

Local Law Filing

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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.

XXXXXX

XXXX

Of _____ North Castle

Town

XXXXXXXX

Local Law No. 27 of the year 2006

A Local Law amending Chapter 213, Zoning, of the Code of the Town of North Castle, New York, so as to add regulations designed to prevent, to the maximum degree feasible, future disturbance of steep slopes, hilltops and ridgelines by requiring a permit prior to any such disturbance and establishing specific standards and requirements applicable thereto.

Be it enacted by the _____ Town Board _____ of the
(Name of Legislative Body)

XXXXXX

XXXX

of _____ North Castle _____ as follows:

Town

XXXXXXXX

Section 1. Amend Section 213-3. "Definitions" of the Code of the Town of North Castle, New York so as to add the following new definitions in their proper alphabetical order:

“DISTURBANCE – The removal of vegetation or topsoil, or any filling, draining, grading, excavation or other such activity which alters the condition of land.”

"STEEP SLOPE – A natural geographical area, whether on one or more lots, which has a ratio of vertical distance to horizontal distance of twenty five (25) percent or greater over a horizontal area measuring at least twenty five (25) feet in all directions."

Section 2. Amend Section 213-17 "Hilltops, ridgelines and steep slopes" of the Code of the Town of North Castle, New York to read as follows:

"A. Findings and legislative intent. There are approximately 2,470 acres of steep slopes (25% or greater) in the Town of North Castle. For the most part, these slopes are vegetated and have been stabilized by nature over a period of time. The verticality of steep slopes, and the elevation and visibility of hilltops and ridgelines, makes them significant visual features of the landscape, thereby contributing to North Castle's attractive semi-rural character and property values.

The regulations in this section are intended to prevent, to the maximum degree reasonably feasible, future development upon steep slopes, hilltops and ridgelines in all zoning districts, thereby: (1) minimizing erosion and sedimentation, including the loss of topsoil; (2) preventing habitat disturbance; (3) protecting against possible slope failure and landslides; (4) minimizing stormwater runoff and flooding; (5) providing safe and stable building sites; (6) protecting the quantity and quality of the Town's surface and groundwater resources; (7) protecting important scenic vistas, rock outcroppings and mature vegetation; (8) preserving the Town's attractive semi-rural character and property values; and (9) otherwise protecting the public health, safety and general welfare of the Town of North Castle and its residents.

"B. Approval required. In any zoning district, no steep slope area, as defined herein, hilltop or ridgeline shall be disturbed in any manner, except as may be necessary to protect life or property in the event of an emergency, unless a disturbance permit shall have been granted by the Building Department or unless such disturbance permit is granted pursuant to an approved site plan, special permit, subdivision or variance. In connection with an application for such a permit, or in connection with any application for a building permit, site plan, subdivision, special use permit or variance, the applicant shall submit information indicating the location of any areas of steep slope on the subject property, and any hilltop or ridgeline which is visible from any public street or other public property. The approval authority shall not grant the necessary permit or approval if there is another alternative which, in the sole opinion of the approval authority, is reasonable and practical and would help to preserve the steep slope, hilltop or ridgeline. If, however, the approval authority determines that some disturbance of such feature is necessary or appropriate, said authority may permit such disturbance, provided that the nature and extent of the disturbance is limited to the minimum amount practicable, consistent with the legislative intent of this section and further provided that appropriate design and engineering techniques are employed which serve to minimize any potential environmental impacts. Any existing development which is located on a steep slope, hilltop or ridgeline is

hereby determined to be conforming and to have the required permit, provided it is otherwise lawfully in existence on the effective date of this Local Law.

"C. Standards and requirements.

- (1) The nature and extent of steep slope disturbance shall be minimized through appropriate and harmonious site design and engineering techniques, such as retaining walls, which respect and protect natural landforms and environmental features.
- (2) The removal of vegetation or the construction of buildings or other structures in publicly visible locations on hilltops or along ridgelines shall be permitted only if the natural visual quality of such features is appropriately protected, as determined by the approval authority.
- (3) A soil erosion and sedimentation control plan and a stormwater management plan prepared in accordance with these regulations, the Town Flooding, Erosion and Sediment Control Law (Local Law No. 3-1982), the "New York State Standards and Specifications for Erosion and Sediment Control," the NYSDEC Phase II regulations, all of which as may, from time to time, be amended, plus any drainage calculations requested by the Town Engineer, shall be required. Such plans shall demonstrate that there will be no substantial sedimentation nor any increase in the peak rate of runoff that would create a hazard to the proposed development or to any other properties.
- (4) A plan for the protection of groundwater resources, if the approval authority determines that the same may be potentially affected by the proposed development as a whole or any part thereof.
- (5) A plan for appropriate landscaping and revegetation designed to minimize any potential impacts on scenic views and vistas or to wildlife habitat, as well as to assure the long-term stability of any remaining areas of steep slope.
- (6) Additional materials as may be required by the approval authority shall also be submitted describing any other mitigative design features to be incorporated within the proposed development."

Section 3. Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or of other applicable rules or regulations, the requirements of this Local Law shall prevail.

Section 4. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part of parts.

Section 5. Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Office of the Secretary of State.