



Legislation Text

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Int. No. 2052

By Council Members Borelli and Holden (by request of the Staten Island Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to defining and regulating private streets in Staten Island.

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended to add a new section 19-159.5 to read as follows:

§ 19-159.5 Duties and obligations of property owner and department with respect to private streets to be mapped and covered private streets.

a. As used in this section:

1. The term "emergency vehicle" shall mean every authorized emergency vehicle as defined in section one hundred and one of the vehicle and traffic law.

2. The term "covered private street" shall mean any street or road within the borough of Staten Island under private ownership, including a private street to be mapped that will remain under private ownership after issuance of a temporary or final certificate of occupancy, that provides vehicular access to the main front entrance of an existing building or structure and is necessary for emergency vehicles to traverse in order to provide timely emergency services.

3. The term "private street to be mapped" shall mean any street or road not already mapped, within the borough of Staten Island, under private ownership, to be planned or incorporated as part of a new residential development, or which fronts such new residential development, and which, regardless of secondary access from other adjoining streets, will provide emergency vehicle access to the main front entrance of more than two

existing or proposed buildings with a total of four or more dwelling units. All requirements imposed by this section on covered private streets shall apply to private streets to be mapped that have been mapped and remain under private ownership.

b. Consistent with the provisions of section thirty-six of the general city law, and notwithstanding section 25-102, private streets to be mapped shall be duly placed on the city map prior to the issuance of a new certificate of occupancy.

c. No private street to be mapped or supporting infrastructure shall be constructed or opened unless a permit has been issued by the department of buildings pursuant to section 28-105.1 and 28-108.2. Private streets to be mapped shall include a roadway, sidewalk, and curb as applicable pursuant to department specifications.

d. The department shall review and formally comment on the following submissions by owners of a private street to be mapped prior to the issuance of department or any other agency permits or approvals:

1. A preliminary proposal in consultation with the department and all other responsible city agencies for the mapping of private streets to be mapped pursuant to section 197-c of the charter.

2. A draft alteration map in compliance with the department's street design guidelines, the regulations of the department of city planning governing the city map change process, and the review procedures promulgated by the topographical bureau of the office of the borough president.

3. A draft builder's pavement plan in accordance with the department of buildings requirements and the department's standards and specifications.

e. After the mapping of a private street to be mapped pursuant to section 197-c of the charter, the owner of the private street to be mapped shall:

1. Obtain approval of the final builder's pavement plan from the department of buildings in accordance with the department's standards and specifications.

2. Obtain a permit from the department and all other responsible agencies for required street

infrastructure including water mains, hydrants, utilities and street signage.

3. Submit to the department and all other responsible city agencies, certified copies of all required documents filed with the applicable office of the county clerk and previously approved by the department and other responsible city agencies as to form and content including: dedication of public use declaration, public ingress and egress easements, utility easements, maintenance declaration for the private street to be mapped, homeowners association affidavit, approved fire-fighting access site plan, fire hydrant location, and water main plan approved by the fire department.

f. Prior to the application for a temporary or final certificate of occupancy, the owner of a private street to be mapped shall:

1. Obtain confirmation from the department and all other responsible agencies that, pursuant to an inspection, the roadway is consistent with the department's requirements, the department's design guidelines, and the design approved by the city planning commission, and that the roadway as constructed will not inhibit the movement of emergency vehicles over the prepared roadway, and is in accordance with the fire department rules and requirements.

2. Notify the city, in a form prescribed by the department and approved by the law department, whether the street will remain private, be dedicated for public use pursuant to a public easement, or whether the owner intends to transfer to the city its fee simple absolute interest in the private street to be mapped, and the city has agreed to accept said interest, free and clear of any encumbrances deemed unacceptable by the city. Notification should be consistent with conditions approved by the city planning commission.

3. Execute a mapping agreement, including department acceptance and deed transfers, when applicable, for the private street to be mapped, with the city law department.

4. Submit to the department, if applicable, amended easements, declarations, affidavits and approved plans, as required by paragraph 3 of subdivision e, filed with the applicable office of the county clerk based on ownership and final as-built conditions.

5. Submit to the department filed deed restrictions for all buildings or structures accessed from the private street to be mapped identifying restrictions, covenants, easements and owner's responsibilities with respect to the private street to be mapped.

