

# TOWN OF NIAGARA

COUNTY OF NIAGARA, STATE OF NEW YORK

NIAGARA FALLS, N.Y.

7105 LOCKPORT ROAD  
NIAGARA FALLS, NY 14305



PHONE: (716)297-2150 ext 126  
FAX: (716) 297-9262  
bealy@townofniagarany.gov

## Application to Excavate within Road Right of Ways/Easements

Complete the following information:

1. Applicant Name: \_\_\_\_\_ Address: \_\_\_\_\_
2. Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_
3. Project Owner: \_\_\_\_\_ Address: \_\_\_\_\_
4. General Contractor: \_\_\_\_\_  
Phone: \_\_\_\_\_ Address: \_\_\_\_\_

Please Provide the Following:

- Survey of Property  Estimated Cost of Project \$ \_\_\_\_\_  
 Plans & Specifications  
 \$100.00 Application Fee Payable to Town of Niagara (Check, Card or Cash)  
 Underground Hazard Coverage/ Town of Niagara Additionally Insured for \$1,000,000.00  
 Street Maintenance Bond /Security Deposit in the amount of \$100,000.00

Description of Project: \_\_\_\_\_

**ACTION:**  Erect  Demolish  
 Alter  Repair  
 Add  Other \_\_\_\_\_

**MATERIAL:**  Plastic  Steel  
 Masonry  Other \_\_\_\_\_

**USE:**  One Family  Apartment  
 Two Family  Commercial  
 Multiple Family  Industrial  Other \_\_\_\_\_

**Note:** All work within the Town of Niagara right-of-way requires a separate permit (includes driveways)  
Pursuant to Town of Niagara Code Chapter 155, §155-14 A. Inspections, states; Work for which a building permit has been issued under this chapter shall be inspected for approval prior to enclosing or covering any portion thereof, and upon completion of each state of construction, including but not limited to building location, site preparation, excavation, foundation, framing, superstructure, electrical insulation, plumbing, heating and air conditioning. Failure to comply will result in a Stop Work Order.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Applicant/Owner Signature

\_\_\_\_\_  
Date

Approved  Denied

\_\_\_\_\_  
Building Inspector/Zoning Officer Signature



**TOWN OF NIAGARA**  
**COUNTY OF NIAGARA, STATE OF NEW YORK**  
**NIAGARA FALLS, N.Y.**

**7105 LOCKPORT ROAD**  
**NIAGARA FALLS, NY 14305**



**PHONE: (716) 297-2150**  
**FAX: (716) 297-9262**  
**[www.townofniagara.com](http://www.townofniagara.com)**

Any time anyone excavates which includes demolition of in ground materials in the Towns road rt-of-way or easement , and or within five feet of any public utility a town issued rt-of way/ excavation permit is required . This permit is in addition to any other town permits to include but not limited to, driveway permits issued from the Highway department, water and sewer permits, and or business registration licenses. Completed applications shall be accompanied with the \$ 100.00 application fee, a \$ 100,000.00 street bond, and a million dollar underground insurance policy for the Town of Niagara as additionally insured.

Proposed driveway work that does not include Excavation activities described above will require a driveway permit issued from the highway department .Applications will need to be submitted to the highway department with a current copy of the property survey, and a modified survey site plan that at minimum illustrates location of work to be performed and material that is to be applied.

Proposed driveways applications that do include excavation activities as described above will, in addition too, need to include a copy of the rt-of-way/excavation permit issued by the town.



**TOWN OF NIAGARA**  
**COUNTY OF NIAGARA, STATE OF NEW YORK**  
**NIAGARA FALLS, N.Y.**

7105 LOCKPORT ROAD  
NIAGARA FALLS, NY 14305



PHONE: (716) 297-2150  
FAX: (716) 297-9262  
[www.townofniagara.com](http://www.townofniagara.com)

DATE: May 20, 2020

TO: Lee S. Wallace, Supervisor

FROM: Sylvia Virtuoso, Town Clerk

RE: Resolution to require any developer, contractor, public utility or property owner that commences work on or in a Town right-of-way, street, or Town Easement, shall, prior to commencement of the work and during the entire period of construction, have in force a policy of general liability insurance, with underground hazard coverage, in the minimum amount of \$1,000,000 coverage, and naming the Town of Niagara as an additional named insured on the policy. A Certificate of Insurance evidencing proof of such coverage shall be provided to the Building Inspector prior to commencement of the work.

