

# Local Law Filing

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**(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 Victor

**Town**

**Village**

Local Law No. 3-19 of the year 2019

A local law "Creating a New Chapter 40 of the Village of Victor Municipal Code

Regarding Access Management"

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Be it enacted by the Board of Trustees of the

**County**

**City** of Victor as follows:

**Town**

**Village**

"See Attached"

(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.3-19 of 2019 of the (County)(City)(Town)(Village) of Victor was duly passed by the Village Board on September 16, 2019, in accordance with the applicable provisions of law.

~~**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) \_\_\_\_\_  
(Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted \_\_\_\_\_  
(Elective Chief Executive Officer\*)  
on \_\_\_\_\_ 20\_\_\_\_, 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) \_\_\_\_\_  
(Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
(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) \_\_\_\_\_  
(Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local  
(Elective Chief Executive Officer\*)  
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.~~

\* 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.

Pamela S. Hogens  
Village Clerk or officer designated by local legislative body

(Seal)

Date: 9/20/19

(Certification to be executed by the Village Attorney or other authorized attorney of the locality)

STATE OF NEW YORK  
COUNTY OF Ontario

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.

[Signature]  
Signature

Village Attorney  
Title

VILLAGE OF VICTOR

Date: 9/20/19



**MAYOR**

Gary Hadden  
924-3311

**DEPUTY MAYOR**

Michael L. Crowley

**BOARD OF TRUSTEES**

Michelle Chalupa  
Carol Commisso  
Robert Kelly

**VILLAGE CLERK**

Pamela Hogenes  
924-3311

**TREASURER**

Diane White  
924-3311

**VILLAGE ATTORNEY**

Reid A. Holter

**DIRECTOR OF PUBLIC WORKS**

John C. Turner  
924-2004

**CODE ENFORCEMENT OFFICER**

Doug Scarson

**PLANNING BOARD CHAIRPERSON**

Meg Chaldes

**ZONING BOARD CHAIRPERSON**

Sean Sanderson

**URBAN RENEWAL AGENCY CHAIRPERSON**

Jason Shelton

**RESOLUTION #87-19**

**ADOPTION OF LOCAL LAW 3-19, CREATING CHAPTER 40 ACCESS MANAGEMENT IN THE CODE OF THE VILLAGE OF VICTOR**

On motion by Trustee Michael Crowley, seconded by Trustee Robert Kelly the following resolution was ADOPTED 5 AYES 0 NAYS

**WHEREAS**, On November 18, 2018 the Village of Victor adopted Resolution No. 123-2018 that established and appointed a Special Committee to prepare an access management plan as a component of the Village of Victor's comprehensive plan jointly with the Town of Victor; and

**WHEREAS**, This Special Committee has worked diligently with LaBella Associates to prepare a draft access management component for the Village of Victor Comprehensive Plan and an Access Management Plan as an update to the Town of Victor comprehensive plan in a single document hereinafter referred to as the 'Access Management Plan'; and

**WHEREAS**, This Board has adopted said Access Management Plan as a component of the Village's Comprehensive Plan; and

**WHEREAS**, The scope of said Access Management Plan was to examine standards for vehicle driveways and road intersections on public and private roads and did not contemplate recommendations for railroad intersection spacing as those are governed by Federal Standards; and

**WHEREAS**, To implement said Access Management Plan, the Special Committee has recommended an Access Management Local Law be adopted; and

**WHEREAS**, Local Law 3-19 has been proposed to create Chapter 40 Access Management as the Access Management Local Law of the Village of Victor; and

**WHEREAS**, This Board held a duly advertised public hearing on August 19, 2019 at 7:00 PM for the purpose of soliciting public comment with respect to



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**URBAN RENEWAL AGENCY CHAIRPERSON**

Jason Shelton

the adoption of said Local Law as Chapter 40 Access Management of the Code of the Village of Victor; and

**WHEREAS**, Said public hearing was left open for written public comments and closed on September 16, 2019; and

**WHEREAS**, Said Access Management Local Law specifically exempts railroads and rail crossings in §40.2 D.3 from the requirements of the local law as this board recognizes that railroad geometry and road crossings are governed by Federal Standards and railroads are exempt from regulation by local municipalities; and

**WHEREAS**, This Board did issue a negative determination of significance pursuant to an environmental review of the adoption of the Access Management Plan as a component of the Village of Victor Comprehensive Plan, proposed local law 3-19 to adopt Chapter 40 Access Management of the Village Code, proposed local law 4 -19 to amend Chapter 133 Site Plan Review, proposed local law 5 – 19 to amend Chapter 170 Zoning of the Village Code, proposed local law 6 – 19 to amend Chapter 174A Subdivision of Land of the Village Code, the approval of an Official Map of the Village of Victor, and the approval of a Memorandum of Understanding with Region 4 of the New York State Dept. of Transportation and the Ontario County Commissioner of Public Works conducted pursuant to the New York State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617; now, therefore, be it

**RESOLVED**, That this Board hereby finds that adoption of Local Law 3 – 19 creating Chapter 40 Access Management of the Code of the Village of Victor is necessary to conserve and protect the public health, safety, and general welfare by providing for the efficient development of the Village and as a necessary and integral element of managing access onto public roads in the Village of Victor; and further



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Jason Shelton

**RESOLVED**, That Local Law 3-19 creating Chapter 40 Access Management of the Code of the Village of Victor on file with the Victor Village Clerk is hereby adopted pursuant to New York State Municipal Home Rule; and further

**RESOLVED**, That the Village Clerk is hereby directed and authorized to:

1. Incorporate said new Chapter 40 Access Management into the hardcopy and digital versions of the Village Code,
2. Distribute copies of this resolution and Local Law to the Village Code Enforcement Officer, the chairperson of the Village Planning Board, the Director of the Ontario County Planning Department, and the New York State Department of State; and further

**RESOLVED**, That Local Law 3-2019 shall take effect upon filing with the New York State Department of State.

*County of Ontario)  
State of New York)  
Village of Victor)*

*I hereby certify that the foregoing is a true and correct transcript of resolution duly adopted by the Village Board of Trustees on the 16th of September 2019.*

*Pamela S. Hogenes*  
Village Clerk of the Village of Victor

"see attached"

Local Law No. 3 of the year 2019.

**A local law "Creating a New Chapter 40 of the Village of Victor Municipal Code Regarding Access Management"**

Be it enacted by the Village Board

**Village of Victor**

as follows:

Section 1. The Village of Victor Municipal Code is hereby amended with the addition of new Chapter 40 which shall read as follows:

**ACCESS MANAGEMENT**

**Chapter 40**

Village of Victor

**40.1 Intent**

The intent of this Chapter is to implement the recommendations of the Access Management Plan Component of the Village of Victor Comprehensive Plan (hereinafter referred to as the "Victor Access Management Plan" or as the "VAM Plan"). This Chapter requires compliance with the VAM Plan and specifies requirements and procedures to provide and manage access to properties while preserving the operating efficiency of the roadway system in order to improve the safety of motorists, emergency responders, pedestrians, and bicyclists, to reduce traffic congestion and delay associated with poor access location and design, and to protect the investments made in the public road system. This Chapter also provides for coordinating access management with the New York State Department of Transportation (NYSDOT) and Ontario County on public roads and highways under the jurisdiction of those agencies to achieve these purposes.

**40.2 Applicability**

- A. Compliance with this Chapter shall be required in the granting of all building permits, site plans, subdivisions, and other development permits by all Village of Victor officials and boards. The requirements, minimum standards, and procedures specified herein shall govern the review of all zoning permit, rezoning, building permit, variance, special use permit, site plan, subdivision, and other applications made to the Village Board, Zoning Board of Appeals, Planning Board, Building Inspector, Zoning Officer, and/or Code Enforcement Officer of the Village of Victor.
- B. The standards and requirements specified in this Chapter shall apply to all public arterial, collector and local through roadways within the Village of Victor limits, to all privately

owned roads and driveways providing access to developments generating 100 or more peak hour trips or the equivalent stacking distance of heavy vehicles/trucks, and to all properties that abut or have access to these roadways. If any standards contained in this Chapter are different than standards promulgated in any other local law of the Village of Victor, the more restrictive requirement shall apply. Different requirements in other local laws shall not constitute a basis for requesting a waiver or exemption from any requirement or standard contained in this Chapter.

C. Additional Submission requirements for certain development applications:

2. Traffic Impact Study

(a) In addition to any other permit application requirements specified in the laws of the Village of Victor, a traffic impact study (TIS) shall be required to be submitted for any use generating 100 or more peak hour trips or as required by the roadway authority for the public road(s) that will service such trips. The applicant must submit a TIS or a letter from an engineer with experience in conducting traffic studies to document expected trip generation and potential roadway operational consideration for any proposed new or redeveloped use equaling the following thresholds the Village of Victor has determined likely to generate 100 peak hour trips:

1. 100 or more single family homes
2. 175 or more apartments
3. 50,000 SF general office
4. 24,000 SF medical office
5. 75,000 SF industrial
6. 4,000 SF shopping center
7. Any restaurant

(b) Prior to submission of the TIS, the scope of any such TIS should be reviewed with a municipal representative and the Ontario County Commissioner of Public Works and/or NYSDOT Regional Traffic Engineer if County Roads or Highways under the jurisdiction of NYSDOT provide public access to the subject property, will contribute 100 or more peak hour trips to roads or highways under the jurisdiction of said entities, or are within one mile of the site.

