

TECHNICAL MEMORANDUM

Route 22 Access Management Study

Towns of Pawling, Dover, Amenia and North East, Dutchess County, New York

CME Project No. 02-119d

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February 22, 2005

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ROUTE 22 ACCESS MANAGEMENT STUDY TECHNICAL MEMORANDUM

I. INTRODUCTION

This document outlines the purpose and findings of the Route 22 Access Management Study, in which this corridor was examined in the Dutchess County Towns of Pawling, Dover, Amenia and North East. With guidance from an Advisory Committee consisting of property owners, members of community planning and legislative boards and other parties, a consultant team analyzed traffic and site access issues, identified potential access management treatments, and drafted access management ordinances and guidance on means for improving the processes of development proposal review. In addition, per the scope of the project, retrofit concepts were developed for the section of Route 22 south of the Village of Pawling.

This document is organized into four sections. The first section contains a brief introduction to the study. The second section presents a guide to access management concepts. The third section presents the study's findings on access management issues in the Route 22 corridor. Finally, the fourth section presents summary notes on the access management overlay ordinances, Pawling retrofit recommendations and development process guideline.

A. Purpose of the Study

Coordinating planned, orderly land development with needed transportation improvements is essential to ensuring that as future economic development takes place along the Route 22 corridor, traffic safety and efficiency are maintained. Recognizing this need, the Poughkeepsie-Dutchess County Transportation Council (PDCTC), the New York State Department of Transportation (NYSDOT) and the Harlem Valley Partnership (HVP) jointly progressed development of a *Corridor Management Plan* to develop a blueprint for the future of this important corridor.

One recommendation of the Corridor Management Plan was that *access management* be implemented in the Towns of Pawling, Dover, Amenia and North East. Access management is the reduction of conflict points (particularly at driveways) to increase the predictability and safety of traffic along a roadway. The next section of this document presents a detailed introduction and guide to access management techniques.

This study was funded under NYSDOT's Arterial/Access Management Studies program, which was developed to help local governments identify steps that can be taken to enhance the safety and efficiency of traffic operations on State routes passing through their communities.

B. Study Products

Access management ordinances were developed for the Towns of Pawling, Dover, Amenia and North East. They specify limits to the numbers of access points per mile and per development along selected sections of Route 22, along with driveway spacing standards and other key parameters. The ordinances were developed based on a thorough examination of existing and potential future land development in the corridor.

A *development process guideline* was also produced. This guideline is a package of actions intended to better integrates local land development and planning processes, NYSDOT's highway work permit and driveway access permit processes and the State Environmental Quality Review (SEQR) process. The Guideline considers key points in each process and identifies information to be shared and the basis for decisionmaking on proposals and permit requests. It is intended to provide a basis for coordination of reviews of land development proposals by the involved agencies.

The southernmost part of the corridor, between the Village of Pawling and the Putnam County line, presents particular challenges due to a combination of high traffic volumes and several existing large, traffic-intensive land uses. The study also produced a series of access management and general safety-oriented retrofit concepts for this section, with particular emphasis on the area near the Akindale Road intersection.

C. Study Team

During the Study, there were a number of Advisory Committee meetings, stakeholder meetings in each Town and consultant team field examinations and discussions with key local parties. In addition to the valuable local context and a considerable number of concepts for exploration produced by this outreach work, the national state of the practice in access management was also assessed, to identify promising techniques for application to this corridor.

Development of the overlay ordinances and identification of specific access management concepts for each Town were guided and shaped by the following members of the Advisory Committee, who gave of their time and energy in discussing the issues covered by the Study, providing insight on the directions taken by the technical examinations and reviewing various interim Study products.

Charlie Daniels, Pawling
James Devine, Amenia
Tracy Durkin, Pawling
Cathy Fenn, Millerton
Linda Gregory, Amenia
Dan Groh, Dover
Larry House, Dover
Kent Johnson, Pawling
Tom LeJeune, Amenia
Sanford Kaplan, North East

David Kelly, Pawling
John Perrotti, North East
Anne Sanford, Amenia
Julie Schroeder, Amenia
David Sherman, North East
Earl Slocum, Pawling
Michael Tierney, Dover High School
Jill Way, Dover
Rich Yeno, Dover

The effort also benefited from the logistical and administrative support of a Project Management Committee consisting of Ken Carlson of the NYSDOT Mobility Management Group in Albany, Mike Hagerty of the Harlem Valley Partnership, Russell Robbins of NYSDOT Region 8 in Poughkeepsie, and Kealy Salomon and Eoin Wrafter of the Poughkeepsie-Dutchess County Transportation Council.

Creighton Manning Engineering, LLP (CME) led the consultant team with support from Vanasse Hangen Brustlin, Incorporated (VHB). The CME members of the team included John Tozzi, P.E., who served as Principal-in-Charge; Shelly Johnston, P.E. P.T.O.E., who served as Associate-in-Charge; and Steve Allocco, who served as Project Manager and lead technical analyst. For VHB, Susan Vanbenschoten, P.E. served as Project Manager, and Scott Schilt served as lead technical analyst.

II. ACCESS MANAGEMENT

A. What is Access Management?

Access management is the process of balancing competing needs of mobility including traffic movement and land access. Access management provides access to land development while simultaneously preserving the safe and efficient flow of traffic on the roadway system, including bicyclists and pedestrians.

The technical focus of access management is on reducing *conflict points* (particularly at driveways and side streets) to increase the predictability and safety of traffic along a roadway. A conflict point is a point in a roadway where vehicles turning into or out of a driveway or side street have the potential to collide with other vehicles (particularly those traveling along the corridor).

Access management can provide the following benefits:

- ***Safety:*** Access management techniques enhance safety by reducing the tendencies for accidents, particularly rear-end and right-angle crashes. Studies in Iowa have shown access management projects can reduce accident rates by as much as 40 percent, with corresponding reductions in injuries.

Specific Benefits:

- Fewer and less severe crashes
- Less auto-pedestrian and auto-bicyclist conflict
- ***Efficiency:*** Access management techniques can improve traffic flow by reducing the interruptions of traffic related to driveway movements. This can be particularly beneficial during peak traffic hours.

Specific Benefits:

- Less stop and go traffic
- Reduced delay
- Increased and preserved roadway capacity
- Reduced fuel consumption
- Preservation of investment in the roadway system
- ***Economic Enhancement:*** Access management treatments crafted with an eye toward maintaining the accessibility of commercial sites (particularly retail stores) can improve economic activity by making an area less congested, with more logical and clear access to businesses.

Specific Benefits:

- Can reduce the potential for people to want to avoid an area because of traffic
- Makes commercial corridors more conducive to “quick trips” (errands)
- Can improve internal site circulation at large commercial properties

- *Aesthetics and Environmental Quality:* Corridors which have fewer driveways, frontage or rear access roads and other access management tools in place have less space right along the roadway “given over” to motor vehicles. This can allow communities to introduce trees, sidewalks and other streetscape elements to enhance the look of the roadway. In addition, by reducing delays and providing alternatives to widening roads (which tend to attract more traffic rather than simply “better accommodating” existing traffic), access management can result in reduced auto emissions and stormwater runoff.

Specific Benefits:

- More attractive corridors
- Improved community appearance

- *Livability:* In addition to reducing traffic conflicts and pollution, among other undesirable aspects of areas where busy streets go through neighborhoods or downtown areas, access management promotes the livability of corridors by asserting the importance of setting in roadway design. That is, it sends a message that “the road is not just about cars,” and compels drivers to respect the needs of people traveling to or from local businesses, including pedestrians and cyclists. In addition, where residences or subdivisions front busy streets, access management can yield the practical benefit of designating *and accommodating* the most appropriate points at which people can get to their homes or from their homes to the local street system.

Specific Benefits:

- Enhances community character
- Preserves neighborhood integrity
- Preservation of private investment in abutting properties
- Lower vehicle emissions and less pollution

- *Administration:* Pursuit of access management can bring different communities or levels of government together to organize their processes in compatible ways, and to enhance the flow of information between entities. In addition to the practical benefit this yields with regard to improved information flow, this can help to ensure that corridors are managed consistently from one community to the next, reducing the degree of variation in conditions encountered by motorists and perhaps, in turn, reducing these entities’ exposures to potential lawsuits rooted in how each section of the roadway and how accesses to the roadway are designed.

Specific Benefits:

- Consistency
- Reduced litigation
- State-County-Local Coordination

B. Key Access Management-Related Terms

Access is the ability to obtain ingress and egress between a parcel of land and the highway system. In short, getting to and from a property via a public road.

Accessibility is an area-wide measure of the ease of travel between locations within a defined area such as a hamlet, village, city, county or state. It is the ability to reach a given location from numerous other locations or areas. Accessibility to potential customers, for example, is of great interest to a retail establishment. Accessibility is also the ability to reach a variety of other locations from a given location. Accessibility can be quantitatively defined and measured using indices such as travel time and degrees of conflict with other travelers.

Movement is the ability to travel along a segment of highway. As used in access management, it concerns the degree of ease or difficulty of passing by an access drive or through an intersection in a vehicle.

Mobility relates to the ability of persons to make trips to satisfy their needs and desires by walking, motor vehicle, transit, bicycle or any combination of modes.

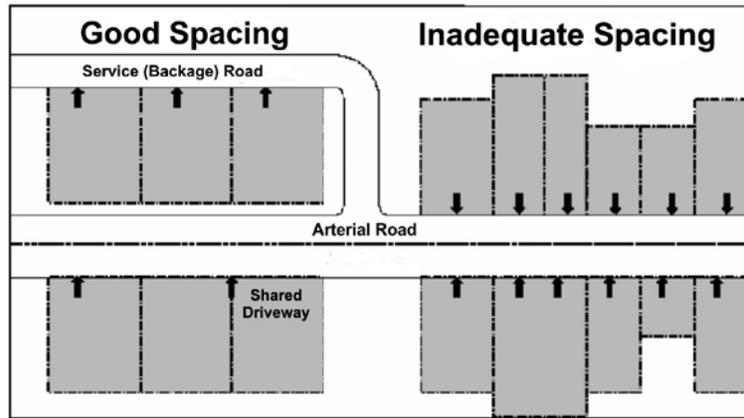
What is a Corridor Overlay Zone?

- A special set of requirements oriented toward a roadway corridor. It overlays one or more existing zoning districts, while retaining the underlying zoning requirements.
- A mechanism for providing a consistent set of requirements for the corridor. This helps communities ensure that isolated roadway segments do not develop in ways that negatively affect the corridor as a whole, because the overlay zone applies to the entire roadway.

C. Driveway Control Concepts

- Limits on the numbers of driveways by land use type, reinforced with subdivision frontage or collector road requirements. *Effects: minimizes number of driveways along a road, and can encourage more attractive residential development by encouraging or requiring the development of local streets to provide residential access.*

- Increasing minimum lot frontage requirements. *Effects: fewer lots and fewer driveways (assuming the minimum width is what tends to be used)*



Source: Iowa Access Management Handbook

Figure 1
Benefits of Increased Frontage Requirements, Driveway Spacing Standards and Rear Service Roads

- Standardized spacing requirements for commercial and residential driveways. *Effects: reduces the confusion that can arise where driveways are closely spaced, can reduce the number of driveways encountered along a road. (See Tables 1 and 2)*

Table 1
Sample Commercial Driveway Spacing Requirements
Zoning District Basis

District	Minimum Spacing Between Commercial Driveways		
	Required	Preferred	Optimal
Town Center	50 feet		100 feet
Core Districts (Town Center Core, Neighborhood Core and Hamlet Core)	50 feet		100 feet
Neighborhood and Hamlet	50 feet	100 feet	200 feet
Landing	75 feet	150 feet	300 feet
Planned Development Districts	125 feet	250 feet	500 feet
Greenbelt and Waterfront	200 feet	400 feet	800 feet

SOURCE: Draft Corridor Management Plan for Route 9, Town of Hyde Park (Creighton Manning Engineering, 2003)

NOTES

Stratification modeled on Table 1 of "Arterial Corridor Management: Development of Transportation Strategies and Actions to Minimize Traffic/Land Use Conflict along Capital District Arterial Roadways," Capital District Transportation Committee, September 1995.

"Districts" refer to Hyde Park zoning districts.

Table 2
Sample Commercial Driveway Spacing Requirements
Speed Limit Basis

Posted Speed Limit (MPH)	Driveway Spacing (Feet)
≤ 35	125
36 – 45	245
> 45	440

- Increasing minimum lot sizes for corner lots, with increased front yard setbacks applied to both frontages. *Effect: allows for greater spacing of driveways for corners and better internal traffic circulation within the site.*
- Increasing the minimum distances of driveways from intersections. *Effect: reduces multiple-driveway corner lots and conflicts between intersection and driveway movements.*
- Prohibiting driveway access in areas with dedicated left-turn lanes. *Effect: reduces conflicts between driveway and intersection traffic.*
- Encouraging cross-access where feasible to provide appearance of intersections (that is, driveways line up across from one another). *Effect: makes movement patterns clearer to people traveling along the road. Also see next bullet.*
- As an alternative to the previous concept depending on projected traffic volumes and patterns, encourage *separation* of driveways across the road from one another to ensure that vehicles related to the two sites do not conflict with one another. *Effect: avoids creation of a single intersection or closely-spaced pair of intersections with confusing and inefficient traffic patterns.*
- Requirement or encouragement of use of access roads for driveway connections where possible. *Effect: reduces the numbers of driveways encountered along a road.*

D. Commercial Driveway Design Specifications

- Ensure that man-made or landscape incursions near the road do not compromise lines of sight. *Effect: ensures that motorists, pedestrians and cyclists traveling along roads can see vehicles turning out of driveways, and vice versa.*
- Require on-site turnarounds or “hammerhead” driveways for parking. *Effect: prevents back-out access to roadways. (See Figure 2.)*

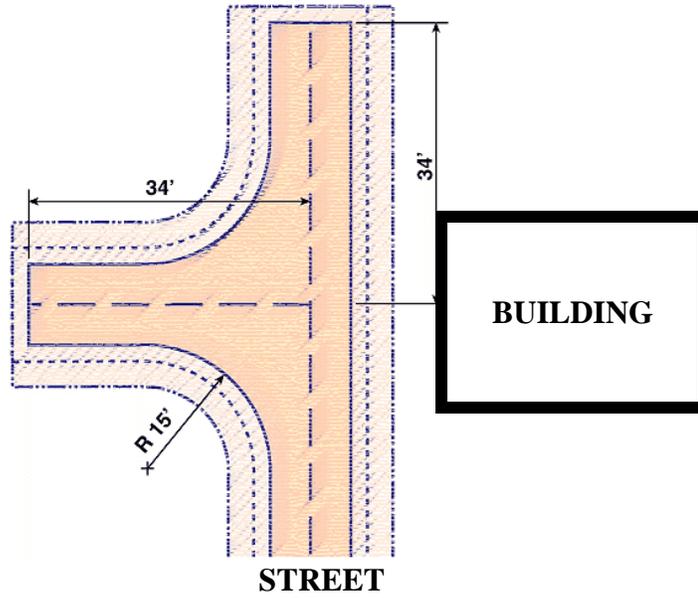


Figure 2

Sample “Hammerhead” Driveway Design Allowing for Turn-Arounds and Forward-Moving Access to Roads

- Provide appropriate standards for driveway widths and definition by using curbing, fencing, plantings or other physical treatments. *Effect: makes traffic more predictable, reduces speeds. (See Figure 3.)*



Figure 3

Open Driveways Encourage Unpredictable, High-Speed Accesses

For parcels with large frontages and relatively shallow parking areas between buildings and the roadway edge, encourage or require one-way driveway access (with one entrance and one exit along the arterial) and diagonal or parallel parking in front of buildings. (See Figure 4.)



SOURCE: Draft Corridor Management Plan for Route 9, Town of Hyde Park (Creighton Manning Engineering, 2003)

Figure 4

Reinforcing One-Way Driveway Access and Diagonal Parking with Curbing and Sidewalks

- Particularly where larger commercial developments such as shopping centers/malls will have large amounts of parking between buildings and Route 22, require appropriate driveway throat lengths. *Effect: limits conflicts between vehicles turning into the development and vehicles attempting to navigate the parking area.* (See Figure 5.)

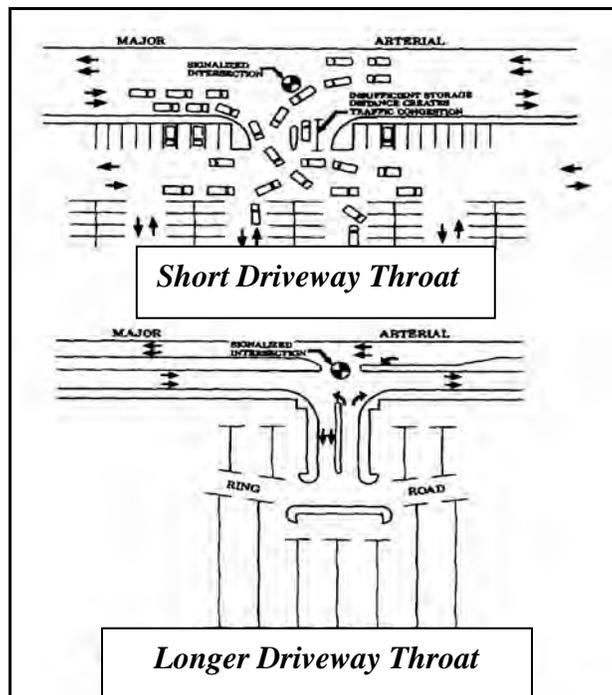
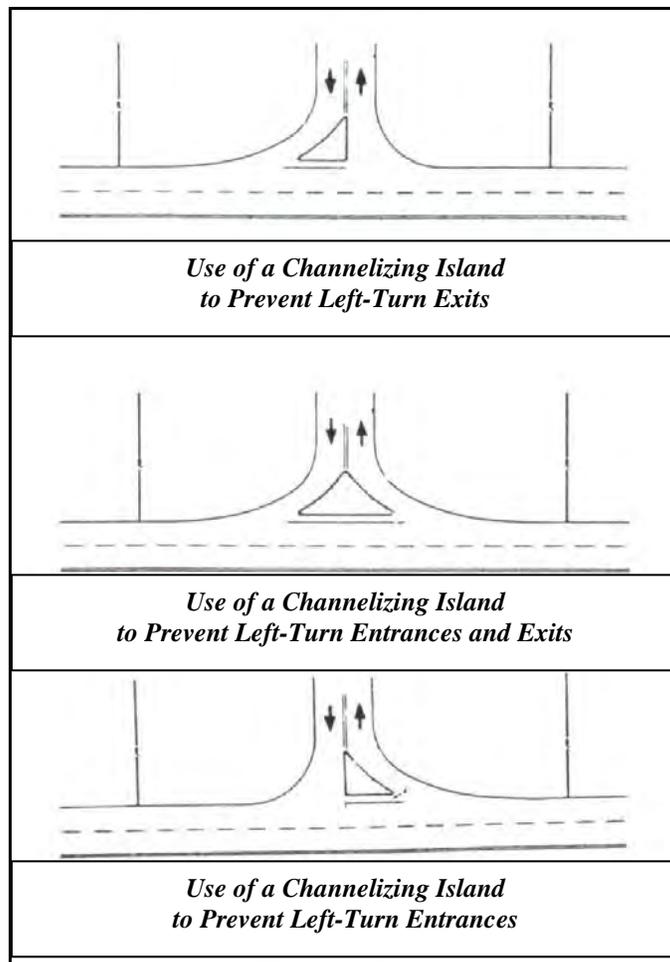


Figure 5

Driveway "Throat" Defined

- Channelize driveway entrances/exits with curbing. Require sidewalks or setbacks for future sidewalk construction where appropriate. *Effect: Enhances safety and reduces driveway-related turn movements across traffic.* (See Figure 6.)



SOURCE: Creighton Manning Engineering/County of Ulster, "Ulster County Access Management Guidelines," 2003

*Figure 6
Examples of Using Driveway Channelization to Restrict Turn Movements*

E. Roadway Design Concepts

- Left- and right-turn lanes. *Effect: takes driveway-related traffic out of the main travel lanes at intersections or at major driveways, keeping through traffic moving.*
- Install medians to limit turn movements. *Effect: prevents driveway-related left turn movements between intersections.* (See Figure 7).



Figure 7
Addition of a Landscaped Median to an Arterial
(Saratoga Springs, New York)

- Require reverse frontages for larger commercial developments (construction of buildings along the arterial with their front sides and driveways facing away from the arterial and toward a parallel local street or access road). Can also be used in conjunction with local subdivision streets to facilitate residential development along the arterial without having residential driveways accessing the arterial. *Effect: allows development along a roadway while limiting turn traffic to nearby intersections.*
- Require frontage/parallel road or shared driveways for commercial developments. *Effect: reduces the number of higher-volume driveway accesses to the through road. (See Figure 8).*
- Continuous two-way left-turn lanes (“middle lanes” of roads from which traffic traveling in either direction can make left turns). *Effect: takes driveway-related traffic out of the main travel lanes along a road, keeping through traffic moving. (Note: these lanes should be designed such that they are **not** seen by motorists as “additional travel lanes,” or dangerous behavior can result. Two-way left-turn lanes can be dangerous for pedestrians and bicyclists.)*
- Establish standards for uniform signal spacing or minimum distances between signals. *Effect: maintains the road’s ability to carry traffic (as opposed to stop-and-go where signals are too close together and/or not set to work together).*

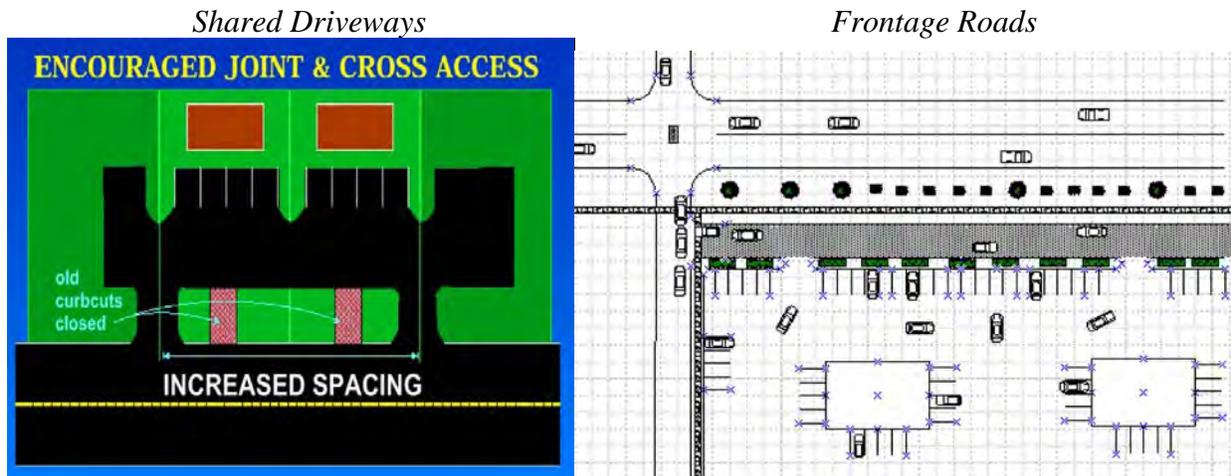
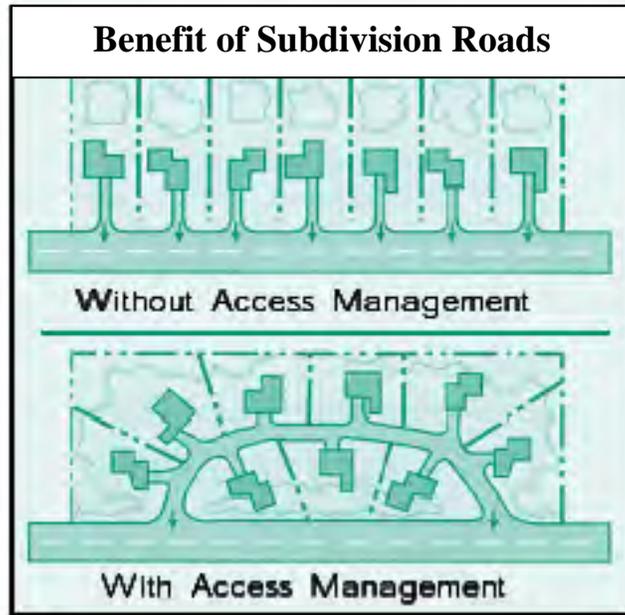


Figure 8
 Shared Driveways and Frontage Roads for Commercial Developments

F. Residential Subdivision and Site Access Planning

- Prohibit subdivision of property into flag lots (lots with sufficient total area but substandard road frontage). *Effect: helps to ensure that driveways are not too close together.*
- Require lot width and layout to be sufficient to allow vehicles to enter and exit traveling in forward (rather than reverse) direction. *Effect: eliminates need for vehicles to back out of driveways onto a road.*
- Provisions for shared rear-lots to create car “courtyards” with a single access. *Effect: comparable to that of previous tool (turnaround maneuvers take place off the road).*
- Require curbs and sidewalks or setbacks for future curbs and sidewalks in hamlets, villages or major land use developments within a given distance (e.g., one mile of an urban or hamlet area). *Effects: promotes alternatives to driving for shorter trips, provides a starting point for integration of access management and alternative modes into future roadway improvement plans.*
- Require internal subdivision roads as means of providing individual parcels with access to through roads. *Effect: limits turn movements related to subdivisions to identified intersections. (See Figure 9).*



SOURCE: Center for Urban Transportation Research

*Figure 9
Effect of Subdivision Road Design on Street Accesses*

- Use of a “driveways per mile” or “priority growth area” basis for managing the creation of new direct property accesses from previously-undeveloped parcels. A driveways per mile reference could be used to “reserve” some minimum levels of direct access for other parcels to ensure that, for example, one large property did not “use up” all the allowed driveway accesses within a given mile of road frontage. An approach using the priority growth areas reference could allow more driveways per mile consistent with the intention of creating a hamlet-type environment. *Effects: reduces driveway conflicts by (1) directly limiting driveway accesses and (2) encouraging frontage road, internal collector road or shared driveway development.*

G. Site Layout Concepts

- Require internal roadway and sidewalk connections for development of large sites with multiple uses. *Effects: reduces the need for individual driveways, and facilitates walking as an alternative to driving for multiple-destination trips. (See Figure 10.)*
- Require maximum front setbacks for non-residential uses in villages or commercial nodes with parking in the rear. *Effects: tends to result in use of side streets for site access, makes it easier for pedestrians and cyclists to access buildings (they do not need to cross parking lots).*



*Figure 10
Internal Connections Reduce Driveway Accesses*

- Regulate the number, location, size and height of signage. *Effect: minimizes sight distance issues at driveways.*
- Establish standards for landscaping and pedestrian/bicycle facilities. *Effects: enhance the visibility of traffic on roadways, improves safety, encourages non-motorized travel, and enhances corridor and community aesthetics.*
- Require site plans to include a landscaping plan meeting minimum landscaping standards for parking areas. *Effects: can help ensure appropriate screening from adjacent uses and avoid the creation of a “sea of asphalt” feeling, which can increase traffic speeds.*
- Require site plans to include curbing and sidewalks or adequate setbacks for future provisions where appropriate. *Effect: can help ensure that appropriate access and facilities are provided to improve safety and basic mobility.*

H. “Trigger Points” at which Retrofits to Non-Conforming Properties can be Required

When a New Driveway Access Permit is Requested

Communities and highway agencies can require that if granted, new accesses be designed in accordance with applicable standards. In this regard, it is important to be flexible in requirements to ensure that the desired access management effect is achieved at a cost reasonable to the landowner. For example, if a developer requests an access permit, the agency of jurisdiction could require that the design of the access make clear to drivers where the legal

access exists but allow the developer to use either a raised, curbed median or a flush-to-the-ground, planted median (the latter e.g., a grass strip or one striped out with pavement markings).

One key to the success of this approach is checking back afterward to ensure that the desired effect is realized; for example, if drivers routinely drive over the grass strip or the pavement markings, it may be necessary to take additional steps to control access. These additional steps can still come short of installing curbing, which depending on the location in question may in turn require drainage work to avoid the potential for curbs to lead to water standing on a roadway. Some communities or developers have used fencing, half barrel-type planter boxes, posts and ornamental chains or other lower-costs means of reinforcing the driveway locations in cases where the potential for or actual experience with motorist disregard for driveway locations compelled such reinforcement.

During Substantial Enlargements or Improvements

As a practical matter, enlargements or other improvements are both intended to increase patronage of a business or site. This in turn necessitates a review of the traffic impacts of the land use on the site, and provides the opportunity to negotiate and/or require access management elements. Noting the economic benefits of access management can help to make the case for incorporating access management elements into site and access design.

Road Construction Projects or Other Work In or Near the Right-of-Way

Most road improvement projects seek to accomplish more than one goal. For example, a road reconstruction project might typically include elements to enhance pedestrian mobility such as crosswalks or sidewalks. Thus, opportunities can be sought to incorporate access management elements in reconstructions, safety improvements, capacity additions (widening) and other public projects. In addition, stormwater or sanitary sewer improvements can incorporate these treatments in their “finishing elements” – what is done to restore the ground after the underground work is completed.

It is important when pursuing projects incorporating access management to (1) stay in contact with adjacent landowners to make clear the intent of the access management treatments, (2) design treatments which ensure sufficient site accessibility *and* internal site circulation, and (3) ensure that the costs of access management elements are in appropriate proportion to the remainder of the project in question.

Changes in Use or Ownership

Similar to the way in which changes of ownership can take away the “grandfathered” status of other attributes of a property which do not conform to the zoning ordinance, having the overlay ordinance in place will give the communities in the corridor a means of revisiting access management-related elements of a property when its use (e.g., a new type of business or changing from residential or commercial) changes or if it is sold.

Implementing Future Improvements Based on Traffic Increases

Occasionally developments are approved with contingencies for installing improvements, such as traffic signals, based on measurements of traffic volumes or conditions. Measuring future volumes as a matter of routine “post-opening day” checks can provide a basis for enhancing the efficiency of traffic movement where the site accesses the roadway system.

III. ACCESS MANAGEMENT ISSUES AND POTENTIAL CONCEPTS IN THE ROUTE 22 CORRIDOR

Following are brief discussions of access management issues in the corridor, as raised by Advisory Committee members and stakeholder meeting participants.

A. Full-Corridor

Safety

High traffic speeds, unfamiliarity with the area on the parts of motorists using Route 22 to travel between the New York City metropolitan area and Vermont or other parts of New England and the mix of agricultural and general traffic (at different speeds and frequently with different space needs) are among the safety concerns in this corridor.

Variations in Driveway Placements and Driver Experiences

With each community along the corridor presenting drivers with different levels and mixes of development and different types of driveway accesses, the motorist traveling through the corridor does not perceive a consistency of accesses and other encroachments on the roadway. While it is clearly not reasonable to expect that each community would have the same type of land uses and physical forms, introducing some full-corridor standards for access management would be a first step in making local access dynamics more consistent and predictable.

Varied Traffic Flow Patterns

While the sense based on traffic volumes might be that a simple tapering off of activity takes place as one proceeds north in the corridor – traffic volumes in the corridor are highest in Pawling and lowest in North East – the capture areas of businesses, Metro-North stations and other area destinations includes western Connecticut, southwestern Massachusetts and other areas well outside the Harlem Valley. The implication of these capture areas is a need to ensure that destinations right along Route 22 have clear and sufficient accessibility, for many of the people traveling to these destinations are not simply crossing the road or traveling from nearby to get to them.

Development Pressures

A variety of factors including increasing costs of living in the New York City metropolitan area, enhancements in telecommunications technology, the promotion of the I-87 corridor between Westchester County and Albany as a focal area for high-technology development (dubbed “Tech Valley”), and security concerns are among the factors which have intensified development pressures on areas such as the Harlem Valley. In addition, the presence along the corridor of the six northernmost stations on Metro-North’s Harlem line – Pawling, Appalachian Trail, Harlem

Valley-Wingdale, Dover Plains, Tenmile River and Wassaic – further enhances the appeal of the area as a residential location for New York City metropolitan area workers.

