

2.4.0 LANDSCAPE PRESERVATION AND DESIGN

2.4.1. Permit Required

No excavation, site alteration or improvement shall be initiated until a Building/Use Permit has been issued or conditional approval is given for a Final Plat/Site Plan.

2.4.2 Protection of Slopes

A. Objectives

Slopes provide an environment for movement of soil and pollutants when site disturbance occurs. While soils have varying degrees of erodibility, all soils are nonetheless subject to movement, and increasingly so as the slope of the land increases. Thus, the Town/Village requires review of those areas where soil movement and consequent soil loss is most likely to be a problem – on “steep slopes.” Steep slopes are identified by the Town/Village as 15% or greater and are a constraint to development due to their susceptibility to impacts from:

1. amount of site disturbance required for development
2. visual scarring from tree removal and loss of vegetation
3. loss of slope stability
4. soil erosion and sedimentation
5. economic costs of soil erosion and sedimentation
6. septic system failure and affects on downslope neighbors
7. loss of local biodiversity
8. wildfire potential

B. Steep Slope Standards

Development impacting an area of 200 square feet or greater which has a slope with an existing grade equal to or in excess of 15% (prior to any site improvement, excavation or blasting), or which results in such slopes over such an area, shall be subject to the following provisions:

1. A site development plan shall be submitted, as outlined in Section 5.0, which includes contour intervals of five (5) feet or less, slope profiles showing existing gradients and proposed cut and fill sections, and a stormwater management and erosion control plan, prepared by a professional licensed by the state, that covers all phases of development (site preparation, construction, post construction).
2. Development shall be sited and constructed, and slopes stabilized in accordance with accepted engineering and best management practices for stormwater management and erosion control to:
 - a. prevent runoff, erosion, slumps, and other down slope movements of material,
 - b. to minimize associated risks to surface and ground waters, public facilities and roads, and neighboring properties.

3. Development, including road and utility corridors, on slopes equal to or in excess of 15% shall be sited and designed to minimize visual impacts from public vantage points. The use of landscaping and natural screening materials is encouraged, and may be required to lessen the visual impact of such development.

C. Very Steep Slopes

Development is specifically prohibited on slopes equal to or in excess of 25%, with the exception of stairways to the shoreline, which are subject to special review under Section 5.0.

2.4.3 Protection of Navigable Streams and Rivers

A. Buffers

All buildings and structures in excess of eighty (80) square feet, and other impervious surfaces, other than boathouse or docks or swimming floats as hereinafter regulated, shall be set back a minimum of fifty (50) feet from the mean high-water mark of the shoreline; except that all new wastewater disposal systems (septic tanks, leach fields) shall be setback at least fifty feet (50 ft) from the mean high-water mark of the shoreline. In any case all wastewater disposal systems must comply with New York State Standards

B. Encroachments

The expansion or enlargement of any structure that is legally in existence prior to the effective date of these regulations within required river and stream setback areas shall be subject to review as a nonconforming structure under Section 3.7 in addition to the standards set forth in this section.

2.4.4 Protection of Wetlands

- A. New York State's freshwater wetlands are protected under Article 24 of the Environmental Conservation Law, commonly known as the Freshwater Wetlands Act (the Act). Wetlands include all lands identified on the Article 24 Freshwater Wetland Maps, which are available at the DEC regional office or the clerk's office for each county, city, town and village. To be protected under the Act, a wetland must be 12.4 acres or larger. The regulated area includes the wetlands themselves as well as a protective buffer or "adjacent area" extending 100 feet landward of the wetland boundary.
- B. Within the "Blue Line" of the Adirondack Park, the responsibility for administering the Act (including determining the existence and extent of freshwater wetlands and regulating activities in and/or near them) resides with the Adirondack Park Agency (APA). Wetlands within the Adirondack Park are further regulated under the Adirondack Park Agency Act when the wetland area is one acre in size or larger, or of any size when the wetland is adjacent to and has free interchange at the surface with a permanent water body, such as a stream, pond or lake.