At a Town of Niagara Town Board meeting conducted on the 19th day of May 2020 the Town Board took the following action:

Approved the above referenced request.

Appropriate Town Officials shall take such action as may be required.

CC: C. Haseley

**TOWN OF NIAGARA**  
**COUNTY OF NIAGARA, STATE OF NEW YORK**  
**NIAGARA FALLS, N.Y.**

7105 LOCKPORT ROAD  
NIAGARA FALLS, NY 14305



PHONE: (716) 297-2150  
FAX: (716) 297-9262  
[www.townofniagara.com](http://www.townofniagara.com)

DATE: April 15, 2020

TO: Lee S. Wallace, Supervisor

FROM: Sylvia Virtuoso, Town Clerk

RE: Resolution to establish the amount of a required street/right of way maintenance bond or refundable security deposit collected by the Town Department of Inspections to be set at \$100,000.00. (Haseley)

At a Town of Niagara Town Board meeting conducted on the 14th day of April 2020 the Town Board took the following action:

Approved the above referenced request.

Appropriate Town Officials shall take such action as may be required.

CC: C. Haseley



**TOWN OF NIAGARA**  
**COUNTY OF NIAGARA, STATE OF NEW YORK**  
**NIAGARA FALLS, N.Y.**

7105 LOCKPORT ROAD  
NIAGARA FALLS, NY 14305



PHONE: (716) 297-2150  
FAX: (716) 297-9262  
[www.townofniagara.com](http://www.townofniagara.com)

DATE: April 15, 2020

TO: Lee S. Wallace, Supervisor

FROM: Sylvia Virtuoso, Town Clerk

RE: Resolution to set the Inspections Dept. fee for construction permits issued for work on Town Highway/right of way at \$100.00. (Haseley)

At a Town of Niagara Town Board meeting conducted on the 14th day of April 2020 the Town Board took the following action:

Approved the above referenced request.

Appropriate Town Officials shall take such action as may be required.

CC: C. Haseley

## Chapter 135. Development Specifications

### Article II. Mapping and Related Requirements

#### § 135-15. General provisions relating to all construction within the Town of Niagara.

Where the developer, contractor or property owner commences work on a Town public right-of-way, a Town easement or within five feet of a public utility, he or she shall, prior to the commencement of the work and during the entire period of construction, have in force a policy of liability insurance, with underground hazard coverage, in the minimum sum of \$100,000. Proof of insurance shall be provided to the Building Inspector prior to the issuance of a permit.



## Chapter 135. Development Specifications

### Article VI. Roads, Pavement and Grading Standards

#### § 135-86. Curbs, sidewalks and drives.

##### A. Curbs.

- (1) All new curbs shall be made of granite sections or portland cement concrete and constructed in accordance with Section 609 of the NYSDOT Standard Specification.
- (2) All concrete curbs shall be reinforced, as shown on the standard detail.<sup>[1]</sup> All portland cement concrete for curb construction shall comply with § 135-38 of these specifications.  
[1] *Editor's Note: Standard detail drawings are on file in the Town offices.*
- (3) All granite curbs shall be placed in a bed of Class B concrete to the dimensions as shown on the standard detail.<sup>[2]</sup>  
[2] *Editor's Note: Standard detail drawings are on file in the Town offices.*

##### B. Sidewalks and drives.

- (1) All sidewalks, where requested by the Town, will be constructed of concrete in accordance with this article.
- (2) Sidewalks shall be four feet wide, reinforced with six inches by six inches by 6/6 woven wire mesh, and sloped toward the road at 1/4 inch per foot as shown on the standard detail.<sup>[3]</sup>  
[3] *Editor's Note: Standard detail drawings are on file in the Town offices.*
- (3) Sidewalks shall be four inches thick in all cases except at driveway crossing where the thickness shall be six inches. All sidewalks shall be continuous through driveways.
- (4) Transverse joints are required at every five-foot interval or fraction thereof. Premolded bituminous joint fillers, 3/4 inch thick and a minimum two inches in depth, shall be placed every 20 feet or fraction thereof and where new sidewalks meet existing concrete pavements.

