

**PUBLIC NOTICE**

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Head-of-the-Harbor will hold a public hearing on the 16th day of December, 2015, at 7:00 P.M., at Village Hall, 500 North Country Road, St. James, New York, to consider the adoption of a Local Law as follows:

**LOCAL LAW NO. (Intro) 6 OF 2015**

**A LOCAL LAW ENACTING  
VILLAGE CODE CHAPTER 80, DRIVEWAYS**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HEAD-OF-THE-HARBOR AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to assure the design and maintenance arising from the installation of driveways with particular reference to environmental protection, surface water runoff and pedestrian and vehicular safety.

SECTION 2. ENACTMENT OF VILLAGE CODE CHAPTER 80, DRIVEWAYS.

Chapter 80, Driveways, is enacted as follows:

80-1. Title.

This chapter shall be known as the "Driveways" Law.

80-2. Definitions.

The following terms shall have the following meanings in this chapter:

CURB - A border along the edge of a street, typically serving to restrain or control.

DRIVEWAY - Travelled way leading from a street to a house or garage or building, including entry or apron area.

SHOULDER - The portion of a street contiguous with the traveled or paved portion.

STREET - A public or private traveled way.

80-3. Site Plan Review Required.

Construction or installation of a driveway contiguous or adjacent to any street or relocation of any driveway or alteration of any portion of a driveway within the shoulder of a street shall require a Planning Board site plan review and approval.

80-4. Standards.

- A. Number of Curb Cuts. Any residence shall be limited to one driveway curb cut, it being intended that the number of entry and exit locations from a residence on to a street be limited. Any provision herein to the contrary notwithstanding, a residence may upon approval of the Planning Board maintain two (2) curb cuts in the event the topography of the parcel or any occupant's medical condition or other special hardship necessitates more than one driveway.
- B. Surface Water Runoff. No driveway shall be designed or maintained so as to cause or allow surface water runoff from the driveway to the street or shoulder, and no driveway shall be designed or maintained so as to cause or allow surface water runoff from the street on to private property and/or the accumulation of standing water on a street. The standard of measurement shall be a three (3) inch rainfall.
- C. Specifications.
  - 1. Gates and Piers. Entry gates, posts and piers shall not exceed seven (7) feet in height, measured from natural grade, and shall be located not less than fifteen (15) feet from pavement and in

all events outside any dedicated portion of a road.

2. Intersections. No driveway entry shall be closer to an intersection than fifteen (15) feet and any driveway within less than thirty (30) feet from an intersection shall be reviewed by the Planning Board with specific reference to acceptable line of sight.
  3. Curb Cuts. Driveway curb cuts shall maintain a width not less than ten (10) feet nor more than fifteen (15) feet.
  4. Aprons. A driveway apron may exceed allowable curb cut width by two (2) feet, in no event wider than fifteen (15) feet.
- D. Referrals. Any application here under shall be referred to the Superintendent of Highways and the Village Engineer.
- E. Fees. Upon initial review of any application hereunder the Planning Board shall provide applicant with an estimate of any anticipated cost of review of the application by the Village Engineer and said sum upon deposit shall be maintained as a Trust and Agency Account to be drawn down as necessary to pay the Village Engineer with any balance, if any, refunded to the applicant.
- F. Vehicular and Pedestrian Safety. Any driveway shall be so designed and maintained as to avoid risks to vehicular and pedestrian safety.

### SECTION 3. SUPERSESSION.

This Local Law shall supersede any inconsistent law, state or local. This declaration of supersession is made by authority of the Village's municipal home rule law powers, pursuant to §§ 10(1)(ii)(a)(14) and 10(1)(ii)(e)(3) of the

Municipal Home Rule Law, § 10(6) of the Statute of Local Governments, and Article 9, § 2(b)(3) of the New York State Constitution.

SECTION 4. SEQRA.

This is a Type II action under 6 NYCRR 617(5)(c).

SECTION 5. SEVERABILITY.

Should any part or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole nor any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 6. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State as provided by law.

All persons in interest will be heard by the Board of Trustees at the public hearing to be held as aforesaid and may appear in person or by representative. The Village Hall is accessible to handicapped persons.

Dated: November 24, 2015

BY ORDER OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF HEAD-OF-THE-  
HARBOR

BY: Margaret O'Keefe,  
Village Clerk