B. Town of Pawling

Key Access Management Issues Identified by Stakeholders

- Future commercial development is on the way along the divided section near Akindale Road; it would be desirable to avoid adding traffic lights to accommodate any such development.
- Several large pieces of land are available for development, some of which are near existing developments; there may be opportunities for internal connections between parcels.
- It would be desirable to have a planted median rather than a shared left turn lane north of Brady Brook.
- This section of the corridor has the highest traffic volumes on Route 22 in the County; volumes are at or approaching the level at which four-lane cross sections are commonly considered needed.
- The four-lane, higher-speed section of the roadway requires longer gaps in traffic for safe turns into/out of driveways. Limiting the number of driveways would significantly benefit the number of conflict areas where motorists need to find these gaps.
- There has been talk in the past of widening the existing two-lane section between I-684 in Putnam County (Town of Southeast) to Route 55 to four lanes. There is concern among some stakeholders that if this was ever to happen, it might result in substantial traffic increases in the corridor.

Potential Access Management Concepts Put Before Town Stakeholders

- Driveway channelization requirements/turn movement restrictions
- Medians
- Driveway spacing guidelines
- Commercial frontage road requirements
- Shared driveway requirements
- Rear service roads

- Driveway throat length management
- Encouragement of cluster-node development (per Greenway Connections guidance)

The comment was raised at the Pawling stakeholder meeting that the Town is already doing a lot of what was presented in the Potential Access Management Concepts discussion, based on a negotiated basis which has been structured and applied by the Planning Board chair with the help of the Town Planner. As was noted in response to this point during the meeting, there would be a benefit to more concretely institutionalizing these goals, so that in the future the Town's success in managing access is not simply a function of the power of persuasion or of the energy which a single individual puts into his/her role in getting these actions taken.

C. Town of Dover

Key Access Management Issues Identified by Stakeholders

- Metro-North patronage growth is leading to increased congestion.
- Strip development has taken place without appropriate access management.
- For both strips and single sites, many open driveway accesses would be expected to lead to more accidents as traffic increases (as a simple function of accident rates).
- Several large parcels are available for development (this is in fact the case for all of the towns in the study area).
- The potential impacts of the Harlem Valley Psychiatric Center campus redevelopment on the surrounding area: Route 22 could end up serving more out-of-towners, using the current winter and “leaf peeping” traffic for comparison. For example, locally-based users of the road are more likely to be aware of local circulation patterns and problem spots (the latter e.g., intersections with poor lines of sight or where), while out-of-towners tend to be more concerned with getting through the area and on to where they are headed and may not be aware of local dynamics or features of the corridor such as odd driveway accesses. Conversely, when out-of-towners not familiar with the area are searching for a particular local destination (a restaurant, for example), they may be more concerned with looking for business signs than driving. It will be important to emphasize clarity of signage at business accesses, particularly where some type of driveway consolidation or shared driveway arrangements would result in businesses’ not being directly accessed from Route 22.
- The Psychiatric Center campus redevelopment also raises issues regarding internal circulation and site access: It was observed that regardless of the development which ultimately takes place on this site, there should be a better way to organize site-related traffic movements on the grounds and in the general area.

Potential Access Management Concepts Put Before Town Stakeholders

- Driveway definition requirements
- One-way driveway access when needed/appropriate
- Capitalizing on dual frontages
- Driveway spacing guidelines
- Driveway consolidation/limits per parcel or land use type
- Internal connections and driveway sharing
- Encouragement of cluster-node development (per the Greenway Connections guidance)

With regard to the “dual frontages” idea, it was observed that many cyclists prefer to use Old Route 22 as an alternative to Route 22. This needs to be borne in mind when considering rear access requirements and other ways of taking advantage of dual frontages. (This comment was also heard in Amenia.)

Decisionmakers thus need to consider the needs of cyclists and pedestrians along with those of local access and through motor vehicle travel. One way to *codify* this consideration would be to require that access management-oriented treatments affecting motor vehicle operations do not result in degradation of cyclist and/or pedestrian safety. At the project level, this can be ensured by integrating pedestrian and cyclist infrastructure into site and roadway design or by the provision of alternate route amenities (the latter e.g., if a site is being developed and it is not possible to accommodate pedestrians within or along the borders of the site, the functional equivalent connection might be provided by installing a sidewalk across the street).

D. Town of Amenia

Key Access Management Issues Identified by Stakeholders

- Speeds through the town are a concern, as are line of sight/visibility issues at intersections and some driveways.
- As the Town basically has three major roads and there are few other cross streets, the main intersections see heavy traffic and lots of turn movements. It may thus be difficult to tie properties together using rear access or frontage roads and give them access to Route 22 via side streets.
- The Town is seeing commercial development pressures. There is the potential for development of a regional supermarket or shopping center in the area, and several large

parcels of land area available for development both on and off the Route 22 corridor. In addition, looking at Route 22 in the hamlet of Amenia, there is the potential for turnover of residential properties to commercial or professional office uses, especially as traffic volumes increase.

Potential Access Management Concepts Put Before Town Stakeholders

- Driveway channelization requirements
- Residential subdivision roadway requirements
- Driveway spacing guidelines
- Commercial frontage road requirements
- Shared driveway requirements
- Requiring sidewalks or setbacks for future sidewalk construction
- Changing minimum lot frontage requirements
- Changing required minimum distances from driveways to intersections
- Encouragement of cluster-node development (per the Greenway Connections guidance)

At the Amenia stakeholder meeting, a concern was noted regarding curbing and other “driveway definition” treatments versus speed limits and/or prevailing speeds in the area. Accidents seem to have increased where some of these treatments were made in the past, because they introduced a new fixed barrier to the area where vehicles are traveling and/or because they are changing driver behavior without reducing speeds.

One way to mitigate the problem of fixed barriers in and immediately outside the Route 22 right of way would be to present a variety of tools in the overlay ordinance for achieving driveway definition through “softer” treatments such as the use of plantings, ornamental fencing and flush-to-the-ground landscaping, which would not introduce fixed objects to the right of way or to private property immediately outside rights of way.

E. Town of North East

Key Access Management Issues Identified by Stakeholders

- Traffic and development pressures from the south, with several large tracts holding great potential for subdivision (and many access points).

- Development is more likely south of Millerton than to the north; at the same time, there is greater accident potential in this area than to the north given higher traffic volumes, many (possible) driveway accesses based on lot boundaries, and line of sight issues at numerous locations.
- In some parts of Town, residential subdivision regulations require road frontages of only 50 to 100 feet on Route 22. Absent access management, this could introduce large numbers of conflict points to the corridor.
- Traffic speeds and a lack of driver awareness of pedestrians need to be addressed. Residents noted that as additional development south of Millerton would likely increase volumes heading into the Village, where shops, restaurants and other amenities are located, the corridor needs traffic calming and pedestrian zones, particularly as Route 22 approaches and enters the Village.

Potential Access Management Concepts Put Before Town Stakeholders

- Driveway definition requirements
- Capitalizing on dual frontages
- Driveway spacing requirements
- Requiring subdivision roads
- Modifying lot frontage requirements
- Internal connections and driveway sharing
- Encouragement of cluster-node development (per the Greenway Connections guidance)

The concern was raised at the North East stakeholder meeting that where parcels are not turning over very quickly, it is unclear how the Town or Village can progress access management. It was noted in response that the overlay ordinance can include in its “Purpose” discussion an articulation of the community’s desire to enhance traffic operations in the corridor, with the understanding that this will take some time to achieve and thus it will be important to reserve space for access management treatments one parcel at a time, as opportunities present themselves. In addition, the Town and the Village can consider establishing a system of *incentives* for retrofitting properties with access management elements, with the incentives ranging from property tax relief to flexibility on other criteria related to site development proposals (e.g., relaxing a parking space requirement in exchange for closing a driveway where two already exist).

As both internal subdivision roads which might include two Route 22 accesses and cluster-node development were included in the list of potential tools presented to the stakeholders, the point

was raised that the cluster-node concept is more desirable based on the Greenway Connections guidance. One way for the Town to work with use of both tools would be to indicate clustering as the “first-preference” for major subdivisions, while *shallower* parcels which might not lend themselves to longer “spur-type” subdivision roads (that is, not going all the way through the subdivision so as to provide in essence a parallel frontage road) might still incorporate access management through a two-access internal subdivision road.

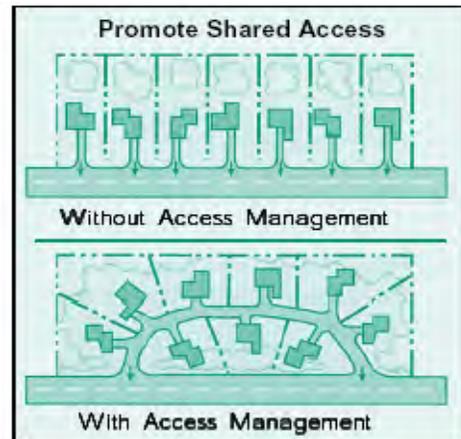
Cluster-Node Development



Cluster development off a side road system (top) preserves open space and farmland views and provides substantial green setbacks, rather than the same number of house lots facing the frontage (bottom).

SOURCE: *Greenway Connections*, Dutchess County Planning and Development

Internal Subdivision Roads



SOURCE: Center for Urban Transportation Research

*Figure 11
Cluster-Node Development versus Internal Residential Subdivision Roads*

Another objection raised regarding internal subdivision roads cited the cost of utility work, road development and other site preparations. As many underground utilities are installed within roadway rights of way, a requirement of internal roads could increase the cost of preparing a parcel for sale. This was seen as being particularly onerous in cases where the subdivision is strictly a subdivision of the property in question to sell lots, rather than the development of a residential subdivision including the construction of homes.

It was noted in response to this concern that the ordinance can set forth alternative approaches to or requirements for infrastructure development based on the nature of the subdivision itself. For example, if the subdivision was applied for by a developer who was then going to *build* a residential subdivision (for which the costs of infrastructure, utility and other site preparation work would more easily be absorbed as part of the homes’ sale prices), this work could be required to be incorporated into the development’s site plan. By comparison, if the purpose of the subdivision is strictly to make individual lots available for sale, the subdivision proposal would simply need to include provisions for development and maintenance of the subdivision road and utility infrastructure (to appropriate specifications) either as a private road or to be deeded over to the Town or the Village of Millerton at a particular point in time or when a specified number of lot sales had occurred.

IV. RECOMMENDATIONS

A. Access Management Overlay Ordinances

Appendices A through D present draft overlay ordinances for each of the four towns in the Route 22 corridor. They were developed based on thorough examinations of existing and potential future land development in the corridor, consideration of input from stakeholders and a survey of the current state of the practice in access management.

B. Pawling Retrofit Plan

The section of the Route 22 corridor south of the Village of Pawling, presents particular challenges due to a combination of high traffic volumes and several large (i.e., traffic-intensive) land uses. While the Town of Pawling has been very aggressive in recent years in working with developers to get access management concepts incorporated into site designs, older land uses as well as the current layout of the four-lane section of Route 22 predate the Town's efforts in this arena. To take advantage of current knowledge of access management's successes, this study thus included development of a series of potential access management-related retrofits to the roadway and adjacent properties in this area. Figure 12 on the following page presents these retrofit concepts, which can be summarized as follows:

- Construction of planted (grass) medians on Route 22, extending from the start of the four-lane section approximately one mile north of the Putnam County line north to the existing planted median south of Fenwood Drive.
- Modification of the driveways accessing Route 22 where the new medians would be created to limit them to right turn in/right turn out access.
- Extension of the driveway throat at Agway/Hannaford (southeast quadrant of Route 22/Akindale Road) to provide additional storage for entering vehicles before they would encounter parking lot traffic.
- Construction of a rear access road extending from the Agway/Hannaford lot south to Chapman Lane, providing access to the next four developed parcels to the south and left turn in/out access to Route 22 via Akindale Road. This access road would be built to public road standards.
- Construction of a frontage road along the west side of Route 22, extending from just north of Akindale Road southward as far as the rear access road along the east side of Route 22. As illustrated in Figure 12, the frontage road can be effectively extended by adding additional short connections between the front corners of additional parking lots. Construction of the frontage road should include significant landscaping to serve as a buffer from Route 22.



*Figure 12
Pawling Retrofit Plan*

At the Pawling stakeholder meeting, this visual prompted considerable discussion of the importance of speed management in the area of the four-lane to two-lane transition. From these discussions it would appear to be prudent to accompany any efforts to implement the retrofit plan with measures to improve signage, pavement markings, flexible bollards in the pavement (cited as a possible means of reducing “racing” to be first to the two-lane section when traveling southbound) and other tools to better control this transition, for such measures would further enhance the safety of local access.

C. Development Process Guideline

Background

Roads owned by NYSDOT, Dutchess County or other agencies can present particular challenges to the towns through which these roads pass with regard to ensuring that local desires are met with regard to access, design and other issues within the jurisdiction of the agency which owns the road rather than the municipality. That is, while the Town can regulate land use through its Zoning Ordinance and typically has authority related to design of certain internal or private roadways (shared driveways and private roads need to be built to Town standards to ensure

emergency vehicle accessibility, for example), there is the potential for conflict between the priorities of the “owners” of the road and of the “hosts” of the road.

The natures of each agency’s review processes can also pose challenges to the idea of meeting the goals of all concerned parties. Considering the example of a property owner requesting a highway access permit, NYSDOT staff make determinations on the acceptability of proposed driveway locations on a daily basis. While a Village or Town Board might want to provide its input on this matter, such a Board meeting weekly or bi-weekly and also providing opportunities for constituent review of materials and comment might need a month or more to reach agreement on what the municipality’s official sense of where the driveway should be. After the official determination is reached, the municipality would then need to communicate this sense to NYSDOT. As it may not be seen as practical to delay NYSDOT staff action for a month to accommodate the local structures for meetings and comments, it might for example be more efficient to use a combination of existing documents such as the Poughkeepsie-Dutchess County Transportation Council’s Connections 2025 (adopted in November, 2003), and this Technical Memorandum as references on local needs and desires.

That said, the ideal is for the municipal master or comprehensive plan or a countywide reference such as the PDCTC Connections 2025 to be the linchpin between the desires of the owners and the hosts. However, there are three complications to this desired relationship:

- *Other Staff Responsibilities:* In many smaller communities in the County, highway department employees and some Town Clerks are the only full-time municipal employees. The problem of the players being that they do not have the resources to work frequently and closely with NYSDOT (particularly during regular business hours, when the greatest number of NYSDOT staff are available for consultation) on the details of putting municipal plans to work.

Conversely, while NYSDOT Region 8 clearly has considerable staff resources, the region’s constituency includes 125 municipalities,¹ within which it performs a considerable range of operational, maintenance and planning functions. Given the area covered by the Region, the number of communities within it and its range of activities, it is extremely difficult if not impossible for NYSDOT to (1) maintain comprehensive knowledge of local plans and (2) internally “connect” this local knowledge where it exists to particular activities (for example, the NYSDOT staff with the greatest local knowledge of one community may be in a unit which would not be expected to have any involvement with a particular project).

- *Staff Turnover/Reassignment:* Municipalities see turnover in board memberships and other elective offices; in addition, smaller municipalities frequently rely on consultants to provide technical support on transportation issues, and turnover within firms or the selection of different firms at different times can affect the continuity of the professional knowledge base applied to the municipality. Similarly, within the NYSDOT structure, advancements, transfers or rotations may change the makeup of staff working in a given area. In either case,

¹ 13 cities, 75 villages and 107 towns.

it is necessary to provide people new to the processes with sufficient local or process knowledge to work effectively on a given project.

- *Logistics:* As was discussed earlier, the timetables of work by professional staff and local board activities do not always coordinate well. The problem of the players' being on different schedules is compounded by either time frames fixed by law or by agency rules/practices.

Beyond these concerns, established procedures at NYSDOT can further complicate the relationship, as matters such as the natures and types of outside contacts and working arrangements with local governments are subject to internal NYSDOT rules intended to ensure clarity of job assignments and the appropriate exercise of authority (the latter e.g., "speaking for" the Department).

The Development Process Guideline represents an attempt to address these concerns and enhance decisionmaking through three mechanisms: communication structures and practices, routinized information exchanges, and process tools. The result should be not only enhancements to the way in which NYSDOT and municipalities consider each other's needs as they relate to access management, but arguably a basis for enhanced transportation planning and decisionmaking in general.

The Department of Transportation is currently undergoing a significant transformation in its organizational structure, which will affect, among other areas, how it communicates with its customers such as local municipalities and developers. It is anticipated that the process of how NYSDOT will communicate with municipalities during a site plan approval/SEQRA process will be defined in early 2005 when NYSDOT will roll-out the changes to the public. The guideline presented herein provides a general framework for the municipalities to work with NYSDOT and within the next few months the specific contact person(s) will be identified by the Department.

This guideline introduces several new areas of effort both for NYSDOT and for the communities it serves. New efforts need to be kept manageable, to ensure that they provide the desired benefit without imposing unreasonable additional work on staff and officials who already have considerable work responsibilities.

It is thus in the interest of efficiency that to the maximum extent possible, relationships related to development proposals and permit applications between NYSDOT Region 8 and the communities of the County be uniform. The types of information exchanged, the nature of contacts required and other aspects of the relationship should be structured toward ensuring that NYSDOT staff are not working with one set of requirements when they work with one community and another set of requirements for another.

Process Elements

SYNOPSIS

Element Groups

- *Communications Structures and Practices (C)*
- *Routinized Information Exchanges (R)*
- *Process Tools (P)*

Time Frames for Pursuit of Individual Elements

- *As soon as possible: sharing of regular meeting schedules (R), sharing of key documents (R), periodic process education (first “rounds”) (P), identification of single points of community contact for NYSDOT (P), develop process roadmap for applicants (P).*
- *After applicants make their first contacts: notification of initial contact (C), triage function (P) to establish clearinghouse position (C), provide roadmap to applicants.*
- *After an application has been submitted: notification of relevant milestones (C), notification of practical time constraints (C), reminders on decision timetables.*

Communication Structures and Practices

The aims of these elements are to address the possibility of “surprises” related to not knowing of a potential or actual application, to allow the key parties to begin formulating their thoughts on the application as soon as possible, and to manage the flow of information.

- *Notification of Initial Contact:* The community or NYSDOT will notify each other when an initial contact is made regarding a proposal. Key information provided would be as follow:
 - Name of contacting person or group
 - Subject location
 - Nature of contact (e.g., driveway access permit, subdivision, major development)
 - Relevant information on the “stage” of the request (e.g., “we have a site plan that we would like to submit to the Board as soon as possible”)
 - Indicated time frame (e.g., “I’d like to start construction within 6 months”)

When this element takes place: As applicants make their first contacts.

- *Notification of Relevant Milestones:* The community will advise NYSDOT of relevant milestones such as public hearing dates or required maximum times to act (e.g., the typical 60 days after the close of a public hearing).

When this element takes place: After an application has been submitted.

- *Notification of Practical Time Constraints:* The community will advise NYSDOT of circumstances potentially affecting the critical path toward a decision or recommendation, such as an upcoming Board meeting’s having been cancelled, the already-known

unavailability of a sufficient number of Board members to have a quorum at an upcoming meeting or the number of items already on the agenda for the next Board meeting.

When this element takes place: When an application is been submitted.

- ***Establish Clearinghouse Position:*** For a given application, the most appropriate agency to serve as the clearinghouse for all related information will be identified. As the community will generally receive the key initial materials (e.g., a site plan application), for simpler matters it would generally be best for the community to serve as the clearinghouse; however, on more complex matters requiring a greater commitment of staff resources, it may be helpful for NYSDOT to take on this function. (Related process tool: “Triage” function).

When this element takes place: After initial contact OR after an application has been submitted. It would be desirable to make this designation at the time of initial contact – proposals or applications could be put on a watch list, with the clearinghouse designation preliminarily established based on understood elements of the concept and pursued when an actual application is submitted.

Routinized Information Exchanges

The aims of these elements are to ensure the availability of current plan and project information, account for staff and Board member turnover and provide each party with advance notice of what will/may eventually be implemented by the other (again, to allow for the advance formulation of thoughts on a concept).

- ***Regular Schedules:*** Schedules for Board meetings and other forums for municipal action will be shared with NYSDOT.

When this element takes place: As soon as possible, with subsequent followup to advise of changes in schedule when they are made.

- ***Sharing of Key Documents:*** The community and NYSDOT will share the key documents related to these areas of shared decisionmaking responsibility. The aim is to ensure that each agency is aware of the other’s plans and operating practices. The key documents are expected to include the following:

Community

Master Plan or Comprehensive Plan
Zoning Ordinance
Corridor or Other Local Studies
(e.g., Route 22 Access Management
Study Technical Memorandum²)
Official Map

NYSDOT

Transportation Improvement Program
(produced by PDCTC)
Highway Design Manual
Corridor or other Local Studies

² The Technical Memorandum could become one of the reference documents for the processes if each entity’s needs were incorporated into it.

Recognizing that this exchange holds the potential to generate a considerable volume of material for both the communities and NYSDOT, in addition to a burden with regard to preparation and transmission of documents, the communities, NYSDOT and PDCTC may wish to explore concepts for document management such as increased use of electronic documents to minimize the labor-intensiveness and storage requirements of this element of the process.

When this element takes place: As soon as possible.

Process Tools

The aims of these elements are to address the information needs of agencies and applicants, accommodate turnover, ensure process accountability and expedite the processes of review and decisionmaking.

- ***Periodic Process Education:*** Municipalities and NYSDOT will periodically provide information on their proposal and application review procedures to one another. The aim will be to ensure that there is a full understanding of how each agency examines requests coming before them, what the information requirements are, and what the desired time frame for action is.

Region 8 could accomplish this with a single presentation to which all of the municipalities in its area were invited. To manage the number of meetings or other contacts which Region 8 staff might need to attend, the municipalities might best accomplish this by sending materials such as permit applications and information sheets to Region 8, to maintain in its files.

When this element takes place: NYSDOT might do this annually, with a first presentation within six months; the communities could get their information together as soon as possible.

- ***Triage Function:*** This function is intended to establish the clearinghouse position presented in the earlier discussion of communication structures. Based on the nature of a given proposal, request or application, factors such as the magnitude of what is requested or planned, site location, potential traffic impacts and/or SEQR-related requirements would be considered to reach a determination on the most appropriate clearinghouse agency. The triage function could be a Region 8 staff function with input from the municipalities; ultimately, an expert system can be developed based on staff determinations on lead agency, leading to use of a rule-based flowchart or checklist to designate clearinghouses.

When this element takes place: This may take place at the time of initial contact, but would more appropriately occur when a proposal or application comes to NYSDOT or the municipality.

- ***Identify Single Point of Community Contact for NYSDOT:*** While a Mayor, Supervisor, Planning Board Chair or Highway Superintendent may already have the technical authority to speak for a community to Region 8, the communities should identify the person who will serve as the Region’s prime local contact on matters of proposal and application review. Thus, in the event of a staff action on a matter such as a highway access permit application, the Region staff would have a single person to contact for local input rather than needing to wait for a Board meeting or some other group setting to get this input (or to make the determination without local input). Similarly, to facilitate communication with the municipalities, NYSDOT should also identify a single point of contact.

An additional benefit to this step is that making this designation may prompt the community to articulate its priorities or preferences on matters such as highway access and local impacts.

When this element takes place: As soon as possible, with subsequent followup to advise of redesignations due to changes in staffing or election results.

- ***Decision Timetables:*** This may be as simple as one-sentence reminders of how long a Board or Region 8 unit has to act on an item before it (e.g., “we need to reach a determination on this permit request within 30 days”) or a more extensive presentation of the anticipated timetable for working with a given proposal (e.g., “initial presentation at January 13 Planning Board meeting, Public Hearing scheduled for February 10 Planning Board meeting, Planning Board decision (assuming the Public Hearing closes on February 10) by April 10”).

When this element takes place: When an application has been submitted.

- ***Roadmap for Applicants:*** The communities, NYSDOT and PDCTC will work together to prepare a process roadmap outlining the following aspects of proposal or permit application review:
 - Separate requirements of local and NYSDOT approval (where appropriate)
 - Steps for submitting applications to both NYSDOT and the community
 - Supporting information requirements
 - Timetables for action
 - Potential sources of delay in application or request review
 - Local and NYSDOT responsibilities for communication to applicant

While the communities Region 8 serves have varied resources with regard to permanent or part-time staff, the availability of relevant materials in paper and electronic format and other ways, the goal should be to standardize tools and products across the Region 8 planning area. Doing this will both minimize requirements related to document management (see next section) and help to establish what may in fact be a *statewide* guideline for these relationships.

A starting draft for the roadmap is presented in Appendix E.

When this element takes place: Roadmap to be developed by Town and NYSDOT (with PDCTC assistance) as soon as possible, with provision of roadmap to take place at time of potential applicant/proposer's initial contact with Town or Village Clerk.

Sample Timelines

To illustrate the potential effects of applying the guideline, following are possible timelines for (1) the non-project-specific elements of the guideline and (2) responses to initial contacts regarding and ultimate submission of a proposal for a major commercial development. The draft informational "roadmap" in Appendix E uses the major commercial development example as well as a minor subdivision example. The practical differences in activity are not substantial, save for a bit more proactive planning work, but the clarity of the process both to the applicant and to the participating communities and NYSDOT are enhanced.

Non-Project Specific Elements

- March 2005: The NYSDOT transformation is complete in so far as defining its internal operations. The communities in the Route 22 corridor and NYSDOT Region 8 agree to pursue a pilot application of the development process guideline.
- April 2005: The four Towns and two Villages in the corridor provide copies of their zoning and site plan ordinances, master/comprehensive plans and regular meeting schedules to NYSDOT. Also, they identify their points of contact on transportation matters.
- April 2005: NYSDOT provides the four Towns and two Villages with copies of the State Transportation Improvement Program listing for Region 8, its Highway Design Manual (in electronic format) and any other recent studies or inventories it has conducted in the area.
- May 2005: NYSDOT schedules a process education meeting for these communities' boards and other elected officials, to take place in April.
- May 2005: NYSDOT, representatives of the Towns and Villages and PDCTC begin work on a generic roadmap for application and permit review processes.
- June 2005: NYSDOT hosts process education meeting.
- July 2005: Draft generic roadmap completed.
- November 2005: Towns and Villages advise NYSDOT of any changes to points of contact related to election outcomes.

Activities Subsequent to Initial Contact Regarding a Large Commercial Development Proposal

The following sample timeline is replicated in the “roadmap” document presented in Appendix E. As the roadmap notes, additional processes and requirements such as SEQR and the Zoning Referral Process³ would continue to guide local actions.

- Month 1: A developer visits the Town Clerk’s office to get the materials needed to apply for site plan review for a 200,000 square foot retail development along State Route 22. The Town Clerk includes the roadmap document in the package of materials provided to the developer.
- Month 1: The Town Clerk advises the Town Board and Planning Board of this visit, and the Town Supervisor notifies NYSDOT Region 8 of (1) the details of the potential application (size, approximate location of the subject property, nature of potential development) and (2) that the size and location of this concept are expected to generate considerable opposition from nearby residents and members of local conservation groups.
- Month 1: NYSDOT considers the basic details of the concept along with the *potential outcome*⁴ of State Environmental Quality Review (SEQR) designation, and reaches the determination that the Town can perform the clearinghouse function for this project if and when it is formally proposed. The Town concurs.
- Month 3: The property owner submits the application for site plan review to the Town. The Town notifies NYSDOT and the Town Planning Board of the submission of the application; the Planning Board schedules a time slot at its next meeting for initial presentation/discussion of the concept.
- Month 4: The property owner makes a short presentation on the concept to the Planning Board. *Upon confirmation that the application materials are complete*, the Planning Board schedules a public hearing on the proposal for the next Planning Board meeting. The Town provides copies of the application materials to NYSDOT along with the scheduled date and time of the public hearing and the timetable which would be in force if the public hearing was closed on the same night it was opened. In this example, no constraints related to Board member availability apply.
- Month 5: NYSDOT reviews its copies of the materials and provides its comments to the Town Planning Board, including the notes that (1) the driveway accesses as indicated by the property owner may not be acceptable based on concerns regarding poor lines of sight, and

³ The Zoning Referral Process operates in response to the requirement under New York State General Municipal Law (Article 12, Sections 239-1 and 239-m) that communities forward to the Dutchess County Department of Planning and Development for review and comment any applications for area or use variances, special permits, zoning amendments, and site plans if the subject property is within 500 feet of (1)a municipal boundary, (2)an existing or proposed county or state road, (3)an existing or proposed county or state park or recreation area, (4)an existing or proposed site of a county or state building or institution, or (5)a farm operation in a designated agricultural district.

⁴ Again, the formal finding would only be made after the application or proposal is submitted.

(2) the proposal calls for two full-access driveways, while the Route 22 corridor overlay ordinance prepared for the Town allows only one full-access driveway plus a rights in/rights out driveway for this type of development.

- Month 5: At the public hearing, the site design for the proposed development generates considerable public objection; in addition, some points regarding the design are not clear. Thus, the Planning Board does not close the public hearing.
- Month 6: The property owner, the designated Town representative and NYSDOT meet to discuss the issues NYSDOT has with how driveways are located in the proposed site design.
- Month 7: The property owners advises the Town that s/he is modifying the design of the proposal to address NYSDOT's concerns. The Town shares this information with NYSDOT, and NYSDOT advises the Town regarding whether these changes are sufficient to resolve NYSDOT's concerns.
- Month 7: The Planning Board advises the public that a decision is not going to be made on the pending proposal at the next meeting, as the property owner is in the process of having the site design modified. (Note: In some communities, Planning Boards will approve proposals subject to the condition that "promised modifications are in fact made;" it is up to the individual Boards on whether they would entertain this idea.)
- Month 8: The public hearing continues, with the property owner presenting the set of changes to the proposal. The Planning Board's concerns are addressed and there being no compelling issues remaining based on the public's comments, the Board votes to approve the site plan. The Town notifies NYSDOT of this outcome.
- Month 9: The property owner applies for a curb cut and NYSDOT issues the driveway access permit, and the developer is set to proceed with construction.

D. Notes on Selected Additional Issues

In the course of the Advisory Committee and stakeholder meetings, a number of additional issues in Pawling and Amenia which were important but were not related to access management arose; they are briefly discussed here.

Town of Pawling

- *Medians*: Some people noted the desirability of medians, both for slowing down traffic and for the aesthetic benefits they can bring to gateways to the Town and Village. While available right-of-way and private property may limit the potential for continuing a median through the Village, there might be other workable alternatives such as a series of shorter islands.
- *Braking Noise*: Traffic noise is a big issue, there were complaints about truck drivers' using "jake brakes" (i.e., compression release engine brakes) as they approached Route 22 from side streets. Banning their use on certain streets was suggested as a solution.

The consultant team looked into this matter, and offers the following notes to factor into any future consideration of bans of this type of brake.

1. First, a clarification – "jake brake" is technically a registered trademark of one manufacturer of exhaust brakes, driveline brakes and engine brakes, and applies to that company's entire line of speed-retarding products. Most of these products do not make the sound about which people are complaining; in fact, this manufacturer has asked truck drivers and other parties to advise it of where "no jake brake" signs are in use, as they are technically inaccurate. The manufacturer advises that the sound issues arise when engine brakes are on trucks with poorly muffled or unmuffled exhaust systems (the latter e.g., straight pipes). Thus, it is frequently the case that this sound is indicative of an illegally modified or defective exhaust system.
2. New York State does not have a sign in its Manual of Uniform Traffic Control Devices that the Town or Village could post to ban use of compression release engine these brakes on local streets.
3. In the event of emergencies, it may be *necessary* to use these brakes.
4. It may be easier to contact the local facility from which the heavy trucks are traveling to inquire about the prospects for posting signs at the exits regarding not using these brake systems as they travel back to Route 22.
5. Local noise ordinances could provide a basis for minimizing this problem.

Town of Amenia

- *On-Street Parking:* The suggestion was made that on-street parking could be provided along the east side of Route 22 through the crossroads area, using curb extensions or other types of bump-outs to block the shoulder area and protect these spaces.
- *Traffic Circulation/Safety Issues and Future Development:* It was suggested that as development takes place, there might be opportunities to get new traffic lights installed to make traffic move more efficiently and safer. It was also suggested that new paper streets should be identified on the Official Map to provide more of a grid system. Having only two through streets (Route 22 and Routes 44/343) makes rear access and managing the impacts of development on traffic difficult.

It is recognized that there are significant natural constraints in the hamlet of Amenia such as streams and creeks that affect the Town's ability to develop a traditional grid system in the Route 22/Route 44/Route 343 crossroads area. The Town may wish to explore options for developing service roads around the perimeter of this area (effectively creating a "ring road" system) to provide local access and relieve pressures on the crossroads.

