

Overview of the Access Management Overlay District

Origin: Recommendation of the New Paltz Transportation and Land Use Plan.

Purpose: To promote an orderly layout and use of land, to manage access from new land development to State highways and South Putt Corners Road, to improve the efficiency of traffic and pedestrian circulation, and to ensure the safety of traffic and pedestrians.

Application: These regulations will apply to all new development projects (subdivision and/or site plan review) that are located within 400 feet of the center of a State Highway right-of-way or of the center of South Putt Corners Road. These regulations also apply on redevelopment projects where poor access conditions might be corrected.

A Traffic Impact Study will be required for "Large Development" projects, and those are defined as projects that will exceed 150 peak hour trips onto a State Highway and 100 peak hour trips that will directly access a County or Town road. Traffic Impact Studies might also be required for smaller developments if the Planning Board believes that traffic may have an adverse impact. Traffic impact mitigation may be required and may be phased in as the project develops. Retrofitting of nonconforming accesses may also be required.

Access Standards: The minimum standards shall be those required by the State, County and town, with higher standards imposed if required as a result of the Traffic Impact Study or the SEQRA review.

Minimum sight distance is related to the posted speed limit and a sight distance triangle specified at intersections and at pedestrian crosswalks where obstructions greater than 3 ½ feet above the ground elevation are not allowed. Both commercial and residential driveway spacing standards are specified.

Subdivision access for lots should be by an internal road system where applicable. Shared driveways are encouraged and will require an easement and a necessary maintenance agreement that must be recorded with the deed.

Recommendations for traffic signal locations and spacing for unsignalized intersections are provided.

Development Incentives: An incentive may be offered to a Developer that proposes to build cross access and shared parking or service drives that may not be required by the Code but would enhance future Town development planning. The specific type and magnitude of the incentive would be recommended by the Planning Board, but must be accepted and approved by the Town Board.

Variances: Variances to the standards and criteria of the overlay district are allowed as long as certain conditions make a strict application impractical.

**ACCESS MANAGEMENT OVERLAY DISTRICT ORDINANCE
FOR THE TOWN OF NEW PALTZ**

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I. INTRODUCTION

A major recommendation of the New Paltz Transportation-Land Use Project is for the Town to incorporate an Access Management Overlay District into land development regulations. The overlay ordinance is intended to supersede any underlying zoning regulations by integrating additional access management requirements into the Town's site plan and subdivision review actions.

II. INTENT AND PURPOSE

- A. The intent of Access Management Overlay District Ordinance (AMODO) is to provide for and manage access to land development within the Town of New Paltz. This Overlay District is designed to support the Town's planning objectives of balancing land development and open space preservation while also preserving the safe, efficient and expeditious flow of traffic.

New York State Routes 32, Route 208, and Route 299 serve as a primary transportation network for Southern Ulster County, while also providing access to local commercial and residential development. If access to these highways is not properly designed and located traffic conflicts and congestion will increase. Well planned and clearly defined access will ensure that appropriate access to future development is balanced with the need to accommodate the safe and efficient flow of traffic and the desired character of the community. To achieve this balance, the AMODO has the following goals:

1. Minimize disruptive and potentially hazardous traffic conflicts from new development or from redevelopment;
2. Reduce traffic accidents, personal injury and property damage attributable to poorly designed access;
3. Ensure safe access for all vehicles; and
4. Protect the substantial public investment in the public road system by preserving roadway capacity and reducing the need for costly reconstruction.

- B. The purpose of the AMODO is to improve the safety and operation of State public roads within the Overlay District 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 discouraging the unplanned subdivision of land.

III. DEFINITIONS

The definitions in the Site Plan and Subdivision regulations of the Town of New Paltz apply unless superseded by the definitions in this Section.

ACCESS — A way or means of approach to provide vehicular, bicyclist and pedestrian entrance or exit to a property from a public roadway or to an abutting property .

ACCESS CONNECTION — Any driveway, street, road, alley, turnout or other means of providing for the movement of vehicles to or from the public road system and abutting properties or between abutting properties.

ACCESS POINT — The point at which an intersecting road, driveway, shared access or service alley connects to a public road.

CORNER CLEARANCE - For purposes of this Section it is the distance from a driveway to the closest edge of the intersecting road measured along the road from the centerline of the driveway to the closest edge of the intersecting road.