(c) The applicant or their representatives should review this Chapter and its standards for shared access, connection spacing, and waivers, as well as the information on turning lanes and signal spacing in the VAM Plan before proceeding with a TIS. The Village of Victor do not anticipate approving development densities that would require waiving the signal location and spacing plan outlined in the VAM Plan.

2. Site Plan or Subdivision Approval Required: Regardless of the requirements found in any other local law, where an officer or board of the Village of Victor finds that the application for any building or zoning permit involves construction of a new building or use, or where a change from a residential to commercial use, or an addition of more than 10% in square feet of building's floor area or peak hour trips is involved, or changes to

existing access is proposed, no building or zoning permit shall be issued until a Site Plan or Subdivision application is made and approved in compliance with this Chapter including any waivers issued by the Planning Board.

#### D. Exemptions

1. Interstate Highways and any other limited access highway where the roadway authority is the Federal Highway Administration or New York State Department of Transportation are exempt from the requirements of this Chapter.
2. Farm Access Road: The location and design of Farm access roads are exempt from the requirements of this Chapter except that their location, design, and operation shall maintain safe travel and operation on the adjoining public road. A farm access road and connection location from such onto a public road or highway that does not comply with the requirements of this Chapter shall not be used to provide access to a non-farm use. In other words, a new non-farm use proposed in the future must provide access in compliance with this Chapter and shall not be entitled as of right to use a pre-existing non-conforming access point and/or driveway or road used for a farm or other related agricultural use.
3. Any Freight or Passenger Service Railroad and their road crossings.
4. Permits involving temporary or short term uses, such as garage sales, road side stands within the boundaries of an Ontario County Agricultural District, emergency responses, or law enforcement operations.

### 40.3 Definitions

#### Access

A way or means of approach to provide vehicular or pedestrian entrances or exit to a property.

#### Access Classification

A system for assigning the appropriate degree of access control to roadways, based upon roadway functional classification, traffic characteristics, and community development objectives. See Table B-1.

#### Access Management

The process of providing and managing access to land development, while preserving the safety and efficiency of travel on the surrounding roadway system.

#### Arterial Roadway

Routes that provide service that is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, every United States (U.S.) numbered highway is an arterial road. Arterial roadways are given the highest capacities since they are designed to carry the greatest amount of through-traffic while generally providing a lower amount of access to adjacent land uses.

**Auxiliary Lane**

The portion of the roadway adjoining the traveled way for speed change, turning, storage for turning, weaving, truck climbing or for other purposes.

**Collector Roadway**

Routes that provide service that is of moderately average traffic volume, moderately average trip length, and moderately average operating speed. Such a route also collects and distributes traffic between local roads or arterial roads and serves as a linkage between land access and mobility needs.

**Commercial Driveway**

A driveway serving a commercial establishment, industry, government or educational institution, business, public establishment, multi-family developments, or other comparable traffic generator.

**Connection**

Any driveway, street, turnout, or other means of providing for the movement of vehicles to or from the public roadway system. For the purpose of this section, two one-way connections to a property may constitute a single connection.

**Connection Offset**

The distance the centerlines of driveways or roadways on opposite sides of a road or highway are from being aligned.

**Connection Spacing**

The distance between connections, measured from the closest edge of pavement of the first connection to the closest edge of pavement of the second connection along the edge of the traveled way.

**Connectivity**

A term used to infer connections between adjoining properties for vehicular and/or pedestrian usage.

**Corner Clearance (C)**

The distance from an intersection of a public or private road to the nearest connection along the public roadway. The distance is measured from the closest edge of pavement of the intersecting road to the closest edge of the pavement of the connection. The projected future edge of pavement of the intersecting road should be used, where available. See Figure F-1 herein.

**Cross Access**

An easement or service drive providing access between two or more contiguous sites so that the driver does not need to reenter the public roadway system.

**Directional Median Opening**

An opening in a restrictive median that provides for specific traffic movements and physically and psychologically restricts other movements.

**Driveway**

Every entrance and/or exit to service vehicle traffic to or from property fronting the roadway system. Usually a driveway is in private ownership.

**Driveway Angle (Y)**

The angle between the driveway centerline and the edge of traveled way. See Figure F-3.

**Driveway Return (R)**

The outside curve radius on the edge of the driveway. See Figure F-1.

**Driveway Width (W)**

The narrowest width of driveway measured parallel with the edge of traveled way. See Figure F-1.

**Edge Clearance (E)**

The distance measured along the edge of traveled way between the frontage boundary line and the tangent projection of the nearest edge of the driveway. See Figure F-1.

**Edge of Pavement**

The existing edge of a paved road or the proposed future edge of a paved road. The future edge shall be used for any measurement herein where a road, highway, or driveway is planned as stated in the Village of Victor's adopted 5 year capital improvement plan, accepted as mitigation under SEQR, associated with a dedicated easement, or indicated on the Official Map.

**Farm Access Road**

A private road or driveway that serves primarily access needs to a public road for limited or seasonal farm related vehicles and equipment. A driveway or road used to provide access for the public for a farm or agriculturally related use, such as but not limited to a greenhouse or farm market where sales to the public are offered, an agri-tourism business, a home business, a bed-and-breakfast, a home or farm worker housing on the premises of an agricultural operation, or other non-agricultural use shall not be considered a Farm Access Road for the purpose of this Chapter.

**Frontage**

The length along the highway right-of-way line of a single property tract or roadside development area between the edges of the property lines. Property at a roadway intersection has a separate frontage along each roadway.

**Frontage Boundary (FB)**

A line, perpendicular to the highway centerline, at each end of the property frontage, extending from the right-of-way line to the edge of the through traffic lane. See Figure F-1.

**Full Median Opening**

An opening in a restrictive median designed to allow all turning movements to take place from the public road system and the adjacent connection, and which therefore is intended for signalization.

**Functional Area of an Intersection**

That area beyond the physical intersection of two roadways that comprises decision and maneuver distance, plus any required vehicle storage length, and is protected through corner clearance standards and connection spacing standards. The functional area of an intersection consists of the distance traveled during reaction time, the deceleration distance, and queue storage length, as shown in Figure C-2.

**Functional Classification**

A system used by NYSDOT to group public roadways into classes according to their purpose in moving vehicles and providing access.

**Internal Roadway Network**

An internal circulation system of larger developments that allows vehicular travel within the property.

**Intersection Returns (R)**

The radius of the edge of pavement between intersecting roads. See Figure F-1.

**Island Area**

An area adjacent to the roadway which serves as a physical barrier to direct the flow of

traffic and to separate highway traffic from the activity on private property.

**Island Offset Distance (S)**

Distance between the edge of pavement and the near edge of an island area parallel to the highway.

**Joint Access (or shared access)**

A single connection serving two or more adjoining lots or parcels.

**Local Road**

A roadway with the primary function of providing access to adjacent properties and to roadways of a higher functional classification. Such routes provide service that is of relatively low average traffic volume, short average trip length or minimal through-traffic movements, and high land access for abutting property. Local roads provide the greatest amount of access to adjacent properties and subdivision streets.

**Local Through Roadway**

A local road carrying through traffic in addition to providing access to individual lots. Such roads typically have lower traffic volumes than collector roadways but moderate to high speeds.

**Lot Frontage**

For the purpose of this Chapter, the linear portion of property that directly abuts a roadway.

**Major Waiver**

A request to the Planning Board for a greater than 10 percent deviation in access connection spacing standards or other standards of this Chapter.

**Median**

That portion of a highway separating opposing traffic flows, Medians can be traversable or non-traversable.

**Median Opening**

An opening in a non-traversable median that provides for crossing and turning traffic.

**Minimum Connection Spacing**

The minimum allowable distance between conforming connections, measured from the closest edge of the pavement of the first connection to the closest edge of the pavement of the second connection along the edge of the traveled way.

**Minimum Median Opening Spacing**

The minimum allowable spacing between openings in a restrictive median to allow for crossing the opposite traffic lanes to access property or for crossing the median to travel in the opposite direction (U-turn). The minimum spacing or distance is measured from centerline to centerline of the openings along the traveled way.

**Minimum Signal Spacing**

The minimum distance between adjacent traffic signals on a public roadway measured from centerline to centerline of the signalized intersections along the traveled way.

**Minor Waiver**

A request to the Planning Board for a deviation of 10 percent or less from the access connection spacing standards or other standards in this Chapter.

**Nonconforming Access**

Features of the access system of a property that existed prior to the effective date of this Chapter and that do not conform to the requirements of this Chapter.

**Nontraversable, Restrictive or Raised Median**

The portion of a divided highway physically separating vehicular traffic traveling in opposite directions. Restrictive medians include physical barriers that restrict movement of traffic across the median such as a concrete barrier, a raised concrete curb and /or island, or a median with a grass swale.

