

LOCAL LAW NO. ___ OF 2014
TOWN OF POUND RIDGE, NEW YORK

SECTION 1. **TITLE**

This local law shall be entitled, "A Local Law Pertaining to the Amendment of Chapter 89, Slopes Protection, of the Town Code."

SECTION 2. **INTENT AND PURPOSE**

This local law is intended to amend the Slopes Protection chapter of the Code of the Town of Pound Ridge so as to improve its practicality, and to add certain criteria to the provisions of this chapter.

SECTION 3. **CHAPTER 89 AMENDMENTS**

Section 89-7G shall be revised to read as follows:

- G. Burden of proof.
- (1) The applicant shall in all cases have the burden of proof of demonstrating that the proposed activity is fully consistent with each of the findings set forth in § 89-2 and that each of the standards for approval set forth in Subsections A through HG above has been fully and completely met.
 - (2) With respect to applications involving proposed disturbance or alteration of any steep slope with a grade of 30% to 35%, the applicant shall have the additional burden of demonstrating that the applicant's circumstances are compelling and exceptional, including, at a minimum, demonstrating that no reasonable use of the site, lot, or parcel is possible without disturbance to a steep slope area having a grade of 30% to 35%.
 - (3) Notwithstanding § 89-4C(2) above, the Planning Board may waive the prohibition to create or disturb any steep slope above 35%, but only with respect to ingress and egress over the property's road frontage. In this case, the applicant shall have the additional burden of demonstrating that the applicant's circumstances are compelling and exceptional, including, at a minimum, an analysis of the relative

environmental impacts of ingress and egress alternatives and demonstration by the applicant that:

- [a] no reasonable use of the entire site, lot or parcel is possible without disturbance to a steep slope having a grade of over 35%; and/or
- [b] a traffic hazard relative to sight distance(s) would result without disturbance to a steep slope having a grade of over 35%; and/or
- [c] the adverse environmental impacts of the disturbance to a steep slope having a grade of over 35% can be minimized and clearly outweigh the impacts of other alternatives.

In addition, the Planning Board may permit utilities to be installed on steep slopes over 35%, if in doing so adverse environmental impacts can be minimized.

SECTION 5. RATIFICATION, READOPTION AND CONFIRMATION

Except as specifically modified by the amendments contained herein, the Slopes Protection chapter of the Town of Pound Ridge Code is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

SECTION 6: NUMBERING FOR CODIFICATION

It is the intention of the Town of Pound Ridge and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Pound Ridge; that the sections and sub-sections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

SECTION 7. SEPARABILITY

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons

or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

SECTION 8. **EFFECTIVE DATE**

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

Dated: _____, 2013

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