

TOWN OF AUGUSTA
SUBDIVISION CONTROL LAW
LOCAL LAW 5 OF 2021

PASSED BY TOWN BOARD 2/17/2021

8/13/2013
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ARTICLE 1: ENACTMENT, AUTHORIZATION, PURPOSE, WAIVER

Section – 110 Enactment and Authorization

Pursuant to the authority granted to the Town in Articles 2 and 3 of the Municipal Home Rule Law and Article 16 of the Town Law, the Town Board of the Town of Augusta authorizes and empowers the Planning Board of the Town of Augusta. To approve plats within that part of the Town of Augusta outside the limits of the Village of Oriskany Falls and to pass and approve the development of plats already filed in the office of the *Clerk of Oneida County* if such plats are entirely or partially underdeveloped as defined herein.

Section – 120 Title

This law shall be known as the “Subdivision Control Law of the Town of Augusta.”

Section – 130 Purpose

The purpose of this law is to ensure that when a land subdivision is created it will not be detrimental to the future health, safety or general welfare of the community; to provide for orderly, efficient growth within the community, and to afford adequate facilities for the transportation, housing, comfort, convenience, safety, health, and general welfare of its population.

Section – 140 Administration

This Subdivision Control Law shall be administered by the Planning Board.

Section – 150 Fees

The applicant shall pay anticipated costs that the Planning Board expects to incur due to consulting services or other review costs, and a minimum amount of \$1,000 shall be placed in an escrow account. Any unspent funds shall be returned to the applicant within five days of Planning Board action on the final site plan. If the Town's costs to review the project exceed the amount placed in the escrow account, the developer will be asked to pay those costs to the Town prior to issuance of any permits for project development. The costs will be based upon an explanation for the additional review requirements and will be entered in the public record.

1) The Planning Board shall be entitled to engage an engineer and/or other consultants with respect to the review of a proposed subdivision which shall also include any consultants required in the SEQR process.

The Board shall be entitled to charge the applicant for such fees as they are incurred including any retainer fees reasonably requested by any such consultant. The application will not be deemed to be complete until such fee(s) are paid.

ARTICLE 2: DEFINITIONS

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

Plat	Means a drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by this law to be presented to the Planning Board for approval, and which after final plat approval, may be duly filed or recorded by the applicant in the Office of the County Clerk
Comprehensive Plan	Means a long-range or master plan for the development of the Town
Conditional Approval of Plat	Approval of a plat subject to conditions set forth by the Planning Board in a resolution conditionally approving such plat. Conditional approval does not qualify a plat for recording nor authorize issuance of building permits prior to final plat approval.
Final Plat Approval	Signing of a plat by a duly authorized officer of a Planning Board after a resolution granting final approval to the plat, or after conditions specified in a resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in the Office of the County Clerk.
Official Sub-Mission Date	Means the date on which an application for plat approval, complete and accompanied by all required information, endorsements and fees, has been filed with the Planning Board and SEQRA requirements have been completed.
Planning Board	The Augusta Town Planning Board
Road, Major	Means a road that is either a state/town/county road.
Road, Minor	Means a road considered private or part of a subdivision under this control law.
Sketch Plan	Means a sketch of a proposed subdivision to enable the sub divider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of this law.
Major Sub-division	(a) Any division of a parcel of land into three (3) or more lots, blocks, or sites for the purpose of conveyance, transfer of ownership, improvement, building, development, or sale. A tract of land shall constitute a subdivision upon the sale, rental, offer for sale or lease, or building development of the third lot thereof within any consecutive three-year

period. Divisions of land for parcels of ten acres or more shall not be deemed a sub-division within the meaning of the definition

- (b) Also, any division of land into two or more parcels for the purposes stated above is considered to be a subdivision if new public improvements (such as a road) are required.
- (c) The term subdivision shall include re-subdivision.

**Undeveloped
Plat
Zoning Law**

Zoning Law of the Town of Augusta

ARTICLE 3: REVIEW AND APPROVAL PROCEDURE

Section – 310 Review Procedure for Subdivisions

All subdivisions shall be processed in the following steps:

1. Sketch plan conference (optional)
2. Application for plat approval.
3. Planning Board review.
4. Public Hearing.
5. Planning Board action on plat.

