easement: A right granted to use certain land for a special purpose not inconsistent with the general property rights of the owner.

Town Engineer: The duly designated Engineer of the Town of Virgil or if there is no such official, the Engineer employed by or assigned to the Town Planning Board.

Engineer's Certificate of Approval : A statement from a licensed engineer that the subdivider's plats, specifications, construction documents, and proposed improvements are in compliance with all applicable laws, regulations and codes and that they provide adequate provisions for drainage, sewage, water, utilities, and roadways.

Final Plat: A drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval and which, if approved, must be duly filed or recorded by the applicant in the Office of the Clerk of the County of Cortland.

Grading Plan: A plan showing all present and proposed grades for water drainage.

Improvements: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots, such as but not limited to: Grading, road improvements, and water/septic availability, signs.

Licensed Engineer: An engineer licensed by New York State.

Lot: A parcel of land located along a public street, road, or highway; intended for transfer of ownership or building development, that is presently occupied or capable of being occupied by (or use) and by those buildings or uses accessory to the principal building or use.

Lot Line Adjustment: The movement of the boundary line between two lots within the same zoning district so as to divide a section from one lot (not to exceed 10% of the total size of said lot) for the purpose of consolidation of such section with the adjoining lot with the resulting two lots meeting applicable lot specifications as per the Town of Virgil Zoning Law.

Plat: A map, layout or plan of a subdivision indicating the boundaries and location of individual or proposed properties.

Preliminary Plat: 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 or sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

Private Drive: Serving more than one lot, meeting certain standards specified by the Town Board, not municipally owned.

Right-of-way: Land opened for use as a road/street or crosswalk.

Road/Street: A general term used to describe a municipally owned right-of-way, serving as a means of vehicular and pedestrian travel.

Road Width: The width of right-of-way, measured at right angles to the center line of the street.

Sketch Plan: 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 these regulations. Review of a Sketch Plan does not constitute an official submission of an application.

Subdivider: A person who is registered owner, or authorized agent of the registered owner, of land to be subdivided.

Subdivision: A 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. For the purpose of these regulations, consolidations and lot line adjustments are not considered subdivisions.

Minor Subdivision: A subdivision fulfilling the following requirements:

- 1) the division of up to five (5) lots (initial lot plus up to four new lots) within a 5 year period.
- 2) Does not require any new road construction or improvement or other Town supplied utility improvement or extension.

Major Subdivision: Any subdivision not classified as a minor subdivision.

ARTICLE 3: MISCELLANEOUS PROVISIONS

Section 310 Penalty Provisions

- A. The violation of any rule or regulation approved by the Town Board herein shall be deemed an offense against such rules and regulations.
- B. For any violation of the rules and regulations herein, the person violating same shall be subject to a fine of not more than \$500.00, or imprisonment not exceeding 30 days, or both such fine and imprisonment. In addition, violators shall pay all costs and expenses incurred by the Town in its pursuit of said violation. Each week's continued violation shall constitute a separate violation.

Section 320 Certification and Filing with County

The Town Clerk is hereby directed to forthwith file a certified copy of these regulations with the Clerk of Cortland County.

Section 330 Severability

If any clause, paragraph, section, or part of these regulations 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 these regulations.

Section 340 Effective Date

These regulations shall take effect on the 22nd day of April, 2004.

ARTICLE 4: PROCEDURE IN FILING SUBDIVISION APPLICATIONS

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing on forms supplied by the Town Clerk for approval of such proposed subdivision in accordance with the following procedures. Said application shall be filed with the Town Clerk and shall be initially reviewed by the Code Enforcement Officer to determine if application is complete and if subdivision review is required.

A. Minor Subdivisions shall be processed in the following manner:

1. Sketch Plan Conference (optional)
2. Application for Final Plat
3. Submission of Application to County Planning Board (Recommendation by the County Planning Board per Section 239n of the General Municipal Law if required).
4. Final Plat Approval.

B. Major Subdivisions shall be processed in the following manner:

1. Sketch Plan Conference
2. Application for Preliminary Plat
3. Submission of Application to County Planning Board (Recommendation by the County Planning Board Per Section 239 n of the General Municipal Law if required)
4. Required Public Hearing
5. Preliminary Plat Approval
6. Optional Public Hearing
7. Final Plat Approval

Cortland County Department of Health approval may be required for any subdivision. Early contact by the subdivider with this department is recommended.

ARTICLE 5: MINOR SUBDIVISION PROCEDURES

Section 510 - Sketch Plan Conference (Recommended but not required).

A Sketch Plan Conference is intended to assist the subdivider in the planning and preparation of a final plat. A Sketch Plan conference does not require formal application, fee or official filing with the Planning Board. Any advice and suggestions presented to a potential subdivider at the Sketch Plan Conference are unofficial and do not obligate the potential subdivider or Planning Board in any way.

If a conference is desired, the subdivider shall present a sketch plan of the proposed subdivision. The sketch plan should indicate rough site contours, existing and/or proposed streets and lot locations, existing buildings on site and on adjacent properties and a description of the proposed water and waste disposal systems.