- *Truck Access to Old Route 22:* It was observed that trucks have a difficult time making right turns from northbound Route 22 to Old Route 22 (County Route 81). One suggestion was to consider a "jughandle" arrangement for right turns to Old 22 under which trucks would turn left from Route 22 to Broadway and then make the right turn onto East Broadway, which lines up opposite Old 22 where it ties into Route 22. One problem noted regarding this idea was that lower Broadway does have a number of homes along it, such that it might not be desirable to increase truck traffic on it.

Broadening the concept of access management to include seeking more appropriate routes to and from destinations, the Town or NYSDOT may wish to investigate the matter of where the trucks making this maneuver are coming from and going to, to identify steps that might be taken to direct them to more appropriate routes. For example, it *may* be possible for some of these trucks to access County Route 81 where it and County Route 3 access Route 22 in Wassaic. Physical improvements might also be considered, such as the development of a channelized right turn lane from northbound Route 22 to eastbound Old 22; however, the presence of a stream near this area may limit the amount of space available for this lane.

- *Signalization of the Old Route 22 Intersection:* Another item raised regarding this intersection was in response to one slide used in the stakeholder meeting stating that the potential exists to signalize this intersection. It was noted (and as is evidenced by the previous discussion) that lines of sight are not good at this intersection, and thus if the idea of using Old 22 as an alternative to providing parcels with direct access to Route 22 – that is, if the idea is to increase traffic on Old 22 – geometric improvements to this intersection may be necessary.

From an initial examination of the area surrounding the present intersection, it may be possible to realign both East Broadway and the northern end of Old 22 to make the intersection more “squared off,” that is, with the cross streets’ intersections with Route 22 forming angles closer to 90 degrees. It appears to be *less* feasible to relocate Old 22 to tie into Route 22 at the Broadway intersection, for (1)the stream is closer to Route 22 at this point and (2)this action would require the removal of a number of homes.

Another note regarding line-of-sight problems would be that in considering development proposals for which desired access management treatments would result in use of roadways other than Route 22 for rear or side lot access, it will be important to consider those line-of-sight issues which may be away from the site (i.e., where the vehicles ultimately go, rather than just where the driveway accesses the road).

APPENDIX A

DRAFT PERMIT APPLICATION/

SITE PLAN PROCESS ROADMAP

Town of <TOWN NAME>
Permit Application/Site Plan Process Roadmap

To receive the permit or official approval necessary to do things such as subdivide your property or construct a development on it, your request needs to be approved by the Town of <TOWN NAME>. If your property is along a State road, the New York State Department of Transportation (NYSDOT) also needs to review your request, to ensure that what you want to do will not adversely affect highway safety.

Recognizing that the process of getting approval can at times be confusing if not exasperating, the Town of <TOWN NAME> and NYSDOT have prepared this document to provide applicants for various permits and processes related to land development with an outline of the process which takes place when either the Town or NYSDOT are contacted regarding these issues. The Town and NYSDOT hope that this summary makes clear what needs to be done by each agency in order to reach a decision on your request.

Basic Process Flow

- INQUIRY
- ADVISEMENT OF CONTACT
- CLEARINGHOUSE DESIGNATION
- APPLICATION
- PRESENTATION TO PLANNING BOARD
- NYSDOT REVIEW AND COMMENT
- PUBLIC HEARING (IF APPLICABLE)
- MEETING ON PROPOSAL CHANGES (IF APPLICABLE)
- ADVISEMENT OF CHANGES (IF APPLICABLE)
- APPROVAL OR DENIAL OF APPLICATION
- NYSDOT DRIVEWAY PERMIT (IF APPLICABLE)
- CONSTRUCTION

Details on Process

- Inquiry: Initial inquiry to the Town by property owner, and provision of application materials and other relevant information. If the property owner first contacts NYSDOT, NYSDOT will provide this information to the Town.
- Advisement of Contact: Town advises Town Board and Planning Board of property owner visit, and Town notifies NYSDOT Region 8 of (1)the details of the potential application (size, approximate location of the subject property, nature of potential development) and (2)any factors that make this application likely to be more or less complicated or controversial than a typical submission. Examples of more complicated application scenarios would include requests to develop in a flood plain or where use variances would be. More controversial scenarios might include larger residential or commercial developments (such as the one suggested above) or developments close to historic sites.
- Clearinghouse Designation: NYSDOT considers the basic details of the concept along with the *potential outcome*⁵ of State Environmental Quality Review (SEQR) designation, and reaches a determination on which agency (NYSDOT or the Town) should perform the clearinghouse function for this project if and when it is formally proposed. The chosen clearinghouse will be the single entity with whom the property owner will deal regarding permits unless additional steps involving other entities become necessary. Region 8 shares this opinion with the Town's designated contact for his/her comment.

⁵ This would not be a formal finding on whether reviews subject to the terms of SEQR would be required, as that determination would not be made until after an application or proposal is submitted.

- **Application:** Property owner submits application or proposal. The Town notifies NYSDOT and the Town Planning Board of the submission of the application; the Planning Board schedules a time slot at its June meeting for initial presentation/discussion of the concept.
- **Presentation to Planning Board:** Property owner makes short presentation on the concept to the Planning Board. *Upon confirmation that the application materials are complete,* the Planning Board schedules a public hearing on the proposal for the next meeting if necessary. Town provides copies of the application materials to NYSDOT along with the scheduled date and time of the public hearing and the timetable which would be in force if the public hearing was closed on the same night it was opened. In this example, no constraints related to Board member availability apply.
- **NYSDOT Review:** NYSDOT reviews its copies of the materials and provides its comments to the Town Planning Board. Included in these comments would be indications of whether NYSDOT would have any issues related to the concept, such as traffic mitigation and the positioning of driveway access points. Note that *the property owner will not be able to secure a driveway access permit before the Town approves the site plan.*
- **Public Hearing:** At the public hearing, the concept is discussed. If not controversial, the proposal or application will be approved. If there is controversy, such as considerable public objection or remaining questions regarding site design, the Planning Board may not close the public hearing.
- **Meeting on Proposal Changes:** If the public hearing does not close, the property owner, the designated Town representative and NYSDOT may need to meet to discuss the traffic aspects of the proposal. *As the public hearing is still open, no decisions or promises are made by the Town representative or NYSDOT;* rather, the emphasis is on completely reviewing the technical issues that need to be resolved and identifying some workable options for addressing these issues.
- **Advisement of Changes:** If appropriate, the property owners advises the Town representative of any changes that will be made to the proposal in response to the technical issues raised at the meeting with the Town and NYSDOT. The Town representative shares this information with NYSDOT, and NYSDOT advises the Town regarding whether these changes are sufficient to resolve NYSDOT's concerns.
- **Approval or Denial of Application:** The public hearing resumes, with the property owner presenting the set of changes to the proposal. If the Planning Board's concerns are addressed and there are no other compelling issues remaining based on the public's comments, the Board may vote to approve the site plan; otherwise, it may vote to deny the application. The Town notifies NYSDOT, and advises on whether there are any outstanding concerns that might be resolved by NYSDOT, such as concerns regarding access management.
- **NYSDOT Driveway Permit:** If all of its concerns are addressed in the modified site plan proposal, NYSDOT issues the driveway access permit, and the developer is set to proceed with construction.

Sample of Process Flow involving a Simple Application

- Month 1: A property owner visits the Town Clerk's office in the Town of <TOWN NAME> to get the materials needed to apply for a minor subdivision to create a second lot on his/her property on which a relative can build a home.
- Month 1: The Town Clerk advises the Town Board and Planning Board of this visit, and the Town Supervisor notifies NYSDOT Region 8 of the details of the potential application and that there are no potential complications envisioned.
- Month 1: NYSDOT determines that the Town should perform the clearinghouse function for this project if and when it is formally proposed. The Town agrees.

- Month 2: The property owner submits an application for the minor subdivision to the Town. The Town notifies NYSDOT and the Town Planning Board of the submission of the application; the Planning Board schedules a time slot at its next meeting for initial presentation/discussion of the concept.
- Month 3: The property owner makes a short presentation on the concept to the Planning Board. The Planning Board schedules a public hearing on the proposal for their next meeting. The Town provides copies of the application materials to NYSDOT along with the scheduled date and time of the public hearing and the timetable which would be in force if the public hearing was closed on the same night it was opened. In this example, no constraints related to Board member availability apply.
- Month 3: NYSDOT reviews its copies of the materials and provides its comments to the Town Planning Board. NYSDOT indicates that it would have no concerns regarding the subdivision, and would expect to be able to grant a driveway access permit if and when the property owner requested one.
- Month 4: At the public hearing, no objections to the application are heard, and the Planning Board has no issues with the application. The Planning Board closes the public hearing and votes to approve the application.
- Month 4: The property owner submits a driveway curb cut application and NYSDOT issues the driveway access permit, and the developer is set to proceed with construction.

Sample of Process Flow involving a Major Commercial Development Proposal

- Month 1: A property owner visits the Town Clerk's office in the Town of <TOWN NAME> to get the materials needed to apply for site plan review for a 200,000 square foot retail development along State Route 22. The Town Clerk provides the property owner with a package of forms and listings of required materials or (if appropriate) elements of a proposal.
- Month 1: The Town Clerk advises the Town Board and Planning Board of this visit, and the Town Supervisor notifies NYSDOT Region 8 of (1) the details of the potential application (size, approximate location of the subject property, nature of potential development) and (2) that the size and location of this concept are expected to generate considerable opposition from nearby residents and members of local conservation groups.
- Month 1: NYSDOT considers the basic details of the concept along with the *potential outcome*⁶ of State Environmental Quality Review (SEQR) designation, and reaches the determination that the Town can perform the clearinghouse function for this project if and when it is formally proposed. The Town concurs.
- Month 3: The property owner submits the application for site plan review to the Town. The Town notifies NYSDOT and the Town Planning Board of the submission of the application; the Planning Board schedules a time slot at its next meeting for initial presentation/discussion of the concept.
- Month 4: The property owner makes a short presentation on the concept to the Planning Board. *Upon confirmation that the application materials are complete*, the Planning Board schedules a public hearing on the proposal for the next Planning Board meeting. The Town provides copies of the application materials to NYSDOT along with the scheduled date and time of the public hearing and the timetable which would be in force if the public hearing was closed on the same night it was opened. In this example, no constraints related to Board member availability apply.
- Month 5: NYSDOT reviews its copies of the materials and provides its comments to the Town Planning Board, including the notes that (1) the driveway accesses as indicated by the property owner may not be acceptable based on concerns regarding poor lines of sight, and (2) the proposal calls for two full-access driveways, while the Route 22 corridor overlay ordinance prepared for the Town allows only one full-access driveway plus a rights in/rights out driveway for this type of development.

⁶ Again, the formal finding would only be made after the application or proposal is submitted.

- Month 5: At the public hearing, the site design for the proposed development generates considerable public objection; in addition, some points regarding the design are not clear. Thus, the Planning Board does not close the public hearing.
- Month 6: The property owner, the designated Town representative and NYSDOT meet to discuss the issues NYSDOT has with how driveways are located in the proposed site design.
- Month 7: The property owners advises the Town that s/he is modifying the design of the proposal to address NYSDOT's concerns. The Town shares this information with NYSDOT, and NYSDOT advises the Town regarding whether these changes are sufficient to resolve NYSDOT's concerns.
- Month 7: The Planning Board advises the public that a decision is not going to be made on the pending proposal at the next meeting, as the property owner is in the process of having the site design modified. (Note: In some communities, Planning Boards will approve proposals subject to the condition that "promised modifications are in fact made;" it is up to the individual Boards on whether they would entertain this idea.)
- Month 8: The public hearing continues, with the property owner presenting the set of changes to the proposal. The Planning Board's concerns are addressed and there being no compelling issues remaining based on the public's comments, the Board votes to approve the site plan. The Town notifies NYSDOT of this outcome.
- Month 9: The property owner applies for a curb cut and NYSDOT issues the driveway access permit, and the developer is set to proceed with construction.

APPENDIX B

CHECK LIST

CORRIDOR OVERLAY ORDINANCE

Purpose

This Checklist provides a quick reference for the Town to use when applying the Route 22 Corridor Overlay District regulations to subdivision applications and site plans. It supports the Town's planning objectives for balancing land development and open space preservation along the roadway, while also preserving the regional flow of traffic in terms of safety, capacity, and travel speeds in accordance with the objectives of the New York State Department of Transportation (NYSDOT).

Implementation of Ordinance

- A. The standards of the Ordinance shall be used by the Planning Board during site plan review and by the NYSDOT during access permitting. The Zoning Officer or Planning Board should refer applications to NYSDOT. The Planning Board and NYSDOT shall provide all findings in writing prior to final approval.
- B. The Planning Board shall take no action on a request for a new road, driveway, shared access, or a service drive that connects to the Route 22 Corridor without first consulting with NYSDOT. Complete applications shall be received at least 45 days before the Planning Board meeting at which action is to be taken. If the initial review of the application by the Planning Board reveals noncompliance with the standards, or if the proposed land use exceeds the traffic generation thresholds below, then the Planning Board shall require submittal of a Traffic Impact Study as described below prior to consideration of the application.
- C. Failure by the applicant to begin construction of an approved road, driveway, shared access, service drive or other access arrangement within twelve (12) months from the date of approval shall void the approval and a new application is required.
- D. The Zoning Officer shall inspect the approved road, driveway, shared access, service drive or other access arrangement as constructed for conformance with the standards of this Ordinance and any approval granted under it, prior to issuance of a Certificate of Occupancy.

Step	Action	Ref. Section
__ 1.	Is property affected by ordinance? ___ On Route 22; ___ Within 400 feet of Route 22	
__ 2.	Is the applicants site plan submittal complete ?	
__ 3.	Is a traffic study required? ___ More than 100 peak hour directional trips ___ Request for more than 1 access driveway onto Rt. 22	
__ 4.	If traffic study required, review completeness.	
__ 5.	Are minimum spacing standards met from proposed access to adjacent access ?	
__ 6.	Are minimum spacing standards met from streets, bridges, and railroads ?	
__ 7.	Has the use of service roads or reverse frontage roads been considered?	
__ 8.a	Flag lots should not be proposed if they increase the number of properties requiring direct access to Route 22.	
__ 8.b	If a flag lot is proposed, are flag lot standards met ?	
__ 9.	Is a variance requested in the number of driveways proposed or spacing of driveways because of traffic and safety impacts on Route 22?	
__ 10.	If the application is for a change in an existing use are non-conforming driveways onto Route 22 being closed?	
__ 11.	Is a 20' buffer between the project (including buildings and parking areas) and Rt. 22 provided ?	
__ 12.	Are there provisions for a sidewalk or paved path ?	
__ 13.	Does the lot or parcel meet the lot-to-depth ratios ?	
__ 14.a	Has shared access been considered?	
__ 14.b	For residential subdivisions, are there no more than 2 access points onto Route 22?	
__ 14.c	For residential subdivisions, do all cul-de-sacs have less then 25 lots or dwelling units?	
__ 14.d	Have service drives, cross access easements, and pedestrian access connections been included that follow the guidelines?	
__ 14.e	Have shared parking areas been considered?	
__ 14.f	Have the implementing documents for easements and other agreements for shared access been completed?	
__ 15.	Has connectivity within sub-divisions and into existing or potential future sub-divisions been considered ?	
__ 16.	Do the proposed access and driveways meet the design standards?	
__ 17.	If the project generates more than 100 peak hour directional trips have acceleration and deceleration lanes been considered ?	
__ 18.	If there are out-parcels, is the access coordinated with adjacent parcels in the project and not connected directly to Route 22 ?	
__ 19.	Do the proposed parking lots meet the standards ?	

The Route 22 Corridor Access Management Plan Corridor Overlay Ordinance Town of Pawling, New York

Introduction

The Route 22 Corridor Management Plan (“The Plan”) entailed a multi-year planning effort to develop a plan to guide affected municipalities and the New York State Department of Transportation in making decisions about future land use, site access and transportation proposals along the approximately 40 mile corridor through Dutchess County. One of the major recommendations of the Plan was for the towns involved to incorporate Access Management Tools into their site plan review and land development regulations. As part of the process to develop the Plan, one of the tools to implement the access management concept recommendations is a zoning overlay ordinance. The overlay ordinance is intended to supercede the existing underlying zoning regulations by integrating additional access management techniques into the town’s site plan review and subdivision regulations.

The following text outlines proposed language for development of a Route 22 Corridor Overlay Ordinance for the Town of Pawling, New York. It should be noted that the sections are suggested language for amendment to the Town’s zoning regulations, and is text which has been modeled after a variety of other successfully adopted and implemented access management overlay ordinances in other parts of the United States. The language, content and recommendations herein are recommendations, and should be reviewed by the Town’s appropriate legal council prior to adoption.

Chapter 215 Route 22 Corridor Overlay Ordinance

215-70. Intent and Purpose.

- A. The intent of this Article is to provide for and manage access to land development within the Town of Pawling. This Overlay District for the Route 22 Corridor is designed to support the Town's planning objectives for balancing land development and open space preservation along the roadway, while also preserving the regional flow of traffic in terms of safety, capacity, and travel speeds in accordance with the objectives of the New York State Department of Transportation (NYSDOT). The Route 22 Corridor serves as a primary transportation network through Dutchess County, while also providing access to local commercial and residential development. If access systems along Route 22 are not properly designed in areas targeted for new housing or economic development initiatives, the Corridor could become susceptible to traffic conflicts and congestion. A system of well planned and clearly defined access management strategies will ensure that appropriate and safe access to future development is balanced with the need to accommodate an efficient flow of traffic along the Corridor, while also maintaining the desired character of the community.

The objective of this Article is to balance the right of reasonable access to private property with the right of the citizens of Dutchess County and the State of New York to safe and efficient travel along the Route 22 Corridor. To achieve this intent, these regulations are set forth to achieve the following goals:

1. Minimize disruptive and potentially hazardous traffic conflicts with new development or with redevelopment of existing areas;
2. Reduce traffic accidents, personal injury, and property damage attributable to poorly designed access systems;
3. Ensure safe access for emergency vehicles;
4. Protect the substantial public investment in the street system by preserving roadway capacity and avoiding the need for unnecessary and costly reconstruction which disrupts traffic flow and local business activities;
5. Separate traffic conflict areas by reducing the number of driveways and access points;
6. Provide safe spacing standards between driveways, and between driveways and intersections;

7. Promote better internal circulation patterns on larger non-residential uses and within residential subdivisions along the Route 22 Corridor; and
 8. Encourage shared access between abutting properties
- B. The purpose of these regulations is to improve the safety and operation of the Route 22 Corridor roadway network while protecting the substantial public investment in the existing transportation system and reducing the need for expensive remedial measures. These regulations also serve to further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discourage the unplanned subdivision of land.

215-71. Applicability.

- A. The Route 22 Corridor Overlay Ordinance shall apply to all roadway intersections and access points along the entire Route 22 Corridor within the Town of Pawling. The Overlay extends to all properties, access points and intersecting streets which directly abut Route 22 or that lie within 400 feet of the Route 22 right-of-way edge, extending in either direction.
- B. All lots hereafter created and all structures hereafter created, altered or moved on the following properties shall conform to the requirements set forth in this Overlay Ordinance:
1. All existing properties that directly abut the Route 22 Corridor;
 2. All properties and future subdivisions that have access, will have access, or are proposing to have access to the Route 22 Corridor; and
 3. Any property, a portion of which lies within 400 feet from the edge of the Route 22 Corridor right-of-way, extending in either direction.
- C. The following regulations supercede otherwise applicable regulations of the specific underlying zoning districts beneath the Route 22 Corridor Overlay Zone. Where conflicts or inconsistencies between this Overlay and the underlying zoning districts may occur, the regulations set forth herein shall apply.

215-72. Application.

- A. The standards of this Article shall be applied by the Planning Board during site plan review, and by the NYSDOT during access permitting, as is appropriate to the application. The Planning Board and NYSDOT shall make written findings of nonconformance, conformance, or conformance if certain conditions are met with the standards of this Article prior to disapproving or approving a site plan per the requirements of Section 215-47 of the Zoning regulations. The Town of Pawling shall coordinate its review of the access elements of a subdivision or site

plan with the NYSDOT prior to making a decision on an application. The approval of a subdivision or site plan does not negate the responsibility of an applicant to subsequently secure access permits from NYSDOT.

- B. The Planning Board shall not take action on a request for a new road, driveway, shared access, or a service drive that connects to the Route 22 Corridor without first consulting with NYSDOT as outlined in Section 215-90. Complete applications shall be received at least 45 days before the Planning Board meeting at which action is to be taken in accordance with the Site Plan approval procedures as outlined in Section 215-47. Application requirements for this Article are outlined in Section 215-90. If the initial review of the application by the Planning Board reveals noncompliance with the standards of this Article, or if the proposed land use exceeds the traffic generation thresholds in Section 215.84, then the Planning Board shall require submittal of a Traffic Impact Study as described below prior to consideration of the application.
- C. At a minimum the Traffic Impact Study shall contain the following:
1. Analysis of existing traffic conditions and/or site restrictions using current data.
 2. Projected trip generation of the development and distribution of automobile trips along the Route 22 Corridor based on the most recent edition of the Institute of Transportation Engineers *Trip Generation Manual*. The Planning Board or NYSDOT may approve the use of other trip generation data if based on recent studies of at least three (3) similar uses within similar locations in the State of New York.
 3. Illustrations of current and projected turning movements at access points, including identification of the development and its proposed access on the Route 22 Corridor and abutting streets if applicable. Capacity analysis shall be completed based on the most recent version of the *Highway Capacity Manual* published by the Transportation Research Board, and shall be provided in an appendix to the Traffic Impact Study.
 4. Description of the internal vehicular circulation and parking system for passenger vehicles, delivery trucks and service vehicles, as well as the circulation system for pedestrians, bicycles and transit users.
 5. Justification of need, including statements describing how any additional access to the Route 22 Corridor will meet the intent of this Article, will be consistent with the Route 22 Corridor Management Plan and the Town of Pawling Community Master Plan, and that the additional access points will not compromise public safety, reduce capacity or impede efficient traffic operations along the Route 22 roadway.

6. Qualification and documented experience of the author of the Traffic Impact Study, describing experience of preparing traffic impact studies in the State of New York. The preparer shall be either a registered traffic engineer or transportation planner licensed to practice in the State of New York and as required by law. If the Traffic Impact Study involves geometric design, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.
- D. The Town of Pawling may utilize its own traffic consultant to review the applicant's Traffic Impact Study, with the cost of the review being born by the applicant per Section 215-56 of the Zoning regulations.
 - E. Failure by the applicant to begin construction of an approved road, driveway, shared access, service drive or other access arrangement within twelve (12) months from the date of approval shall void the approval and a new application is required unless an extension has been applied for in writing and approved.
 - F. The Code Enforcement Officer or Town Engineer shall inspect the approved road, driveway, shared access, service drive or other access arrangement as constructed for conformance with the standards of this Article and any approval granted under it, prior to issuance of a Certificate of Occupancy.

215-73. Conformance.

- A. This Article is adopted to implement access management policies set forth in the Route 22 Corridor Management Plan for Dutchess County. In addition, this Article conforms with goals and the planning objectives of the NYSDOT set forth in the New York Statewide Transportation Plan. The Route 22 Corridor Management Plan also advances the Dutchess County Greenway Connections Program that seeks to build a network of connecting routes and improve development patterns in the County. This Article also conforms with the access standards of the New York Department of Transportation, and policy and planning directives of the Federal Highway Administration.

215-74. Definitions.

The following definitions apply to the Route 22 Corridor Overlay Zone ordinance.

Access -- A way or means of approach to provide vehicular or pedestrian entrance or exit to a property from an abutting property or a public roadway.

Access Connection -- Any driveway, street, road turnout or other means of providing for the movement of vehicles to or from the public road system or between abutting sites.

Access Management -- The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting roadway system.

Access Management Plan -- A plan establishing the preferred location and design of access for properties along a roadway. It may be a freestanding document, or a part of a community master or comprehensive plan, or a part of a corridor management plan.

Access Point -- a) The connection of a driveway at the right-of-way line to a road. b) A road, driveway, shared access or service drive.

Acceleration Lane -- A speed-changing lane, including taper, for the purpose of enabling a vehicle entering the roadway to increase its speed to a rate at which it can safely merge with through traffic.

Alternative Means of Access -- A shared driveway, frontage road, rear service drive or connected parking lot.

Boulevard -- A roadway with a raised median or other separation treatment between opposing travel lanes, which generally includes trees and landscaped ground cover.

Channelized or Channelizing Island -- An area within the roadway or a driveway not for vehicular movement; designed to control and direct specific movements of traffic to definite channels. The island may be defined by paint, raised bars, curbs, or other devices.

Conflict -- A traffic event that causes evasive action by a driver to avoid collision with another vehicle, bicycle or pedestrian.

Conflict Point -- An area where intersecting traffic either merges, diverges, or crosses.

Connected Parking Lots -- Two or more parking lots that are connected by cross access.

Corner Clearance -- The distance from an intersection of a driveway with a public or private road or street to the nearest access connection on the arterial, measured from the closest edge of the driveway pavement to the closest edge of the arterial pavement.

Corridor Overlay Zone -- A zoning district that provides special requirements in addition to those regulations of the underlying zoning district.

Cross Access -- A service road or driveway providing vehicular access between two or more contiguous sites so drivers need not enter the public road system.

Cross Street -- A street or road which intersects a main arterial.

Deceleration Lane -- A speed-change lane, including a taper, for the purpose of enabling a vehicle to leave the through traffic lane at a speed equal to or slightly less than the speed of traffic in the through lane and to decelerate to a stop or to execute a slow speed turn.

Divided Driveway -- A driveway with a raised median between ingress and egress lanes.

Driveway -- Any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.

Driveway Flare -- A triangular pavement surface at the intersection of a driveway with a public street or road that facilitates turning movements and is used to replicate the turning radius in areas with curb and gutter construction.

Driveway Return Radius -- A circular pavement transition at the intersection of a driveway with a street or road that facilitates turning movements to and from the driveway.

Driveway, Shared -- A driveway connecting two or more contiguous properties to the public road system.

Driveway Spacing -- The distance between driveways as measured from the edge of one driveway to the edge of another driveway along the same side of the street or road.

Driveway Width -- Narrowest width of a driveway measured perpendicular to the centerline of the driveway.

Egress -- The exit of vehicular traffic from abutting properties to a street or road.

Frontage Road or Front Service Drive -- A local street/road or private road typically located in front of principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

Functional Classification -- A system used to group public roads into classes according to their purpose in moving vehicles and providing access to abutting properties.

Ingress -- The entrance of vehicular traffic to abutting properties from a roadway.

Intersection -- The location where two or more roadways cross at grade without a bridge.

Lane -- The portion of a roadway for the movement of a single line of vehicles which does not include the gutter or shoulder of the roadway.

Lot – A parcel of land, not divided by streets, devoted or to be devoted to a particular use or occupied or to be occupied by a building and its accessory buildings, together with such open space as required under the provisions of the Zoning regulations, and having its principal frontage on a street or on such other means of access as may be deemed in accordance with the provisions of law to be adequate as a condition of the issuance of a building permit for a building or buildings on such land.

Lot Area – The total area within the property lines, excluding external roads. The property line adjacent to the road, for the purpose of this chapter, shall not be less than twenty-five (25) feet from the center line of a minor road, nor less than thirty (30) feet from the centerline of a collector road, nor less than forty (40) feet from the center line of a major road, nor less than sixty (60) feet from the center line of an arterial highway.

Lot, Corner – A lot fronting on two (2) or more streets; one (1) street shall be designated as a front street and shall comply with the front yard requirement on that street, as provided in the appropriate sections of Chapter 215.; the remaining street exposure shall be designated as a side yard, and the minimum open space requirements for side yards shall prevail as designated in the relevant section of Chapter 215.

Lot, Depth of – A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

Lot, Flag – A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

Lot, Irregular – A lot or parcel of land which has a shape or form that does not conform to the criteria of Chapter 215.

Lot Line, Front – In the case of a lot abutting not only one (1) street, the line separating the lot from the street; in the case of any other lot, the owner shall, for the purposes of this chapter, have the privilege of electing any street lot line as the “front lot line.”

Lot Line, Rear – The lot line which is generally opposite the front lot line is less than ten (10) feet in length; or, if the lot comes to a point at the rear, the “rear lot line” shall be deemed to be a line parallel to the front line not less than ten (10) feet long, lying wholly within the lot and farthest from the front lot line.

Lot, Through – A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

Lot Frontage – That portion of a lot extending along a street right-of-way line.

Lot Width of -- The mean width measured at right angles to its depth.

Minor Subdivision -- A subdivision of land into not more than two lots where there are no roadways, drainage or other required improvements.

Median -- The portion of a divided roadway or divided entrance separating the traveled ways from opposing traffic. Medians may be depressed, painted or raised with a physical barrier, and may be landscaped.

Median Opening -- A gap in a median provided for crossing and turning traffic.

Nonconforming Access -- Features of the access system of a property that existed prior to the effective date of this Article and that do not conform with the requirements contained herein; or, in some cases, elements of approved access that are allowed by means of a temporary permit or on a conditional basis until alternative access meeting the terms of this Article becomes available.

Peak Hour Trips (PHT) -- A weighted average vehicle trip generation rate during the hour of highest volume of traffic entering and exiting the site in the morning (a.m.) or the afternoon (p.m.).

Reasonable Access: The minimum number of access connections, direct or indirect, necessary to provide safe access to and from a public road. Reasonable access does not necessarily mean direct access.

Rear Service Drive -- A local street/road or private road typically located behind principal buildings and parallel to an arterial for service to abutting properties.

Right-of-Way – A general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes.

Road -- A way for vehicular traffic, whether designated as a “street”, “highway”, “thoroughfare”, “parkway”, “through-way”, “avenue”, “boulevard”, “lane”, “cul-de-sac”, “place”, or otherwise designated, and includes the entire area within the right-of-way.

Roadway -- That portion of a street, road or highway improved, designed or ordinarily used for vehicular travel exclusive of the berm or shoulder.

Secondary Street or Side Street -- A street or road with a lower functional classification than the intersecting street or road (e.g. a local street is a side or secondary street when intersecting with a collector or arterial).

Shared Driveway or Common Driveway -- See Driveway, Shared.

Shoulder -- The portion of a public road contiguous to the traveled way for the accommodation of disabled vehicles and for emergency use.

Sight Distance -- The distance of unobstructed view for the driver of a vehicle, as measured along the normal travel path of a roadway to a specified height above the roadway.

Street -- A way which is an existing state, county or town highway, or a way shown upon a subdivision plat approved by the Town Planning Board, as provided by law, or on a plat duly filed and recorded in the office of the County Clerk.

Street, Collector -- A street which carries traffic from minor streets or abutting properties to the major system of arterial streets which is so designated on the Town Official Map. Such streets such be principal entrance and circulation streets within a development.

Street, Minor -- A street intended to serve primarily as an access to abutting residential properties.

Taper -- A triangular pavement surface that transitions the roadway pavement to accommodate an auxiliary lane.

Temporary Access -- Provision of direct access to a road until that time when adjacent properties develop in accordance with a joint access agreement, service road, or other shared access arrangement.

Throat Length -- The distance parallel to the centerline of a driveway to the first on-site location at which a driver can make a right-turn or a left-turn. On roadways with curb and gutter, the throat length shall be measured from the face of the curb. On roadways without a curb and gutter, the throat length shall be measured from the edge of the paved shoulder.

Trip Generation -- The estimated total number of vehicle trip ends produced by a specific land use or activity. Trip generation is estimated through the use of trip rates that are based upon the type and intensity of development.

Undivided Roadway -- A roadway having access on both sides of the direction of travel, including roadways having center two-way left-turn lanes.

215-75. Route 22 Corridor Access Management Overlay.

- A. Future development along the Route 22 Corridor shall comply with all applicable local zoning, subdivision and land use plans, with emphasis given to promoting preservation of large tracts of intact open space land in order to

maintain the rural appearance and environmental resources in the Town of Pawling. Where feasible, use of cluster subdivisions and protection of environmentally sensitive areas, as outlined in Article V, and other land use preservation strategies should be emphasized along with the access management strategies contained in this Article.

- B. The minimum lot frontage for all parcels with frontage on the Route 22 Corridor shall not be less than the minimum connection spacing standards as stated in Section 215-77. Flag lots shall not be permitted direct access to the Route 22 Corridor except in accordance with the provisions of Section 215-80, and interior parcels shall be required to obtain access via a public or private access road in accordance with the requirements of this Article.

