

## **H. Techniques for Land Management**

## **H.1 EPOD Regulations (Town of Mendon)**

**§ 200-21 EPOD Environmental Protection Overlay Districts.**A.

Purpose and intent. The purpose of the EPODs established in this article is to provide special controls over land development located in sensitive environmental areas within the Town. The EPOD regulations are intended to maintain open space and to prevent the irreversible loss of natural resources; enhance the safety of residents and property located within areas of special flood hazard; maintain and/or improve surface water quality; preserve wildlife habitats; enhance the aesthetics of site development; preserve important scenic vistas which are visible from public rights-of-way; maintain soil and slope stability; and control the impacts of development on the environment.

B.

Compliance with other permit agencies' regulations. In addition to meeting the requirements of the underlying zoning district and these EPOD regulations, development shall also meet all of the standards for development as further regulated by the Federal Emergency Management Agency (FEMA), the United States Army Corps of Engineers and the New York State Department of Environmental Conservation (NYSDEC).

C.

In order to implement the purpose and intent set forth above in this article, the following EPODs are hereby established:

EPOD 1	Wetland Protection Overlay District	<u>D.</u> Official maps. The locations and boundaries of all EPODs are delineated on an official set of maps on file in the Building Department. These maps are known as the "Official Town of Mendon EPOD Maps" and include the Environmental Atlas Maps of the Town prepared by the Monroe County Environmental Management Council; the FEMA Flood Insurance Rate Maps for the Town of Mendon; the New York State
EPOD 2	Steep Slope Protection Overlay District	
EPOD 3	Watercourse Protection Overlay District	
EPOD 4	Scenic Corridors Protection Overlay District	
EPOD 5	Historic and Archeological Site Protection Overlay District	
EPOD 6	Waste Disposal Site Protection Overlay District	
EPOD 7	Woodlot Protection Overlay District	
EPOD 8	Flood Damage Prevention Overlay District	
EPOD 9	Soils Susceptible to Ponding Overlay District	
EPOD 10	Geological Feature Protection Overlay District	
EPOD 11	Wildlife Corridors and Habitat Protection Overlay District	

Department of Environmental Conservation Freshwater Wetland Maps for the Town of Mendon; and federally designated wetland maps. The Official Town of Mendon EPOD Maps shall be used for reference purposes only and shall not be used to delineate specific or exact boundaries of the various overlay districts. The Town has the authority to amend or add to these Official EPOD Maps as necessary. Field investigations and/or other environmental analyses shall be required in order to determine whether a particular piece of property is included within one or more of the overlay districts.

E.

Interpretation of district boundaries.

(1)

The CEO shall be responsible for interpreting EPOD boundaries based upon an interpretation of the Official Town of Mendon EPOD Maps, as well as the use of various criteria set forth in this article for determining such district boundaries. The CEO may request the assistance of the Town Engineer or other appropriate board in making a determination.

(2)

The requirements of the overlay district shall be met in addition to any requirements specified for development in the respective primary zoning district.

F.  
EPOD development permit application procedures.

(1)  
EPOD development permit. In those EPODs where development is allowed, an EPOD development permit is required subject to the provisions of this section and prior to the commencement of any regulated activity or the issuance of any permit for regulated development.

(2)  
Allowed activities:

(a)  
Lawn care and maintenance.

(b)  
Gardening activities.

(c)  
Tree and shrub care and maintenance.

(d)  
Removal of dead or deteriorating vegetation or trees.

(e)  
Removal of structures, except for those as further regulated within the EPOD 5 sites.

(f)  
Repair and maintenance of structures except for those as further regulated within the EPOD 8 sites.

(g)  
Repair and maintenance of faulty or deteriorating sewage facilities or utility lines.

(h)  
Reconstruction of structures damaged by a natural disaster, provided that the new construction is of the same size and use and subject to the time limits found in § 200-36.

(i)  
Customary agricultural activities in a County Agricultural District.

(j)  
Public health activities, orders and regulations of the New York State Department of Health, Monroe County Department of Public Health or other public health agency.

(k)  
Emergency activity which is immediately necessary for the protection and preservation of life, property or natural resource values.

(3)  
Application for permit. A permit application is required when the proposed activity does not require Planning Board approval. Applications for EPOD development permits shall be made in writing to the CEO, on forms available in the Building Department. The application shall be made by the property owner or his/her agent and shall be accompanied by any materials or information deemed appropriate by the authorized official. The application shall be accompanied by a site plan map and other information as required for site plan approval found in Article IX of this chapter. Each application for an EPOD development permit shall be accompanied by the appropriate fee as determined by the Town Board. This fee shall be in addition to any other fees required.

