



VILLAGE OF DOBBS FERRY BOARD OF TRUSTEES AGENDA

MEETING DATE: JUNE 14, 2022
AGENDA ITEM SECTION: PUBLIC HEARINGS
AGENDA ITEM NO. : 3
DEPARTMENT: ATTORNEY FOR THE VILLAGE
AGENDA ITEM: PUBLIC HEARING ON A LOCAL LAW AMENDING THE SIDEWALK OPENING CODE: CHAPTER 265 "STREET OPENINGS"
ITEM BACKUP DOCUMENTATION: 1. PUBLIC HEARING LEGAL NOTICE 2. DRAFT LOCAL LAW



VILLAGE OF DOBBS FERRY
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PLEASE TAKE NOTICE that the Dobbs Ferry Village Board of Trustees will conduct a public hearing at Village Hall, 112 Main Street on Tuesday, June 14, 2022 at 6:30 p.m., or as soon thereafter as the matter may be heard, to receive public comment on an Introductory Local Law which proposes to amend the provisions of Chapter 265 “Street Openings” of the Dobbs Ferry Village Code with the goal of updating permit procedures and restoration standards and to move the street opening permit fees to the Master Fee Schedule.

In keeping with the Village’s goal of protecting public health, the Hearing will be conducted in accordance with Open Meetings Law and any applicable Executive Orders using a hybrid format with both in-person and virtual participation options available to the public. For virtual participation, interested parties may be heard using a web-based videoconferencing service by: (i) typing “join.zoom.us” on your web browser and entering the Webinar ID #205 957 953, Passcode: 309361; or (ii) using the direct link <https://zoom.us/j/205957953?pwd=aU5YNHJVYkxub2lWN0RzQUZoVzROUT09;> or (iii) dialing telephone number 929 205 6099. Parties may also provide written comments in advance of the hearing to the Village Clerk, 112 Main Street or by e-mail LDreaper@dobbsferry.com. Copies of and further details on the proposed local law and instructions for participation may be found online at the Village of Dobbs Ferry website www.dobbsferry.com

BY ORDER OF THE BOARD OF TRUSTEES

Dated: June 2, 2022

Elizabeth Dreaper
Village Clerk

INTRODUCTORY LOCAL LAW TO REVISE THE STREET OPENING PROVISIONS OF THE DOBBS FERRY CODE

A LOCAL LAW to revise the Street Opening provisions in the Dobbs Ferry Code.

BE IT ENACTED by the Board of Trustees of the Village of Dobbs Ferry, as follows:

Section 1. Legislative Intent. The Village Board of Trustees seeks to amend Chapter 265 "Street Openings" of the Village Code to provide updated procedures and restoration standards for use by the Department of Public Works when reviewing and issuing Street Opening Permits on public streets and rights-of-way.

Section 2. Chapter 265 of the Code of Dobbs Ferry is hereby amended as follows, with new matter underlined and deleted matter ~~struck~~ and in [brackets]:

§ 265-1 Openings on streets and sidewalks restricted; permit; application.

A. It shall be unlawful for any person, firm, company or corporation to make or cause to be made any curb cut, excavation or opening (hereinafter referred to as an "opening") in or under any street, sidewalk or public place or any portion thereof, whether paved or otherwise, in the Village of Dobbs Ferry, for any purpose whatsoever, except upon compliance with the provisions of this chapter and the obtaining of a permit and the payment of any fees therefor as hereinafter provided for.

B. Such permit shall state the place where the opening is to be made, the dimensions, materials and other particulars, and the amount of the fee and deposit to be paid therefor. The permit shall be exhibited or otherwise made available immediately for inspection upon request by [by the applicant to] any police officer, [~~or~~] other officer or employee of the Village and [to] any resident of the Village[~~on demand~~].

C. All applications for permits shall be made in writing in form and substance as required by the Village and at a minimum, shall contain the following information:

(1) The name and business or residence address of the applicant.

(2) The name of the street, alley, sidewalk or public place in, onto or under which it is desired to make the curb cut, excavation or opening and the kind of curbing, pavement or sidewalk thereon.

(3) The purpose, size and location of the proposed curb cut, excavation or opening.

(4) The name and business or residence address and written authorization of the person or persons for whose benefit the work is to be done.

(5) The time during which it is desired that such opening be permitted.

(6) The names and business and ~~[residential]~~ telephone numbers of every officer, partner and managing agent of every party interested in said property or said street opening.

(7) A sketch showing the location, dimensions and character of the opening shall accompany the application

D. No permit shall be issued until the application therefor has been approved as to location, design, dimensions, materials and other particulars by the Superintendent of Public Works, the Building Inspector and the Chief of Police.

