

NY5 Access Management Plan

June 2009

Appendix D Sample Zoning Text

Nonconforming Access Retrofit.

Driveways and other access conditions along State Route 5 do not generally conform to modern access requirements. Driveways and other access conditions in place prior to the effective date of these regulations shall be treated as pre-existing nonconforming access features.

- A. The feasibility of bringing nonconforming access connections into compliance shall be evaluated when:
 - i. Redevelopment is proposed; or
 - ii. A new driveway access permit is requested; or
 - iii. Proposed upgrades or changes increase the square footage of a building or accessory use by 1000 square feet (sf) percent or more or increase peak hour trip generation by 50 or more trips; or
 - iv. A State or local improvement project is proposed for State Route 5.
- B. When a property owner of a property with non-conforming access features applies for a permit to redevelop, upgrade or change the use of the property, the TOWN Planning Board will determine whether it is necessary and appropriate to retrofit the existing driveway or driveways.
- C. If the Town Board determines that it is necessary and appropriate to retrofit the existing driveway or driveways it may require the property owner to establish an access retrofit plan. The objectives of the retrofit plan shall be to reduce the traffic and safety impacts of development by bringing the number, spacing, location, and design of driveways and other access conditions into conformance with modern access management practices, to the extent possible without imposing undue or inequitable hardship on the property owner. The retrofit plan may include:
 - i. The elimination of driveways,
 - ii. The realignment or relocation of driveways,
 - iii. The provision of shared driveways and/or cross access driveways,
 - iv. Reverse access,
 - v. The restriction of vehicle turning movements,
 - vi. The relocation of parking,
 - vii. A reduction of peak hour trip generation,
 - viii. Signalization, or

- ix. Such other changes as may enhance traffic safety.
- D. The requirements of the retrofit plan will be incorporated as conditions to the permit for the redevelopment, change or upgrade of use of the property and the property owner will be responsible for the retrofit.
- E. Incentives
- i. In order to ensure the safe and efficient movement of traffic along a road and between the road and properties abutting the road, shared driveways, cross access driveways, access and service roads, internal circulation systems, and interconnected parking are encouraged.
 - ii. The TOWN Planning Board may grant a property owner adjustments to the permissible bulk, area and coverage requirements including setbacks, density, area, height, or open space otherwise required in the zoning district when such property owner elects to provide and maintain shared driveways, cross access driveways, access and service roads, internal circulation systems, or interconnected parking.
 - iii. The TOWN Planning Board reserves the authority to determine, in its discretion, the adequacy of the access management amenities to be accepted and the particular bonus or incentive to be provided to a property owner.