Section – 315 Sketch Plan Conference

The sub divider may request an appointment with the Planning Board for the purpose of reviewing a sketch plan. The Planning Board Secretary shall notify the sub divider of the time, date, and the place that the Planning Board will meet to consider and review such sketch plan as it relates to the Comprehensive Plan, design standards, and improvement requirements. This meeting is intended to assist the sub divider in the planning and preparation of the plat to save both time and money in preparing maps and plans.

This step does not require formal application, fee, or filing with the Planning Board.

Section – 320 New York Statement Department of Health

New York State Department of Health approval may be required for any subdivisions containing five (5) or more lots. Early contact by the sub divider with this department is advised.

Section – 325 County and State Highway Permits

A permit from the County Highway Superintendent or the State Department of Transportation is required for any new entries (including driveways) onto county or state highways.

Section – 330 State Environmental Quality Review Act

The sub divider shall submit such documentation as is necessary and appropriate to comply with the Environmental Conservation Law and the regulations thereof and in particular the State Environmental Quality Review Act (SAEQRA).

Section – 345 Application for Plat Approval

The sub divider shall file an application for plat approval on forms available from the Town Clerk or Codes Enforcement Officer, and accompanied by documentation as specified in Article 4 herein, to the Planning Board. Such application shall be submitted at least ten (10) days prior to the meeting at which it is to be considered by the Planning Board.

Section – 350 Public Hearing

A public hearing shall be held by the Planning Board after a complete application is filed and prior to rendering a decision. This hearing shall be held within sixty-two (62) days of the official submission date of the plat. The sub divider and all of its agent(s) shall attend the hearing. The hearing shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before the hearing

Section – 360 Guarantees for Required Improvements

In order that the town has the assurance that construction and installation of public improvements will be guaranteed, the applicant shall enter into one of the following agreements with the town.

1. Construct all improvements as required by this law and by the Planning Board prior to the approval of the plat, or
2. In lieu of the completion of the improvements prior to final plat approval, furnish guarantee as provided in Article 6 of this law.

Section – 365 Action on Plat

The Planning Board shall, by resolution, conditionally approve, with or without modifications; disapprove, or grant final approval to the plat within sixty-two (62) days of the public hearing. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the sub divider and the Planning Board. The sub divider shall be notified of the final action of the Planning Board by mail within five (5) days of the filing of the Board's decision with the Town Clerk. If disapproved, the grounds for disapproval shall be stated in the record of the Planning Board.

Section – 370 Conditional Approval of Plat

Upon conditional approval of such plat the Planning Board shall empower a duly authorized officer to sign the plat and grant final approval upon completion of such requirements as may be stated in the conditional approval resolution. The plat shall be certified by the Town Clerk. A certified statement of the requirements shall accompany the plat which, when completed, will authorize the signing of the conditionally approved plat. Upon completion of the requirements, the plat shall be signed by said duly authorized officer of the Planning Board. Conditional approval of a plat shall expire one hundred eighty (180) days after the mailing of the notice to the applicant. The Planning Board may, however, extend the expiration time not to exceed two extensions of ninety (90) days each.

Section – 375 Filing of Plats in Sections

Prior to granting conditional or final approval of a plat in final form, the town Planning Board may permit the plat to be subdivided into two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the plat be completed before such sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a plat, subject to any conditions imposed by the Board, shall be granted concurrently with conditional or final approval of the plat.

In the event the owner shall file only a section of such approved plat in the Office of the County Clerk or Registrar, the entire approved plat shall be filed within thirty (30) days of the filing of such section with the Town Clerk in each town in which any portion of the land described in the plat is situated. Such section shall encompass at least ten (10) percent of the total number of lots contained in the approved plat and the approval of the remaining sections of Section 265 – of the Town Law.

Section – 380 Recording of Plat

The sub divider shall record the Plat, or section thereof, in the Office of the Clerk of Oneida County, New York, within sixty-two (62) days after the date of final plat approval; otherwise, the plat shall be considered void and must again be submitted to the Planning Board for approval before recording in the Office of the Clerk of Oneida County, New York.