E. A complete application meeting all requirements of this Chapter must be filed for receipt by the Department of Public Works no less than 24 hours prior to the proposed commencement of the proposed work. ~~[At least 24 hours prior to commencement of work, any person or authorized representative of any firm, company or corporation desirous of making any opening, shall file with the Department of Public Works an application, in writing, for a permit for such opening on an application blank containing such information as the Board of Trustees shall specify. A sketch showing the location, dimensions and character of the opening shall accompany the application, and all requirements of this chapter shall be complied with.]~~

§ 265-2 Excavation and restoration.

A. Restoration plans. A restoration plan may be required for pre-approval by the Village in the reasonable discretion of the Superintendent of Public Works based upon the proposed project and extent of restoration. Segmenting the restoration of roadways in a noncontiguous manner is prohibited, except as may be approved by the Superintendant of Public Works.

~~[A.]~~B. Methods.

(1) All excavations, including temporary and permanent restoration work, within any street shall be performed in accordance with the specifications contained in the

section labeled "Specifications" (Village Code § 265-7) or in a manner as prescribed by the Superintendent of Public Works for circumstances not covered by the specifications.

(2) The permittee shall make every effort to keep the amount of pavement damage to a minimum. The pavement damaged in the course of performing the work shall be restored by the permittee, at his or her own expense, ~~[with curb to curb paving if more than 50% of the roadway is disturbed and, if necessary, beyond the limits of the pavement (e.g., lawns, sidewalks, shrubs, gardens, etc.)]~~ or, in the discretion of the Superintendent of Public Works, by the Village at the expense of the permittee. Backfilling and compaction of excavations shall be performed by the permittee so that the least possible subsequent settling will occur and as soon as practicable. Before backfilling, the permittee shall notify the Superintendent of Public Works, allowing adequate time as determined by the Superintendent of Public Works for inspection, particularly in the area of existing underground utilities. If, after permanent pavement restoration, settlement occurs due to failure of the backfill, the permittee shall again restore the damaged areas at the expense of the permittee.

(3) Immediately upon the completion of proper backfilling, the permittee shall construct temporary pavement. All temporary pavement shall be installed at a thickness of three inches. The surface of the temporary pavement shall not exceed above or lie below the surface of the adjacent permanent pavement and shall be reasonably smooth. The permittee shall be responsible for the proper placement and maintenance of the temporary pavement and shall keep the temporary pavement level with the surface of the surrounding permanent pavement and in proper repair and condition until such time as permanent pavement restoration is completed ~~[which permanent restoration is required to be curb to curb paving if 50% or more of the roadway is disturbed]~~.

(4) In any case, upon notice from the Superintendent of Public Works, the permittee, at his or her expense, shall immediately make such temporary repairs and take such corrective and protective measures to the work as directed by the Superintendent of Public Works.

~~[B.]~~C. Responsibilities of permittee.

(1) It shall be the responsibility of the permittee to perform the necessary restoration beyond the limits of the pavement, which shall include, but not be limited to, restoration of lawns, shrubs, gardens, curbing, sidewalks, fences, walls, etc., to a condition as good or better as that which existed prior to pavement work or restoration.

(2) Upon completion of the permanent repairs, both within the limits of the pavement and outside the limits of the pavement, the permittee shall notify the Superintendent of Public Works, in writing, that the permanent repair or replacement has been completed, setting forth the date of completion. The permittee shall, and has the duty and responsibility to, maintain the replacement area for a period of one year after completion. In any case, upon notice from the Superintendent of Public Works within said one-year period, the permittee, at his or her expense, shall immediately make such repair or replacement and take such protective measures to the work as ordered by the Superintendent of Public Works.

(3) Correction by Village at expense of permittee. In any case where the permittee does not timely and properly maintain, repair, or replace any temporary or permanent replacement pavement or restore areas outside the pavement as required, the Village shall draw upon the deposit provided by the permittee to excavate and restore and perform such maintenance or make said repairs or replacements or take such protective measures. The cost thereof shall be charged to the permittee by the Village and/or drawn from any and all monies deposited with the Village by the permittee.

