

TOWN OF ORANGETOWN
DRAFT LOCAL LAW NO. ___ OF 2023
AMENDING CHAPTERS 24 & 39 OF THE TOWN CODE ENTITLED “PARKING
LOTS & METERS” & “VEHICLES & TRAFFIC” OF THE TOWN CODE

_____, seconded by _____, introduced the following proposed local law, to be known as Local Law No. __ of 2023, entitled “A LOCAL LAW OF THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK AMENDING CHAPTERS 24 & 39 Within South Nyack Hamlet.”

SECTION 1. Statement of Legislative Intent. The Village of South Nyack was formally dissolved as a legislative jurisdiction on April 1, 2022 as that same area became a part of the Town of Orangetown jurisdiction. Per the ‘South Nyack Final Dissolution Plan’, July, 2021, by Laberge Group, page 18, pursuant to GML Article 17-A §789, all Village local laws, ordinances, rules or regulations, in effect on the date of dissolution shall remain effective for a period of up to two (2) years following dissolution, or until such time as the Town board shall adopt, repeal, or integrate such laws into the Town code. Moreover, such local laws shall be enforced by the Town within the limits of the dissolved Village as if they had been duly adopted by the Town Board. Based upon the March 2023 ‘Draft Hamlet of South Nyack Parking Study’, by Laberge Group, this local law proposes a new comprehensive framework of Town policies that regulate parking and related aspects of circulation within the hamlet of South Nyack. This local law also provides for the repeal of associated former Village laws, since they will no longer be controlling upon the adoption of this local law.

SECTION 2. New proposed town code changes are described below. New proposed code is shown as underlined, while if text of the existing text is removed, the text shown as removed is stricken, meaning it has a line through it.

SECTION 3. Chapter 39, Article I, Subsection 39-3 ‘Prohibition of all-night parking’, enable exclusions, for select streets, by adding within subsection A. a new:

(5) In the Hamlet of South Nyack; as follows:

(a) Specific locations on specific streets:

- i. Clinton Avenue, on the south side, west of South Franklin Street;
- ii. Cooper Drive, on the east side, between Clinton Avenue and White Avenue;
- iii. Division Avenue, on the north side, from Depot Place to South Broadway; ~~and~~
- iv. Shadyside Avenue, on the west side, from roughly 310 feet south of the Route 9W intersection, and extending further south for 320 feet.
- v. Washington Avenue, on the south side, between South Broadway and 75 feet north of Glen Byron Avenue.

(b) Overnight alternate-side-of-the-street parking is enabled on the following specific street segments in Orangetown, and as further described in Subsection (c), between the hours of 2:00 a.m. and 6:00 a.m. below, commencing on January 1, 2024.

- i. Brookside Ave. (an east-west street) between Cooper Drive and South Franklin Street;
- ii. Elysian (an east-west street) between Maple Street and Prospect Street; and
- iii. Washington Street (a north-south street) between Cedar Hill Avenue and Ross Avenue.

(c) Standards regulating overnight alternate-side-of-the-street parking.

- i. For those streets Subsection (b) above that are ascribed ‘North-south streets’, unless otherwise posted, parking shall be permitted between 2:00 a.m. and 6:00 a.m. on the east side of the street only on Sundays, Mondays, Wednesdays and Fridays, and on the west side of the street only on Tuesdays, Thursdays and Saturdays.
- ii. For those streets in Subsection (b) above that are ascribed ‘East-west streets’, unless otherwise posted, parking shall be permitted between 2:00 a.m. and 6:00 a.m. on the north side of the street only on Sundays, Mondays, Wednesdays and Fridays and on the south side of the street only on Tuesdays, Thursdays and Saturdays.
- iii. This section may be enforced by the police, parking aides, or Town code enforcement staff. Any person found guilty of a violation of this section shall be subject to a penalty as defined in the annually adopted Town Fee Schedule.

