

Proposed Local Law to Amend Zoning Law**ARTICLE VII: SUPPLEMENTARY REGULATIONS is amended to add a new section 707: Steep Slope Protection Areas to read as follows:****707. STEEP SLOPE PROTECTION AREAS****707.1 PURPOSE**

707.1.1 The Master Plan for the Town of Middlesex recognizes that the steep slope areas within the Town are significant natural features to be preserved and protected from ecological damage.

707.1.2 The purpose of designating Steep Slope Protection Areas (SSPA), as defined herein, within the Town is to conserve the sensitive environment of steep slope areas, and to regulate land use within these areas in a manner which protects the public interest by minimizing detrimental effects of disturbance and development to the steep slopes by:

- A. Providing for the reasonable use of steep slopes while ensuring development will not induce soil erosion, require excessive grading, increase slope instability, or create sewage ~~disposal~~ treatment problems.
- B. Guarding against property damage and personal injury; minimizing the potential for erosion, slope failure, stream siltation, increased storm water runoff, flooding, contamination of surface waters; and protecting the water quality of Canandaigua Lake and other downstream bodies of water.
- C. Conserving existing woodlands for air and water quality benefits and the preservation of wildlife habitats.
- D. Protecting important scenic views and vistas for the general welfare of the residents of the Town of Middlesex.
- E. Regulating expansion of current land use on steep slope areas prior to the enactment of this section.

707.2 Steep Slope Protection Areas (SSPA)

707.2.1. Steep Slope Protection Areas (SSPA) are defined as those areas having slopes 15% or greater (ratio of vertical distance to horizontal distance) as delineated

on a map prepared utilizing LiDAR and GIS technology. The boundaries and/or slope percentages shown on the SSPA Map may be supplemented or modified by an on-site survey prepared by a New York State Licensed Land Surveyor or a Professional Engineer whenever a subdivision or land development plan is submitted for review.

707.2.2 The provisions of Section 707 shall apply to any parcel of land which falls in whole or in part within a Steep Slope Protection Area (SSPA).

707.2.3 Steep Slope Protection Areas are further categorized as Moderately Steep (15% to <25% slope), Very Steep (25% to < 40% slope) and Extremely Steep (40% and/or greater slope).

707.3 STEEP SLOPE PROTECTION AREA PERMIT

707.3.1 No construction or disturbance exceeding the following thresholds shall take place within a SSPA without a Steep Slope Protection Area Permit based on the following Zones:

Zone A: 500 square feet (20 ft. x 25 ft.) of disturbance within 2000 feet horizontal distance from the mean high water mark of Canandaigua Lake

Zone B: 500 square feet (20 ft. x 25 ft.) of disturbance within 100 feet horizontal distance from any open water course

Zone C: **10,000** square feet (100 ft. x 100 ft.) of disturbance occurring beyond the horizontal distance stipulations in Zones A and B above.

707.3.2 **DISTURBANCE** - The removal of vegetation, any and all excavation, grading, filling, removal of soil / rock, demolition of existing structures, access created for construction purposes, drilling, trenching, benching, terracing, backfilling, storm and erosion control work, embankment stabilization, catch basins, culvert piping, swales, ditches, rip rap, construction entrances, retaining walls, utility work and shall include the conditions resulting from such activity. Applicants cannot segment disturbance to stay below disturbance thresholds or develop the site with structures that would otherwise not be approved. Disturbances and structures constructed after the adoption of this law shall be looked at by the Planning Board to determine if it is part of an overall Common Plan of Development if future applications are submitted. Site disturbance includes private roads/driveways that are jointly owned or utilized by applicant.

707.3.3 Any person or entity seeking to perform such disturbance activity within a SSPA shall first file a SSPA Permit Application with the Town CEO. A SSPA Permit shall be issued upon approval of the Application by the Town Planning Board prior to the applicant undertaking such activity.

707.3.4 Disturbance in a SSPA having a steep slope of 40% and/or greater is prohibited unless stated otherwise under Section 7 of the “*Regulations and Guidelines for Steep Slope Protection Areas.*”

707.4 Exemptions

707.4 The following activities do not require a Steep Slope Protection Area Permit:

- a. Soil cultivation for agricultural purposes
- b. Wildlife sanctuary, woodland preserve, and similar passive park and recreation activities.

707.5 Regulations and Guidelines

707.5.1 The Town Planning Board has adopted Regulations and Guidelines for use by the Town Planning Board, applicants, property owners, and prospective property owners in determining whether a Steep Slope Protection Area Permit should be approved. The Regulations and Guidelines set forth design guidelines, permitted uses, and standards for development in Steep Slope Protection Areas. They also serve to assist the Town Planning Board and applicants in the application and review process.

The Town Planning Board shall have the right to grant a waiver from any or all of the Guidelines and Regulations where appropriate and thus modify the scope of review, if it can be clearly shown by the applicant through supportive findings, that such submission is not needed and does not undermine the intent of this chapter. The record of any such waiver shall become part of the application.

Adherence to the Regulations and Guidelines will help protect the sensitive Steep Slope Areas within the Town from the adverse effects of erosion, protect the water quality of Canandaigua Lake and downstream water bodies, and minimize environmental damage while permitting safe and reasonable development in order to protect the health, safety, and welfare of the residents of the Town of Middlesex.

707.6 Variances and Appeals

As this is part of the Town Zoning Law, the normal variance and appeals procedures will be followed. ~~All variance requests for prohibited items and all variance requests on slopes greater than 40% will be considered a use variance request.~~

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