~~[C.]~~D. Deposit required. Prior to the issuance of a permit, the applicant/permittee shall deposit with the Village a sum of money in cash or certified check sufficient to reimburse the Village for all expenses which may be incurred by it in restoring the disturbed surface of the street or other area opened. The amount of such deposit shall be computed in accordance with the fees fixed, imposed and revised by the Board of Trustees in accordance with Chapter 175 and included in the master Fee Schedule as maintained by the Village Clerk. [as follows:]

~~{(1) Concrete, macadam, brick or other hard surfaced road, sidewalk or public area:
\$300 per square yard.~~

~~{(2) Gravel, dirt or other surface: \$25 per square yard.~~

- ~~(3) Concrete sidewalks: \$15 per square foot (minimum \$20 per square foot).~~
- ~~(4) Blacktop sidewalks: \$10 per square foot (minimum \$20 per square foot).~~
- ~~(5) Curbing: \$25 per linear foot.~~
- ~~(6) Limits beyond the pavement: to be determined by the Superintendent of the Department of Public Works.]~~

~~[D.]E.~~ Franchises. Any utility company holding a franchise in Village streets may, at its option, pay to and maintain with the Village Clerk a blanket deposit in the amount of \$10,000 covering all street work performed by the company on an ongoing basis in lieu of the deposits above specified. Any such blanket deposit shall be subject to all of the provisions of this section. If said deposit is drawn upon by the Village, said deposit must be immediately replenished by the franchise.

~~[E.]F.~~ Refurbishment by the Village. In the event that such pavement, curbing or flagging is not restored or replaced in accordance with the provisions of this chapter, the Village shall do or cause to be done said restoration or replacement at the expense of the permit holder, and the cost of such work, including labor, materials and supervisory services, shall be deducted from the amount of the deposit to be returned to the applicant. The applicant shall pay to the Village any excess of such costs over the amount of the deposit.

~~[F.]G.~~ Refund of deposit. On completion of the work and approval thereof by the Superintendent of Public Works, but in no event sooner than one year from completion as determined by the Department of Public Works, the holder of the permit may request ~~[apply for a]~~ return of such deposit or any remaining balance thereof.

§ 265-3 Fees.

A fee~~[, in an amount set by the Board of Trustees]~~ to cover the cost of the permit, shall accompany each application for a street opening permit. The amount of such fee shall be fixed, imposed and revised by the Board of Trustees in accordance with Chapter 175 and included in the master Fee Schedule as maintained by the Village Clerk.

§ 265-4 Emergency street openings; expiration of permit.

A. Any public service corporation may be entitled to commence street opening work of an emergency nature, provided that, if the office of the Village of Dobbs Ferry is closed, the Police Department shall be notified and application for such permit shall be made in the same manner outlined herein before the close of business hours for the first working day following the date of the emergency opening.

B. Street openings for the sole purpose of making original installations or connections will under no circumstances be classed as emergency work.

C. Each permit, or renewal thereof, shall expire 30 days following the issuance thereof and may be renewed upon written application to the Department of Public Works and payment of an additional fee in the amount prescribed in the section labeled "Fees" (Village Code § 265-3) and the submission of any additional monies required by this chapter.

§ 265-5 Certificate of insurance.

A. No permit shall be issued until the applicant has filed with the Department of Public Works a certificate of insurance from a company authorized to do business in the State of New York, certifying that the applicant has in full force and effect public liability insurance to indemnify and protect the Village against any loss, damage or injury which might be incurred by reason of such street excavation or performance of the work incidental thereto. Such certificates of insurance shall state that the Village of Dobbs Ferry is an additional insured under said policies and that the Village shall be notified of any intent to cancel in any manner the policy referred to or of any change in the terms of the policy or limits thereof. Limits of liability of said insurance shall be not less than the following:

(1) Bodily injury damage: \$1,000,000 for any one person and \$1,000,000 for any one accident.

(2) Property damage: \$1,000,000 for any one accident.

B. Such insurance shall remain in force and effect and the operations covered thereunder shall not be deemed completed until at least 90 days after completion of the work hereinafter prescribed in the section labeled "Compliance required" of this chapter

(Village Code § 265-6). Any permittee shall also prepare an agreement indemnifying and holding the Village harmless for any work performed on a Village street or right-of-way.

C. A public service corporation electing to file and keep on file a performance bond and indemnity agreement may file with the Department of Public Works, in lieu of a certificate of insurance, a certificate that such corporation is a self-insurer.

§ 265-6 Compliance required.

The owner(s) of the property benefited and the person, firm, company or corporation executing the work shall comply with the following, all at the cost of the permittee:

A. Proper lighting, barricading, reflectors, signs and watchmen shall be provided to the extent necessary to protect the public.

B. Gutters shall be kept clear so that the free flow of water is permitted.

C. All work under the permit shall be pursued diligently and continuously until completed.

D. Not more than 1/2 of the paved width of any street shall be closed to traffic at one time.

E. The size of the opening shall not exceed that for which the permit was issued without first amending the permit as issued.

F. After backfilling openings which have been sheathed, the sheathing shall be left in place and cut down one foot below grade.

