LOCAL LAW NO. 6 OF 2018
TOWN OF DEERPARK, ORANGE COUNTY STATE OF NEW YORK

A LOCAL LAW ADOPTING
AN APPLICATION FOR CONSTRUCTION
OF DRIVEWAY ENTRANCES AND EXITS,
A PERMIT FOR CONSTRUCTION
OF DRIVEWAY ENTRANCES AND EXITS, AND
AN ACKNOWLEDGMENT/AGREEMENT RELATIVE TO
CONSTRUCTION OF DRIVEWAY ENTRANCES AND EXITS
IN THE TOWN OF DEERPARK,
COUNTY OF ORANGE, STATE OF NEW YORK.

Section 1. This law shall be known as the Driveway Permit Law of the Town of Deerpark of 2018.

Section 2. Findings

A. The Town of Deerpark had previously adopted a Local Law and Forms related to the construction of driveway entrances and exits pursuant to Local Law #2 of 1996 of the Town of Deerpark, County of Orange, State of New York. Specifically, the Town of Deerpark had adopted an Application, a Permit and an Acknowledgement/Agreement all for use prior to and during construction of driveway entrances and exits within the Town.

B. The legislation is intended to collect information relative to the driveways to be constructed, as well as to put the property owners on notice of the requirements of the Town of Deerpark prior to construction of driveway entrances and exits.

C. Attached hereto, and made parts hereof, are:

An Application for Construction of Driveway Entrances and Exits;

A Permit for Construction of Driveway Entrances and Exits; and

An Acknowledgement/Agreement Relative to Construction of Driveway Entrances and Exits,

for use by and in the Town of Deerpark, County of Orange, State of New York. These forms are to be prepared by the property owner/applicant, and reviewed AND approved by the Superintendent of Highways of the Town of Deerpark PRIOR TO commencement and creation of Driveway Entrances and Exits.

Section 3. The following are the terms construction of Driveway Entrances and Exits in the Town of Deerpark, County of Orange, State of New York:

(a) The applicant shall furnish all materials and bear all costs of construction within the town highway right of way, pay the cost of all work done and materials furnished as required to meet the conditions of any permit issued by the Superintendent Of Highways.

(b) No alterations or additions shall be made to any driveway heretofore or hereafter constructed nor shall any driveway be relocated without first securing a new permit from the Superintendent Of Highways.

(c) No more than two (2) driveways to a single commercial establishment entering on one (1) highway shall be permitted.

(d) The maximum width for a single combined entrance or exit shall be not more than Fifty (50') Feet for commercial use and not more than Twenty-Five (25') Feet for

residential use. The maximum width for each residential driveway when two (2) or more are permitted (shared driveway) shall not be more than Thirty-Five (35') Feet. No driveway shall be of a width less than Sixteen (16') Feet.

(e) The angle of the driveway with respect to the pavement shall not be less than Forty-Five (45) degrees.

(f) No driveway shall be permitted within Fifty (50') Feet of any public highway intersection.

(g) No driveway will be permitted where sight distance is less than One Hundred (100') Feet in each direction.

(h) Each driveway constructed shall be constructed so as to have the first Twenty-Four (24') Feet of said drive, connecting with the edge of the pavement of the existing town road, paved. Said Twenty-Four (24') Foot long paved area shall also be at least Sixteen (16') Feet wide so that the total paved area where the new driveway meets the edge of the pavement on the existing town road shall be a minimum of Twenty-Four (24') Feet long and Sixteen (16') Feet wide. Said paved area must be constructed with a two (2%) percent negative grade UNLESS other engineering, satisfactory to the Highway Superintendent, is provided to prevent water flow on to Town Road and ton ensure the safety of the property owner and users of the Town Road. The Superintendent of Highways shall determine, in his own discretion, if the paved area shall be blacktop or chipped.

(i) All driveways must be inspected by the Superintendent of Highways prior to being paved.