Section 520 – Information Required for Final Plat

The Subdivider shall obtain an application form for Final approval of a Minor Subdivision from the Town Clerk or Code Enforcement Officer. An application will be deemed incomplete and not accepted for submission if the applicable subdivision fees are not paid in full and if any of the following information is not included:

- A. Name and address of subdivider and professional advisers, including license numbers and seals if any.
- B. Map of property by a licensed land surveyor drawn to a scale appropriate to show clearly all existing and proposed improvements to the subdivision.
 - (1) Subdivision name, scale, north arrow, date, Town, County, tax map number and military lot number.
 - (2) Subdivision boundaries including name of owner, deed book and page, and bearings and distances on all existing and proposed property lines.
 - (3) Contiguous properties and names of their owners, locations of wells and septic systems if within 300 feet of proposed subdivision.
 - (4) Existing and proposed roads, utilities, structures, wells, septic tanks, dry wells, tile fields, etc.

- (5) Water courses, wetlands, (if NYS designated so indicate), public facilities, and other significant physical features on or near the site.
 - (6) Proposed pattern of lots including lot widths and depths, road layout, open space, drainage, water supply, and sewage disposal facilities as well as electric distribution lines including inground or above ground location.
 - (7) Land contours at minimum intervals of twenty (20) feet, or other suitable indicators of slope.
- C. Copy of tax map(s).
 - D. Existing and proposed restrictions on the use of land including easements, covenants, zoning, flood plain areas, deed restrictions, agricultural and historic district properties and unique natural areas.
 - E. Total acreage of subdivision and area of each lot proposed to within one tenth of an acre or given in square feet.
 - F. Existing/proposed building types, if any, including their gross dimensions in feet.
 - G. A certification from the appropriate Highway Superintendent indicating whether or not the existing and proposed roads and highways serving said subdivision are adequate to support the increased volume of traffic which will be generated by the subdivision.

Section 530 Final Plat Additional Requirements (Minor Subdivision)

The following shall be submitted with all applications for approval of a Final Plat for a Minor Subdivision:

- 1. One (1) mylar copy of the Plat, to be submitted to the Cortland County Clerk, prepared in an appropriate manner suitable for filing plus seven (7) paper copies (includes one (1) for Cortland County Planning Department and one (1) for the Soil & Water Conservation District).

2. Sufficient data acceptable to the Planning Board which shall readily enable it to 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, and shall include a distance from a corner of the subdivision to an identifiable line such as a road intersection, to facilitate readily identifying the location of said property.
3. On-site sanitation and water supply facilities, if any, shall be designed to meet the specifications of the Cortland County Department of Health and a statement to this effect shall be made on the application.
4. Additional information as deemed necessary by the Planning Board.

Section 540 Waiver of Submission Requirements

The Planning Board may waive compliance with any of those submission requirements it deems appropriate.

Section 550 Design Standards for Lots

Dimensions – The depth of lots 5 acres or less shall be no more than four (4) times the average lot width of such lot. Lots of more than 5 acres are exempt from this requirement.

Driveways – Driveways along the road shall be shown on each lot.

Location - All lots shall have suitable access on a Town, County, or State approved road.

Lot Lines - Side lot lines should be approximately at right angles to the road or radial to curved roads. On large size lots and, except when dictated by topography, lot lines shall be straight.

Nuisance Strips - Parcels of land of such size and dimension as to be unsuitable for any reasonable purpose other than to exclude access to adjacent lands owned or to be owned by others, shall be prohibited.

Section 560 Final Plat Approval Procedures (Minor Subdivision)

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

The subdivider shall file with the Planning Board an application for Final Plat Approval on forms available from the Town Clerk. The application shall be accompanied by the documentation specified by Section 520 herein. Such application should be submitted to the Town Clerk at least thirty (30) calendar days prior to the meeting at which it is to be considered by the Planning Board.

Recommendation By County Planning Board - When required by Section 239 n of the General Municipal Law the application for Final Plat Approval shall be referred to the County Planning Board for their recommendation. Any recommendation received from the County Planning Board within the thirty (30) day period prescribed shall be reviewed and taken into account by the Town of Virgil Planning Board before any decision on the Final Plat Approval.

Optional Public Hearing - For good reason a public hearing may be held by the Planning Board after a complete application is filed and prior to rendering a decision. If any such hearing is held it shall be done within forty-five (45) days following the official submission date of the Final Plat. It is recommended that the subdivider or agent of the subdivider attend the hearing.

Notice of Public Hearing - The hearing shall be advertised by the Planning Board at least once in the official newspaper of the Town at least ten (10) days before the hearing. Notice of the hearing shall be mailed by the Town Clerk by certified return receipt, to the owners of record of all properties within three hundred (300) feet of the property proposed for subdivision and at least ten (10) days before the hearing.