G. No tunneling or undercutting is permitted.

H. Openings shall be carefully backfilled with K-Krete® ,or an equivalent product as pre-approved by the Department of Public Works, deposited in four-inch layers and tamped. Frozen earth or stones over six inches shall not be used in backfill. All shall be left in a condition safe for travel by the public without hazard. It shall be the responsibility of the applicant to maintain the proper amount of backfilling openings for a period of 90 days after completion of the original backfillings.

I. Pavement shall be restored or rebuilt to a permanent condition in accordance with this chapter.

J. All work done under the permit is subject to [the] inspection during all phases of the work and final approval [of such persons as the Board of Trustees may, from time to time,] by a qualified inspector as authorized and assigned by the Village. [notify in the Department of Public Works when all work prescribed herein is completed, and thereafter a final inspection shall be conducted by a person designated by the Board of Trustees.]

K. Maintenance and protection of traffic.

§ 265-7 Specifications.

The street-opening work and the final restoration shall be performed in accordance with specifications approved by the Superintendent of Public Works, ~~which shall include~~ including, but not limited to, the following minimum specifications:

A. The trench shall be filled with K-Krete®, or an equivalent product as pre-approved by the Department of Public Works, when beneath the paved portion of the street.

B. If a new patch occurs where there is an existing patch, the entire existing patch shall be removed and replaced.

C. If the patch falls within 18 inches of the curb or pavement edge, the patch shall extend to the curb or pavement edge.

D. The final patch shall have a crown that complies with appropriate standards.

E. No digging shall be permitted [start] on a Saturday, Sunday or holiday, except in an emergency, or as may be pre-approved by the Department of Public Works.

F. Concrete. If the street is concrete, the patch shall be concrete. The concrete shall be saw-cut to establish a clean, smooth surface. The existing concrete shall be drilled and doweled to a twelve-inch depth, and the dowel shall be two feet on center. The seam between the new and existing concrete shall be tack-coated with tar.

G. Asphalt. If the street is asphalt, the patch shall be asphalt. The existing asphalt shall be saw-cut to a depth of two inches and shall be 12 inches wider than the trench. A binder course of 4 1/2 inches and a top course of 1 1/2 inches shall be required. The seam between the new and existing asphalt cut tack-coated shall be sealed with tar.

- (1) Work in roadways paved more than five years prior. Single service or excavation only disturbing one lane shall be paved a minimum of 10 feet from the edge of the trench in each direction of the road and from the curb, or edge of road, to the center line of the roadway. Multiple services or excavations in one lane that are needed within 60 feet of each other, the restoration required shall extend 10 feet outside the far excavations and from the curb, or edge of road, to the center line of the roadway. Services or excavations that disturb both lanes, or extend over 50 feet in one lane, shall be paved a minimum of 10 feet outside the excavation on each side, and from curb to curb, or edge of road to edge of road.
- (2) Work in roadways paved within previous five years. Single or multiple services, or excavations within 60 feet of each other, shall be paved a minimum of 10 feet outside the excavation on each side, and from curb to curb, or edge of road to edge of road.

~~[H. If a project shall disturb more than 50% of the road width, the entire road width shall be resurfaced.]~~

~~[I.]~~H. All aspects of the work shall be performed in a good and workmanlike manner, satisfactory to the Superintendent of Public Works and in compliance with all applicable laws and regulations, including safety in the workplace.

~~[J.]~~I. All street openings and work areas shall be provided with warning signs, barricades and lighting as necessary for public safety and in conformance with the applicable provisions of laws and regulations, including the State of New York Department of Transportation Manual of Uniform Traffic Control Devices.

~~[K. — All street openings and work areas shall be provided with warning signs, barricades and lighting as necessary for public safety and in conformance with the applicable provisions of the State of New York Department of Transportation Manual of Uniform Traffic Devices.]~~

§ 265-8 Noncompliance.

If an applicant fails to comply with any of the provisions of this chapter and the Village backfills or restores the pavement to a permanent condition, the permittee shall pay for the cost of such work. In the case of a public service corporation which has elected to

file and keep on file a bond and indemnity agreement pursuant to the section labeled "Deposit required," the cost of such work shall be paid directly by the corporation and, if not so paid, shall be collected under the deposit.

§ 265-9 Penalties for offenses.

Any person committing an offense against any provision of this chapter article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Section XX. Except as otherwise provided herein, all other provisions of the Dobbs Ferry Code shall remain the same.

Section XX. This Local Law shall be posted and published by the Dobbs Ferry Village clerk as required by applicable law and shall take effect immediately upon filing by the NYS Secretary of State.