TOWN OF BARRINGTON
Local Law Number 5 of 2011
REGULATIONS FOR CONSTRUCTION ON STEEP SLOPES

Be it enacted by the Town of Barrington as follows:

§ 1. Intent and purpose.
The purpose of this article is to regulate 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, lakes, waterways, wetlands and vegetative features and provide safe building sites by preventing surface erosion, creep and sudden slope failure, prevent flooding, storm-water runoff, and promote the goals and objectives of the Town of Barrington's Comprehensive Plan.

§2. Definitions. As used in this article, the following terms shall have the meaning indicated;

SOIL DISTURBANCE : Preparing land for construction or reconstruction such as the removal of vegetation, excavation, regrading, filling, removal of soil, rock or retaining structures in areas of Steep Slope, or any combination thereof, whether by manual labor, machine, or explosive, and shall include the conditions resulting from any excavation or fill. The condition of the Soil Disturbance will be deemed to continue until the area of Soil Disturbance is revegetated and/or permanently stabilized.

MINOR SOIL DISTURBANCE: Soil Disturbance of 300 square feet or less in the Lake Residential District and any other district where the minimum lot size is an acre or less. In all other districts Minor Soil Disturbance will be defined as a Soil Disturbance of 750 square feet or less.

MAJOR SOIL DISTURBANCE: Soil Disturbance of greater than 300 square feet in the Lake Residential District and any other district with a minimum lot size of an acre or less. In all other districts Major Soil Disturbance will be defined as a Soil Disturbance of greater than 750 square feet.

STEEP SLOPES : Any area that appears on the Town of Barrington Steep Slope Map. Ground areas with a slope of 15% or greater as measured by a clinometer.

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

§ 3. Permit required; exempt activities.
A. It shall be unlawful to create any Soil Disturbance, other than an exempt activity as set forth in this article, on any Steep Slope as defined by the Steep Slopes Map and measured by a clinometer located within any existing or proposed lot or lots in the Town unless and until a Steep Slope Permit is granted by the Code Enforcement Officer pursuant to the requirements of this article or it is determined by the Code Enforcement Officer that none is necessary. The Town Steep Slopes Map is on file with the Town Clerk. The Steep Slope Map will be revised as new topographic data becomes available.

Determination of the status of a particular parcel shall be made by the Town of Barrington Code Enforcement Officer.

B. No driveway, vehicular access lane or private road may be constructed that exceeds 15% slope without a Steep Slope Permit. Driveways, vehicular access lanes or private roads must all meet the Town of Barrington design and construction standards.

C. Exempt activities. The following activities on Steep Slopes do not require the issuance of a Steep Slope Permit:

(1) Any planting of landscape materials that does not require disturbance of existing terrain.

(2) Land reclamation where the earth is not disturbed, such as rotary mowing.

(3) 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.

(4) Repair or installation of KWIC approved septic system(s) with erosion control plans.

(5) Farming activities using sound management practices as defined by New York State Agriculture and Markets Sound Agriculture Practices Guide and farm field access roads. Any agricultural construction which, in consultation with Yates County Soil & Water, the CEO deems will not create an erosion problem.

(6)Routine and emergency construction, maintenance or repair of public highways by authorized municipal personnel.

(7) Routine repair and maintenance of an existing driveway but not to include reconstruction.

(8) If the slope of the site can be documented as less than 15 percent, no permit is required.

D. Exemption appeal process. A property owner may appeal a decision in which the Code Enforcement Officer determines that a permit is needed by contacting the Zoning Board of Appeals. Such requests must be made to the Zoning Board of Appeals in writing.

§ 4. Permit procedure.

A. The Code Enforcement Officer is designated to administer and implement this article for Minor Soil Disturbances. A Steep Slope application for a Minor Soil Disturbance shall be made on forms furnished by the Code Enforcement Officer.

B. A Major Soil Disturbance: The Code Enforcement Officer 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. The Code Enforcement Officer will consult with the Town Highway Superintendent when driveways or private roads are involved. At the discretion of the Code Enforcement Officer an engineered plan maybe required. An application for a Steep Slopes Building Permit in Steep Slope areas shall be made on forms available at the town hall or from the Code Enforcement Officer and shall include the following information:

(1) Three copies of a site plan drawn at a scale of not less than one inch equals 40 feet and shall include 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 Soil 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 Soil 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 Soil Disturbance, if determined necessary by the Code Enforcement Officer, 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 Soil Disturbance, temporary and permanent erosion control measures. All erosion control practices must comply with NYS standards and specifications of erosion and sediment control.

