

Ch 175  
5-19-2009  
Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(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 of Washingtonville  
Town  
Village

Local Law No. 1 of the year 2009

A local law titled "Reserve Parking Zoning Amendment"  
(Insert Title)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

County  
City of Washingtonville  
Town  
Village

Section 1. Section 175-3, titled "Word usage; definitions," of Chapter 175, titled "Zoning," of the Code of the Village of Washingtonville is amended by amending the definition of "Parking Space" in subsection B thereof as follows:

PARKING SPACE -- A stall or berth which is arranged and intended for parking of one motor vehicle in a garage or parking area with a minimum width of nine (9) feet and a minimum length of eighteen (18) feet.

Section 2. Section 175-81, entitled "Placement of accessory buildings and uses" of Chapter 175, titled "Zoning," of the Code of the Village of Washingtonville is amended by renumbering existing subparagraph (12) in subsection A as subparagraph (16).

Section 3. Section 175-81, entitled "Placement of accessory buildings and uses" of Chapter 175, titled "Zoning," of the Code of the Village of Washingtonville is amended by adding new subparagraphs (12), (13), (14), (15), (17), (18) and (19) in subsection A as follows:

(12) As part of its review of a proposed site plan or special exception use, the Planning Board shall review the proposed parking on the site and determine that it complies with the requirements of this Chapter.

(13) In cases where an applicant demonstrates to the satisfaction of the Planning Board, by the submission of a parking study or other competent evidence acceptable to the Planning Board, that fewer parking spaces are necessary to provide adequate parking for the proposed uses than would be required by this Chapter, the Board may reduce the actual parking area and/or loading spaces that Article XVI would otherwise require to be constructed by up to 25% in instances where it finds, by written resolution, that the combined parking needs of the proposed uses will not overlap, or will not occur simultaneously, or that the actual parking requirements of the proposed use are less than required by Article XVI.

In such cases, the spaces that would otherwise be required to be constructed to meet the parking area requirements of this article, shall be shown on the site plan, designated as "reserve" spaces, and reserved for parking purposes by map note and recorded covenant. No building or structure may be constructed on a reserved parking area, and it shall not be used for purposes that would be inconsistent with its future use for parking.

(14) Before the site plan is signed, the applicant and property owner shall (a) file a written agreement with the Village Clerk, duly acknowledged in the same manner as a deed or other document of record, stating that they agree and consent to pave the parking area surfaces, install curbing and construct any other parking improvements within 120 days of receiving written notice from the Building Department that the reserve parking spaces are required to provide safe and suitable parking for the site, and (b) provide a performance bond, in the form of cash or an irrevocable letter of credit, to the Village that is sufficient to ensure the construction of such spaces, which bond shall be acceptable in form to the Village attorney and the Board of Trustees and sufficient in amount to allow construction of the improvements in such parking area if required. The bond shall be held by the Village for five (5) years.

(15) When reserve parking areas are approved on a site plan, the Village may, in its sole discretion, require construction of the improvements at any time during the three-year period following issuance of a building permit for the use to which the parking areas are accessory, upon finding that the additional parking area is necessary to accommodate the actual parking requirements of the occupied site. In the event of a change of use, nothing herein shall prevent the Planning Board from requiring adequate parking for the new use.

(17) Following construction of any parking area shown on a site plan, it shall be marked with paint or other durable material to show individual spaces, travel and fire lanes and traffic control points in conformity with standard traffic marking procedures,

and such markings shall be maintained in good condition at all times. All parking areas shall be constantly maintained so as to prevent potholes or other disruptions to the flow of traffic entering or within the parking area.

(18) Each individual parking space shall be delineated on the surface of the parking area by "doublestriping" the space: two lines shall be painted parallel to the longest dimension of the space, each four inches in width and beginning eight inches on either side of the center line of the boundaries of the space. Handicapped parking spaces required in order to comply with local, state or federal requirements shall be striped and maintained in accordance with ADA guidelines and applicable requirements.

(19) All required parking spaces shall be available at all times for the use to which they are related and shall not be used for parking unrelated to the duly approved use of the lot nor for any form of temporary or permanent storage (including snow storage areas) or outdoor displays, except as may be authorized by a duly approved site plan.

Section 4. Section 175-81, entitled "Placement of accessory buildings and uses" of Chapter 175, titled "Zoning," of the Code of the Village of Washingtonville is amended by amending subparagraph (2) of subsection C, which governs the size of parking spaces in any nonresidential zoning district, as follows:

(2) Accessory parking areas shall be marked off into parking spaces, each with a minimum width of nine (9) feet and a minimum length of eighteen (18) feet, exclusive of access driveways and turning areas. These dimensions are minimum requirements and the Planning Board may require parking spaces to have larger dimensions where it finds the character of the proposed use is such that larger spaces are warranted.

Section 5. Section 175-74, titled "Availability required," of Article XVI, titled "Off-Street Parking and Truck Loading Space Requirements," of Chapter 175, titled "Zoning," of the Code of the Village of Washingtonville is amended by deleting the second sentence of that section and adding the following to said section:

All off-street parking spaces shall have minimum width of nine (9) feet and a minimum length of eighteen (18) feet, exclusive of access driveways and turning areas. These dimensions are minimum requirements and the Planning Board may require parking spaces to have larger dimensions where it finds the character of the proposed use is such that larger spaces are warranted.

Section 6. This local law shall take effect immediately upon filing with the Secretary of State.

(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. 1 of 2009 of the ~~(County)~~(City)(Town)(Village) of Washingtonville was duly passed by the Board of Trustees on May 19, 2009, 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\_\_,  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*  
in accordance with the applicable provisions of law.

**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\_\_. Such local law was submitted  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*  
to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors 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  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*  
to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_ in accordance with the applicable provisions of law.

**\*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 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.

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

Christine Shenkman, Village Clerk

Date: 05-29-09

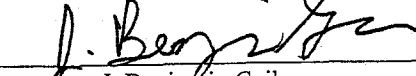
(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF ORANGE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

JACOBOWITZ AND GUBITS, LLP

  
Signature J. Benjamin Gailey

Attorneys for the Town

County \_\_\_\_\_  
City \_\_\_\_\_ of Washingtonville  
Town \_\_\_\_\_  
Village \_\_\_\_\_

Date: May 27, 2009



STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001

DAVID A. PATERSON  
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ  
SECRETARY OF STATE

June 12, 2009

Christine Shenkman  
Village Clerk  
29 West Main Street  
Washington NY 10992-1412

**RE: Village of Washingtonville, Local Law No. 1, 2009, filed on June 11, 2009**

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.state.ny.us/corp/misc.html](http://www.dos.state.ny.us/corp/misc.html).

Sincerely,  
Linda Lasch  
Principal Clerk  
State Records and Law Bureau  
(518) 474-2755