

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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.

County  City  Town  Village

(Select one:)

of Briarcliff Manor

Local Law No. 1 of the year 2015

A local law TO AMEND CHAPTER 220 OF THE CODE OF BRIARCLIFF MANOR ON THE  
(Insert Title)  
REGULATION OF STEEP SLOPES

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

County  City  Town  Village

(Select one:)

of Briarcliff Manor as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2015 of the (County)(City)(Town)(Village) of Briarcliff Manor was duly passed by the Board of Trustees on JANUARY 21 2015, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 1-22-15

(Seal)

LOCAL LAW TO AMEND CHAPTER  
220 OF THE CODE OF THE VILLAGE  
OF BRIARCLIFF MANOR ON THE  
REGULATION OF STEEP SLOPES

Be it enacted by the Board of Trustees of the Village of Briarcliff Manor as follows:

1. Section 220-15 of the Code of the Village of Briarcliff Manor, entitled "Protection of natural resources" is hereby amended by deleting it in its entirety and replacing it with the following:

**§ 220-15. Protection of Steep Slopes.**

Notwithstanding other provisions of this chapter, all development regulated by this chapter shall be subject to the provisions of this section, which provisions are designed to protect and enhance the integrity of land proposed for development containing steep slopes in the Village of Briarcliff Manor. The Village Board of the Village of Briarcliff Manor finds and declares it to be the public policy of the Village to preserve, protect and conserve its steep slopes so as to maintain and protect the natural terrain and its vegetative features, protect wetlands, water bodies and watercourses, prevent flooding, provide safe building sites and protect adjoining property by preventing surface erosion and sudden slope failure. The establishment of regulatory and conservation practices to prevent adverse disturbance of steep slopes is considered to be in the best interest of the public health and welfare to achieve the above stated goals. To these ends the following standards and provisions are set forth.

- A. Steep slopes. Steep slopes are defined as any geographical area proposed for disturbance, whether on a single lot or not, having an area of ten thousand square feet (10,000 sf) or greater with a topographical gradient of 15% or greater (ratio of vertical distance to horizontal distance), with a minimum horizontal dimension of 10 feet. Notwithstanding the foregoing sentence, steep slopes shall not be subject to these regulations if determined by the Planning Board that; (i) the steep slope is entirely within the subject parcel(s) and the impacts from the proposed disturbance of same do not impact any other parcel of property in the Village or can be addressed wholly within the parcel on which such steep slopes are located, or (ii) the steep slopes are part of a system of steep slopes that extend beyond the boundaries of the subject parcel(s) and it can be demonstrated there are no impacts of disturbance of the steep slope beyond the subject parcel.

B. Applicability.

- (1) Regulated activities. It shall be unlawful to create a new steep slope area or to create any disturbance, other than an exempt activity as defined in §220-15.A.(2) hereof, on any existing or proposed steep slope in the absence of a steep slope approval issued by the Planning Board.
- (2) Exempt activities. The following activities on steep slopes do not require the issuance of a steep slopes approval:
  - (a) Normal ground maintenance, including moving, trimming of vegetation and removal of dead or diseased vegetation, selective trimming and pruning in previously landscaped areas and decorative planting, provided that such activity does not involve re-grading and further provided that such activity conforms with all other applicable ordinances, laws and regulations.
  - (b) The disturbance to steep slopes under temporary emergency conditions, as determined by the Village Engineer, where such disturbance is necessary to protect persons or property from present and imminent danger.

C. Steep slopes map. The Westchester County Geographic Information Systems, "Municipal Tax Parcel Viewer" map illustrating area with slopes of 15-25% and over 25%, is hereby adopted as part of the Village's Zoning Chapter and shall hereinafter be used for reference in the determination of slopes. Said map shall hereinafter be called "The Village of Briarcliff Manor Slopes Map." Further, any applicant, at the applicant's discretion, shall be permitted to prepare a "Site-Specific Steep Slopes Map" prepared by a licensed professional engineer or land surveyor in accordance with §220-15.D. The site-specific steep slopes map shall be the prevailing map, if such map is prepared.

D. Limitations.

- (1) Slopes 25% or more. No land shown on either the Village of Briarcliff Manor Slopes Map or a "Site-Specific Steep Slopes Map" shown as having slopes of 25% or more shall be developed or in any way physically modified, except when in the opinion of the Planning Board, said development or modification is deemed necessary for access, land or natural terrain preservation or enhancement, or some other necessary purpose. These steep lands may be used as or may comprise a portion of development areas so long as such development areas have sufficient "nonsteep" space for the particular type of development proposed and in accordance with the requirements of this chapter.
- (2) Slopes 15% to 25%. No land shown on either the Village of Briarcliff Manor Slopes Map or a "Site-Specific Steep Slopes Map" shown as having slopes of 15% to 25% shall be developed or in any way physically modified, except when, in the

opinion of the Planning Board, said land may be used for a use permitted within the zoning district within which it is located, without creating an adverse impact on the natural terrain (“natural resources” is not defined herein and above in “Protection of Steep Slopes” the term “natural terrain” is used.)of the Village of Briarcliff Manor, including but not limited to land erosion and flooding. In the review and approval procedures established in this chapter the Planning Board is further empowered to mandate development techniques which in its opinion may preserve the steep slopes.

- E. A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Chapter 184, Article I, Stormwater Management and Erosion and Sediment Control, shall be required for any natural resources or steep slope approval that qualifies as or authorizes a land development activity as defined in Chapter 184, Article I. The SWPPP shall meet the performance and design criteria and standards in Chapter 184, Article I. The approved steep slope approval shall be consistent with the provisions of Chapter 184, Article I.
- F. Artificial Steep Slopes: The Planning Board at its sole discretion may make exceptions for manmade or artificially created slopes. Artificially Steep Slopes shall be defined as a mound, berm, graded area or other similar feature containing slopes greater than 15%.and located on a single parcel or across several contiguous parcels, whether permanent or temporary.
- G. Permits. Applications for permits to conduct any regulated activities under this chapter shall be submitted in duplicate to the Village Engineer for approval or for referral to the Planning Board and shall include the following information:
  - (1) Name and address of applicant or applicant's agent, if any, and whether applicant is owner, lessee, licensee, etc. If applicant is not owner of record, the written consent of the owner must be attached.
  - (2) Statement of the specific purpose, nature and scope of the activity proposed.
  - (3) Any topographical and perimeter surveys, hydrological computations, engineering studies and other factual or scientific data and reports as deemed necessary by the approving authority (Planning Board or Village Engineer) to permit it to arrive at a proper determination.
- H. After a permit shall have been granted by the Planning Board, and as a condition for the issuance thereof, the applicant shall pay a fee as shall be set forth by resolution of the Village Board of Trustees in the Master Fee Schedule, which may be amended, to said Board.

2. Severability. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any part of this local law which can be given effect without such valid part or parts.

3. Effective Date. This local law shall take effect immediately upon filing in the Office of the Secretary of State of New York within the provisions of the Municipal Home Rule Law.