

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
*(Select one.)*

of Greenburgh

FILED  
STATE RECORDS

SEP 07 2022

DEPARTMENT OF STATE

Local Law No. 14 of the year 2022

A local law amending Section 285-38 entitled "Off-street Parking, Loading and Landscaping  
*(Insert Title)*  
Requirements"

Be it enacted by the Town Board of the  
*(Name of Legislative Body)*

County  City  Town  Village  
*(Select one.)*

of Greenburgh

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 14 of 2022 of the (County)(City)(Town)(Village) of Town of Greenburgh was duly passed by the Town Board on July 24 2019, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20    , in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

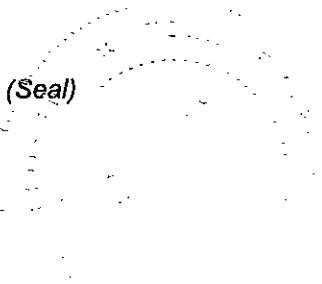
**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, 1 above.

*Judith A. Beville*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 8/26/2022





TOWN of GREENBURGH

Local Law No. 14 /2022

A local law amending Section 285-38 of the Code of the Town of Greenburgh entitled, “Off-street parking, loading and landscaping requirements,” pursuant to New York State Constitution Article IX and New York Municipal Home Rule Law Section 10, New York Environmental Conservation Law Article 8 (SEQR).

**BE IT ENACTED** by the Town Board of the Town of Greenburgh:

- § 1. Title.
- § 2. Legislative Findings and Intent.
- § 3. Amendment to § 285-38.
- § 4. Supersession.
- § 5. Severability.
- § 6. Effective Date.

§ 1. Title.

This law is entitled “A local law amending Section 285-38 of the Code of the Town of Greenburgh, entitled “Off-street parking, loading and landscaping requirements.”

§ 2. Legislative Findings and Intent.

The Town Board of the Town of Greenburgh finds it in the best interest of the Town to amend Section 285-38 of the Code of the Town of Greenburgh to promote the efficient use of off-street parking areas in the Town.

§ 3. Amendments to Chapter 285-38.

Section 285-38 of the Code of the Town of Greenburgh is hereby amended as follows (deleted text in ~~strikeout~~; new text underlined):

**§ 285-38. Off-street parking, loading and landscaping requirements.**

- A. Required for all new buildings and uses. Subject to the exceptions hereinafter set forth, for every building hereafter constructed, erected or altered and for each use hereafter established, there shall be provided on the same premises suitably graded and paved off-street parking areas and off-street loading areas. Each such off-street parking area shall contain the required number of parking spaces set forth in

Subsection E of this section and shall have appurtenant thereto and giving access thereto adequate passageways, driveways and turning areas. Each such off-street loading area shall contain the required number of loading berths set forth in Subsection G of this section.

- B. Parking required for one-family dwellings. A parking unit required for a one-family dwelling may be provided in a private garage, in a carport or in a driveway not less than eight feet nor more than 30 feet in width, or combination thereof, but may not be provided within one foot of a public right-of-way. Said parking units shall not be located nearer to any side or rear lot line than minimum distance from off-street parking areas to side or rear lot lines established for the district therein.
- C. Parking units required for all other uses.
  - 1. Unless otherwise prohibited, a parking unit required for any building or use, other than for a one-family dwelling, may be fully enclosed in a garage with a door or located in a parking structure and fully roofed over, provided that it is adequately lighted at night. Said parking may be located in a side or rear yard, subject to the minimum distances as specified in the given district. Except where specifically permitted, no parking units shall be located within the required front yard of any multifamily dwelling, but passageways, driveways and turning areas giving access thereto may be permitted in such front yard. All garages and parking structures are subject to the applicable requirements for accessory or principal buildings, as the case may be.
  - 2. Parking units required for multifamily dwellings, nonresidential uses or for uses accessory thereto shall be paved and clearly marked, indicating individual parking spaces, aisles, maneuvering areas, entrances and exits. Parking units shall be located so as to provide convenient access between the subject use and parking facility. All markings shall be of high-contrast white paint, except that markings between areas of two-way traffic shall be of high-contrast yellow paint.
  - 3. Where a parking area required for a building or use, other than for a one-family dwelling, is generally adjacent to a residential district or to a street line, there shall be provided for along the lot line of the lot on which such parking area is situated and adjacent to such residence district or street line a landscaped separator strip of at least 10 feet in width, containing a shrubbery screen at least five feet wide, of which at least 1/2 shall be of suitable evergreens. Such shrubbery screen shall cover not less than 25% of a vertical plane four feet in height along the edge of such parking area. The area between such shrubbery screen and the adjoining properties or street line shall be planted with a good grade of grass seed or suitable ground cover. Such grass area and shrubbery screen shall be suitably maintained, shall be kept free of rubbish at all times and shall be separated from the parking area by a curb not less than six inches in height or by a bumper guard approved as to type and construction by the Building Inspector.

