

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
Subdivision of Land and Zoning Chapters 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 Subdivision of Land and Zoning Chapters of the Town Code.”

SECTION 2: LEGISLATIVE INTENT

The Ossining Town Board has a desire to amend the Subdivision of Land and Zoning Chapters of the Town Code with respect to wetlands and extremely steep slopes in order to update and improve these chapters. 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: ZONING CHAPTER AMENDMENTS

A new Subsection 200-6.F shall be added and shall read as follows:

- F. Every proposed lot shall contain a suitable site for a principal building and associated improvements.
 - (1) With respect to a conventional subdivision layout, at least 75% of the minimum lot area requirement of a proposed lot shall neither consist of “wetland” nor “extremely steep slope” as these terms are defined in Chapter 105, Freshwater Wetlands, Watercourses and Water Body Protection, and Chapter 167, Steep Slope Protection, respectively, of the Town Code. For example, in an R-40 zoning district at least 30,000 square feet (75% of 40,000 square feet) of the proposed lot shall neither consist of “wetland” nor “extremely steep slope.”
 - (2) With respect to a cluster development layout, the Planning Board shall strive to achieve the 75% standard in subsection (1) immediately above, but the Board shall have latitude with respect to the degree to which building sites and lots may contain “wetland” and/or “extremely steep slope,” in the furtherance of fulfilling one or more of the purposes of cluster development set forth in § 200-31.A

of this chapter, to wit to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities, to preserve the natural and scenic qualities of open lands, to protect areas of meaningful ecological value and to reserve suitable lands for park and recreation purposes, as well as to assist in the provision of below-market-rate housing pursuant to § 200-34.C of this chapter.

SECTION 4: SUBDIVISION OF LAND CHAPTER AMENDMENTS

A new Subsection 176-18.F shall be added and shall read as follows:

- F. Every proposed lot shall contain a suitable site for a principal building and associated improvements.
 - (1) With respect to a conventional subdivision layout, at least 75% of the minimum lot area requirement of a proposed lot shall neither consist of “wetland” nor “extremely steep slope” as these terms are defined in Chapter 105, Freshwater Wetlands, Watercourses and Water Body Protection, and Chapter 167, Steep Slope Protection, respectively, of the Town Code. For example, in an R-40 zoning district at least 30,000 square feet (75% of 40,000 square feet) of the proposed lot shall neither consist of “wetland” nor “extremely steep slope.”
 - (2) With respect to a cluster development layout, the Planning Board shall strive to achieve the 75% standard in subsection (1) immediately above, but the Board shall have latitude with respect to the degree to which building sites and lots may contain “wetland” and/or “extremely steep slope,” in the furtherance of fulfilling one or more of the purposes of cluster development set forth in § 200-31.A of this chapter, to wit to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities, to preserve the natural and scenic qualities of open lands, to protect areas of meaningful ecological value and to reserve suitable lands for park and recreation purposes, as well as to assist in the provision of below-market-rate housing pursuant to § 200-34.C of the Town code.

SECTION 5: **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 6: **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 7: **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 8: **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 9: **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 10: **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 11: **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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