

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
PUBLIC HEARING NO. 1
DECEMBER 6, 2011

A Public Hearing was held by the Board of Trustees on Tuesday, December 6, 2011 at 7:45 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Acting Mayor Meg Walker, Trustee Bruce Jennings, Trustee Jeremiah Quinlan, Trustee Nicola Armacost, Village Manager Francis A. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

ABSENT: Mayor Peter Swiderski

CITIZENS: Fifteen (15).

Acting Mayor Walker declared the Board in session for the purpose of conducting a Public Hearing in accordance with the legal notice that appeared in the November 25, 2011 issue of *The Rivertowns Enterprise* to consider the advisability of adopting Proposed Local Law No. 10 of 2011 Amending Chapters 249 of the Code of the Village of Hastings-on-Hudson as follows:

PROPOSED LOCAL LAW NO. 10 AMENDING CHAPTER 249, STEEP SLOPES OF THE VILLAGE CODE:

Section 1: Section 249-2 of the Steep Slopes Chapter of the Code of the Village of Hastings-on-Hudson is hereby amended to read as follows (new language in *italics*):

249-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

SLOPE The ratio of vertical to horizontal distance, *measured in a minimum area of 1000 square feet.*

STEEP SLOPE(S) Ground area(s) of at least 1,000 square feet with a slope of 15% or more, as measured in accordance with 249-3.

Section 2: Section 249-4, Applicability, is hereby amended to read as follows (new language in *italics*; deleted language ~~stricken~~):

249-4. Applicability.

~~Any lot that contains a steep slope or any activity that would create a steep slope shall be subject to the provisions of this chapter, except that the provisions of ' 249-5 shall not apply to the MR-C and CC Districts.~~
construction, development, paving, regrading, or stripping of vegetation that might affect or create a steep slope requires steep slope approval granted in accordance with this chapter.

Section 3: Section 249-5, Restrictions on steep slope disturbances, is hereby amended by adding the following new paragraph D:

D. The provisions of this section shall not apply to the MR-C and CC Districts.

Section 4: The title and opening paragraph of subsection A of 249-7 are hereby amended to read as follows (new language in *italics*; deleted language ~~stricken~~):

249-7. ~~Building permit~~ *Steep slope approval application requirements.*

A. Applications for ~~building permits on lots that contain or are proposed to contain a steep slope~~ *steep slope approval* shall include the following information in addition to any other information required by this chapter or by the Building Inspector:

Section 5: Subparagraph (1)(d) of subsection A of 249-7 is hereby amended to read as follows (new language in *italics*):

(d) The existing grades on the applicant=s property, indicating proposed paved areas, storm drainage facilities, retaining walls and ground cover, as well as the location of trees and ornamental shrubs. *Site topography must be colored, cross-hatched or otherwise marked, to show different slope categories.*

Section 6: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 7: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.

Village Attorney Stecich: This is a fairly significant change to the Steep Slopes Law which will make it less burdensome for some property owners.

The way the law is written now, if somebody has a steep slope on his or her lot, and they want to do anything that requires a building permit, they have to get steep slopes approval even though the steep slope may be nowhere near where they are constructing and even though the construction might have absolutely no effect on Steep Slopes Law.

In the last few years, the Planning Board has had applications like this. They are saying why are we even looking at this for, it has nothing to do with the steep slopes? It is not that it demands a lot of Planning Board time. The things can be handled pretty quickly, but it is burdensome for the property owner to have to go through this approval. And they can lose a month if they have to wait for a Planning Board meeting.

The heart of what the proposed amendment does is in section two. Before, it said if you need a building permit on a lot that has a steep slope you have to get steep slopes approval. The language was changed to read: any construction, development, paving, re-grading, or stripping of vegetation that might affect, or create, a steep slope requires steep slope approval granted in accordance with this chapter. So it has got to affect or create a steep slope to do it.

The other changes are just to implement this change. They make the language consistent, except for the change that is included in section five, which says that when you bring in a plan and on your topographical survey there are different grades – steep slopes and very steep slopes – you have to distinguish the grades within by cross-hatching or coloring. That is what this is about. The other sections help implement this section. Then, there is one in section one that just says that a slope is measured in a minimum area of 1,000 square feet, which is not a change at all. It was already; you are not a steep slope unless there is 1,000 square feet of the steepness.

Acting Mayor Walker: So that is not a change.

