

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of _____ Rockland _____

Local Law No. _____ 2 _____ of the year 20²⁵ _____

A local law _____ to amend the Town of Rockland Zoning Law and Subdivision Law.
(Insert Title)

Be it enacted by the _____ Town Board _____ of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of _____ Rockland _____ as follows: _____

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 1. Legislative Intent.

The Town of Rockland enacts this local law pursuant to Section 10 of the Municipal Home Rule Law and Article 16 of the Town Law to provide for sustainable growth and development of the Town, to preserve and enhance its natural resource base, and to protect the health safety and welfare of its residents. The Town recognizes that significant shifts in development patterns, demographic density, and demand for municipal services have occurred in the Town of Rockland since the adoption of the Town of Rockland Comprehensive Plan in 2020. To properly address these changes, the Town adopted a limited land use moratorium in 2024 to update its comprehensive plan and ensure that certain land use regulations accurately reflect the vision and intent of this revised plan.

The land use regulation amendments herein support the amended comprehensive plan and focus on balancing development with the protection of open space, water quality, forest lands, ridgelines and steep slopes. The provision of affordable housing was also an area of focus. The Zoning Review Committee (ZRC) was re-engaged, leading more than 18 public meetings during the moratorium and updating the comprehensive plan and these land use regulations. The committee included members of the Town Board, Zoning Board of Appeals, Planning Board, and the Code Enforcement Officer. Numerous members of the public and various expert guest speakers informed the committee during the revision processes.

The Town concluded the moratorium by enacting this local law with new sections on Timber Harvesting, Conservation Subdivisions, Land Clearing, Disturbance on Steep Slopes, and Higher Elevation Development. Zoning amendments also include several new definitions and adjustments to the Schedule of District Regulations.

Section 2. Chapter 154 Subdivision of Land § 154-10. Definitions. is amended as follows:

The definition of Major Subdivision is hereby amended to read as follows:

“MAJOR SUBDIVISION

Any subdivision or land development which is not a minor subdivision or lot improvement. Any subdivision which involves the construction of any streets, or the utilization of conservation subdivision techniques, regardless of the number of lots. Note, the sale, rental or offer for sale or lease of five or more parcels within any consecutive three-year period requires the subdivision to be submitted to the NYS Department of Health for review, per Article 11, Title II of the Public Health Law and Article 17, Title 15 Environmental Conservation Law.”

The definition of Minor Subdivision is hereby removed and replaced with the following:

“MINOR SUBDIVISION

A subdivision or development containing not more than four (4) lots, or a cumulative development on a lot-by-lot basis for a total of four (4) lots, of any original tract of land of record (i.e., not previously subdivided or developed subsequent to the effective date of this chapter, by the owner or the owner's duly appointed agent) where no new streets or accesses are required. Note, the sale,

rental or offer for sale or lease of five or more parcels within any consecutive three-year period requires the subdivision to be submitted to the NYS Department of Health for review, per Article 11, Title II of the Public Health Law and Article 17, Title 15 Environmental Conservation Law.”

Section 3. Chapter 154 Subdivision of Land § 154-19. K. Design standards. is hereby removed and replaced with the following:

K. Conservation subdivisions.

(1) Authority. The Town of Rockland Planning Board is authorized, pursuant to § 278 of the Town Law, to modify applicable provisions of Chapter 185, Zoning, and these subdivision regulations to accommodate conservation subdivision projects. Conservation subdivisions preserve open space, mitigate climate change impacts, offer flexibility in design, and facilitate a more economical provision of streets, utilities, and other necessary infrastructure. Conservation subdivisions shall be allowed within the Rural Conservation (RC) Zoning District when five or more lots are proposed, processed pursuant to the Town of Rockland Subdivision Regulations, § 154-19. K., and other applicable regulations within the Town of Rockland Code, including but not limited to Major Subdivisions Section 154-12. Conservation subdivisions are for residential uses only.

(2) Purposes and Benefits. The overall purpose of a conservation subdivision development is to preserve the natural and scenic qualities of open land and protect a finite natural resource base by enabling and encouraging flexible design and development. Accordingly, conservation subdivision is the preferred method of land development in the Rural Conservation (RC) Zoning District when five or more lots are proposed. Additional objectives and benefits include:

- (a) Maintaining a small, rural town character and a village or hamlet appearance where appropriate;
- (b) Implementing community planning goals and objectives, such as farmland preservation, the creation of trails, and long-term preservation of open space and natural resources;
- (c) Facilitating more economical and efficient construction and maintenance of streets, utilities, and other infrastructure resulting in lower costs;
- (d) Helping to ensure compatibility of design between neighboring properties;
- (e) Discouraging sprawl development while preserving open space as undeveloped land;
- (f) Developing an interconnected system of open spaces that support natural systems, create wildlife corridors and protected habitat, offer ecosystem benefits, and enable long-distance walking and biking trails;
- (g) Through efficiency in design and stormwater management, reducing impervious cover, site clearing, erosion, and runoff volumes; and
- (h) Increasing property values due to the presence of amenities such as open space and trails, higher quality design, and protection in perpetuity.

