

## ZONING

### *200 Attachment 1*

#### **SUPPLEMENTAL ORDINANCES**

The following recommended ordinances will supplement the proposed revisions to the Zoning Chapter and Subdivision Regulations. It is recommended that they be reviewed by the Town Attorney and adjusted as required to meet the format normally used in the Town of Bolton.

A. An Ordinance Regulating and Controlling the Grading of Land and Removal of Topsoil and Vegetation in the Town of Bolton.

1. Purpose or intent. The intent of this ordinance is to protect and stabilize the town's soil and vegetative resources. Indiscriminate and excessive grading of land has resulted in increased surface drainage, soil erosion and siltation of drainageways, streams, ponds and lakes.

Increased surface drainage and soil erosions thereby has increased municipal costs for proper drainage control, decreased the beneficial use of existing residential and commercial properties and further impaired the value of both improved and unimproved real property and adversely affected the health, safety and general welfare of the inhabitants of the Town of Bolton.

In order to protect these resources, the Town of Bolton must ensure proper grading and erosion control practices are initiated, that proper maintenance of these actions is instituted and that inappropriate stabilization measures which might result in increased damage be corrected.

2. Definitions.

Applicant -- A person, partnership or corporation that applies for a permit.

Subdivider -- Any person, firm, corporation, partnership or association, or successors in interest to any such parties who may own land to be subdivided or their authorized agent and who shall lay out any subdivision or part thereof.

Major Subdivision -- Any subdivision not classified as a minor subdivision, including, but not limited to, five or more lots or any size subdivision requiring any new street or extension of municipal facilities.

3. Scope of regulations. This ordinance shall apply to all applicants, subdividers and/or property owners before the Planning Board of the Town of Bolton for

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approval of residential, commercial and industrial developments and subdivisions.

4. Submittals. No applicant, subdivider or property shall remove any vegetation or topsoil in excess of 1,000 square feet or greater without first obtaining a grading permit from the Building Department of the Town of Bolton. The following shall be submitted for review by the Building Inspector:
  - a. Clearing Plan showing the limits of removal of vegetation over 6 inches in diameter, measured at 4 1/2 feet above ground elevation and in accordance with Subdivision Regulations of the Town of Bolton.
  - b. Grading Plan showing the existing topography on the site and the proposed topography on the area to be graded.
  - c. Erosion Control Plan illustrating measures to be taken to minimize or eliminate loss of topsoil and flooding in accordance with the Subdivision Regulations of the Town of Bolton.
  - d. Construction operations showing the limits within which such operation will affect the site and proposed schedule of construction including

This permit shall remain in force and effect provided the applicant meets the following control requirements:

- a. The smallest practical area of land shall be exposed at any one time during development in accordance with the Clearing Plan and Phased Reclamation.
- b. When land is exposed during development, the exposure shall be kept to the shortest practical period of time in accordance with the Construction Operation Schedule.
- c. Temporary vegetation and/or emulsion shall be used to protect areas in excess of one acre exposed for a period of over two weeks. These control procedures shall be as follows or equal.
  - (1) Fifty pounds fast emergent grass seed per acre; two tons hay mulch per acre. Application of these materials shall be by approved equipment.
  - (2) On areas that will be exposed for short periods of time (daily) where soil and weather conditions are conducive to airborne sand, four feet high fence shall be installed, as directed, at one-hundred-foot intervals.

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- d. Sediment basins, debris basins (silting basins or silt traps) shall be installed and maintained to remove sediment from runoff waters on land undergoing development.
- e. Provision shall be made to effectively accommodate the increased runoff caused by changing soils and surface conditions during and after development.
- f. Permanent final vegetation and structures should be installed as soon as practical in the development.
- g. The development plan should be fitted to the type of topography and soils so as to create the least erosion potentials.
- h. Wherever feasible, natural vegetation should be retained and protected.

If the Zoning Administrator finds the applicant, subdivider and/or property owner has failed to comply with the aforesaid control requirements of this ordinance, said grading permit shall be revoked and said applicant, subdivider and/or property owner shall cease and desist from any further work of any nature upon said site.

- 5. Escrow. To ensure that site work of the applicant, subdivider and/or property owner is performed in accordance with the controls of this ordinance before obtaining said grading permit, the applicant, subdivider and/or property owner shall deposit with the Town of Bolton a sum in accordance with the following schedule.

<b>Minimum Lot Size of the Zone in Which the Site Work is Located</b>	<b>Amount to be Placed in Escrow</b>
5,000 sq. ft.	\$500/lot
1 acre	\$1,000/acre
3 acres	\$1,000/acre
5 acres	\$400/acre
10 acres	\$200/acre
25 acres	\$100/acre
45 acres	\$50/acre

Said site work shall be performed and completed in accordance with the approved plan and schedule of grading, construction operation and erosion control measures filed with the Building Department at the time of obtaining said grading permit.