**Outparcel**

A lot identified on a site plan or subdivision plan that is owned by a party other than the primary owner of the parent property, and is intended to be developed separately from the parent property and/or is intended to be developed for a different use (e.g. a non-residential use vs. residential use).

**Peak Hour**

The highest hour of vehicular traffic volume on the adjacent public street network. In some instances, the peak hour of the development is evaluated for access management purposes when the project could create an operational or safety problem on the public road network during an off-peak time for adjacent street traffic.

**Private Residential Driveway**

A driveway connecting a roadway with a private residential dwelling for the exclusive use and benefit of those residing within.

**Reasonable Access**

The minimum number of connections, direct or indirect, necessary to provide safe ingress and egress to the public road system based on the roadway classification, the proposed connection(s) and projected roadway traffic volumes, posted speeds, and the type and intensity of the land use.

**Right-of-Way**

The land within legally defined property boundaries whose title is designated or intended for highway purposes.

**Roadway Authority**

The municipality, agency, or official with ownership and regulatory jurisdiction over a publically accessible road or highway. Examples would be the Village for Village roads, Ontario County Commissioner of Public Works for County Roads, New York State Department of Transportation for State Highways.

**Service Road**

A public or private street or road, auxiliary to another public roadway, which has as its purpose the maintenance of local road continuity and provision of access to parcels adjacent to the public roadway. Frontage and reverse frontage/backage roads are classified as service roads.

**Sight Distance**

The area that establishes a clear line of sight for a waiting vehicle to see oncoming traffic and make turning movements into or out of a street or driveway connection safely or for traffic to see entering or waiting vehicles.

**Stub-out (Stub Street)**

A portion of a roadway or cross access drive used as an extension to an abutting property that may be developed in the future.

**Temporary Access**

Access that is permitted for use until alternative access becomes available.

**Throat Length**

The distance parallel to the centerline of a road or driveway to the first on-site location at which a driver can make a right turn or a left turn. On roadways with curb and gutter, the throat length shall be measured from the face of the curb. On roadways without a curb and gutter, the throat length shall be measured from the edge of the shoulder.

**Traveled Way**

The physical existing edge of a paved road, or edge of travel lane where a white stripe is present, or future edge. Future edge shall be used for the measurement where the associated capital improvements are within an adopted five (5) year capital improvement program, SEQR mitigation, or dedicated easement.

**Traversable, Non-restrictive, or Flush Median**

A median or painted centerline that does not provide a physical barrier between center traffic turning lanes or traffic lanes traveling in opposite directions. This includes highways with continuous center turn lanes and undivided highways.

**Urban Area**

Territory generally within an incorporated area or with frontage on a highway that is at least 50% built-up with structures devoted to business, industry, or dwellings for a distance of a quarter-mile or more.

### **Vehicle Queuing Area**

Space used by vehicles while being served or until service begins.

## **40.4 Roadway Functional and Access Classification**

### **A. Functional Classification**

The functional classification of roadways in Victor is determined by the NYSDOT. The Official Map and Figure 12 in Appendix B of the VAM Plan depict the NYSDOT functional classification of roadways within the Town and Village of Victor.

### **B. Access Classification**

For the purpose of regulating access along local roads in the Village of Victor, this Chapter defines the category of Local Through Roadway. Local through roadway segments in the Village of Victor include:

1. Rawson Road from School Street to the Village line,
2. School Street from Route 96 to the Village line,
3. Adams Street,
4. Railroad Avenue, and
5. New road proposed in VAM Plan and Route 96 Transformative Corridor Strategic Infrastructure Plan.

## **40.5 Access Connection Requirements**

**A. Word Usage:** This section discusses and provides design requirements for the principles of Access Management. Throughout this document and other referenced manuals and guidelines, the following terms are used:

- (1) “Shall” or “Must” – indicates a required or mandatory standard, with deviations restricted to those permitted by the Planning Board using the waiver procedure of this Chapter.
- (2) “Should” – indicates guidance of recommended practice.
- (3) “May” – indicates a statement of practice that is a permissive condition.

**B. Parcels created after the adoption of this Chapter do not have a right to individual access. Temporary and permanent access shall be as identified during the subdivision and/or site plan review process based on applying the regulations of this Chapter to existing and proposed lot access connections.**

### **C. Connection Location for Road Intersections and Driveways**

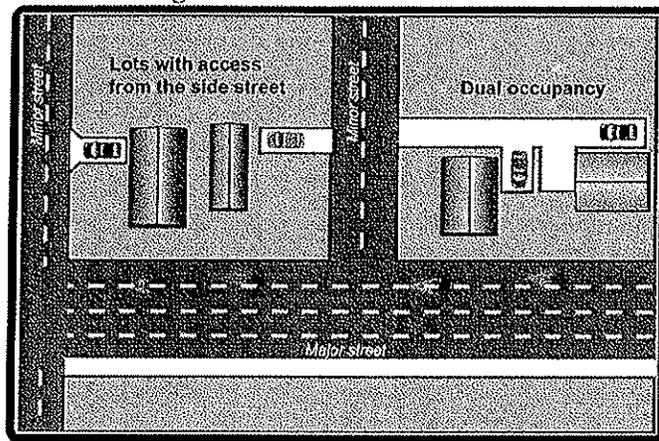
(1) The location of street intersections and driveways is critical for minimizing potential impact to vehicular and pedestrian traffic. Street and driveway connections to the roadway system should be clearly visible to all approaching traffic. The location of driveways should be related to nearby street intersections and adjacent driveways on both sides of the street. In

the interest of public safety and mobility, the Planning Board may prohibit, restrict, or modify the placement of a driveway or street along the property owner's frontage in accordance with the procedures and standards contained in this Chapter.

(2) Similarly in accordance with the procedures contained in this Chapter, the Planning Board may also prohibit or restrict access to a roadway if alternate access is available through other access points that conform with or are more nearly conforming to the requirements and standards of this Chapter.

(3). Properties with frontages along more than one street shall access the minor street (street with the lower functional classification) as shown in Figure C-1.

**Figure C-1: Site-Street Access**



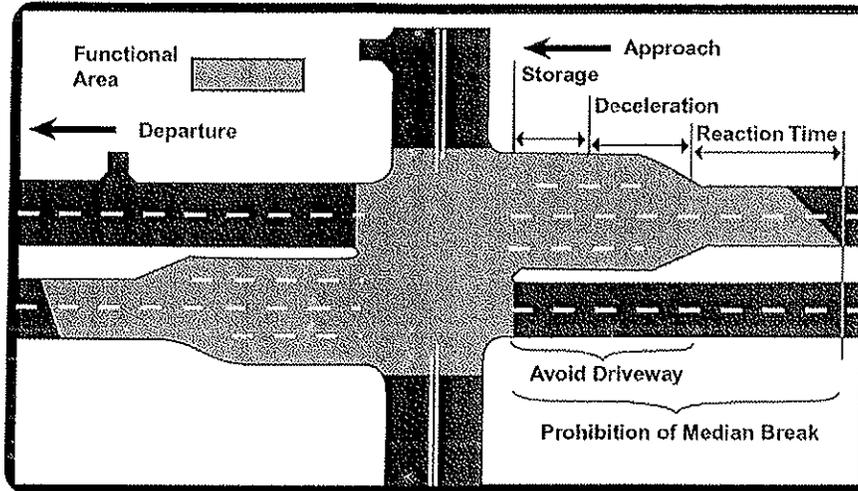
(4) Access to through lots shall be required on the minor street (lower functional classification) as shown in Figure C-1.

(5) Waiver: Access onto the major street may be approved by the Planning Board in accordance with the waiver procedures outlined in section 8 of this Chapter and the consent of the roadway authority.

#### D. Connections within the Functional Area of an Intersection

(1) New connections shall not be permitted within the functional area of an intersection (see Figure C-2) unless:

Figure C-2: Functional Area of an Intersection



(a) Such access shall be located along the furthest property boundary from the intersection and be labeled as a non-confirming access, and

(b) The Planning Board finds that:

1. No other reasonable access to the property is available, and

2. The connection does not create a potential safety or operational problem as determined by the roadway authority and the Planning Board, and

(c) A condition is included in any relevant permit granted by the Planning Board that the applicant shall agree to close such non-confirming access within six (6) months of the date the applicant is notified by the Village of Victor that a means of providing access outside the functional area of an intersection is available, and

(d) A site plan or subdivision plat be approved by the Planning Board showing the opportunity for future access from or through adjacent property or future roads in conformance with the standards of this Chapter. The applicant shall be required to execute cross access easements to all adjoining property as a condition of approval of any such plan or plat with temporary access within the functional area of the intersection. The Planning Board may waive the requirement for providing cross access easements in the event that it finds that access between adjoining properties is not feasible due to topography, the presence of streams, or other natural or manmade obstructions.