CORRIDOR OVERLAY ZONE— A zoning district that provides special requirements in addition to those regulations of the underlying zoning district.

CROSS-ACCESS — An easement or service drive providing vehicular access between two or more contiguous sites.

DRIVEWAY — Any access connection, road turnout or other means of providing for the movement of vehicles from the a road to properties abutting the road.

FUNCTIONAL AREA of an INTERSECTION – The functional area of an intersection is that area beyond the physical intersection of two roadways that comprises decision and maneuvering distance, plus any required vehicle storage length.

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.

OUTPARCEL – A lot identified on a site plan or subdivision plan that is owned by a party other than the primary owner of the parent property, and is intended to be developed separately from the parent property and/or is intended to be developed for a different use.

NONCONFORMING ACCESS— Features of the access system that existed prior to the effective date of this Section and that do not conform with the requirements contained herein; or, 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.

SHARED DRIVEWAY or COMMON DRIVEWAY — A single connection serving two or more adjoining lots or parcels.

SIGHT DISTANCE —The distance of unobstructed view for the driver of a vehicle, as measured along the normal travel path of a roadway from its intersection with another road, driveway or access point, at a specified height above the roadway.

SIGHT DISTANCE TRIANGLE — For purposes of this Section the Sight Distance Triangle is a triangular area measured at a height of 3 ½ feet and a point 10 feet from the curb line of an intersecting road or driveway that must be free of impairments to a drivers vision.

TEMPORARY ACCESS — Provision of access subject to changes in that access when identified triggering conditions are met. Such conditions are generally identified in the Site Plan Approval or Highway Work Permit Approval as are the changes to be made.

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.

IV. APPLICABILITY

- A. The Access Management Overlay District shall contain all lots or parcels of land with or seeking to have access connections to New York State Routes 32, 208 and 299.
- B. The Access Management Overlay District shall also contain all lots or parcels of land abutting existing or future public or private roads intersecting State Routes 32, 208 and 299 within 400 feet of the State right-of-way.
- C. All lots or parcels hereafter created and all structures hereafter created, altered, modified or moved on these properties shall conform to the requirements set forth for this District.

V. General Access Management Requirements.

- A. Large Developments

1. Large developments shall include any development with or seeking access to a State road whose trip generation from all lots or parcels exceeds 150 Peak Hour Trips and any development with or seeking access to a County or Town road whose trip generation exceeds 100 peak hour trips.
2. Large developments shall be required to prepare a Traffic Impact Study (TIS) meeting the requirements of the agency with jurisdiction over the road to which the large development has or seeks access to. The Town Planning Board may establish additional and or higher requirements for the TIS if, in its opinion, the development could detrimentally impact the safe and efficient movement of traffic, pedestrians and bicyclists along public roads or imperil safe and efficient access to other lots or parcels.
3. Developments generating fewer than 100 peak hour trips may be required to prepare a Traffic Impact Assessment if the agency with jurisdiction over the road from which the development has or seeks access or the Town Planning Board determines that the type of traffic generated by the development, or existing traffic safety and operational problems, or unusual site conditions could detrimentally impact the safe and efficient movement of traffic, pedestrians and bicyclists along public roads or imperil safe and efficient access to other parcels.
4. Large developments may be required to mitigate the traffic impacts of their development. Required mitigation may include but is not limited to the constriction of signals, turning lanes, medians, combined and shared driveways, service or access roads, and implementation of transit improvements and/or traffic demand management strategies. This requirement may be waived with:
 - a. New York State Department of Transportation approval for mitigation required on or along a State road.
 - b. County approval for mitigation required on or along a county road.

B. Phased Mitigation and Access Requirements.

1. Mitigation and access requirements should be based on full development of a lot, parcel or subdivision.
2. The Town Planning Board may allow for phasing of mitigation or access requirements where the schedule or type of future development of a lot or parcel cannot be determined or where the schedule for completion of a subdivision cannot be determined.
3. The Town Planning Board's agreement to allow phased mitigation or access requirements will be contingent on the following:

- a. Identification of an acceptable trigger or conditions under which phased mitigation or access requirements would be implemented.
- b. Provision of a practical and enforceable agreement by the property owner or developer or occupant, as appropriate, that the required phased mitigation or access requirements would be implemented.