(j) **A fully dimensioned plan of the proposed driveway must be attached to each application for a permit required hereunder.**

(k) Any culvert pipe required to be installed at such driveway entrance or exit shall be plastic pipe, no smaller than Twelve (12") Inches in diameter and no shorter than Thirty (30') Feet in length.

(l) All driveways must be inspected by Superintendent of Highways prior to any bonds being released.

(m) **Applicants must fill in the tax parcel Section, Block and Lot number at the top right of the application form.**

Section 4. Effective date. This local law shall take effect immediately upon filing with the Secretary of State.

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE TOWN LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE TOWN TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE TOWN HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.

Section ____Block____Lot____

TOWN OF DEERPARK, ORANGE COUNTY, NEW YORK
APPLICATION FOR
CONSTRUCTION OF DRIVEWAY
ENTRANCE AND EXIT

(Local Law 6 of 2018)

_____	_____
Name of Applicant	Date of Application
_____	_____
Address	Telephone Number
_____	_____
Name of Property Owner	Location of Property (Street Address)

The applicant must comply fully with the regulations set forth in Local Law #6 of 2018, Section 3(a) through (m).

(a) The applicant shall furnish all materials and bear all costs of construction within the town highway right of way, pay the cost of all work done and materials furnished as required to meet the conditions of any permit issued by the Superintendent Of Highways.

(b) No alterations or additions shall be made to any driveway heretofore or hereafter constructed nor shall any driveway be relocated without first securing a new permit from the Superintendent Of Highways.

(c) No more than Two (2) driveways to a single commercial establishment entering on One (1) highway shall be permitted.

(d) The maximum width for a single combined entrance or exit shall be not more than Fifty (50') Feet for commercial use and not more than Twenty-Five (25') Feet for residential use. The maximum width for each residential driveway when Two (2) or more are permitted (shared driveway) shall not be more than Thirty-Five (35') Feet. No driveway shall be of a width less than Sixteen (16') Feet.

(e) The angle of the driveway with respect to the pavement shall not be less than Forty-Five (45) Degrees.

(f) No driveway shall be permitted within Fifty (50') Feet of any public highway intersection.

(g) No driveway will be permitted where sight distance is less than One Hundred (100') Feet in each direction.

(h) Each driveway constructed shall be constructed so as to have the first Twenty-Four (24') Feet of said drive, connecting with the edge of the pavement of the existing town road, paved. Said Twenty-Four (24') Foot long paved area shall also be at least Sixteen (16') Feet wide so that the total paved area where the new driveway meets the edge of the pavement on the existing town road shall be a minimum of Twenty-Four (24') Feet long and Sixteen (16') Feet wide. Said paved area must be constructed with a two (2%) percent negative grade UNLESS other engineering, satisfactory to the Highway Superintendent, is provided to prevent water flow on to

Town Road and to ensure the safety of the property owner and users of the Town Road. The Superintendent of Highways shall determine, in his own discretion, if the paved area shall be blacktop or chipped.

(i) All driveways must be inspected by the Superintendent of Highways prior to being paved.

(j) **A fully dimensioned plan of the proposed driveway must be attached to each application for a permit required hereunder.**

(k) Any culvert pipe required to be installed at such driveway entrance or exit shall be plastic pipe, no smaller than Twelve (12") Inches in diameter and no shorter than Thirty (30') Feet in length.

(l) All driveways must be inspected by Superintendent of Highways prior to any bonds being released.

(m) **You must fill in the Section, Block and Lot number at the top right of this application.**

The undersigned applicant certifies the answers contained on this application are true and all measurements on the attached plan are correct and understands the conditions set forth.