(4)  
Permit review.

(a)

For projects requiring site plan approval, the CEO shall refer the matter to the Planning Board for a public hearing in accordance with the provisions of this chapter. The CEO may refer all applications to other appropriate boards and agencies for their review and recommendations. Such boards or agencies shall have 30 days from the date of their receipt of a complete application in which to review such application and report their recommendations to the Planning Board or authorized official. Should such boards or agencies fail to report their recommendations within the thirty-day time period, then the CEO or Planning Board may take action on the permit application without such report. Any SEQRA review shall be referred to the Planning Board.

(b)

When an EPOD development permit application proposes any development activity or site improvements within parcels containing areas identified in the Town's Official Open Space Index, then the applicant shall be referred to the Environmental Conservation Board for its review and recommendations regarding the following:

[1]

Protection of environmentally sensitive areas.

[2]

Open space/natural resource management.

[3]

Opportunities for public access.

(c)

The CEO or Planning Board shall have the authority to grant or deny an EPOD development permit, subject to the standards, criteria and other regulations contained in this chapter. Should a board to which the matter has been referred make recommendations which the CEO or Planning Board chooses not to follow, in whole or in part, the reasons for not doing so shall be made a part of the written determination.

(d)

Any development permit issued by the CEO or the Planning Board in accordance with the provisions of this article may be issued with conditions. Such conditions may be attached as are deemed necessary to ensure the preservation and protection of environmentally sensitive areas and to ensure compliance with the purpose and intent and the specific provisions of this article. Every permit issued pursuant to this article shall contain the following conditions:

[1]

The CEO or the Town Engineer and/or other designated Town official shall have the right to inspect the project from time to time.

[2]

The permit shall expire within six months of the date issued, if construction is not started, or within one year if there has not been a substantial amount of work completed after the start of construction.

[3]

The permit holder shall notify the CEO of the date on which project construction is to begin, at least five days in advance of such date of construction.

G.

Requirement for letter of credit or certified check.

(1)

Following approval of an application for an EPOD development permit, and prior to the issuance of any building or other Town permit, the applicant shall furnish the Town with an irrevocable letter of credit or certified check in an amount to be established by the Town Board after review by the Town Engineer. Said instrument shall be sufficient to cover the costs of compliance, contingencies and inspection of the various specifications and conditions of the development permit. The purpose of the letter of credit or certified check shall be to ensure that all items, activities or structures specified in the plans approved by the authorized boards or agencies and by the Town are constructed or carried out in accordance with such plans and specifications and other appropriate requirements of the Town.

(2)

The irrevocable letter of credit or certified check shall continue in full force and effect until such time as the CEO

has certified that, based upon a site inspection, all specifications, requirements and permit conditions have been completed and/or complied with. At such time, the letter of credit or certified check shall be released to the applicant. Where the CEO finds noncompliance with permit conditions, said official may deduct or withhold an amount from the letter of credit or certified check sufficient to cover the cost of compliance with any requirements, specifications or permit conditions.

H.

Suspension or revocation of permits. The CEO may suspend a permit (temporarily) until such time as the Board having jurisdiction reviews the suspension. The Board having jurisdiction may suspend or revoke a development permit issued in accordance with the provisions of this article. Suspension or revocation shall be based upon evidence that the applicant has not complied with any or all terms or conditions of such permit, has exceeded the authority granted in the permit or has failed to undertake the project in the manner set forth. The CEO shall, in writing, notify the applicant of this finding and the reasons for revoking or suspending a permit issued pursuant to this article and shall forward a copy of said findings to the applicant.

I.

Conservation restrictions.

(1)

Where a proposed development or subdivision contains an area delineated on the Official Town of Mendon EPOD Maps, the Board considering the application has the right to restrict or prohibit the following activities within the EPOD portion of the site:

(a)

Construction, including but not limited to structures, roads, bridges, drainage facilities, barns and sheds for animals and livestock and fences subject to New York State's Agricultural District Law which is adopted by the Monroe County Legislature.

(b)

Clear-cutting of trees or removal of vegetation or other ground cover.

(c)

Change in the natural flow of a stream or disturbance of a streambed.

(d)

Placement of septic or other sewage disposal systems.

(e)

The use of motorized vehicles, including but not limited to all-terrain vehicles, motorcycles, snowmobiles and motorbikes.

(2)

Where proposed development results in a conservation restriction being imposed by the authorized board, said restriction shall be noted on the final approved map and filed with the office of the County Clerk and/or the Building Department.

J.

Appeals. All appeals of decisions made under this chapter shall be made to the Zoning Board of Appeals.