(3) Applicability. An application for a conservation subdivision must be submitted to the Planning Board when a subdivision of five lots or more is proposed in the Rural Conservation (RC) District. An application for a conservation subdivision that includes less than five lots in the Rural Conservation (RC) District may also be considered by the Planning Board, provided it meets the

purposes of this section. The application shall include both a conventional and a conservation sketch plat depicting how the property might be developed in both design scenarios. If the alternative sketch plat is determined to provide a superior design in accord with the purposes of this chapter and the same density can be achieved (as allowed in the RC district), the Planning Board shall require use of this technique. Conversely, if the alternative sketch plat, or plats, indicates that a conservation subdivision is not feasible, a conventional subdivision can proceed in accordance with the subdivision regulations. Both the Planning Board and the applicant shall make every reasonable effort to accommodate a conservation subdivision development, as a conservation subdivision is the preferred design. The following conditions dictate the application of conservation subdivision design:

- (a) where conventional subdivisions or residential developments would cause significant loss of open space or otherwise result in significant negative environmental impacts.
- (b) where the parcel possesses one or more of the following site characteristics:
 - [1] Flood hazard areas in accordance with the Federal Emergency Management Agency's Flood Insurance Rate Maps.
 - [2] Environmentally sensitive areas as designated by the Comprehensive Plan and related maps.
 - [3] State or National Register historic sites or other areas of historical significance to the Town.
 - [4] The presence of a significant plant or wildlife habitat, as per NYSDEC, USEPA, or other officially documented source.
 - [5] The presence of significant wetland areas as per NYSDEC and US ACOE.
 - [6] The presence of significant areas of steep slopes.
 - [7] The presence of significant areas of soils with poor percolation characteristics, shallow depth to groundwater or a shallow depth to bedrock.
 - [8] Sites with significant visibility from other public areas of the Town.
 - [9] Location partially or wholly within an agricultural district.
 - [10] The presence of significant old-growth tree stands.
 - [11] Includes an approved forest plan under Section 480a of the NYS Forest Tax Law or other state-approved forest plan.
- (4) Conservation subdivisions provide for the aggregation of single- or two-family dwelling units to maximize the amount of open space and to preserve the natural settings. Proposed developments shall be processed in the same manner as major subdivisions and in accordance with the standards below. Only single-family detached and two-family dwellings shall be employed in this concept.
- (5) Development standards for single- and two-family dwelling lots.
 - (a) Lot size, lot width, and lot depth may be reduced, provided no dwelling structure is located on a lot of less than two acres. The total density (of individual dwelling units) for the tract shall not exceed that which would result from a conventional subdivision plan designed in accordance with this chapter, as determined from the conventional sketch plan submission. Setback requirements may also be reduced, but in no instance to less than 40 feet for the front yard and 30 feet for the side and rear yards. Notwithstanding the above limitations,

individual lot sizes and dimensions may vary from each other within the overall proposed development.

- (b) Each lot with a single- or two-family dwelling must have its own individual sewer system and water supply. Individual systems must meet NYS Department of Health standards for separation distances and soil percolation, and other applicable requirements. Central water and sewer systems are prohibited in all conservation subdivisions and in the RC District overall.

(6) Open Space.

- (a) No less than 50% of the total land area of the conservation subdivision shall be dedicated to permanent open space. To the extent practicable, this open space shall be contiguous. No individual parcel of common open space shall be less than one acre. The Planning Board shall have the authority to waive the 50% open space requirement in instances where it finds that due to the configuration of the property and supported by the sketch plan and related information, there are physical or other constraints that inhibit attainment of the 50% requirement. In considering a waiver, the Planning Board shall grant the minimal reduction necessary to achieve the purposes of the conservation subdivision.
- (b) Areas not considered as open space set asides. The following land areas shall not be included as designated open space for the purposes of this article:
 - [1] The area of any street right-of-way in the proposed subdivision;
 - [2] Existing rights-of-way and utility easements;
 - [3] Private yards that are not part of the open space protected by a conservation easement;
 - [4] Open parking areas, roadways, and driveways.
- (c) Development, structures, and uses within designated open space shall be limited to that appropriate to the purposes of the type of open space.
 - [1] Within a public open space, and where appropriate, such development may include pervious walking, jogging, and biking paths or trails; benches or other seating areas, small gazebos or kiosks, and like improvements subject to the approval of the planning board. Natural stormwater management practices, including swales, vegetated buffers, wetlands, and rain gardens, and other bio-retention devices may be incorporated within public open spaces and shall be in keeping with the natural conditions of the open space. Light agricultural activities shall be limited to periodic mowing or haying of fields and must be specified in the conservation easement. In no case shall the application of pesticides or fertilizers be allowed. Non-commercial forestry management activities may be conducted for the purposes of maintaining the integrity and public safety of the open space. Examples of such activity include invasive species management and limited clearing of trail corridors.
 - [2] Within private open spaces, in addition to those improvements permitted in public open spaces, the kinds of improvements shall include community gardens, seasonal planting areas, playgrounds, storage structures not to exceed 144 square feet, tables, shelters,

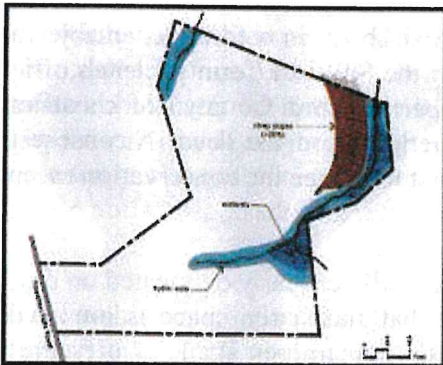
grills, and related picnic facilities; lawn areas and community greens, lakes, ponds, wetlands, and piers and docks for fishing or viewing wildlife. Facilities for active recreation, such as ball or tennis courts, may also be included, provided the impervious surface does not exceed 5% of the overall private open space. Natural stormwater management practices, including swales, vegetated buffers, wetlands, and rain gardens, and other bio-retention devices may be incorporated within private open spaces and shall be in keeping with the natural conditions of the open space. Stormwater management infrastructure, including above-ground or exposed concrete structures, drains, barriers and fences, and rip-rap may be located within private open space.

