

INSTRUCTIONS FOR APPLICATION FOR STEEP SLOPE and/or WETLANDS SPECIAL PERMIT:

SUBMIT 8 SETS OF PLANS, SIGNED AND SEALED BY A LICENSED PROFESSIONAL ARCHITECT/ENGINEER

SUBMIT 1 ORIGINAL AND 1 COPY OF APPLICATION FORM

SUBMIT PICTURES OF NEARBY HOMES, BOTH SIDE VIEWS AND FROM ACROSS THE STREET

SUBMIT A COPY OF ANY EXISTING EASEMENTS

SUBMIT 8 COPIES OF A ZONING WORKSHEET (COPY OF WORKSHEET IS ENCLOSED).

SUBMIT A CHECK IN THE AMOUNT OF \$250 MADE OUT TO THE VILLAGE OF ARDSLEY

NOTE: ALL APPLICATIONS MUST ADHERE TO THE PROVISIONS OF THE CODE OF THE VILLAGE OF ARDSLEY, SECTION 200-93 (ATTACHED TO THESE INSTRUCTIONS).

NOTE: The Planning Board will not put the application on its Agenda until all documents are submitted and checked that the application is complete.

§ 200-83. House size. [Amended 5-19-2003 by L.L. No. 4-2003]

A. Legislative intent Economic and social changes, including changes in lifestyles, which have occurred since the time that most homes in Ardsley were built, have created a demand for significantly larger new homes, as well as the teardown and redevelopment and/or major expansion of existing homes. The Village Board hereby finds that the scale of these new or expanded homes has, in some cases, been out of character and scale with the neighborhoods in which they are located. Similarly, a combination of larger houses and increased land utilization for uses and structures accessory to such homes has caused excessive disturbance of the land, increased storm water runoff and resulted in a reduction in green space, i.e., trees and other forms of vegetation. Such intensive development and increased stormwater runoff results in increased downstream flooding, erosion and sedimentation, as well as impacting the aesthetically pleasing parklike character of the Village's established neighborhoods. It is, therefore, the intent of the Village Board, consistent with relevant economic and social considerations, to establish reasonable controls on the size of new or expanded houses, as well as on impervious surface coverage, but to do so in a way that incorporates flexibility and good judgment into the process.

B. Maximum house size. The following table establishes the basic permitted floor area for one-family dwellings on lots of the sizes indicated, irrespective of zoning district, in the Village of Ardsley. Notwithstanding these floor area standards, if any proposed dwelling exceeds by more than 100% the average gross floor area of the five homes in the same zoning district closest to it [as measured from the property line(s) separating the lot from the street(s) which it abuts, but not to include any dwelling on a lot which is more than 250 feet distant from such street line(s)], such dwelling shall require

Planning Board special permit approval pursuant to the standards and procedures as set forth in § 200-83D. The initial determination of which are the five closest homes and the floor areas thereof shall be made by and submitted by the applicant, but the final determination shall be made by the Planning Board. Further, the Planning Board is hereby authorized, by special permit and also pursuant to the standards and procedures as set forth in § 200-83D, to allow an increase in the basic permitted floor area for any one-family dwelling and its accessory buildings, not to exceed the maximum amount as shown in the following table:

Lot Area square feet)	Basic Permitted Floor Area for One-Family Dwellings and Accessory Buildings (square feet)	Maximum Permitted Floor Area for One-Family Dwellings and Accessory Buildings* (square feet)
Less than 7,500	2,400 or 40% of lot area, whichever is greater	2,760 or 46% of lot area, whichever is greater
7,500 to 9,999	3,000 plus 24% of lot area in excess of 7,500 square feet	3,450 plus 28% of lot area in excess of 7,500 square feet
10,000 to 39,999	3,600 plus 8% of lot area in excess of 10,000 square feet	4,150 plus 10% of lot area in excess of 10,000 feet
40,000 or more	6,000 plus 4% of lot area in excess of 40,000 square feet	7,150 plus 5% of lot area in excess of 40,000 square feet

Notes:

*Subject to Planning Board special permit approval.