(e) As a condition of approval of any subdivision plat or site plan for a project involving a connection within the functional area of an intersection, the Planning Board may restrict access to "right-in/right-out" or other limited movements (see Figure C-5) in order to maintain public safety. Driveways so restricted shall meet all other access connection requirements and connection spacing requirements

(2) Where a TIS is not required, the following reaction time and distances shall be used to determine the functional area of an intersection:

**Table C-1  
Reaction Time and Distances**

Area <sup>1</sup>	Reaction Time (sec)	Distance (ft)		
		35 mph	45 mph	55 mph
Rural	2.5	130	165	200
Urban	1.5	75	100	120

<sup>1</sup> As defined by the Functional Classification of the roadway

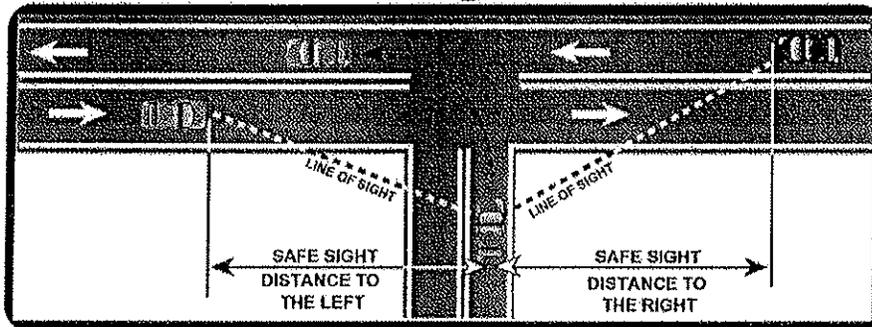
**E. Sight Distance**

(1) Street and driveway connections shall provide for adequate vertical and horizontal sight distance (see Figure C-3). Proper sight distance is necessary for a stopped vehicle to safely cross the roadway and any auxiliary lanes.

(2) Sight distance shall be evaluated for all proposed driveways or roadways using the standards set forth in the current version of *A Policy on Geometric Design of Highways and Streets* ("Green Book") published by AASHTO. Sight distance for each driveway or roadway shall be evaluated based on the site-specific conditions such as the design speed, grade, and intersection control.

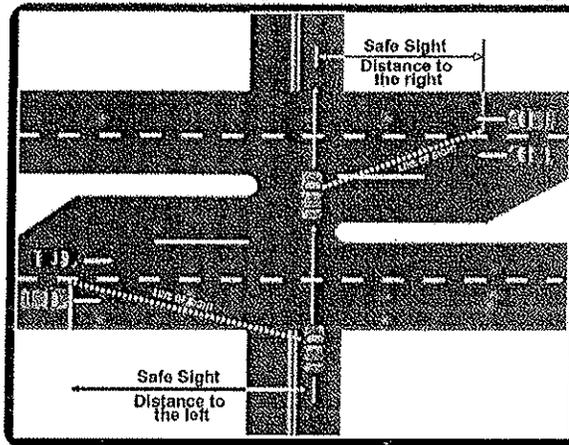
(3) At signalized intersections, recommended sight distance values shall be maintained due to the possibility of signal malfunctions, late night flashing operations, right turns on red, and permissive turn movement phases. Limited sight distance shall not be used as sole justification for the installation of a traffic signal.

**Figure C-3: Intersection Sight Distance: One-Stop Crossing**



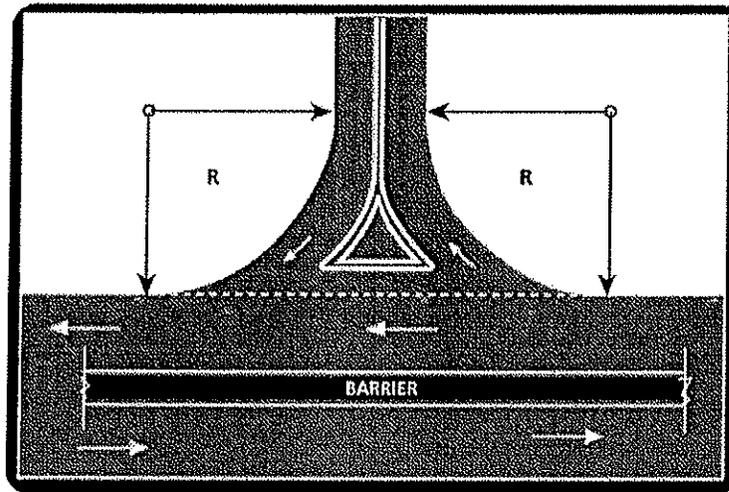
(4) If the access is located on a divided facility and the median width is 20 feet or more for passenger vehicle crossings or 40 feet or more for truck crossings, sight distance may be based on a two-stop crossing with consideration given to the width of each one-way pavement (see Figure C-4).

Figure C-4: Intersection Sight Distance: Two-Stop Crossing



(5) At locations where adequate sight distance cannot be met on both sides of the driveway, the Planning Board may deny the installation of the driveway, or may permit the driveway but restrict left turn movements into and/or out of the driveway, thus restricting the driveway operation to right turns only (see Figure C-5).

Figure C-5: Left Turn Prohibition



(6) In addition, a deceleration lane and/or right turn acceleration lane or other mitigation may be required where the recommended sight distance cannot be provided. Auxiliary lanes and other required mitigation shall be designed in accordance with AASHTO and any applicable Local, County or State design standards.

(7) The available sight distance at street and driveway connections to the roadway system shall not be restricted by landscaping, permanent or temporary signage, or in any other manner. In order to achieve adequate sight distance, the applicant may at a minimum be required to dedicate an easement near the entrance and keep it clear of visual obstructions.

(8) The property owner or lessee having access to the roadway system shall be fully responsible for providing and maintaining safe sight distances along their property frontage. If the property owner or lessee fails to comply with this requirement, the Village of Victor Code Enforcement Officer or Village Highway Superintendent may, upon written notice to the property owner or lessee, remove such obstacles from the right-of-way (at the property owner's expense) or barricade the driveway from further use until such corrections and improvements deemed necessary are made.

#### F. Clear Zone

A clear recovery area should be preserved along the traveled way that would allow a vehicle that inadvertently left the roadway to safely return to the roadway. The recovery area should be flat, firm and free of hazards or fixed objects. The clear recovery area ("clear zone") is measured between the traveled way and any hazardous fixed object such as utility poles, monuments, markers or trees. The required clear zone shall be calculated on a site-specific basis using the requirements set forth in the current version of the AASHTO *Roadside Design Guide*.

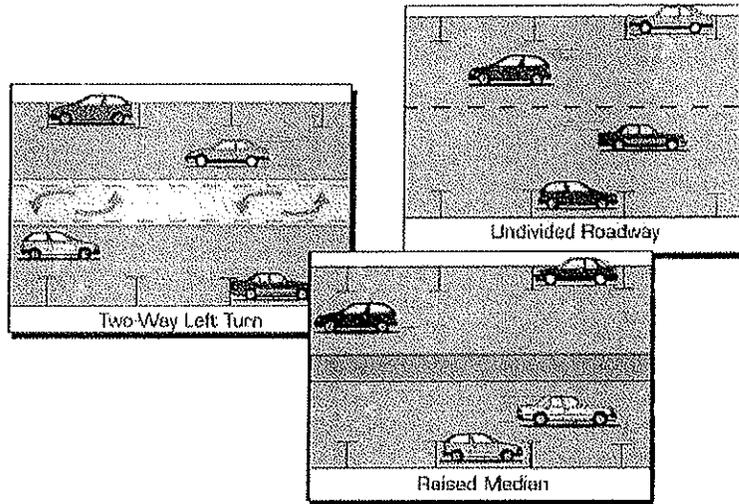
#### G. Restricted Access

No street or driveway access will be allowed where the roadway authority has restricted access rights such as established easements. Any request for a break in this access must be approved by the Planning Board and the roadway authority holding said easement.

#### H. Medians

Medians serve to delineate travel lanes and turn lanes, and also control where travel should and should not occur. Medians may be raised or flush (see Figure C-6). Raised medians are a physical barrier that prevent turns from occurring except at specific locations where breaks in the median are provided. Flush medians may delineate where turns are and are not permitted using paint, pavement or other materials. The Planning Board or other roadway authority may require the installation of a median at locations where turns should not occur due to operational or safety concerns.

Figure C-6: Median Types



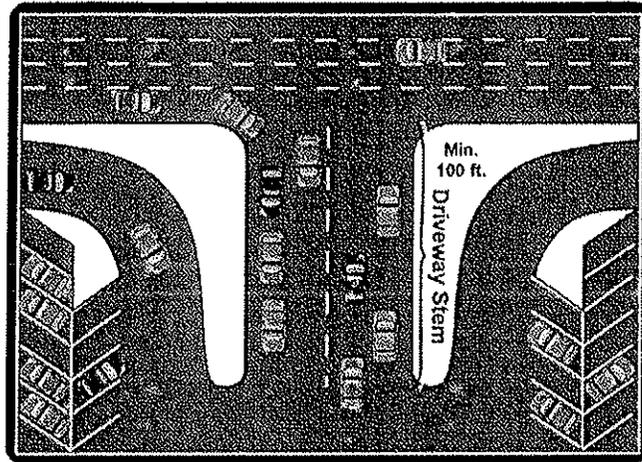
### I. Driveway Throat

(1) In order to protect the storage needs of the site and the operational needs of the driveway/street intersection, a protected driveway throat (also referred to as “stem”) of a sufficient length may be required as a condition of site plan or subdivision approval (see Figure C-7). The Planning Board shall require a sufficient length of protected throat (beyond the right-of-way limit) within the site for operational and safety needs of the adjacent roadway system.