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ARTICLE 4: DOCUMENTS TO BE SUBMITTED

Section – 410 Documents to be Submitted

1. Three (3) copies of the plat to be submitted to the Town Clerk, drawn with ink on suitable material, plus two (2) copies. The map scale shall be one (1) inch to one hundred (100) feet unless otherwise specified by the Planning Board.
2. Proposed subdivision name and the name of the Town and County in which the subdivision is located; the name and address of record owner and sub divider, 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. A detailed soil survey map of the property, together with a description of the suitability of the soils for land development and septic systems, available from the Oneida County Soil and Water Conservation District. If a detailed soil survey is unavailable for the area in question, then the results of a soil percolation test on each proposed lot in the subdivision is required. The tests shall be certified to the satisfaction of the Planning Board.
5. Sufficient data acceptable to the Planning Board to readily determine the location, bearing, and length of every road line, lot line, boundary line, sufficient to allow for the reproduction of such lines on the ground.
6. The length and bearing of all straight lines, radii, length of curves and central angles of all curves; tangent bearings shall be given for each road. All dimensions of the lines of each lot shall also be given. The plat shall show the boundaries of the property, locations, graphic scale, and true north point.
7. All offers of cessation and any covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney or an attorney authorized by the Planning Board/Town Board to make such determination as to their legal sufficiency.
8. Permanent reference monuments shall be shown and constructed in accordance with Planning Board specifications.
9. Approval of the State Health Department of water supply systems and sewage disposal systems proposed and installed.
10. A proposed draft Environmental Impact Statement or such other document(s) as may be required pursuant to the Environmental Conservation Law for the subject project.
11. 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.

12. Evidence of legal ownership of property
13. Deed restrictions, existing and proposed in form for recording
14. Any other data such as certificates, affidavits, endorsements or other agreements as may be required by the Planning Board in enforcement of this law and any other applicable law, rule or regulation

Section – 420 Waiver of Submission Requirements

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

ARTICLE 5: DESIGN, STANDARDS, AND REQUIRED IMPROVEMENTS

Section – 505 Road Design Standards

General Standards. Roads should conform to the recommendation of the Planning Board based on existing and planned roads, topography, public safety, convenience and proposed uses of the land. The Town Highway Superintendent shall be consulted by the Planning Board for an advisory opinion before the approval of any new road.

Arrangement. Residential minor roads shall be designed to discourage through traffic whose origin and destination is not within the subdivision. The fire department servicing the subject location shall be consulted with respect to the appropriateness of the road design.

Location. When a proposed subdivision is adjacent to, or contains a State highway, the Planning Board may seek information from the New York State Department of Transportation as to the status of said highway in reference to right-of-way and direction. The Planning Board may require a marginal road approximately parallel to and on each side of such a right-of-way at a distance suitable for an appropriate use of the intervening land as for park purposes in residential 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. Railroad right-of-way shall receive similar consideration.

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

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

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

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

Name and Numbers. Names of new roads shall not duplicate existing or platted roads within the Town of Augusta or adjacent municipalities as may be deemed appropriate by the Board. New roads which are extended or in alignment with existing roads shall bear the name of the existing roads. House numbers shall be assigned in accordance with the house numbering system now in effect in the Town and as required by the 911 system.

Road Signs. The sub divider shall provide and erect road signs of a type to be approved by the Town Board and the Highway Superintendent 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 corner or corners.

Standards for Road Design	<u>Minor Road</u>	<u>Major Road</u>
Minimum width Right-of-way	50 feet	60 feet
Minimum width of Pavement	18 feet	24 feet
Minimum width of Shoulders	5 feet	5 feet
Minimum radius of Horizontal curves	150 feet except for intersection corners	400 feet
Minimum length of Vertical Curves	Shall be such that at least 100 feet line of sight exists measured 3 feet above the road surface	200 feet
Minimum length of Tangents between Reverse Curves	100 feet except where excessive grades may be reduced to reasonable grades by shortening tangent	200 feet
Minimum Braking Sight Distance	200 feet	300 feet

Section 510 – Road Construction Standards

1. Road improvements shall be installed at the expense of the sub divider.
2. Roads shall be built with:
 - a. Sub grade, which shall be rough graded the full width of the road right-of way and compacted the full width between outer edges of the curbs and gutter. The sub-base shall consist of a suitable gravel and stone material approved by the Town Highway Superintendent and compacted to a depth approved by the Town Highway Superintendent.
 - b. Base course, consisting of a suitable gravel and stone material approved by the Town