- C. The following requirements apply to segments of the Route 22 Corridor that have the potential for larger scale commercial, office or industrial development, or residential subdivisions. All land in a parcel having a single tax code number, as of **DATE OF ADOPTION**, fronting on Route 22, shall be entitled to one (1) driveway/ connection per parcel as of right onto Route 22, unless a variance or special conditions are approved by the Planning Board due to extenuating circumstances described in subsequent sections of this Article. Contiguous properties under one ownership or parcels consolidated for unified development will be considered as one parcel for purposes of this Article. When subsequently subdivided, either as metes and bounds parcels or as a recorded plat, parcels designated herein shall provide access to all newly created lots via the permitted access connection. This may be achieved through establishment of subdivision roads, joint or cross access, service drives, and other reasonable means of ingress and egress in accordance with the requirements of this Article. The following standards shall also apply.
 - 1. Parcels with large frontages may be permitted additional driveways provided that they are consistent with applicable driveway spacing standards set forth in Section 215-77, or provided that a registered traffic engineer determines that topographic conditions on the site, curvature on the road, or sight distance limitations demonstrate a second driveway within a lesser distance is safer or the nature of the land use to be served requires a second driveway for safety. If the parcel is a corner lot and a second driveway is warranted, the second drive way shall have access from the abutting secondary street.

 - 2. Certain developments may generate enough traffic to warrant consideration of an additional driveway to reduce delays for motorists exiting the Route 22 Corridor. Where possible, these second access points shall be located on a side street or service drive, shared with adjacent uses, or designed for right-turn-in/right-turn-out only movements and shall meet the spacing requirements of this Article. In order to be considered for a second driveway on Route 22, combined approach volumes (entering and exiting) of a

proposed development should exceed 100 directional trips during the peak hour of traffic and a Traffic Impact Study shall be performed.

3. Existing parcels with frontage less than the minimum connection spacing requirements may not be permitted a direct connection to Route 22 under this Section where the Planning Board determines that alternative reasonable access is available to the site or the Planning Board allows for a temporary driveway with the stipulation that joint and cross access be established as adjacent properties develop.
4. Except for shared driveways, existing driveways that do not comply with the requirements of this Article shall be closed when an application for a change of use, a zoning permit or a site plan requiring approval is submitted and once approval of a new means of access under this Article is granted. A closed driveway shall be graded and landscaped to conform with adjacent land and any curb cut shall be filled in with curb and gutter as appropriate to the context of that segment of the Route 22 Corridor.
5. A temporary access permit may be issued for field entrances for cultivated land, undeveloped land, as well as for uses at which no one resides or works such as cellular towers, water wells, pumping stations, utility transformers, and similar uses. Field-entrance and utility-structure driveways will be reviewed on a case-by-case basis. The review shall take into account the proximity of adjacent driveways and intersecting streets, as well as traffic volumes along the Route 22 roadway.
6. Additional access connections may be allowed where the property owner demonstrates that safety and efficiency of travel on Route 22 will be improved by providing more than one access to the site.
7. No parking or structure other than signs shall be permitted within 20 feet of the Route 22 right-of-way. The 20 foot buffer shall be landscaped with plants suitable to the soil and in a manner that provides adequate sight visibility for vehicles exiting the site. Property owners are encouraged to landscape the right-of-way, pursuant to a landscaping plan approved by the Planning Board during site plan review as set forth in Section 215-47.
8. On all properties that abut the roadway, separate safe access for pedestrians and bicycles should be provided on a sidewalk or paved path that generally parallels the Route 22 Corridor. Where feasible, the sidewalk or path should be located within the 20 foot buffer adjacent to the Route 22 right-of-way and should be separated from the roadway by a landscaped strip of no less than five (5) feet in width. Additional connections as necessary should be located adjacent to driveways or service drives, to provide safe on-site connections for pedestrians and bicycles.

215-76. Permitted Land Uses.

Land uses within the Route 22 Corridor Overlay Zone are those permitted in the underlying zoning classifications and the dimensional requirements for properties abutting the Corridor.

215-77. Driveway Control.

All lots hereafter created and all structures hereafter created, altered or moved on property with frontage or access to the Route 22 Corridor that is subject to regulation per Section 215-71 shall conform with the following requirements:

- A. Minimum driveway spacing shall be based on the minimum sight distance required for the vehicular speed limit of the road segment along the Route 22 Corridor. The vehicular speed for sight distance determination shall be the greater of the design speed or the posted speed unless the NYSDOT determines that the 85th percentile speed is less.
- B. Separation between access connections shall be based on the posted speed limit or the design speed as noted below:

Posted Speed Limit (MPH)	Driveway Spacing (Feet)
≤ 35	250
40	300
45	360
50	425
55	500

- C. For new sites with insufficient road frontage to meet the required spacing, the Planning Board shall require one of the following:
 - 1. Construction of the driveway along a side street;
 - 2. A shared driveway with an adjacent property;
 - 3. Construction of a driveway along the property line farthest from the intersection, or a service drive as described in Section 215-82.

The Planning Board may grant temporary access approval until such time that minimum spacing requirements can be met, or alternative access meeting the requirements of this Article is approved.

- D. The street giving access to the lot shall have traffic carrying capacity and roadway improvements that are sufficient to accommodate the amount and types of traffic, taking into account access to existing uses along the street and existing traffic projected to the date of occupancy of the site. Roadway, traffic management and other deficiencies in the street giving access, including mitigation to prevent further cut-through traffic on adjacent side-streets as applicable, shall be remedied by the applicant.
- E. Driveway spacing shall be measured from the closest edge of the pavement to the next closest edge of the pavement. The projected future edge of the pavement of the intersecting road shall be used in measuring corner clearance, where widening, relocation, or other improvement is indicated in an adopted five year Transportation Improvement Plan of the Poughkeepsie-Dutchess County Transportation Council.
- F. The Planning Board or NYSDOT may reduce the spacing requirements in situations where they prove impractical, but in no case shall the permitted spacing be less than 85 percent of the applicable standard, except as provided in Section 215-91.
- G. If the connection spacing of this Article cannot be achieved, then a system of joint use driveways and cross access easements may be required in accordance with Section 215-82.
- H. Variation from these standards shall be permitted at the discretion of the Planning Board where the effect would be to enhance the safety or operation of the Route 22 roadway. Examples might include:
 - 1. A pair of one-way driveways in lieu of a single two-way driveway; or
 - 2. The alignment of median openings with existing access connections.

Applicants may be required to submit a Traffic Impact Study prepared by a registered engineer to assist the Planning Board in determining whether the proposed change would exceed roadway safety or operational benefits of the prescribed standard.

215-78. Corner Clearance.

- A. All single- and two-family residential driveways abutting the Route 22 Corridor shall be separated from the nearest right-of-way of an intersecting street by at least 100 feet.
- B. Driveways for all other land uses abutting the Route 22 Corridor shall be separated from the nearest right-of-way of an intersecting street as follows:

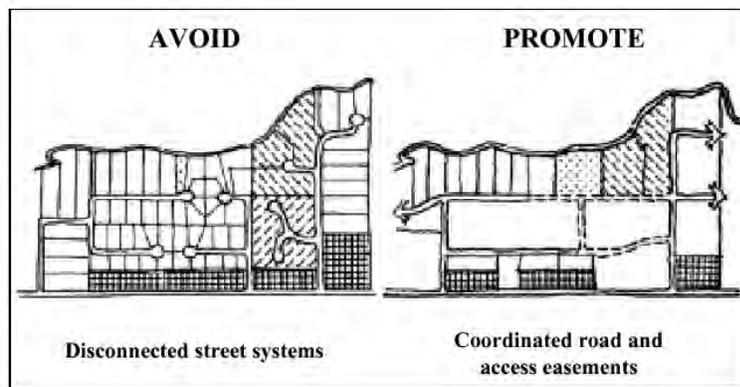
Location of Access Point	Min. Spacing for a Full Movement Driveway	Min. Spacing for Channelized Right-in or Right-out Driveway
<u>Along Route 22 from:</u>		
Railroad Crossings	600 feet	600 feet
Bridges	600 feet	600 feet
Median Openings	75 feet	75 feet
From another Intersecting Arterial	300 feet	125 feet
From an Intersecting Collector or Local Street	200 feet	125 feet

- C. Access point spacing from intersections shall be measured from the edge of pavement of the driveway to the extended edge of the travel lane on the intersecting street.
- D. If the amount of lot frontage is not sufficient to meet the above criteria, the driveway shall be constructed along the property line farthest from the intersection to encourage future shared use, only if a frontage road, shared access or rear service drive is not feasible as described in Section 215-82.
- E. Driveways on a secondary street that intersects the Route 22 Corridor shall be located so as not to interfere with safe traffic operations at the intersection with the Corridor and the secondary street as follows:
 - 1. Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for the Corridor, measured from the edge of the pavement. The projected future edge of the pavement of the intersecting road shall be used in measuring corner clearance
 - 2. New connections shall not be permitted within the functional area of an intersection as defined by the connection spacing standards of this Article, unless:
 - a. No other reasonable access to the property, including shared access, is available, and

- b. The Planning Board determines that the connection does not create a safety or operational problem upon review of a site-specific study of the proposed connection prepared by a registered engineer and submitted by the applicant.
- 3. Where no other alternatives exist, the Planning Board may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e. right in/out, right in only, or right out only) may be required.
- 4. In addition to the required minimum lot size, all corner lots shall be of adequate size provide for required front yard setbacks and corner clearances on all street frontages.

215-79. Reverse Frontage.

- A. Properties on the Route 22 Corridor that have double street frontage are discouraged from having access to Route 22.
- B. When a residential subdivision is proposed that would abut the Route 22 Corridor, it shall be designed to provide through lots along the arterial with access from an interior local road or a frontage road. Design of residential subdivisions is encouraged conform with the regulations for Cluster Subdivisions as provided in Section 215-21 of the Zoning Code where applicable and feasible in an effort to preserve open space land for conservation purposes. In new subdivisions, access rights for lots adjacent to the arterial shall be dedicated to the Town of Pawling and recorded with the deed. A berm or buffer yard shall be provided at the rear of the through lots to buffer residences from traffic on Route 22 and to provide additional green space along the Route 22 Corridor. The berm or buffer yard shall not be located within the public right-of-way.



Source: Iowa Access Management Handbook

215-80. Flag Lot Standards.

- A. Flag lots shall not be permitted when their effect would be to increase the number of properties requiring direct and individual access connections to the Route 22 Corridor.

- B. Flag lots may be permitted for residential development, when deemed necessary to achieve planning objectives, such as encouraging the use of clustered subdivisions, preserving natural or historic resources, or providing internal platted lots with access to a public or private residential street under the following conditions:
 - 1. Flag lot driveways shall be separated by at least twice the minimum frontage requirements of the underlying zoning district.
 - 2. The flag driveway shall have a minimum width of 20 feet and a maximum width of 50 feet.
 - 3. In no instance shall flag lots constitute more than 10 percent of the total number of building sites in a recorded or unrecorded plat, or three lots, whichever is greater.
 - 4. The lot area occupied by the flag driveway shall not be counted as part of the required minimum lot area of the underlying zoning district.
 - 5. No more than one flag lot shall be permitted per private right-of-way or access easement.

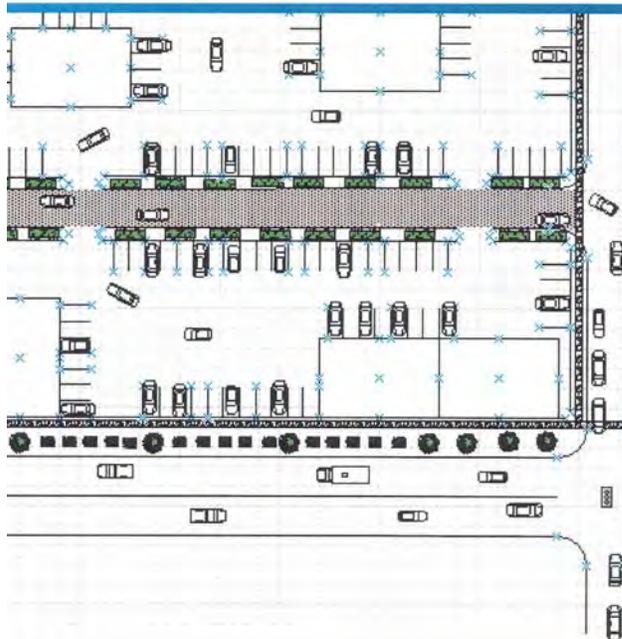
215-81. Lot-to-Depth Ratios.

- A. To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel along the Route 22 Corridor shall not exceed 3 times its width, or 4 times its width in agricultural or dedicated open space areas.

215-82. Shared Access.

- A. Sharing or joint use of a driveway by two or more property owners shall be encouraged. In cases where access is restricted by the spacing requirements of Section 215-77, a shared driveway may be the only access design allowed. The shared driveway shall be constructed at the midpoint between the two properties unless a written easement is provided which allows traffic to travel across one parcel to access another and/or to access a public street.
- B. Residential subdivisions with frontage on Route 22 shall be designed with shared access points to and from the highway. Normally a maximum of two accesses shall be allowed along the Route 22 Corridor regardless of the spacing requirements for driveways or access points, the number of residential lots or units, or the number of businesses located within the subdivision.
- C. Subdivisions with a single residential access street that ends in a cul-de-sac shall not exceed 25 lots or dwelling units.
- D. Private cross access easements may be required across any lot fronting on Route 22 in order to minimize the number of access points and facilitate access between and across individual lots. The location and dimension of said easement shall be determined by the Planning Board.
- E. Frontage roads or rear service drives shall be encouraged, especially for locations where multiple driveways or access points will be required, and where connections to side streets are available. In addition to access along a rear service drive, a direct connection to Route 22 may be allowed, provided that the driveways meet the spacing requirements of Section 215-77.
- F. Adjacent commercial or office properties are encouraged to provide a cross access drive and pedestrian access connections to allow circulation between sites.
- G. A system of joint use driveways and cross access easements shall be established wherever feasible along the Route 22 Corridor and the building sites shall incorporate the following:
 - 1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation and enhanced management of access points;

2. Service drives or cross access corridors shall have a design speed of 10 mph and be of sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles;
3. Stub-outs, internal roadway medians or other design features to make it visually obvious that abutting properties may be tied in to provide cross-access via a service drive;
4. A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.



Source: New York State Department of Transportation

- H. Shared parking areas shall be permitted a reduction in required parking spaces if peak demand periods for proposed land uses do not occur at the same time periods.
- I. Where shared access, frontage roads, cross access easements or rear service drives are provided for access to multiple commercial properties, clearly defined business identification signage and circulation directional signage shall be provided on the site to facilitate safe and efficient access and informational needs of visitors.
- J. Pursuant to this section, property owners shall:
 1. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;

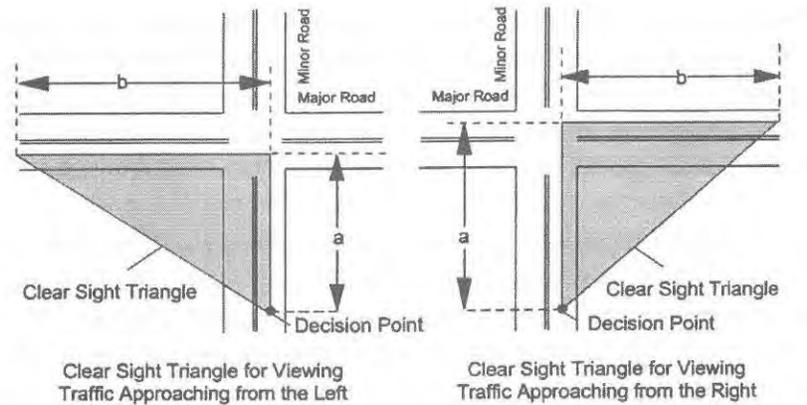
2. Record an agreement with the deed that remaining access rights along the thoroughfare will be dedicated to the Town of Pawling and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
 3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
- K. The Planning Board may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical

215-83. Connectivity.

- A. The street system of a proposed subdivision shall be designed to coordinate with existing, proposed and planned streets outside of the subdivision as provided in this section.
- B. Wherever a proposed development abuts unplatted land or a future phase of the same development, street stubs shall be provided as deemed necessary by the Planning Board to provide access to abutting properties or to logically extend the street system to the surrounding area. All street stubs shall be provided with temporary turn-around or cul-de-sacs unless specifically exempted by the Planning Board, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.
- C. Subcollector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or to facilitate emergency access and evacuation. Such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

215-84. Access Connections and Driveway Design.

- A. Driveway and intersection approaches must be designed and located to provide an exiting vehicle with an unobstructed view. In order to provide a clear view to the motorist, there shall be a triangular area of visibility formed by two intersecting streets of the intersection of a driveway with Route 22. Nothing shall be erected, placed, parked, planted or allowed to grow in such a manner as to materially impede the vision between a height of two feet and ten feet above grade, measured at the centerline of the intersection. The clear visibility triangle shall be formed by connecting a point on each street centerline, to be located a distance of 55 feet from the street centerlines and a third line connecting the two points.



Source: "A Policy on Geometric Design of Highways and Streets – 2001" The American Association of State Highway and Transportation Officials

- B. In order to prevent left-turn conflicts, driveways shall be perpendicular to the Route 22 Corridor and shall line up with existing or planned driveways on the opposite side of the road wherever facing lots are not separated by a median, unless doing so in a particular case is substantially demonstrated by a registered traffic engineer to be unsafe.
- C. Driveway access to the Route 22 Corridor shall not be permitted for parking or loading areas that require backing maneuvers into the public right-of-way or onto a public or private service drive.
- D. For sites with insufficient parking or loading areas to permit suitable maneuvering of vehicles, the Planning Board shall require construction of on-site turnarounds or hammerheads along the site driveway such that they do not interfere with the public right-of-way or public or private service drive.
- E. Construction of driveways along acceleration or deceleration lanes and tapers is discouraged due to the potential for vehicular weaving conflicts.

- F. Driveways with more than one entry and one exit lane shall incorporate channelization features to separate the entry and exit sides of the driveway. Double yellow lines may be considered instead of medians where truck off-tracking may be a problem.
- G. Driveways across from median openings shall be consolidated wherever feasible to coordinate access at the median opening.
- H. Driveway width and flare shall be adequate to serve the volume of traffic and provide for rapid movement of vehicles off the major thoroughfare, but standards shall not be so excessive as to pose safety hazards for pedestrians, bicycles or other vehicles. Recommended standards for driveway width and flare are as follows:

Trips/Day	1 - 20	21 - 600	601 and above
Trips/Hour	or 1 - 5	or 6 - 60	or 61 and above
Connection Width (2-way)	12' min. 24' max.	24' min. 36' max.	24' min. 36' max.
Flare	NA	NA	NA
Returns	15' min. 25' std. 50' max	25' min. 50' std. 75' max.	25' min. 50' std. 75' max.
Angle of Drive	NA	60 - 90	60 - 90
Divisional Island	NA	4 - 22' wide	4 - 22' wide

- I. No single- or two-family driveway shall have a width of less than nine (9) feet or more than sixteen (16) feet at the Route 22 right-of-way.
- J. The typical commercial driveway design shall include one ingress lane and one egress lane.
- K. Where exit traffic volumes are expected to exceed 100 directional trips per peak hour, or in areas where congestion along the Route 22 Corridor may create additional delays, as determined by the Planning Board, two exit lanes shall be provided.
- L. Where alternatives to a single, two-way driveway are necessary to provide reasonable driveway access to properties fronting Route 22, and shared access or a service drive is not an available option, the following progression of alternatives shall be used:
 1. One (1) standard, two-way driveway;
 2. Additional ingress/egress lanes on one (1) standard, two-way driveway;
 3. Two (2) one-way driveways;

4. Additional ingress/egress lanes on two(2) one-way driveways;
5. Additional driveway(s) on an abutting street with a lower classification;
6. An additional driveway on Route 22.

Restricted turns and roadway modifications will be considered by the Planning Board in conjunction with alternative driveway designs.

M. The length of driveways or “Throat Length” shall be designed in accordance with the anticipated storage length for entering and existing vehicles to prevent vehicles from backing into the flow of traffic on Route 22 or causing unsafe conflicts with on-site circulation.

1. There shall be a minimum of twenty (20) feet of throat length for entering and exiting vehicles at the intersection of a driveway and pavement of the driveway or service drive as measured from the pavement edge.
2. For driveways serving between one-hundred (100) and four-hundred (400) vehicles in the peak hour (two-way traffic volumes) the driveways shall provide at least sixty (60) feet of throat length.
3. For driveways serving more than four hundred (400) vehicles in the peak hour (two way traffic volumes), the driveway throat length shall be determined by a Traffic Impact Study.
4. In areas where significant pedestrian/bicycle travel is expected, the ingress and egress lanes shall be separated by a 4 to 10 feet wide median with a pedestrian refuge area.

N. In order to ensure smooth traffic circulation on the site, direction signs and pavement markings shall be installed at the driveway(s) in a clearly visible location, and shall be maintained on a permanent basis by the property owner. Directional signs and pavement markings shall conform to the standards in the Federal Highway Administrations *Manual of Uniform Traffic Control Devices*.

215-85. Acceleration and Deceleration Lanes.

- A. Where it can be demonstrated that driveway volumes are expected to exceed 100 peak hour directional trips, the NYSDOT and the Planning Board may require a right-turn taper, deceleration lane and/or left-turn bypass lane along Route 22.
- B. Where site frontage allows and a right-turn lane is warranted, a taper between 50 and 225 feet may be required.

- C. Where the amount of frontage along Route 22 precludes the construction of a deceleration lane and taper combination entirely within the property lines of a parcel, a request shall be made to the owner of the parcel to allow the installation of a right-turn bay and taper which extends beyond the property line. If permission cannot be obtained from the adjacent property owner for an extension onto that parcel, a taper of at least 75 feet shall be constructed.
- D. A continuous right-turn lane may be required along Route 22 where driveway spacing requirements restrict the use of consecutive turn bays and tapers, and a traffic engineer concludes it can be constructed without being used as a through lane.
- E. Where site frontage allows and large semi-trucks and other slow moving vehicles routinely access the Route 22 Corridor, an acceleration lane may be required by the Planning Board in consultation with NYSDOT.
- F. The acceleration lane shall be designed by a traffic engineer to meet the needs of vehicles using it, topography, sight distance and other relevant factors.
- G. Driveways shall not be permitted within an acceleration lane.

215-86. Requirements for Outparcels and Phased Development Plans.

- A. In the interest of promoting unified access and circulation systems, development sites along the Route 22 Corridor that are under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall not be considered separate properties in relation to the access standards of this Article. The number of connections permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements and stipulations required under Section 215-82 shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this Article and both shall be cited for any violation.
- B. All access to the outparcel must be internalized using the shared circulation system of the principle development or retail center. Access to outparcels shall be designed to avoid excessive movement across parking aisles and queuing across surrounding parking and driving aisles.
- C. The number of outparcels shall not exceed one per ten acres of site area, with a minimum lineal frontage of 300 feet per outparcel or greater where access spacing standards require. This frontage requirement may be waived where access is internalized using the shared circulation system of the principle

development. In such cases, the right of direct access shall be dedicated to the Town of Pawling and recorded with the deed.

215-87. Parking Area Landscape.

- A. Surface parking lots shall be located to the side or rear of buildings. Parking lots and driveways should not dominate the frontage of streets, interrupt pedestrian routes, or negatively impact the environment or surrounding developments. Parking lots should be sufficiently screened with natural landscape, decorative fencing or walls to minimize visual impacts.
- B. Surface parking areas should be designed to include internal landscaped islands, and exterior landscaped buffer areas to soften the visual impacts of automobiles and asphalt. Sufficient areas shall also be provided for snow storage and utility strips within the parking areas. Shade tree location should buffer pedestrian circulation routes. All parking lots should be planted with sufficient trees so that at full growth a significant majority of the surface area of the lot is shaded.
- C. On-site pedestrian circulation networks should be designed to provide safe access through the site, especially between buildings and parking areas. Paving and ground surface treatments should reinforce and define pedestrian circulation direction and patterns. Materials may be simple, but should have a level of patterning and detail through change in materials, color or scoring patterns.
- D. Nighttime illumination should provide for safety and security of residents and visitors. Lighting for parking and vehicle queuing areas should provide adequate illumination for vehicle and pedestrian safety and security while shielding surrounding areas from excessive light trespass and glare.

215-88. Emergency Access.

- A. In addition to minimum side, front and rear yard setback and building spacing requirements specified in this code, all buildings and other development activities such as landscaping, shall be arranged on site as to provide safe and convenient access for emergency vehicles.

215-89. Non-Conformance.

- A. Permitted access connections in place as of **THE DATE OF ADOPTION** that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with applicable standards under the following conditions:
 - 1. When new access connection permits are requested;
 - 2. Substantial enlargements or improvements;

3. Significant change in trip generation; or
 4. As roadway improvements allow.
- B. If the principal activity on a property with nonconforming access features is discontinued for a consecutive period of one-year or discontinued for any period of time without a present intention of resuming that activity, then that property must thereafter be brought into conformity with all applicable connection spacing and design requirements, unless otherwise exempted by the Planning Board. For uses that are vacant or discontinued upon the effective date of this code, the one-year period begins on the effective date of this code.
- C. Driveways that do not conform to the regulations in this Article, and were constructed before the effective date of this Article, shall be considered legal nonconforming driveways. Existing driveways granted a temporary access permit are legal nonconforming driveways until such time as the temporary access permit expires.

215-90. Site Plan Review Procedures.

- A. Applicants shall submit a preliminary site plan for review by the Planning Board. At a minimum, the site plan shall show:
1. Location of all existing access point(s) on both sides of Route 22 within 500 feet of the property boundary where applicable;
 2. Distances to neighboring constructed access points, median openings, traffic signals, intersections, and other transportation features on both sides of the property;
 3. Number and direction of lanes to be constructed on the driveway plus striping plans;
 4. All planned transportation features (such as auxiliary lanes, signals, etc.)
 5. Trip generation data or appropriate Traffic Impact Studies;
 6. Parking and internal circulation plans;
 7. A landscaping plan in conformance with Section 215-21 and Section 215-30 of the Zoning regulations.
 8. Plat map showing property lines, right-of-way, and ownership of abutting properties; and

9. A detailed description of any requested variance and the reason the variance is requested.
- B. Subdivision and site plan review shall address the following access considerations:
1. Is the Route 22 Corridor designed to meet the projected traffic demand?
 2. Is access properly placed in relation to sight distance, driveway spacing, and other related considerations including opportunities for joint and cross access? Are entry roads clearly visible from Route 22?
 3. Do residential units front on residential access streets rather than the Route 22 Corridor?
 4. Is automobile movement within the site provided without having to use the peripheral road network?
 5. Does the road system provide adequate access to buildings for residents, tenants, visitors, deliveries, emergency vehicles and garbage collection?
 6. Have the edges of the Route 22 Corridor been landscaped? If sidewalks are provided along the roadway, have they been set back sufficiently and has a landscaped planting strip between the road and sidewalk been provided?
 7. Does the pedestrian path system link buildings with parking areas, entrances to the development, open space, and recreational and other community facilities?
- C. The Town of Pawling reserves the right to require traffic and safety analysis where safety is an issue or where significant problems already exist.
- D. After 30 days from filing the application, applicants must be notified by the Planning Board if any additional information is needed to complete the application.
- E. Upon review of the access application, the Planning Board may approve the access application, approve with conditions, or deny the application. This must be done within 90 days of receiving the complete application.
- F. Applications for access to the Route 22 Corridor shall also be reviewed by the New York State Department of Transportation for conformance with state access management standards. Where the applicant requires access to Route 22 and a zoning change, or subdivision or site plan review is also required, development review shall be coordinated in accordance with review procedures established

between the Planning Board and the New York State Department of Transportation.

- G. If the application is approved with conditions, the applicant shall resubmit the plan with the conditional changes made. The plan, with submitted changes, will be reviewed within 10 working days and approved or rejected. Second applications may only be rejected if conditional changes are not made.
- H. If the access permit is denied, the Planning Board shall provide an itemized letter detailing why the application has been rejected.
- I. All applicants whose application is approved, or approved with conditions, have 30 days to accept the permit. Applications whose permits are rejected, or approved with conditions, have 60 days to appeal.

215-91. Variance Standards.

- 1. The granting of the variance shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.
- 2. Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. This shall include proof that:
 - a. Indirect or restricted access cannot be obtained;
 - b. No engineering or construction solutions can be applied to mitigate the condition; and
 - c. No alternative access is available from a street with a lower functional classification than Route 22.
- 3. Under no circumstances shall a variance be granted, unless not granting the variance would deny all reasonable access, endanger public health, welfare or safety, or cause an exceptional and undue hardship on the applicant. No variance shall be granted where such hardship is self-created.

The Route 22 Corridor Access Management Plan Corridor Overlay Ordinance Town of Dover, New York

Introduction

The Route 22 Corridor Management Plan (“The Plan”) entailed a multi-year planning effort to develop a plan to guide affected municipalities and the New York State Department of Transportation in making decisions about future land use, site access and transportation proposals along the approximately 40 mile corridor through Dutchess County. One of the major recommendations of the Plan was for the towns involved to incorporate Access Management Tools into their site plan review and land development regulations. As part of the process to develop the Plan, one of the tools to implement the access management concept recommendations is a zoning overlay ordinance. The overlay ordinance is intended to supercede the existing underlying zoning regulations by integrating additional access management techniques into the town’s site plan review and subdivision regulations.

The following text outlines proposed language for development of a Route 22 Corridor Overlay Ordinance for the Town of Dover, New York. It should be noted that the sections are suggested language, modeled after a variety of other successfully adopted and implemented overlay ordinances, for amendment to the Town’s zoning regulations. The language, content and recommendations herein are recommendations, and should be reviewed by the Town’s appropriate legal council prior to adoption.

Article XIII. Route 22 Corridor Overlay Ordinance

145-75. Intent and Purpose.

- A. The intent of this Article is to provide for and manage access to land development within the Town of Dover. This Overlay District for the Route 22 Corridor is designed to support the Town's planning objectives for balancing land development and open space preservation along the roadway, while also preserving the regional flow of traffic in terms of safety, capacity, and travel speeds in accordance with the objectives of the New York State Department of Transportation (NYSDOT). The Route 22 Corridor serves as a primary transportation network through Dutchess County, while also providing access to local commercial and residential development. If access systems along Route 22 are not properly designed in areas targeted for new housing or economic development initiatives, the Corridor could become susceptible to traffic conflicts and congestion. A system of well planned and clearly defined access management strategies will ensure that appropriate and safe access to future development is balanced with the need to accommodate an efficient flow of traffic along the Corridor, while also maintaining the desired character of the community.

The objective of this Article is to balance the right of reasonable access to private property, with the right of the citizens of Dutchess County and the State of New York to safe and efficient travel along the Route 22 Corridor. To achieve this intent, these regulations are set forth to achieve the following goals:

1. Minimize disruptive and potentially hazardous traffic conflicts with new development or with redevelopment of existing areas;
2. Reduce traffic accidents, personal injury, and property damage attributable to poorly designed access systems;
3. Ensure safe access by emergency vehicles;
4. Protect the substantial public investment in the street system by preserving roadway capacity and avoiding the need for unnecessary and costly reconstruction which disrupts traffic flow and local business activities;
5. Separate traffic conflict areas by reducing the number of driveways and access points;
6. Provide safe spacing standards between driveways, and between driveways and intersections;

7. Promote better internal circulation patterns on larger non-residential uses and within residential subdivisions along the Route 22 Corridor; and
 8. Encourage shared access between abutting properties
- B. The purpose of these regulations is to improve the safety and operation of the Route 22 Corridor roadway network while protecting the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. These regulations also serve to further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discourage the unplanned subdivision of land.

145-76. Applicability.

- A. The Route 22 Corridor Overlay Ordinance shall apply to all roadway intersections and access points along the entire Route 22 Corridor within The Town of Dover. The Overlay extends to all properties, access points and intersecting streets which directly abut the Route 22 Corridor or that lie within 400 feet of the Route 22 right-of-way edge, extending in either direction.
- B. All lots hereafter created and all structures hereafter created, altered or moved on the following properties shall conform to the requirements set forth in this Overlay Ordinance:
1. All existing properties that directly abut the Route 22 Corridor;
 2. All properties and future subdivisions that have access, will have access, or are proposing to have access to the Route 22 Corridor; and
 3. Any property, a portion of which lies within 400 feet from the edge of the Route 22 Corridor right-of-way, extending in either direction.
- C. The following regulations supercede otherwise applicable regulations of the specific underlying zoning districts beneath the Route 22 Corridor Overlay Zone. Where conflicts or inconsistencies between this Overlay and the underlying zoning districts may occur, the regulations set forth herein shall apply.