C. Changes in Access

1. The Town Planning Board may establish provisions for and require future alteration of the lot or parcel layout, the location and design of driveways, parking, shared access, cross access, and other access features based on phased development, additional development or change in use, or development of or a change in use at an abutting lot or parcel.
2. On completion of a side, access or service road abutting a lot with a driveway connection to a public road, the Town Planning Board may require a driveway or driveways to the side, access or service road and closure of the driveway connection to the State or County road

D. Retrofit of Nonconforming Access

Whereas driveways and other access conditions at lots or parcels already developed in the District do not generally conform to modern access requirements and such access conditions have been shown to contribute to high numbers of accidents and degraded traffic operations; therefore, driveways and other access conditions in place prior to the effective date of these regulations shall be treated as pre-existing nonconforming access features.

1. The feasibility of improving nonconforming access features shall be evaluated when:
 - a. Redevelopment of a lot or parcel is proposed; or
 - b. Proposed upgrades or other changes increase the square footage of a building or accessory use by 1000 square feet (sf) or more or increase peak hour trip generation by 50 or more trips; or
 - c. A new driveway access permit is requested; or
 - d. A State or local improvement project is proposed.
2. When an owner of a lot or parcel with non-conforming access features applies for a permit to redevelop, upgrade or change the use of the property, the Town Planning Board will determine whether access improvements are necessary and appropriate.
3. If the Town Planning Board determines that it is necessary and appropriate to retrofit existing access features it may require the lot or parcel owner to establish an access retrofit plan. The objectives of the retrofit plan shall be to reduce the traffic and safety impacts of development by bringing the number, spacing, location, and design of driveways and other access conditions into conformance with modern access management practices to the extent possible without

imposing undue or inequitable hardship on the owner. The retrofit plan may include:

- a. the elimination of driveways,
 - b. the realignment or relocation of driveways,
 - c. the provision of shared driveways and/or cross access driveways,
 - d. reverse access,
 - e. the restriction of vehicle turning movements,
 - f. the relocation of parking,
 - g. a reduction of peak hour trip generation,
 - h. signalization, or
 - i. such other changes as may enhance traffic safety.
4. The requirements of the retrofit plan will be incorporated as conditions to the permit for the redevelopment, change or upgrade of use of the lot or parcel and the owner will be responsible for the retrofit.

E. Access Design Standards

1. Minimum standards for the design of access connections to State roads shall be those set by the State and for connections to County roads shall be those set by the County.
2. Minimum standards for the design of access connections to Town roads shall be those set by the Town or established by the Town Engineer as conditions of Site Plan Approval and/or Subdivision Approval.
3. Higher standards for connections to State, County or Town roads may be established by the Town Planning Board based on the findings of a Traffic Impact Study or SEQRA study.

F. Sight Distances and Sight Distance Preservation

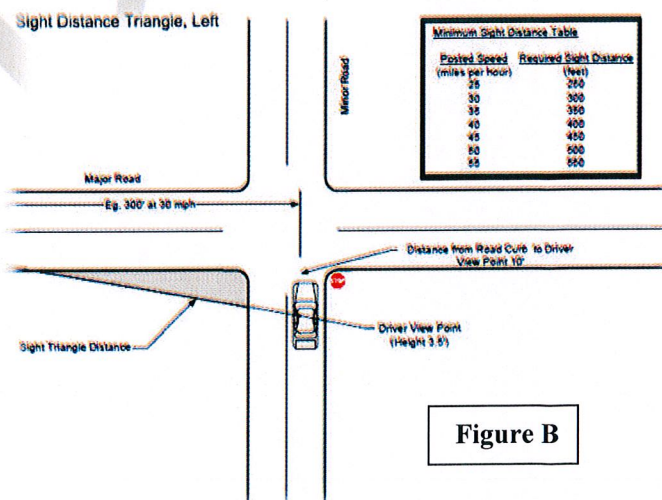
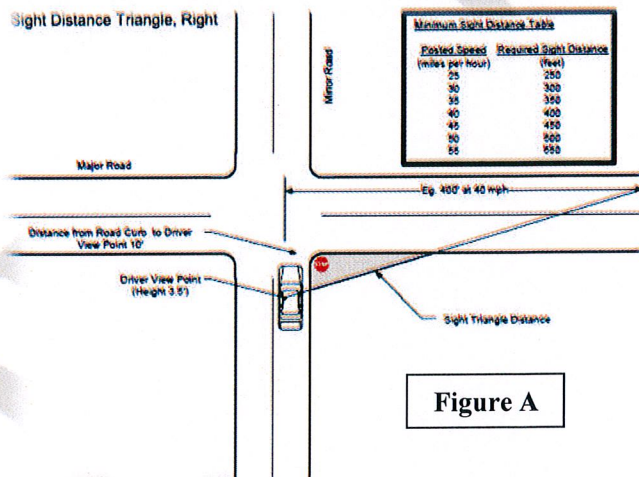
1. Sight Distance Requirements
 - a. Driveways and intersecting roadways shall be located and designed in profile and grading to provide the following minimum sight distance measured in each direction.

