

3222 Albany Post Road, Village of Buchanan Steep Slopes – Findings Statement § 165-6

Dated: June 11, 2026

§ 165-6. Standards for approval of permit.

In denying, granting or granting with modifications any application for a permit as required by this section, the approval authority shall consider, and make specific findings addressing, the consistency of the proposed activity with the findings set forth in § 165-2 of this chapter and each of the following standards:

- A. Disturbance or alterations of trees and forests and topographical disturbances or alterations on steep slopes shall be in conformance with all provisions of this chapter, as well as with all other applicable ordinances and regulations of the Village of Buchanan, including, by way of example only, the requirements of a chapter regarding flood damage control, a chapter regarding trees, and a chapter regarding diversion of watercourses.

Acknowledged.

- B. Activities within wetlands shall be in conformance with Chapter 203, Wetlands, and, whether within or outside of wetlands, will not adversely affect any wetlands, water bodies, or watercourses.

The project site is not located within a wetland and will not negatively any off site wetland.

- C. The proposed activity will not result in creep, sudden slope failure, or additional erosion.

Creep or sudden slope failure is not expected as the proposed activity is located on rock/bedrock ledge.

- D. The proposed activity will not adversely affect existing or proposed wells or sewage disposal systems.

There are no wells or sewage disposal systems located on site.

- E. The proposed activity will not adversely affect any endangered or threatened species of flora or fauna.

There are no endangered or threatened species of flora or fauna on site.

- F. The proposed activity is in accordance with the principles and recommendations of the most recent Master Plan of the Village of Buchanan.

The proposed activity is in conformance with the Zoning Ordinance.

- G. The proposed activity constitutes the minimum disturbance necessary to allow the property owner a reasonable use of the property.

The proposed activity is consistent with the Zoning Ordinance and is the minimum disturbance necessary to achieve the as of right number of units.

- H. Disturbance or alteration of areas with steep slopes shall additionally be in conformance with the following provisions:

- (1) The planning, design and development of buildings and site modifications shall provide the maximum in structural safety, slope stability and human enjoyment while adapting the affected site to, and taking advantage of, the best use of the natural terrain and aesthetic character. **[Amended 7-5-2023 by L.L. No. 3-2023]**

The planning, design and development of the site provides maximum structural safety and adapts to the site and takes advantage of the natural terrain.

- (2) Retaining walls six feet or greater in height shall be considered an accessory structure and shall be subject to the requirements of § 211-19. **[Amended 7-5-2023 by L.L. No. 3-2023]**

There are several sections of the proposed retaining walls in excess of 6 feet in height. Variances from the Zoning Board of Appeals will be sought as required.

- (3) The terracing of building sites shall be kept to an absolute minimum. Terraced retaining walls within a horizontal distance equal to 1/2 the height of the greater wall shall be considered and measured as a single wall. **[Amended 7-5-2023 by L.L. No. 3-2023]**

There is no proposed terracing of retaining walls on site.

- (4) Structures are designed to fit into the hillside rather than altering the hillside to fit the structure, employing methods such as reduced footprint design, step down structures, stilt houses, and minimization of grading outside the building footprint. **[Amended 7-5-2023 by L.L. No. 3-2023]**

The proposed activity is consistent with the Zoning Ordinance and is the minimum disturbance necessary to achieve the as of right number of units but requires locating the structures into the hillside.

- (5) The natural elevations and vegetative cover of ridgelines shall be disturbed only if the crest of a ridge and the tree line at the ridge remain uninterrupted. This may be accomplished either by positioning buildings and areas of disturbance below a ridgeline or by positioning buildings and areas of disturbance at a ridgeline so that the elevation of the roofline of the building is no greater than the elevation of the natural tree line. However, under no circumstances shall more than 100 feet along the ridgeline, to a width of 100 feet generally centered on the ridgeline, be disturbed.

There is no proposed disturbance to any natural elevation nor vegetative cover of a ridgeline on site.

- (6) Any regrading shall blend in with the natural contours and undulations of the land.

All grading will blend into the natural contours and undulations of the site or will be contained via retaining walls.

- (7) Cuts and fills shall be rounded off to eliminate sharp angles at the top, bottom and sides of regraded slopes. Visible construction cuts and permanent scarring should be minimized.

All grading and cuts and fills will blend into the natural contours and undulations of the site or will be contained via retaining walls except where solid ledge may be encountered.

- (8) The angle of cut and fill slopes shall not exceed a slope of one vertical to two horizontal except where retaining walls, structural stabilization or other methods acceptable to the Building Inspector or Village Engineer are used.

Cut and fill slopes do not exceed a slope of 1 foot vertical and 2 feet horizontal except where retaining walls are proposed and rock stabilization is provided.

- (9) Tops and bottoms of cut and fill slopes shall be set back from structures a distance that will ensure the safety of the structure in the event of the collapse of the cut or fill slopes. Generally, such distances shall be considered to be six feet plus 1/2 the height of the cut or fill. Nevertheless, a structure built on a slope or at the toe of a slope is permitted if it is properly designed to retain the slope and withstand the forces exerted on it by the retained slope.