C. Gross land coverage. The following table establishes the basic permitted gross land coverage for one-family uses on lots of the sizes indicated, irrespective of zoning district. The Planning Board is, however, hereby authorized, by special permit and pursuant to the standards and procedures as set forth in § 200-83D, to allow an increase in the basic permitted gross land coverage for one-family dwelling lots, not to exceed the maximum amount as shown in the following table. Further, in either case, an additional 10 square feet of gross land coverage shall be permitted for each one foot of front yard setback in excess of the minimum required:

Lot Size square feet)	Basic Permitted Gross Land Coverage for One-Family Dwelling Lots (square feet)	Maximum Permitted Gross Land Coverage for One-Family Dwelling Lots* (square feet)
Less than 7,500	2,300 or 37% of lot area, whichever is greater	2,650 or 44% of lot area, whichever is greater
7,500 to 39,999	2,775 plus 10% of lot area in excess of 7,500 square feet	3,330 plus 12% of lot area in excess of 7,500 square feet
40,000 or more	6,025 plus 6% of lot area in excess of 40,000 square feet	7,230 plus 7% of lot area in excess of 40,000 feet

Notes:

*Subject to Planning Board special permit approval.

D. Special permit standards and procedures.

- (1) Application. Each applicant for a special permit pursuant to this section shall submit, simultaneously to the Planning Board and to the

Board of Architectural Review, site, building and landscaping plans, prepared by a properly qualified professional(s), accurately depicting the proposed location of the dwelling and any proposed accessory buildings, structures and/or uses on the site, including the following information, except where the submission of such information is waived by the Planning Board:

- (a) Topography with contours at a vertical interval of not more than two feet;
- (b) The location of any significant natural features such as wetlands, water bodies, rock outcroppings, steep slopes, and trees which are proposed to be removed or disturbed;
- (c) The location and use of existing structures on abutting properties;
- (d) Proposed architectural elevations of all building sides;
- (e) Proposed building and lot cross sections, if and as appropriate to illustrate the relationship of the proposed construction to the site's topography and to neighboring streets and properties;
- (f) A proposed landscaping and screening plan;
- (g) The name and address of the applicant, property owner(s) if other than the applicant, and of the properly qualified engineer, architect, landscape architect, surveyor and/or other professionals who prepared the application, including their certification that the plans and the building height, floor area, lot coverage and other calculations are correct; and
- (h) Such other information as the Planning Board or Board of Architectural Review may deem

necessary or appropriate to assist it in arriving at a decision.

(2) Procedure.

- (a) Within no more than 30 days of receipt of its copy of the application, the Board of Architectural Review shall complete and submit its report and recommendations to the Planning Board;
- (b) A public hearing shall be scheduled and conducted by the Planning Board within 45 days of the date that the application is received, unless such time limit is waived by the applicant; and
- (c) Notice of the hearing shall be advertised in the official Village newspaper at least seven days prior to such hearing, and all property owners of record within a distance of 250 feet from the boundary of the subject property shall be sent copies of such notice by certified mail, return receipt requested. The applicant shall submit proof of the publication of the notice and the mailing of all such notices prior to the start of the public hearing.

(3) Standards and criteria. In reviewing such special permit applications, the Planning Board shall consider the legislative intent of the Village Board, as set forth in this chapter, and, in particular, the following:

- (a) The visibility of the proposed structure from neighboring streets and properties;
- (b) The present use and zoning of neighboring properties;
- (c) The character, interest and scale of proposed roof and building facade designs, including architectural features, materials and colors;

- (d) The nature and extent of proposed site disturbance, tree removal or other alteration of natural features;
 - (e) The degree to which existing or proposed landscaping, house siting, grading and building design may serve to mitigate any potential adverse environmental impacts and/or visual impacts on neighboring streets and properties; and
 - (f) Other such similar factors as may be determined appropriate by the Planning Board.
- (4) Planning Board decision. Based upon the above established standards and criteria, and taking into consideration the report and recommendations of the Board of Architectural Review as well as any other evidence submitted as a part of the public hearing, the Planning Board shall, within a maximum of 30 days from the date of the close of the public hearing unless such time period is extended with the consent of the applicant, act either to approve, disapprove or approve with required modifications any such special permit application. Required modifications may include reduction in the size of the proposed dwelling, its redesign or relocation on the site, the redesign and/or relocation of any other proposed accessory buildings, structures or uses on the site, the preservation of certain site features, the provision of additional landscaping or other such similar design changes. The Planning Board's decision with respect to any such special permit application shall constitute a final determination of the Planning Board. Aggrieved parties may seek relief pursuant to Article 78 of the Civil Practice Laws and Rules of the State of New York.

further provided that any such activity conforms with all other applicable ordinances, laws and regulations.

