



INCORPORATED VILLAGE OF CEDARHURST

200 Cedarhurst Avenue
Cedarhurst, New York 11516
(516) 295-5770

Gaetano Marino
Superintendent of Public Works
Emergency (516) 250-5494

Fee - \$500.00 Up to 6' X 6' Bell Hole
\$3.00 per Sq. Ft. for Trench Cuts

STREET OPENING PERMIT APPLICATION AND PERMIT
(Fill out in duplicate)

1. Name of Applicant _____
2. Address _____
3. Name of Contact Person _____
4. Telephone Number of Contact Person _____
5. Email or Mobile Number _____
6. Location & Size of Project (by dimension) _____
7. Purpose of Opening _____
8. Does this project disturb a paved street _____

Date _____

Signature of Applicant _____

A security deposit of \$1000.00 paid in cash or by cashier's check is required for each opening. A Surety Bond may be used by public utilities only, subject to the approval of the Village Attorney.

- a) This Permit must be available at the job-site and shown upon demand by authorized person.
- b) The Project must be completed within thirty (30) days following the permit date.
- c) The final restoration of the opening must be completed within ninety (90) following the project completion.
- d) A written request to the Village for inspection of the restoration must be made within 14 days following the final restoration.
- e) If the Applicant fails to timely or properly restore the roadway, curb and sidewalk, the Village may, but shall not be obligated, to make such restoration at the Applicant's sole cost and expense. The Village may apply all or any portion of the security deposit to make the restoration, but the Applicant's liability shall not be limited to the amount of the security deposit.
- f) All roadway, curb and sidewalk openings shall be restored as per the specifications of the Incorporated Village of Cedarhurst.

Permit issued by order of the Board of Trustees

By: _____
Salvatore Evola, Clerk Treasurer Date Issued

The Ordinances shown below are part hereof and set forth for your information and compliance.

§ 224-15 Openings and Excavations. No person shall alter or disturb the grade of any street, sidewalk, highway or public place within the Village, nor shall any person in any way open, break or disturb the surface of any road, street, sidewalk, highway or public place in said Village or dig or excavate any such street, road or highway until such person shall first obtain from the Village a permit therefor which permit shall be granted upon payment of a permit fee to the Village. Said permit fee shall be as set by the Board of Trustees by resolution of a majority vote of its members present at a Board meeting.

§ 224-16 Application for permit; public liability insurance.

A. Every application for a permit, as herein provided, shall be in writing and signed by the applicant, and it shall be the duty of the Clerk-Treasurer of the Village to have printed forms on which application can be made, which forms shall contain a provision that in consideration of the granting of the permit, the applicant shall indemnify, defend and hold the Village harmless from and against loss, liability, cost and expense arising out of or in connection with making such excavations, or in failing to properly guard the same, or in failing to restore said roadway to its proper condition or any other act or failure to act by applicant or by anyone for whom applicant may be liable.

B. Every applicant must maintain a public liability insurance policy to cover liability, if any, arising out of operations under permits, in an amount not less than \$1,000,000 for bodily injuries and death for each occurrence, \$1,000,000 in the aggregate, and \$500,000 property damage.

Continued on Side 2

- (1) The name of the insured must be "The Village of Cedarhurst, its Officers and Employees."
- (2) There must be an endorsement on the policy stating that the contractor (name and address) is liable for the payment of the policy.

§ 224-17 Security for restoration of street required. There shall be deposited with the Clerk-Treasurer the sum of \$1,000, in cash or by certified check payable to the Incorporated Village of Cedarhurst, for each opening up to thirty six square feet, to be held by the Clerk-Treasurer as security for the restoration of the street as per specifications of the Village of Cedarhurst. Security deposits for street openings larger than thirty six square feet shall be set based on estimated restoration cost of such opening plus fifteen percent to cover the Village's estimated supervision cost, but in no event shall such deposit be less than \$1,000. The security deposit shall not be a limit of the applicant's liability for restoration costs. The applicant must request in writing a final inspection of each restoration within fourteen days following the completion of the restoration. The security deposit will only be refunded if the inspection is requested in a timely manner, subject to compliance with § 224-20 and the restoration is approved by the Superintendent of Public Works.

§ 224-18 Applicability of security provisions to public utilities for continuous openings; mains. A public utility operating within the Village shall be required to post a surety bond in the amount of the cost of the project, such bond to remain in effect until final approval of the project by the Village. The bond shall be a standard street opening obligation as prescribed by the New York State Department of Financial Services.