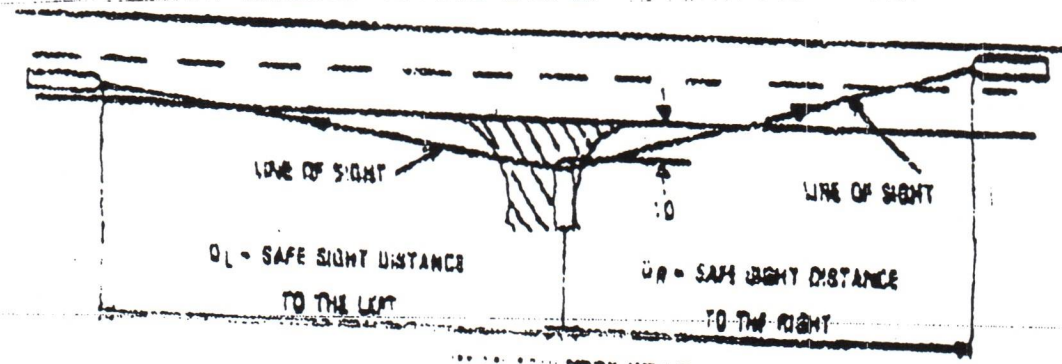
Highway Superintendent at least eighteen (18) inches in depth after compaction.
 c. Surface course, consisting of an approved bituminous material.

Section 512 – Sight Distance Standards

All intersections and driveways should be designed so that a safe sight distance is maintained along all existing and planned roads.

SIGHT DISTANCE ALONG A MAJOR ROAD
 FROM DRIVEWAY OR MINOR ROAD
 TO ALLOW A PASSENGER CAR
 TO ENTER OR EXIT SAFELY

Design Speed of Highway	Left Turn	Right Turn
30 mph	396 feet	286 feet
40 mph	583 feet	484 feet
50 mph	814 feet	770 feet



Section 515 – Sidewalks

Sidewalks may be required and shall be installed as follows:

1. Sidewalks shall be installed at the expense of the sub divider, at such locations as the Planning Board may deem necessary
2. Sidewalks shall be constructed to comply with the detail specifications of the Planning Board
3. Sidewalks shall be concrete or other approved material, and have a minimum width of four (4) feet in residential areas, and five (5) feet in commercial and industrial areas.

Section 520 – Utilities

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

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

Section 525 – Water Supply

1. The Planning Board may require evidence that an adequate and potable water supply be accessible to each lot.
2. If, in the opinion of the Planning Board, it is feasible and desirable to require a public water system, such system shall be installed at the expense of the sub divider to the approval of the Planning Board.

Section 530 – Sewage Disposal

1. If, in the opinion of the Planning Board, it is feasible and to require a sanitary sewer system, such system shall be installed at the expense of the sub divider to the approval of the Planning Board in accordance with plans approved by the New York State Department of Health and Department of Environmental Conservation.
All sanitary sewage disposal systems shall meet the requirements of the New York State Department of Health and Department of Environmental Conservation to the satisfaction of the Planning Board.

Section 532 – Drainage

The Town Highway Superintendent shall review all planned ditching, culvert and other drainage facilities to ensure that they are adequate and that flooding or ponding will not be created on the site. Adverse impacts upon other properties shall not be created.

Section 535 – Lots

Access. As required by Town Law }280-a, each lot shall have at least thirty-five (35) feet frontage directly abutting a public road to ensure adequate access by emergency vehicles. For purposes of a subdivision – public road access should be required. Lots shall also have minimum frontages as required by the Town Zoning Law.

Buildable Area. Each lot shall be of such width and area that it complies with all applicable local and state laws. There shall be no foreseeable difficulties in providing an adequate septic leach field or dry well system as required by building codes. There shall be a buildable area on the lot free from restrictions such as wetlands, floodplains, steep slopes, rock outcrops, or unbuildable soils.

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

Double Frontage Lots. **Fronting** on two roads other than corner lots, shall be discouraged.