(2) The length of the protected throat will be determined from the maximum vehicle storage required for the anticipated vehicular volumes. Subdivision or Site Plan applications for projects involving peak traffic generation of 100 vehicle trips an hour or more shall include determination of adequate protected driveway throat distances within the TIS. If a traffic signal is proposed at the driveway/street intersection, the TIS shall consider cycle length, as well as any upstream or downstream traffic control device(s) that may impact vehicle storage in its determination of adequate protected throat length. A driveway median may also be required in order to preserve the length of storage, or to prevent cross access to outparcel driveways within the storage area of the driveway.

(3) For any development with an internal roadway network, a minimum storage length of 100 feet measured from the near edge of the right-of-way will be required before any crossing or left-turning conflicts are allowed.

Figure C-7: Internal Site Design



(4) The Planning Board may require additional protected throat length where it finds that it would provide better internal vehicular circulation, or minimize congestion on adjacent roadways, or that it is prudent to plan for future growth in vehicle trip generation on the site. The TIS may be required to forecast future growth of vehicle trip generation from the properties and uses served by the driveway in order to determine the minimum protected driveway throat distance required.

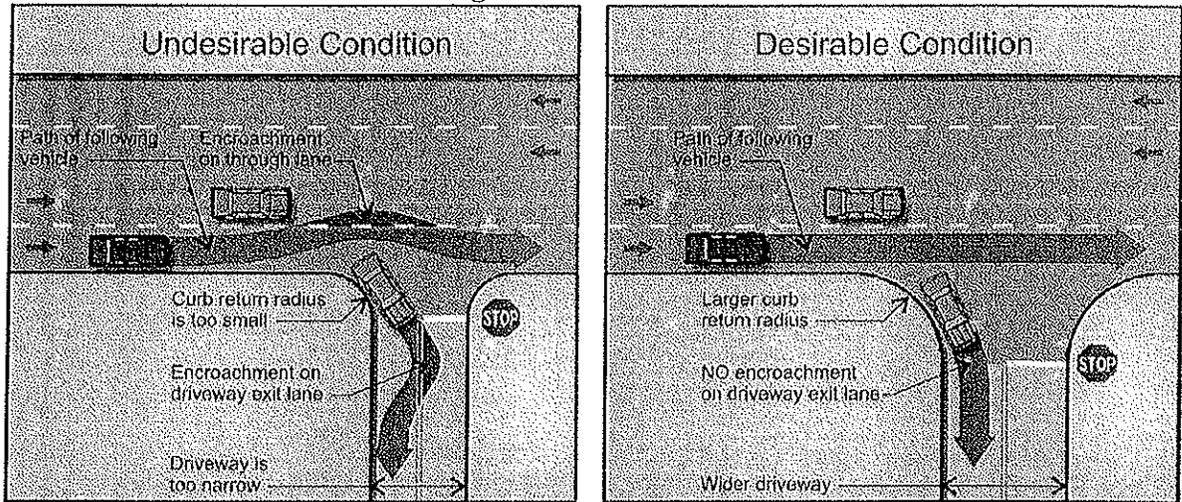
(5) Traffic calming measures or traffic control devices that slow or stop traffic entering the development shall not cause vehicles to back up into the public right-of-way.

#### J. Driveway Radius

(1) A driveway return (also referred to as “radius”) shall be designed to accommodate the types of traffic designated to use the driveway (see Figure C-8). A curved radius design should be used, unless the driveway meets the design standards for a “taper layout” at a “Minor Commercial” driveway as specified in the New York State Department of Transportation’s *Policy and Standards for the Design of Entrances to State Highways*. The radius of the street-type driveway connection shall be as required in the Village of Victor *Development Regulations for the Village of Victor*, or applicable design standards of the roadway authority. The radius should be designed to accommodate the swept turning path of the design vehicle, so that the vehicle does not over-track the corner.

(2) The effects of a driveway return on pedestrian travel must also be considered. Unnecessarily large driveway radii increase the pedestrian crossing distance and should be avoided.

**Figure C-8: Turn Radii**



#### K. Subdivision Road Standards

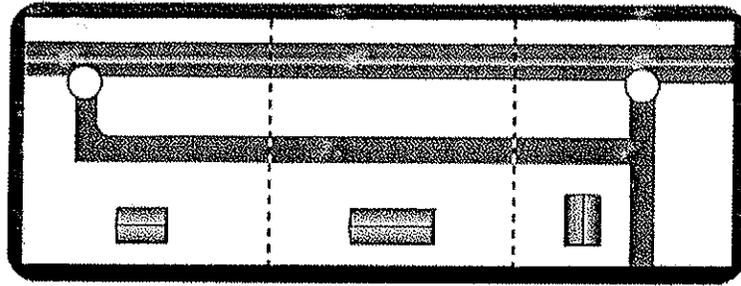
Residential subdivisions shall be designed in accordance with the requirements in the current edition of the *Village of Victor Development Regulations for the Village of Victor*, as applicable.

#### L. Circulation and Connection to Adjacent Sites

(1) The geometrics of the internal circulation pattern should allow all desirable maneuvers to be made with ease including service, delivery and emergency vehicle movements. For residential subdivisions, internal circulation shall be directed to one or more local through or collector streets within the subdivision, and where possible, avoid accessing the County and/or State roadway system directly.

(2) In order to meet the connection spacing standards of Section 6 of this Chapter, the Planning Board may require cross-access (connectivity) for vehicles and/or pedestrians between adjacent properties (see Figure C-9), in order to reduce repetitive vehicle trips to and from the adjacent public road. Where vehicle connections are spaced farther than 600' apart, pedestrian connections should be provided.

**Figure C-9: Connectivity with Adjacent Sites**



(3) Where adjacent property is not yet developed but future interconnection between adjoining properties is recommended in the VAM Plan, or shown on the Official Map, or the Planning Board believes it is desired to improve the efficiency and safety of public roads, the Planning Board shall grant site plan or subdivision plan approval with conditions and/or modifications that require dedication of property for future roads, and/or construction of stub road connections to adjacent properties, cross access easements to adjoining properties, and/or other similar considerations including financial surety in a form approved by the Village of Victor. (see Figure C-10). The site plan or subdivision plat shall indicate the location of any required cross access easements and any requirement for the removal of temporary access once alternative access is available.

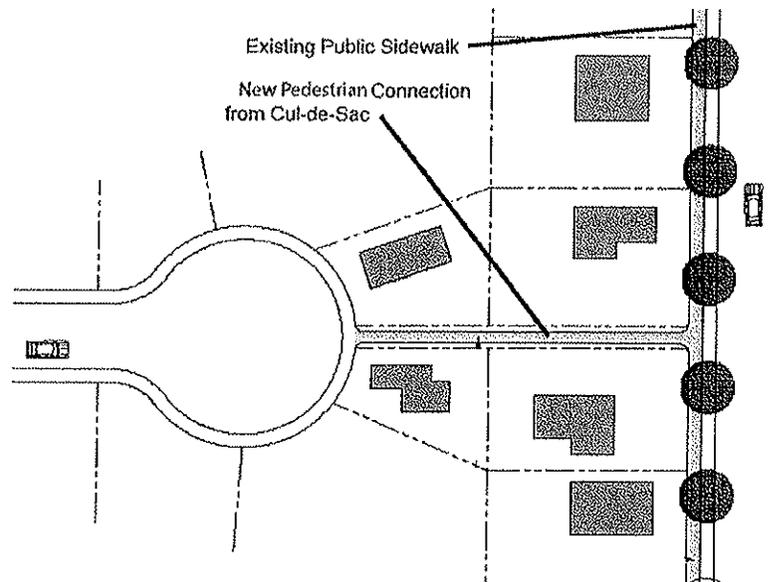
**Figure C-10: Stub Road for Future Interconnection**



(4) Generally cross access roads and/or driveways are not intended to be publically owned or maintained. The Village Board may decide to hold a cross access easement with the right to transfer such easement when a similar easement from adjoining property owners(s) is authorized. The arrangement for maintenance of roads or driveways constructed pursuant to any site plan or subdivision approval and the manner of its execution between adjoining property owners shall be in a form deemed acceptable by the Planning Board.

(5) A pedestrian connection to link pedestrian generators or connect to existing or planned pedestrian facilities may also be required (see Figure C-11).

**C-11: Pedestrian Connectivity**



(6) Internal site circulation for residential development shall also provide pedestrian connections to on-site recreation areas, trail, open space or other shared amenities.