§ 224-19 Possession of permit prescribed. Each and every permit issued in pursuance of this article shall be at all times in the personal possession of the parties actually prosecuting the work.

§ 224-20 Restoration.

A. Final restoration of the street opening must be completed no later than ninety days following completion of the work for which such opening was made. Exceptions to this time frame may be allowed by Superintendent of Public Works dependent upon the time of year, which can affect the availability of paving materials. The restoration shall be equal in all respects to the highest of (i) the original road construction and finish, (ii) the standards promulgated by the New York State Department of Transportation for similar roads, (iii) the standards promulgated by the Nassau County Department of Public Works for similar roads, and (iv) the standards promulgated by the Town of Hempstead Highway Department for similar roads. Restoration shall include all pavement, curbs, sidewalks and aprons, traffic control devices, pavement markings, sprinkler systems, landscaping, pipes, conduits, cables, lighting, signs, parking meters and in ground detectors ("pucks") and poles, wiring and any and all other real property, fixtures and personal property affected by such opening or the work performed in connection with the street opening.

B. All restorations shall be saw cut back a minimum of five feet on each side of the excavation as necessary. The pavement over the trench and or the bell hole shall be cut back a minimum of five feet in all directions from the farthest cut and be parallel to avoid ragged or irregular edges on the restored area or a restoration that is not square or rectangular. Trapezoidal, round, oval and triangular restorations are prohibited. The area to be restored shall be increased as necessary to avoid residual strips of existing pavement of less than five feet in any dimension. The restoration shall be curb-to-curb. The trench and or hole must be filled with the same materials taken out, example if 2' of stone base plus 6" of concrete is removed, then the same must be replaced. Compaction of the fill is required at least every 12" of back fill. The 5' area on both sides of the trench must be milled to a minimum of 2" in depth. A tack coat must be applied before new asphalt is applied. The final layer after compaction must meet the existing grade. The final restoration must also include an AC seem on all saw cuts.

C. All work must be performed so as not to interfere with traffic and businesses, particularly in a Business District. This may require overnight or weekend work. The Superintendent of Public Works must approve the work times.

§ 224-21 Failure to restore property; authority of Village.

In the event of the failure of the applicant to restore properly any pavement disturbed by or for the applicant, within 10 days after written notice to such applicant from the Village, said pavement may be restored by the Village, and the costs thereof plus a fifteen percent supervisory fee, including the costs of erecting and maintaining barriers and barricades about such opening pending the restoration, shall be charged against such applicant. The security deposited under § 224-17 shall be applied toward the cost, and the applicant shall remain liable for the balance of the cost. This section shall in no way relieve the applicant from the duty to restore properly any pavement disturbed by or for the applicant.

§ 224-22 Maintenance and Guaranty. The applicant must maintain and correct failed restorations for a period of five years after the Village's initial acceptance of the permanent restoration. If the applicant fails to make the necessary correction to the restoration, the Village reserves the right to make the repair at the expense of the applicant.

§ 224-23 Emergency openings. If it becomes necessary to make a road opening for the purpose of making emergency repairs, any person, public utility, municipality and/or municipal subdivision may do so forthwith, provided that within 24 hours of the time of making such openings (Saturdays, Sundays or holidays not included) an application for a permit is made therefor pursuant to this article.

§ 224-24 Openings on newly constructed or resurfaced highways. No excavation shall be permitted on any newly constructed or resurfaced road or highway for a period of eight years following the completion or resurfacing of such roadway. If it is necessary to open a street that has been newly paved or resurfaced within the eight years preceding the issuance of a permit, whether for emergency purposes or at the discretion of the Superintendent of Public Works, the applicant shall be required to complete milling and final pavement resurfacing and restoration for the full width of the road to a distance of approximately 100 lineal feet from the opening. The distances in either direction of the opening will be determined by the Superintendent of Public Works. The restoration of the pavement shall be completed no more than 90 days after the opening. Exceptions to this time frame may be allowed by Superintendent of Public Works dependent upon the time of year, which can affect the availability of paving materials.

§ 224-25 Penalties for offenses. In addition to the foregoing sections of this article, the failure on the part of the applicant to restore properly within a reasonable time, as required by the Village, the grade of any street, sidewalk, highway or public place disturbed or altered by or caused to be disturbed or altered by the applicant shall constitute an offense and such applicant shall be liable to a fine set in accordance with Chapter 1, Article III, General Penalty.