Driveway Locations. Lot layout shall be such that it is possible to locate a safe driveway on each lot. The driveway shall not be too steep where it intersects with a road (no greater than 12% slope), and there should be adequate sight distance in both directions along the road (see Section 512).

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

Pedestrian Easements. In order to facilitate pedestrian access from roads to schools, parks, play areas, or nearby roads, perpetual unobstructed right-of-way at least twenty (20) feet wide may be required. In heavy traffic areas. Sidewalks may be required in addition.

Section 540 – Unique and Natural Features

In subdivisions of twenty (20) or more lots, consideration shall be given to the allocation of areas suitably located for community purposes as indicated on the Comprehensive Plan and be made available by one of the following methods.

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

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

Section 545 – Public Open Spaces and Sites

In subdivisions of twenty (20) or more lots, consideration shall be given to the allocation of areas suitably located for community purposes as indicated in the Comprehensive Plan and be made available by one of the following methods.

1. Dedication to the Town
2. Reservation of land for the use of property owners by deed or covenant.
3. Reservation for acquisition by the Town within a reasonable period of time. Said reservation shall be made in such manner as to provide for a release of the land to the sub-divider in the event the Town not proceed with the purchase.
4. If the Planning Board determines that suitable park or parks adequate size cannot be properly located in the plat or is otherwise not practical, the Board may require as a condition to approval of the plat a payment to the Town of a sum to be determined by the Town Board, which sum shall constitute a trust fund to be used by the Town exclusively for neighborhood park, playground, or recreational purposes including the acquisition of property.
5. The Planning Board may require the reservation of such other areas or sites of a character, extent, and location suitable to the needs of the Town as water plants, sewage treatment plant, and other community purposes not anticipated in the Comprehensive Plan.

Section 550 -Unsuitable Land for Subdivision

As a safety measure for the protection of the health and welfare of the people of the Town, that portion of a proposed lot which is found to be unsuitable for subdivision due to harmful features (e.g. drainage problems), shall not be subdivided until adequate methods are formulated by the sub divider and approved by the Planning Board.

Section 555-Waiver

The Planning Board may waive, subject to appropriate conditions, the provision of any/or all of such improvements as in its judgment of the special circumstances of a particular plat or plats are not required in the interest of the public health, safety, and general welfare, or which in its judgment are inappropriate because of inadequacy or lack of connecting facilities adjacent to in proximity to the subdivision.

Section 560 – Modification of Design

If at any time before or during construction of the public improvements it is demonstrated that unforeseen conditions make it necessary to modify the location or design of public improvements, the Planning Board may authorize such modifications, provided these modifications are within the spirit and intent of the Planning Board's approval and do not substantially alter the function of any such improvement required by the Board. Any such authorization issued under this section shall be in writing.

ARTICLE 6: FINANCIAL GUARANTEES FOR PUBLIC IMPROVEMENTS

Section 610 – Required Public Improvements

- A. The construction or installation of any improvements or facilities other than roads, for which a financial guarantee has been made pursuant to this Article (is acceptable) shall be completed within one (1) year from the date of the posting of this guarantee. Road improvements shall be completed within two (2) years from the date of the posting of the guarantee.
- B. The applicant may request an extension of time to perform required public improvements provided he can show reasonable case for inability to construct and install said improvements within the required time. Such extension of time shall not exceed six (6) months. At the end of such extension of time, if the required public improvements are not completed and accepted by the Town, the Town may use as much of the financial security required by this Article (is acceptable) to construct and install, maintain, or perfect the improvements as necessary to meet all applicable state and local laws, ordinances, rules and regulations.
- C. At least five (5) days prior to commencing construction of required public improvements the applicant shall pay to the Town Clerk the inspection fee required by the municipality and shall notify the Town Board or an official designed by the Town Board in writing of the time when the construction of such improvements will be commenced so that the Town Board may cause inspections to be made to assure that all applicable specifications and requirements shall be met in the construction of such improvements, and to assure the satisfactory completion of public improvements required by the Planning Board

Section 620 – Required Financial Security

If required by the Planning Board pursuant to Section 360 of this law, applicants for subdivision plat approvals shall provide the Town with acceptable financial security in an amount sufficient to guarantee the installation of basic public improvements. Such public improvements may include public water supply, sewage disposal systems, storm drains and sewers, roads, pavement markings, and traffic signs and signals, sidewalks, and other public improvements commonly required of applicants for subdivision plat approvals.

