

Chapter 50

DRIVEWAY OPENINGS

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 6-6-1988 by L.L. No. 3-1988. Amendments noted where applicable.]

GENERAL REFERENCES

Excavations in streets — See Ch. 66.
Streets and sidewalks — See Ch. 129.
Subdivision of land — See Ch. 131.

§ 50-1. Short title.

This chapter shall be known and may be cited as the "Driveway Opening Local Law of the Town of Skaneateles."

§ 50-2. Definitions.

- A. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
- B. As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT — Any person making written application to the Highway Superintendent for a driveway opening permit hereunder.

APPLICATION — A completely filled out and signed application on the form specified by the Highway Superintendent with other necessary and required supplemental information, such as maps and plans thereto.

BUILDING — The structure or structures such as single- or multifamily dwellings or commercial and industrial structures on the property specified on the application.

DRAINAGE SYSTEM — Any natural or unnatural waterway, including creeks, highway ditches, culverts and storm drains.

DRIVEWAY — A means of access for motor vehicles to the property specified on the application, including residential driveways and intense-use driveways.

DRIVEWAY OPENING — The intersection of any driveway or modification with the pavement of a Town road, with a Town right-of-way or with any drainage system.

HIGHWAY SUPERINTENDENT — The Town Superintendent of Highways of the Town of Skaneateles.

INTENSE-USE DRIVEWAY — A means of access for motor vehicles to property upon which is situated a dwelling containing three or more family units, to property for commercial, industrial or other nonresidential uses or to a private road.

MODIFICATION — An addition or alteration to an existing building or driveway.

OWNER — The person holding legal title to the property for which a permit is requested.

PERMITTEE — The applicant, if and when the application is approved or approved subject to specific conditions by the Highway Superintendent.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE ROAD — A means of access for motor vehicles, intended to be shared by owners of separate properties or which provides access to two or more properties.

RESIDENTIAL DRIVEWAY — A means of access for motor vehicles to property upon which is located a one- or two-family dwelling.

RETURN RADIUS — The radius of the curve between the driveway edge and the pavement edge of a Town road.

TOWN — The Town of Skaneateles.

TOWN ATTORNEY — Any person or firm designated by the Town Board to act as the Town's attorney.

TOWN BOARD OR BOARD — The Town Board of the Town of Skaneateles.

TOWN HIGHWAY — Any road, street or highway of the Town so designated on the latest Road Map of Onondaga County issued by the County of Onondaga or which has been dedicated to and accepted, conveyed to or taken over for maintenance and/or repair by the Town.

§ 50-3. Permit requirement.

No person shall make any driveway opening for any purpose without first obtaining a permit therefor from the Highway Superintendent as hereinafter provided.

§ 50-4. Application procedures.

- A. An application in writing shall be filed in duplicate with the Highway Superintendent upon application forms which he shall prescribe, which application shall state the nature, location, extent and purpose of the proposed driveway opening.
- B. All applications shall include maps and plans which shall indicate the location and boundaries of the subject property for which a permit is requested and shall show the location, elevation, size and type of all existing and proposed driveways and buildings, underground utilities, service facilities, parking layouts and drainage facilities. The application shall also state the construction materials to be used and

the intended form of construction.

- C. An application by any person must be accompanied by security in the form of a general undertaking or a letter of credit, in an amount established by the Highway Superintendent, but in no event less than \$2,500, in such form as may be approved by the Town Attorney or, in lieu thereof, by a cash deposit in the sum of \$2,500 or any greater or lesser amount as shall be determined by the Highway Superintendent, and which sum is to be deposited with the Town Board. The general undertaking, letter of credit or cash deposit is required to assure compliance with this chapter and to reimburse the Town for any damage to the Town highway, to the Town right-of-way or to any drainage system. In the event that the applicant fails to comply with this chapter or causes damage to a Town highway, to a Town right-of-way or to any drainage system, the Highway Superintendent will assess the damage and report the same to the Town Board. In the event of a cash deposit, the Town Board may authorize the Highway Superintendent to expend, out of the moneys deposited, a sufficient sum to correct the failure or repair the damage. In the alternative, the Highway Superintendent may contract with any person or firm to correct the failure or repair the damage. Upon correction of the failure or repair of the damage, the balance of the deposit, if any, will be returned to the applicant, or the applicant shall reimburse the Town for any deficiency. In the event of a general undertaking or letter of credit, the applicant shall be responsible for reimbursing all expenses incurred by the Town in obtaining reimbursement, including legal fees and costs.
- D. The applicant shall indemnify, hold harmless and defend the Town and its officers and employees from any and all claims for personal injury, including death, or damage to property resulting from, related to or arising out of the issuance of a permit to the applicant pursuant to this chapter or from any actions, activities or construction in relation thereto, excepting only such claims as may be proven to be due solely to the fault or negligence of the Town and its officers and employees. Such indemnification shall not be affected or diminished by any insurance provided by the applicant.
- E. Any application which fails to include anything required by this chapter, including any additional information required by the Highway Superintendent, shall be disapproved as incomplete.
- F. Any complete application accompanied by the permit fee and security shall be approved, approved subject to specific conditions as noted on the application by the Highway Superintendent or disapproved for the reasons stated on the application by the Highway Superintendent.
- G. One copy of the signed application shall be returned to the applicant by the Highway Superintendent, and, if approved or approved subject to specific conditions, such shall constitute a permit.
- H. The permit must be present at the property site at all times during construction.
- I. The permit shall not be assigned or transferred.
- J. The permittee shall not deviate from the approved maps and plans unless prior