SECTION 4. Within Chapter 39, Article I, Subsection 39-5, “Prohibition of stopping, standing or parking in specified places” of the Town of Orangetown Town Code, add a subsection and criteria under a new subsection heading for the South Nyack hamlet. It will provide for the following prescriptions that will specifically designate prohibited parking areas. It will identify specific subsections or portions of streets where parking allowances for autos and/or other vehicles within the hamlet of South Nyack are expressly excluded, as follows:

Provide a new M. In the Hamlet of South Nyack; and recodify existing M as N, and then in M add:

- (1) Berachah Avenue, on east side, for its entire distance southerly from the intersection of Lowland Drive, and west side from 345- feet south of the intersection with Terrace Drive to a point 35 feet north of the northern edge of pavement on the western extending section of College Avenue;
- (2) South Broadway, on the east side, for a distance of 115 feet southerly from the intersection of the east side of South Broadway with the south side of Cedar Hill Avenue and for a distance of 75 feet on the west side of South Broadway southerly from the intersection of the west side of South Broadway with the south side of Cedar Hill Avenue;
- (3) South Broadway, on the east or west side, for a distance of 75 feet northerly and 75 feet southerly from the points formed by the intersection of the curblines of South Broadway and Clinton Avenue;

- (4) Brookside Avenue, north side, for a distance of 15 feet easterly from the intersection with Cooper Drive;
- (5) Brookside Avenue, north side, from the intersection of the curblines of the north side of Brookside Avenue with the west curblines of Depot Place for a distance of 25 feet westerly from the intersection of said curblines;
- (6) Brookside Avenue, north side, from the intersection of the curblines of the north side of Brookside Avenue with the east curblines of Depot Place for a distance of 25 feet easterly from the intersection of said curblines;
- (7) Cedar Hill Avenue, north side, the entire length from Piermont Avenue to Anna Street;
- (8) Cedar Hill Avenue, south side, for a distance of 72 feet westerly from the intersection west of South Broadway and 30 feet easterly from the intersection east of South Broadway;
- (9) Cedar Hill Avenue, south side, for a distance of 45 feet easterly from the intersection with Depot Place;
- (10) Cedar Hill Avenue, south side, for a distance of 50 feet easterly from the intersection with South Franklin Street;
- (11) Cedar Hill Avenue, south side, for a distance of 50 feet easterly from the intersection with Washington Street;
- (12) Clinton Avenue, south side, between South Broadway and South Franklin Street;
- (13) Clinton Avenue, both sides, west of South Broadway for a distance of 75 feet;
- (14) Cooper Drive, west side, between Clinton Avenue and White Avenue;
- (15) Depot Place, east side, entire length;
- (16) Depot Place, west side, from the intersection of the north curblines of Brookside Avenue with the west curblines of Depot Place for a distance of 25 feet northerly from the intersection of said curblines;
- (17) Division Avenue, south side, for a distance of 40 feet westerly from the intersection with South Broadway;
- (18) Elysian Avenue, north side, easterly from Franklin Street to Prospect Street;
- (19) South Franklin Street, both sides, from Cedar Hill Avenue to the Route 9W egress/ one-way exit onto South Franklin Street;
- (20) Glen Byron Avenue, west side, entire length;
- (21) Hamilton Place, north side, entire length;
- (22) Piermont Avenue, both sides, from Smith Avenue extending 1,045 feet southerly, which is the former location of the Village of South Nyack municipal boundary with the Village of Grandview;
- (23) Piermont Avenue, west side, from Cedar Hill Avenue westerly to a point 75 feet south of the south line of Voorhis Avenue;
- (24) Prall Place, both sides, between its intersection with the east side of South Broadway to its intersection with the west side of Piermont Avenue;

- (25) Salisbury Place, both sides, a distance of 350 feet easterly from the intersection with the east side of Piermont Avenue;
- (26) Shadyside Avenue, ~~west both sides~~, for a distance ~~31200~~ feet from the intersection with Route 9W;
- (27) Shadyside Avenue, east side, entire length;
- (28) Smith Avenue, north side, entire length;
- (29) Smith Avenue, south side, for a distance 215 feet easterly from the intersection with Piermont Avenue;
- ~~(30) Terrace Drive, west side, for a distance of 50 feet northerly from the point at which Berachah Avenue and Terrace Drive meet (a storm drain catch basin is a reference point);~~
- ~~(31)~~(30) Terrace Drive, west side, from 35 feet east/ southeast (downgradient) of Prospect Avenue extending uphill, or generally northwesterly, all the way to the South Highland Avenue/ South Boulevard intersection;
- ~~(32)~~(31) Voorhis Avenue, north side, the entire segment from South Broadway to Piermont Avenue.