Notice of Decision - The Planning Board shall approve, conditionally approve, or disapprove the Final Plat within thirty-five (35) days of the public hearing if one is held. If no hearing is held, the Planning Board shall approve, conditionally approve, or disapprove the Final Plat within forty-five (45) days of its official submission date. The time within which the Planning Board must take action on the Final Plat may be extended by mutual consent of the subdivider and the Planning Board.

If the Final Plat is disapproved, the grounds for disapproval (including a reference to any provisions of these regulations violated by the Final Plat), shall be stated in the record of the Planning Board. Failure of the Planning Board to render a decision within the required time period shall be deemed Final Plat Approval. Within five (5) days of approval, conditional approval or disapproval the subdivider shall be notified by mail of the Final action of the Planning Board.

Recording Final Plat - The subdivider shall record an approved Final Plat, or the approved section thereof, in the office of the Clerk of Cortland County, N.Y. within ninety (90) days after the date of approval; otherwise the Final Plat shall be considered void and must again be submitted to the Planning Board for approval before recording it in the office of the Cortland County Clerk.

Conditional Approval - Upon Conditional Approval of such Final Plat the Planning Board Chairman is duly authorized to sign the Final Plat upon completion of such requirements as

may be stated in the Conditional Approval resolution. A certified statement of the requirements shall be noted on the Final Plat. Upon the signing of the conditionally approved Plat by the Planning Board Chairman the Final Plat shall then be certified by the Town Clerk. Conditional Approval of a Final Plat shall expire one hundred- eighty (180) days after the date of the resolution granting Conditional Approval. The Planning Board may, however, extend the expiration time by not more than one hundred eighty (180) days.

The Code Enforcement Officer shall not be authorized to issue a Building Permit or a Certificate of Occupancy for any structure on any lot in the subdivision unless and until the approved Plat shall have been filed in the office of the County Clerk as required by this paragraph.

Surface Grading and Stabilization

Ground surfaces shall be graded and restored within twelve (12) months of completion of any building construction or improvement so no unnatural mounds or depressions are left. Original topsoil stripped and stored during construction shall be returned to stripped surfaces and stabilized by appropriate seeding or other methods.

Federal Phase II Stormwater Regulations

Development activities that disturb more than one acre of land are subject to the New York State Pollution Discharge Elimination System (SPDES) program. These regulations require the filing of a Notice of Intent with the NYS Department of Environmental Conservation and the preparation of a stormwater pollution prevention plan by the subdivider upon an acre or more of land being disturbed. The subdivider retains responsibility for these requirements until development of the entire subdivision is completed and shall submit copies of the Notice of Intent and the stormwater pollution plan to the Town as confirmation of completion of these requirements.

ARTICLE 6: MAJOR SUBDIVISION REVIEW AND APPROVAL PROCEDURE

Section 610 Applications, Fees, and Costs

Wherever 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, the subdivider shall apply in writing to the Planning Board for approval. Applications may be obtained from the Town Clerk. Applications shall be filed with the Town Clerk and filing fees paid at the time of submission.

1. **Filing Fees** - Subdividers are required to pay fees to cover a portion of the reasonable cost of administering these regulations including all reasonable engineering, legal, clerical, advertising, and other expenses incurred. At the time a subdivider first submits an application for preliminary approval of a proposed subdivision and before the required public hearing on said subdivision the subdivider of lands hereinafter classified as a Major Subdivision shall pay a non-refundable fee. Within sixty (60) days after the Final Plat is filed in the office of the Cortland County Clerk, or within sixty (60) days after an

application is withdrawn, the Town Clerk shall refund to the subdivider all unexpended filing fees except the non refundable fee.

2. **Engineer's Certificate of Approval** - Subdividers are responsible for the cost of obtaining a **Certificate of Approval** for the Final Plat, if required, by the subdivider's Licensed Engineer.

Section 615 Pre-Application Procedure (Major Subdivision)

Prior to the preparation of and the submission of a Plat for approval, the subdivider should proceed to gather the necessary information and data on the existing conditions at the site. He should study the site suitability and opportunities for development. Presumably he will discuss financing, planning, and marketing with the lending institutions. With a surveyor or other professional, a Sketch Plan should be developed which in turn may be submitted to the Planning Board for review and recommendations. An Environmental Assessment Form (EAF) shall be submitted either with the Sketch Plan or at the time of application for approval of the Preliminary Plat.

Section 620 Sketch Plan Conference

At least fourteen (14) days before the next regularly scheduled meeting of the Planning Board, the subdivider shall submit seven (7) copies of the Sketch Plan(s) and request an appointment with the Planning Board for the purpose of reviewing the Sketch Plan(s). The Town 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(s) and the subdivider's program as they relate to the Comprehensive Plan (if any), design standards, and improvement requirements. The Planning Board may, prior to the Sketch Plan conference, make the plan(s) available to the County Planning Department and the Soil and Water Conservation District staff for their review and comments.

The Sketch Plan conference is intended to assist the subdivider in the planning and preparation of a Preliminary Plat. A Sketch Plan conference does not require formal application, fee or official filing with the Planning Board. Any advice and suggestions received by a potential subdivider at a Sketch Plan conference are unofficial and do not obligate the potential subdivider or the Planning Board in any way.

