Town of Wayne Modification to Existing Land Use Regulations Section 7.3.6

(1) Requirement:

Land development requiring access from a Town highway or encroaching in the Right of Way of a Town Highway shall require a Town Highway Work Permit approved by the Town Highway Superintendent and issued through the Town Zoning Officer. This requirement shall also be required anytime the natural slope of the road extends outside the Right of Way and the proposed work limits alters the integrity of the adjoining road structure and adjacent properties. Any landowner, developer or contractor activity (permitted or not permitted) on or adjacent to the road rights of way (within the land use setbacks set by district) shall be supplemented with a Road Use Agreement and protection plan, where the Zoning Officer and the Highway Superintendent determine that likely damage to the road and/ or Rights of Way will occur due to but not limited to:

a) Heavy equipment access (includes trucks and construction equipment over 5 tons gross weight)
b) Grading and/ or erosion
c) The routes of access to the site and the direct access for the delivery of equipment and material for construction to the job location
d) Access to/ or abutment to Town Roads, walkways or Rights of Way.

(2) **Standard:** Highway Use & Submitted Plans related to the protection of the Roads and the Rights-of-Way from degradation due to development projects shall be according to standards recommended by the Town Highway Superintendent, the New York State Department of Transportation, Steuben County Highway Department and other selected Agencies. All submitted plans of action submitted by the developer affecting Highway Use shall be prepared by a New York State Professional Engineer.

(3) **Highway Protection:** Shall be designed by a New York State Professional Engineer to address and eliminate problems arising from the effects of development projects prior to, during and after the construction phases. Specifics are as stated but not limited to the requirements in (1) above.