145-77. Application.

- A. The standards of this Article shall be applied by the Planning Board during site plan review, and by the NYSDOT during access permitting, as is appropriate to the application. The Planning Board and NYSDOT shall make written findings of nonconformance, conformance, or conformance if certain conditions are met with the standards of this Article prior to disapproving or approving a site plan per the requirements of Section 145-65 of the Zoning regulations. The Town of Dover shall coordinate its review of the access elements of a subdivision or site plan

with NYSDOT prior to making a decision on an application. The approval of a subdivision or site plan does not negate the responsibility of an applicant to subsequently secure access permits from NYSDOT.

- B. The Planning Board shall not take action on a request for a new road, driveway, shared access, or a service drive that connects to the Route 22 Corridor without first consulting with NYSDOT as outlined in Section 145-95. Complete applications shall be received at least 62 days before the Planning Board meeting at which action is to be taken. Application requirements for this Article are outlined in Section 145-95. If the initial review of the application by the Planning Board reveals noncompliance with the standards of this Article, or if the proposed land use exceeds the traffic generation thresholds in subsection C below or Section 145-89, then the Planning Board shall require submittal of a Traffic Impact Study as described below prior to consideration of the application.
- C. As required in Section 145-40N of the Zoning Code, no decision shall be made to approve the construction of any development which would contain in excess of 20,000 square feet of new nonresidential floor space or 50 or more new residential dwelling unit, if the reviewing board determines adverse impacts to street intersections or roadway capacities within two miles of any vehicular access point based on the advice of a qualified traffic engineer.
- D. At a minimum the Traffic Impact Study shall contain the following:
 - 1. Analysis of existing traffic conditions and/or site restrictions using current data.
 - 2. Projected trip generation of the development and distribution of automobile trips along the Route 22 Corridor based on the most recent edition of the Institute of Transportation Engineers *Trip Generation Manual*. The Planning Board or NYSDOT may approve the use of other trip generation data if based on recent studies of at least three (3) similar uses within similar locations in the State of New York.
 - 3. Illustrations of current and projected turning movements at access points, including identification of the development and its proposed access on the Route 22 Corridor and abutting streets if applicable. Capacity analysis shall be completed based on the most recent version of the *Highway Capacity Manual* published by the Transportation Research Board, and shall be provided in an appendix to the Traffic Impact Study.
 - 4. Description of the internal vehicular circulation and parking system for passenger vehicles, delivery trucks and service vehicles, as well as the circulation system for pedestrians, bicycles and transit users.

5. Justification of need, including statements describing how any additional access to the Route 22 Corridor will meet the intent of this Article, will be consistent with the Route 22 Corridor Management Plan and the Town of Dover Master Plan, and that the additional access points will not compromise public safety, reduce capacity or impede efficient traffic operations along the Route 22 roadway.
 6. Qualification and documented experience of the author of the Traffic Impact Study, describing experience of preparing traffic impact studies in the State of New York. The preparer shall be either a registered traffic engineer or transportation planner licensed in the State of New York and as required by law. If the Traffic Impact Study involves geometric design, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.
- E. The Planning Board may utilize its own traffic consultant to review the applicant's Traffic Impact Study, with the cost of the review being born by the applicant per Section 145-58 of the Zoning regulations.
- F. Failure by the applicant to begin construction of an approved road, driveway, shared access, service drive or other access arrangement within twelve (12) months from the date of approval shall void the approval and a new application is required.
- G. The Code Enforcement Officer shall inspect the approved road, driveway, shared access, service drive or other access arrangement as constructed for conformance with the standards of this Article and any approval granted under it, prior to issuance of a Certificate of Occupancy.

145-78. Conformance.

- A. This Article is adopted to implement access management policies set forth in the Route 22 Corridor Management Plan for Dutchess County. In addition, this Article conforms with goals and objectives of NYSDOT set forth in the New York Statewide Transportation Plan. The Route 22 Corridor Management Plan also advances the Dutchess County Greenway Connections Program that seeks to build a network of connecting routes and improve development patterns in the County. The Article also conforms with the access standards of the New York Department of Transportation, and policy and planning directives of the Federal Highway Administration.

145-79. Definitions.

The following definitions apply to the Route 22 Corridor Overlay Zone ordinance.

Access -- A way or means of approach to provide vehicular or pedestrian entrance or exit to a property from an abutting property or a public roadway.

Access Connection -- Any driveway, street, road turnout or other means of providing for the movement of vehicles to or from the public road system or between abutting sites.

Access Management -- The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting roadway system.

Access Management Plan -- A plan establishing the preferred location and design of access for properties along a roadway. It may be a freestanding document, or a part of a community master or comprehensive plan, or a part of a corridor management plan.

Access Point -- a) The connection of a driveway at the right-of-way line to a road. b) A road, driveway, shared access or service drive.

Access Strip -- A strip of land abutting a public or private road, providing access to a rear lot.

Acceleration Lane -- A speed-changing lane, including taper, for the purpose of enabling a vehicle entering the roadway to increase its speed to a rate at which it can safely merge with through traffic.

Alternative Means of Access -- A shared driveway, frontage road, rear service drive or connected parking lot.

Boulevard -- A roadway with a raised median or other separation treatment between opposing travel lanes, which generally includes trees and landscaped ground cover.

Channelized or Channelizing Island -- An area within the roadway or a driveway not for vehicular movement; designed to control and direct specific movements of traffic to definite channels. The island may be defined by paint, raised bars, curbs, or other devices.

Common Driveway -- A driveway serving no more than four lots owned in common or created by reciprocal easements.

Conflict -- A traffic event that causes evasive action by a driver to avoid collision with another vehicle, bicycle or pedestrian.

Conflict Point -- An area where intersecting traffic either merges, diverges, or crosses.

Connected Parking Lots -- Two or more parking lots that are connected by cross access.

Corner Clearance -- The distance from an intersection of a driveway with a public or private road or street to the nearest access connection on the arterial, measured from the closest edge of the driveway pavement to the closest edge of the arterial pavement.

Corridor Overlay Zone -- A zoning district that provides special requirements in addition to those regulations of the underlying zoning district.

Cross Access -- A service road or driveway providing vehicular access between two or more contiguous sites so drivers need not enter the public road system.

Cross Street -- A street or road which intersects a main arterial.

Deceleration Lane -- A speed-change lane, including a taper, for the purpose of enabling a vehicle to leave the through traffic lane at a speed equal to or slightly less than the speed of traffic in the through lane and to decelerate to a stop or to execute a slow speed turn.

Divided Driveway -- A driveway with a raised median between ingress and egress lanes.

Driveway -- A private way providing vehicular access from a public or private road to a residence or to a commercial or noncommercial establishment.

Driveway Flare -- A triangular pavement surface at the intersection of a driveway with a public street or road that facilitates turning movements and is used to replicate the turning radius in areas with curb and gutter construction.

Driveway Return Radius -- A circular pavement transition at the intersection of a driveway with a street or road that facilitates turning movements to and from the driveway.

Driveway, Shared -- A driveway connecting two or more contiguous properties to the public road system.

Driveway Spacing -- The distance between driveways as measured from the edge of one driveway to the edge of another driveway along the same side of the street or road.

Driveway Width -- Narrowest width of a driveway measured perpendicular to the centerline of the driveway.

Egress -- The exit of vehicular traffic from abutting properties to a street or road.

Frontage Road or Front Service Drive -- A local street/road or private road typically located in front of principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

Functional Classification -- A system used to group public roads into classes according to their purpose in moving vehicles and providing access to abutting properties.

Ingress -- The entrance of vehicular traffic to abutting properties from a roadway.

Intersection -- The location where two or more roadways cross at grade without a bridge.

Lane -- The portion of a roadway for the movement of a single line of vehicles which does not include the gutter or shoulder of the roadway.

Lot -- An area of land with definite boundaries, all parts of which are owned by the same person(s) or entities, the boundaries of which were established either by the filing of an approved subdivision plat or by the recording of a deed prior to the adoption of Subdivision Regulations of the Town of Dover on June 17, 1968.

Lot, Corner -- Any lot having at least two contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

Lot Depth -- The average distance measured from the front lot line to the rear lot line.

Lot, Flag -- A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

Lot, Through -- A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

Lot Frontage -- That portion of a lot extending along a street right-of-way line.

Lot Width -- The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line.

Median -- The portion of a divided roadway or divided entrance separating the traveled ways from opposing traffic. Medians may be depressed, painted or raised with a physical barrier, and may be landscaped.

Median Opening -- A gap in a median provided for crossing and turning traffic.

Nonconforming Access -- Features of the access system of a property that existed prior to the effective date of this Article and that do not conform with the

requirements contained herein; or, in some cases, elements of approved access that are allowed by means of a temporary permit or on a conditional basis until alternative access meeting the terms of this Article becomes available.

Peak Hour Trips (PHT) -- A weighted average vehicle trip generation rate during the hour of highest volume of traffic entering and exiting the site in the morning (a.m.) or the afternoon (p.m.).

Reasonable Access: The minimum number of access connections, direct or indirect, necessary to provide safe access to and from a public road. Reasonable access does not necessarily mean direct access.

Rear Service Drive -- A local street/road or private road typically located behind principal buildings and parallel to an arterial for service to abutting properties.

Right-of-Way -- A general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes.

Road -- A public or private way for pedestrian and vehicular traffic, whether designated as a "street", "highway", "thoroughfare", "parkway", "through-way", "avenue", "boulevard", "lane", "cul-de-sac", "place", or otherwise designated, and includes the entire area within the right-of-way, and excluding a driveway or common driveway.

Roadway -- That portion of a street, road or highway improved, designed or ordinarily used for vehicular travel exclusive of the berm or shoulder.

Secondary Street or Side Street -- A street or road with a lower functional classification than the intersecting street or road (e.g. a local street is a side or secondary street when intersecting with a collector or arterial).

Shared Driveway or Common Driveway -- See Driveway, Shared.

Shoulder -- The portion of a public road contiguous to the traveled way for the accommodation of disabled vehicles and for emergency use.

Sight Distance -- The distance of unobstructed view for the driver of a vehicle, as measured along the normal travel path of a roadway to a specified height above the roadway.

Taper -- A triangular pavement surface that transitions the roadway pavement to accommodate an auxiliary lane.

Temporary Access -- Provision of direct access to a road until that time when adjacent properties develop in accordance with a joint access agreement, service road, or other shared access arrangement.

Throat Length -- The distance parallel to the centerline of a driveway to the first on-site location at which a driver can make a right-turn or a left-turn. On roadways with curb and gutter, the throat length shall be measured from the face of the curb. On roadways without a curb and gutter, the throat length shall be measured from the edge of the paved shoulder.

Trip Generation – The estimated total number of vehicle trip ends produced by a specific land use or activity. Trip generation is estimated through the use of trip rates that are based upon the type and intensity of development.

Undivided Roadway – A roadway having access on both sides of the direction of travel, including roadways having center two-way left-turn lanes.

145-80. Route 22 Corridor Access Management Overlay.

- A. Future development along the Route 22 Corridor shall comply with all applicable local zoning, subdivision and land use plans, with emphasis given to promoting preservation of large tract of intact open space land in order to maintain the rural appearance and environmental resources in the Town of Dover. Where feasible, use of flexible subdivisions, conservation density subdivisions, as outlined in Article V, and other land use preservation strategies should be emphasized along with the access management strategies contained in this Article.
- B. The minimum lot frontage for all parcels with frontage on the Route 22 Corridor shall not be less than the minimum connection spacing standards as stated in Section 145-82. Flag lots shall not be permitted direct access to the Route 22 Corridor except in accordance with the provisions of Section 145-85, and interior parcels shall be required to obtain access via a public or private access road in accordance with the requirements of this Article.
- C. The following requirements apply to segments of the Route 22 Corridor that have the potential for larger scale commercial, office or industrial development, or residential subdivisions. All land in a parcel having a single tax code number, as of **DATE OF ADOPTION**, fronting on Route 22, shall be entitled to one (1) driveway/ connection per parcel as of right onto Route 22, unless a variance or special conditions are approved by the Planning Board due to extenuating circumstances described in subsequent sections of this Article. Contiguous properties under one ownership or parcels consolidated for unified development will be considered as one parcel for purposes of this Article. When subsequently subdivided, either as metes and bounds parcels or as a recorded plat, parcels designated herein shall provide access to all newly created lots via the permitted access connection. This may be achieved through establishment of subdivision roads, joint or cross access, service drives, and other reasonable means of ingress

and egress in accordance with the requirements of this Article. The following standards shall also apply.

1. Parcels with large frontages may be permitted additional driveways provided that they are consistent with applicable driveway spacing standards set forth in Section 145-82, or provided that a registered traffic engineer determines that topographic conditions on the site, curvature on the road, or sight distance limitations demonstrate a second driveway within a lesser distance is safer or the nature of the land use to be served requires a second driveway for safety. If the parcel is a corner lot and a second driveway is warranted, the second drive way shall have access from the abutting secondary street.
2. Certain developments may generate enough traffic to warrant consideration of an additional driveway to reduce delays for motorists exiting the Route 22 Corridor. Where possible, these second access points shall be located on a side street or service drive, shared with adjacent uses, or designed for right-turn-in/right-turn-out only movements and shall meet the spacing requirements of this Article. In order to be considered for a second driveway on Route 22, combined approach volumes (entering and exiting) of a proposed development should exceed 100 directional trips during the peak hour of traffic and a Traffic Impact Study shall be performed.
3. Existing parcels with frontage less than the minimum connection spacing requirements may not be permitted a direct connection to Route 22 under this Section where the Planning Board determines that alternative reasonable access is available to the site or the Planning Board allows for a temporary driveway with the stipulation that joint and cross access be established as adjacent properties develop.
4. Except for shared driveways, existing driveways that do not comply with the requirements of this Article shall be closed when an application for a change of use, a zoning permit or a site plan requiring approval is submitted and once approval of a new means of access under this Article is granted. A closed driveway shall be graded and landscaped to conform with adjacent land and any curb cut shall be filled in with curb and gutter as appropriate to the context of that segment of the Route 22 Corridor.
5. A temporary access permit may be issued for field entrances for cultivated land, undeveloped land, as well as for uses at which no one resides or works such as cellular towers, water wells, pumping stations, utility transformers, and similar uses. Field-entrance and utility-structure driveways will be reviewed on a case-by-case basis. The review shall take into account the proximity of adjacent driveways and intersecting streets, as well as traffic volumes along the Route 22 roadway.

- 6. Additional access connections may be allowed where the property owner demonstrates that safety and efficiency of travel on Route 22 will be improved by providing more than one access to the site.
- 7. No parking or structure other than signs shall be permitted within 20 feet of the Route 22 right-of-way. The 20 foot buffer shall be landscaped with plants suitable to the soil and in a manner that provides adequate sight visibility for vehicles exiting the site. Property owners are encouraged to landscape the right-of-way, pursuant to an approved landscaping plan approved by the Planning Board during site plan review as set forth in Section 145-65.
- 8. On all properties that abut the roadway, separate safe access for pedestrians and bicycles shall be provided on a sidewalk or paved path that generally parallels the Route 22 Corridor. The sidewalk or path shall be located within the 20 foot buffer adjacent to the Route 22 right-of-way and shall be separated from the roadway by a landscaped strip of no less than five (5) feet in width. Additional connections shall be located adjacent to driveways or service drives, to provide safe on-site connections for pedestrians and bicycles.

145-81. Permitted Land Uses.

Land uses within the Route 22 Corridor Overlay Zone are those permitted in the underlying zoning classifications and the dimensional requirements for properties abutting the Corridor.

145-82. Driveway Control.

All lots hereafter created and all structures hereafter created, altered or moved on property with frontage or access to the Route 22 Corridor that is subject to regulation per Section 145-76 shall conform with the following requirements:

- A. Minimum driveway spacing shall be based on the minimum sight distance required for the vehicular speed limit of the road segment along the Route 22 Corridor. The vehicular speed for sight distance determination shall be the greater of the design speed or the posted speed unless the NYSDOT determines that the 85th percentile speed is less.
- B. Separation between access connections shall be based on the posted speed limit or the design speed as noted below:

Posted Speed Limit (MPH)	Driveway Spacing (Feet)
≤ 35	250
40	300
45	360
50	425
55	500

C. For new sites with insufficient road frontage to meet the required spacing, the Planning Board shall require one of the following:

1. Construction of the driveway along a side street;
2. A shared driveway with an adjacent property;
3. Construction of a driveway along the property line farthest from the intersection, or a service drive as described in Section 145-89.

The Planning Board may grant temporary access approval until such time that minimum spacing requirements can be met, or alternative access meeting the requirements of this Article is approved.

- D. The street giving access to the lot shall have traffic carrying capacity and roadway improvements that are sufficient to accommodate the amount and types of traffic, taking into account access to existing uses along the street and existing traffic projected to the date of occupancy of the site. Roadway, traffic management and other deficiencies in the street giving access, including mitigation to prevent further cut-through traffic on adjacent side-streets as applicable, shall be remedied by the applicant.
- E. Driveway spacing shall be measured from the closest edge of the pavement to the next closest edge of the pavement. The projected future edge of the pavement of the intersecting road shall be used in measuring corner clearance, where widening, relocation, or other improvement is indicated in an adopted five year Transportation Improvement Plan of the Poughkeepsie-Dutchess County Transportation Council.
- F. The Planning Board or NYSDOT may reduce the spacing requirements in situations where they prove impractical, but in no case shall the permitted spacing be less than 85 percent of the applicable standard, except as provided in Section 145-97.
- G. If the connection spacing of this Article cannot be achieved, then a system of joint use driveways and cross access easements may be required in accordance with Section 145-97.
- H. Variation from these standards shall be permitted at the discretion of the Planning Board where the effect would be to enhance the safety or operation of the Route 22 roadway. Examples might include:
1. A pair of one-way driveways in lieu of a single two-way driveway; or
 2. The alignment of median openings with existing access connections.

Applicants may be required to submit a Traffic Impact Study prepared by a registered engineer to assist the Planning Board in determining whether the proposed change would exceed roadway safety or operational benefits of the prescribed standard.

145-83. Corner Clearance.

- A. All single- and two-family residential driveways abutting the Route 22 Corridor shall be separated from the nearest right-of-way of an intersecting street by at least 100 feet.
- B. Driveways for all other land uses abutting the Route 22 Corridor shall be separated from the nearest right-of-way of an intersecting street as follows:

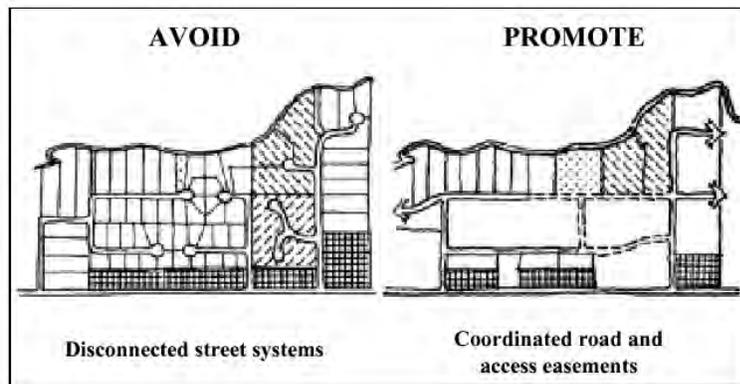
Location of Access Point	Min. Spacing for a Full Movement Driveway	Min. Spacing for Channelized Right-in or Right-out Driveway
<u>Along Route 22 from:</u>		
Railroad Crossings	600 feet	600 feet
Bridges	600 feet	600 feet
Median Openings	75 feet	75 feet
From another Intersecting Arterial	300 feet	125 feet
From an Intersecting Collector or Local Street	200 feet	125 feet

- C. Access point spacing from intersections shall be measured from the edge of pavement of the driveway to the extended edge of the travel lane on the intersecting street.
- D. If the amount of lot frontage is not sufficient to meet the above criteria, the driveway shall be constructed along the property line farthest from the intersection to encourage future shared use, only if a frontage road, shared access or rear service drive is not feasible as described in Section 145-89.
- E. Driveways on a secondary street that intersects the Route 22 Corridor shall be located so as not to interfere with safe traffic operations at the intersection with the Corridor and the secondary street as follows:
 - 1. Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for the Corridor, measured from the edge of the pavement. The projected future edge of the pavement of the intersecting road shall be used in measuring corner clearance

2. New connections shall not be permitted within the functional area of an intersection as defined by the connection spacing standards of this Article, unless:
 - a. No other reasonable access to the property, including shared access, is available, and
 - b. The Planning Board determines that the connection does not create a safety or operational problem upon review of a site-specific study of the proposed connection prepared by a registered engineer and submitted by the applicant.
3. Where no other alternatives exist, the Planning Board may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e. right in/out, right in only, or right out only) may be required.
4. In addition to the required minimum lot size, all corner lots shall be of adequate size provide for required front yard setbacks and corner clearances on all street frontages.

145-84. Reverse Frontage.

- A. Properties on the Route 22 Corridor that have double street frontage are discouraged from having access to Route 22.
- B. When a residential subdivision is proposed that would abut the Route 22 Corridor, it shall be designed to provide through lots along the arterial with access from a public or private frontage road or interior local road. Access rights of these lots to the arterial shall be dedicated to the Town of Dover and recorded with the deed. A berm or buffer yard may be required at the rear of the through lots to buffer residences from traffic on Route 22. The berm or buffer yard shall not be located within the public right-of-way.



Source: Iowa Access Management Handbook

145-85. Flag Lot Standards.

- A. Flag lots shall not be permitted when their effect would be to increase the number of properties requiring direct and individual access connections to the Route 22 Corridor resulting in situations where there is potential for endangerment to public health and safety as outlined in Section 145-22.

- B. Flag lots may be permitted for residential development, when deemed necessary to achieve planning objectives, such as encouraging the use of clustered subdivisions to preserve natural, historic or scenic resources, or providing internal platted lots with access to a public or private residential street under the following conditions:
 - 1. Flag lot driveways shall be separated by at least twice the minimum frontage requirements of the underlying zoning district.
 - 2. The flag driveway shall have a minimum width of 25 feet and a maximum width of 50 feet.
 - 3. In no instance shall flag lots constitute more than 10 percent of the total number of building sites in a recorded or unrecorded plat, or three lots, whichever is greater.
 - 4. There shall be no more than three adjoining access strips, which must share one common driveway. No more than three lots may be served by a common driveway connecting to Route 22. Subdivisions of four or more lots must satisfy the requirements for conservation subdivisions in Section 145-21 or meet shared access road requirements as outlined in Section 145-87.
 - 5. The lot area occupied by the flag driveway shall not be counted as part of the required minimum lot area of the underlying zoning district.
 - 6. No more than one flag lot shall be permitted per private right-of-way or access easement.

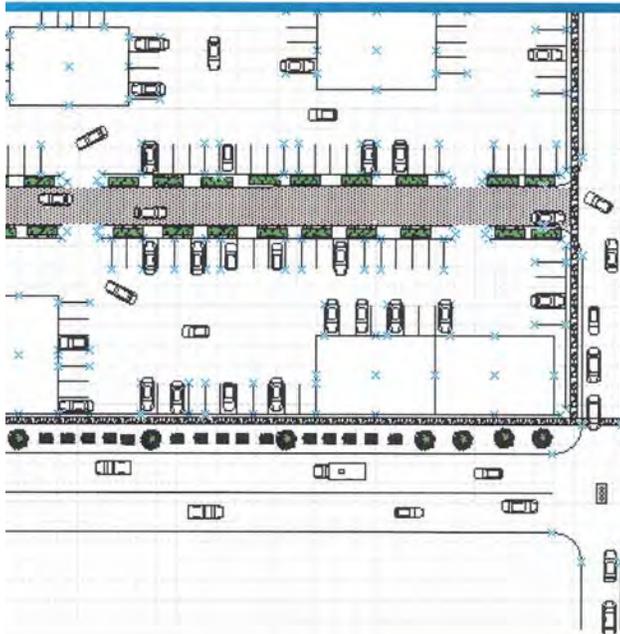
145-86. Lot-to-Depth Ratios.

- A. To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel along the Route 22 Corridor shall not exceed 3 times its width, or 4 times its width in agricultural or dedicated open space areas.

145-87. Shared Access.

- A. Sharing or joint use of a driveway by two or more property owners shall be encouraged. In cases where access is restricted by the spacing requirements of Section 145-82, a shared driveway may be the only access design allowed. The shared driveway shall be constructed at the midpoint between the two properties unless a written easement is provided which allows traffic to travel across one parcel to access another and/or to access a public street.
- B. Residential subdivisions with frontage on Route 22 shall be designed with shared access points to and from the highway. Normally a maximum of two accesses shall be allowed along the Route 22 Corridor regardless of the spacing requirements for driveways or access points, the number of residential lots or units, or the number of businesses located within the subdivision.
- C. Subdivisions with a single residential access street that ends in a public or private cul-de-sac shall not exceed 20 lots or dwelling units.
- D. Private cross access easements may be required across any lot fronting on Route 22 in order to minimize the number of access points and facilitate access between and across individual lots. The location and dimension of said easement shall be determined by the Planning Board.
- E. Frontage roads or rear service drives shall be encouraged, especially for locations where multiple driveways or access points will be required, and where connections to side streets are available. In addition to access along a rear service drive, a direct connection to Route 22 may be allowed, provided that the driveways meet the spacing requirements of Section 145-89.
- F. Adjacent commercial or office properties are encouraged to provide a cross access drive and pedestrian access connections to allow circulation between sites.
- G. A system of joint use driveways and cross access easements shall be established wherever feasible along the Route 22 Corridor and the building sites shall incorporate the following:
 - 1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation and enhanced management of access points;

2. Service drives or cross access corridors shall have a design speed of 10 mph and be of sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles;
3. Stub-outs, internal roadway medians or other design features to make it visually obvious that abutting properties may be tied in to provide cross-access via a service drive;
4. A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.



Source: New York State Department of Transportation

- H. Shared parking areas shall be permitted a reduction in required parking spaces if peak demand periods for proposed land uses do not occur at the same time periods.
- I. Where shared access, frontage roads, cross access easements or rear service drives are provided for access to multiple commercial properties, clearly defined business identification signage and circulation directional signage shall be provided on the site to facilitate safe and efficient access and informational needs of visitors.
- J. Pursuant to this section, property owners shall:
 1. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;

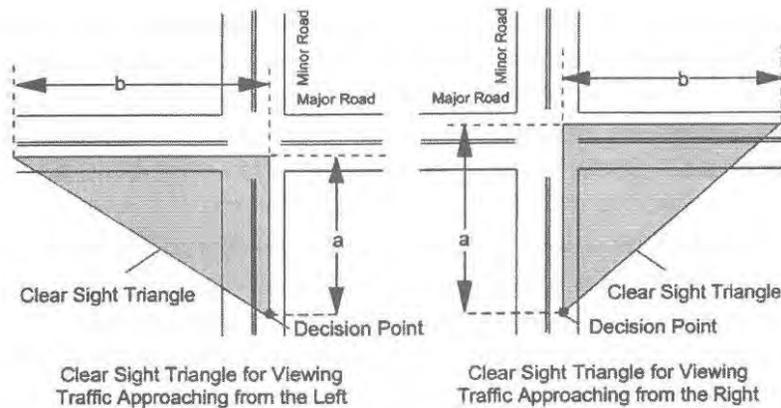
2. Record an agreement with the deed that remaining access rights along the thoroughfare will be dedicated to the Town of Dover and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
 3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
- K. The Planning Board may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical

145-88. Connectivity.

1. The street system of a proposed subdivision shall be designed to coordinate with existing, proposed and planned streets outside of the subdivision as provided in this section.
2. Wherever a proposed development abuts unplatted land or a future phase of the same development, street stubs shall be provided as deemed necessary by the Planning Board to provide access to abutting properties or to logically extend the street system to the surrounding area. All street stubs shall be provided with temporary turn-around or cul-de-sacs unless specifically exempted by the Planning Board, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.
3. Subcollector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or to facilitate emergency access and evacuation. Such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

145-89. Access Connections and Driveway Design.

- A. Driveway and intersection approaches must be designed and located to provide an exiting vehicle with an unobstructed view. In order to provide a clear view to the motorist, there shall be a triangular area of visibility formed by two intersecting streets of the intersection of a driveway with Route 22. Nothing shall be erected, placed, parked, planted or allowed to grow in such a manner as to materially impede the vision between a height of two feet and ten feet above grade, measured at the centerline of the intersection. The clear visibility triangle shall be formed by connecting a point on each street centerline, to be located a distance of 50 feet from the edge of pavement and a third line connecting the two points.



Source: "A Policy on Geometric Design of Highways and Streets – 2001" The American Association of State Highway and Transportation Officials

- B. In order to prevent left-turn conflicts, driveways shall be perpendicular to the Route 22 Corridor and shall line up with existing or planned driveways on the opposite side of the road wherever facing lots are not separated by a median, unless doing so in a particular case is substantially demonstrated by a registered traffic engineer to be unsafe.
- C. Driveways on lots with 100 feet or more of frontage along Route 22 shall be set back at least 20 feet from side lot lines, except that common driveways may occupy any part of a side yard adjoining the lot of another user of the common driveway. On lots with less than 100 feet of frontage, no side yard setback is required provided that all other requirements of this section are met.
- D. Driveway access to the Route 22 Corridor shall not be permitted for parking or loading areas that require backing maneuvers into the public right-of-way or onto a public or private service drive.
- E. For sites with insufficient parking or loading areas to permit suitable maneuvering of vehicles, the Planning Board shall require construction of on-site

turnarounds or hammerheads along the site driveway such that they do not interfere with the public right-of-way or public or private service drive.

- F. Construction of driveways along acceleration or deceleration lanes and tapers is discouraged due to the potential for vehicular weaving conflicts.
- G. Driveways with more than one entry and one exit lane shall incorporate channelization features to separate the entry and exit sides of the driveway. Double yellow lines may be considered instead of medians where truck off-tracking may be a problem.
- H. Driveways across from median openings shall be consolidated wherever feasible to coordinate access at the median opening.
- I. Driveway width and flare shall be adequate to serve the volume of traffic and provide for rapid movement of vehicles off the major thoroughfare, but standards shall not be so excessive as to pose safety hazards for pedestrians, bicycles or other vehicles. Recommended standards for driveway width and flare are as follows:

Trips/Day	1 - 20	21 - 600	601 and above
Trips/Hour	or 1 - 5	or 6 - 60	or 61 and above
Connection Width (2-way)	12' min. 24' max.	24' min. 36' max.	24' min. 36' max.
Flare	NA	NA	NA
Returns	15' min. 25' std. 50' max	25' min. 50' std. 75' max.	25' min. 50' std. 75' max.
Angle of Drive	NA	60 - 90	60 - 90
Divisional Island	NA	4 - 22' wide	4 - 22' wide

- J. No single- or two-family driveway shall have a width of less than nine (9) feet or more than sixteen (16) feet at the Route 22 right-of-way.
- K. The typical commercial driveway design shall include one ingress lane and one egress lane.
- L. Where exit traffic volumes are expected to exceed 100 directional trips per peak hour, or in areas where congestion along the Route 22 Corridor may create additional delays, as determined by the Planning Board, two exit lanes shall be provided.
- M. Where alternatives to a single, two-way driveway are necessary to provide reasonable driveway access to properties fronting Route 22, and shared access or a service drive is not an available option, the following progression of alternatives shall be used:

1. One (1) standard, two-way driveway;
2. Additional ingress/egress lanes on one (1) standard, two-way driveway;
3. Two (2) one-way driveways;
4. Additional ingress/egress lanes on two(2) one-way driveways;
5. Additional driveway(s) on an abutting street with a lower classification;
6. An additional driveway on Route 22.

Restricted turns and roadway modifications will be considered by the Planning Board in conjunction with alternative driveway designs.

