

VILLAGE OF PLANDOME
LOCAL LAW 4-2015
ADDITION OF NEW CHAPTER 125
“REGRAIDING AND EXCAVATION OF LOTS”

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Plandome as follows:

SECTION 1. Add new Chapter 125 entitled, “*Regrading and Excavation of Lots,*” to read as follows:

CHAPTER 125
REGRAIDING AND EXCAVATION OF LOTS

§125-1. Intent and purpose.

The Board of Trustees of the Incorporated Village of Plandome hereby determines that unrestricted regrading on any given property can cause detrimental impact to neighboring properties or public lands, including but not limited to storm water run-off, soil erosion and other environmental damage. The purpose of this chapter is to prevent those deleterious effects, preserve the natural contours of the land, and provide for suitable use of private property, while protecting the health, safety, welfare and property values of the community.

§125-2. Permits required.

No person, firm or corporation shall commence site work that involves the construction of retaining walls, and/or any general regrading that exceeds the limitation set forth in the Chapter, without first obtaining a valid permit from the Building Department of the Village of Plandome. Such permit must be obtained before a building permit may be issued for any building or structure on the affected lot. In cases where it is deemed by the Design Review Board to be a significant alteration of the land, a detailed site plan may be required.

§125-3. General regrading limitations.

- A. Re-grading of land may not change the existing contours by more than two feet within 20 feet of a property line, or by more than 12 inches within five feet of a property line.
- B. No more than 20 cubic yards of excavated material may be removed from the lots except as necessary for actual construction of foundations, basements/cellars, site sanitary systems, recharge basins or other approved structures.
- C. No more than 20 cubic yards of fill material may be placed within any twelve month period.

§125-4. Retaining walls.

Retaining walls may be constructed as follows:

- A. In a front yard only if its height at no point exceeds two feet within 12 feet of the lot line or four feet if it is more than 12 feet from the lot line.
- B. In a side or rear yard only if its height at no point exceeds four feet.
- C. Only at a distance greater than four feet from any other retaining wall that is aligned more or less parallel to it.
- D. Only so that the aggregate height of all retaining walls that are aligned more or less parallel to, and situated within 16 feet of one another do not exceed eight feet at any point.
- E. At the edge of a driveway that runs substantially perpendicular to the street abutting the front yard, only if its height at no point exceeds the height necessary to fulfill its function as a retaining wall. Any such retaining wall shall be taken into account when applying the enumerated restrictions to the construction of other retaining walls on the lot.
- F. A retaining wall which is a nonconforming structure (as defined in Article VII) may be reconstructed, in whole or in part, only within the dimensions it had at the time when it became a nonconforming structure, the provision of Article VII to the contrary notwithstanding.

SECTION II. This local law shall take effect immediately upon filing with the Secretary of State.