##### C. Driveways. No concrete driveways are allowed within the public right-of-way. Exceptions:

[Amended 10-16-2012]

- (1) Driveways being constructed with materials listed under all valid New York State Department of Transportation permits.
- (2) Minor repairs to previously approved existing concrete driveways.
- (3) New driveway construction (to include widening and replacement) permits issued by the Town of Niagara Highway Superintendent which contain a hold harmless agreement and/or bond, approved and filed with the Town of Niagara. No permit shall allow concrete within two feet of the street line.

##### D. Responsibility. The Town of Niagara shall not be held responsible for damages to or the cost of repairs and/or replacement of any/all concrete placed on public rights-of-way.

[Added 10-16-2012]

#### § 135-87. Grading standards.

[Amended 12-11-2007 by L.L. No. 3-2007]

The purpose of the grading plan is to provide a means of adequate drainage for surface runoff while providing protection of both persons and property. Except in accordance with a stormwater pollution prevention plan approved by the Town in accordance with § 245-61 of the Town Code, positive drainage should be provided over the extent of the project site as well as provisions for drainage of adjacent lands which presently drain onto the project area. This may be done by use of existing drainage facilities, with

## Chapter 135. Development Specifications

### Article VI. Roads, Pavement and Grading Standards

#### § 135-91. Highway maintenance.

- A. Highway control. Any contractor, utility, property owner or tenant using Town roads or highways or rights-of-way for construction purposes shall be pecuniarily responsible for any and all damage inflicted upon Town roads or highways or rights-of-way. Further, such contractor, utility, property owner or tenant using Town roads or highways or rights-of-way shall bear responsibility for the maintenance of work areas and streets.
- B. Permit and bonding. No use of any Town road or highway or right-of-way for construction purposes shall be permitted without a permit issued by the Town Building Inspector, the cost of which may be established, from time to time, by resolution of the Town Board. In addition, any contractor, utility, property owner or tenant shall post a bond or refundable security deposit with the Town Building Inspector in the amount of \$1,000 during the time of construction. Upon completion of construction, as determined by the Town Building Inspector, the Highway Superintendent, the Town Public Works Engineer or their designee, the bond may be canceled or the security deposit refunded.
- C. Traffic control and maintenance. It will be the contractor's responsibility to maintain traffic, both vehicular and pedestrian, in a safe and efficient manner throughout the entire period of construction and during any remedial work. The public's convenience and safety shall be of the highest priority.
- D. Signs and barricades. All signs and barricades and methods of controlling traffic shall be as shown in the latest edition of the NYSDOT Manual of Uniform Traffic Control Devices.
- E. Traffic plan. Prior to any construction, the contractor shall submit to the Town a plan indicating the location of any traffic disruption. The plan shall indicate temporary bypasses, types of signs and barricades to be used and routes that construction-related vehicles will utilize. No construction shall commence until said plan is approved by the Town.
- F. Maintenance of work areas and streets. The contractor shall be responsible for the control of dust, dirt, mud and any other condition generated by his or her operations that creates a nuisance and or inconvenience to the public or owner. This responsibility shall extend to all work areas and streets affected by the contractor's operations. Work areas shall be maintained by whatever methods and equipment are necessary to ensure that dust, dirt, mud and any other undesirable condition is kept to an absolute minimum. All streets affected by any of the aforementioned conditions caused by the contractor's operations shall be cleaned at least once a day or as often as in the judgment of the owner is necessary. The contractor will be required to utilize modern equipment, methods and materials to fulfill these requirements, such as, but not limited to, graders, mechanical brooms, water trucks, covers for hauled materials in trucks, tractors with loader attachment, and the like.



## Chapter 135. Development Specifications

### Article IX. General Provisions

#### § 135-150. Fees amended by resolution.

The Town Board, after consultation with the appropriate heads, shall have the authority to change any fee, penalty or bond amount set out in this chapter, or any appendix to this chapter, by resolution.