- N. The length of driveways or "Throat Length" shall be designed in accordance with the anticipated storage length for entering and existing vehicles to prevent vehicles from backing into the flow of traffic on Route 22 or causing unsafe conflicts with on-site circulation.
1. There shall be a minimum of twenty (20) feet of throat length for entering and exiting vehicles at the intersection of a driveway and pavement of the driveway or service drive as measured from the pavement edge.
 2. For driveways serving between one-hundred (100) and four-hundred (400) vehicles in the peak hour (two-way traffic volumes) the driveways shall provide at least sixty (60) feet of throat length.
 3. For driveways serving more than four hundred (400) vehicles in the peak hour (two way traffic volumes), the driveway throat length shall be determined by a Traffic Impact Study.
 4. In areas where significant pedestrian/bicycle travel is expected, the ingress and egress lanes shall be separated by a 4 to10 feet wide median with a pedestrian refuge area.
- O. In order to ensure smooth traffic circulation on the site, direction signs and pavement markings shall be installed at the driveway(s) in a clearly visible location, and shall be maintained on a permanent basis by the property owner. Directional signs and pavement markings shall conform to the standards in the Federal Highway Administrations *Manual of Uniform Traffic Control Devices*.

145-90. Acceleration and Deceleration Lanes.

- A. Where it can be demonstrated that driveway volumes are expected to exceed 100 peak hour directional trips, the Planning Board may require a right-turn taper, deceleration lane and/or left-turn bypass lane along Route 22.
- B. Where site frontage allows and a right-turn lane is warranted, a taper between 50 and 225 feet may be required.
- C. Where the amount of frontage along Route 22 precludes the construction of a deceleration lane and taper combination entirely within the property lines of a parcel, a request shall be made to the owner of the parcel to allow the installation of a right-turn bay and taper which extends beyond the property line. If permission cannot be obtained from the adjacent property owner for an extension onto that parcel, a taper of at least 75 feet shall be constructed.
- D. A continuous right-turn lane may be required along Route 22 where driveway spacing requirements restrict the use of consecutive turn bays and tapers, and a traffic engineer concludes it can be constructed without being used as a through lane.
- E. Where site frontage allows and large semi-trucks and other slow moving vehicles routinely access the Route 22 Corridor, an acceleration lane may be required by the Planning Board in consultation with NYSDOT.
- F. The acceleration lane shall be designed by a traffic engineer to meet the needs of vehicles using it, topography, sight distance and other relevant factors.
- G. Driveways shall not be permitted within an acceleration lane.

145-91. Requirements for Outparcels and Phased Development Plans.

- A. In the interest of promoting unified access and circulation systems, development sites along the Route 22 Corridor that are under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall not be considered separate properties in relation to the access standards of this Article. The number of connections permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements and stipulations required under Section 145-89 shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this Article and both shall be cited for any violation.

- B. All access to the outparcel must be internalized using the shared circulation system of the principle development or retail center. Access to outparcels shall be designed to avoid excessive movement across parking aisles and queuing across surrounding parking and driving aisles.
- C. The number of outparcels shall not exceed one per ten acres of site area, with a minimum lineal frontage of 300 feet per outparcel or greater where access spacing standards require. This frontage requirement may be waived where access is internalized using the shared circulation system of the principle development. In such cases, the right of direct access shall be dedicated to the Town of Dover and recorded with the deed.

145-92. Parking Area Landscape.

- A. Off-street parking and requirements shall comply with the standards of Section 145-38 of the Zoning Code.
- B. Surface parking lots shall be located to the side or rear of principal buildings. Parking lots and driveways should not dominate the frontage of streets, interrupt pedestrian routes, or negatively impact the environment or surrounding developments. Parking lots should be sufficiently screened with natural landscape, decorative fencing or walls to minimize visual impacts.
- C. Within the HC District only, a maximum of one row of on-site parallel, perpendicular or diagonal parking may be located in front of the principal building but not within the required front yard. If any parking spaces are located in front of the principal building, the minimum front yard setback shall be increased by 30 feet and shall be planted with alternating double rows of trees or, if wooded, left in its natural state.
- D. Surface parking areas should be designed to include internal landscaped islands and exterior landscaped buffer areas to soften the visual impacts of automobiles and asphalt. Parking lots containing more than 40 spaces shall be divided into smaller areas by landscaped islands at least 15 feet wide and not more than 120 feet apart. All islands shall be planted with three-inch minimum caliper shade trees of at least one tree to every 20 linear feet of island. Parking lots containing fewer than 40 spaces shall provide at least one three-inch caliper shade tree per eight parking spaces. Sufficient areas shall also be provided for snow storage and utility strips within the parking areas. Shade tree location should buffer pedestrian circulation routes. All parking lots should be planted with sufficient trees so that at full growth a significant majority of the surface area of the lot is shaded.
- E. On-site pedestrian circulation networks should be designed to provide safe access through the site, especially between buildings and parking areas. Paving and ground surface treatments should reinforce and define pedestrian

circulation direction and patterns. Materials may be simple, but should have a level of patterning and detail through change in materials, color or scoring patterns.

- F. Nighttime illumination should provide for safety and security of residents and visitors. Lighting for parking and vehicle queuing areas should provide adequate illumination for vehicle and pedestrian safety and security while shielding surrounding areas from excessive light trespass and glare.
- G. Lighting within parking lots shall be on low poles of 12 to 15 feet maximum height, with color-corrected lamps and cutoff luminaries designed to minimize light glare and light pollution. Design of poles and luminaries shall be compatible with the style of architecture and adjoining streetscape treatment. Sidewalks leading from parking lots shall be lit with bollard lighting and indirect illumination of buildings and vegetation.

145-93. Emergency Access.

- A. In addition to minimum side, front and rear yard setback and building spacing requirements specified in this code, all buildings and other development activities such as landscaping, shall be arranged on site as to provide safe and convenient access for emergency vehicles.

145-94. Non-Conformance.

- A. Permitted access connections in place as of **THE DATE OF ADOPTION** that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with applicable standards under the following conditions:
 - 1. When new access connection permits are requested;
 - 2. Substantial enlargements or improvements;
 - 3. Significant change in trip generation; or
 - 4. As roadway improvements allow.
- B. If the principal activity on a property with nonconforming access features is discontinued for a consecutive period of one-year or discontinued for any period of time without a present intention of resuming that activity, then that property must thereafter be brought into conformity with all applicable connection spacing and design requirements, unless otherwise exempted by the Planning Board. For uses that are vacant or discontinued upon the effective date of this code, the one-year period begins on the effective date of this code.

- C. Driveways that do not conform to the regulations in this Article, and were constructed before the effective date of this Article, shall be considered legal nonconforming driveways. Existing driveways granted a temporary access permit are legal nonconforming driveways until such time as the temporary access permit expires.

145-95. Site Plan Review Procedures

- A. In addition to the requirements for Site Plan Review set forth in Section 145-65 of the Zoning code, applicants shall submit a preliminary site plan for review of the access management requirements contained in this Article by the Planning Board. At a minimum, the site plan shall show:
 - 1. Location of all existing access point(s) on both side of Route 22 within 500 feet of the property boundary, where applicable;
 - 2. Distances to neighboring constructed access points, median openings, traffic signals, intersections, and other transportation features on both sides of the property;
 - 3. Number and direction of lanes to be constructed on the driveway plus striping plans;
 - 4. All planned transportation features (such as auxiliary lanes, signals, etc.)
 - 5. Trip generation data or appropriate Traffic Impact Studies;
 - 6. Parking and internal circulation plans;
 - 7. Plat map showing property lines, right-of-way, and ownership of abutting properties; and
 - 8. A detailed description of any requested variance and the reason the variance is requested.
- B. Subdivision and site plan review shall address the following access considerations:
 - 1. Is the Route 22 Corridor designed to meet the projected traffic demand?
 - 2. Is access properly placed in relation to sight distance, driveway spacing, and other related considerations including opportunities for joint and cross access? Are entry roads clearly visible from Route 22?
 - 3. Do residential units front on residential access streets rather than the Route 22 Corridor?

4. Is automobile movement within the site provided without having to use the peripheral road network?
 5. Does the road system provide adequate access to buildings for residents, tenants, visitors, deliveries, emergency vehicles and garbage collection?
 6. Have the edges of the Route 22 Corridor been landscaped? If sidewalks are provided along the roadway, have they been set back sufficiently and has a landscaped planting strip between the road and sidewalk been provided?
 7. Does the pedestrian path system link buildings with parking areas, entrances to the development, open space, and recreational and other community facilities?
- C. The Planning Board reserves the right to require traffic and safety analysis where safety is an issue or where significant problems already exist.
- D. After 32 days from filing the application, applicants must be notified by the Planning Board if any additional information is needed to complete the application.
- E. Upon review of the access application, the Planning Board may approve the access application, approve with conditions, or deny the application. This must be done within 124 days of receiving the complete application.
- F. Applications for access to the Route 22 Corridor shall also be reviewed by the New York State Department of Transportation for conformance with state access management standards. Where the applicant requires access to Route 22 and a zoning change, or subdivision or site plan review is also required, development review shall be coordinated in accordance with review procedures established between the Planning Board and the New York State Department of Transportation.
- G. If the application is approved with conditions, the applicant shall resubmit the plan with the conditional changes made. The plan, with submitted changes, will be reviewed within 10 working days and approved or rejected. Second applications may only be rejected if conditional changes are not made.
- H. If the access permit is denied, the Planning Board shall provide an itemized letter detailing why the application has been rejected.
- I. All applicants whose application is approved, or approved with conditions, have 30 days to accept the permit. Applications whose permits are rejected, or approved with conditions, have 60 days to appeal.

145-97. Variance Standards

1. The granting of the variance shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.
2. Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. This shall include proof that:
 - a. Indirect or restricted access cannot be obtained;
 - b. No engineering or construction solutions can be applied to mitigate the condition; and
 - c. No alternative access is available from a street with a lower functional classification than Route 22.
3. Under no circumstances shall a variance be granted, unless not granting the variance would deny all reasonable access, endanger public health, welfare or safety, or cause an exceptional and undue hardship on the applicant. No variance shall be granted where such hardship is self-created.

The Route 22 Corridor Access Management Plan Corridor Overlay Ordinance Town of Amenia, New York

Introduction

The Route 22 Corridor Management Plan (“The Plan”) entailed a multi-year planning effort to develop a plan to guide affected municipalities and the New York State Department of Transportation in making decisions about future land use, site access and transportation proposals along the approximately 40 mile corridor through Dutchess County. One of the major recommendations of the Plan was for the towns involved to incorporate Access Management Tools into their site plan review and land development regulations. As part of the process to develop the Plan, one of the tools to implement the access management concept recommendations is a zoning overlay ordinance. The overlay ordinance is intended to supercede the existing underlying zoning regulations by integrating additional access management techniques into the town’s site plan review and subdivision regulations.

The following text outlines proposed language for development of a Route 22 Corridor Overlay Ordinance for the Town of Amenia, New York. It should be noted that the sections are suggested language, modeled after a variety of other successfully adopted and implemented overlay ordinances, for amendment to the Town’s zoning regulations. The language, content and recommendations herein are recommendations, and should be reviewed by the Town’s appropriate legal council prior to adoption.

Chapter 122 Route 22 Corridor Overlay Ordinance

122.1. Intent and Purpose.

- A. The intent of this Article is to provide for and manage access to land development within the Town of Amenia. This Overlay District for the Route 22 Corridor is designed to support the Town's planning objectives for balancing land development and open space preservation along the roadway, while also preserving the regional flow of traffic in terms of safety, capacity, and travel speeds in accordance with the objectives of the New York State Department of Transportation (NYSDOT). The Route 22 Corridor serves as a primary transportation network through Dutchess County, while also providing access to local commercial and residential development. If access systems along Route 22 are not properly designed in areas targeted for new housing or economic development initiatives, the Corridor could become susceptible to traffic conflicts and congestion. A system of well planned and clearly defined access management strategies will ensure that appropriate and safe access to future development is balanced with the need to accommodate an efficient flow of traffic along the Corridor, while also maintaining the desired character of the community.

The objective of this Ordinance is to balance the right of reasonable access to private property, with the right of the citizens of Dutchess County and the State of New York to safe and efficient travel along the Route 22 Corridor. To achieve this intent, these regulations are set forth to achieve the following goals:

1. Minimize disruptive and potentially hazardous traffic conflicts with new development or redevelopment of existing areas;
2. Reduce traffic accidents, personal injury, and property damage attributable to poorly designed access systems;
3. Ensure safe access by emergency vehicles;
4. Protect the substantial public investment in the street system by preserving roadway capacity and avoiding the need for unnecessary and costly reconstruction which disrupts traffic flow and local business activities;
5. Separate traffic conflict areas by reducing the number of driveways and access points;
6. Provide safe spacing standards between driveways, and between driveways and intersections;

7. Promote better internal circulation patterns on larger non-residential uses and within residential subdivisions along the Route 22 Corridor; and
 8. Encourage shared access between abutting properties
- B. The purpose of these regulations is to improve the safety and operation of the Route 22 Corridor roadway network while protecting the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. These regulations also serve to further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discourage the unplanned subdivision of land.

122.2. Applicability.

- A. The Route 22 Corridor Overlay Ordinance shall apply to all roadway intersections and access points along the entire Route 22 Corridor within the Town of Amenia. The Overlay extends to all properties, access points and intersecting streets which directly abut Route 22 or that lie within 400 feet of the Route 22 right-of-way edge, extending in either direction.
- B. All lots hereafter created and all structures hereafter created, altered or moved on the following properties shall conform to the requirements set forth in this Overlay Ordinance:
1. All existing properties that directly abut the Route 22 Corridor;
 2. All properties and future subdivisions that have access, will have access, or are proposing to have access to the Route 22 Corridor; and
 3. Any property, a portion of which lies within 400 feet from the edge of the Route 22 Corridor right-of-way, extending in either direction.
- C. The following regulations supercede otherwise applicable regulations of the specific underlying zoning districts beneath the Route 22 Corridor Overlay Zone. Where conflicts or inconsistencies between this Overlay and the underlying zoning districts may occur, the regulations set forth herein shall apply.

122.3. Application.

- A. The standards of this Ordinance shall be applied by the Planning Board during site plan review and by the NYSDOT during access permitting, as is appropriate to the application, upon referral from the Zoning Officer. The Planning Board and NYSDOT shall make written findings of nonconformance, conformance, or conformance if certain conditions are met with the standards of this Ordinance prior to disapproving or approving a site plan per the requirements of Section 121.26. The Town of Amenia shall coordinate its review of the access elements of

a subdivision or site plan with the New York State Department of Transportation (NYSDOT) prior to making a decision on an application. The approval of a subdivision or site plan does not negate the responsibility of an applicant to subsequently secure access permits from NYSDOT.

- B. The Planning Board shall take no action on a request for a new road, driveway, shared access, or a service drive that connects to the Route 22 Corridor without first consulting with NYSDOT as outlined in Section 122.21. Complete applications shall be received at least 45 days before the Planning Board meeting at which action is to be taken. Application requirements for this Article are outlined in Section 122.21. If the initial review of the application by the Planning Board reveals noncompliance with the standards of this Article, or if the proposed land use exceeds the traffic generation thresholds in Section 122.6, then the Planning Board shall require submittal of a Traffic Impact Study as described below prior to consideration of the application.
- C. At a minimum the Traffic Impact Study shall contain the following:
 - 1. Analysis of existing traffic conditions and/or site restrictions using current data.
 - 2. Projected trip generation of the development and distribution of automobile trips along the Route 22 Corridor based on the most recent edition of the Institute of Transportation Engineers *Trip Generation Manual*. The Planning Board or NYSDOT may approve the use of other trip generation data if based on recent studies of at least three (3) similar uses within similar locations in the State of New York.
 - 3. Illustrations of current and projected turning movements at access points, including identification of the development and its proposed access on the Route 22 Corridor and abutting streets if applicable. Capacity analysis shall be completed based on the most recent version of the *Highway Capacity Manual* published by the Transportation Research Board, and shall be provided in an appendix to the Traffic Impact Study.
 - 4. Description of the internal vehicular circulation and parking system for passenger vehicles, delivery trucks and service vehicles, as well as the circulation system for pedestrians, bicycles and transit users.
 - 5. Justification of need, including statements describing how any additional access to the Route 22 Corridor will meet the intent of this Article, will be consistent with the Route 22 Corridor Management Plan and the Town of Amenia Master Plan, and that the additional access points will not compromise public safety, reduce capacity or impede efficient traffic operations along the Route 22 roadway.

6. Qualification and documented experience of the author of the Traffic Impact Study, describing experience of preparing traffic impact studies in the State of New York. The preparer shall be either a registered traffic engineer or transportation planner licensed in State of New York and as required by law. If the Traffic Impact Study involves geometric design, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.
- D. The Town of Amenia may utilize its own traffic consultant to review the applicant's Traffic Impact Study, with the cost of the review being born by the applicant in accordance with Section 121.36 of the Zoning Ordinance.
 - E. Failure by the applicant to begin construction of an approved road, driveway, shared access, service drive or other access arrangement within twelve (12) months from the date of approval shall void the approval and a new application is required.
 - F. The Zoning Officer shall inspect the approved road, driveway, shared access, service drive or other access arrangement as constructed for conformance with the standards of this Ordinance and any approval granted under it, prior to issuance of a Certificate of Occupancy.

122.4. Conformance.

- A. This Ordinance is adopted to implement access management policies set forth in the Route 22 Corridor Management Plan for Dutchess County. In addition, this Ordinance conforms with goals and planning objectives of NYSDOT set forth in the New York Statewide Transportation Plan. The Route 22 Corridor Management Plan also advances the Dutchess County Greenway Connections Program that seeks to build a network of connecting routes and improve development patterns in the County. The ordinance also conforms with the access standards of the New York Department of Transportation, and policy and planning directives of the Federal Highway Administration.

122.5. Definitions.

The following definitions apply to the Route 22 Corridor Overlay Zone ordinance.

Access -- A way or means of approach to provide vehicular or pedestrian entrance or exit to a property from an abutting property or a public roadway.

Access Connection -- Any driveway, street, road turnout or other means of providing for the movement of vehicles to or from the public road system or between abutting sites.

Access Management -- The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting roadway system.

Access Management Plan -- A plan establishing the preferred location and design of access for properties along a roadway. It may be a freestanding document, or a part of a community master or comprehensive plan, or a part of a corridor management plan.

Access Point -- a) The connection of a driveway at the right-of-way line to a road. b) A road, driveway, shared access or service drive.

Acceleration Lane -- A speed-changing lane, including taper, for the purpose of enabling a vehicle entering the roadway to increase its speed to a rate at which it can safely merge with through traffic.

Alternative Means of Access -- A shared driveway, frontage road, rear service drive or connected parking lot.

Boulevard -- A roadway with a raised median or other separation treatment between opposing travel lanes, which generally includes trees and landscaped ground cover.

Channelized or Channelizing Island -- An area within the roadway or a driveway not for vehicular movement; designed to control and direct specific movements of traffic to definite channels. The island may be defined by paint, raised bars, curbs, or other devices.

Conflict -- A traffic event that causes evasive action by a driver to avoid collision with another vehicle, bicycle or pedestrian.

Conflict Point -- An area where intersecting traffic either merges, diverges, or crosses.

Connected Parking Lots -- Two or more parking lots that are connected by cross access.

Corner Clearance -- The distance from an intersection of a driveway with a public or private road or street to the nearest access connection on the arterial, measured from the closest edge of the driveway pavement to the closest edge of the arterial pavement.

Corridor Overlay Zone -- A zoning district that provides special requirements in addition to those regulations of the underlying zoning district.

Cross Access -- A service road or driveway providing vehicular access between two or more contiguous sites so drivers need not enter the public road system.

Cross Street -- A street or road which intersects a main arterial.

Deceleration Lane -- A speed-change lane, including a taper, for the purpose of enabling a vehicle to leave the through traffic lane at a speed equal to or slightly less than the speed of traffic in the through lane and to decelerate to a stop or to execute a slow speed turn.

Divided Driveway -- A driveway with a raised median between ingress and egress lanes.

Driveway -- Land situated on a lot used or intended to be used to provide access to it by vehicular traffic.

Driveway Flare -- A triangular pavement surface at the intersection of a driveway with a public street or road that facilitates turning movements and is used to replicate the turning radius in areas with curb and gutter construction.

Driveway Return Radius -- A circular pavement transition at the intersection of a driveway with a street or road that facilitates turning movements to and from the driveway.

Driveway, Shared -- A driveway connecting two or more contiguous properties to the public road system.

Driveway Spacing -- The distance between driveways as measured from the edge of one driveway to the edge of another driveway along the same side of the street or road.

Driveway Width -- Narrowest width of a driveway measured perpendicular to the centerline of the driveway.

Egress -- The exit of vehicular traffic from abutting properties to a street or road.

Frontage Road or Front Service Drive -- A local street/road or private road typically located in front of principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

Functional Classification -- A system used to group public roads into classes according to their purpose in moving vehicles and providing access to abutting properties.

Ingress -- The entrance of vehicular traffic to abutting properties from a roadway.

Intersection -- The location where two or more roadways cross at grade without a bridge.

Lane -- The portion of a roadway for the movement of a single line of vehicles which does not include the gutter or shoulder of the roadway.

Lot – A piece, parcel, or plot of land occupied or designed to be occupied by a principal building and its accessory building or building and including the yards and open spaces required by the Zoning regulations.

Lot, Corner – A lot which has an interior angle of less than 135 degrees at the intersection of two street lot lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at points beginning within the lot or at the points of intersection of the side lot lines which the street line intersect at an interior angle of less than 135 degrees.

Lot, Depth – The horizontal distance from the street line of the lot to its opposite rear line measured along the median between the two side lot lines.

Lot, Flag – A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

Lot, Through – A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

Lot Frontage – That portion of a lot extending along a street right-of-way line.

Lot, Width – The distance between the side lot lines measured along the front building line as determined by the front yard requirement prescribed in the Zoning regulations.

Minor Subdivision -- A subdivision of land into not more than two lots where there are no roadways, drainage or other required improvements.

Median -- The portion of a divided roadway or divided entrance separating the traveled ways from opposing traffic. Medians may be depressed, painted or raised with a physical barrier, and may be landscaped.

Median Opening -- A gap in a median provided for crossing and turning traffic.

Nonconforming Access -- Features of the access system of a property that existed prior to the effective date of this Ordinance and that do not conform with the requirements contained herein; or, in some cases, elements of approved access that are allowed by means of a temporary permit or on a conditional basis until alternative access meeting the terms of this Ordinance becomes available.

Peak Hour Trips (PHT) -- A weighted average vehicle trip generation rate during the hour of highest volume of traffic entering and exiting the site in the morning (a.m.) or the afternoon (p.m.).

Reasonable Access: The minimum number of access connections, direct or indirect, necessary to provide safe access to and from a public road. Reasonable access does not necessarily mean direct access.

Rear Service Drive -- A local street/road or private road typically located behind principal buildings and parallel to an arterial for service to abutting properties.

Right-of-Way -- A general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes.

Road -- A way for vehicular traffic, whether designated as a "street", "highway", "thoroughfare", "parkway", "through-way", "avenue", "boulevard", "lane", "cul-de-sac", "place", or otherwise designated, and includes the entire area within the right-of-way.

Roadway -- That portion of a street, road or highway improved, designed or ordinarily used for vehicular travel exclusive of the berm or shoulder.

Secondary Street or Side Street -- A street or road with a lower functional classification than the intersecting street or road (e.g. a local street is a side or secondary street when intersecting with a collector or arterial).

Shared Driveway or Common Driveway -- See Driveway, Shared.

Shoulder -- The portion of a public road contiguous to the traveled way for the accommodation of disabled vehicles and for emergency use.

Sight Distance -- The distance of unobstructed view for the driver of a vehicle, as measured along the normal travel path of a roadway to a specified height above the roadway.

Street -- Any public way greater than twenty (20) feet in width which is dedicated to public travel?

Taper -- A triangular pavement surface that transitions the roadway pavement to accommodate an auxiliary lane.

Temporary Access -- Provision of direct access to a road until that time when adjacent properties develop in accordance with a joint access agreement, service road, or other shared access arrangement.

Throat Length -- The distance parallel to the centerline of a driveway to the first on-site location at which a driver can make a right-turn or a left-turn. On roadways with curb and gutter, the throat length shall be measured from the face of the curb. On roadways without a curb and gutter, the throat length shall be measured from the edge of the paved shoulder.

Trip Generation – The estimated total number of vehicle trip ends produced by a specific land use or activity. Trip generation is estimated through the use of trip rates that are based upon the type and intensity of development.

Undivided Roadway – A roadway having access on both sides of the direction of travel, including roadways having center two-way left-turn lanes.

122.6. Route 22 Corridor Access Management Overlay.

- A. Future development along the Route 22 Corridor shall comply with all applicable local zoning, subdivision and land use plans, with emphasis given to promoting preservation of large tracts of intact open space land in order to maintain the rural appearance and environmental resources in the Town of Amenia. Where feasible, use of cluster subdivisions and protection of environmentally sensitive areas in accordance with Greenway Connections guidance, in addition to other land use preservation strategies, should be emphasized along with the access management strategies contained in this Article.
- B. The minimum lot frontage for all parcels with frontage on the Route 22 Corridor shall not be less than the minimum connection spacing standards as stated in Section 122.8 B. Flag lots shall not be permitted direct access to the Route 22 Corridor except in accordance with the provisions of Section 122.11, and interior parcels shall be required to obtain access via a public or private access road in accordance with the requirements of this Article.
- C. The following requirements apply to segments of the Route 22 Corridor that have the potential for larger scale commercial, office or industrial development, or residential subdivisions. All land in a parcel having a single tax code number, as of **DATE OF ADOPTION**, fronting on Route 22, shall be entitled to one (1) driveway/ connection per parcel as of right onto Route 22, unless a variance or special conditions are approved by the Planning Board due to extenuating circumstances described in subsequent sections of this Article. Contiguous properties under one ownership or parcels consolidated for unified development will be considered as one parcel for purposes of this Ordinance. When subsequently subdivided, either as metes and bounds parcels or as a recorded plat, parcels designated herein shall provide access to all newly created lots via the permitted access connection. This may be achieved through establishment of subdivision roads, joint or cross access, service drives, and other reasonable means of ingress and egress in accordance with the requirements of this Article. The following standards shall also apply.
 - 1. Parcels with large frontages may be permitted additional driveways provided that they are consistent with applicable driveway spacing standards set forth in Section 122.8, or provided that a registered traffic

engineer determines that topographic conditions on the site, curvature on the road, or sight distance limitations demonstrate a second driveway within a lesser distance is safer or the nature of the land use to be served requires a second driveway for safety. If the parcel is a corner lot and a second driveway is warranted, the second drive way shall have access from the abutting secondary street.

2. Certain developments may generate enough traffic to warrant consideration of an additional driveway to reduce delays for motorists exiting the Route 22 Corridor. Where possible, these second access points shall be located on a side street or service drive, shared with adjacent uses, or designed for right-turn-in/right-turn-out only movements and shall meet the spacing requirements of this Article. In order to be considered for a second driveway on Route 22, combined approach volumes (entering and exiting) of a proposed development should exceed 100 directional trips during the peak hour of traffic and a Traffic Impact Study shall be performed.
3. Existing parcels with frontage less than the minimum connection spacing requirements may not be permitted a direct connection to Route 22 under this Section where the Planning Board determines that alternative reasonable access is available to the site or the Planning Board allows for a temporary driveway with the stipulation that joint and cross access be established as adjacent properties develop.
4. Except for shared driveways, existing driveways that do not comply with the requirements of this Article shall be closed when an application for a change of use, a zoning permit or a site plan requiring approval is submitted and once approval of a new means of access under this Article is granted. A closed driveway shall be graded and landscaped to conform with adjacent land and any curb cut shall be filled in with curb and gutter as appropriate to the context of that segment of the Route 22 Corridor.
5. A temporary access permit may be issued for field entrances for cultivated land, undeveloped land, as well as for uses at which no one resides or works such as cellular towers, water wells, pumping stations, utility transformers, and similar uses. Field-entrance and utility-structure driveways will be reviewed on a case-by-case basis. The review shall take into account the proximity of adjacent driveways and intersecting streets, as well as traffic volumes along the Route 22 roadway.
6. Additional access connections may be allowed where the property owner demonstrates that safety and efficiency of travel on Route 22 will be improved by providing more than one access to the site.
7. No parking or structure other than signs shall be permitted within 20 feet of the Route 22 right-of-way. The 20 foot buffer shall be landscaped with plants

suitable to the soil and in a manner that provides adequate sight visibility for vehicles exiting the site. Property owners are encouraged to landscape the right-of-way, pursuant to an approved landscaping plan approved by the Planning Board during site plan review as set forth in Section 121.26 of the Zoning Law.

- 8. On all properties that abut the roadway, separate safe access for pedestrians and bicycles shall be provided on a sidewalk or paved path that generally parallels the Route 22 Corridor. The sidewalk or path shall be located within the 20 foot buffer adjacent to the Route 22 right-of-way and shall be separated from the roadway by a landscaped strip of no less than five (5) feet in width. Additional connections shall be located adjacent to driveways or service drives, to provide safe on-site connections for pedestrians and bicycles.

122.7. Permitted Land Uses.

Land uses within the Route 22 Corridor Overlay Zone are those permitted in the underlying zoning classifications and the dimensional requirements for properties abutting the Corridor.

122.8. Driveway Control.

All lots hereafter created and all structures hereafter created, altered or moved on property with frontage or access to the Route 22 Corridor that is subject to regulation per Section 122.2 shall conform with the following requirements:

- A. Minimum driveway spacing shall be based on the minimum sight distance required for the vehicular speed limit of the road segment along the Route 22 Corridor. The vehicular speed for sight distance determination shall be the greater of the design speed or the posted speed unless the NYSDOT determines that the 85th percentile speed is less.
- B. Separation between access connections shall be based on the posted speed limit or the design speed as noted below:

Posted Speed Limit (MPH)	Driveway Spacing (Feet)
≤ 35	250
40	300
45	360
50	425
55	500

C. For new sites with insufficient road frontage to meet the required spacing, the Planning Board shall require one of the following:

1. Construction of the driveway along a side street;
2. A shared driveway with an adjacent property;
3. Construction of a driveway along the property line farthest from the intersection, or a service drive as described in Section 122.15.

The Planning Board may grant temporary access approval until such time that minimum spacing requirements can be met, or alternative access meeting the requirements of this Article is approved.

- D. The street giving access to the lot shall have traffic carrying capacity and roadway improvements that are sufficient to accommodate the amount and types of traffic, taking into account access to existing uses along the street and existing traffic projected to the date of occupancy of the site. Roadway, traffic management and other deficiencies in the street giving access, including mitigation to prevent further cut-through traffic on adjacent side-streets as applicable, shall be remedied by the applicant.
- E. Driveway spacing shall be measured from the closest edge of the pavement to the next closest edge of the pavement. The projected future edge of the pavement of the intersecting road shall be used in measuring corner clearance, where widening, relocation, or other improvement is indicated in an adopted five year Transportation Improvement Plan of the Poughkeepsie-Dutchess County Transportation Council.
- F. The Planning Board or NYSDOT may reduce the spacing requirements in situations where they prove impractical, but in no case shall the permitted spacing be less than 85 percent of the applicable standard, except as provided in Section 122.22.
- G. If the connection spacing of this Article cannot be achieved, then a system of joint use driveways and cross access easements may be required in accordance with Section 122.13.
- H. Variation from these standards shall be permitted at the discretion of the Planning Board where the effect would be to enhance the safety or operation of the Route 22 roadway. Examples might include:
1. A pair of one-way driveways in lieu of a single two-way driveway; or
 2. The alignment of median openings with existing access connections.

Applicants may be required to submit a Traffic Impact Study prepared by a registered engineer to assist the Town of Amenia in determining whether the proposed change would exceed roadway safety or operational benefits of the prescribed standard.

