

TOWN OF AUGUSTA  
SUBDIVISION CONTROL LAW

8/13/2013  
Rev. 7/29/20

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## ARTICLE 2: DEFINITIONS

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

|                                     |   |
|-------------------------------------|---|
| <b>Plat</b>                         | 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   |
| <b>Comprehensive Plan</b>           | Means a long-range or master plan for the development of the Town   |
| <b>Conditional Approval of Plat</b> | 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.   |
| <b>Final Plat Approval</b>          | 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.   |
| <b>Official Sub-Mission Date</b>    | 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.   |
| <b>Planning Board</b>               | The Augusta Town Planning Board   |
| <b>Road, Major</b>                  | Means a road that is either a state/town/county road.   |
| <b>Road, Minor</b>                  | Means a road considered private or part of a subdivision under this control law.  |
| <b>Sketch Plan</b>                  | 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.  |
| <b>Major Sub-division</b>           | (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 |

## **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.

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.

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.

**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.

| <b>Standards for Road Design</b>                  | <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

## **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.



## **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.

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.

## **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.