

**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

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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.

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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



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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





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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.



## Chapter 245. Zoning

### Article IV. Zoning District Regulations

#### § 245-18. R-1 One-Family Residential District.

This district provides areas within the Town of Niagara for single-family dwellings.

A. Permitted principal uses.

- (1) Single-family dwellings.

B. Permitted accessory uses.

- (1) A private detached garage, intended for the storage of privately owned motor vehicles, not exceeding 650 square feet in floor area nor 14 feet in height.  
[Amended 4-19-2005 by L.L. No. 1-2005]
- (2) Customary residential storage structures, each of which shall not exceed 200 square feet in floor area or 14 feet in height. Applicable setbacks are found elsewhere in the Town Code, as is maximum percentage of lot coverage (25%) to dictate the number of structures allowed.  
[Amended 4-19-2005 by L.L. No. 1-2005; 11-14-2017 by L.L. No. 4-2017]
- (3) Animal shelters for domestic pets of the household. (Not more than two pets shall be sheltered per dwelling unit.)
- (4) Other customary residential structures such as private swimming pools, fireplaces, trellises, lampposts and the like.
- (5) Accessory uses, including the raising of crops, vegetables and flowers, but no raising of livestock or other agriculture.
- (6) Off-street parking, fencing and signs in accordance with the provisions of this code.

C. Uses permitted with a special permit.

- (1) Public utility uses, excluding offices, including telecommunications facilities (excluding maintenance and storage yards).
- (2) Nursing, convalescent, retirement, assisted-living, family custodial and special placement residences.
- (3) Planned unit developments subject to the requirements of Article X.
- (4) Home professional occupations.
- (5) Churches, schools, parks and public buildings.

D. Special provisions.

- (1) An accessory garage may be located in a front yard which is in excess of a required front yard where the side and rear yards have insufficient area.
- (2) The distance between the main building and the accessory building shall be in accordance with the Building Code.  
[1]  
[1] *Editor's Note: See Ch. 155, Fire Prevention and Building Construction.*
- (3) The required front yard need not exceed the average of those front yards on either side of the lot to be developed.
- (4) No residential front yard shall be used for the open storage of boats, motor vehicles, travel trailers or other equipment, except for vehicle parking on driveways.



## Chapter 245. Zoning

### Article VIII. Off-Street Parking

#### § 245-37. Provisions and standards.

- A. Off-street parking space shall be provided and shall be furnished with necessary passageways and driveways. All such space shall be deemed to be required space on the lot on which it is situated and shall not be encroached upon or reduced in any manner and shall be adequately drained, all subject to the approval of the Town Engineer or Building Inspector.
- B. Exceptions. Off-street facilities that are required in this article shall not be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this chapter shall apply only to the enlarged portion of the building or use.
- C. Location. Except as noted elsewhere in this code, parking areas shall be located in any yard space for nonresidential uses but shall not be located closer than 20 feet to any street line. Parking areas may abut side and rear yard lines, except where the intended commercial uses abut residential zones or uses. In such instances, no parking shall be permitted within 20 feet of any property line.
- D. Multiple uses. The collective provision of off-street parking area by two or more buildings or uses located on adjacent lots is permitted, provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately, and further provided that the land upon which the collective facilities are located is owned or leased by one or more of the collective users.
- E. Driveways. No more than two driveways not less than 20 feet nor more than 30 feet in width shall be used as a means of ingress and egress for each nonresidential use. No driveway shall be located closer than 25 feet to the intersection of any two streets or within 10 feet of any side lot line, provided that sufficient distance will always remain for all required radii for said driveway. There shall be a minimum distance of 20 feet between two driveways located on one frontage.
- F. Lighting. All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately during the hours between sunset and sunrise when the use is in operation. Adequate shielding shall be provided by commercial users to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.
- G. Parking space size. Parking spaces shall be a minimum of nine feet by 20 feet.
- H. Vehicle impact protection. Where nonresidential use parking spaces and or driveways are located adjacent to buildings, guard posts complying with the design requirements of the Building Code of New York State shall be provided, all subject to approval of the Town Engineers or Building Inspector.  
[Added 10-13-2013]
- I. Signage. Nonresidential facility parking lot markers shall incorporate vehicle impact protection into their design. All signage shall conform to the requirements of Chapter **204** of this Code and all applicable state and federal codes.  
[Added 10-13-2013]



## Chapter 245. Zoning

### Article VIII. Off-Street Parking

#### § 245-38. Required parking.

The following parking shall be required for the following uses:

A. Residential uses.

- (1) One-family detached dwellings: a minimum of two parking spaces per dwelling unit, located on a driveway between the front of the garage and the street.
- (2) Multiple-family developments: 1 1/2 spaces for each dwelling unit.

B. Commercial uses.

- (1) Retail and service stores in any commercial zone: one parking space for every 140 square feet of gross floor area or major fraction thereof.
- (2) Barber and beauty shops: two spaces per chair, plus one additional space for each employee.
- (3) Banks, financial and business offices and professional offices: one parking space for every 100 square feet of gross floor area or major fraction thereof.
- (4) Stores for the retail sale of furniture, appliances, hardware: one parking space for every 500 square feet of gross floor area or major fraction thereof.
- (5) Supermarkets, self-service food stores: one parking space for every 150 square feet of gross floor area or major fraction thereof.
- (6) Laundromats: one parking space for every two washing machines.
- (7) Motor vehicle sales: one parking space for every 300 square feet of gross floor area or major fraction thereof.
- (8) Restaurants and diners (in-door service only): one parking space for every four seats for customers, plus one space for every two employees.
- (9) Bowling alleys: two parking spaces for each bowling lane.
- (10) Mortuaries and funeral homes: two parking spaces for every 50 square feet of floor area and funeral service rooms, plus one space per employee for each service vehicle.
- (11) Hospitals, nursing homes: one parking space for each four residents or patients; one parking space for every two employees and staff members on the largest working shift.

C. Public and quasi-public uses.

- (1) Auditoriums, churches, theaters, stadiums, assembly halls and similar places of public and quasi-public assembly having fixed seating facilities: one parking space for every 10 seats in the main assembly room.