6. Submit to the department all proposed tax lots apportioned with the department of finance, creating a separate street tax lot for street areas when not being deeded to the city.

7. Submit to the department and topographical bureau of the office of the borough president final signoffs of mapping agreement and final approved alteration map plat.

8. Submit to the department approval from the NYS office of the attorney general for homeowner's association offering plan.

9. Affix titles and county clerk filing references for all documents required by subdivision f of this section on all applications for and copies of temporary and final certificates of occupancy prior to issuance by the department of buildings.

g. The owner(s) of all covered private streets shall:

1. Pave and maintain the surface of the covered private street according to the department's standards, specifications and design guidelines and maintain the structural integrity required by the fire code to support the immediate and deliberate movements of emergency vehicles over the covered private street.

2. Maintain and enforce all required signage and house numbering, pursuant to responsible agency requirements and approved required parking locations and restrictions to permit the safe delivery of emergency services.

3. Remove snow and ice from the covered private street whenever the accumulated snowfall in any twelve hour period exceeds two inches, to be completed within twelve hours after the precipitation ceases to fall, except that in the event of a blizzard, ice storm, or winter storm warning issued by the National Weather Service for the area, the owner shall have forty-eight hours after the precipitation ceases to fall.

h. Whenever the department shall determine that a covered private street is in need of paving or

maintenance in order to comply with paragraph 1 of subdivision g of this section, it shall issue a violation order to each of the owners of the covered private street to perform such work. Such order shall specify the nature of the noncompliance, the work to be performed and a reasonable time for compliance, provided that the time for compliance shall be a minimum of 75 days. The department shall, by appropriate regulations, provide for a reinspection by a different departmental inspector than the inspector that conducted the first or original inspection upon request of the property owner to the appropriate borough office. Where appropriate, the department shall notify the property owner(s) of the date of reinspection at least five days prior to the reinspection date. Such inspector undertaking the reinspection shall conduct an independent inspection of the property without access to the reports from the first inspection. The inspector conducting the reinspection shall file a new report and the department shall issue a new order to the owner specifying the results of the reinspection and defects by type. The owner(s) of a covered private street shall not be responsible for remedying any defect which was caused by the city, its agents or any contractor employed by the city during the course of a city capital construction project.

i. Civil Penalties.

1. Owners of covered private streets in violation of paragraph 1 of subdivision g of this section that fail to bring their covered private street(s) into compliance with the terms of the violation order shall be subject to a civil penalty of three dollars per foot of length of such covered private street on the owner's property for the first violation, six dollars per foot of length of such covered private street on the owner's property for the second violation within a twelve-month period, nine dollars per foot of length of such covered private street on the owner's property for the third violation within a twelve-month period. Each month in which an owner remains in violation of paragraph 1 of subdivision g shall be deemed a separate violation. The length of each covered private street on the owner's property in violation of this section shall be the cumulative length of the entire street from intersection to intersection, or cul-de-sac, along the street lines on both sides of the non-complying street.

2. An owner of a covered private street that violates paragraph 2 of subdivision g of this section shall be subject to a civil penalty of two hundred fifty dollars. Each month in which an owner remains in violation shall be deemed a separate violation.

3. An owner of a covered private street that violates paragraph 3 of subdivision g of this section shall be subject to a civil penalty of two dollars per foot of length of such covered private street on the owner's property for the first violation, four dollars per foot of length of such covered private street on the owner's property for the second violation within a twelve-month period, and six dollars per foot of length of such covered private street on the owner's property for the third violation within a twelve-month period. The length of each street in violation of this section shall be calculated in the same manner as in paragraph 1 of subdivision i.

§ 2. Section 25-102 of the administrative code of the city of New York is amended to read as follows: There shall be located and laid out on the city map all parks, playgrounds, streets, courtyards abutting streets, bridges, tunnels and approaches to bridges and tunnels, and improvements of navigation in accordance with bulkhead and pierhead lines established pursuant to section seven hundred five of the charter. Private streets shall also be located and laid out on the city map pursuant to general city law. The width and grades of all streets so located and laid out shall be indicated thereon.

§ 3. This local law shall take effect 120 days after it becomes law, except that the department of transportation shall take such measures as are necessary for its implementation, including the promulgation of rules, before such date.