2.4.5 Protection of Flood Hazard Areas

Flood hazard areas in the Town of North Elba and Village of Lake Placid are those delineated on "Special Flood Hazard Areas Inundated by 100-Year Flood" as set forth on the Flood Insurance Rate Maps (FIRM) issued by Federal Emergency Management Agency (FEMA) dated August 23, 2001 and any subsequent amendments thereto, for Community No. 361156. No permit shall be authorized in any flood hazard area until the Review Board has determined that the applicable requirements of the National Flood Insurance Act are to be complied with.

2.4.6 Protection of Forest Resources

Original Language

Any clearcutting OR REMOVAL OF TREES WHICH INVOLVES A TOTAL OF 3 ACRES OR MORE OF LAND SHALL REQUIRE THE SUBMISSION OF A TIMBER CUTTING PLAN APPROVED OR DEVELOPED BY A PROFESSIONAL FORESTER CERTIFIED IN NEW YORK STATE. THESE ACTIVITIES ARE SUBJECT TO THE REVIEW AND APPROVAL OF THE JOINT REVIEW BOARD (this is the language provided by David at the Feb 27 meeting)

Suggested Concept

A. Objectives

Forest resources will be protected to address the following public concerns:

- a. Protecting watersheds, streams, rivers, lakes and ponds;*
- b. Recharging groundwater;*
- c. Maintaining functioning habitats for wildlife;*
- d. Providing timber, pulp, maple syrup and other products on a sustained economic basis;*
- e. Protecting scenic quality and serving as visual buffers;*
- f. Providing amenity and recreation opportunities in association with community development;*
- g. Sequestering carbon dioxide (CO₂) to control increases in greenhouse gases and global warming*

B. Required Timber Harvesting Management Plan

- 1. All Timber Harvesting must be done in strict compliance with timber harvesting regulations administered by the New York Department of Environmental Conservation and the Adirondack Park Agency.*
- 2. Any Timber Harvesting Activity which involves the removal of more than 50% of the trees over six inches diameter at breast height (dbh) on 3.0 acres or more requires the submission of a management plan developed by a professionally certified forester. No harvesting may take place until the Review Board issues a conditional permit as provided for in Section 5 of this Code*

Submission of a management plan to the Review Board for any timber harvesting operation involving the removal of more than 50 percent of trees over six inches diameter at breast height (dbh) on three acres or more. (Professional Forester?)

3. The Review Board shall review all forest management plans according to the following standards and guidelines.

i. On-site conditions, incl. type and condition of forest, soils, slopes, and proximity to water courses

ii. Proposed harvesting plan and equipment

iii. Measures taken to control adverse environmental impacts

iv. Impacts on neighboring properties

v. Monitoring to insure compliance with the plan

vi. Qualifications of preparer of the forest management plan

2.4.7 Undeveloped Land over Five Acres

Is this needed ?

This provision pertains to any project proposed on Open Space/Undeveloped Land of FIVE acres or more. It also refers to parcels that may be partially undeveloped and are available for future subdivision and development. These lands are integral to the scenic and natural resource values which are part of the community's identity, environmental health and quality of life. Landscapes included in this provision range from densely wooded areas with native plant associations to open lands that may have been or are currently under cultivation. Wetland complexes also fall within this category.

Any land development containing a wetland delineated on the Article 24 Freshwater Water Wetland Map, shall maintain a fifty (50) foot buffer zone contiguous to the boundaries of such wetlands. Setback areas shall be maintained as naturally vegetated buffers. No land development, excavation, landfill, grading or other impervious surfaces shall occur within the buffer area, and vegetation shall be left in an undisturbed state.

EXISTING LANGUAGE

G. Undeveloped areas : Five Acres or Greater

This provision pertains to any project proposed on Open Space/Undeveloped Land of 5 acres or more. It also refers to parcels that may be partially undeveloped and are available for future subdivision and development. These lands are integral to the scenic and natural resource values which are part of the community's identity, environmental health and quality of life. Landscapes included in this provision range from densely wooded areas with native plant associations to open lands that may have been or are currently under cultivation. Wetland complexes also fall within this category.

GRAPHIC CONTAINING GUIDELINES SHOULD BE INSERTED HERE LANDWORKS SECT 3.15