Acceptable financial security shall be provided to the Town in one of the following ways.

- A. The applicant shall furnish a bond executed by the applicant and by a surety company, approved by the Town Board in amount equal to the estimated cost of construction of the public improvements required by the Planning Board pursuant to this law or such additional amount as the Planning Board may deem reasonable and appropriate taking into consideration cost overruns.
- B. The applicant shall present to the Town Clerk a certified check in an amount equal to the amount approved by the Planning Board for the estimated cost of construction and overruns and construction of the public improvements required by the Planning Board pursuant to this Article.
- C. The applicant shall present to the Town Clerk an irrevocable letter of credit drawn in favor of

the Town in an amount approved by the Planning Board for the estimated cost of construction and overruns to the cost of construction of the public improvements required by the Planning Board pursuant to this law. The Town shall have the right to approve the source of such letter of credit.

Section 630 – Review of Proposed Financial Security

For each of the above options, the required public improvements shall be shown on subdivision plats, and the total amount of the required financial security shall be based thereon. Such estimates shall be certified by a licensed professional engineer, and shall be reviewed by the Town Board for financial adequacy as a guarantee of construction and of reasonable performance during a warranty period. The Town Board and its Attorney shall jointly review the guarantee agreement for sufficiency of form and execution and for the soundness of the financial guarantee offered by the applicant.

Section 640 – Schedule of Improvements

When a guarantee agreement has been approved by the Town Board and the required surety bond, certified check, or letter of credit has been received by the Town Clerk, the Town and the applicant shall enter into a written agreement itemizing the required public improvements, establishing a schedule for the construction and installation of such improvement, and itemizing the cost of construction and installation for each completion in order to facilitate the partial release of funds held as a financial guarantee by the municipality to the applicant as work is satisfactorily completed.

Section 650 – Staged Refunding of Financial Guarantees

At such times as the applicant wishes to have guarantee funds released in consideration of work performed and accepted; the applicant shall cause to be prepared an accurate statement of the work performed and accepted as of a date certain. This statement shall use the same item structure as was employed in the written agreement itemizing the required public improvements.

The applicant, after preparing such statement shall submit it for review, approval, and signature by an engineer acting on behalf of the town, by the appropriate municipal inspectors, and by the Town fiscal officer. If the statement is approved by the Town fiscal officer, the statement shall be forwarded promptly to the Town Clerk, together with a recommendation that the amount approved on said statement be released from the financial guarantee provided by the applicant. Where the financial guarantee provided by the applicant makes staged refunding possible, the Town Clerk will then direct in writing to the surety company or financial institution having custody of the guarantee funds to release the approved amount of those funds to the applicant or reduce the bond as the case may be.

Section 660 – Acceptance of Required Public Improvements

When the project inspector following final inspection of the project certifies to the Planning Board and the Town Board that all required public improvements have been completed in accordance with all applicable requirements, the Town Board may act by resolution to accept the public improvements.

Section 670 – Required Maintenance Guaranteed

Upon acceptance of the required public improvements, a maintenance guarantee shall be established. All such guarantees shall be for ten (10) percent of the financial guarantee originally required of the applicant. The applicant may provide a maintenance guarantee by one of the methods provided for in Section 620 of this Article, but no maintenance bond shall be for less than five thousand (\$5,000) (face value). All maintenance guarantees required by this section shall commence immediately upon acceptance of the required public improvements by the municipality and shall extend for two (2) years from the June first next succeeding the acceptance of the required public improvements, whichever period is longer.

ARTICLE 7: MISCELLANEOUS PROVISIONS

Section 710 – Penalty Provisions

- A. Any person, firm, or corporation who violates any of the provisions of the Subdivision Control Law of the Town of Augusta shall, upon conviction, be deemed guilty of a violation. Each week an offense is continued shall be deemed a separate violation of this law. A fine of up to \$1,000 per offense may be assessed for each such violation.
- B. In addition to the penalties provided by statute, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this law

Section 720 – Certification and Filing with County

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

Section 730 – Severability

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

Section 740 – Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.