Cortland County Department of Health approval may be required for any subdivision. Early contact by the subdivider with this department is advised.

Section 630 Information Required for all Plat Submissions (Major Subdivision)

1. Name and address of subdivider and professional advisers, including license numbers and seals.
2. Map of property prepared by a licensed land surveyor drawn to a scale of 1" to 100' with all existing and proposed improvements to the subdivision.

- a. Subdivision name, scale, north arrow, date, town, county, tax map number and military lot number.
 - b. Subdivision boundaries including name of owner, deed book and page, and bearings and distances on all existing and proposed property lines.
 - c. Contiguous properties and names of their owners, locations of wells and septic systems if within 300 feet of proposed subdivision.
 - d. Existing and proposed roads, utilities, structures, wells, septic tanks, dry wells, tile fields, etc.
 - e. Water courses, wetlands (if NYS designated so indicate), 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 as well as electric distribution lines including in-ground and above ground location.
 - g. Land contours at minimum intervals of twenty (20) feet, or other suitable indicators of slope.
 - h. Total acreage of subdivision, proposed lot lines with approximate dimensions and area of each lot proposed to within one tenth of an acre or given in square feet.
3. Copy of tax map(s).
 4. Existing and proposed restrictions on the use of land including easements, covenants, zoning, flood plain areas, deed restrictions, agricultural and historic district properties and unique natural areas.
 5. Existing/proposed building types, if any, including their gross dimensions in feet.

Section 640 Preliminary Plat Submission Requirements (Major Subdivision)

The following shall be submitted with all applications for approval of a Preliminary Plat for a Major Subdivision:

- 1. Seven (7) copies of the Plat map; drawn to scale (includes 1 for Cortland County Planning Department and 1 for the Soil & Water Conservation District).**
- 2. All the information specified under Section 640 of these regulations shall be supplied in an updated and accurate form.**
- 3. All parcels of land proposed to be dedicated for public use shall be indicated along with the conditions of such use, if any.**
- 4. 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. For any proposed public roads a statement of dedication to the Town where applicable.**
- 5. The approximate location and size of all proposed waterlines hydrants, and sewer lines, showing connection to existing lines, if appropriate.**
- 6. Drainage plan, indicating profiles of lines or ditches and drainage easements over adjoining properties.**
- 7. Plans showing sidewalks, road lighting, roadside trees, curbs, water mains, sanitary sewers and storm drains, the character, width and depth of pavements and sub- base, as well as the location of electric distribution lines including inground or above ground location.**
- 8. Preliminary designs for any bridges or culverts.**
- 9. An actual field survey of the boundary lines of the tract, giving complete description by bearings and distances, shall be made and certified by a licensed surveyor.**
- 10. A short or long Environmental Assessment Form per the SEQR Act.**
- 11. 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 by the Planning Board.**
- 12. Names and addresses of all property owners of record within 300 feet of the proposed subdivision.**
- 13. A certification from the appropriate Highway Superintendent indicating whether or not the existing and proposed roads and highways serving said property are adequate to support the increased volume of traffic which will be generated by the subdivision.**

Section 650 Preliminary Plat Approval Procedures (Major Subdivision)

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 at least thirty (30) days prior to the next regularly scheduled meeting of the Planning Board on forms available from the Town Clerk accompanied by all documents specified in Section 640 herein. The full application shall be filed with the Town Clerk.

Recommendation by County Planning Board - When required by Section 239 n of the General Municipal Law the application for Preliminary Plat approval shall be referred to the County Planning Board for their recommendation. Any recommendation received from the County Planning Board within the thirty (30) day period prescribed shall be reviewed and taken into account by the Town of Virgil Planning Board before any decision on the Preliminary Plat approval.

Review of Subdivision and Public Hearing - Following the review of the Preliminary Plat and supplementary material submitted for conformity to these regulations, and following discussions with the subdivider on changes deemed advisable and the kind and extent of improvements to be made, 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 Preliminary Plat. It is recommended that the subdivider or an agent of the subdivider attend the hearing. This hearing shall also fulfill the requirements of the SEQR Act regarding the potential impact which the proposed subdivision may have upon the environment. Within thirty-five (35) days following the public hearing, the Planning Board shall approve, approve with modifications, or disapprove the Preliminary Plat. The time in which the Planning Board must take action may be extended beyond the thirty-five (35) day period by mutual consent of the subdivider and the Planning Board.

If the Preliminary Plat is disapproved the grounds for disapproval (including a reference to any provisions of these regulations violated by the Preliminary Plat) shall be stated in the record of the Planning Board. Failure of the Planning Board to render a decision within the required time period shall be deemed approval of the Preliminary Plat.

Notice of Public Hearing - The hearing shall be advertised by the Planning Board at least once in the official newspaper of the Town at least ten (10) days before the hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems appropriate. Notice of the hearing shall be mailed, by the Town Clerk by certified return receipt, to the owners of record of all properties within three hundred (300) feet of the property proposed for subdivision at least ten (10) days before the hearing.

