

LOCAL LAW NO. 15 OF 2016

A LOCAL LAW ENTITLED
STEEP SLOPES

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF SHOREHAM, AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to enact a steep-slopes law as part of the Village Code.

SECTION 2. ENACTMENT.

A Chapter 24 of the Village Code entitled Steep Slopes is enacted, as follows:

§ 24-1. Legislative Intent.

The purpose of this Chapter 24, entitled a Steep-Slopes Law, is to protect and safeguard scenic landscapes and vegetative features of steeply sloped lands located in the Village and ameliorate the impact of flooding, soil movement, stormwater runoff, sudden slope failure and surface erosion.

§ 24-2. Definitions.

As used in this Chapter 24, each of the following defined terms shall have the meaning indicated:

(1) **Disturbance** – any land preparation, including any clearing, excavating, filling or grading of land, or any construction of driveways, or structures requiring footings or foundations, but not including any landscaping not causing a material change of grade.

(2) **plot** – a parcel of land located in the Village not owned by the Village or a governmental entity.

(3) **steep slope** – other than any part of a plot located in the Coastal Erosion Hazard Area, as defined in Village Local Law No. 2 of 1989, any slope of a plot having a minimum slope of twenty-five (25) percent or greater, with a minimum area of two hundred (200) square feet and a minimum width of ten (10) feet.

(4) **steep-slope work** – any work performed on a steep slope, and any other type of work directly related thereto, whether located on a steep slope, or otherwise.

§ 24-3. Word Usage.

For purposes of this Chapter 24:

(1) Unless otherwise indicated to the contrary, the concept of including something on a list of things shall be deemed to embody the concept of including those things by way of illustration and not limitation.

(2) The word "shall" shall be mandatory.

(3) Any adjective modifying a defined term, or part of a defined term, including the words, "a", "any", "the", "this", "said" and "such", shall not affect the meaning of the defined term it modifies, and any defined term used as an adjective or verb, or reordered but carrying the intent of such defined term, or capitalized or pluralized, or put in the possessive form, shall carry the same meaning as such definition is expressed in § 24-2 of this Chapter 24, with the understanding that any defined term having initial capitalization shall only carry the intended definition if so capitalized, unless otherwise indicated in context.

(4) The present tense shall include the future tense.

(5) The singular shall include the plural and vice versa.

(6) Undefined terms shall be interpreted so as to give them the meaning they have in common or lawful usage, so as to give this Chapter 24 its most reasonable interpretation.

(7) Captions and headings shall be deemed to be inserted for convenience and reference only, and shall in no way be deemed to define, describe or limit the intent, meaning or scope of this Chapter 24.

§ 24-4. Steep-Slope Permits.

A. Applicability. No person shall create a Disturbance on any steep slope, unless a steep-slope permit therefor is issued by the Planning Board in accordance with the provisions of this Chapter 24, with the understanding that no such permit shall be issued without satisfaction of the conditions set forth in §24-4E and § 24-4F of this § 24-4.

B. Administration. The Planning Board shall have the power and duty to act under this Chapter 24.

C. Application Process/Fees. Any person seeking a steep-slope permit shall file an application for same with the Building Commissioner for review and processing by the Planning Board, which application shall include:

(1) A complete steep-slope permit application form.

(2) Plans and specifications describing the proposed work, including a site plan drawn at a scale of not less than one (1) inch equaling thirty (30) feet, prepared by an engineer or surveyor licensed by New York State, showing:

(a) The existing and proposed locations of any impervious surfaces, including buildings and other structures, and site work, including drainage installations, driveways, landscape elements, retaining walls, septic systems, wells, and other such site work.

(b) The location of the proposed area of Disturbance.

(c) Existing topography of the proposed area of Disturbance at a contour interval of not more than two (2) feet, with the understanding that contours shall be shown for areas beyond the limits of the proposed area of Disturbance, if deemed necessary by the Planning Board to fully evaluate the subject application.

(d) Proposed final topography for the area of Disturbance, at a maximum contour interval of two (2) feet.

(e) Proposed surface materials or surface treatment for the proposed area of Disturbance.

(f) Existing soil conditions in the proposed area of Disturbance, available from a reliable public resource or taken from a field investigation by a soil-analysis consultant.

(g) The details of any surface or subsurface drainage system proposed, including special erosion control measures designed to provide proper surface or subsurface drainage, both during the installation of any such system and following completion thereof.

(h) Drainage calculations.