written consent of the Highway Superintendent has been obtained.

§ 50-5. Permit fee.

The permit fee of \$25 shall accompany each application submitted in accordance with this chapter. The Town Board, by resolution, may from time to time establish and change categories and fees to accompany the application.

§ 50-6. Residential driveway regulations.

- A. The maximum number of driveway openings to a Town highway shall be one per building lot having 150 feet of frontage or less. Where frontage exceeds 150 feet, the Highway Superintendent may allow more than one driveway opening.
- B. No driveway opening shall be closer than 80 feet to a highway intersection as measured along the Town's right-of-way to the nearest intersection of the right-of-way lines.
- C. The angle of driveway openings with Town highways shall be as close to 90° as is practicable.
- D. The maximum width of a driveway opening shall be 20 feet, and the minimum driveway opening width shall be 10 feet.
- E. The minimum return radius at the intersection of the driveway with the highway surface shall be 10 feet, and in no case shall the radius extend beyond the intersection of the pavement edge and the side of the property line as projected.
- F. The driveway shall slope down from the highway surface to the drainage line at a grade of 3/4 inch per foot or the existing shoulder pitch, whichever is greater, and shall be so graded as to assure that all runoff will flow into drainage facilities.
- G. The sizes and slopes of driveway storm drains and culverts within the Town highway right-of-way shall be specified by the Highway Superintendent. The owner shall bear all costs for pipe, grating, paving and other construction materials required within the Town right-of-way.
- H. Driveway storm drains and culverts furnished by an applicant may be installed by the Town Highway Department, at its convenience, unless the permittee requests to install such drains and culverts or is directed to do so by the Highway Superintendent. All driveway and drainage construction and materials shall be subject to the approval of the Highway Superintendent.
- I. No driveway opening shall be allowed where the sight distance in feet in both directions is less than 10 times the posted speed limit in miles per hour (e.g., 400 feet of sight distance in both directions is required where the speed limit is 40 miles per hour). In the event that road frontage of the property specified on an application is situated such that no driveway opening may be constructed with the full minimum sight distance in both directions as required herein, the Highway Superintendent may require the driveway opening to be located to allow for maximum sight distance in both directions.

- J. The permittee shall also trim brush and maintain the property in such a manner as to maintain optimal sight distance.
- K. To avoid damage to underground facilities, the permittee shall rigidly adhere to the designed grades and depths approved by the Highway Superintendent.

§ 50-7. Intense-use driveways.

- A. The maximum number of driveway openings to a Town highway shall be two per building lot having 250 feet of frontage or less. Where frontage exceeds 250 feet, the Highway Superintendent may allow more than two driveway entrances.
- B. No driveway shall be constructed closer than 80 feet to a highway intersection as measured along the Town's right-of-way to the nearest intersection of the right-of-way lines.
- C. Driveways and parking areas shall be designed so that no parking, loading or servicing of vehicles will take place within the Town's right-of-way and so that no vehicles will be required to back on to the Town road to gain ingress or egress to the abutting property.
- D. The angle of driveway openings with Town highways shall be as close to 90° as practicable.
- E. The maximum width of a driveway opening shall be 40 feet, and the minimum driveway opening width shall be 20 feet.
- F. The maximum return radius at the intersection of the driveway with the highway surface shall be 50 feet, the minimum return radius shall be 20 feet, and in no case shall the radius extend beyond the intersection of the pavement edge and the side property line as projected.
- G. Island areas shall be required to define the location of driveways and to create a median strip between the Town highway surface and facilities on adjacent properties. The island areas shall have a minimum length of 20 feet and shall extend from the curb to the right-of-way line. Where no curb exists, the island areas shall extend from a line parallel to any minimum of 10 feet from the pavement edge to the right-of-way line or beyond.
- H. Island areas shall be defined by six-inch curb guardrails or other suitable materials and shall have grass or blacktop surfaces.
- I. Driveways shall slope down from the highway surface to the drainage line at a grade of 3/4 inch per foot or the existing shoulder pitch, whichever is greater, and shall be so graded as to assure that all runoff will flow into drainage facilities.
- J. The sizes and slopes of driveway storm drains and culverts within the Town's right-of-way shall be as specified by the Highway Superintendent. The permittee shall bear all costs of construction, pipe, grating, paving and other construction materials, required within such right-of-way. All driveway and drainage construction and materials shall be subject to the approval of the Highway Superintendent.