- (b) The disturbance to steep slope areas under temporary emergency conditions, as determined by the Village Building Inspector, where such disturbance is necessary to protect persons or property from present or imminent danger.

C. Standards, procedures and requirements.

- (1) Approving authority. The approving authority for all applications for wetland or steep slope permits shall be the Village of Ardsley Planning Board.
- (2) Application. All applications for wetland or steep slope permits shall include at least the following information, unless waived by the approving authority:
 - (a) The name, address and signature of the property owner and applicant, if different.
 - (b) The street address and tax map designation of the property.
 - (c) A statement that both the property owner and the applicant, if different, will indemnify and hold harmless the Village of Ardsley and its representatives against any damage or injury to any person or property in connection with the issuance of the requested permit.
 - (d) A written statement describing the proposed work, the purpose thereof, and why such work cannot be done on a portion of the property which would not impact, or would impact to a lesser extent, any of the environmental features sought to be protected by these regulations, i.e., wetlands, water bodies, watercourses, steep slopes and frees.

- (e) A site plan, drawn at a scale of not less than one inch equals 20 feet, prepared and sealed by a professional engineer, landscape architect, architect, surveyor or other properly qualified person, showing the following information, as appropriate:
 - [1] Wetlands permit. A site plan submitted as part of an application for disturbance of any wetland, water body, watercourse or wetland buffer area shall contain at least the following information, unless waived by the Planning Board:
 - [a] The location of all wetlands, watercourses, water bodies and floodplains, including wetland buffer areas, as delineated by a properly qualified individual no earlier than one year prior to the date of filing the application. The boundaries of any such area shall be flagged in the field and surveyed by a properly qualified individual in a manner acceptable to the Planning Board.
 - [b] The delineation of all soil types on the site.
 - [c] The specific location of the proposed area of disturbance and the specifications and quantities of all material proposed to be added or removed from the site, as well as the procedures to be used to undertake such work.
 - [d] Existing and proposed contours at a maximum vertical interval of two feet within the proposed disturbed area and extending to a distance of at least 50 feet beyond such area.

- [e] Details of any temporary or permanent drainage system proposed both for the conduct of the work and after completion thereof, including locations of any point discharges, artificial inlets or other human-made conveyances that would discharge into any wetland, watercourse, water body, floodplain or buffer area.
 - [f] Where creation of a water body is proposed, details of the construction of any dams, embankments, outlets or other water control devices and analysis of the wetlands hydrologic system, including seasonal water fluctuation, inflow/outflow calculations and subsurface soil, geology and groundwater conditions.
 - [g] Where creation of a detention basin is proposed, with or without excavation, details of the construction of any dam, berm, embankment, outlet or other water control devices and an analysis of the wetlands hydrologic system, including seasonal water fluctuation, inflow/outflow calculations and subsurface soil, geology and groundwater conditions.
 - [h] An erosion and sedimentation control plan.
- [2] Steep slope permit.
- [a] A site plan submitted as part of an application for disturbance of any steep slope shall contain at least the following information, unless waived by the Planning Board:



- [i] The location of all areas of existing steep slope on the property.
 - [ii] Existing soils within the proposed area of disturbance and extending at least 50 feet therefrom.
 - [iii] Existing topography within the proposed area of disturbance and extending at least 50 feet therefrom, including contours at a vertical interval of not more than two feet.
 - [iv] Proposed final contours of the entire area to be disturbed and within a distance of 50 feet therefrom, including proposed surface materials and/or other treatment.
 - [v] The details of any proposed surface or subsurface drainage system to be installed, including any special measures designed to provide for proper surface and/or subsurface drainage, both during the performance of the work and after its completion.
 - [vi] An erosion and sedimentation control plan.
- [b] If the Planning Board determines that the extent or nature of the proposed slope disturbance will be extensive or that blasting may be involved, it may require such other additional information, including reports by qualified professionals, as may be determined necessary by said Board.

This required additional information may include, among other things, cross sections of all proposed disturbed areas, depth to bedrock information, a cut and fill analysis, a blasting plan, and other such technical studies or information.