(g) Storm-water 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 Code Enforcement Officer 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 SEQR law will be followed as required by Part 617: State Environmental Quality Review of the Regulations of the Department of Environmental Conservation and all applications will be reviewed by the Yates County Planning Board under GML 239-m, 3.a.vi .

(4) All requirements of New York State phase II storm-water regulations will be met if the site exceeds one (1) acre of construction disturbance.

(5) The Code Enforcement Officer may waive one or more Town requirements or design details ordinarily required above if he/she determines that such information is not necessary for proper consideration of a particular application.

(6) The Code Enforcement Officer may refer each application for a Steep Slope Permit to the Yates County Soil and Water Conservation District or another NYS Certified Professional for review. If a referral is made, he/she will request a written report containing the following items:

(a) A recommendation on whether the submission is complete and contains sufficient information for the Code Enforcement Officer to perform a proper review of the submission.

(b) An opinion regarding the approval, disapproval or approval with conditions of the application.

(7) The application shall be accompanied by:

(a) A fee in an amount to be determined by resolution of the Town Board, and

(b) Any fees that may be required for a NYS licensed professional engineer, a CPESC —Certified Professional in erosion and sediment control, or attorney's services sufficient to defray the estimated costs of such services rendered to the town in connection with the application as approved by the Town Board. 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 Town Clerk for the services rendered shall be returned to the applicant upon final approval or upon withdrawal if the application is withdrawn

C. In a building lot or development situation that requires material removal from the site or hauled in over town roads, the Highway Superintendent shall review the engineered plan before work commences. In some cases it may be necessary to haul material in or out during certain times of the year in order to minimize damage to town roads.

D. During his/her review of the application, the Code Enforcement Officer shall:

(1) Within 35 days from the date of submission review the application to determine that the requirements of this article have been satisfied and the application is complete.

(2) Review each complete application and approve, approve with conditions or deny the application, in accordance with this article, within 62 days of the receipt of a complete application.

(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.

F. Before granting a Steep Slope Permit, the Code Enforcement Officer shall find that the following con-

ditions 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, infrastructure or adjacent properties.

(5) The proposed activity has been reviewed by the applicant, contractor and relevant Town and/or County officials.

G. After a Steep Slope Permit is approved:

(1) All Steep Slope 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 Code Enforcement Officer may grant a six-month extension of this period.

(2.) A pre construction meeting is required. Contractor must meet with the Code Enforcement Officer, Soil & Water and the Highway Superintendent at least seven days before work begins.

(3) Following completion of the work, the applicant shall submit a certification by a NYS licensed professional engineer, Certified Professional or the Town 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 may be required to show that the work was completed in accordance with the permit.

(4) Any proposed revision to work covered by a Steep Slope Permit must be reviewed by the Code Enforcement Officer who may refer the revision to Yates County Soil and Water, Plan Designer, and the Highway Superintendent (if applicable). An updated Plan, signed and dated showing the modifications, must be submitted to the Town Offices by the Plan Designer.

§ 5. Penalties for offenses; corrective action.
Whenever during construction evidence clearly indicates to the Barrington Code Enforcement Officer, after proper examination and inspection, there appears to exist a violation of any provision of this law or of any rule or regulation adopted pursuant thereto, he/she shall issue a stop work order. If the problem is not being rectified ten days after notification, the Code Enforcement Officer may issue appearance tickets to any " person" who shall continue to willfully violate or cause to be violated or assist in the violation of any provision of this law with penalties of $250 per week and/or imprisonment for up to 15 days. The Code Enforcement Officer is authorized, upon consent of the Town Board, to obtain injunctive relief from the New York State Supreme Court in the name of the town.

The term " person" , as used in this section shall include any owner, mortgagee, receiver, executor, trustee, agent or other person, firm or corporation, natural person or entity directly in control of a building, property or part thereof.

A financial security pledge shall be drawn upon to correct work in violation of the Steep Slopes Law. The Town may collect any amounts over and above the amount of the financial security pledge.

§ 6. Effect on existing operations or construction.
Unless exempted, any construction operations that will create a Soil Disturbance in a Steep Slope area shall comply with the above permit.

§7. Effective Date.

This local law becomes effective immediately.