

Precipice and Ridge Line Advisory Committee

Interim Report

to

The Board of Trustees

December 10, 2008

Purpose of the Committee

- Analyze the public-safety, environmental, hydrologic, and public-views impact of construction on ridge line and precipice areas.
- Determine if ridge line and precipice development can negatively impact the public safety and environment of Tuxedo Park, as well as its visual aesthetics – which earned the community its listing on the National Register of Historic Places.
- Investigate if any procedures and standards are available to mitigate negative impact.
- Recommend to BOT whether – and how – the existing Code Section 100-13 should be amended.

Methodology: Research-based

- Reviewed public-safety, hydrologic and environmental issues with Weston & Sampson, Village Engineer.
- Consulted with Bonnie Franson, Village Planner and Rick Golden, Village Attorney.
- Reviewed ridge line and precipice/slope legislation of other communities in New York State and across the US.
- Reviewed Tuxedo Park Code and BZA decisions.
- Used Orange County Government Information Service 2-foot scale topographical map, overlaid with property lines, lot numbers, and existing building footprints to identify ridge line and precipice areas.
- Conducted field visits to key public-access roads, i.e., roads circumscribing the 3 Tuxedo lakes, and properties featuring ridge lines and precipices.

Timetable

- December 10, 2008 first interim PowerPoint report to BOT, obtain feedback
- December 2008 to January 2009 revisions by Committee
- January 21, 2009 second interim Power Point report to BOT
- January 2009 4th week public meeting to inform public
- February 2009 4th week final written report (complete with back-up data) to BOT

Interim Findings

- Tuxedo Park is behind the curve in adopting ridge line and precipice/slope protection laws.
- Communities across the US have enacted ridge line and precipice/slope protection laws, e.g., Chester, Cornwall, Warwick, Woodbury in New York State; and counties and municipalities in Vermont, New Hampshire, Massachusetts, Tennessee, Utah, Colorado, California, Nevada.
- Many of these communities have much less natural beauty and history to protect than Tuxedo Park.
- Picturesque wooded hills and rolling mountains, enhanced by historic houses designed to incorporate a rugged terrain, define the unique landscape of the Village and the character of the community. They are valuable visual and aesthetic resources to the public.
- Uncontrolled construction on a ridge line or at the edge of a precipice, with resulting landscape and terrain disturbance, would impair the geologic features integral to the unique visual environment of the Village. Such construction would negatively impact Tuxedo Park's scenic resources.
- Unregulated development would be detrimental to the Village's listing on the National Register of Historic Places, that valued architecture in the context of natural landscape.

**Example of Ridge-Line Construction with
Negative Impact on Visual Aesthetics (Oakland, NJ)**



- In addition, according to the Village Engineer, there are special public-safety considerations relating to construction on ridge line and precipice areas, including but not limited to: stability of terrain; danger of falling boulders, rocks, and debris; and erosion and drainage control.
- Furthermore, existing Planning Board and Board of Architectural Review powers, processes and standards cannot sufficiently mitigate the public-safety, aesthetic and visual impact of ridge line and precipice construction. Specifically:

Most precipice and ridgeline construction involve single-family residences that are not subject to environmental review under SEQRA. Consequently, the Planning Board and Board of Architectural Review are unable to sufficiently address specific public-safety, environmental and visual impact of construction.

The boards do not have tools such as visual impact review, soil stability analysis, material and height restrictions, etc., that are explicitly available to communities with ridge line and precipice/slope laws.

As a result...

- Construction on ridge lines and precipices, if permitted by BOT, should be regulated to protect public safety as well as the community's visual and aesthetic resources.

Interim Proposals

Three Legislative Options

- 1) Regulate all ridge line and precipice development throughout Tuxedo Park.

Public-safety issues relate to all ridge lines and precipices. In addition, all ridges and precipices form an important aesthetic geological resource to the Village: the entire visual environment is important. Furthermore, topographical research shows most ridge lines and precipices are visible to the public from some public-views corridors and/or public roads.