- (3) Public hearing. After the Planning Board has determined that an application for wetland, watercourse, water body or steep slope permit is complete, it shall schedule a public hearing with not less than seven days' notice published in the official Village newspaper and a copy of the notice mailed to the record owner of all abutting lots, including lots located directly across any street from the subject property. Such notice shall be mailed by certified mail, return receipt requested. The mailing shall be the responsibility of the applicant. At the public hearing, the applicant shall provide appropriate proof of the mailing of such notices, including an affidavit of their mailing and all returned receipts.
- (4) Professional review fees. In addition to any application fees as required pursuant to Chapter A210 of the Ardsley Village Code, the Planning Board, in reviewing any application pursuant to this section, may refer such application to any independent professional as said Board may deem reasonably necessary to properly advise it on technical matters relating to such application. The applicant shall be responsible for reimbursing the Village for the cost of such professional review upon submission of a copy of the voucher or, at the discretion of the Planning Board, by establishing an escrow account in advance of the consideration of the application and/or retention of the outside professional by the Planning Board. The payment of such fees shall be in addition to any and all other



fees required by this chapter or any other Village law, ordinance or regulation.

- D. Planning Board decision. Within a maximum of 30 days from the date of the close of the public hearing, unless such time period is extended with the consent of the applicant, the Planning Board shall render a decision either to approve, approve with required modifications or disapprove the permit application. Whatever decision is made shall constitute a final determination of the Planning Board. Aggrieved parties may seek relief pursuant to Article 78 of the Civil Practice Laws and Rules of the State of New York. In arriving at its decision, the Planning Board shall consider the following:
 - (1) The extent to which the proposed action, including any mitigation which is offered, is consistent with the legislative intent of the Village Board of the Village of Ardsley as set forth in this Chapter and is necessary in order to make any minimally reasonable use of the property, not the maximum use.
 - (2) All evidence offered at the public hearing.
 - (3) All reports submitted by any Village, county, state or federal agency or by any expert retained by the Planning Board.
 - (4) All relevant facts and circumstances, including, but not limited to, the following:
 - (a) The environmental impact of the proposed action.
 - (b) The suitability of the proposed action for the area where it is proposed.
 - (c) Alternatives to the proposed action which would eliminate the need for the requested permit or would reduce the potential impact of the requested action.

- (d) The nature and extent of any mitigation proposed by the applicant.
- (e) Other mitigation which would serve to further reduce any potential adverse environmental impacts, including a reduction in the nature or scale of the proposed action.
- (f) The extent to which any economic or social benefits of the proposed action may outweigh any potential adverse visual or environmental impacts.

E. Term. Any permit issued pursuant to this section shall be valid for a period not to exceed one year from the date of approval, unless otherwise specified by the Planning Board. All permits shall expire upon completion of the work specified therein.

F. Inspection. The property upon which the activity has been approved shall be open to inspection at any reasonable time, including weekends and holidays, by the Village Building Inspector or other designated representative of the Planning Board. The applicant, by having made application for such a permit, shall be deemed to have given its consent to such inspection. A notice of violation or stop-work order shall be issued if it is found that the applicant has not complied with any of the conditions or limitations as set forth in the permit or has exceeded the scope of the approved activity.

G. Continued conformance required. Continued conformance with all requirements as shown on an approved plan for the disturbance of a wetland or steep slope shall be deemed to be a condition for the continued maintenance of the certificate of occupancy for the affected property. Any violation of a condition of approval shall be subject to the imposition of penalties as set forth in Subsection H below.

H. Penalties.

- (1) Any person who violates any provision of these regulations shall be guilty of a violation punishable by a fine of not more than \$1,000 nor less than \$250. For a second and any subsequent offense within a one-year period, the violator shall be guilty of a violation punishable by a fine of not more than \$1,500 nor less than \$500 or a term of imprisonment of not more than 15 days, or both, and shall be deemed to be a disorderly person. Each week's continued violation and each violation of a different provision of these regulations shall be considered a separate and distinct offense.
- (2) In addition to the above penalties, the Village shall not issue any building permit, certificate of occupancy or temporary certificate of occupancy for any property for which a notice of violation of these regulations has been served until said violation shall have been resolved to the satisfaction of the approving authority or the court, as appropriate.

§ 200-94. (Reserved)

§ 200-95. (Reserved)

(Cont'd on page 20069)