(7) The Planning Board may deny access to the adjacent public roadway from “out-lots” or “out-parcels” of a larger development (outparcels are typically separate, smaller buildings within a shopping plaza that are located along the roadway frontage) where reasonable access can be provided via the larger development’s internal circulation system (see Figure C-12).

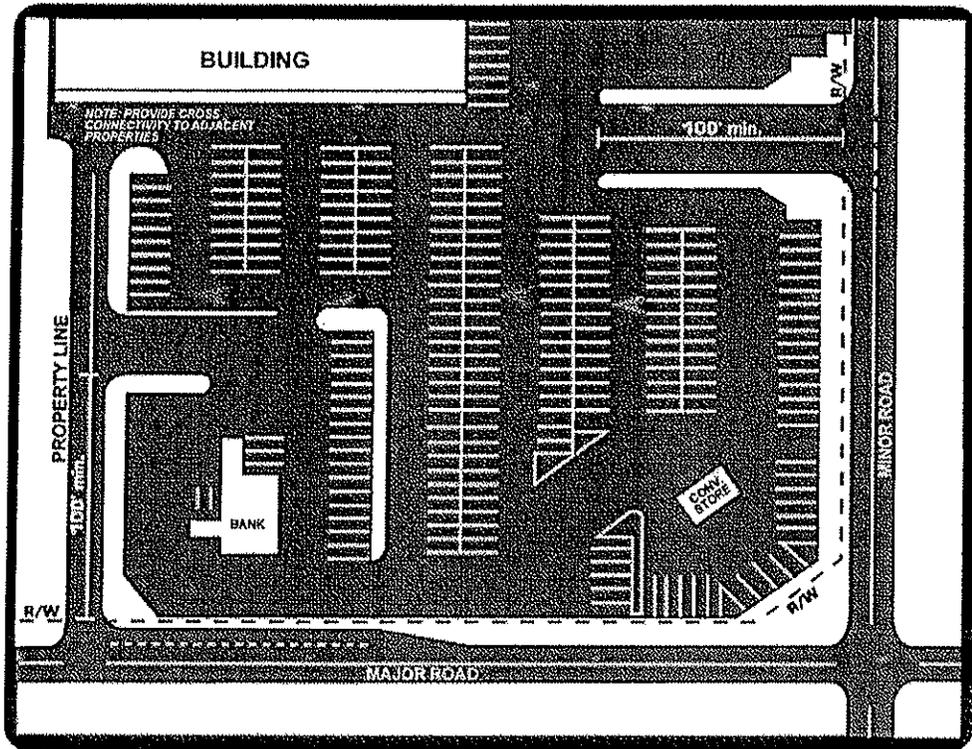
(8) Where abutting properties are in different ownership and not part of an overall development plan, cooperation among the various owners in development of a unified access and circulation system is encouraged; this includes pedestrian connections. Only the building site(s) under consideration for development approval shall be subject to the requirements of this section. Abutting properties shall not be required to provide unified access and circulation until they are developed or are redeveloped.

(9) Access to an outparcel shall be appropriately designed and marked with pavement markings, signage, and similar appropriate guidance to maximize the efficiency of the internal traffic circulation. An adequately demarcated pedestrian pathway shall provide a safe route for

pedestrians between the outparcel and other uses.

(10) Outparcels for land uses with connection volumes exceeding 100 peak hour trips may be considered for a single right-in access point. This access shall not be within the functional area of an existing intersection. The roadway authority shall determine whether or not the proposed right-in access point is appropriate, based upon the roadway characteristics, relevant traffic data, and the existing and proposed land use(s).

Figure C-12: Shopping Center with Outparcels



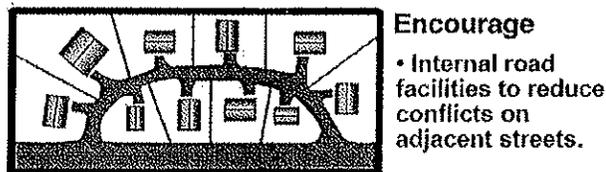
M. Shared Access, Frontage Roads, Rear Access Roads

(1) The Planning Board may require construction of an internal street system or service road (frontage or rear access road) to eliminate or reduce multiple lot access connections directly to the adjacent public roadway system (see Figures C-13 and C-14). Rear access roads shall be encouraged, especially for properties where connection to a side street is available. Direct connection(s) to the major street may be allowed, provided the access meets requirements for number of driveways, spacing and location (see section 6: Connection Spacing Standards and section 7 Design Standards in this Chapter).

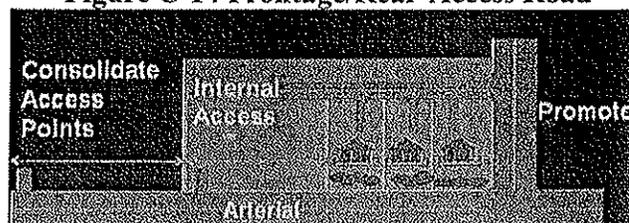
(2) In areas where frontage or rear access roads are recommended, but adjacent property is not yet developed, the site shall be designed to accommodate future road connections in accordance with local road design standards. The Planning Board may grant site plan or subdivision plan approval with conditions and/or modifications that require dedication of property for future roads, and/or construction of stub road connections to adjacent properties, cross access easements to adjoining properties, construction of internal circulation roads and/or driveways, and/or other similar considerations including financial surety in a form approved by the Village of Victor. If the preferred location for future interconnection is known, such interconnection may be formalized with an easement, pavement (stub road) and/or financial surety. If the location of future interconnection is unknown, the approval may be granted with condition and associated financial surety. The site plan shall indicate any required cross access as well as any requirement that allowed temporary access be removed once alternative access is available.

(3) Cross access easements are not intended to be publically owned or maintained. The Victor Village Board may, however, hold such an easement with the right to transfer such easement when a similar easement from adjoining property owners(s) is authorized. Such cross access easements shall also be accompanied by a joint maintenance agreement in a form deemed acceptable by the Planning Board.

**Figure C-13: Shared Residential Access**



**Figure C-14 Frontage/Rear-Access Road**



(4) Service roads shall be built to public road standards and offered for dedication or the applicant may propose an alternative design, ownership, and maintenance method that shall be determined acceptable by the Planning Board, the municipal engineer, and the municipal attorney.

**N. Setbacks**

Improvements on private property adjacent to the public right-of-way shall be located so that parking, stopping, storage and maneuvering of vehicles will not be necessary within the right-of-way in order for the vehicles or patrons associated with the private development to be properly served, and shall not restrict the sight distance of adjacent driveways.

#### O. Right-of-way Reservations/Dedication

The Planning Board and roadway authority will review all plans for right-of-way including sight distance and easements required to accommodate additional or future transportation needs (including but not limited to vehicular and pedestrian users). The applicant will be responsible for all necessary right-of-way dedication to accommodate auxiliary lanes for site traffic, traffic control devices, drainage facilities or sight distance.

### 40.6 Connection Spacing Standards

#### A. General Spacing Standards

1. Connections under the jurisdiction of the New York State Department of Transportation shall, at a minimum, meet the standards that are outlined in the NYSDOT Policy and Standards for Entrances to State Highways, latest edition, unless waived by the NYSDOT Regional Traffic Engineer.
2. Connections under the jurisdiction of Ontario County shall, at a minimum, meet the guidelines that are outlined in the Ontario County Highway Access Guidelines, unless waived by the County Commissioner of Public Works.
3. Parcels created after the adoption of this Chapter do not have a right to individual access. Temporary and permanent access shall be as identified during the subdivision process based on applying the regulations of this Chapter to existing and proposed lot access connections.
4. The minimum lot frontage for all newly created lots on public arterial, collector, and local through roadways shall not be less than the applicable minimum connection spacing standards of this section, as defined in Table D-1, unless the property is served by an internal road system or access is shared between adjacent parcels.
5. The number of street and driveway connections permitted to serve a single property or commercial development along a roadway will be the minimum deemed necessary by the Planning Board for reasonable service to the property without undue impairment of safety, mobility and utility of the roadway. Normally, one driveway connection will be permitted for a single property or commercial site. However, the Planning Board may consider additional entrances or exits as justified if such access does not negatively impact traffic operations and public safety. Only one combined entrance and exit connection shall be permitted where the frontage is less than 125 feet.
6. Existing individual or multiple lots sharing or intending to share access having less than the required frontage may be permitted individual access where the Planning Board determines joint or cross access is not feasible.
7. Adjacent properties under the same ownership shall be considered as a single property for

application of connection spacing or for connection permits. Adjacent properties some of which are owned singly and others owned jointly with others or as a corporation with one or more same owner(s) may be considered as under same ownership for application of connection spacing standards.

