

TOWN OF JERUSALEM

Local Law Number 3 of 2008

REGULATIONS FOR CONSTRUCTION ON STEEP SLOPES

Be it enacted by the Town of Jerusalem as follows:

§ 1. Intent and purpose.

The purpose of this article to control construction on steep slopes. This article is intended to regulate individual and subdivided lots to protect the health, safety and welfare of the general public by maintaining and protecting the natural terrain, waterways, wetlands and vegetative features and provide safe building sites by preventing surface erosion, creep and sudden slope failure, preserve farmland and open space, prevent flooding, stormwater runoff and preserving areas of wildlife habitat.

§ 2. Definitions.

As used in this article, the following terms shall have the meaning indicated:

DISTURBANCE - Preparing land for construction or re-construction, such as clearing, grading and filling or the building of structures, including driveways, retaining walls and drainage systems.

STEEP SLOPES -- Ground areas with a slope of 15% or greater.

CERTIFIED PROFESSIONAL – licensed professional engineer, CPESC-Certified professional in erosion and sediment control or landscape architect

§ 3. Permit required; exempt activities.

A. It shall be unlawful to create any disturbance, other than an exempt activity as set forth in this article, on any steep slope as defined by the steep slopes map or R1 area located within any existing or proposed lot or lots in the Town unless and until a steep slope permit is granted by the Planning Board pursuant to the requirements of this article. Steep slope maps will be revised as new topographic data becomes available.

B. Exempt activities. The following activities on steep slopes do not require the issuance of a steep slope permit:

(1) Any planting of landscape materials which does not require disturbance of existing

terrain.

- (2) Emergency situations, as determined by the Town Code Enforcement Officer, where the disturbance of steep slopes is required to protect persons, or property from imminent danger.
- (3) Farming activities using sound management practices.
- (4) If the slope of the site can be documented as less than 15 percent, no permit is required.

§ 4. Permit procedure.

- A. The Planning Board is hereby designated to administer and implement this article by granting or denying steep slope permits for all residential, commercial or agricultural construction whether on a single lot or in connection with a subdivision application.
- B. An application for a Building permit in steep slope areas shall be made on forms furnished by the Planning Board and shall include the following information:
 - (1) Eight copies of a site plan drawn at a scale of not less than one inch equals 30 feet, prepared by an engineer, landscape architect, or licensed surveyor, CPESC-Certified professional in erosion and sediment control or equivalent showing the lot or lots containing steep slopes the following:
 - (a) All existing and proposed natural or artificial drainage courses.
 - (b) The proposed location of all structures, including drainage, septic system, wells, waterlines and driveways.
 - (c) The location of the proposed area of disturbance and its relation to adjacent properties, together with buildings, structures, roads, affected trees and affected wetlands, if any, within 100 feet of the boundaries of said area.
 - (d) Existing topography of the proposed area of disturbance at a contour interval of not more than two feet. Contours shall be shown for a distance of 50 feet or greater beyond the limits of the proposed area of disturbance, if determined necessary by the Planning Board, in order to fully evaluate the application.
 - (e) Proposed final contours and proposed surface materials or treatment at a maximum contour interval of two feet.
 - (f) Erosion Control Plan showing proposed area of disturbance, temporary and permanent erosion control measures. (All erosion control practices have to comply with NYS standards and specifications of erosion and sediment control).
 - (g) Stormwater management - The details of any surface or subsurface drainage system proposed to be installed. Calculated volume and velocity of runoff for sizing of drainage structures (i.e. culverts and diversions).
 - (h) Any special reports deemed necessary by the Planning Board to evaluate the application, including but not limited to geologic or hydrologic studies or capacity evaluation.
 - (2) A written narrative explaining the nature of the proposal, including any future development proposals for the property and whether alternative locations exist for the proposed activity.

- (3) New York State SEQRA law will be followed as required by Part 617: State Environmental Quality Review of the Regulations of the Department of Environmental Conservation.
 - (4) All requirements of New York State phase II stormwater regulations will be met if the site exceeds 1 acre of construction disturbance.
 - (5) The application shall be accompanied by:
 - (a) A fee in an amount to be determined by resolution of the Town Board, and
 - (b) Fees for engineer's and attorney's services in an amount determined by the Town Board sufficient to defray the estimated costs of such services rendered to the town in connection with the application. The applicant shall deposit with the Town Clerk the amount estimated to reimburse the town for such costs. Any amount remaining after payment to the Supervisor for the services rendered shall be returned to the applicant upon final approval or upon withdrawal if the application is withdrawn.
- C. The Planning Board may refer each application for a steep slope permit to the Yates County Soil and Water Conservation District or other certified professional for review, who shall submit a written report to the Planning Board. This report shall contain the following items:
- (1) A recommendation on whether the submission is complete and contains sufficient information for the Planning Board to perform a proper review of the submission.
 - (2) A recommendation of approval, disapproval or approval with conditions of the application.
- D. During its review of the application, the Planning Board shall:
- (1) Review the application to determine that the requirements of this article have been satisfied and application is complete.
 - (2) Review each complete application and approve, approve with conditions or deny the application, in accordance with this article, within 60 days of the receipt of a complete application as determined by the Planning Board.
 - (3) If deemed necessary, require posting of a performance bond or other security as a condition of approval, the amount of such bond or other security to be approved by the Town Board.
 - (4) In a building lot or development situation that requires material removed from the site or hauled in over town roads, the highway Superintendent must be notified before work commences. In some cases it may be necessary to haul material in or out during certain times of day or year in an effort to minimize damage to the Town roads.
- E. Public hearing. The Planning Board may, at its discretion, hold a public hearing on an application for a steep slope permit. If a public hearing is held, the notice and hearing requirements shall follow proper procedures.
- F. In granting a steep slope permit, the Planning Board shall find that the following conditions have been met.

- (1) The proposed activity is in accordance with the legislative intent and purpose stated in this article.
- (2) The proposed activity will preserve and protect existing streams, lakes, floodplains, wetlands and promote sound development to protect open space.
- (3) The proposed activity will not adversely affect existing or proposed drainage structures, wells or sewage disposal systems.
- (4) The proposed activity will not adversely affect any Town roads and adjacent properties.

G. After a steep slope permit is approved:

- (1) All permits shall expire on completion of the work specified therein and approved thereby. Unless otherwise indicated, the approved permit shall be valid for a period of one year from the date of issuance. The Planning Board may grant a six-month extension of this period.
- (2) Following completion of the work, the applicant shall submit a certification by an engineer, certified professional or code enforcement officer, that the completed work meets the requirements of the permit. The Town Code Enforcement Officer shall verify that the work has been completed in accordance with the permit. An as-built survey or plan shall be required to show that the work was completed in accordance with the permit.
- (3) Any proposed revision to work covered by a steep slope permit may be reviewed by the Town official. Where the Town Code Enforcement Officer or Planning Board determines that a substantial revision is required, a new application to the Planning Board is required.

§ 5. Penalties for offenses; corrective action.

Violations of any section of this law shall constitute a violation and be punishable by a fine of not more than \$250 or by a sentence of imprisonment not exceeding 15 days, or by both such fine and imprisonment.

§ 6. Effect on existing operations or construction.

All construction operations that will create a disturbance in a steep slope area will comply with the above permit.

§ 6. Effective Date.

This Local Law becomes effective immediately.