TABLE A

Minimum Sight Distance Table	
Posted Speed (miles per hour)	Required Sight Distance (feet)
25	250
30	300
35	350
40	400
45	450
50	500
55	550

2. Sight Distance Triangle

- a. The sight distance triangle shall be used to measure sight distance as illustrated in Figures A and B below:



- b. The sight distance triangle shall be measured from a point three and one half (3.5) feet above the ground and ten (10) feet from the curb line or edge of shoulder for an intersecting driveway or intersecting road.
- c. A minimum sight distance of 300 feet, both left and right of designated pedestrian crosswalk areas, shall be maintained wherever possible unless the existing roadway grade and profile and/or existing structures preclude compliance with this minimum standard.

3. Sight Distance Preservation

- a. No parking, fence, wall, sign, structure or object, bush, tree or other vegetation which would impede the view of a driver entering or exiting a driveway or intersecting road shall be allowed within the sight distance triangle from a point three and one half (3.5) feet above the ground to a point ten (10) feet above the ground.
- b. Fences, walls, structures and objects, signs, trees, bushes, shrubbery and other vegetation in the sight distance triangle shall be maintained by the lot or parcel owner so as to preserve sight distance for drivers entering the road. In the event that the owner fails in such maintenance the Town may trim, prune, clip, lower, or otherwise clear or remove such sight obstructions and may bill the owner for the costs of such actions.

VI. Subdivisions

A. Land Subdivision Criteria

- 1. All proposed development of land located within the District which involves the subdivision of a parcel shall be subject to the following criteria in addition to those set forth in the Town of New Paltz Subdivision Regulations:
- 2. Planned access shall be provided for all lots or parcels which are the result of subdivisions occurring after the effective date of this Section.
- 3. Planned access shall address the provisions of this Section and the following:
 - a. Lots or parcels which are the result of a subdivision do not have the right of individual access connections to public roads. The number of driveways or other connections shall be the minimum number necessary to provide reasonable access to these lots or parcels, not the maximum available for the frontage.

- b. Driveways shall be provided to the road with the lowest functional classification serving the proposed land use.
- c. Access should be internalized. Access to lots or parcels within a subdivision should be obtained from an internal road unless specific existing conditions prohibit access by any lots or parcels from access by an internal road as determined in the sole discretion of the Planning Board.
4. The access system for the proposed subdivision should be coordinated with existing, proposed and planned streets outside the subdivision.
5. Internal public and private roads, shared driveways, cross access driveways, and interconnected parking constructed to provide access to lots or parcels internal to a subdivision shall be recorded as an easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities should be recorded with the deed.

(NOTE: THE SECTION BELOW REGARDING PROVIDING INITIATIVES TO DEVELOPERS NEEDS TO BE DISCUSSED W/ THE TOWN BOARD AND PLANNING BEFORE INCLUDING IN THE NEW CODE.)

B. Incentives for Land Development.

1. In accordance with the provisions of Section 261-b of New York State Town Law, the Town Board, upon recommendation from the Town Planning Board, may grant incentives to proposed development within the AMODO when the following conditions are found to exist.
2. In order to ensure the safe and efficient movement of traffic along State and county roads and subdivisions and properties abutting these roads, internal roads systems shared driveways, cross access driveways, cross access and service roads, internal circulation systems, and interconnected parking are encouraged.
3. The Town Board, based upon a Town Planning Board recommendation, may grant adjustments to the permissible density, area, height, or open space otherwise required in the zoning district when the lot or parcel owner or developer provides internal road systems, shared driveways, cross access driveways, access on public roads, internal circulation systems, or interconnected parking.
4. The Town Board shall have the authority to determine the adequacy of the access management amenities to be accepted and the particular bonus or incentive to be provided to a lot owner.