(i) A cut/fill map delineating the proposed area of Disturbance at affected depths in feet of zero (0) to three (3), three (3) to six (6), six (6) to ten (10), and ten (10) and over.

(j) A writing explaining the nature of the proposed work, including the proposed steep-slope work, and whether any alternative location exists for same.

(3) Such additional or other plans, information or items requested by the Planning Board required to enforce this Chapter 24.

(4) Payment of the steep-slope permit application fee.

D. Application Review/Appeal Process. Upon receipt by the Planning Board of a complete application as required under § 24-4C of this § 24-4, said board shall process such application in accordance with the provisions of this Chapter 24, and make a determination thereon, with the understanding that:

(1) A public hearing shall be required, unless the Planning Board elects to waive such a hearing.

(2) In reviewing any application, the Planning Board may take into consideration how the proposed steep-slope work will affect:

(a) Any property within a five hundred (500) foot radius of the subject plot.

(b) The beach or bluff running along the north side of the Village generally in an east/west orientation.

(c) The waters of Long Island Sound.

(d) The health, safety and welfare of the Village, including any municipal road or municipal culvert or drainage improvements.

(3) If the applicant is aggrieved by the decision of the Planning Board, the applicant may appeal such decision by an Article 78 proceeding.

E. Conditions of Approval. No steep-slope permit shall be issued, unless:

(1) The applicant files a complete application for such permit in accordance with the provisions of § 24-4C of this § 24-4.

(2) The proposed steep-slope work complies with the provisions of the Village Code.

(3) The proposed steep-slope work complies with the requirements set forth in this § 24-4E.

(4) The Planning Board finds there is no feasible alternative site for the performance of the proposed work.

(5) The proposed steep-slope work will:

(a) Not impair the waters of Long Island Sound.

(b) Not require maintenance of a retaining wall within less than 10 (ten) feet of the boundaries of a plot or with a height exceeding three (3) feet above natural grade.

(c) Not cause or result in:

(i) Creep, sudden-slope failure or erosion beyond that theretofore usually encountered.

(ii) Surface water runoff.

(iii) Any adverse impact on any real property.

(d) Not adversely affect:

(i) Existing or proposed wells.

(ii) Any flora, fauna or endangered species.

F. Issuance of Permits. The Planning Board may approve an application, approve an application with conditions that may include recordation of a declaration of covenants, or disprove an application.

G. Duration of Permits. Except as otherwise required by any condition or covenant under § 24-4F of this § 24-4, and steep-slope permits shall expire two (2) years following the date of issuance thereof, with the understanding that if a corresponding building permit therefor is issued as required under the Village Code, the expiration date of such steep-slope permit shall be the same as that for such building permit.

H. Certificates of Occupancy. No certificate of occupancy shall be issued, until the Planning Board certifies satisfactory completion of any such steep-slope work.

§ 24-5. Enforcement.

The Building Commissioner is authorized to enforce the provisions of this Chapter 24.

§ 24-6. Penalties.

A. Schedule of Certain Fines. Any person in violation of this Chapter 24, or any condition set forth in any steep-slope permit, in either case not involving a Disturbance, shall be subject to a minimum fine of fifty (50) dollars but not to exceed three hundred and fifty (350) dollars for the first offense, a minimum fine of one

hundred fifty (150) dollars but not to exceed seven hundred and fifty (750) dollars for a second offense, and a minimum fine of three hundred (300) dollars but not to exceed one thousand (1,000) dollars for a third offense.

B. Schedule of Additional § 24-6A Fines. All fines on all penalties authorized in § 24-6A of this § 24-6 shall increase, as follows:

(1) At thirty (30) days from issuance, minimum fine shall be doubled.

(2) At sixty (60) days from issuance, minimum fine shall be tripled from original amount.

(3) At ninety (90) days from issuance, twenty (20) dollars shall be added to the maximum fine.

§ 24-7. Severability.

If any provision of this Chapter 24 is ruled unconstitutional or invalid, such ruling shall not affect the validity of any other provision of said chapter or said chapter as a whole.

SECTION 3. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State as provided by law.

All persons in interest will be heard by the Board of Trustees at the public hearing to be held as aforesaid and may appear in person or by representative. The Village Hall is accessible to handicapped persons.

Dated: April 12, 2016

BY ORDER OF THE BOARD OF TRUSTEES OF THE
VILLAGE OF SHOREHAM

BY: Cathy Donahue-Spier,
Village Clerk