SECTION 5. Chapter 39, Article I, Subsection 39-6, “Prohibition of parking on designated highways.” Within this subsection of the Town of Orangetown Town Code, add the following restricted parking areas, that will prohibit parking for autos and/or other vehicles within the hamlet of South Nyack, as follows:

Provide a new H. In the Hamlet of South Nyack: and add:

- (1) Chase Avenue, both sides, entire length;
- (2) College Avenue, both sides, entire length;
- (3) Highland Avenue, both sides, entire length;
- (4) Livingston Place; both sides, entire length;
- (5) Lowland Drive, both sides, entire length;
- (6) Prospect Avenue, both sides, entire length;
- (7) South Boulevard, both sides, from South Highland Avenue, extending to 1,255 feet south of the College Avenue intersection, which point was the former South Nyack municipal boundary line;
- (8) South Highland Avenue, both sides, from the intersection of Route 9W southerly to the Highland Avenue/ Terrace Drive intersection; and
- (9) Upland Drive, both sides, for its entire 0.28 mile length, from Highland Avenue in an easterly direction, to the intersection with South Boulevard.

SECTION 6. Chapter 39, Article I, Subsection 39-7, “Time Limitation on parking.” Within this subsection of the Town of Orangetown Town Code, add the following stipulations restricting the times allowed for parking of autos and/or other vehicles in certain areas within the hamlet of South Nyack, as follows:

In order to establish two-hour limits in the Hamlet provide a new A.(5) In the Hamlet of South Nyack: and add:

- (1) Brookside Avenue, both sides, from South Broadway to Franklin Street.;

- (2) Cedar Hill Avenue, south side, from South Broadway to Depot Place;
- (3) Clinton Avenue, both sides, west of South Franklin Street, between the hours of 9:00 a.m. and 5:00p.m.;
- (4) Clinton Avenue, north side, from South Broadway westerly to South Franklin Street;
- (5) Clinton Avenue, both sides, southerly from South Broadway east to the end of Clinton Avenue;
- (6) Depot Place, both sides, from Cedar Hill Avenue to Brookside Avenue;
- (7) Division Avenue, both sides, between the hours of 9:00 a.m. and 5:00 p.m., from Depot Place to South Broadway, with parking permitted for vehicles with valid handicapped permits only on south side, from a point 120 feet westerly from Broadway to a point 140 feet westerly from the intersection with S. Broadway;
- (8) Elizabeth Place, both sides, for the entire length;
- (9) South Franklin Street, east side, the entire length from Clinton Avenue to Brookside Avenue;
- (10) Gesner Avenue, both sides, from Piermont Avenue to a point 300 feet west of the eastern end of the street (edge of pavement of the dead-end) ~~to a point 225 feet west therefrom until the hour of 8:30 p.m.;~~
- (11) Hamilton Place, south side, for the entire length;
- (12) Mansfield Avenue, north side, beginning ~~–~~from the intersection with South Broadway and continuing 50 feet in an easterly direction;
- (13) Piermont Avenue, east side, from Voorhis Avenue to Cedar Hill Avenue;
- (14) South Broadway, east side, from Clinton Avenue to Cornelison Avenue;
- (15) South Broadway, east and west side, from Cedar Hill Avenue to Clinton Avenue, Monday through Saturday;
- (16) South Broadway, west side, from Clinton Avenue south for a distance of 475 feet;
- (17) South Broadway, west side, starting at a point 95 feet north of the north side curblineline of the New York State Thruway ramp and continuing for a distance of 20 feet, parking is permitted for vehicles with valid handicapped permits only;
- (18) Voorhis Avenue, both sides for the entire length, from Piermont Avenue to Depot Place; and
- (19) White Avenue, both sides, for the entire length.