SEQR Act Review - A completed short or long Environmental Assessment Form shall accompany each application. The SEQR Review procedures shall be followed in full. In the event that an Environmental Impact Statement is required a summary of its findings must be provided to the Planning Board for review prior to Preliminary Plat approval.

Notice of Decision - Within five (5) working days of approval, conditional approval, or disapproval the action of the Planning Board shall be noted on three (3) copies of the Preliminary Plat and reference made to any modifications required. One (1) copy shall

be returned by mail to the subdivider and the other two (2) copies retained by the Planning Board.

Effect of Approval - Approval or conditional 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. Before submission of the Final Plat or any portion thereof, for formal approval, the subdivider must comply with all requirements set forth by the Planning Board for approval of the Preliminary Plat. This includes any requirements of the Cortland County Department of Health.

Section 660 Final Plat Additional Information (Major Subdivision)

The following additional information shall be submitted with all applications for approval of a Final Plat for a Major Subdivision:

1. Two (2) mylar copies of the Final Plat, one of which is to be submitted to the Cortland County Clerk, prepared in an appropriate manner suitable for filing plus seven (7) copies (includes 1 copy for the County Planning Department and 1 for the Soil & Water Conservation District). The map scale shall be 1" to 100' with all existing and proposed improvements to the subdivision.
2. Proposed subdivision name and the name of the Town, Virgil and the County, Cortland, in which the subdivision is located; the name and address of the record owners and subdivider; name, address, license number and seal of the surveyor and/or engineer.
3. Road lines, pedestrian ways, lots, easements, and areas to be dedicated to public use.
4. Any covenants governing the maintenance of unceded open space shall bear the Certificate of approval of the Town Attorney as to their legal sufficiency.
5. Property corner markers shall be installed at all lot boundary angle points. Markers must be of permanent material such as iron pins, pipes, concrete monuments or drill holes in ledge or rock, with the tops reasonably close to the ground surface. The developer must certify to the Planning Board through a registered land surveyor that such markers have been installed.
6. Approval of the Cortland County Department of Health for water supply systems and sewage disposal systems proposed or installed.
7. An approved Environmental Impact Statement, if required under the SEQR Act.
8. 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.
9. Evidence of legal ownership of the real property which is the subject of the Final Plat.

10. An engineer's Certificate of Approval from a Licensed Engineer.
11. Any other data such as certificates, affidavits, endorsements, or other agreements as may be required by the Planning Board to ensure enforcement of these regulations.
12. A location map showing the subdivision in relation to other known landmarks, such as road intersections, lot lines, other subdivisions, etc.

Section 670 Final Plat Approval Procedures (Major Subdivision)

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

The subdivider shall file with the Planning Board an application for Final Plat approval on forms available from the Town Clerk. The application shall be accompanied by the documentation specified in Article 5 herein. Such application shall be submitted at least thirty (30) calendar 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 conditional or final approval.

Optional Public Hearing - A public hearing may be held for good cause by the Planning Board after a complete application is filed with the Town Clerk and prior to the Planning Board rendering any decision. This hearing shall be held within forty-five (45) days of the official submission date of the Final Plat. It is recommended that the subdivider or an agent of the subdivider attend the hearing.

Notice of Public Hearing - Where a public hearing is held it shall be advertised by the Planning Board at least once in the official newspaper of the Town at least ten (10) days before the hearing. Notice of the hearing shall be mailed by the Town Clerk by certified return receipt to the owners of record of all properties within three hundred (300) feet of the property proposed for subdivision at least ten (10) days before the hearing.

Waiver of Public Hearing - If the Final Plat is in substantial agreement with the approved 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 Final Plat within forty-five (45) days of its official submission date unless an extension of time is mutually agreed upon.

Decision & Notice Thereof - The Planning Board shall approve, conditionally approve, or disapprove the Final Plat within thirty-five (35) days of the public hearing if one is held. If no hearing is held, the Planning Board shall approve, conditionally approve, or disapprove the Final Plat within forty-five (45) days of its official submission date. The time in which the Planning Board must take action on the Final Plat may be extended by mutual consent of the subdivider and the Planning Board.

If the Final Plat is disapproved, the grounds for disapproval (including a reference to the provisions of these regulations violated by the Final Plat) shall be stated in the record of the Planning Board. Failure of the Planning Board to render a decision within the required time period shall be deemed Final Plat approval. Within five (5) working days of approval,

conditional approval or disapproval the subdivider shall be notified by mail of the Final action of the Planning Board.

Recording Final Plat - The subdivider shall record an approved Final Plat, or the approved section thereof, in the office of the Clerk of Cortland County, N.Y. within sixty (60) days after the date of approval; otherwise the Final Plat shall be considered void and must again be submitted to the Planning Board for approval before recording it in the office of the Cortland County Clerk.