(7) Procedure

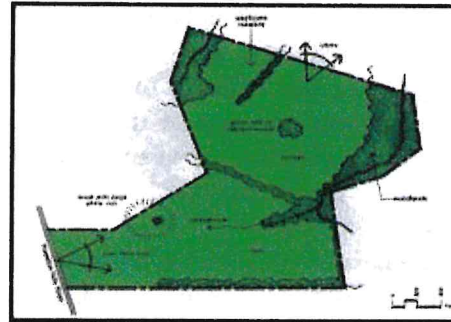
- (a) Sketch Plan Meeting. A sketch plan meeting is required for all conservation subdivision applications.
- (b) Sketch Plan Contents. Two sketch plans shall be submitted at least 10 days in advance of a Planning Board meeting. One sketch plan shall include the conventional subdivision design and layout; and one sketch plan shall include the conservation subdivision design and layout. Both sketch plans shall include the requirements for sketch plats for major subdivision, §154-13. A statement explaining what the open space is intended to be used for shall also be submitted.
- (c) The following graphic is provided to illustrate the steps in designing a conservation subdivision and sketch plan examples:

Laying Out a Conservation Subdivision

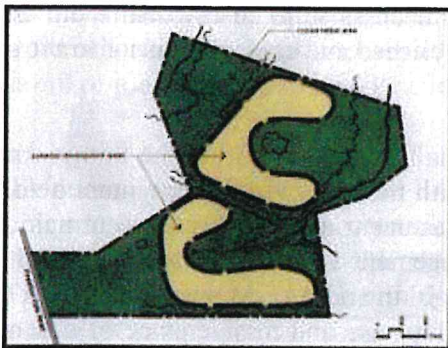
(Source: Conservation Design for Subdivisions. Randall Arendt)



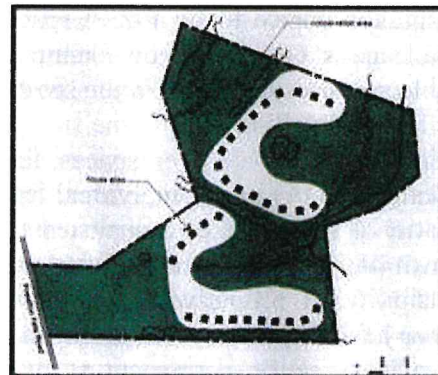
1) Identify Primary Conservation Areas



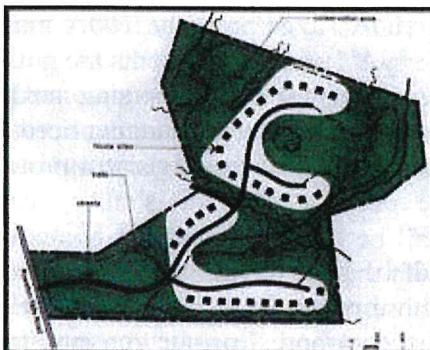
2) Identify Secondary Conservation Areas



3) Identify Potential Development Areas



4) Locate Potential House Sites



5) Designing Road Alignments and Trails



6) Drawing Lot Lines

(8) Open space ownership and management.

- (a) All designated open space, both public and private, shall be preserved in perpetuity with a conservation easement, as defined in NYS ECL Article 49, in a form acceptable to the Planning Board and Town Attorney and recorded in the Sullivan County Clerk's office. It shall be the responsibility of the applicant to properly record the deed of conservation easement and provide proof of such recording upon request from the Town. Any subsequent transfer of encumbered property to another party must reference the conservation easement in the transferring deed.
- (b) The boundaries of designated permanent open space shall be clearly delineated on the final subdivision plat and the plat shall explicitly note that such open space is preserved in perpetuity as open space. Accompanying plans and agreements shall identify the use, ownership, management, method of preservation, and the rights of access for private and public parties related to such open space. Open space areas shall be marked in the field with signage approved by the Planning Board as necessary, to distinguish them from buildable areas. Open space ownership must be established and confirmed prior to the sale of any lots or dwelling units in the subdivision.
- (c) For designated private open spaces, fee interest shall be held by either the homeowners association (HOA) or the individual lot owners, with the conservation easement held by the Town of Rockland or a qualified land trust. Easement stewardship shall remain the responsibility of all individual lot owners through the HOA. Membership shall be mandatory for all property owners within the subdivision and successive owners, with one vote per lot or unit. All restrictions on the ownership, use and maintenance of common open space shall be permanent as per the conservation easement. The HOA shall be responsible for liability insurance, local taxes, and maintenance of all open space, recreational facilities and other commonly held amenities. Each property owner must be required to pay their proportionate share of the HOA's cost, and the HOA must be authorized to file liens on the lot/unit owner's property if levied assessments are not paid. The HOA must also have the ability to adjust the assessment to meet changing needs and costs. Proof of HOA formation including bylaws and open space management protocols must be provided to the Planning Board as part of the conservation subdivision application.
- (d) For designated public open space, fee interest shall be held by either the homeowners association (HOA) or the individual lot owners, with the conservation easement held by the Town of Rockland or a qualified land trust. whose purposes include conservation of open space and/or natural resources, or the Town of Rockland. Transfer to a land trust is allowable, provided that:

[1] The organization is acceptable to the Planning Board, the Town Board, and the Town Attorney and is a well-established conservation organization with strong indication of a sustainable future;

[2] The conveyance contains provisions for a reverter to the Town or a transfer to a qualified conservation organization in the event that the organization becomes unwilling or unable to continue carrying out its functions;

[3] A maintenance agreement acceptable to the homeowners association, the Town, and the conservation organization is entered into.

