



VILLAGE OF DOBBS FERRY BOARD OF TRUSTEES
WORKSHOP MEETING AGENDA

MEETING DATE: November 7, 2022

AGENDA ITEM SECTION: Discussion Topics

AGENDA ITEM NO. : 3

AGENDA ITEM:

Parking – On-street Home Rule

ITEM BACKUP DOCUMENTATION:

1. Memorandum dated November 2, 2022 from Ms. Lori Lee Dickson/Attorney for the Village to Mayor Rossillo and the Board of Trustees
2. McKinney's Vehicle and Traffic Law §1640-o. Residential Parking System in the Village of Dobbs Ferry in the County of Westchester



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MEMO

711 Westchester Avenue, Suite 405
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TO: Mayor and Trustees of the Village of Dobbs Ferry
cc: Melissa Ferraro, Liz Dreaper
FROM: Lori Lee Dickson, Esq.
RE: On-Street Parking Permit Program in the Village of Dobbs Ferry
DATE: November 2, 2022

In connection with its comprehensive review of parking, the Board requested me to provide a summary of the Village's authority to operate the on-street parking permit program and the status of such program.

Attached is a copy of New York State Vehicle and Traffic Law Section 1640-o which authorized the on-street parking permit program in the Village of Dobbs Ferry and sets forth the complete list of the applicable streets and the parameters of the authorization granted in 2015 (as Chapter 329 of the Laws of New York 2015). The statutory authority is set to "sundown" January 1, 2025 in the current iteration of that law¹.

Following is the Legislative Intent, Section 1 of Chapter 329 of the Laws of New York 2015:

"Section 1. Legislative findings and intent. The legislature finds that the village of Dobbs Ferry encompasses approximately 3 miles, has over 11,000 residents and has within its boundaries a railroad station maintained and operated by the Metro North division of the Metropolitan Transportation Authority. The Dobbs Ferry Station attracts a large number of commuters and travelers from outside of the village. The station generates significant traffic and congestion and while there are public and private off-street parking areas, commuters and train passengers park on local streets adjoining the station. The residential neighborhoods adjoining the train station are among Dobbs Ferry's oldest neighborhoods and lack sufficient off-street parking to serve local residents. Many homes lack adequate off-street parking. The additional burden of commuter parking has resulted in traffic hazards, congestion and air and noise pollution. In addition the overflow of commuter parking on the residential streets poses a hazard to residents and pedestrians in the area."

The Village's authority over the public streets is exercised for the benefit of the public at large. Thus, any local permit program, or amendments to that program, involving public streets may only be arranged as an exercise of the Village's Home Rule powers. This requires procedural action by both houses of the NYS legislature and a signature by the governor which adds the sub-section into the NYS Vehicle and Traffic statute.

¹ A bill was introduced in the Senate and Assembly during the legislative session in 2020 which proposed to make the provisions of the law permanent. However, despite making it out of the legislative Committee on Transportation, there was no vote taken on the floor of either house during the 2020 session.

CURRENT ON-STREET PERMIT AUTHORIZATION FOR DOBBS FERRY

McKinney's Consolidated Laws of New York Annotated

Vehicle and Traffic Law (Refs & Annos)

Chapter Seventy-One. Of the Consolidated Laws (Refs & Annos)

Title VIII. Respective Powers of State and Local Authorities

Article 39. Regulation of Traffic by Cities and Villages (Refs & Annos)

McKinney's Vehicle and Traffic Law § 1640-o

§ 1640-o. Residential parking system in the village of Dobbs Ferry in the county of Westchester

Effective: November 24, 2015

Currentness

<[Expires and deemed repealed Jan. 1, 2025, pursuant to [L.2015, c. 329, § 3](#). Added by [L.2015, c. 329](#). Another [§ 1640-o](#) was added by another act.]>

1. Notwithstanding the provisions of any law to the contrary, the village board of the village of Dobbs Ferry may, by adoption of a local law or ordinance, provide for a residential parking permit system and fix and require the payment of fees applicable to parking within the area in which such parking system is in effect in accordance with the provisions of this section.

2. Such residential parking permit system may only be established in the village of Dobbs Ferry within the area of the village consisting of the following roadways:

- (a) Oak street, from Broadway to Main street;
- (b) Elm street, from Broadway to Main street;
- (c) Chestnut street, from Broadway to Main street;
- (d) Walnut street, from Broadway to Livingston avenue;
- (e) Hatch terrace, from Broadway to Walnut street;
- (f) Palisade street, from Cedar street to Chestnut street;
- (g) Riverside place;
- (h) Cedar street, from Main street to a point 750 feet west of Palisade street;
- (i) The portion of Draper lane owned by the village of Dobbs Ferry.

3. Notwithstanding the foregoing, no permit shall be required on those portions of such streets where the adjacent properties are zoned for commercial, office and/or retail use.

4. The local law or ordinance providing for such residential parking system shall:

- (a) set forth factors necessitating the enactment of such parking system;
- (b) provide that motor vehicles registered pursuant to [section four hundred four-a](#) of this chapter shall be exempt from any permit requirement;
- (c) provide the times of the day and days of the week during which permit requirements shall be in effect;
- (d) make not less than twenty percent of the spaces within the permit area available to nonresidents, and shall provide short term parking of not less than sixty minutes in duration in the permit area;
- (e) provide the schedule of fees to be paid for such permits; and
- (f) provide that such fees shall be credited to the general fund of the village of Dobbs Ferry unless otherwise specified in such local law.

5. No ordinance shall be adopted pursuant to this section until a public hearing thereon has been had in the same manner as required for public hearings on a local law pursuant to the municipal home rule law.

6. The provisions of this section shall not apply to any state highway maintained by the state.

Credits

(Added [L.2015, c. 329, § 2, eff. Nov. 24, 2015.](#))

McKinney's Vehicle and Traffic Law § 1640-o, NY VEH & TRAF § 1640-o

Current through L.2022, chapters 1 to 579. Some statute sections may be more current, see credits for details.