

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Easton
Town
~~Village~~

Local Law No. ... Two of the year 19 88

A local law . REQUIRING DRIVEWAY PERMITS AND ESTABLISHING PROCEDURES FOR THE
ISSUANCE THEREOF (Insert title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Easton as follows:
Town
~~Village~~

Section 1: Legislative intent. The unregulated installation of driveways may cause interference with or damage to the highways in the town and may create hazardous situations for users of highways and driveways. In order to insure the proper maintenance and safety of highways and accessibility for emergency vehicles, all driveways of any use must be installed and maintained in accordance with the standards established by this local law.

Section 2: Definitions.

Driveway - every entrance or exit used by vehicular traffic to or from lands or buildings abutting a highway. For the purposes of this regulation, a driveway to access an agricultural field shall end at the point where the natural topography has not been changed and no driving surface installed. From that point to the highway the driveway shall meet applicable specifications.

Person - shall be the applicant and shall mean any individual, trust, firm, association, partnership, corporation (public, stock or non-stock), or municipal, state or federal government or any combination thereof, or the agent or employee thereof.

Section 3: Permits. A permit must be issued by the Building Inspector prior to the installation of any new driveway or prior to any reconstruction of any existing driveway in which the pitch, grade, center line or surface of the driveway is changed. No person shall install or construct a driveway for any use with access to any highway in the town outside of the incorporated Village of Greenwich without first obtaining a permit from the Building Inspector, nor shall such person be entitled to obtain a building permit for a lot or parcel of land where no prior driveway existed until such a permit is obtained. Application shall be made at the Town Clerk's office for a driveway permit on written forms provided by the town. The clerk shall sign and date the completed

(If additional space is needed, please attach sheets of the same size as this and number each)

application form upon receipt. The Building Inspector shall approve the permit, deny approval, or, due to the topography and extent of water shed involved, request reapplication with engineering data as he may outline. If no action is taken within thirty (30) days the permit shall be approved by default. A permit shall not be issued to any property owner who is in violation with any town laws, the town subdivision regulations and/or any other town regulations. If the highway to be accessed is either County or State maintained, the applicant is responsible to get permission from the appropriate department and the standards established by this law will not apply to that portion of the driveway that is under the State or County regulations.

Section 4: Visibility and Location. Before issuing a permit the Building Inspector shall make an on site inspection and determine that at a point 10 feet from the edge of the driving lane and from 3 feet to 8 feet above the surface where the proposed driveway will intersect the highway there is unobstructed vision of oncoming vehicles on the highway for 250 feet in either direction. It will be the persons responsibility to maintain the landscape to insure such vision. The Building Inspector shall determine that a vehicle making a left turn into the driveway will have at least 275 feet of highway in view. The driveway should not be less than 35 feet from any intersection of highways. The Building Inspector may deny an application for a driveway permit in the event he determines that the proposed location or manner of construction will cause damage to the public highway or it will create a safety hazard to those traveling on the public highway.

Section 5: Design. The angle of the first twenty (20) feet of the driveway with respect to the highway edge shall be as close as possible to 90 degrees, with an allowable range between 60 degrees and 90 degrees. The driveway shall be designed so that all vehicles that will use it on a regular basis may enter the driveway from the highway going forward and will be able to turn around and enter the highway from the driveway going forward. If the full length of the driveway is not visible from either end then the driving surface must be eighteen (18) feet wide. The width of the driving surface of the driveway at the point of highway access shall not be greater than thirty-five (35) feet.

Section 6: Grade. The first twenty feet of the driveway shall not have a grade in excess of 7%. The maximum grade for residential driveways shall not be greater than 14% and for commercial driveways not greater than 10%. If the slope from the edge of the shoulder is greater than 1 on 4 where the driveway is more than 6 feet above the original surface then Town approved guide rails shall be installed.

Section 7: Drainage. The highway entrance must be constructed so that it does not adversely affect the highway drainage or drainage of the property adjacent to the highway. In no case shall the construction of the entrance cause water to flow onto the highway from the driveway. If a highway drainage ditch is to be crossed, a culvert of at least 12 inches inside diameter shall be installed by the person in the highway drainage ditch unless the Highway Superintendent gives written consent for a smaller culvert. It is the Town of Easton's responsibility to have the ditch deep enough to accommodate the pipe with adequate cover and maintain the slope away from the road surface at the same slope as the road shoulder to the center of the ditch line. It is the persons responsibility to maintain proper drainage of the driveway entrance so as not to cause water to run from the driveway onto the highway. The driveway will be a sufficient distance from the property lines so that all portions including the radius (returns) will be within the property lines projected to the pavement edge.

Section 8: Penalties. A person shall be notified in writing by the Building Inspector if any driveway does not conform to the specifications as set forth in any permit granted to the person or or if any driveway is constructed for which a permit has not been granted. A person who shall violate any provisions of this local law may upon conviction be punished a fine not to exceed the sum of one hundred dollars (\$100.00). Each week that the violation shall continue shall be deemed a separate violation. If no action is taken by the person to correct the violation within ~~thirty (30) days~~ the Highway Superintendent is hereby authorized to remove that part of the driveway within the public right of way.

Section 9: Provision for Variance. If a person is unable to meet the requirements to the satisfaction of the Building Inspector, he may request in writing to the Town Board of the Town of Easton at any regular or special meeting for a variance of any of the above regulations. The Town Board shall forward a copy of such a request to the Easton Planning Board and the Highway Superintendent. The Town Board shall take action on the variance after thirty (30) days in which time the Planning Board and/or the Highway Superintendent shall forward to the Town Board any recommendations. If no action is taken by the Town Board within sixty (60) days of the date of application the variance shall be approved by default.

Section 10: Separability. Should any section or provision of the regulations contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be invalid.

Be it enacted this 6th day of September, 1988, by the Town Board of the Town of Easton of Washington County, New York, to be effective immediately upon filing with the Secretary of State.

Effective 9/2/88

R. Vary Booth

James W. Borden

Alden R. Brist

Donald Platts

SEAL

Shirley James

ATTYST: Town Clerk