_____	_____
Name	Dated

Fee: Fifty Dollars ($50.00)

_____	_____	_____	_____
Date of Payment	Cash	Check/Check#	Town Stamp

TOWN OF DEERPARK
ORANGE COUNTY
NEW YORK

CONSTRUCTION AND EXIT DRIVEWAY PERMIT AS PER LOCAL LAW #6 OF 2018

PERMIT NO. _____ DATE OF APPROVAL_____

An application for construction and exit driveway upon a highway located within the Town of Deerpark, Orange County, New York, having been made by:

_____ _____ _____ _____
Name Section Block Lot

_____
Address (Street Address)

_____
Date of Application Date of Approval

The undersigned Superintendent of Highways does hereby grant a permit to construct a driveway entrance and exit as regulated by Local Law #6 of 2018 upon the following terms and conditions:

_____

_____

_____

_____

With the condition that all work conforms to such application and in addition to the above terms.

_____ _____
Applicant Signature Superintendent of Highways

_____ _____
Dated Dated

*Superintendent of Highways shall retain original application and copy of permit. Superintendent of Highways shall issue original permit after insertion of conditions or modifications and attach to it a copy of the application.

PERMIT #_____

TOWN OF DEERPARK ORANGE COUNTY, NEW YORK

OWNER(S):_____

LOCATION OF PROPERTY: _____
(Street Address)

PHONE NUMBER: _____

PREMISES: SECTION _____BLOCK_____LOT_____

With regard to the newly constructed dwelling on the premises designated above, the Owner(s) of said premises agree(s) to have a driveway apron blacktopped (or chipped at the Superintendent Of Highways' Discretion) Sixteen (16') Feet wide and Twenty-Four (24') feet in length from the roadway surface with a Two (2%) percent negative grade (unless other engineering, satisfactory to the Highway Superintendent, is provided to prevent water flow on to Town Roads and to ensure the safety of the property owner and users of the Town Road) and obtain approval for same from the Highway Superintendent of the Town of Deerpark, Orange County, New York in order that a Certificate of Occupancy can be issued for the above identified premises by the Building Inspector of the Town of Deerpark, Orange County, New York. Further, the Owner(s) of said premises agree(s) to complete said driveway apron within Eight (8) Months from the date of the issuance of the Certificate of Occupancy for these premises.

Also, the Owner(s) agree to provide a performance bond with the Town of Deerpark in an amount of One Thousand Six Hundred and 00/100 Dollars ($1,600.00). The purpose of this performance bond is to permit the Highway Department of the Town of Deerpark, Orange County, New York to construct the driveway apron in the event that the Owner(s) fail to do same within Eight (8) Months from the date of the issuance of the Certificate of Occupancy for these premises. The performance bond will be returned to the Owner(s) of said premises in the event that the driveway apron is satisfactorily constructed before the expiration of Eight (8) Months from the date the Certificate of Occupancy is issued for said premises.

_____
Owner Signature

_____
Owner Signature

_____
Dated

_____
Dated

_____
Superintendent of Highways

_____
Dated

Local Law Filing

(Use this form to file a 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** ☒ **Town** ☐ **Village**
(Select one:)

of DEERPARK

Local Law No. 6 **of the year 20** 18

A local law ADOPTING AN APPLICATION FOR CONSTRUCTION OF DRIVEWAY ENTRANCES
(Insert Title)
AND EXITS, A PERMIT FOR CONSTRUCTION OF DRIVEWAY ENTRANCES AND
EXITS, AND AN ACKNOWLEDGMENT/AGREEMENT RELATIVE TO CONSTRUCTION
OF DRIVEWAY ENTRANCES AND EXITS IN THE TOWN OF DEERPARK, COUNTY OF
ORANGE, STATE OF NEW YORK

Be it enacted by the TOWN BOARD **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of DEERPARK **as follows:**

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)
I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2018 of the ~~(County)(City)~~(Town)~~(Village)~~ of DEERPARK was duly passed by the TOWN BOARD on APRIL 16 2018, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)
I hereby certify that the local law annexed hereto, designated as local law No. of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20[ ][ ], in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20_____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20_____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20_____. Such local
(Elective Chief Executive Officer)*
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20_____, in accordance with the applicable provisions of law.

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* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No._____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20_____, became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No._____ of 20_____ of the County of _____State of New York, having been submitted to the electors at the General Election of November _____ 20_____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

_____
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: APRIL 16, 2018