VII. Access Connections

A. General Requirements

1. The location and design of driveways and other site layout, parking and access management conditions shall conform to all State and local requirements.
2. The site layout, location and design of driveways, parking, and other access management conditions should be based on full development of a lot or parcel.
3. Driveways should be limited to one per lot or parcel. More than one driveway maybe permitted if:
 - a. the additional driveway(s) does not degrade traffic operations and safety on the public road system; and
 - b. the additional driveway(s) will improve the safe and efficient movement of traffic between the lot and the abutting public road.
4. Driveways to properties with frontage on two or more roads shall be provided to the road with the lowest functional classification serving the proposed development.

B. Driveway Movements

1. Driveway movements (cross, left turn in, left turn out, right turn in, and right turn out) may be restricted so as to provide for the safe and efficient movement of traffic between the road and the lot
2. Driveways shall be designed and constructed to provide only the allowable movements.
3. Driveways may be required to be located so as to provide shared driveways and/or cross access driveways with abutting lots or parcels.
4. Shared driveways and/or cross access driveways shall be of sufficient width to accommodate two way travel for automobiles and emergency service and loading vehicles. Wider driveways may be required to serve traffic to major developments or large vehicles.
5. Shared driveways, cross access driveways, interconnected parking, and public and private roads constructed to provide access to properties internal to a subdivision shall be recorded as an easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities should be recorded with the deed.

C. Driveway Spacing Standards

1. Driveway spacing is to be measured along the road from the centerline of the driveway to the centerline of the next driveway.
2. Driveway spacing standards shall apply to driveways located on the same side of a road.
3. Residential driveways shall be located so as to meet or exceed the driveway spacing standards shown in Table B below.

TABLE B

Residential Driveway Spacing Standards Table	
Single Family Residential	Minimum Driveway Spacing Requirement
a. to State and County roads	300 feet
b. to Other Roads	50 feet or 30% of the actual frontage where the frontage exceeds 150 feet
Multi-Family Residential	Minimum Driveway Spacing Requirement
a. to State and County roads	300 feet, greater for developments generating more than 20 peak hour trips
b. to Other Roads	150 feet, greater for developments generating more than 20 peak hour trips

4. Commercial and industrial driveways shall be based on trip generation and shall be located so as to meet or exceed the driveway spacing standards shown in Table C below.

TABLE C

Commercial and Industrial Driveway Spacing Requirements Table			
Type of Development Type of Road	Trip Generation 0-150 PHT	Trip Generation 151-300 PHT	Trip Generation 301 PHT or more
All State Roads	220 feet	330 feet	550 feet
Town Roads	150 feet	250 feet	400 feet
Access & Development	40 percent of the required frontage	55 percent of the required frontage	70 percent of the required frontage

Note to Table C: PHT, Peak Hour Trips, will be determined through application of the Institute of Transportation Engineers Trip Generation methods and statistics. With permission from the Town Planning Board, another methodology or other statistics for determination of peak hour Trips may be used.

5. The minimum driveway spacing requirements set out in Tables B and C shall not apply to driveways on the same lot or parcel. The spacing of such driveways shall be determined by the Planning Board on a case-by-case basis with the primary consideration being safety.

D. Corner Clearance

1. Corner clearance is to be measured along the road from the centerline of the driveway to the closest edge of the intersecting road.
2. Driveways for corner properties where there is no traffic signal, either existing or planned, shall meet or exceed the minimum corner clearance requirements as follows: full access (all driveway movements) = 220 feet or, partial access (restricted driveway movements) = 110 feet.
3. Driveways for corner properties where there is an existing, planned or contemplated traffic signal shall be located outside the functional area of the intersection, as determined by a registered traffic engineer.