Tops and bottoms of cut and fill slopes are setback from proposed structures appropriately.

- (10) Disturbance of rock outcrops shall be by means of explosive only if labor and machines are not effective and only if rock blasting is conducted in accordance with all applicable laws and regulations of the Village of Buchanan, County of Westchester, and the State of New York.

Rock removal will involve blasting and hammering, and all required blasting protocols, permits and approvals will be in place prior to any blasting activity.

- (11) Tops and bottoms of cut and fill slopes shall be set back from structures a distance that will ensure the safety of the structure in the event of the collapse of the cut or fill slopes. Generally, such distance shall be considered to be six feet plus 1/2 the height of the cut or fill. Nevertheless, a structure built on a slope or at the toe of a slope is permitted if it is properly designed by a NYS licensed professional engineer to retain the slope and withstand the forces exerted on it by the retained slope. **[Amended 7-5-2023 by L.L. No. 3-2023]**

Tops and bottoms of cut and fill slopes are setback from proposed structures appropriately.

- (12) Disturbance of existing vegetative ground cover shall not take place more than 15 days prior to grading and construction.

Acknowledged and will be so noted on the Site Plan.

- (13) Temporary soil stabilization, including, if appropriate, temporary stabilization measures such as netting or mulching to secure soil during the grow-in period, must be applied to an area of disturbance within two days of establishing the final grade, and permanent stabilization must be applied within 15 days of establishing the final grade.

An erosion and sediment control plan is provided for the development of this site.

- (14) Soil stabilization must be applied within two days of disturbance if the final grade is not expected to be established within 60 days.

An erosion and sediment control plan is provided for the development of this site.

- (15) Measures for the control of erosion and sedimentation shall be undertaken consistent with the Westchester County Soil and Water Conservation District's Best Management Practices Manual for Erosion and Sediment Control and New York State Guidelines for Urban Erosion and Sediment Control, as amended, or their equivalents satisfactory to the approval authority.

An erosion and sediment control plan is provided for the development of this site.

- (16) Soil stabilization must be applied within two days of disturbance if the final grade is not expected to be established within 60 days or prior to close of the construction season, whichever occurs first. **[Amended 7-5-2023 by L.L. No. 3-2023]**

An erosion and sediment control plan is provided for the development of this site.

- (17) Topsoil shall be stripped from all areas of disturbance, stockpiled and stabilized in a manner to minimize erosion and sedimentation and replaced elsewhere on the site at the time of final grading. Stockpiling shall not be permitted on slopes of greater than 10%.

An erosion and sediment control plan is provided for the development of this site.

- (18) No organic material or rock with a size that will not allow appropriate compaction or cover by topsoil shall be used as fill material. Fill material shall be no less granular than the soil upon which it is placed and shall drain readily.

Acknowledged.

- (19) Compaction of fill materials in fill areas shall be such to ensure support of proposed structures and stabilization for intended uses.

Acknowledged.

I. Burden of proof. **[Amended 7-5-2023 by L.L. No. 3-2023]**

- (1) The presumption in all cases shall be that no disturbance or alteration of any steep slope shall be approved by the approval authority. The applicant shall in all cases have the burden of proof of demonstrating, by clear and convincing evidence, that the proposed activity is fully consistent with each of the findings set forth in § 165-2 and that each of the standards for approval set forth in Subsections A through G above have been fully and completely met.

The findings identified in section 165-2 are acknowledged. The proposed activity will be designed with respect to the findings and the project is consistent with the findings and recommendations.

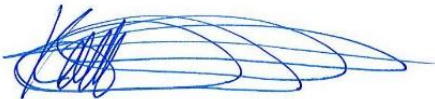
- (2) With respect to applications involving proposed disturbance or alteration of any excessively steep slope with a grade of 30% or greater, the applicant shall have the additional burden of demonstrating full compliance with all sections of this chapter and that standard engineering practices are followed to avoid slope failure, erosion, or adverse impacts to neighboring properties or natural resources. It must be further demonstrated that the proposed disturbance of excessively steep slopes is limited in extent reasonable and necessary for construction, safe, and consistent with the other provisions of the Village Code.

The proposed activity proposes disturbances to slopes greater than 30%. There is an erosion and sediment control plan provided for the development of this site and standard engineering practices will be employed to ensure avoidance of slope failure or erosion. The extent of slope disturbance has been kept to a minimum in order to achieve the as of right number of units.

- (3) Not more than 30% of a site's excessively steep slopes should be disturbed. For proposed disturbances in excess of 30% of a site's excessively steep slopes, the applicant shall submit a before-and-after visual impact analysis and a report prepared by a NYS licensed geotechnical engineer indicating the impacts of the disturbance to the steep slopes and provide a slope stability analysis.

There are proposed disturbances to slopes in excess of 30%. The Applicant will provide a visual impact analysis and a report prepared by a geotechnical engineer indicating the slope stability analysis.

Respectfully Submitted,



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Project Engineer

Patrick Bell, P.E.
Professional Engineer