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Upon completion of the site work as set forth on said plan the applicant, subdivider and/or property owner will request the Town Building Department to inspect said work; upon approval of said site work by the Town Building Inspector, the Town Building Inspector will direct the Town to release all of the applicant's, subdivider's and/or property owner's money on deposit pursuant to the issuance of the grading permit.

Upon the failure of the applicant, subdivider and/or property owner to perform the site work in accordance with the site plan submitted as aforesaid, the Town of Bolton and/or its agents shall enter upon said premises and complete the necessary site work and charge the cost of said site work to the funds on deposit with the Town Comptroller pursuant to this ordinance and the Town shall pay any charge or charges approved by the Town Building Inspector without further approval of the applicant, subdivider and/or property owner. If the Town should undertake completion of any site work (grading work) upon the applicant's, subdivider's and/or property owner's failure to do so, any sums remaining on deposit with the Town after completion of said site work (grading work) shall be returned to the applicant, subdivider and/or property owner.

6. Exclusions. The following activities shall be excluded from the provisions of this ordinance:
  - a. Preparation of agricultural uses to seed crop or harvest where no slopes greater than 15% are affected.
  - b. Timber harvesting involving clear cutting where no slopes greater than 15% are affected.
7. Violations and penalties. Any applicant, subdivider and/or property owner violating any of the provisions of this ordinance shall be subject to a fine of \$1,000 per acre or by imprisonment for a period not exceeding 120 days, or both.
8. Saving clause. If any clause, sentence, paragraph, section or part of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall be rendered.

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9. Effective date. This ordinance shall take effect ten days after publication and posting, or immediately upon personal service as provided by §133 of the Town Law.

### B. An Ordinance Establishing Recreation Fees in the Town of Bolton.

1. Purpose or intent. The intent of this ordinance is to provide adequate funding for new recreation facilities and to upgrade neighborhood recreation areas for the Town of Bolton. As the Town of Bolton grows in population, so grows the needs for providing adequate recreation facilities. The establishment of a recreation fund for the acquisition of land for recreation purposes and for the construction of recreation facilities is allowed in accordance with Town Law §277.

The purpose of this ordinance is to authorize the establishment of a trust fund(s) to be used by the Town exclusively for recreation purposes, for neighborhood parks or playgrounds, or for the purchase of land for recreational purposes. The establishment of this fund will permit the Town to provide for the health and welfare of the citizens of the Town of Bolton by providing adequate recreation facilities for its new citizens.

2. Definitions. These words when used in this ordinance shall have the following meanings:

Subdivider -- Any person, firm, corporation, partnership or association, or successors in interest to any such parties who own land to be subdivided or their authorized agent and who shall lay out any subdivision or part thereof.

Major Subdivision -- Any subdivision not classified as a minor subdivision, including, but not limited to, five or more lots, or any size subdivision requiring any new street or extension of municipal facilities.

3. Requirements. The Planning Board of the Town of Bolton in accordance with Subdivision Regulations of the Town of Bolton may require a payment to the Town of a sum of \$400 per lot of a major subdivision under review.

This sum shall be set into a trust fund to be used by the Town exclusively for neighborhood park, playground or recreation purposes, including the acquisition of property.

4. Justification. The following estimates are presented to justify the amount established for payment by the subdivider.

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<b>Item</b>	<b>Per 1,000 Population</b>	<b>Cost</b>	<b>Cost per Person</b>
Land Facilities	2 acres	\$6,000.00	\$6.00
Playfield	1.25	\$12,500.00	\$12.50
Tennis Court	1/2	\$10,000.00	\$10.00
Basketball Court	1/2	\$4,500.00	\$4.50
Picnic Tables & Grills	20	\$3,000.00	\$3.00
Playground	1 large	\$15,000.00	\$15.00
Parking	25 cars	\$15,000.00	\$15.00
Road	300 lin. ft.	\$30,000.00	\$30.00
Shelter	1	\$8,000.00	\$8.00
Restrooms	1	\$15,000.00	\$15.00
Lawns & Plantings		\$10,000.00	\$10.00
Misc. Benches, Signs, Trash Receptacles, etc.		\$5,000.00	\$5.00
Contingency	10%	\$13,400.00	\$13.40
Total Cost Per Person		\$147.40	
Current Number Persons Per Household	2.7		
Total Cost Per Household		\$398.00	

5. Saving clause. If any clause, sentence, paragraph, section or part of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.
  
6. Effective date. This ordinance shall take effect 10 days after publication and posting, or immediately upon personal service as provided by §133 of the Town Law.