8. Applications for multiple connections for a single development shall conform to the spacing standards of this section, as defined in Table D-1. Multiple connections shall be considered by the roadway authority and the Planning Board for approval based on the following criteria:

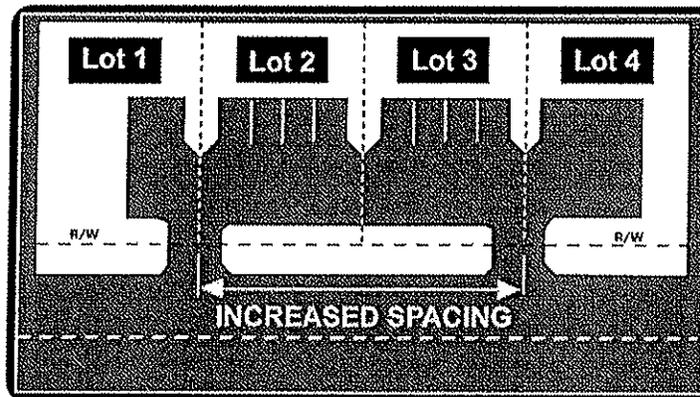
- (a) Separation of standard vehicles from heavy trucks or emergency vehicles;
- (b) Two one-way connections that in combination serve ingress and egress to the development;
- (c) Where multiple connections enhance the safety of the abutting roadway and improve the on-site traffic circulation.

#### B. Shared Driveways

(1) Adjacent property owners are encouraged to construct a shared driveway by written mutual agreement to serve both properties (see Figure D-1). Joint Access provides improved internal circulation and parking capabilities, as well as reduces conflict points and increases distance between driveways. Shared driveways are subject to all requirements of the *Development Regulations of the Village of Victor*.

(2) Where adjacent properties are not yet developed but joint access is desired, the Planning Board may require that property owners maintain future opportunities for shared driveways by providing easements and/or stub roads. The Planning Board may also approve driveways on a temporary basis until joint access is available, at which time a connection to an adjacent shared driveway is constructed and the original driveway is removed.

Figure D-1: Joint and Cross Access



#### C. Driveway Consolidations

Consolidating multiple, closely-spaced driveways should be considered when possible (see VAM Plan for an example of driveway consolidation).

D. Driveway Alignment and Spacing

(1) Spacing of driveways/access connections on all arterials, collector and local through roads shall be per the as specified in Table D-1, unless the roadway authority other than the Village of Victor requires greater spacing.

**Table D-1**  
**Access Connection Spacing**

Posted Speed (mph)	Connection Spacing (ft.)	
	Arterial <sup>1</sup>	Collector & Through Local <sup>1</sup>
35 or less	245	125
36 to 45	440	245
45 or greater	660	440

<sup>1</sup> Based on the functional and access classifications of the roadway

(2) Connection spacing shall be measured from the closest edge of the pavement of one connection to the next closest edge of pavement of the next connection (NOT centerline to centerline).

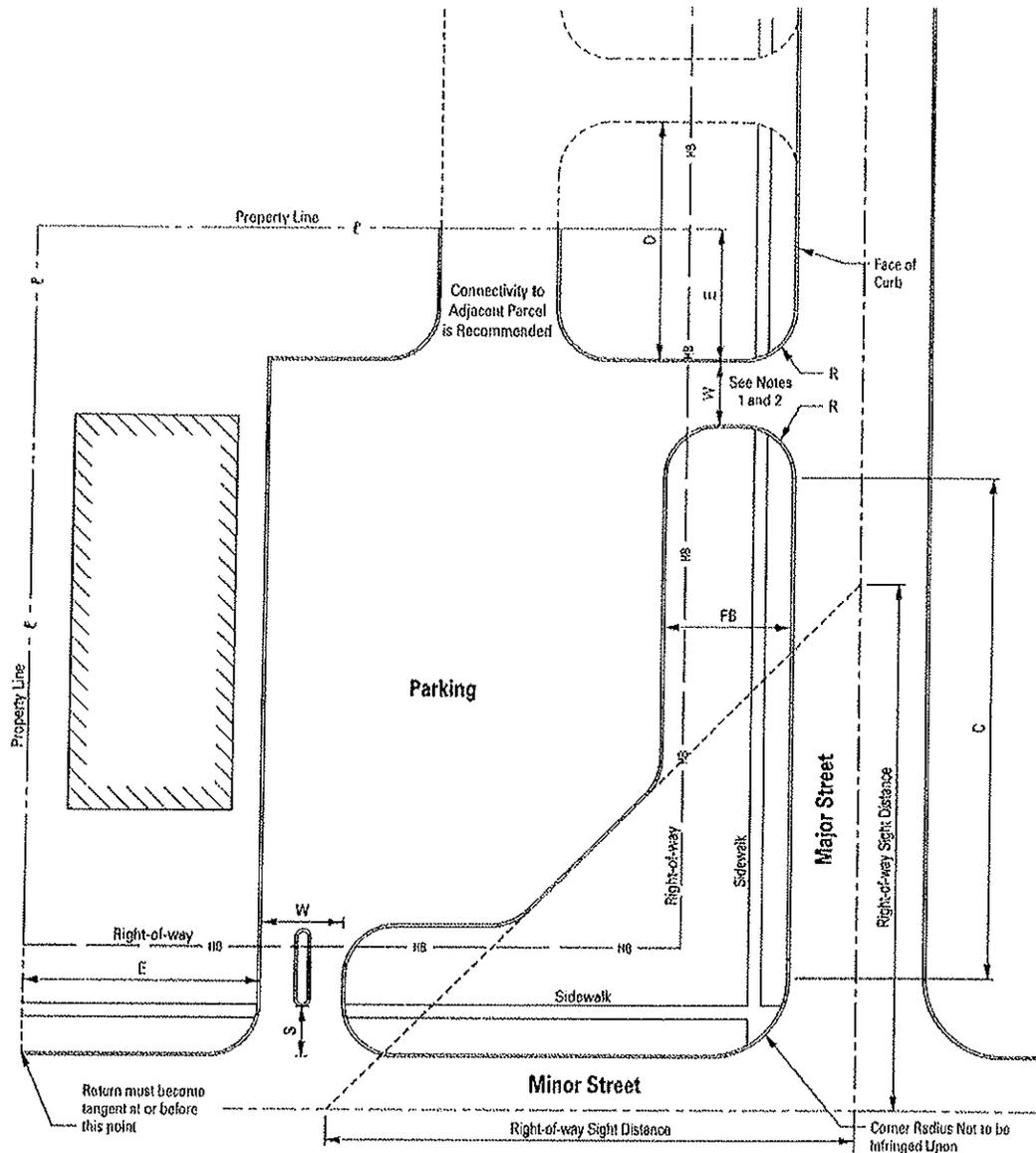
(3) The Planning Board shall take into consideration minimizing left turn conflicts related to access connections on opposite sides of the road

**40.7 Design Standards**

**A. General**

Street and driveway connections shall comply with the following control dimensions (see Figure F-1):

Figure F-1: Design Standards



Symbol	Definition	Design Requirements
E	Edge Clearance	20 ft Min.
R	Driveway Return	5 ft Min, 30 ft Max
W	Driveway Width	One-way: 12 ft Min, 24 ft Max Two-way: 20 ft Min, 36 ft Max
C	Corner Clearance	125 ft Desirable, 50 ft Min.
S	Island Offset	6 ft Min, 12 ft Max
D	Distance Between Driveways	125 ft Min. (See Table D-1)
FB	Frontage Boundary	N/A

- Notes:
1. Access to major street may not be allowed if suitable access is available to minor street or other public facilities.
  2. Access to major street may be permitted on a temporary basis until cross connection with adjacent property is available.

### B. Driveway Width (W)

Open road frontages (where entire frontage is paved or used for access) shall not be permitted. Driveways shall be clearly delineated and identifiable so as to not inhibit travel on the connecting roadway.

(1) The width of driveways, W, measured parallel to the edge of travel way and from edge of pavement to edge of pavement at the narrowest width, shall be within the specified minimum and maximum limits specified in Table F-1.

**Table F-1  
Driveway Width**

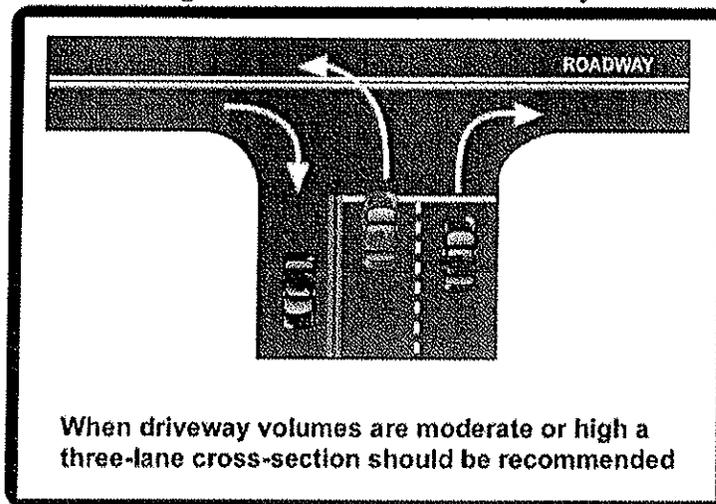
Driveway Type	Driveway Width (W)	
	Minimum	Maximum
One-Way	12	24
Two-Way	20	36 <sup>1</sup>

<sup>1</sup> Planning Board may allow a maximum width of 50' if necessary for use

(2) Where the roadway is undivided or where there is no signal control, and when existing or projected connection volumes exceed 75 vehicles during the peak hour or 500 vehicles per day, a three-lane connection may be required (see Figure F-2).

