S T A T E O F N E W Y O R K

6861--A

Cal. No. 660

I N S E N A T E

March 20, 2014

Introduced by Sen. LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

AN ACT to amend the vehicle and traffic law, in relation to the residential parking system in the village of Bronxville in the county of Westchester; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative findings and intent. The legislature finds that there is a potential for a temporary severe shortage of parking for residents in the village of Bronxville, Westchester county from the displacement of approximately one hundred eighty vehicles from three public parking lots located adjacent to the Metro-North train station abutting Kensington road in the village of Bronxville during a thirty month period of construction at such locations. This lack of parking is likely to result in traffic hazards, congestion and air and noise pollution, and could pose a hazard to residents and other pedestrians in the area. The legislature further finds that, contingent upon the adoption of a finding by the village board of the village of Bronxville that such public parking lots will be closed or otherwise be made unavailable for public parking, that such vehicles will be displaced and that a residential parking system would be in the public interest, a residential parking system would reduce such hazards and would reduce pollution levels as well. The legislature, therefore, hereby declares the necessity of this act to authorize the village of Bronxville to adopt a residential parking system in accordance with the provisions of this act.

S 2. The vehicle and traffic law is amended by adding a new section 1640-n to read as follows:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD13340-04-4

S 1640-N. RESIDENTIAL PARKING SYSTEM IN THE VILLAGE OF BRONXVILLE IN THE COUNTY OF WESTCHESTER. 1. NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO THE CONTRARY, THE VILLAGE BOARD OF THE VILLAGE OF BRONXVILLE 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 BRONXVILLE WITHIN THE AREA OF THE VILLAGE CONSISTING OF THE FOLLOWING ROADWAYS:

(A) KENSINGTON ROAD, FROM PONDFIELD ROAD TO OVAL COURT;

(B) SAGAMORE ROAD, FROM PONDFIELD ROAD TO THE VILLAGE LINE;

(C) VALLEY ROAD, FROM PONDFIELD ROAD TO PRESCOTT AVENUE;

(D) GARDEN AVENUE;

(E) DEWITT AVENUE;

(F) PAXTON AVENUE, FROM PARKWAY ROAD TO PALMER AVENUE.

3. NOTWITHSTANDING THE FOREGOING, NO PERMIT SHALL BE REQUIRED ON THOSE PORTIONS OF SUCH STREETS WHERE THE ADJACENT PROPERTIES ARE ZONED FOR COMMERCIAL/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 BRONXVILLE UNLESS OTHERWISE SPECIFIED IN SUCH LOCAL LAW.

5. NO LOCAL LAW OR ORDINANCE SHALL BE ADOPTED PURSUANT TO THIS SECTION UNTIL THE VILLAGE BOARD OF THE VILLAGE OF BRONXVILLE HAS ADOPTED A FINDING THAT THE THREE PUBLIC PARKING LOTS ABUTTING KENSINGTON ROAD AND ADJACENT TO THE METRO-NORTH TRAIN STATION WITHIN THE VILLAGE OF BRONXVILLE, WESTCHESTER COUNTY WILL BE CLOSED OR OTHERWISE BE MADE UNAVAILABLE FOR PUBLIC PARKING, THAT APPROXIMATELY ONE HUNDRED EIGHTY VEHICLES WILL BE DISPLACED FROM SUCH PARKING LOTS AND THAT A RESIDENTIAL PARKING SYSTEM WOULD BE IN THE PUBLIC INTEREST; AND A PUBLIC HEARING ON SUCH ORDINANCE 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.

S 3. This act shall take effect on the sixtieth day after it shall have become a law and shall expire on January 1, 2017 when upon such date the provisions of this act shall be deemed repealed.