- K. There shall be a minimum distance of 15 feet between the Town's right-of-way and any service facilities, such as pump islands and building entrances.
- L. No driveway shall be constructed where the sight distance in feet in both directions is less than 10 times the posted speed limit in miles per hour (e.g., 400 feet of sight distance in both directions is required where the speed limit is 40 miles per hour). In the event that road frontage of the property specified on an application is situated such that no driveway opening may be constructed with the full minimum sight distance in both directions as required herein, the Highway Superintendent may require the driveway opening to be located to allow for maximum sight distance in both directions.
- M. The permittee shall also trim brush and maintain the property in such a manner as to maintain optimal sight distance.
- N. To avoid damage to underground facilities, the permittee shall rigidly adhere to the designated grades and depths approved by the Highway Superintendent.

§ 50-8. Drainage systems.

- A. All existing and proposed drainage conditions shall be indicated on the plans submitted by the applicant.
- B. Facilities to carry water through and off the owner's property shall be indicated on the plans and constructed so that no damage will occur to existing and proposed buildings, driveways, adjacent properties, drainage facilities and public improvements.
- C. In no case shall a driveway be constructed so as to convey water on to the road surface.
- D. Highway and driveway ditches shall be excavated to the width and depth specified by the Highway Superintendent
- E. Driveway pipes shall be either reinforced concrete, Class IV, corrugated steel pipe, 16-gauge, or corrugated polyethylene storm drain pipe meeting New York State Department of Transportation Material Specification No. 706-14, with end sections where specified by the Highway Superintendent.
- F. Backfill around driveway pipes shall consist of gravel or crushed stone approved by the Highway Superintendent and shall extend at least 12 inches above the driveway pipe. The backfill shall be thoroughly compacted.
- G. If the slope of the backfill is steeper than a one-on-one-and-five-tenths slope at the end sections of the driveway pipe, concrete, grouted stone or drywall headwalls shall be required. In such cases, the top of the headwalls shall be below the grade of the adjacent road shoulder.
- H. Catch basins, if required, shall conform to New York State Department of Transportation specifications.

- I. The driveway subbase shall consist of 12 inches of gravel.
- J. The driveway surface shall be consolidated in such a manner as to prevent loose material from passing to the Town highway surface.

§ 50-9. Compliance with regulations.

Any permit issued pursuant to this chapter relates solely to the requirements of this chapter. The applicant shall also comply with all other applicable governmental regulations.

§ 50-10. Completion of work.

The permittee shall notify the Highway Superintendent when work has been completed, after which an inspection will be made by the Highway Superintendent or his duly authorized agent; and upon approval of the work, the permittee may place the driveway opening in service. Thereupon, the Highway Superintendent shall issue a release of the undertaking, letter of credit or cash deposit.

§ 50-11. Penalties for offenses.

Any person who violates any provision of this chapter shall be guilty of an offense against this chapter and shall be subject to a fine of not more than \$250 or to imprisonment for a period of not more than 15 days, or both such fine and imprisonment. In addition, any person who violates any of the provisions of this chapter or who shall omit, neglect or refuse to do any act required thereby shall severally, for each and every such violation, forfeit and pay a civil penalty not to exceed \$100 a day for each day of continued violation in excess of the first week. If any violation of the provisions of this chapter is continuous, each day thereof shall constitute a separate and distinct violation subjecting the offender to additional penalties. The imposition of penalties for any violation of this chapter shall not excuse the violation or permit it to continue. The application of the above penalty or penalties for any violation of this chapter shall not preclude the enforced removal of conditions prohibited by this chapter. The expenses of the Town in enforcing such removal, including legal fees, may be chargeable, in addition to the aforesaid criminal and civil penalties, to the offender and may be recovered in a civil court of appropriate jurisdiction.