122.9. Corner Clearance.

- A. All single- and two-family residential driveways abutting the Route 22 Corridor shall be separated from the nearest right-of-way of an intersecting street by at least 150 feet.
- B. Driveways for all other land uses abutting the Route 22 Corridor shall be separated from the nearest right-of-way of an intersecting street as follows:

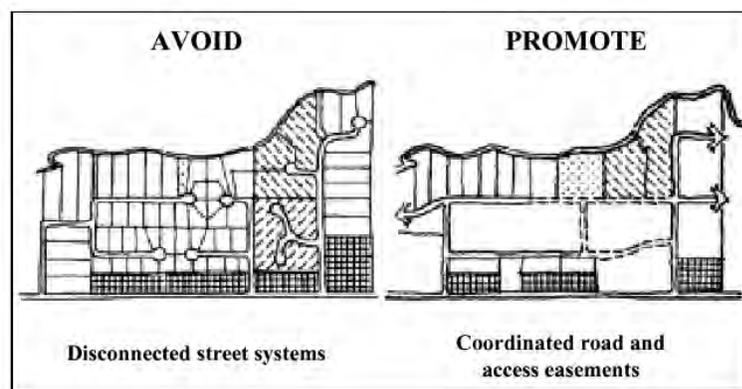
Location of Access Point	Min. Spacing for a Full Movement Driveway	Min. Spacing for Channelized Right-in or Right-out Driveway
<u>Along Route 22 from:</u>		
Railroad Crossings	600 feet	600 feet
Bridges	600 feet	600 feet
Median Openings	75 feet	75 feet
From another Intersecting Arterial	300 feet	125 feet
From an Intersecting Collector or Local Street	200 feet	125 feet

- C. Access point spacing from intersections shall be measured from the edge of pavement of the driveway to the extended edge of the travel lane on the intersecting street.
- D. If the amount of lot frontage is not sufficient to meet the above criteria, the driveway shall be constructed along the property line farthest from the intersection to encourage future shared use, only if a frontage road, shared access or rear service drive is not feasible as described in Section 122.13.
- E. Driveways on a secondary street that intersects the Route 22 Corridor shall be located so as not to interfere with safe traffic operations at the intersection with the Corridor and the secondary street as follows:
 - 1. Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for the Corridor, measured from the edge of the pavement. The projected future edge of the pavement of the intersecting road shall be used in measuring corner clearance

2. New connections shall not be permitted within the functional area of an intersection as defined by the connection spacing standards of this Article, unless:
 - a. No other reasonable access to the property, including shared access, is available, and
 - b. The Planning Board determines that the connection does not create a safety or operational problem upon review of a site-specific study of the proposed connection prepared by a registered engineer and submitted by the applicant.
3. Where no other alternatives exist, the Planning Board may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e. right in/out, right in only, or right out only) may be required.
4. In addition to the required minimum lot size, all corner lots shall be of adequate size provide for required front yard setbacks and corner clearances on all street frontages.

122.10. Reverse Frontage.

1. Properties on the Route 22 Corridor that have double street frontage are discouraged from having access to Route 22.
2. When a residential subdivision is proposed that would abut the Route 22 Corridor, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road. Access rights of these lots to the arterial shall be dedicated to the Town of Amenia and recorded with the deed. A berm or buffer yard may be required at the rear of the through lots to buffer residences from traffic on Route 22. The berm or buffer yard shall not be located within the public right-of-way.



Source: Iowa Access Management Handbook

122.11. Flag Lot Standards.

- A. Flag lots shall not be permitted when their effect would be to increase the number of properties requiring direct and individual access connections to the Route 22 Corridor.
- B. Flag lots may be permitted for residential development, when deemed necessary to achieve planning objectives, such as encouraging the use of clustered subdivisions, preserving natural or historic resources, or providing internal platted lots with access to a public or private residential street under the following conditions:
 - 1. Flag lot driveways shall be separated by at least twice the minimum frontage requirements of the underlying zoning district.
 - 2. The flag driveway shall have a minimum width of 20 feet and a maximum width of 50 feet.
 - 3. In no instance shall flag lots constitute more than 10 percent of the total number of building sites in a recorded or unrecorded plat, or three lots, whichever is greater.
 - 4. The lot area occupied by the flag driveway shall not be counted as part of the required minimum lot area of the underlying zoning district.
 - 5. No more than one flag lot shall be permitted per private right-of-way or access easement.

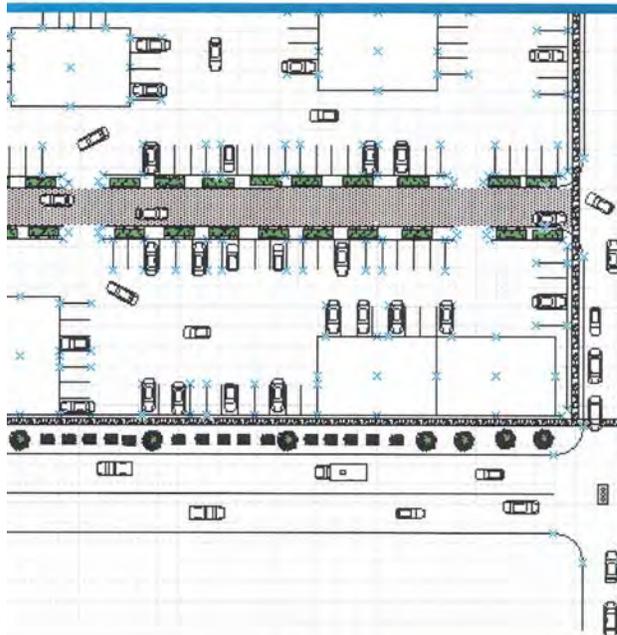
122.12. Lot-to-Depth Ratios.

- A. To provide for proper site design and to prevent the creation of irregularly shaped parcels, the depth of any lot or parcel along the Route 22 Corridor shall not exceed 3 times its width, or 4 times its width in agricultural or dedicated open space areas.

122.13. Shared Access.

- A. Sharing or joint use of a driveway by two or more property owners shall be encouraged. In cases where access is restricted by the spacing requirements of Section 122.8, a shared driveway may be the only access design allowed. The shared driveway shall be constructed at the midpoint between the two properties unless a written easement is provided which allows traffic to travel across one parcel to access another and/or to access a public street.
- B. Residential subdivisions with frontage on Route 22 shall be designed with shared access points to and from the highway. Normally a maximum of two accesses shall be allowed along the Route 22 Corridor regardless of the spacing requirements for driveways or access points, the number of residential lots or units, or the number of businesses located within the subdivision.
- C. Subdivisions with a single residential access street that ends in a cul-de-sac shall not exceed 25 lots or dwelling units.
- D. Private cross access easements may be required across any lot fronting on Route 22 in order to minimize the number of access points and facilitate access between and across individual lots. The location and dimension of said easement shall be determined by the Planning Board.
- E. Frontage roads or rear service drives shall be encouraged, especially for locations where multiple driveways or access points will be required, and where connections to side streets are available. In addition to access along a rear service drive, a direct connection to Route 22 may be allowed, provided that the driveways meet the spacing requirements of Section 122.8.
- F. Adjacent commercial or office properties are encouraged to provide a cross access drive and pedestrian access connections to allow circulation between sites.
- G. A system of joint use driveways and cross access easements shall be established wherever feasible along the Route 22 Corridor and the building sites shall incorporate the following:
 - 1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation and enhanced management of access points;

2. Service drives or cross access corridors shall have a design speed of 10 mph and be of sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles;
3. Stub-outs, internal roadway medians or other design features to make it visually obvious that abutting properties may be tied in to provide cross-access via a service drive;
4. A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.



Source: New York State Department of Transportation

- H. Shared parking areas shall be permitted a reduction in required parking spaces if peak demand periods for proposed land uses do not occur at the same time periods.
- I. Where shared access, frontage roads, cross access easements or rear service drives are provided for access to multiple commercial properties, clearly defined business identification signage and circulation directional signage shall be provided on the site to facilitate safe and efficient access and informational needs of visitors.
- J. Pursuant to this section, property owners shall:
 1. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;

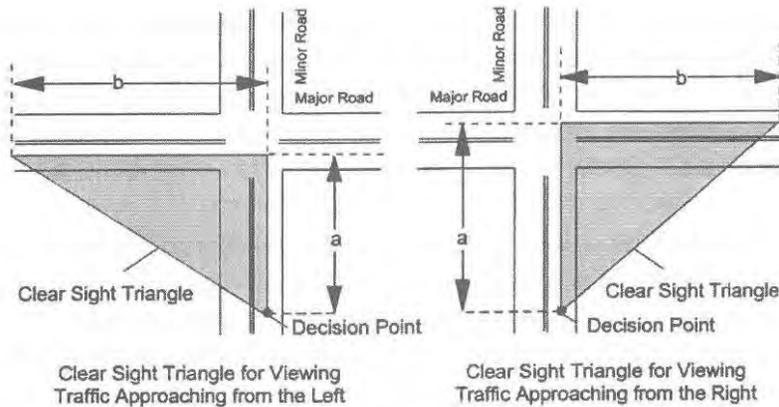
2. Record an agreement with the deed that remaining access rights along the thoroughfare will be dedicated to the Town of Amenia and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
 3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
- K. The Planning Board may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical

122.14. Connectivity.

- A. The street system of a proposed subdivision shall be designed to coordinate with existing, proposed and planned streets outside of the subdivision as provided in this section.
- B. Wherever a proposed development abuts unplatted land or a future phase of the same development, street stubs shall be provided as deemed necessary by the Planning Board to provide access to abutting properties or to logically extend the street system to the surrounding area. All street stubs shall be provided with temporary turn-around or cul-de-sacs unless specifically exempted by the Planning Board, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.
- C. Subcollector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or to facilitate emergency access and evacuation. Such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

122.15. Access Connections and Driveway Design.

- A. Driveway and intersection approaches must be designed and located to provide an exiting vehicle with an unobstructed view. In order to provide a clear view to the motorist, there shall be a triangular area of visibility formed by two intersecting streets of the intersection of a driveway with Route 22. Nothing shall be erected, placed, parked, planted or allowed to grow in such a manner as to materially impede the vision between a height of two feet and ten feet above grade, measured at the centerline of the intersection. The clear visibility triangle shall be formed by connecting a point on each street centerline, to be located a distance of 55 feet from the street centerlines and a third line connecting the two points.



Source: "A Policy on Geometric Design of Highways and Streets – 2001" The American Association of State Highway and Transportation Officials

- B. In order to prevent left-turn conflicts, driveways shall be perpendicular to the Route 22 Corridor and shall line up with existing or planned driveways on the opposite side of the road wherever facing lots are not separated by a median, unless doing so in a particular case is substantially demonstrated by a registered traffic engineer to be unsafe.
- C. Driveway access to the Route 22 Corridor shall not be permitted for parking or loading areas that require backing maneuvers into the public right-of-way or onto a public or private service drive.
- D. For sites with insufficient parking or loading areas to permit suitable maneuvering of vehicles, the Planning Board shall require construction of on-site turnarounds or hammerheads along the site driveway such that they do not interfere with the public right-of-way or public or private service drive.
- E. Where appropriate to the surrounding context, and approved by the Planning Board, definition and design of driveways may allow for use of landscape,

planters, ornamental fencing or other “non-fixed” elements in lieu of curb and gutter and other structural channelization elements. Use of non-fixed elements shall only be permitted where public safety could be compromised where use of fixed elements creates barriers in areas of higher traffic speeds. Use of non-fixed driveway definition elements shall reflect a high quality aesthetic design and shall be sufficiently maintained by the property owner.

- F. Construction of driveways along acceleration or deceleration lanes and tapers is discouraged due to the potential for vehicular weaving conflicts.
- G. Driveways with more than one entry and one exit lane shall incorporate channelization features to separate the entry and exit sides of the driveway. Double yellow lines may be considered instead of medians where truck off-tracking may be a problem.
- H. Driveways across from median openings shall be consolidated wherever feasible to coordinate access at the median opening.
- I. Driveway width and flare shall be adequate to serve the volume of traffic and provide for rapid movement of vehicles off the major thoroughfare, but standards shall not be so excessive as to pose safety hazards for pedestrians, bicycles or other vehicles. Recommended standards for driveway width and flare are as follows:

Trips/Day	1 - 20	21 - 600	601 and above
Trips/Hour	or 1 - 5	or 6 - 60	or 61 and above
Connection Width (2-way)	12' min. 24' max.	24' min. 36' max.	24' min. 36' max.
Flare	NA	NA	NA
Returns	15' min. 25' std. 50' max	25' min. 50' std. 75' max.	25' min. 50' std. 75' max.
Angle of Drive	NA	60 - 90	60 - 90
Divisional Island	NA	4 - 22' wide	4 - 22' wide

- J. No single- or two-family driveway shall have a width of less than nine (9) feet or more than sixteen (16) feet at the Route 22 right-of-way.
- K. The typical commercial driveway design shall include one ingress lane and one egress lane.
- L. Where exit traffic volumes are expected to exceed 100 directional trips per peak hour, or in areas where congestion along the Route 22 Corridor may create additional delays, as determined by the Planning Board, two exit lanes shall be provided.

M. Where alternatives to a single, two-way driveway are necessary to provide reasonable driveway access to properties fronting Route 22, and shared access or a service drive is not an available option, the following progression of alternatives shall be used:

1. One (1) standard, two-way driveway;
2. Additional ingress/egress lanes on one (1) standard, two-way driveway;
3. Two (2) one-way driveways;
4. Additional ingress/egress lanes on two(2) one-way driveways;
5. Additional driveway(s) on an abutting street with a lower classification;
6. An additional driveway on Route 22.

Restricted turns and roadway modifications will be considered by the Planning Board in conjunction with alternative driveway designs.

N. The length of driveways or "Throat Length" shall be designed in accordance with the anticipated storage length for entering and existing vehicles to prevent vehicles from backing into the flow of traffic on Route 22 or causing unsafe conflicts with on-site circulation.

1. There shall be a minimum of twenty (20) feet of throat length for entering and exiting vehicles at the intersection of a driveway and pavement of the driveway or service drive as measured from the pavement edge.
2. For driveways serving between one-hundred (100) and four-hundred (400) vehicles in the peak hour (two-way traffic volumes) the driveways shall provide at least sixty (60) feet of throat length.
3. For driveways serving more than four hundred (400) vehicles in the peak hour (two way traffic volumes), the driveway throat length shall be determined by a Traffic Impact Study.
4. In areas where significant pedestrian/bicycle travel is expected, the ingress and egress lanes shall be separated by a 4 to10 feet wide median with a pedestrian refuge area.

O. In order to ensure smooth traffic circulation on the site, direction signs and pavement markings shall be installed at the driveway(s) in a clearly visible location, and shall be maintained on a permanent basis by the property owner. Directional signs and pavement markings shall conform to the standards in the Federal Highway Administrations *Manual of Uniform Traffic Control Devices*.

122.16. Acceleration and Deceleration Lanes.

- A. Where it can be demonstrated that driveway volumes are expected to exceed 100 peak hour directional trips, the Planning Board may require a right-turn taper, deceleration lane and/or left-turn bypass lane along Route 22.
- B. Where site frontage allows and a right-turn lane is warranted, a taper between 50 and 225 feet may be required.
- C. Where the amount of frontage along Route 22 precludes the construction of a deceleration lane and taper combination entirely within the property lines of a parcel, a request shall be made to the owner of the parcel to allow the installation of a right-turn bay and taper which extends beyond the property line. If permission cannot be obtained from the adjacent property owner for an extension onto that parcel, a taper of at least 75 feet shall be constructed.
- D. A continuous right-turn lane may be required along Route 22 where driveway spacing requirements restrict the use of consecutive turn bays and tapers, and a traffic engineer concludes it can be constructed without being used as a through lane.
- E. Where site frontage allows and large semi-trucks and other slow moving vehicles routinely access the Route 22 Corridor, an acceleration lane may be required by the Planning Board in consultation with NYSDOT.
- F. The acceleration lane shall be designed by a traffic engineer to meet the needs of vehicles using it, topography, sight distance and other relevant factors.
- G. Driveways shall not be permitted within an acceleration lane.

122.17. Requirements for Outparcels and Phased Development Plans.

- A. In the interest of promoting unified access and circulation systems, development sites along the Route 22 Corridor that are under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall not be considered separate properties in relation to the access standards of this Article. The number of connections permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements and stipulations required under Section 122.15 shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this Article and both shall be cited for any violation.
- B. All access to the outparcel must be internalized using the shared circulation system of the principle development or retail center. Access to outparcels shall be

designed to avoid excessive movement across parking aisles and queuing across surrounding parking and driving aisles.

- C. The number of outparcels shall not exceed one per ten acres of site area, with a minimum lineal frontage of 300 feet per outparcel or greater where access spacing standards require. This frontage requirement may be waived where access is internalized using the shared circulation system of the principle development. In such cases, the right of direct access shall be dedicated to the Town of Amenia and recorded with the deed.

122.18. Parking Area Landscape.

- A. Surface parking lots shall be located to the side or rear of buildings. Parking lots and driveways should not dominate the frontage of streets, interrupt pedestrian routes, or negatively impact the environment or surrounding developments. Parking lots should be sufficiently screened with natural landscape, decorative fencing or walls to minimize visual impacts.
- B. Surface parking areas should be designed to include internal landscaped islands and exterior landscaped buffer areas to soften the visual impacts of automobiles and asphalt. Sufficient areas shall also be provided for snow storage and utility strips within the parking areas. Shade tree location should buffer pedestrian circulation routes. All parking lots should be planted with sufficient trees so that at full growth a significant majority of the surface area of the lot is shaded.
- C. On-site pedestrian circulation networks should be designed to provide safe access through the site, especially between buildings and parking areas. Paving and ground surface treatments should reinforce and define pedestrian circulation direction and patterns. Materials may be simple, but should have a level of patterning and detail through change in materials, color or scoring patterns.
- D. Nighttime illumination should provide for safety and security of residents and visitors. Lighting for parking and vehicle queuing areas should provide adequate illumination for vehicle and pedestrian safety and security while shielding surrounding areas from excessive light trespass and glare.

122.19. Emergency Access.

- 1. In addition to minimum side, front and rear yard setback and building spacing requirements specified in this code, all buildings and other development activities such as landscaping, shall be arranged on site as to provide safe and convenient access for emergency vehicles.

122.20. Non-Conformance.

- A. Permitted access connections in place as of **THE DATE OF ADOPTION** that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with applicable standards under the following conditions:
1. When new access connection permits are requested;
 2. Substantial enlargements or improvements;
 3. Significant change in trip generation; or
 4. As roadway improvements allow.
- B. If the principal activity on a property with nonconforming access features is discontinued for a consecutive period of one-year or discontinued for any period of time without a present intention of resuming that activity, then that property must thereafter be brought into conformity with all applicable connection spacing and design requirements, unless otherwise exempted by the Planning Board. For uses that are vacant or discontinued upon the effective date of this code, the one-year period begins on the effective date of this code.
- C. Driveways that do not conform to the regulations in this Article, and were constructed before the effective date of this Article, shall be considered legal nonconforming driveways. Existing driveways granted a temporary access permit are legal nonconforming driveways until such time as the temporary access permit expires.

122.21. Site Plan Review Procedures.

- A. Applicants shall submit a preliminary site plan for review by the Planning Board. At a minimum, the site plan shall show:
1. Location of all existing access point(s) on both side of Route 22 within 500 feet of the property boundary where applicable;
 2. Distances to neighboring constructed access points, median openings, traffic signals, intersections, and other transportation features on both sides of the property;
 3. Number and direction of lanes to be constructed on the driveway plus striping plans;
 4. All planned transportation features (such as auxiliary lanes, signals, etc.)

5. Trip generation data or appropriate Traffic Impact Studies;
 6. Parking and internal circulation plans;
 7. A landscaping plan in conformance with Section 121.26 of the Zoning regulations;
 8. Plat map showing property lines, right-of-way, and ownership of abutting properties; and
 9. A detailed description of any requested variance and the reason the variance is requested.
- B. Subdivision and site plan review shall address the following access considerations:
1. Is the Route 22 Corridor designed to meet the projected traffic demand?
 2. Is access properly placed in relation to sight distance, driveway spacing, and other related considerations including opportunities for joint and cross access? Are entry roads clearly visible from Route 22?
 3. Do residential units front on residential access streets rather than the Route 22 Corridor?
 4. Is automobile movement within the site provided without having to use the peripheral road network?
 5. Does the road system provide adequate access to buildings for residents, tenants, visitors, deliveries, emergency vehicles and garbage collection?
 6. Have the edges of the Route 22 Corridor been landscaped? If sidewalks are provided along the roadway, have they been set back sufficiently and has a landscaped planting strip between the road and sidewalk been provided?
 7. Does the pedestrian path system link buildings with parking areas, entrances to the development, open space, and recreational and other community facilities?
- C. The Town of Amenia reserves the right to require traffic and safety analysis where safety is an issue or where significant problems already exist.
- D. After 45 days from filing the application, applicants must be notified by the Planning Board if any additional information is needed to complete the application.

- E. Upon review of the access application, the Planning Board may approve the access application, approve with conditions, or deny the application. This must be done within 90 days of receiving the complete application.
- F. Applications for access to the Route 22 Corridor shall also be reviewed by the New York State Department of Transportation for conformance with state access management standards. Where the applicant requires access to Route 22 and a zoning change, or subdivision or site plan review is also required, development review shall be coordinated in accordance with review procedures established between the Planning Board and the New York State Department of Transportation.
- G. If the application is approved with conditions, the applicant shall resubmit the plan with the conditional changes made. The plan, with submitted changes, will be reviewed within 10 working days and approved or rejected. Second applications may only be rejected if conditional changes are not made.
- H. If the access permit is denied, the Planning Board shall provide an itemized letter detailing why the application has been rejected.
- I. All applicants whose application is approved, or approved with conditions, have 30 days to accept the permit. Applications whose permits are rejected, or approved with conditions, have 60 days to appeal.

122.22. Variance Standards.

- A. The granting of the variance shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.
- B. Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. This shall include proof that:
 - 1. Indirect or restricted access cannot be obtained;
 - 2. No engineering or construction solutions can be applied to mitigate the condition; and
 - 3. No alternative access is available from a street with a lower functional classification than Route 22.
- C. Under no circumstances shall a variance be granted, unless not granting the variance would deny all reasonable access, endanger public health, welfare or safety, or cause an exceptional and undue hardship on the applicant. No variance shall be granted where such hardship is self-created.

The Route 22 Corridor Access Management Plan Corridor Overlay Ordinance Town of North East, New York

Introduction

The Route 22 Corridor Management Plan (“The Plan”) entailed a multi-year planning effort to develop a plan to guide affected municipalities and the New York State Department of Transportation in making decisions about future land use, site access and transportation proposals along the approximately 40 mile corridor through Dutchess County. One of the major recommendations of the Plan was for the towns involved to incorporate Access Management Tools into their site plan review and land development regulations. As part of the process to develop the Plan, one of the tools to implement the access management concept recommendations is a zoning overlay ordinance. The overlay ordinance is intended to supercede the existing underlying zoning regulations by integrating additional access management techniques into the town’s site plan review and subdivision regulations.

The following text outlines proposed language for development of a Route 22 Corridor Overlay Ordinance for the Town of North East, New York. It should be noted that the sections are suggested language for amendment to the Town’s zoning regulations, and the text which has been modeled after a variety of other successfully adopted and implemented overlay ordinances in other parts of the United States. The language, content and recommendations herein are recommendations, and should be reviewed by the Town’s appropriate legal council prior to adoption.

Article XIV. Route 22 Corridor Overlay Ordinance

98-72. Intent and Purpose.

- A. The intent of this Article is to provide for and manage access to land development within the Town of North East. This Overlay District for the Route 22 Corridor is designed to support the Town's planning objectives for balancing land development with open space preservation along the roadway, while preserving the regional flow of traffic in terms of safety, capacity, and travel speeds in accordance with the objectives of the New York State Department of Transportation (NYSDOT). The Route 22 Corridor serves as a primary transportation network through Dutchess County, while also providing access to local commercial and residential development. Over time, if access systems to new development along Route 22 are not properly designed in areas targeted for new housing or economic development initiatives, or if existing properties are not improved to adequate standards for controlled site access, the Corridor could become susceptible to traffic conflicts and congestion. A system of well planned and clearly defined access management strategies will ensure that in the long term, appropriate and safe access to new development or redeveloped properties is balanced with the need to accommodate an efficient flow of traffic along the Corridor, while also maintaining the desired character of the community.

The objective of this Article is to balance the right of reasonable access to private property, with the right of the citizens of Dutchess County and the State of New York to safe and efficient travel along Route 22. To achieve this intent, these regulations are set forth to achieve the following goals over-time through new development or redevelopment of properties along the Corridor:

1. Minimize disruptive and potentially hazardous traffic conflicts with new development or with redevelopment of existing areas;
2. Reduce traffic accidents, personal injury, and property damage attributable to poorly designed access systems;
3. Ensure safe access by emergency vehicles;
4. Protect the substantial public investment in the street system by preserving roadway capacity and avoiding the need for unnecessary and costly reconstruction which disrupts traffic flow and local business activities;
5. Separate traffic conflict areas by reducing the number of driveways and access points;

6. Provide safe spacing standards between driveways, and between driveways and intersections;
 7. Promote better internal circulation patterns on larger non-residential uses and within residential subdivisions along the Route 22 Corridor; and
 8. Encourage shared access between abutting properties
- B. The purpose of these regulations is to improve the safety and operation of the Route 22 Corridor roadway network while protecting the substantial public investment in the existing transportation system and reducing the need for expensive remedial measures. These regulations also serve to further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discourage the unplanned subdivision of land.

98-73. Applicability.

- A. The Route 22 Corridor Overlay Ordinance shall apply to all roadway intersections and access points along the entire Route 22 Corridor within the Town of North East. The Overlay extends to all properties, access points and intersecting streets which directly abut the Route 22 Corridor or that lie within 400 feet of the Route 22 right-of-way edge, extending in either direction.
- B. All lots hereafter created and all structures hereafter created, altered or moved on the following properties shall conform to the requirements set forth in this Overlay Ordinance:
1. All existing properties that directly abut the Route 22 Corridor;
 2. All properties and future subdivisions that have access, will have access, or are proposing to have access to the Route 22 Corridor; and
 3. Any property, a portion of which lies within 400 feet from the edge of the Route 22 Corridor right-of-way, extending in either direction.
- C. The following regulations supercede otherwise applicable regulations of the specific underlying zoning districts beneath the Route 22 Corridor Overlay Zone. Where conflicts or inconsistencies between this Overlay and the underlying zoning districts may occur, the regulations set forth herein shall apply.

98-74. Application.

- A. The standards of this Ordinance shall be applied by the Planning Board during site plan review and by the NYSDOT during access permitting, as is appropriate to the application. The Planning Board and NYSDOT shall make written findings

of nonconformance, conformance, or conformance if certain conditions are met with the standards of this Ordinance prior to disapproving or approving a site plan per the requirements of Section 98-25. The Town of North East shall coordinate its review of the access elements of a subdivision or site plan with the New York State Department of Transportation (NYSDOT) prior to making a decision on an application. The approval of a subdivision or site plan does not negate the responsibility of an applicant to subsequently secure access permits from NYSDOT.

- B. The Planning Board shall not take action on a request for a new road, driveway, shared access, or a service drive that connects to the Route 22 Corridor without first consulting with NYSDOT as outlined in Section 98-92. Complete applications shall be received at least 45 days before the Planning Board meeting at which action is to be taken. Application requirements for this Article are outlined in Section 98-92. If the initial review of the application by the Planning Board reveals noncompliance with the standards of this Article, or if the proposed land use exceeds the traffic generation thresholds in Section 98-79, then the Planning Board shall require submittal of a Traffic Impact Study as described below prior to consideration of the application.
- C. At a minimum the Traffic Impact Study shall contain the following:
 - 1. Analysis of existing traffic conditions and/or site restrictions using current data.
 - 2. Projected trip generation of the development and distribution of automobile trips along the Route 22 Corridor based on the most recent edition of the Institute of Transportation Engineers *Trip Generation Manual*. The Planning Board or NYSDOT may approve the use of other trip generation data if based on recent studies of at least three (3) similar uses within similar locations in the State of New York.
 - 3. Illustrations of current and projected turning movements at access points, including identification of the development and its proposed access on the Route 22 Corridor and abutting streets if applicable. Capacity analysis shall be completed based on the most recent version of the *Highway Capacity Manual* published by the Transportation Research Board, and shall be provided in an appendix to the Traffic Impact Study.
 - 4. Description of the internal vehicular circulation and parking system for passenger vehicles, delivery trucks and service vehicles, as well as the circulation system for pedestrians, bicycles and transit users.
 - 5. Justification of need, including statements describing how any additional access to the Route 22 Corridor will meet the intent of this Article, will be consistent with the Route 22 Corridor Management Plan and the Town of

North East Comprehensive Plan, and that the additional access points will not compromise public safety, reduce capacity or impede efficient traffic operations along the Route 22 roadway.

6. Qualification and documented experience of the author of the Traffic Impact Study, describing experience of preparing traffic impact studies in the State of New York. The preparer shall be either a registered traffic engineer or transportation planner licensed to practice in the State of New York and as required by law. If the Traffic Impact Study involves geometric design, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.
- D. The Town of North East may utilize its own traffic consultant to review the applicant's Traffic Impact Study, with the cost of the review being born by the applicant.
- E. Failure by the applicant to begin construction of an approved road, driveway, shared access, service drive or other access arrangement within twelve (12) months from the date of approval shall void the approval and a new application is required.
- F. The Zoning Enforcement Officer shall inspect the approved road, driveway, shared access, service drive or other access arrangement as constructed for conformance with the standards of this Ordinance and any approval granted under it, prior to issuance of a Certificate of Occupancy.

98-75. Conformance.

- A. This Ordinance is adopted to implement access management policies set forth in the Route 22 Corridor Management Plan for Dutchess County. In addition, this Article conforms with the goals planning objectives of the NYSDOT set forth in the New York Statewide Transportation Plan. The Route 22 Corridor Management Plan also advances the Dutchess County Greenway Connections Program that seeks to build a network of connecting routes and improve development patterns in the County. The ordinance also conforms with the access standards of the New York Department of Transportation, and policy and planning directives of the Federal Highway Administration.

98-76. Definitions.

The following definitions apply to the Route 22 Corridor Overlay Zone ordinance.

Access -- A way or means of approach to provide vehicular or pedestrian entrance or exit to a property from an abutting property or a public roadway.

Access Connection -- Any driveway, street, road turnout or other means of providing for the movement of vehicles to or from the public road system or between abutting sites.

Access Management -- The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting roadway system.

Access Management Plan -- A plan establishing the preferred location and design of access for properties along a roadway. It may be a freestanding document, or a part of a community master or comprehensive plan, or a part of a corridor management plan.

Access Point -- a) The connection of a driveway at the right-of-way line to a road. b) A road, driveway, shared access or service drive.

Acceleration Lane -- A speed-changing lane, including taper, for the purpose of enabling a vehicle entering the roadway to increase its speed to a rate at which it can safely merge with through traffic.

Alternative Means of Access -- A shared driveway, frontage road, rear service drive or connected parking lot.

Boulevard -- A roadway with a raised median or other separation treatment between opposing travel lanes, which generally includes trees and landscaped ground cover.

Channelized or Channelizing Island -- An area within the roadway or a driveway not for vehicular movement; designed to control and direct specific movements of traffic to definite channels. The island may be defined by paint, raised bars, curbs, or other devices.

Conflict -- A traffic event that causes evasive action by a driver to avoid collision with another vehicle, bicycle or pedestrian.

Conflict Point -- An area where intersecting traffic either merges, diverges, or crosses.

Connected Parking Lots -- Two or more parking lots that are connected by cross access.

Corner Clearance -- The distance from an intersection of a driveway with a public or private road or street to the nearest access connection on the arterial, measured from the closest edge of the driveway pavement to the closest edge of the arterial pavement.

Corridor Overlay Zone -- A zoning district that provides special requirements in addition to those regulations of the underlying zoning district.

Cross Access -- A service road or driveway providing vehicular access between two or more contiguous sites so drivers need not enter the public road system.

Cross Street -- A street or road which intersects a main arterial.

Deceleration Lane -- A speed-change lane, including a taper, for the purpose of enabling a vehicle to leave the through traffic lane at a speed equal to or slightly less than the speed of traffic in the through lane and to decelerate to a stop or to execute a slow speed turn.

Divided Driveway -- A driveway with a raised median between ingress and egress lanes.

Driveway -- Land situated on a lot used or intended to be used to provide access to it by vehicular traffic.

Driveway Flare -- A triangular pavement surface at the intersection of a driveway with a public street or road that facilitates turning movements and is used to replicate the turning radius in areas with curb and gutter construction.

Driveway Return Radius -- A circular pavement transition at the intersection of a driveway with a street or road that facilitates turning movements to and from the driveway.

Driveway, Shared -- A driveway connecting two or more contiguous properties to the public road system.

Driveway Spacing -- The distance between driveways as measured from the edge of one driveway to the edge of another driveway along the same side of the street or road.

Driveway Width -- Narrowest width of a driveway measured perpendicular to the centerline of the driveway.

Egress -- The exit of vehicular traffic from abutting properties to a street or road.

Frontage Road or Front Service Drive -- A local street/road or private road typically located in front of principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

Functional Classification -- A system used to group public roads into classes according to their purpose in moving vehicles and providing access to abutting properties.