- 2) Regulate only ridge line and precipice development that is visible to a large number of the public, i.e., ridge lines and precipices visible from perimeter roads around the 3 lakes. These roads are key access roads for the public.
- 3) If the visual and aesthetic resources are intrinsic to the community, BOT may choose to broaden the Committee's authority to consider protection of the views to the majority of the public, i.e., view shed around the 3 lakes, which includes, but is not limited to, ridge lines and precipices visible from perimeter roads along the 3 lakes.

The Committee's work to date has focused on Options 1 and 2 (ridge lines and precipices) because we do not have a mandate for Option 3 (view shed around the 3 lakes.)

Comparing Legislative Options 1 and 2

OPTION 1: Regulate all precipice and ridge line properties

- Protect public safety of all precipice and ridge line properties
- Protect all public views
- Treat all precipice and ridge line properties equally
- Involves a larger number of properties than Option 2 – approximately **135** properties (**29% of all properties**,) of which about 37 are vacant lots (32% of all existing vacant lots,) including about 10 lots that can be sub-divided without zoning appeal (i.e., more than 8 acres per lot)

OPTION 2: Regulate only those precipice and ridge line properties visible from perimeter roads of the 3 lakes

- Protect public safety of only select properties
- Protect only select public views
- Does not treat all precipice and ridge line properties equally
- Involves fewer properties than Option 1 – approximately **82** properties (**18% of all properties**,) of which about 26 are vacant lots (23% of all existing vacant lots,) including approximately 4 that can be sub-divided without zoning appeal (i.e., more than 8 acres per lot)

Statistical Overview of Properties in Tuxedo Park

- There are 465 lots (excluding parcels with utilities facilities) in Tuxedo Park, of which 30 are owned by the VTP;
- 115 lots are vacant land, of which 13 are owned by the VTP;
- 37 vacant lots (32% of all vacant lots) contain ridge lines and precipices, but the number could be much higher after sub-divisions. New construction on vacant lots generally involves greater terrain disturbance and visual impact;
- 350 lots have existing houses with valid Certificates of Occupancy;
- 98 existing houses (28% of all existing houses) sit on lots with ridge lines and precipices, but not all of these houses are built on the ridge line or the precipice. Thus the number of existing houses that would fall under any ridge line and precipice law would be fewer than 98.

** Numbers on pages 13 and 14 are indicative/approximate. They will be confirmed as the Committee continues its work but they should be about 90% accurate.*

How to Regulate? The Proposed Approach

- ✓ Permit construction on ridge line and precipice areas, subject to conditions (whereas the current law prohibits construction.)
- ✓ Construction **WITHIN** the ridge line and precipice area on a lot to be subject to additional procedures and standards, so that public safety is assured, there is little to no physical degradation of ridge lines and precipices, and the projects when completed will have minimal visual impact.
- ✓ Construction **OUTSIDE OF** the ridge line and precipice area on a lot to be subject to existing Planning Board and Board of Architectural Review procedures and standards.
- ✓ Additional procedures and standards may encourage construction **AWAY** from ridge line and precipice areas.
- ✓ Additional procedures and standards may encourage design creativity for construction **WITHIN** ridge line and precipice areas.

What Are the Possible “Additional Procedures?”

- Additional procedures may include:
 - Soil stability analysis
 - Visual impact analysis
 - Tree survey
 - Lighting impact analysis

- These procedures are used in communities with ridge line and precipice/slope laws.

What Are the Possible “Additional Standards?”

- Additional standards may involve:
 - Height of structure
 - Use of materials and colors
 - Tailoring to natural terrain
 - Landscaping
 - Lighting

- These standards are used in communities with ridge line and precipice/slope laws.

- The additional procedures and standards would apply to either legislative Option 1 (regulate all ridge line and precipice properties) or Option 2 (regulate select ridge line and precipice properties.)
- They would enhance the authority and practices permitted under current VTP Code.
- They would be implemented as appropriate by the Planning Board and/or the Board of Architectural Review.

Next Steps

- 1) BOT to select a legislative option.
- 2) Committee to return to BOT in January 2009 to:
 - present a GIS-based topographical map identifying ridge line and precipice areas in accordance with the selected legislative option,
 - explain the criteria for “ridge line and precipice areas,”
 - provide a listing of the properties involved, and
 - propose in detail the additional procedures, standards and the types of construction (e.g., new house, accessory building, extension, etc.) to which they would apply.