[4] The conservation easement shall:

[i] Protect open space from future development and environmental damage by restricting the area from any future building and against the removal of soil, trees, and other natural features, except as is consistent with conservation, recreation, or agricultural uses or uses accessory to permitted open space uses;

[ii] Dictate that the open space is for the benefit of the community and is open to the public with reasonable restrictions (e.g. from dawn to dusk, no overnight camping, no fires, carry in-carry out, dogs on leashes at all times).

(e) Continuing obligation. The deed of conservation easement for either private or public designated open space, shall, in perpetuity:

[1] prohibit development in designated open space, other than infrastructure explicitly permitted or deemed accessory for open space purposes, and allowing for underground utility, sewer and septic systems if no reasonable alternative location is available;

[2] indicate proposed allowable use(s) of the designated open space for only conservation, agricultural and recreational purposes and prohibit the change of use of such open space, other than those consistent with existing open space uses;

[3] require at least annual monitoring and regular maintenance of designated open space, proscribe standards for scheduled maintenance, and require submission of an annual monitoring report to the Town;

[4] authorize the Town to undertake maintenance duties if the designated open space is inadequately maintained or is determined by the Town to be a public nuisance, with an assessment of all costs for Town maintenance upon the property owners; and

[5] prohibit subdivision of designated open space.

(f) Maintenance standards. Maintenance standards for conservation easement stewardship in private and public open spaces may vary depending on the specific uses and facilities allowed.

[1] For private open space, standards shall be established by the Town as a condition of subdivision approval, to ensure that the private open space is being used in accordance with provisions of this section and properly maintained.

[2] For public open space, standards shall be established by the Town or by the Town in cooperation with a land trust to ensure public open space is being used in accordance with provisions of this section and properly maintained.

Section 4. Chapter 185 Zoning, § 185-7. Definitions. the following new definitions are hereby added:

BEST MANAGEMENT PRACTICES (BMPs) Devices and procedures to be considered and used as necessary to protect the values and functions of forested land during harvesting and during other forest management operations. Examples of these practices are included in the NYS Forestry BMP Field Guide. These practices not only protect the values and functions of forested land, but they assisting protecting water quality and adjacent resources.

CLEARCUTTING (Also known as timber clearcutting.) A silvicultural practice used as a forest management tool in which a timber harvest is conducted to remove most of the living trees to stimulate new tree growth for renewing forests. The primary purpose of clearcutting is forest regeneration. Clearcutting is prohibited as preparation for construction projects, land improvements, or land clearing.

CODE ENFORCEMENT OFFICER (CEO) The official designated by the Town Board to enforce the provisions of the town code and the NYS Uniform Fire Prevention and Building Code.

LAND CLEARING The removal of vegetation or obstacles (which may include but are not limited to trees, brush, stumps, rocks, refuse, buildings) from any site, parcel or lot. Clearcutting, a silvicultural practice of timber harvesting and defined herein, shall not be considered land clearing.

NYS FORESTRY BMP FIELD GUIDE The New York State Forestry Best Management Practices for Water Quality BMP Field Guide, or any succeeding standard published by NYSDEC.

TIMBER HARVESTING (LOGGING) Felling trees for the purpose of producing lumber, and/or firewood and other forest products for use and sale production and/or sale off premises, including clearcutting.

OPEN SPACE As related to open space set asides in a subdivision (see §185-24), open space is an area (or areas) that is permanently protected from development, with limited exceptions. Open space consists of two types, private open space and public open space, as defined herein.

PRIVATE OPEN SPACE As related to open space in a conservation subdivision (see §154-19. K. and §185-24), the area of open space accessible to only residents of the subdivision and with limited development options.

PUBLIC OPEN SPACE As related to open space in a conservation subdivision (see §154-19. K. and §185-24), the area of open space accessible to the public and maintained in a natural, undisturbed, or revegetated condition.

NATURAL CONDITION The topography and vegetation of an area that is unaltered by clearing and grading during construction and protected in perpetuity.

STEEP SLOPE Means any slope equal to or greater than 15 percent as measured over any minimum run of 10 feet.

Section 5. § 185-8 Enumeration of districts. is to be amended as follows:

B. Overlay zones. There are four overlay zones in the Town of Rockland, as shown on the Official Zoning Map. Regulations of the overlay zones apply in addition to those of the underlying district(s). The overlay zones are:

(4) Higher Elevation Protection Overlay [§185-30.13]

§ 185-8.1 Purpose of districts. is to be amended by adding the following:

I. The purpose of this zone is to protect the scenic and the environmental resources that express the character of the town while mitigating negative impacts through the application of design and construction principles and practices. This overlay zone is comprised of all the area in the town of Rockland located at or above 1600 feet in elevation above sea level, as mapped by the United States Geological Survey (USGS) and shown on the Official Zoning Map of the Town of Rockland (on file at the town clerk's office).

