

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 SEQOR 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.