Conditional Approval - Upon Conditional Approval of such Final Plat the Planning Board Chairman is duly authorized to sign the Final Plat upon completion of such requirements as may be stated in the Conditional Approval resolution. The Final Plat shall be certified by the Town Clerk. A certified statement of the requirements shall be noted on the Final Plat which, when carried out, authorizes the signing of the conditionally approved Final Plat. Conditional approval of a Final Plat shall expire three (3) years after the date of the resolution granting Conditional Approval. The Planning Board may, however, extend the expiration time by three (3) years.

Filing of Plats in Sections - Prior to granting conditional or Final approval of a Plat in final form the Planning Board may permit the Final Plat to be subdivided into two or more sections.

The Board also may in its resolution granting conditional or final approval state any requirements it deems are necessary to insure the orderly development of the Final Plat. The stated requirements are to be completed before such sections may be signed by the Chairman of the Planning Board. Conditional or Final Approval of the sections of a Final Plat subject to any conditions imposed by the Planning Board shall be granted concurrently with conditional or Final Approval of the Final Plat.

In the event the subdivider shall file only a section of such approved Final 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 Virgil Town Clerk. Such section shall encompass at least twenty-five (25) 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 Article 16 of the Town Law of the State of New York.

The Building Inspector shall not be authorized to issue a Building Permit or a Certificate of Occupancy for any structure on any lot in the subdivision unless and until the approved Plat shall have been filed in the office of the County Clerk as required by this paragraph.

Federal Phase II Stormwater Regulations

Development activities that disturb more than one acre of land are subject to the New York

State Pollution Discharge Elimination System (SPDES) program. These regulations require the filing of a Notice of Intent with the NYS Department of Environmental Conservation and the preparation of a stormwater pollution prevention plan by the subdivider upon an acre or more of land being disturbed. The subdivider retains responsibility for these requirements until

development of the entire subdivision is completed and shall submit copies of the Notice of Intent and the stormwater pollution plan to the Town as confirmation of completion of these requirements.

Section 680 Waiver of Submission Requirements

The Planning Board may waive compliance with any of those submission requirements it deems appropriate.

**ARTICLE 7: DESIGN STANDARDS AND REQUIRED IMPROVEMENTS -
MAJOR SUBDIVISION**

Section 705 Road Design Standards

Town Road Specifications

All roads shall conform to the Town of Virgil Road Specifications and shall be approved by the Town Highway Superintendent.

Conformity with Comprehensive Plan - The arrangement, width, location and extent of major roads and all minor roads shall conform and be in harmony with the Comprehensive Plan, if any, for the Town. Roads not in the Comprehensive Plan, if any, shall conform to the recommendation of the Planning Board based on existing and planned roads, topography, public safety, convenience, and proposed uses of land. The Town Engineer 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 or destination is not within the subdivision.

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 regarding the State highway right-of-way and direction. The Planning Board may require the subdivider to establish a marginal or frontage access 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 districts, 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.

Intersections - Roads shall intersect one another at angles as near to a right angle as possible, and no intersection of roads at angles less than sixty (60) degrees shall be approved. Road intersections shall be rounded with a radius of twenty-five (25) feet measured at the right-of-way line when the intersection occurs at right angles. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve of radius acceptable to the Town Engineer. Road jogs with center line offsets of less than one hundred twenty-five (125) feet shall be avoided.

Dead End Streets (cul-de-sacs) - The creation of dead-end residential streets will be encouraged wherever the Board finds that such type of development will not interfere with normal traffic

circulation in the area. In the case of dead-end streets where needed or desirable, the Board may require the reservation of a 20-foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street.

Where dead-end streets are designed to be so permanently, they should, in general, not exceed 1000 feet in length, and shall terminate in a circular turn-around having a minimum right-of-way radius of 60 feet and pavement radius of 50 feet. The Board may approve a longer permanent boulevard type dead-end street where topographic conditions and/or land ownership patterns make it logical. All dead-end streets shall have a special turning area at the closed end. The turning area may be either circular, T-shaped or in the form of a hammer head.

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

Names and Addresses - Names of new roads shall not duplicate existing or Platted roads in Cortland County. The subdivider shall contact the County Planning Department regarding proposed names of new roads. The Planning Department will tell the subdivider whether or not a particular road name is already being used in the County. New roads which are extended or in alignment with existing roads shall bear the name of the existing roads. House numbers shall be assigned by the County Planning Department in accordance with the house numbering system now in effect in the County.

Road Signs - The subdivider shall provide and erect road name signs of a type to be approved by the Town Board at all road intersections 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 point including corners. A 200 foot minimum horizontal sight distance at intersections, unobstructed by trees and other plant materials, shall be maintained horizontally along each street.

Standards for Road Design

Minimum width
right-of-way 60 feet

Minimum width
of pavement 22 feet

Minimum width
of shoulders 4 feet

Minimum radius of
horizontal curves 500 feet

Minimum length of
vertical curves 200 feet

Minimum length of tangents between reverse curves 200 feet

Maximum grade 6% except that grades up to 10% may be approved on short runs

Minimum grade 1%

Minimum braking sight distance 200 feet

Section 710 Road Construction Standards

All road improvements shall be installed at the expense of the subdivider. Roads shall be built in conformity with the Highway Specifications of the Town of Virgil, if any. The Roadway base and surface material is to ensure a 5-year life of the roadway with minimum maintenance. Road construction is to conform to standards of the New York Consolidated Highway Improvement Program.