(3) Street type connections with multi-lane ingress or egress may exceed 50 feet based on traffic operation requirements. These values are based on edge of pavement dimensions not including the width of gutter if a curb-and-gutter section is proposed.

**Figure F-2: Three-Lane Driveway**

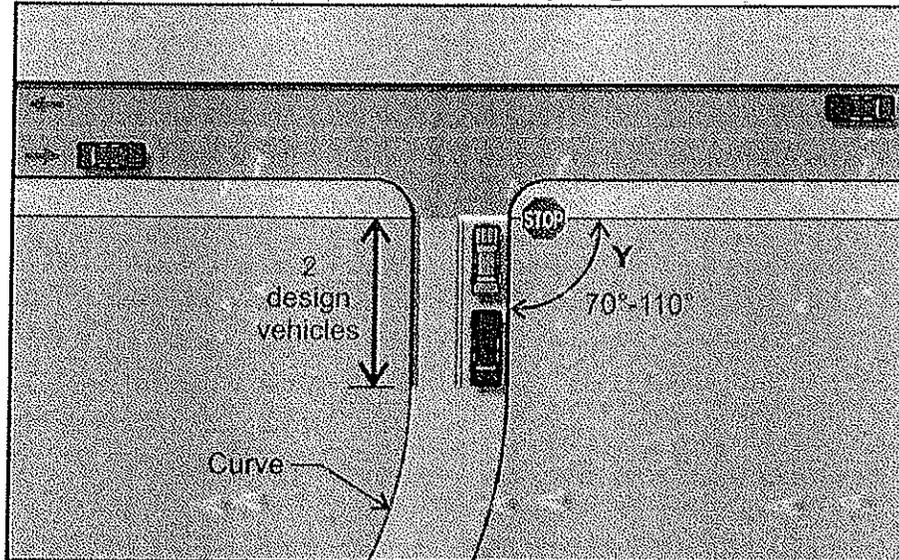


### C. Driveway Angle (Y)

(1) The recommended driveway angle, Y, for a full access driveway is 90 degrees. The angle of the two-way operation driveway with respect to the pavement edge shall not be less than 70 degrees or greater than 110 degrees. For one-way or right-in/right-out driveways, driveway angles between 45 and 90 degrees may be allowed on a case-by-case basis.

(2) The driveway's horizontal alignment should include a minimum tangent section accommodating two design vehicles before any curvature. Figure F-3 depicts the recommended driveway angle and alignment criteria.

**Figure F-3: Driveway Angle**



#### **D. Edge Clearance (E)**

All portions of a commercial driveway including the returns shall be between two frontage boundary lines of the current or future right-of-way line. The edge clearance, E, measured parallel to the edge of pavement from the frontage boundary line to the nearest point on the projected edge of the driveway shall be a minimum of 20 feet.

#### **E. Driveway Return (R)**

The radius of the street-type driveway connection, R, shall be a minimum of 20 feet and a maximum of 50 feet. However the maximum radii dimension may be exceeded as an exception if larger radii are needed to accommodate larger vehicles at a proposed development such as service entrances, fueling stations serviced by tanker trucks, or truck terminals.

#### **F. Island Offset Distance (S)**

The near edge of an island area parallel to the highway shall be located a distance, S, from the edge of pavement along uncurbed roadways or from the curb line on curbed roadways a minimum of 6 feet and maximum of 12 feet, unless otherwise requested or approved by the Planning Board.

#### **G. Distance Between Driveways (D)**

The distance, D, measured along the right-of-way line between the tangent projections of the inside edges of adjacent driveways (NOT centerline to centerline) shall be at least 125 feet (refer to Table D-1). The required distance applies where more than one driveway is permitted along a single property frontage, between driveways on adjacent properties, and between driveways on the opposite side of the roadway.

#### **H. Corner Clearance (C)**

The minimum corner clearance, C, to the proposed driveway should be at least 125 feet from the point of tangency of the radius curvature of the intersecting streets (see Figure F-4). If site conditions do not allow for the desired 125 feet, at no time shall the corner clearance be less than 50 feet from the point of tangency of the radius curvature. Additional distance may be required to locate driveways outside the functional area of an intersection in accordance with a TIS.

### **40.8 Deviation from Connection Standards**

- A. The purpose of this section is to establish a reasonable process for relief from the requirements of this Chapter where local site conditions, the timing of construction on the property or adjacent property, lack of cross access easements, and other factors make compliance impossible or impractical. In all cases, however, safety for the driving public and pedestrians shall be the primary consideration in granting deviations or waivers from the standards and requirements specified in all other sections of this Chapter.
- B. **General Waiver Authority:** The Planning Board is hereby granted the authority to grant Waivers from the requirements for connection spacing and/or design and/or the requirements and/or provisions of any other section of this Chapter where the characteristics of the subject property, and/or of abutting property, the lack of cross access easements, the timing of development, or any other practical difficulty would make adherence to the standards contained therein impractical or not in the best interest of traffic safety. All considerations for the granting of waivers by the Planning Board shall be made in consultation with the roadway authority and shall be based on the requirements and procedures established in this section. The Planning Board shall not grant any waiver that deviates from the processes and procedures specified in this or any other section of this Chapter. All applications for a waiver shall require submission of a site plan or subdivision application for review by the Planning Board as specified in the Subdivision Regulations and/or Zoning Local Law of the Village of Victor.
- C. **Minor Waivers:** Deviations of up to ten percent (10%) of the connection standards or other requirements in this Chapter are considered Minor Waivers. The Planning Board may grant a Minor Waiver upon a finding that roadway or site characteristics, the timing of land development, the characteristics of a particular land use involved in a development proposal, traffic operations, and safety make strict adherence to the standard impractical.

D. Major Waivers:

1. Major waivers are those that deviate from one or more of the standards or requirements by more than ten percent (10%).
2. The applicant for a Major Waiver shall provide adequate data and analysis to demonstrate how the proposed alternate access management and/or site circulation plan is equal to or better than the relevant required access management and internal circulation provisions of this Chapter. Applicants for Major Waivers from connection standards shall submit an access management plan to the Planning Board as follows:
  - a. Encompasses a study area that includes the length of the property frontage on all abutting roadways, plus the distance established by access spacing standards on either side of the property lines, and the corresponding area on the opposite side of undivided roadways.
  - b. Addresses existing and future access for study area properties.
  - c. Evaluates operational and safety impacts of the proposed plan versus impacts of adherence to adopted standards.
  - d. Includes all improvements and recommendations necessary to implement the proposed plan.
3. Planning Board standards for granting Major Waivers: In considering and granting a Major Waiver, the Planning Board shall find:
  - a. The granting of a waiver is in harmony with the purpose and intent of this Chapter
  - b. That every reasonable option for meeting the provisions of this Chapter is explored and determined to be not feasible.
  - c. The applicant has demonstrated unique or special conditions that make strict application of the provision of this Chapter impractical. This shall include a showing that:
    - 1) indirect or restricted access cannot be obtained, and there is no reasonable expectation that such access may be able to be obtained in the future,
    - 2) no reasonable engineering or construction solution can be applied to mitigate the condition, and
    - 3) no alternative access is available from a road with a lower functional classification than the proposed access connection.
4. Under no circumstances shall a Major Waiver be granted unless not granting the waiver would deny all reasonable access, endanger public health, welfare, or safety, or cause an exceptional and undue hardship on the applicant. No waiver shall be granted where such hardship is self-created.

#### **40.9 Compliance with Access Management Plan Maps and/or Official Map**

- A. All development, permit review, and applications for development review made pursuant to the subdivision regulations, and/or zoning local law, or any other local law of the Village of Victor shall comply with the Access Management Maps contained in the VAM Plan and any Official Map duly adopted by the Village of Victor and on file with the Village Clerk. Future amendments to the Official Map may supersede information on the VAM Plan Maps.
- B. The Planning Board shall ensure compliance with the Access Management Maps and Official Map during the review of development review applications such as but not limited to site plans, subdivisions, special use permits. These Maps together indicate:
  - 1. A future road network intended to provide vehicular traffic alternative means of travel, and the location for future connection points for future roads and shared driveways that comply with the spacing requirements of this Chapter. These are intended to guide the Planning Board and applicants in designing new development to provide road rights of ways across subject properties.
  - 2. Driveway elimination/consolidation areas intended to create spacing between access points on a public road that are in compliance with this Chapter when properties are developed, redeveloped, or repurposed (such as going from a residential to a commercial use).
  - 3. Locations of potential future traffic signals in accordance with the signal spacing standards in the VAM Plan.
- C. The Village of Victor may update and expand the VAM Plan Maps based upon future studies and to encompass additional areas. The Village of Victor may update its Official Map in the manner prescribed by statute.

**SECTION 2.** If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

**SECTION 3.** This local law shall take effect immediately upon filing with the Secretary of State.