

**BOARD OF TRUSTEES
VILLAGE OF GREENPORT
NOTICE OF PUBLIC HEARING ON A PROPOSED LOCAL LAW OF
2022 CREATING SECTION 150-30.2
(CURB CUTS, APRONS RULES & REGULATIONS)
AND AMENDING SECTION 115-13J
(ROAD OPENING PERMITS REQUIRED)
OF THE GREENPORT VILLAGE CODE**

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Greenport will conduct a Public Hearing on Thursday, July 28, 2022 at 7:00 p.m. at the Third Street Fire Station, Third and South Streets, Greenport, New York, 11944 regarding a proposed local law of 2022 creating Section 150-30.2 (Curb Cuts, Aprons Rules & Regulations) and amending Section 115-13J (Road Opening Permits Required), of the Greenport Village Code.

The purpose and subject of the proposed local law is to create Section 150-30.2 (Curb Cuts, Aprons Rules & Regulations) and amend Section 115-13J (Road Opening Permits Required) of the Greenport Village Code to create an orderly process for the creation or modification of curb cuts in the Village of Greenport.

The title of the local law is "Local Law of 2022 – A Local Law creating Section 150-30.2 (Curb Cuts, Aprons Rules & Regulations) and amending Section 115-13J (Road Opening Permits Required) of the Greenport Village Code.

Any interested party will be heard at the public hearing.

BY ORDER OF THE VILLAGE OF GREENPORT BOARD OF TRUSTEES
Village Clerk Sylvia Lazzari Pirillo, RMC

July 14, 2022

LOCAL LAW NO. OF THE YEAR 2022
A LOCAL LAW CREATING SECTION 150-30.2
REGARDING CURB CUTS AND AMENDING
SECTION 115-13J
OF THE GREENPORT VILLAGE CODE

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE
OF GREENPORT AS FOLLOWS:

Section 1.0 Title, Enactment, Effective Date,
Purpose and Intent.

1.1 Title of Local Law

1.2 Enactment.

1.3 Effective Date.

1.4 Purpose and Intent of Local Law.

2.0 General Provisions.

2.1 Creating Section 150-30.2.

2.1 Amendment of Section 115-13J.

3.0 Severability.

1.1 Title.

This Local Law shall be entitled “Local Law of 2022 Creating Section 150-30.2
Curb Cuts and Amending Section 115-13J of the Greenport Village Code”.

1.2. Enactment.

Pursuant to Section 10 of the Home Rule Law and the Village Law of the State
of New York, the Incorporated Village of Greenport, County of Suffolk and State of
New York, hereby enacts by this Local Law of 2022, a Local Law of the Village of

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Greenport.

1.3. Effective Date.

This Local Law shall take effect on the filing of the approved Local Law with the Secretary of State of the State of New York, which shall be within twenty (20) days after the adoption of the local law by the Board of Trustees of the Incorporated Village of Greenport.

1.4 Purpose and Intent of Local Law.

The purpose and intent of this Local Law is to create an orderly process for the creation or modification of curb cuts in the Village of Greenport.

2.0 General Provisions.

2.1 Creation of Section 150-30.2

Section 150-30.2 of the Greenport Village Code is hereby created to read as follows:

“150-30.2 Curb Cuts, Aprons and Driveways Rules & Regulations

150-30.2(A); Permit Required for Curb Cuts

A person shall not, either at their own expense or on behalf of another person; make, construct or reconstruct, locate or relocate, re-lay or repair a driveway or curb cut abutting a Village street without first obtaining a Curb Cut Permit to be issued by the Village of Greenport Code Enforcement Official, or other village employee so designated by the Village Administrator, after approval of the permit application by the Greenport Village Planning Board, except that a person may re-lay or repair an existing driveway or curb cut that that was previously approved by the Village or pre-dated the adoption of the curb cut provisions of the Greenport Village Code in a manner so that the location or dimensions of the driveway or curb cut remain the same as previously existed without obtaining a permit.

150-30.2(B) Construction Specifications

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All curb cuts and driveways shall be constructed as detailed in the plan and specifications included with the application that is approved by the Village.

150-30.2(C) Materials for Curb Cuts & Aprons

All aprons and curbs cuts must be constructed in concrete, and if at the applicant's expense, the construction of such curb cuts shall be consistent with pre-approved Village of Greenport specifications.

150-30.2(D) Application for Curb Cut Permit

Each application for a permit shall be signed and acknowledged by the applicant and shall set forth a fully dimensioned site plan showing the existing and proposed driveways, curbs, and sidewalks of the subject property and for the properties located on each side of the subject property. The applicant may only be the owner of the property or a person employed or contracted by the owner with written authorization signed by the owner with the owner's signature notarized.

