

Local Law Filing

Village of Croton-on-Hudson

Local Law No. 2 of the year 2003

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
OCT. 14 2003
MISCELLANEOUS
& STATE RECORDS

A local law to Amend the Special Hardship Permit Provisions of the Steep Slopes Law

Be it enacted by the Board of Trustees of the

Village of Croton-on-Hudson as follows:

Section 1. Section 195.9A of the Code of Croton-on-Hudson is hereby amended to read as follows:

A. The Village Board of Trustees may grant a special hardship permit to any person to except from some or all of the provisions of § 195-5 of this chapter a separate lot which otherwise meets the minimum requirements for the construction of a one-family dwelling unit. A hardship permit shall not be considered if, independent of steep slopes considerations, the property needs an area, width or depth variance in order to qualify as a buildable lot unless such variance(s) have been granted prior to making of the application for a hardship permit. Such a special hardship permit may be granted upon the lot owner's demonstration that the application of this chapter to the lot reduces the square footage of the lot below the minimum square footage required by Article IV of the Zoning Law of the Village of Croton-on-Hudson to the extent that the lot cannot be utilized for the construction of a one-family dwelling unit, provided that the lot owner also demonstrates that:

- (1) The steep area or areas will be disturbed to the minimum extent consistent with the use of the lot as a one-family dwelling and be otherwise consistent with the objectives of this chapter as set forth § 195-1 above;
- (2) Appropriate mitigation measures will be taken to prevent significant adverse environmental effects of such disturbance of the steep slope area;
- (3) The proposed activity will not result in creep or sudden slope failure;
- (4) Any increased post-building water runoff shall not materially affect any other property;
- (5) The proposed activity will preserve and protect existing wetlands, water bodies, watercourses and floodplains;
- (6) The proposed activity will not adversely affect existing or proposed wells or sewage disposal systems; and
- (7) The requirements of § 195-6 of this chapter are met to the extent required by the Planning Board. The Planning Board may consult the Village Engineer for the purpose of determining which of the requirements of § 195-6 shall be met. Nothing in this section

shall except the special hardship applicant from complying with all building permit requirements applicable to areas of less than fifteen-percent slope.

Section 2. A new Section 195-11 is added, reading as follows, and present Section 195-11 is renumbered as Section 195-12:

§ 195-11. Performance and Erosion Control Bonds.

In granting a special hardship permit under this chapter, the Village Board of Trustees may require posting of a performance and or erosion control bond(s) as a condition of approval, the amount and surety of such bonds to be approved by the Village Board of Trustees. The performance bond is intended to ensure the proper completion of the proposed activity in accordance with the approved plans, the restoration of the area to its natural condition as far as practicable and protection of adjoining property owners from damage resulting therefrom. The erosion control bond is intended to ensure the proper installation and maintenance of the erosion control measures. Prior to any bond reduction or release application, the Village Engineer may require the applicant to provide a certificate of construction compliance from a New York licensed engineer. The bond(s) shall remain in effect until the Village Engineer certifies that the work has been completed in compliance with the terms of the permit, the approved building plans, any certificate of construction compliance from a New York licensed engineer required by the Village Engineer, and any required restoration of the area or other required measures to protect adjoining property owners from damage, whereupon the bond shall be released or reduced after authorization of the Village Board of Trustees following public notice and hearing.. A substitute bond may be provided as approved by the Village Board of Trustees.

Section 3. This local law shall be effective upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2003 of the ~~(County)~~(City)(Town)(Village) of Croton on Hudson was duly passed by the Board of Trustees on 10/7 2003, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph one, above.

Richard S. Herbel

~~Clerk of the County Legislative Body, City, Town or Village Clerk~~
or officer designated by local legislative body

Date: 10/8/03

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF WESTCHESTER

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Raymond M. Waldman

Signature

VILLAGE ATTORNEY

Title

~~COUNTY~~
~~CITY~~
~~TOWN~~
Village

of Croton on Hudson

Date: 10/7/03