Section 6. Under Article V, Supplementary Regulations, a new section § 185-30.10 Timber harvesting is hereby added as follows.

A. Purpose. The Town recognizes that timber resources are invaluable renewable assets, supporting the forest industry while also providing water filtration, carbon sequestration, flood prevention, and wildlife habitat. The Town also recognizes that if harvesting practices are poorly conducted, they can result in significant damage to the immediate area and adjacent lands, public roads and infrastructure, soil erosion, and water quality.

In supporting the balance between the timber industry and environmental protection, the Town strongly encourages that timber harvesting operations be conducted responsibly and follow the guidance provided by New York State DEC and other certified forestry management experts along with the management standards below.

- (1) Timber harvesting operations shall follow, to the extent applicable, the *New York State Forestry Best Management Practices for Water Quality BMP Field Guide*, available from NYSDEC, Division of Lands and Forests.
- (2) Harvesters are encouraged to work with a certified forester to select the best management options for the land that include but are not limited to growing diverse tree species,

encouraging more climate resilient species, maintaining a wide range of tree ages, protecting against invasive species, and minimizing soil disturbance.

- (3) Harvesting shall be done in accordance with sustainability standards that support responsible forest management for long-term regeneration.
- (4) Timber harvesting operations shall obtain a Highway Access Permit from the Town Superintendent of Highways, as applicable.
- (5) Timber harvesting operators shall be responsible for obtaining any other necessary permits which may include but are not limited to a state or county highway access permit, a stream crossing and/or a stormwater permit issued by NYSDEC.
- (6) Timber harvesting operators shall carry the necessary insurance and shall not be relieved from the full responsibility for any damage whatsoever to other persons or property, nor impose any liability upon any officer, agent or employee of the Town for damage to persons or property.
- (7) Areas that are harvested via clearcutting for timber should be restored with various tree species as per a reforestation plan. Areas that are selectively harvested should enable forests to naturally regrow.

Section 7. § 185-12 Applicability of regulations. § 185-12. B. is hereby removed.

Section 8. Article V § 185-24 Conservation subdivisions is hereby amended as follows:

§ 185-24 Conservation subdivisions.

The Town of Rockland Planning Board shall be authorized, pursuant to § 278 of the Town Law and simultaneously with the approval of plats under the Town of Rockland subdivision regulations, to modify applicable provisions of this Zoning chapter so as to accommodate conservation subdivision projects. Conservation subdivisions offer flexibility in design, facilitate the economical provision of streets and utilities and preserve open space. Conservation subdivisions shall be allowed within the Rural Conservation (RC) Zoning District in the Town of Rockland and be processed pursuant to the Town of Rockland Subdivision Regulations, § 154-19. K. and other applicable regulations within the Town of Rockland Code.

Section 9. Under Article V, Supplementary Regulations, a new section § 185-30.11 Land Clearing is added as follows.

A. Purpose. To assure that any land clearing has minimal, if any, impacts on soil, water, vegetation, wildlife resources, community character and climate resilience, the following land clearing

activities in all zoning districts shall be considered Special Uses and are subject to Site Plan Review in accordance with Article IV.

B. Applicability. The requirements of this section apply to cumulative land clearing activities in excess of one acre within a three-year period of a single lot or a combination of adjacent lots for development, construction or other purposes. Applicable requirements of § 185-30.1 Stormwater Management, any other applicable sections of this Zoning Law, and NYS DEC stormwater regulations shall also apply to land clearing activities in excess of one acre.

C. Submission Requirements.

(1) For land clearing in excess of one acre, and prior to review by the Planning Board, the Code Enforcement Officer shall determine that the following materials have been submitted, as applicable:

(a) An accurate base map prepared by a NYS Licensed Design Professional using two (2) foot contours intervals showing property boundaries, streams, wetlands, extent of vegetative cover, areas subject to landslides and other significant features such as stone walls and rock outcroppings.

(b) In accordance with § 185-30.1 Stormwater management, a Stormwater Pollution Prevention Plan in accordance with applicable NYS DEC requirements and in accordance with the performance standards of the NYS Stormwater Design Manual published by DEC. The plan shall illustrate those measures to be employed as may be necessary to prevent loss of soil from erosion and to prevent resulting property damage, siltation and contamination of water courses or impoundments.

(c) A Grading Plan showing existing and proposed ground surfaces, proposed drainage devices, plans for walls or cribbing, etc. and schedule for completion of work.

Section 10. Under Article V, Supplementary Regulations, a new section § 185-30.12 Land Disturbance on Steep Slopes is added as follows:

A. Purpose. To ensure impacts on soil, water, vegetation and wildlife resources are minimized from land disturbance on steep slopes, the following land disturbance activities in all zoning districts shall be considered Special Uses and are subject to Site Plan Review.

B. Applicability. The requirements of this section apply to all land disturbances, uses, improvements, excavation, and construction proposed on steep slopes. Steep slopes are defined as slopes in excess of fifteen (15) percent. Slopes are shown on the Town of Rockland Slope Map (Appendix 2) which shall be used as a reference to determine percentage of slope. In cases where the slope percentage cannot be specifically identified, the landowner, landowner's representative, or applicant shall be required to provide certification from a NYS Licensed Design Professional

of the slope in question. Slope shall be measured at the points where any earth will be disturbed or where structures or other improvements are proposed.

