

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

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.

Town of OSSINING

Local Law No. _____ of the year 2015

A local law entitled "Local Law # _____ of 2015, for the Purpose of Amending the Steep Slope Protection Chapter of the Town Code."

Be it enacted by the TOWN BOARD
of the

Town of OSSINING as follows:

TEXT COMMENCES ON NEXT PAGE

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

LOCAL LAW # ___ OF THE YEAR 2015

BE IT ENACTED by the Town Board of the Town of Ossining as follows:

SECTION 1: TITLE

This Local Law shall be known and cited as “Local Law #__ of 2015, for the Purpose of Amending the Steep Slope Protection Chapter of the Town Code.”

SECTION 2: LEGISLATIVE INTENT

The Ossining Town Board has a desire to amend the Steep Slope Protection chapter of the Town Code in order to improve and update certain provisions of said chapter. This local law is determined to be an exercise of the police powers of the Town to protect the public health, safety and welfare of its residents. This local law also serves to implement recommendations of the Town’s Comprehensive Plan.

SECTION 3: STEEP SLOPE PROTECTION CHAPTER AMENDMENTS

Section 167-5 shall be amended to read as follows:

§ 167-5. Allowable and regulated activities.

- A. Allowable activities. The following activities within a steep slope area shall be allowed without a permit:
 - (1) Normal ground maintenance which does not require disturbance of existing terrain, including mowing, trimming of vegetation and removal of dead or diseased vegetation, provided that such activity does not involve regrading, and further provided that such activity conforms with all other applicable laws and regulations, including but not limited to the Tree Protection Law of the Town of Ossining (Chapter 183).
 - (2) The disturbance to steep slopes under temporary emergency conditions, as determined by the Building Inspector, where such disturbance is necessary to protect persons or property from present and imminent danger.
 - (3) Repair of existing walkways and walls.

- (4) Installation of a standard-size mailbox.
- (5) Public health activities and emergency uses pursuant to orders of the Westchester County Department of Health and/or the New York State Department of Health.

B. Regulated activities.

- (1) It shall be unlawful to create a new steep slope area or to create any disturbance, other than an allowable activity as defined in § 106-5A hereof, on any existing or proposed steep slope in the absence of a steep slope permit issued by the approval authority and a work permit issued by the Building Inspector.
- (2) It shall be unlawful to create or disturb any extremely steep slope, as defined herein, except that the Planning Board may waive this prohibition with respect to ingress and egress for the property and in other circumstances, subject to the following provisions of this section. In these cases, the applicant shall have the burden of demonstrating that the applicant's circumstances warrant the waiver, including at a minimum an analysis of the relative environmental impacts of alternatives and demonstration by the applicant that:
 - [1] The site, lot or parcel cannot be reasonably used without the creation or disturbance of an extremely steep slope; or
 - [2] A traffic hazard relative to sight distance(s) would result without the creation or disturbance of an extremely steep slope.

In addition, the Planning Board may only permit the creation or disturbance of an extremely steep slope if in doing so adverse environmental impacts can be mitigated to the extent acceptable to said board.

SECTION 4: RATIFICATION, READOPTION AND CONFIRMATION

Except as specifically modified by the amendments contained herein, the Code of the Town of Ossining as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

SECTION 5: INCLUSION IN CODE

It is the intention of the Ossining Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Ossining; that the sections and subsections of this Local Law may be renumbered or relettered to accomplish such intention; and that the words “local law” shall be changed to “chapter,” “section” or other appropriate word, as required for codification.

SECTION 6: RENUMBERING

The location and numerical designation of this Local Law and the sections included herein shall be delegated to the discretion of the codifier, General Code, which may renumber this Local Law and sections as are necessary to accommodate these amendments.

SECTION 7: CODIFICATION

This Local Law shall be incorporated into the Code of the Town of Ossining and shall be assigned a chapter number and appropriate section numbers by the codifier, General Code, in accordance with the numbering system of the Code.

SECTION 8: CODIFIER’S CHANGES

This Local Law shall be included in the Code of the Town of Ossining. The codifier shall make no substantive changes to this Local Law, but may renumber, rearrange and edit it without first submitting it to the Ossining Town Board. Any such rearranging, renumbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

SECTION 9: 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 10: 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.

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