Moreover, in order to establish 15-minute limits in the Hamlet, provide a new C.(2) In the Hamlet of South Nyack; and add:

- (1) Cedar Hill Avenue, south side, from Piermont Avenue to Broadway, except that for the first 15 feet of the parking area east of Broadway on the south side of Cedar Hill Avenue, parking will be permitted for 15 minutes only;

SECTION 7. Chapter 39, §12, “One-way streets and prohibited turns.” within this part of Town of Orangetown Town Code, add these standards for certain streets in the hamlet of South Nyack, as follows:

Provide a new G. In the Hamlet of South Nyack; and add:

- (1) College Avenue with a direction of travel proceeding downhill, beginning at a point in the center line of College Avenue (said point is 300 feet southeasterly measured along the center line of South Boulevard), thence running southerly, easterly, then northerly along College Avenue to Chase Avenue;
- (2) Chase Avenue with a direction of travel proceeding generally northerly between College Avenue and Prospect Avenue; and
- (3) Prospect Avenue, with a direction of travel proceeding downhill northerly, entire length.

SECTION 8. Brookside Municipal Parking Lot. Amend Town Code Chapter 24 ‘Parking Lots & Meters’, as follows, in order to affirm this lot is to be used for parking by residents and to affirm that there are standards for public parking for noncommercial vehicles at this property, with the legislative intent for this part to establish and affirm that there will be requirements for municipal parking permits in order to park at this location (criteria for the municipal parking permit is defined in §24-1.E.) and also as follows:

Amend Article I - Municipal Parking Lots, §24-1 “Permit parking in municipal parking lots”:

Subsection A. by adding the following clause so it now reads: The Town shall permit use of its Town parking lots for parking of motor vehicles located in the downtown Pearl River area and the Hamlet of South Nyack.

Subsection B. by breaking it into two parts and adding, after the first clause: “The municipal parking lots to which this section shall apply are the following Town-owned lots:”, and so it now has:

- (1) Pearl River: Parking Lot No. 1, located between East Washington Avenue and East Central Avenue; Parking Lot No. 2, located on the south side of William Street, south of Franklin Avenue; Parking Lot No. 3, located on the corner of East Washington Avenue and North William Street.
- (2) South Nyack: Brookside Avenue Surface Parking Lot on the South side of the street at 67 Brookside Avenue.

Also, amend and fix the current codification in Article I §24-3 “Penalties for offenses.”, by providing notation consistent with the rest of this Article, by adding A. Area of Town before the corrected (1):

Edit existing (1) changing the text before the table so that it reads:

For all ~~Pearl River~~ other municipal lot violations, the following fine schedule is applicable to the registered owner of the vehicle:

SECTION 9. Pursuant to and consistent with existing Town Chapter 39, Article I, Subsection § 39-5.1. ‘Fire lanes.’ Add N. and the recodify existing M. into N., and add the following new text for M. Hamlet of South Nyack (former Village of South Nyack). Pursuant to and consistent with existing Town Chapter 39, Article I, Subsection § 39-5.1. ‘Fire lanes.’, if within the hamlet of South Nyack there is a proposed site plan or site plan amendment, and prior plans running with the land show Fire Lanes designated on any portions of associated public streets or public rights of ways, the location and arrangement of such fire lanes shall be shown on all plan submissions and shall not be removed or extinguished except in compliance with any applicable Town zoning standards, or the New York State Uniform Fire Prevention & Building Code, whichever is more restrictive.

SECTION 10. Repeal Village Code Chapter 220 Parking.

SECTION 11. Repeal selected Village Code Articles or Sections from Chapter 310 ‘Vehicles & Traffic’. These parts applicable to the management and regulation of parking and circulation within the former Village of South Nyack are hereby repealed in their entirety for purposes of continuity in application of the Orangetown Town Code within the Hamlet of South Nyack (which was formerly the Village prior to its dissolution on April 1, 2022). There are either existing adequate standards in Town of Orangetown Town Code, or content is proposed to be included that adequately address such areas and present alternative standards for incorporation into Town of Orangetown Town Code as defined above:

- a. Chapter 310 Article I through Article IX;
- b. Chapter 310 Article XI; and
- c. Chapter 310 Articles XIII through XV.

SECTION 12. Numbering for Codification -

It is the intention of the Town of Orangetown and it is hereby enacted, that the provisions of this Local Law shall be included in the Code of the Town of Orangetown; that sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for Codification; and that any such numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

SECTION 13. Severability.

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

SECTION 14. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York.