C. Submission Requirements.

- (1) For land disturbances, uses, improvements, excavation, and construction proposed in excess of one acre on steep slopes, and prior to review by the Planning Board, the Code Enforcement Officer shall determine that the following materials have been submitted, as applicable:
 - (a) An accurate base map prepared by a NYS Licensed Design Professional using two (2) foot contours intervals showing property boundaries, streams, wetlands, extent of vegetative cover, areas subject to landslides and other significant features such as stone walls and rock outcroppings.
 - (b) Pursuant to § 185-30.1 Stormwater management, a Stormwater Pollution Prevention Plan in accordance with applicable NYS DEC requirements and in accordance with the performance standards of the NYS Stormwater Design Manual published by DEC.

D. Performance Standards for Disturbances on Steep Slopes

- (1) Impervious Surfaces - Impervious surfaces are kept to a minimum.
- (2) Percentage of Disturbance – The disturbance of steep slopes shall be limited to no more than 25% of the area of the total project site; however, if the nature of the site and the project necessitate a greater percentage of disturbance, the project shall be phased and plans shall indicate how the first phase(s) will be reclaimed and protected to a degree satisfactory to the Planning Board before the disturbance associated with the next phase is initiated. However, no segmentation as per SEQR of the project will be allowed and it shall be evaluated in its entirety for the potential for adverse environmental impact.
- (3) Maximum Grade - No finished grade where fill is used shall exceed a fifty (50) percent slope.
- (4) Erodible Soils - Soils characterized by the Soil Conservation Service as highly susceptible to erosion shall be avoided.
- (5) Improvements - Roads and utilities shall, to the greatest extent possible, be installed along existing contours.
- (6) High Water Tables - Any steep slope areas also characterized by seasonal high-water tables shall be avoided.

E. Vegetation and Habitat - Natural vegetation and areas of wildlife habitat shall be preserved to as great a degree as possible.

F. Structures - In cases where structures are proposed, the applicant shall submit plans to the Town Planning Board detailing how the limitations of slope, safety and stability concerns, and visual impact will be mitigated by the design of the structure(s). Said plans shall be prepared and certified by a NYS Licensed Design Professional.

G. Certification - Prior to the issuance of a Certificate of Occupancy the Applicant shall provide to the Code Enforcement Officer (CEO) a certification by a NYS Licensed Design Professional that the property has been developed, and structures have been constructed in accord with the approved certified plans.

In addition to the above performance standards, the Planning Board shall determine if the slope disturbance can be effectively mitigated; what the impacts on nearby properties are; and whether a reduction in the allowable lot coverage for a specific lot or lots as determined by the Planning Board would alleviate the impact to the sloped and surrounding area.

Section 11. Under Article V, Supplementary Regulations, a new section §185-30.13 Higher Elevation Land Activities is added as follows.

A. Purpose.

Ridgelines and areas of higher elevation are major private and public assets in the Town of Rockland, as these resources contribute significantly to defining its rural and scenic character and supporting the Town's attractiveness, quality of life, and economic sustainability. Balancing the protection of these areas with context-sensitive development is an adopted policy of the Town. The review criteria of this section articulate design principles and practices that accommodate development while mitigating its negative impacts.

B. Benefits.

Preservation of the natural landscape in higher elevation areas reduces stormwater erosion and runoff, protects water quality, avoids habitat disruption, and helps retain the visual attractiveness that draws people to live, visit, work, and recreate in the Town of Rockland. Protecting scenic resources through the design criteria in this section also helps stabilize and improve property values and is consistent with the land use pattern that historically defines the Town. Ancillary benefits of improved structure siting may include reduced costs for site preparation, home heating, well-drilling, and winter driveway maintenance.

C. Applicability.

This section applies to the Higher Elevation Protection Overlay Zone, defined as all the area in the Town of Rockland located at or above 1600 feet in elevation above sea level, as mapped by the United States Geological Survey (USGS) and shown on the Official Zoning Map of the Town of Rockland (on file at the Town Clerk's office). Any proposed structure and any non-agricultural

land clearing or non-480a forest management activities are subject to the site plan review requirements of this section.

D. Submission Requirements.

(1) Site Plan. A conceptual site plan (in accordance with §185.17 A.) is required and shall be submitted to the Code Enforcement Officer. Additionally, the site plan shall include:

(a) Existing conditions, including but not limited and as applicable: forest blocks, rock outcrops, steep slopes, distant views (from and to the site), fields, agricultural areas, waterways, and wetlands.

(b) Proposed post-construction site plan elements shall include the location and dimension of all buildings; driveway location; vegetation to be removed, preserved, or added (e.g. screening); areas of cut-and-fill; grading and clearing, and other significant changes to the site.

(2) Supporting Information. The applicant shall submit a statement describing the proposed project. The statement shall indicate whether the proposed construction or land alteration can be viewed from a public street or highway or from any other known publicly accessible location. The statement shall also include a brief description of how any potential impacts on scenic and environmental resources will be mitigated based on the design criteria and standards (§185-30.13. F.) Photos or illustrations may also be submitted.

(3) A Short or Full Environmental Assessment Form in accordance with Chapter 80 of the Town Code and Part 617 NYCRR (SEQR).