E. Driveway Location

1. Driveway location will be based on a site plan and/or subdivision which has been approved by the Town Planning Board in consultation with the New York State Department of Transportation or the Town Engineer / Town Highway Superintendent.
2. For the purpose of driveway locations, median openings shall be treated as intersections and driveways to properties opposing a median opening shall be located so as to meet or exceed the minimum corner clearance standards, except where a media opening is specifically constructed or reconstructed to provide vehicular access to such properties.
3. Driveways shall be located so as to meet or exceed the driveway spacing and minimum corner clearance standards.
4. The Town Planning Board may allow the location of driveways at less than the minimum driveway spacing standards and corner clearance standards, if:
 - a. a dual-driveway system, cross-access driveway system or shared driveway with an abutting is proposed and this improves the safe and efficient movement of traffic between the lot or parcel and the road; or,
 - b. a driveway or driveways could be located so as to meet the minimum driveway spacing standards and corner clearance standards, but the characteristics of the lot or parcel or the physical or operational characteristics of the road are such that a change of location will improve the safe and efficient movement of traffic between the lot or parcel and the road; or,

- c. conformance with the driveway spacing standards or corner clearance standards imposes undue hardship on the lot or parcel owner.
- d. A temporary driveway can be provided conditioned on obtaining a shared driveway, cross-access driveway, or unified parking and circulation with an abutting lot or parcel, and closure of the temporary driveway, in the future.

VIII. Traffic Signals and Intersections

A. Traffic Signals

1. Traffic signals are public assets and should be established and located so as to provide the greatest good to the public in respect to the safe and efficient movement of vehicles, bicyclists and pedestrians and their affect on the value and developability of property.
2. Traffic signal locations to serve development shall be based on the following principles, in descending order of importance.
 - a. Traffic signals should be located to interconnect to existing local roads or allow for the logical extension of the local road system.
 - b. Traffic signals for development on a single parcel shall be located so as to provide access to abutting and through lots or parcels.
 - c. Traffic signals central to a development may be allowed if the development allows internal access to out-parcels and cross-access to abutting lots or parcels.
3. Traffic signal spacing to serve State and County roads where the efficient movement of vehicles is the objective is on the order of 0.25 miles (1,320 feet). Lower spacing may be allowed if it:
 - a. serves to interconnect existing or potential public roads, or
 - b. allows commercial and industrial establishments to connect to a traffic signal by way of a cross access connection or public road.

B. Unsignalized Intersections

1. Intersection spacing is determined by the intended traffic function of the road and the intended development environment at full build out. Roads whose principle purpose is to move vehicles safely and rapidly from one destination to another require higher minimum intersection spacings. Areas where dense development is planned, and particularly residential or mixed commercial and residential development, are best served by smaller intersection spacing on Town and private roads and moderate spacing on State and County roads. This lower spacing also provides drivers with routing options and provides a safer and least distance travel environment for pedestrians and bicyclists. Recommended minimum spacings are provided below.

2. Recommended unsignalized intersection spacing shall be as follows:
 - a. 1,320 feet on State and County roads with a posted speed of 40 miles per hour or higher;
 - b. 880 feet on State and County roads in areas zoned for commercial or industrial development;
 - c. 440 feet on Town roads and on State and County roads serving mixed use developments and where the residential portion of such development is high density.
3. The Town Planning Board may allow unsignalized intersections below the recommended minimums where:
 - a. The proposed location for an intersection is part of a coordinated road system plan providing routing alternatives for internal development and the general public previously approved by the Town; or
 - b. The proposed location for an intersection provides traffic safety, routing, or road system completion benefits not otherwise available to the Town.

IX. Variance Standards

In addition to the standards and criteria for development set forth elsewhere in the Town of New Paltz Code, the following additional standards shall apply for the granting of variances associated with development within the District:

- A. The granting of an Area Variance shall be in harmony with the purpose and intent of this Section and shall not be considered until every reasonable option for meeting the provisions of this Section is explored.
- B. Applicants for an Area Variance must demonstrate unique or special conditions that make strict application of the provisions of this Section impractical. This shall include, but not be limited to, demonstrating that:
 1. indirect or restricted access cannot be obtained;
 2. no reasonable engineering or construction solutions can be applied to mitigate the condition; and
 - c. no reasonable alternative access is available from a road with a lower functional classification than the State or county road.
- C. Under no circumstances shall an Area 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.
- D. No Area Variance shall be granted where such hardship is self-created.