Section 715 Shoulders

Shoulders shall be constructed of the same base material as the roadway and expected to achieve a 5-year lifetime with minimum maintenance. Shoulders will also conform to standards of the New York Consolidated Highway Improvement Program.

Section 720 Sidewalks

Sidewalks may be required and shall be installed as follows:

1. Sidewalks shall be installed at the expense of the subdivider, at any locations which the Planning Board may deem appropriate for safety and adequate circulation.

Section 725 Drainage Improvements

1. Removal of Spring, Sub-surface and Surface Water - The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of the subdivision. Such drainage facilities may be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.
2. Drainage Structure to Accommodate Potential Development Upstream - A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The appropriate Highway Superintendent shall approve the design and size of facility based on anticipated run-off from a "twenty five year" storm under conditions of total potential development permitted by the Town of Virgil Zoning Law.

3. **Responsibility from Drainage Downstream** - The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the appropriate Highway Superintendent. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board will not approve the subdivision until provisions have been made for the improvement of said condition.

Section 730 Culverts

The minimum culvert size shall be fifteen (15) inches in diameter and of suitable material approved by the appropriate Highway Superintendent. Culverts shall be installed where necessary subject to the review and approval of the Highway Superintendent. They shall be a minimum of twenty (20) feet in length at all driveways. Culverts beneath the roadway shall be lengths approved by the appropriate Highway Superintendent. Concrete headwalls shall be constructed at culvert ends where necessary subject to the approval of the appropriate Highway Superintendent.

Section 735 Dedication

The acceptable roadway shall be a minimum of sixty (60) feet. The Town shall be provided with a survey map and legal description prepared by a N.Y.S. Licensed Land Surveyor. The highway boundaries shall be clearly marked by permanent survey markers.

The Town shall receive a title insured warranty deed by properly executed conveyance.

Section 740 Water Supply

1. Individual wells shall be installed at the expense of the subdivider to the approval of the Cortland County Health Department.
2. If it is required by the Cortland County Health Code or it is feasible and desirable to require a public water supply system, such system shall be installed at the expense of the subdivider to specifications acceptable to the Cortland County Health Department.
3. All individual wells shall meet the requirements of the NYS Department of Health to the satisfaction of the Cortland County Health Department.

Section 745 Sewage Disposal

1. If it is required by the Cortland County Health Code or it is feasible and desirable to require a sanitary sewer system, such system shall be installed at the expense of the subdivider to design specifications acceptable to the Cortland County Health Department.

2. All sanitary sewage disposal systems shall meet the requirements of the Cortland County Health Department.

Section 750 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 Town Engineer or by a Licensed Engineer.
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 normally be placed underground and shall be approved by the local power company.
4. **Utility Services:** An easement for utility services shall be provided to the highway boundary and to provide utility access to adjacent lands.

Section 755 Lots

Corner Lots - Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both roads.

Dimensions - The depth of lots 5 acres or less shall be no more than four (4) times the average lot width of such lot. Lots of more than 5 acres are exempt from this requirement.

Driveways - Driveways along the road shall be shown on each lot.

Location - All lots shall have suitable access to a Town, County, or State approved road.

Lot Lines - Side lot lines should be approximately at right angles to the road or radial to curved roads. On large size lots and, except when dictated by topography, lot lines shall be straight.

Nuisance Strips - Parcels of land of such size and dimension as to be unsuitable for any reasonable purpose other than to exclude access to adjacent lands owned or to be owned by others, shall be avoided.

Pedestrian Easements - In order to facilitate pedestrian access from particular areas to such places as schools, parks, play areas, or nearby roads, perpetual, unobstructed easements at least twenty (20) feet wide may be required by the Planning Board. Sidewalks may also be required for reasons of safety and convenience.

Section 760 Unique and Natural Features Preservation

Unique features such as historic landmarks and sites, rock outcrops, hill-top lookouts, desirable natural contours, and similar features shall be preserved wherever possible. Also streams, lakes, ponds, and wetlands shall be left unaltered and protected by easements or

otherwise. All surfaces must be graded and restored within six (6) months of completion of the building

construction or improvement so no unnatural mounds or depressions are left. Original topsoil stripped during construction shall be returned to the stripped ground surfaces and stabilized by approved methods. Existing trees shall be preserved whenever possible and protected from damage during construction.

Section 765 - Public Open Spaces and Sites

Consideration shall be given to the allocation of areas suitably located for community purposes as indicated on the Comprehensive Plan, if any, 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. The Planning Board may require the reservation of areas or sites of such character, extent, and location as are suitable to the needs of the Town for such things as water treatment plants, sewage disposal plants, and other community purposes not necessarily anticipated in the Comprehensive Plan.