D. Other parking requirements.

1. Size of parking spaces. Each parking space shall be at least nine feet wide and 20 feet long, and at least 10 feet wide and 20 feet long if bordered by walls or columns on any two or more sides. Where parking spaces are defined by curbs providing space for overhang of vehicles, such spaces may be reduced in depth to 18 feet, provided that vehicles will not overhang sidewalks or other pedestrian areas. No enclosed parking unit for any building or use, other than parking units in one- or two-car garages, shall be located within 10 feet of any pedestrian entrance to a building. A clear pedestrian accessway to all circulation aisles of an enclosed parking area shall be provided.
2. Aisles. Backup and maneuvering aisles between rows of parking spaces shall be at least 22 feet wide. The minimum aisle space may be reduced for angle parking, but in no case shall the aisle space be less than 16 feet.
3. Access. Unobstructed access to all parking areas shall be provided to and from a street. Unless otherwise required by an approving board, such access shall consist of at least one twelve-foot-wide lane for parking areas with less than 30 spaces and at least two ten-foot-wide lanes for parking areas with 30 spaces or more. No entrance or exit for any off-street parking area with a capacity of more than four spaces shall be located within 50 feet of any street intersection nor exceed a grade in excess of 6% within 25 feet of any street line or 10% of any other point, unless otherwise permitted by an approving board.
4. Grading, drainage, surfacing and marking.
  - a. All parking areas shall be properly drained, and all such areas, except for parking spaces accessory to a one- or two-family dwelling, shall be provided with a paved surface which shall be properly maintained throughout the duration of the use. The maximum slope of a parking area shall not exceed 5%.
  - b. Where the topography of a site is such that a potential safety hazard for parked vehicles exists, the Planning Board may require barriers or other safety devices to be incorporated into the design of the parking lot.
  - c. In multifamily residential developments and in nonresidential developments, suitable markings to indicate individual parking spaces, maneuvering areas, entrances and exits shall be provided.
5. Parcels with two or more uses. When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the full extent. Where it can be conclusively demonstrated to the satisfaction of the Planning Board that any or all of the following site characteristics occur, the Planning Board, upon recommendation by the

Building Inspector, may reduce the total parking requirement to an amount which, in its judgment, will prevent parking on the street by persons working on or visiting the premises and will not generate additional traffic that overburdens the parking capacity: (1) one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses are not in operation or are not likely to generate a substantial demand for parking; (2) sufficient land area exists for land banked off-street parking spaces, subject to site plan or amended site plan approval and related approvals, if deemed necessary, from the appropriate approving agency; and (3) the applicant presents documentation demonstrating an underutilization of existing off-street parking spaces.

6. Location and ownership.
  - a. Required accessory parking spaces, open or enclosed, shall be provided upon the same lot as the use to which they are accessory unless specifically permitted by special permit, in which case said parking area shall be within 250 feet of the subject lot.
  - b. In all such cases, the parking spaces shall conform to all the regulations of the district in which the parking spaces are located, and in no event shall such parking spaces be located in any residence district unless either the use to which the spaces are accessory is permitted in such residence districts or approval is granted by an approving board. Such spaces shall be subject to an easement or restrictive covenant in form and substance satisfactory to the Town Attorney and approved by the approving board, which instrument shall be recorded in the Westchester County Clerk's Office, Division of Land Records, and shall bind the owner of the parking spaces and his heirs, successors and assigns to maintain the required number of spaces either throughout the existence of the use to which they are accessory or until such spaces are provided elsewhere in a location and a manner acceptable to the approving board.
7. Connection between abutting parking lots. Where appropriate, an approving board may require paved connections between abutting parking lots in different ownerships so as to facilitate the flow of traffic.
8. Enclosed facilities. Required parking areas constructed within or under any portion of a main building shall have an access driveway that does not at any point have a grade in excess of 10%.
9. Parking lot islands and landscaping. Unless specifically waived by an approving board, outdoor parking spaces shall be divided into subareas with raised and curbed landscaped islands separating each subarea so designed as to assure a smooth flow of traffic. Said islands shall be a minimum width of 10 feet and shall be suitably landscaped with trees, grass or other ground cover deemed appropriate by an approving board. In addition and unless

specifically waived by an approving board, not more than 15 spaces in a single line shall be permitted without such a suitable landscaped curbed island.

10. Compact car parking spaces. In an OB District, where at least 50 off-street parking spaces are provided pursuant to the requirements of Subsection E of this section, up to 25% of the parking spaces may be designated and reserved for compact cars. Each compact car space shall be at least eight feet wide and 15 feet long, except that each compact car space shall be at least 17 feet long where no overhang is provided. The backup aisle between rows of compact car spaces shall be at least 20 feet wide. Compact car parking spaces shall be arranged in groups of at least five spaces and shall be identified by appropriate signage.

**§ 5. Supersession:**

Pursuant to New York Municipal Home Rule Law Section 22, this law is intended to supersede any other inconsistent provision of law.

**§ 6. Severability:**

If any clause, sentence, paragraph, subdivision, section or part of this law or the application to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or its application to the person or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**§ 7. Effective Date:**

This law shall take effect immediately upon filing with the Secretary of State.