

**VILLAGE OF HEAD OF THE HARBOR  
BOARD OF TRUSTEES**

**LOCAL LAW NO. 4 OF 2020 AMENDING CHAPTER 165 OF THE CODE OF  
THE VILLAGE OF HEAD OF THE HARBOR REGARDING DRIVEWAYS AND  
CURBS AND RETENTION/DETENTION OF STORMWATER**

Be it hereby enacted by the Board of Trustees of the Incorporated Village of Head of the Harbor as follows:

**Section 1. Amendments.**

Article VIII (Supplementary Regulations) of Chapter 165 of the Code of the Village of Head of the Harbor (Zoning and Land Development) is hereby amended as follows:

Article VIII Supplementary Regulations

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§ 165-34.3 On-site stormwater retention/detention

- A. All construction projects that increase the total area of impervious surfaces on a lot shall include on-site stormwater retention/detention facilities to accommodate a three (3) inch rainfall.
- B. All construction projects that increase the total area of impervious surfaces on a lot by 750 square feet or more, including, but not limited to, the construction of new homes, additions, accessory structures, patios, and driveways, shall be referred to the Planning Board for site plan approval.
- C. Retention/detention shall be provided by either:
  - 1. Subsurface stormwater drainage structures, such as dry wells and storage chambers.
  - 2. Alternative methods approved by the Planning Board, with the advice and recommendation of the Village Engineer.

§ 165-34.4 Driveways and curbs.

A. Purpose.

The purpose of this section is to assure the sound design and proper maintenance of driveways and curbs installed in the Village, with particular emphasis on protection of the environment, stormwater runoff, and pedestrian and vehicular safety.

B. Definitions.

For purposes of this section, the following terms shall have the following specified meanings:

CURB

A border along the edge of a driveway or street, which may serve to restrain and/or control driveway improvements and water runoff.

DRIVEWAY

A travelled way designed primarily for vehicular traffic leading from a street to a residence, garage, or other building. Driveway aprons and curb cuts shall be considered part of a driveway.

SHOULDER

The portion of a street that lies between the paved portion of the street and adjoining property lines.

STREET

A public or private right-of-way.

C. Driveway and curb permit required.

- (1) No driveway or curb shall be installed, constructed, enlarged, modified, reconfigured, reconstructed or resurfaced without a driveway and curb permit from the Building Inspector.
- (2) The application fee for a permit pursuant to this section shall be set by resolution of the Board of Trustees.

D. Site Plan Approval Required.

The Building Inspector shall review all applications for driveway and curb permits. If an application seeks to (a) construct a new driveway (b) relocate or reconfigure an existing driveway; or (c) increase the driveway area by 750 square feet or more, the Building Inspector shall refer the application to the Planning Board for site plan approval. Site plan approval shall not be required for the reconstruction or resurfacing of an existing driveway in the same location, or the reconstruction of an existing curb that was previously approved by the Village or is a legal nonconforming structure.

E. Standards.

- (1) Limitation on number of curb cuts. Each residential building lot in the Village shall have no more than one curb cut.
- (2) Location of driveways. Driveways shall not be located within a required buffer area, except for that portion of the driveway that connects the street with the balance of the driveway.
- (3) Width and location of curb cuts. The width of a curb cut shall not exceed 22 feet. No curb cut shall be located less than 40 feet from the paved portion of any street intersection.
- (4) Stormwater runoff. New, enlarged, modified and reconfigured driveways and curbs that increase the total area of impervious surfaces on a lot must provide on-site stormwater retention/detention facilities in accordance with Section 165-34.3 of this Chapter. Driveways and curbs that channel and/or redirect stormwater runoff to or from adjacent streets or properties are strictly prohibited.
- (5) Pavement. That portion of a driveway and/or apron within 2 feet of the edge of the paved street or 12 feet of the centerline of the paved street, whichever distance is less, shall be paved in a manner that complies with the construction specifications approved by the Village Engineer.
- (6) Entry gates, gate posts and driveway piers. Entry gates, gate posts and driveway piers shall not exceed seven (7) feet in height, measured from the natural grade, and shall be setback from the paved portion of any street as follows:
  - a. Entry gates and gate posts: 20 feet.
  - b. Driveway piers (without gates): 10 feet
- (7) Structures prohibited in right of ways: No entry gates, gate posts or driveway piers shall be constructed or installed within the right of way of a public road or a private road open to the public.

## **Section 2. Severability.**

If any clause, sentence, 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 the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which judgment should have been rendered.

## **Section 3. Effective date.**

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