Village Attorney Stecich: Yes, that is not a change. It is just that that is in the definition of steep slope, but it was never in the definition of slope. One very careful Planning Board member noticed that, so this fixes it.

Acting Mayor Walker: So this came to us from the Planning Board.

Village Attorney Stecich: Yes, these are recommendations made by the Planning Board. They spent a lot of time on this. And, of course, Deven and I did, too. Deven and I talked

about it, I drafted it. We worked back and forth with the Planning Board, and they asked the Board to pass this.

Acting Mayor Walker: Questions?

Trustee Armacost: No. Seems sensible.

Acting Mayor Walker: Comments from the public, please?

John Gonder, 153 James Street: I have nothing that I can say about what is in this. It is what is not in it. I am involved with a steep slope on some property, and I have got a lot of water. Something like Circle Drive. They chop a tree down here and another there, and all of a sudden I get water in my garage and water in my basement. And my neighbor gets it. But we are not here to say anything wrong with this. I am asking that added to this contact homeowners 300 feet away because they may be involved with steep slopes. And according to what I understand from the attorney, no notification by certified letter or papers is required. My neighbor does not get *The Enterprise*. I happened to read that small print with a great big magnifying glass, and it is tough. I knew about it. My neighbor says I do not even get *The Enterprise*. What is this all about? So I think there should be notifications to any landowner 300 feet from any of the property lines.

Village Attorney Stecich: It is not that there is no notification, Mr. Gonder. But you are right, it is not the same notification that you would get for a variance. It is notification to adjoining property owners, assuming that they are the ones that would be affected.

Trustee Jennings: The intent of this is to have a situation in which whatever is being done on the property is so far away from the steep slope that it is not going to affect the slope in any way, including water runoff issues, I assume. So not affect means not affect in any way, shape, or form.

Village Attorney Stecich: Yes, it could be far away. But we were just talking about an application today where the work they are doing is not on a steep slope but could affect drainage. In that case you would have to get steep slope approval. Anything that could affect that steep slope or the drainage off that steep slope still needs steep slope approval. We are not changing that.

Trustee Jennings: Exactly. We are not doing any change here that would make us less vigilant concerning drainage.

Village Attorney Stecich: It does not happen a lot. But over the last three years there have been maybe three cases where the construction had absolutely no effect on the steep slope. The steep slope may have been in another corner of the property.

Acting Mayor Walker: When you are changing the section 294-4 so that it is any construction, development, paving, re-grading, or stripping of vegetation it does not necessarily mean that a building is being constructed. If somebody were to simply re-grade the property, then that is affected.

Village Attorney Stecich: Construction or re-grading or stripping of vegetation.

Acting Mayor Walker: So would they be compelled to come for a building permit if they are taking vegetation off of their property?

Village Attorney Stecich: Not a building permit, but they would have to get steep slope approval.

Acting Mayor Walker: How would they know that they have to get a steep slope approval? At some point the Building Inspector has to say you are going to have to get steep slope approval.

Village Attorney Stecich: Yes, and I think the reason the Steep Slopes Law originally was written the way it was. Somebody is coming in for a building permit and you could see. This is probably one of those things that will be enforced by maybe the Building Inspector is driving by and happens to see it. Or as so many of these things come before the Building Department, a neighbor called and said do you know what they are doing on the property next door. I know there is an aversion to complaint-based enforcement, but it makes a lot of sense, especially since you cannot have the staff, and you would not want them going around policing the Village. So it is probably complaint-based, and that is very effective. On one right now that came up, the neighbor complained, Deven took a look at it and said you need permits. Issued a stop work order, and it is being taken care of.

Acting Mayor Walker: It is not uncommon for people to take vegetation, whether it is trees or even shrubs or grass. But that would affect runoff and drainage. I do not think anybody understands the impact. I can understand why they would not see that there is an impact because it is not commonly discussed. So it is something in terms of dealing with stormwater issues we need to address as a Board. It is an educational issue to reach out to the community and help people understand that when they do something like that it could have a serious impact on their neighbors or on the streets. Any other comments? Scouts, any comments? OK, so I guess we take a motion to close this public hearing.

Hearing no further comments, Acting Mayor Walker asked for a motion to close the Public Hearing.

CLOSE OF PUBLIC HEARING

On MOTION of Trustee Armacost, SECONDED by Trustee Jennings with a voice vote of all in favor, Acting Mayor Walker closed the Public Hearing at 7:55 p.m.