
Be it enacted as follows by the Town Board of the Town of Greenburgh:

§1. Amendment to § 285-39. Section 285-39 of the Town Code of the Town of Greenburgh is hereby amended by adding a new subsection E to read as follows:

E. Limitations on Development of Property Affected by Steep Slopes and Wetlands.

(1) Findings and Legislative Intent. It is the intent of this section to further the goals of Chapter 280, and new Chapter 245 as enacted in 2003. The following density calculations, by limiting development on parcels affected by environmentally sensitive features, are intended to protect these features, and to prevent improper damage to and alteration of steep slopes, wetlands and watercourses. It is not the intention of this law to render presently conforming lots nonconforming; rather, the calculation of Buildable Area set forth herein is intended to limit the area of such lots which can be developed if environmentally sensitive features are present thereon.
(2) Calculation. In calculating buildable area, the lot area of a given parcel shall be reduced by the sum of:

(a) the area classified as steep slopes multiplied by 20 percent (.20);

(b) the area classified as very steep slopes multiplied by 50 percent (.50);

(c) the area classified as excessively steep slopes multiplied by 75 percent (.75); and

(d) the area classified as wetlands and watercourses multiplied by 75 percent (.75).

(3) Density Calculations for Multifamily Districts. In Multi-family districts, the number of dwelling units permitted shall be calculated by dividing the Buildable Area by the minimum square footage per unit requirement set forth in the multi-family district in which the proposed development is located.

§ 2 Amendments to Section 285–5 of the Town Code of the Town of Greenburgh is hereby amended by adding the following definitions:

BUILDABLE AREA — The gross area of a lot less the density deductions for areas classified as steep slopes, very steep slopes, excessively steep slopes, wetlands and watercourses.

SLOPE — Any area, whether or not located on a single lot, having a topographical gradient of fifteen percent (15%) (the ratio of vertical distance to horizontal distance) or more and with a minimum area of five hundred (500) square feet, one dimension of which is a minimum of ten (10) feet. For purposes of this definition, area measurements must be made along a horizontal plane from within the boundaries of a lot.
(a) STEEP SLOPE — A slope with a topographical gradient equal to or greater than 15% but less than 25%.

(b) VERY STEEP SLOPE — A slope with a topographical gradient equal to or greater than 25%, but less than 35%.

(c) EXCESSIVELY STEEP SLOPE — A slope with a topographical gradient equal to or greater than 35%.

WATERCOURSE: Any natural or artificial, intermittent, seasonal or permanent, and public or private water body or water segment. A water body is intermittently, seasonally or permanently inundated with water and contains a discernible shoreline and includes ponds, lakes and reservoirs. A watercourse includes rivulets, brooks, creeks, streams, rivers and other waterways flowing in a definite channel with bed and banks and usually in a particular direction.

WETLAND: All areas that comprise hydric soils and/or are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of hydrophytic vegetation as defined by the Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory Technical Report Y-87-1). Wetland areas include vernal pools, wet meadows, marshes, swamps, bogs and similar wet areas.

§ 3. Severability. If any clause, sentence, paragraph, subdivision, section or part of this chapter or the application to any person or circumstance be adjudged by any court of competent jurisdiction invalid or unconstitutional, that order or judgment will not affect, impair or invalidate the remainder thereof, but will be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this chapter, or its application to the person or circumstance directly involved in the controversy in which that order or judgment is rendered.
Supersession. Pursuant to Municipal Home Rule Law §22, this law is intended to supercede any inconsistent provisions of law.

Effective Date. This law is to take effect immediately.