Section 770 Determination of Land Suitability

No plan of a subdivision of land shall be approved unless, after adequate investigation and consultation with the County Health Department, Soil and Water Conservation District, the Planning Board determines that the land can be used for building purposes without danger to health and is otherwise suitable for such purposes. This includes wetlands and areas with insufficient drainage conditions.

Approval of a subdivision may be withheld if the proposed system for the drainage of surface water from or on the Subdivision is disapproved by the Planning Board after consultation with the County Health Department and/or Soil and Water Conservation District.

**ARTICLE 8: INSTALLATION OF IMPROVEMENTS –
MAJOR SUBDIVISION**

Section 810 General

In order that the Town has the assurance that the construction and installation of such improvements as storm sewer, public water supply, sewage disposal, road signs, sidewalks and road surfacing will be constructed, the subdivider shall enter into one of the following agreements with the Town.

1. An agreement that the subdivider will construct all improvements directly affecting the subdivision as required by these regulations and by the Planning Board, prior to final approval of the Plat.
2. In lieu of the completion of the improvements, the subdivider shall furnish a bond executed by a surety company acceptable to the Town in an amount equal to the cost of construction of the improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Planning Board, after consultation with an Approved Engineer. The subdivider shall pay for the cost, if any, incurred by the Planning Board in consulting an Approved Engineer for verification of the adequacy of bonding amounts.
3. In lieu of the completion of improvements, the subdivider shall deposit a certified check or a letter of credit in sufficient amount equal to the cost of construction of such improvements as shown on the plans and based on the estimate furnished by the subdivider and accepted by the Planning Board following verification of surety amounts by an Approved Engineer.

Section 820 Conditions

Before the Final Plat is approved, the subdivider shall have executed a subdivider contract with the Town, and a performance bond, certified check, or letter of credit shall have been deposited covering the estimated cost of the required improvements that have been determined by the Planning Board.

The performance bond or letter of credit shall (a) in the case of the performance bond, name the Town as obligee and (b) in the case of the letter of credit, name the Town as the payee, and each shall provide that the subdivider, his heirs, successors, and assigns, his agent or servants, will comply with all applicable terms, conditions, provisions, and requirements of these regulations, and will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with all applicable laws and regulations.

Any such bond or letter of credit shall require the approval of the Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety and/or financial institution.

Wherever a certified check is deposited, it shall be made payable to the Town of Virgil.

Section 830 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, letter of credit, or certified check deposit, shall be completed within one year from the date of approval of the Final Plat. Road improvements shall be completed within two years from the date of approval of the Final Plat. The subdivider may request an extension of time, provided he can show reasonable cause for his inability to perform the 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, letter of credit, or certified check deposit to construct the improvements called for by the approved Plat.

The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications. There shall be no extension of time given unless and until the terms of the bond or letter of credit shall be extended as well and proof of such extension provided to the Town in sufficient time to enable the Town to grant an extension.

Section 840 Agreement - Schedule of Improvements

When a certified check, letter of credit or performance bond are provided pursuant to the preceding sections, the Town and the subdivider shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the subdivider upon completion and approval after inspection of such improvement or installation. However, ten percent (10%) of the check deposit, letter of credit or performance bond shall not be repaid to the subdivider until one (1) year following the completion, inspection, and acceptance by the Town of all construction and installation covered by the check deposit or performance bond as outlined in the subdivider's contract.

Section 850 Modification of Requirements

Upon approval by the Town Board, the Planning Board, after due notice and a public hearing, may modify its requirements for any or all improvements, and the face value of the performance bond or letter of credit shall there upon 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 bond or letter of credit may be increased or reduced proportionately.

Section 860 Inspections

Periodic inspections during the installation of improvements shall be made by the Town Engineer or other designated Town representative to insure conformity with the approved plans and specifications as contained in the subdivider's contract and these regulations. The subdivider shall notify the Town Engineer or other designated Town representative when each phase of improvement is ready for inspection. Upon acceptable completion and installation of the improvement, as certified by the Town Engineer or other designated Town representative, the Planning Board shall issue a letter to the subdivider or his representative and such letter shall be sufficient evidence for the release by the Town of the portion of the performance

bond, letter of credit or certified deposit as designated in the subdivider's contract to cover the cost of such completed work.

Section 870 Acceptance of Roads and Facilities

When the Town Highway Superintendent, following the final inspection of the subdivision, certifies to the Planning Board and the Town Board that all installations and improvements have been completed in accordance with the subdivider's contract, the Town Board may, by resolution, proceed to accept the facilities for which the performance bond has been posted, the letter of credit issued, or the certified check deposited. Prior to acceptance of the facilities, the subdivider shall deposit with the Town Clerk a complete set of as-built drawings which show the location and extent of all installations and improvements required to be completed by the subdivider's contract.

SUBDIVISION - REGULATIONS

TOWN OF VIRGIL

CORTLAND COUNTY

NEW YORK STATE

Adopted _____ **Town of Virgil Planning Board**
Craig Umbehauer, Chairman

Date _____

Approved _____ **Town Board**
James M. Murphy Jr. , Town Supervisor

Date _____