E. Review by Code Enforcement Officer.

The CEO shall review the conceptual site plan and supporting information. Within fifteen (15) days of receiving the required information, the CEO shall issue an administrative approval or refer the application to the Planning Board.

If the CEO determines that the information submitted clearly demonstrates that the purposes and design criteria of this section have been satisfied, the CEO may issue an administrative approval, and no further review is required. If the CEO determines that, based on the site plan and supporting information, further review is required, the CEO shall refer the application to the Planning Board for their review, in accordance with F. of this section.

F. Review by Planning Board.

(1) Conceptual Plan Review.

The Planning Board shall review the conceptual site plan and supporting information. If the Planning Board determines that the proposed project complies with the design criteria and standards (§185-30.13), it shall approve the site plan, with any necessary conditions, and the

review shall be complete. A conceptual site plan is not a formal site plan application and does not require referral to the county planning agency.

(2) Full Site Plan Application. If more information is needed to render a decision, the Planning Board shall require the site plan information in accordance §185.17 B. & C and any additional information needed to apply the design criteria and standards. Once additional information is required and accepted, the application is subject to the entirety of §185.17 and §185.18 A., except that a site plan review under this section (§185-30.13) does not include special use permit review, unless the subject application is otherwise subject to special use permit review. If the application is not subject to special use permit review, a public hearing is not required; however, the Planning Board reserves the right to hold a public hearing.

G. Design Criteria and Standards.

In reviewing the conceptual or full site plan and other information submitted, the Planning Board shall consider the following criteria and standards in rendering its decision. The criteria and standards are intended to provide an overall framework for the applicant and the Planning Board to achieve a design in which, to the extent practicable, preserves natural features of the site and minimizes environmental and visual impacts.

(1) Preservation of existing vegetation and use of post-construction landscaping and grading to minimize visual and environmental impacts.

(a) Architecture and/ or land disturbances are blended with the immediate site, neighboring properties, and are in harmony with the greater landscape as viewed from a distance.

(b) Existing vegetation and/ or proposed plantings and landscape treatment are used to mitigate visual and environmental impacts.

(c) Selective tree cutting is used to support the visual consistency of undisturbed slopes and ridgelines.

(2) Minimization of Land Disturbance.

(a) Extensive land clearing, including tree removal and cut-and-fill activities, is avoided or minimized. (see § 185-30.11 Land Clearing)

(b) Driveways are built to follow the contours of the land and avoid steep gradients.

(c) Structures are integrated into the slope.

(d) Cut-and-fill activities are minimized.

(e) Avoidance of any existing wildlife habitats, sensitive ecological resources, and natural drainage infrastructure is demonstrated.

(3) Structure Siting.

- (a) Structures are not located along ridgelines or other conspicuous locations, are at lower points of elevation, and are at least 50 vertical feet below the ridgeline.
- (b) Structures are not located at cliff edges or visibly prominent locations and should be set back at least 50 feet from such exposed points.
- (c) Structures are located at or near the edge of fields where visual impacts are decreased, and where existing or potential agricultural opportunities are retained.

(4) Building Materials and Lighting.

- (a) Building materials, colors, and textures that blend with the natural environment are used.
- (b) Highly reflective materials such as uncoated metal siding or trim are avoided.
- (c) Lighting sources are shielded from above such that the edge of the shield is below the light source as per Dark Skies standards.
- (d) Outdoor lighting is of substantially minimum intensity needed for the particular purpose, typically less than 150 watts for all outdoor lighting.
- (e) Lighting fixtures should not be mounted higher than 25 feet above grade.
- (f) All direct rays from the light source are confined to the property boundaries and should be prevented from escaping toward the sky.

Section 12. 185-Attachment 1 -- Schedule of District Regulations is hereby amended as follows:

In the Rural Conservation District (RC), in the Principal Permitted Uses column, the following is added:

“Timber Harvesting” Note, timber clearcutting is prohibited as preparation for construction projects, land improvements, or land clearing.

In the Rural Conservation District (RC), the content of the Development Standards column is removed in its entirety and replaced with the following

Minimum lot area: 5 acres
Minimum average lot width: 300 feet
Minimum setbacks for yards:
Front:50 feet

Side: 50 feet

Rear: 100 feet

Maximum building height: 35 feet Maximum lot coverage: 10%

Minimum habitable dwelling area for each dwelling unit in a single- or two-family dwelling: 450 square feet

One primary dwelling per lot

Private community central water and wastewater systems are prohibited (outside of an existing municipal or central water or sewer district)”

In the Low-Density Residential District (R1) the following two items are added to the Development Standards column:

- “One primary dwelling per lot
- Private community central water and wastewater systems are prohibited (outside of an existing municipal or central water or sewer district)”

In the Moderate- to High-Density Residential District (R2) the following two items are added to the Development Standards column:

- “One primary dwelling per lot
- Private community central water and wastewater systems are prohibited (outside of an existing municipal or central water or sewer district)”

In the Neighborhood Business District (NB) the following two items are added to the Development Standards column:

- “One primary dwelling per lot
- Private community central water and wastewater systems are prohibited (outside of an existing municipal or central water or sewer district)”

In the General Business District (GB) the following two items are added to the Development Standards column:

- “One primary dwelling per lot
- Private community central water and wastewater systems are prohibited (outside of an existing municipal or central water or sewer district)”

Section 13. Zoning Map Amendment

The Official Zoning Map of the Town of Rockland is hereby amended to include the Higher Elevation Protection Overlay District, which includes all that area in the town at or above 1600’ in elevation above sea level, as mapped by the United States Geological Survey (USGS).