Ingress -- The entrance of vehicular traffic to abutting properties from a roadway.

Intersection -- The location where two or more roadways cross at grade without a bridge.

Lane -- The portion of a roadway for the movement of a single line of vehicles which does not include the gutter or shoulder of the roadway.

Lot -- A piece, parcel or plot of land occupied or designed to be occupied by a principal building and its accessory buildings and including the yards and other open spaces required by zoning regulations.

Lot, Corner -- A lot which has an interior angle of less than 135 degrees at the intersection of two street lot lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at points beginning within the lot or at points of intersection at the side lot lines with the street line intersect an interior angle of less than 135 degrees.

Lot Depth -- The horizontal distance from the street line of the lot to its opposite rear line, measured along the median between the two side lot lines.

Lot, Flag -- A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

Lot, Through -- A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

Lot Frontage -- That portion of a lot extending along a street right-of-way line.

Lot Width -- The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line.

Minor Subdivision -- A subdivision of land into not more than two lots where there are no roadways, drainage or other required improvements.

Median -- The portion of a divided roadway or divided entrance separating the traveled ways from opposing traffic. Medians may be depressed, painted or raised with a physical barrier, and may be landscaped.

Median Opening -- A gap in a median provided for crossing and turning traffic.

Nonconforming Access -- Features of the access system of a property that existed prior to the effective date of this Ordinance and that do not conform with the requirements contained herein; or, in some cases, elements of approved access that are allowed by means of a temporary permit or on a conditional basis until alternative access meeting the terms of this Ordinance becomes available.

Peak Hour Trips (PHT) -- A weighted average vehicle trip generation rate during the hour of highest volume of traffic entering and exiting the site in the morning (a.m.) or the afternoon (p.m.).

Reasonable Access: The minimum number of access connections, direct or indirect, necessary to provide safe access to and from a public road. Reasonable access does not necessarily mean direct access.

Rear Service Drive -- A local street/road or private road typically located behind principal buildings and parallel to an arterial for service to abutting properties.

Right-of-Way -- A general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes.

Road -- A way for vehicular traffic, whether designated as a "street", "highway", "thoroughfare", "parkway", "through-way", "avenue", "boulevard", "lane", "cul-de-sac", "place", or otherwise designated, and includes the entire area within the right-of-way.

Roadway -- That portion of a street, road or highway improved, designed or ordinarily used for vehicular travel exclusive of the berm or shoulder.

Secondary Street or Side Street -- A street or road with a lower functional classification than the intersecting street or road (e.g. a local street is a side or secondary street when intersecting with a collector or arterial).

Shared Driveway or Common Driveway -- See Driveway, Shared.

Shoulder -- The portion of a public road contiguous to the traveled way for the accommodation of disabled vehicles and for emergency use.

Sight Distance -- The distance of unobstructed view for the driver of a vehicle, as measured along the normal travel path of a roadway to a specified height above the roadway.

Street -- Any public way dedicated to public travel, greater than 20 feet in width.

Taper -- A triangular pavement surface that transitions the roadway pavement to accommodate an auxiliary lane.

Temporary Access -- Provision of direct access to a road until that time when adjacent properties develop in accordance with a joint access agreement, service road, or other shared access arrangement.

Throat Length -- The distance parallel to the centerline of a driveway to the first on-site location at which a driver can make a right-turn or a left-turn. On roadways with

curb and gutter, the throat length shall be measured from the face of the curb. On roadways without a curb and gutter, the throat length shall be measured from the edge of the paved shoulder.

Trip Generation – The estimated total number of vehicle trip ends produced by a specific land use or activity. Trip generation is estimated through the use of trip rates that are based upon the type and intensity of development.

Undivided Roadway – A roadway having access on both sides of the direction of travel, including roadways having center two-way left-turn lanes.

98-77. Route 22 Corridor Access Management Overlay.

- A. Future development along the Route 22 Corridor shall comply with all applicable local zoning, subdivision and land use plans, with emphasis given to promoting preservation of large tracts of intact open space land in order to maintain the rural appearance and environmental resources in the Town of North East. Where feasible, use of cluster subdivisions and protection of environmentally sensitive areas is preferable over more linear or “spur-type” development patterns for residential development, in accordance with Greenway Connections guidance. Use of other land use preservation strategies should be emphasized along with the access management strategies contained in this Article.
- B. The minimum lot frontage for all parcels with frontage on the Route 22 Corridor shall not be less than the minimum connection spacing standards as stated in Section 98-79. Flag lots shall not be permitted direct access to the Route 22 Corridor except in accordance with the provisions of Section 98-82, and interior parcels shall be required to obtain access via a public or private access road in accordance with the requirements of this Article.
- C. The following requirements apply to segments of the Route 22 Corridor that have the potential for larger scale commercial, office or industrial development, or residential subdivisions. All land in a parcel having a single tax code number, as of **DATE OF ADOPTION**, fronting on Route 22, shall be entitled to one (1) driveway/ connection per parcel as of right onto Route 22, unless a variance or special conditions are approved by the Planning Board due to extenuating circumstances described in subsequent sections of this Article. Contiguous properties under one ownership or parcels consolidated for unified development will be considered as one parcel for purposes of this Ordinance. When subsequently subdivided, either as metes and bounds parcels or as a recorded plat, parcels designated herein shall provide access to all newly created lots via the permitted access connection. This may be achieved through establishment of subdivision roads, joint or cross access, service drives, and other reasonable

means of ingress and egress in accordance with the requirements of this Article. The following standards shall also apply.

1. Parcels with large frontages may be permitted additional driveways provided that they are consistent with applicable driveway spacing standards set forth in Section 98-79, or provided that a registered traffic engineer determines that topographic conditions on the site, curvature on the road, or sight distance limitations demonstrate a second driveway within a lesser distance is safer or the nature of the land use to be served requires a second driveway for safety. If the parcel is a corner lot and a second driveway is warranted, the second drive way shall have access from the abutting secondary street.
2. Certain developments may generate enough traffic to warrant consideration of an additional driveway to reduce delays for motorists exiting the Route 22 Corridor. Where possible, these second access points shall be located on a side street or service drive, shared with adjacent uses, or designed for right-turn-in/right-turn-out only movements and shall meet the spacing requirements of this Article. In order to be considered for a second driveway on Route 22, combined approach volumes (entering and exiting) of a proposed development should exceed 100 directional trips during the peak hour of traffic and a Traffic Impact Study shall be performed.
3. Existing parcels with frontage less than the minimum connection spacing requirements may not be permitted a direct connection to Route 22 under this Section where the Planning Board determines that alternative reasonable access is available to the site or the Planning Board allows for a temporary driveway with the stipulation that joint and cross access be established as adjacent properties develop.
4. Except for shared driveways, existing driveways that do not comply with the requirements of this Article shall be closed when an application for a change of use, a zoning permit or a site plan requiring approval is submitted and once approval of a new means of access under this Article is granted. A closed driveway shall be graded and landscaped to conform with adjacent land and any curb cut shall be filled in with curb and gutter as appropriate to the context of that segment of the Route 22 Corridor.
5. A temporary access permit may be issued for field entrances for cultivated land, undeveloped land, as well as for uses at which no one resides or works such as cellular towers, water wells, pumping stations, utility transformers, and similar uses. Field-entrance and utility-structure driveways will be reviewed on a case-by-case basis. The review shall take into account the proximity of adjacent driveways and intersecting streets, as well as traffic volumes along the Route 22 roadway.

6. Additional access connections may be allowed where the property owner demonstrates that safety and efficiency of travel on Route 22 will be improved by providing more than one access to the site.
7. No parking or structure other than signs shall be permitted within 20 feet of the Route 22 right-of-way. The 20 foot buffer shall be landscaped with plants suitable to the soil and in a manner that provides adequate sight visibility for vehicles exiting the site. Property owners are encouraged to landscape the right-of-way, pursuant to a landscaping plan approved by the Planning Board during site plan review as set forth in Section 98-28.
8. On all properties that abut the roadway, separate safe access for pedestrians and bicycles shall be provided on a sidewalk or paved path that generally parallels the Route 22 Corridor. The sidewalk or path shall be located within the 20 foot buffer adjacent to the Route 22 right-of-way and shall be separated from the roadway by a landscaped strip of no less than five (5) feet in width. Additional connections shall be located adjacent to driveways or service drives, to provide safe on-site connections for pedestrians and bicycles.

98-78. Permitted Land Uses.

Land uses within the Route 22 Corridor Overlay Zone are those permitted in the underlying zoning classifications and the dimensional requirements for properties abutting the Corridor.

98-79. Driveway Control.

All lots hereafter created and all structures hereafter created, altered or moved on property with frontage or access to the Route 22 Corridor that is subject to regulation per Section 98-74 shall conform with the following requirements:

- A. Minimum driveway spacing shall be based on the minimum sight distance required for the vehicular speed limit of the road segment along the Route 22 Corridor. The vehicular speed for sight distance determination shall be the greater of the design speed or the posted speed unless the NYSDOT determines that the 85th percentile speed is less.
- B. Separation between access connections shall be based on the posted speed limit or the design speed as noted below:

Posted Speed Limit (MPH)	Driveway Spacing (Feet)
≤ 35	250
40	300
45	360
50	425
55	500

C. For new sites with insufficient road frontage to meet the required spacing, the Planning Board shall require one of the following:

1. Construction of the driveway along a side street;
2. A shared driveway with an adjacent property;
3. Construction of a driveway along the property line farthest from the intersection, or a service drive as described in Section 98-84.

The Planning Board may grant temporary access approval until such time that minimum spacing requirements can be met, or alternative access meeting the requirements of this Article is approved.

D. The street giving access to the lot shall have traffic carrying capacity and roadway improvements that are sufficient to accommodate the amount and types of traffic, taking into account access to existing uses along the street and existing traffic projected to the date of occupancy of the site. Roadway, traffic management and other deficiencies in the street giving access, including mitigation to prevent further cut-through traffic on adjacent side-streets as applicable, shall be remedied by the applicant.

E. Driveway spacing shall be measured from the closest edge of the pavement to the next closest edge of the pavement. The projected future edge of the pavement of the intersecting road shall be used in measuring corner clearance, where widening, relocation, or other improvement is indicated in an adopted five year Transportation Improvement Plan of the Poughkeepsie-Dutchess County Transportation Council.

F. The Planning Board or NYSDOT may reduce the spacing requirements in situations where they prove impractical, but in no case shall the permitted spacing be less than 85 percent of the applicable standard, except as provided in Section 98.93.

- G. If the connection spacing of this Article cannot be achieved, then a system of joint use driveways and cross access easements may be required in accordance with Section 98-84.
- H. Variation from these standards shall be permitted at the discretion of the Planning Board where the effect would be to enhance the safety or operation of the Route 22 roadway. Examples might include:
 1. A pair of one-way driveways in lieu of a single two-way driveway at a distance of no less than 100 feet within the same property line, provided that the spacing distance from driveways on adjacent properties complies with the spacing requirements stated herein; or
 2. The alignment of median openings with existing access connections.

Applicants may be required to submit a Traffic Impact Study prepared by a registered engineer to assist the Planning Board in determining whether the proposed change would exceed roadway safety or operational benefits of the prescribed standard.

98-80. Corner Clearance.

- A. All single- and two-family residential driveways abutting the Route 22 Corridor shall be separated from the nearest right-of-way of an intersecting street by at least 100 feet.
- B. Driveways for all other land uses abutting the Route 22 Corridor shall be separated from the nearest right-of-way of an intersecting street as follows:

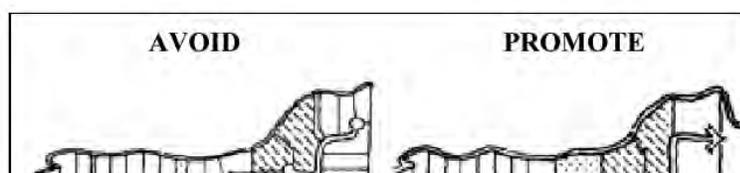
Location of Access Point	Min. Spacing for a Full Movement Driveway	Min. Spacing for Channelized Right-in or Right-out Driveway
<u>Along Route 22 from:</u>		
Railroad Crossings	600 feet	600 feet
Bridges	600 feet	600 feet
Median Openings	75 feet	75 feet
From another Intersecting Arterial	300 feet	125 feet
From an Intersecting Collector or Local Street	200 feet	125 feet

- C. Access point spacing from intersections shall be measured from the edge of pavement of the driveway to the extended edge of the travel lane on the intersecting street.

- D. If the amount of lot frontage is not sufficient to meet the above criteria, the driveway shall be constructed along the property line farthest from the intersection to encourage future shared use, only if a frontage road, shared access or rear service drive is not feasible as described in Section 98-84.
- E. Driveways on a secondary street that intersects the Route 22 Corridor shall be located so as not to interfere with safe traffic operations at the intersection with the Corridor and the secondary street as follows:
 - 1. Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for the Corridor, measured from the edge of the pavement. The projected future edge of the pavement of the intersecting road shall be used in measuring corner clearance
 - 2. New connections shall not be permitted within the functional area of an intersection as defined by the connection spacing standards of this Article, unless:
 - a. No other reasonable access to the property, including shared access, is available, and
 - b. The Planning Board determines that the connection does not create a safety or operational problem upon review of a site-specific study of the proposed connection prepared by a registered engineer and submitted by the applicant.
 - 3. Where no other alternatives exist, the Planning Board may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e. right in/out, right in only, or right out only) may be required.
 - 4. In addition to the required minimum lot size, all corner lots shall be of adequate size provide for required front yard setbacks and corner clearances on all street frontages.

98-81. Reverse Frontage.

- A. Properties on the Route 22 Corridor that have double street frontage are discouraged from having access to Route 22.
- B. When a residential subdivision is proposed that would abut the Route 22 Corridor, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road. Access rights of these lots to the arterial shall be dedicated to the Town of North East and recorded with the deed. A berm or buffer yard may be required at the rear of the through lots to buffer residences from traffic on Route 22. The berm or buffer yard shall not be located within the public right-of-way.



98-82. Flag Lot Standards.

- A. Flag lots shall not be permitted when their effect would be to increase the number of properties requiring direct and individual access connections to the Route 22 Corridor.
- B. Flag lots may be permitted for residential development, when deemed necessary to achieve planning objectives, such as encouraging the use of clustered subdivisions, preserving natural or historic resources, or providing internal platted lots with access to a public or private residential street under the following conditions:
 1. Flag lot driveways shall be separated by at least twice the minimum frontage requirements of the underlying zoning district.
 2. The flag driveway shall have a minimum width of 20 feet and a maximum width of 50 feet.
 3. In no instance shall flag lots constitute more than 10 percent of the total number of building sites in a recorded or unrecorded plat, or three lots, whichever is greater.
 4. The lot area occupied by the flag driveway shall not be counted as part of the required minimum lot area of the underlying zoning district.
 5. No more than one flag lot shall be permitted per private right-of-way or access easement.

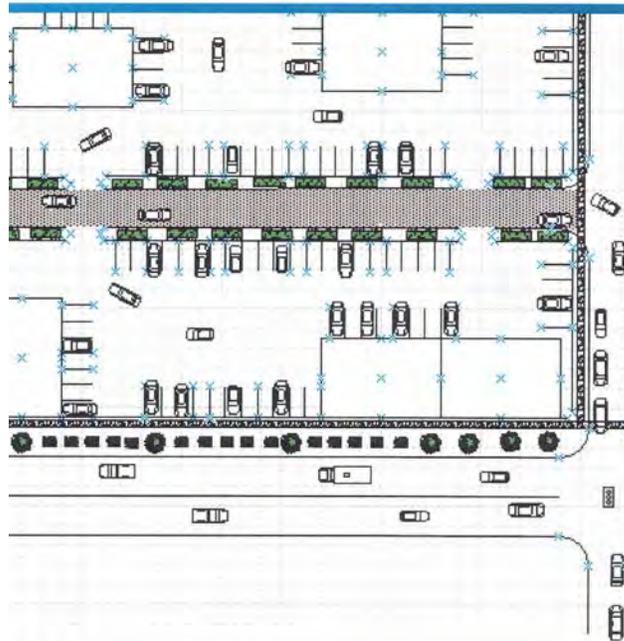
98-83. Lot-to-Depth Ratios.

- A. To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel along the Route 22 Corridor shall not exceed 3 times its width, or 4 times its width in agricultural or dedicated open space areas.

98-84. Shared Access.

- A. Sharing or joint use of a driveway by two or more property owners shall be encouraged. In cases where access is restricted by the spacing requirements of Section 98-79, a shared driveway may be the only access design allowed. The shared driveway shall be constructed at the midpoint between the two properties unless a written easement is provided which allows traffic to travel across one parcel to access another and/or to access a public street.
- B. Residential subdivisions with frontage on Route 22 shall be designed with shared access points to and from the highway. Normally a maximum of two accesses shall be allowed along the Route 22 Corridor regardless of the spacing requirements for driveways or access points, the number of residential lots or units, or the number of businesses located within the subdivision.
- C. Subdivisions with a single residential access street that ends in a cul-de-sac shall not exceed 25 lots or dwelling units.
- D. Private cross access easements may be required across any lot fronting on Route 22 in order to minimize the number of access points and facilitate access between and across individual lots. The location and dimension of said easement shall be determined by the Planning Board.
- E. Frontage roads or rear service drives shall be encouraged, especially for locations where multiple driveways or access points will be required, and where connections to side streets are available. In addition to access along a rear service drive, a direct connection to Route 22 may be allowed, provided that the driveways meet the spacing requirements of Section 98-79.
- F. Adjacent commercial or office properties are encouraged to provide a cross access drive and pedestrian access connections to allow circulation between sites.
- G. A system of joint use driveways and cross access easements shall be established wherever feasible along the Route 22 Corridor and the building sites shall incorporate the following:
 - 1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation and enhanced management of access points;

2. Service drives or cross access corridors shall have a design speed of 10 mph and be of sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles;
3. Stub-outs, internal roadway medians or other design features to make it visually obvious that abutting properties may be tied in to provide cross-access via a service drive;
4. A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.



Source: New York State Department of Transportation

- H. Shared parking areas shall be permitted a reduction in required parking spaces if peak demand periods for proposed land uses do not occur at the same time periods.
- I. Where shared access, frontage roads, cross access easements or rear service drives are provided for access to multiple commercial properties, clearly defined business identification signage and circulation directional signage shall be provided on the site to facilitate safe and efficient access and informational needs of visitors.
- J. Pursuant to this section, property owners shall:
 1. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;

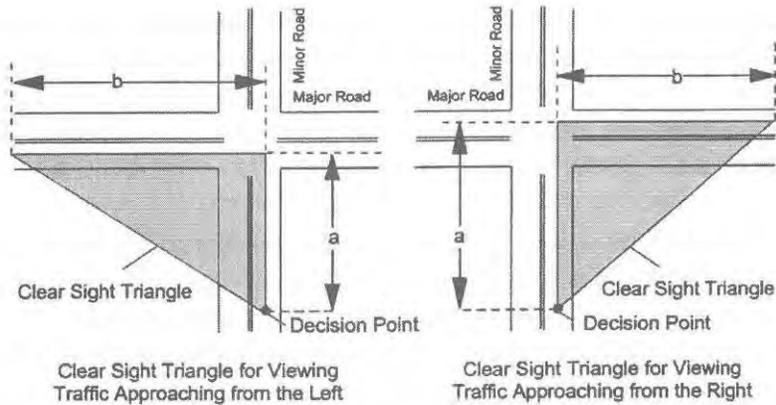
2. Record an agreement with the deed that remaining access rights along the thoroughfare will be dedicated to the Town of North East and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
 3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
- K. The Planning Board may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical

98-85. Connectivity.

1. The street system of a proposed subdivision shall be designed to coordinate with existing, proposed and planned streets outside of the subdivision as provided in this section.
2. Wherever a proposed development abuts unplatted land or a future phase of the same development, street stubs shall be provided as deemed necessary by the Planning Board to provide access to abutting properties or to logically extend the street system to the surrounding area. All street stubs shall be provided with temporary turn-around or cul-de-sacs unless specifically exempted by the Planning Board, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.
3. Subcollector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or to facilitate emergency access and evacuation. Such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

98-86. Access Connections and Driveway Design.

- A. Driveway and intersection approaches must be designed and located to provide an exiting vehicle with an unobstructed view. In order to provide a clear view to the motorist, there shall be a triangular area of visibility formed by two intersecting streets of the intersection of a driveway with Route 22. Nothing shall be erected, placed, parked, planted or allowed to grow in such a manner as to materially impede the vision between a height of two feet and ten feet above grade, measured at the centerline of the intersection. The clear visibility triangle shall be formed by connecting a point on each street centerline, to be located a distance of 55 feet from the street centerlines and a third line connecting the two points.



Source: "A Policy on Geometric Design of Highways and Streets – 2001" The American Association of State Highway and Transportation Officials

- B. In order to prevent left-turn conflicts, driveways shall be perpendicular to the Route 22 Corridor and shall line up with existing or planned driveways on the opposite side of the road wherever facing lots are not separated by a median, unless doing so in a particular case is substantially demonstrated by a registered traffic engineer to be unsafe.
- C. Driveway access to the Route 22 Corridor shall not be permitted for parking or loading areas that require backing maneuvers into the public right-of-way or onto a public or private service drive.
- D. For sites with insufficient parking or loading areas to permit suitable maneuvering of vehicles, the Planning Board shall require construction of on-site turnarounds or hammerheads along the site driveway such that they do not interfere with the public right-of-way or public or private service drive.
- E. Construction of driveways along acceleration or deceleration lanes and tapers is discouraged due to the potential for vehicular weaving conflicts.

- F. Driveways with more than one entry and one exit lane shall incorporate channelization features to separate the entry and exit sides of the driveway. Double yellow lines may be considered instead of medians where truck off-tracking may be a problem.
- G. Driveways across from median openings shall be consolidated wherever feasible to coordinate access at the median opening.
- H. Driveway width and flare shall be adequate to serve the volume of traffic and provide for rapid movement of vehicles off the major thoroughfare, but standards shall not be so excessive as to pose safety hazards for pedestrians, bicycles or other vehicles. Recommended standards for driveway width and flare are as follows:

Trips/Day	1 - 20	21 - 600	601 and above
Trips/Hour	or 1 - 5	or 6 - 60	or 61 and above
Connection Width (2-way)	12' min. 24' max.	24' min. 36' max.	24' min. 36' max.
Flare	NA	NA	NA
Returns	15' min. 25' std. 50' max	25' min. 50' std. 75' max.	25' min. 50' std. 75' max.
Angle of Drive	NA	60 - 90	60 - 90
Divisional Island	NA	4 - 22' wide	4 - 22' wide

- I. No single- or two-family driveway shall have a width of less than nine (9) feet or more than sixteen (16) feet at the Route 22 right-of-way.
- J. The typical commercial driveway design shall include one ingress lane and one egress lane.
- K. Where exit traffic volumes are expected to exceed 100 directional trips per peak hour, or in areas where congestion along the Route 22 Corridor may create additional delays, as determined by the Planning Board, two exit lanes shall be provided.
- L. Where alternatives to a single, two-way driveway are necessary to provide reasonable driveway access to properties fronting Route 22, and shared access or a service drive is not an available option, the following progression of alternatives shall be used:
 1. One (1) standard, two-way driveway;
 2. Additional ingress/egress lanes on one (1) standard, two-way driveway;

3. Two (2) one-way driveways;
4. Additional ingress/egress lanes on two(2) one-way driveways;
5. Additional driveway(s) on an abutting street with a lower classification;
6. An additional driveway on Route 22.

Restricted turns and roadway modifications will be considered by the Planning Board in conjunction with alternative driveway designs.

M. The length of driveways or “Throat Length” shall be designed in accordance with the anticipated storage length for entering and existing vehicles to prevent vehicles from backing into the flow of traffic on Route 22 or causing unsafe conflicts with on-site circulation.

1. There shall be a minimum of twenty (20) feet of throat length for entering and exiting vehicles at the intersection of a driveway and pavement of the driveway or service drive as measured from the pavement edge.
2. For driveways serving between one-hundred (100) and four-hundred (400) vehicles in the peak hour (two-way traffic volumes) the driveways shall provide at least sixty (60) feet of throat length.
3. For driveways serving more than four hundred (400) vehicles in the peak hour (two way traffic volumes), the driveway throat length shall be determined by a Traffic Impact Study.
4. In areas where significant pedestrian/bicycle travel is expected, the ingress and egress lanes shall be separated by a 4 to10 feet wide median with a pedestrian refuge area.

N. In order to ensure smooth traffic circulation on the site, direction signs and pavement markings shall be installed at the driveway(s) in a clearly visible location, and shall be maintained on a permanent basis by the property owner. Directional signs and pavement markings shall conform to the standards in the Federal Highway Administrations *Manual of Uniform Traffic Control Devices*.

98-87. Acceleration and Deceleration Lanes.

- A. Where it can be demonstrated that driveway volumes are expected to exceed 100 peak hour directional trips, the Planning Board may require a right-turn taper, deceleration lane and/or left-turn bypass lane along Route 22.
- B. Where site frontage allows and a right-turn lane is warranted, a taper between 50 and 225 feet may be required.

- C. Where the amount of frontage along Route 22 precludes the construction of a deceleration lane and taper combination entirely within the property lines of a parcel, a request shall be made to the owner of the parcel to allow the installation of a right-turn bay and taper which extends beyond the property line. If permission cannot be obtained from the adjacent property owner for an extension onto that parcel, a taper of at least 75 feet shall be constructed.
- D. A continuous right-turn lane may be required along Route 22 where driveway spacing requirements restrict the use of consecutive turn bays and tapers, and a traffic engineer concludes it can be constructed without being used as a through lane.
- E. Where site frontage allows and large semi-trucks and other slow moving vehicles routinely access the Route 22 Corridor, an acceleration lane may be required by the Planning Board in consultation with NYSDOT.
- F. The acceleration lane shall be designed by a traffic engineer to meet the needs of vehicles using it, topography, sight distance and other relevant factors.
- G. Driveways shall not be permitted within an acceleration lane.

98-88. Requirements for Outparcels and Phased Development Plans.

- A. In the interest of promoting unified access and circulation systems, development sites along the Route 22 Corridor that are under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall not be considered separate properties in relation to the access standards of this Article. The number of connections permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements and stipulations required under Section 98-84 shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this Article and both shall be cited for any violation.
- B. All access to the outparcel must be internalized using the shared circulation system of the principle development or retail center. Access to outparcels shall be designed to avoid excessive movement across parking aisles and queuing across surrounding parking and driving aisles.
- C. The number of outparcels shall not exceed one per ten acres of site area, with a minimum lineal frontage of 300 feet per outparcel or greater where access spacing standards require. This frontage requirement may be waived where access is internalized using the shared circulation system of the principle

development. In such cases, the right of direct access shall be dedicated to the Town of North East and recorded with the deed.

98-89. Parking Area Landscape.

- A. Surface parking lots shall be located to the side or rear of buildings. Parking lots and driveways should not dominate the frontage of streets, interrupt pedestrian routes, or negatively impact the environment or surrounding developments. Parking lots should be sufficiently screened with natural landscape, decorative fencing or walls to minimize visual impacts.
- B. Surface parking areas should be designed to include internal landscaped islands and exterior landscaped buffer areas to soften the visual impacts of automobiles and asphalt. Sufficient areas shall also be provided for snow storage and utility strips within the parking areas. Shade tree location should buffer pedestrian circulation routes. All parking lots should be planted with sufficient trees so that at full growth a significant majority of the surface area of the lot is shaded.
- C. On-site pedestrian circulation networks should be designed to provide safe access through the site, especially between buildings and parking areas. Paving and ground surface treatments should reinforce and define pedestrian circulation direction and patterns. Materials may be simple, but should have a level of patterning and detail through change in materials, color or scoring patterns.
- D. Nighttime illumination should provide for safety and security of residents and visitors. Lighting for parking and vehicle queuing areas should provide adequate illumination for vehicle and pedestrian safety and security while shielding surrounding areas from excessive light trespass and glare.

98-90. Emergency Access.

- A. In addition to minimum side, front and rear yard setback and building spacing requirements specified in this code, all buildings and other development activities such as landscaping, shall be arranged on site as to provide safe and convenient access for emergency vehicles.

98-91. Non-Conformance.

- A. Permitted access connections in place as of **THE DATE OF ADOPTION** that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with applicable standards under the following conditions:
 - 1. When new access connection permits are requested;
 - 2. Substantial enlargements or improvements;

3. Significant change in trip generation; or
 4. As roadway improvements allow.
- B. If the principal activity on a property with nonconforming access features is discontinued for a consecutive period of one-year or discontinued for any period of time without a present intention of resuming that activity, then that property must thereafter be brought into conformity with all applicable connection spacing and design requirements, unless otherwise exempted by the Planning Board. For uses that are vacant or discontinued upon the effective date of this code, the one-year period begins on the effective date of this code.
- C. Driveways that do not conform to the regulations in this Article, and were constructed before the effective date of this Article, shall be considered legal nonconforming driveways. Existing driveways granted a temporary access permit are legal nonconforming driveways until such time as the temporary access permit expires.

98-92. Site Plan Review Procedures.

- A. Applicants shall submit a preliminary site plan for review by the Planning Board. At a minimum, the site plan shall show:
1. Location of all existing access point(s) on both side of Route 22 within 500 feet of the property boundary where applicable;
 2. Distances to neighboring constructed access points, median openings, traffic signals, intersections, and other transportation features on both sides of the property;
 3. Number and direction of lanes to be constructed on the driveway plus striping plans;
 4. All planned transportation features (such as auxiliary lanes, signals, etc.)
 5. Trip generation data or appropriate Traffic Impact Studies;
 6. A landscaping plan in conformance with Section 98-28 of the Zoning regulations;
 7. Parking and internal circulation plans;
 8. Plat map showing property lines, right-of-way, and ownership of abutting properties; and

9. A detailed description of any requested variance and the reason the variance is requested.
- B. Subdivision and site plan review shall address the following access considerations:
1. Is the Route 22 Corridor designed to meet the projected traffic demand?
 2. Is access properly placed in relation to sight distance, driveway spacing, and other related considerations including opportunities for joint and cross access? Are entry roads clearly visible from Route 22?
 3. Do residential units front on residential access streets rather than the Route 22 Corridor?
 4. Is automobile movement within the site provided without having to use the peripheral road network?
 5. Does the road system provide adequate access to buildings for residents, tenants, visitors, deliveries, emergency vehicles and garbage collection?
 6. Have the edges of the Route 22 Corridor been landscaped? If sidewalks are provided along the roadway, have they been set back sufficiently and has a landscaped planting strip between the road and sidewalk been provided?
 7. Does the pedestrian path system link buildings with parking areas, entrances to the development, open space, and recreational and other community facilities?
- C. The Planning Board reserves the right to require traffic and safety analysis where safety is an issue or where significant problems already exist.
- D. After 45 days from filing the application, applicants must be notified by the Planning Board if any additional information is needed to complete the application.
- E. Upon review of the access application, the Planning Board may approve the access application, approve with conditions, or deny the application. This must be done within 90 days of receiving the complete application.
- F. Applications for access to the Route 22 Corridor shall also be reviewed by the New York State Department of Transportation for conformance with state access management standards. Where the applicant requires access to Route 22 and a zoning change, or subdivision or site plan review is also required, development review shall be coordinated in accordance with review procedures established

between the Planning Board and the New York State Department of Transportation.

- G. If the application is approved with conditions, the applicant shall resubmit the plan with the conditional changes made. The plan, with submitted changes, will be reviewed within 10 working days and approved or rejected. Second applications may only be rejected if conditional changes are not made.
- H. If the access permit is denied, the TOWN shall provide an itemized letter detailing why the application has been rejected.
- I. All applicants whose application is approved, or approved with conditions, have 30 days to accept the permit. Applications whose permits are rejected, or approved with conditions, have 60 days to appeal.

98-93. Variance Standards.

- 1. The granting of the variance shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.
- 2. Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. This shall include proof that:
 - a. Indirect or restricted access cannot be obtained;
 - b. No engineering or construction solutions can be applied to mitigate the condition; and
 - c. No alternative access is available from a street with a lower functional classification than Route 22.
- 3. Under no circumstances shall a variance be granted, unless not granting the variance would deny all reasonable access, endanger public health, welfare or safety, or cause an exceptional and undue hardship on the applicant. No variance shall be granted where such hardship is self-created.