Section 150-30.2(E) Planning Board Review

The Planning Board shall review each application and shall approve the issuance of such permit upon compliance by the applicant with the provisions of the Village Code provided and if the Village Planning Board shall determine that:

1. The proposed driveway entrance or curb cut will not interfere with the orderly and reasonable use of the adjacent properties or the properties across the street from the subject properties.
2. The proposed driveway entrance or curb cut will not create undue interference with vehicular traffic in the adjoining roadway.

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3. The proposed curb cut and driveway entrance or curb cut will not adversely affect the health, safety, welfare, comfort, or convenience of the inhabitants of the Village.
4. Any other condition considered relevant by the Planning Board.
5. The issuance of a permit as provided herein does not constitute a waiver of any requirements respecting the subject property which may exist pursuant to statute, local law, or ordinance.

150-30.2(F) Fees

A. For a residential or noncommercial curb cut permit, the application fee shall be \$55 for each single-car-width driveway (10 foot maximum) or \$75 for each double-car width driveway (greater than 10 foot width, with an 18 foot maximum). For a commercial permit, the application fee for each commercial-use driveway shall be \$300. See Section 150-30.2(H) for commercial specifications.

Section 150-30.2(G) Driveway / Curb Cut Specifications Residential

Each curb cut and driveway for noncommercial use constructed under a permit issued pursuant to this chapter shall be constructed in accordance with the following specifications:

1. Curb cuts for dwellings shall be no greater than 10 feet for one-car access at the curb line.
2. Curb cuts for dwellings shall be no greater than 18 feet for two-car access at the curb line.
3. For a corner property, the minimum distance permitted between any curb cut and the property line forming the adjoining street extended to the curb line shall be 25 feet.

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4. A minimum distance of three feet from the side property lines shall be maintained at the curb line for all curb cuts.

5. Curb cuts for connected or U-shaped driveways shall comply with the following requirements:

a. Curb cuts for purposes of connected or U-shaped driveways shall require not less than 50 linear feet minimum frontage on a street or highway.

b. Each connected or U-shaped driveway permitted under this subsection shall consist of either two ten-foot curb cuts, or one ten-foot curb cut and one eighteen-foot curb cut.

c. A minimum of 18 feet shall be required between curb cuts.

Section 150-30.2(H) Adjusting Existing Curb Cuts

An existing curb cut may be supplemented by not more than one additional single-width ten-foot curb cut, provided that the proposed additional curb cut be located not less than 18 feet from the existing curb cut at the curb line, and the application otherwise meets all other requirements. An existing 10-foot curb cut for an attached garage may be widened to an 18-foot curb cut when the application otherwise meets all other requirements herein.

Section 150-30.2(I) Commercial Driveway & Curb Cut Specifications

Each curb cut and driveway for commercial use constructed under a permit issued shall be constructed in accordance with the following additional specifications:

1. Normal curb cuts for commercial use shall be not greater than 25 feet at the curb line.

2. For a corner property, the minimum distance permitted between any commercial-use curb cut and the property line forming the adjoining street extended to

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the curb line shall be 10 feet.

3. A minimum distance of 5 feet from side property lines shall be maintained at the curb line for all commercial-use curb cuts.

4. Commercial-use curb cuts may be supplemented by additional commercial-use curb cuts, provided that all such curb cuts are not less than 25 feet one from the other at the curb line, and the application otherwise meets all other requirements.

Section 150-30.2(J) Failure to Complete Permit Requirements

Each permit shall authorize the Village of Greenport to complete the repair, construction, or reconstruction of driveway entrances and curb cuts whenever the Village finds reasonable cause to conclude that the applicant fails, refuses, or neglects to complete such repair, construction, or reconstruction. The Village shall be reimbursed for the cost of such repair, construction, or reconstruction by assessment against, and collection from, the lots or parcels of land where such work was performed or services rendered for so much of the actual and complete costs as incurred upon and from each lot or lots.”

2.2 Amendment of Section 115-13J

Section 115-13J of the Greenport Village Code shall be amended to read as follows:

“115-13J; Curb cuts and driveway openings.

Any curb cut or driveway opening proposed in the Village of Greenport onto a street owned by the Village of Greenport will be considered a road opening and will be granted only upon the approval of the Greenport Village Planning Board and the Code Enforcement Official of the Village of Greenport as provided in section 150-30.2. Any decision of the Planning Board pursuant to this section may be appealed to the Village Board of Trustees within 60 days of the filing of the Planning Board's decision with the Village Clerk.”

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3.0 Severability

In the event that any section or portion of this Local Law or Chapter shall be deemed void or not effective, the remaining provisions of this Local Law and Chapter shall remain in full force and effect.