Section 14. The annexed Town of Rockland Slope Map is hereby added as Appendix 2 of the Zoning Law.

Section 15. Severability.

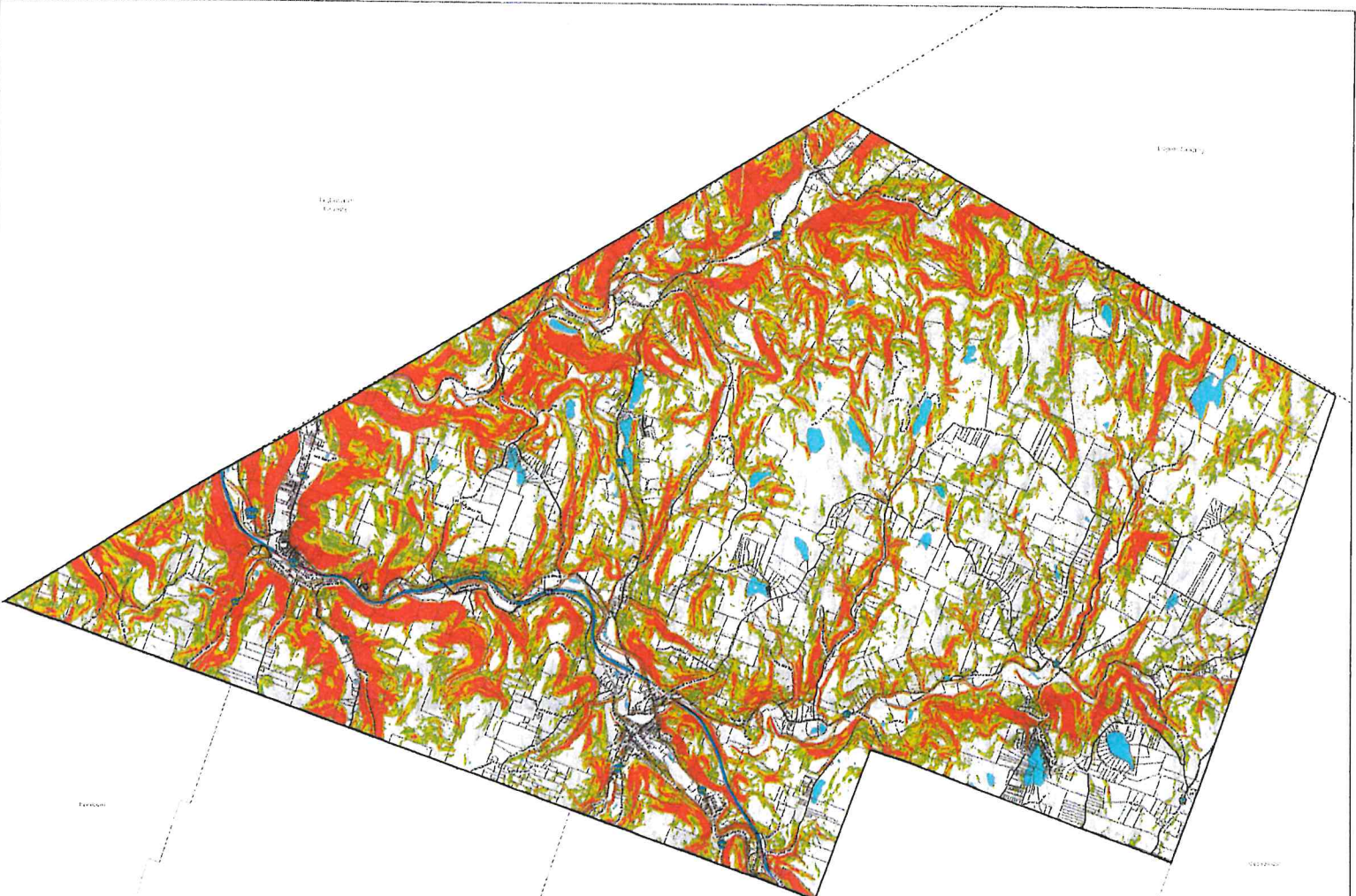
If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part of provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town hereby declares that it would have passed this Local Law or the remained thereof had such invalid application or invalid provision been apparent.

Section 16. Supersession.

This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York and is intended to supersede any provisions of the New York State Town Law, the Town of Rockland Zoning Law and the General Municipal Law which are inconsistent with the provisions of this Local Law.

Section 17. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the Secretary of State.



Legend		

Town of Rockland



Sullivan County Department of Public Works
 100 Main Street
 12030
 12030

This map was prepared by the Town of Rockland, New York, and is intended to provide information only. It is not intended to be used as a legal document. The Town of Rockland, New York, is not responsible for any errors or omissions on this map. The Town of Rockland, New York, is not responsible for any damages or losses resulting from the use of this map. The Town of Rockland, New York, is not responsible for any claims or liabilities arising from the use of this map. The Town of Rockland, New York, is not responsible for any claims or liabilities arising from the use of this map.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2025 of the ~~(County)(City)~~(Town)(Village) of Rockland was duly passed by the Town Board on 2025, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.~~

~~6. (County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Maurella Billite

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: December 18th, 2025

(Seal)

