

Local Law # \_\_\_ of 2017, a local law to establish an “Entity Disclosure” process in connection with the issuance of approvals in the Village of Chestnut Ridge.

**Section 1.**

Chapter \_\_\_ of the Code of the Village of Chestnut Ridge is amended by adding a new Article, designated as Article \_\_\_ entitled "Entity Disclosure", to read as follows:

§\_\_\_

Legislative Findings and Intent.

The Village Board finds and determines that there is a critical and compelling need, in the public interests as set forth herein, to provide for full and fair disclosure of all privately held and/or non- publicly traded entities making land use applications before the Village to the extent possible to ensure that any and all potential conflicts of interest or other ethical concerns are properly disclosed and addressed by any and all affected parties.

The Village finds and declares that there is no existing law that preempts the adoption of this Local Law so that the public interests in open and transparent government and land use applications can be promoted by enactment of this Local Law to require all privately held and/or non-publically traded entities making land use applications to supply information as to all limited and general members, shareholders, officers

and directors or any other authorized persons having control over such privately held entities who apply for approval from the Village. Such disclosure will inform the public and the Village concerning the names of individuals with a vested interest in land uses applications, will facilitate application review by the reviewing boards, will disclose actual or potential conflicts of interest and enhance enforcement of the code.

## **Section 2.**

§\_\_\_\_ Definitions.

For the purpose of this article, the following words and phrases shall have the meanings ascribed to them.

**AUTHORIZED PERSON**-Any person who is authorized to act or does act either alone or in conjunction with others, on behalf of an entity, or who has authority to direct, control or influence the entity in any manner.

**APPLICANT**-The legal, beneficial and equitable owner(s) of property seeking approval(s) by one or more land use board(s) of the Village, including the Village Board where applicable, in a land use application, including but not limited a contract purchaser or holder of an option to purchase such property, and a person or entity authorized to make an process such a land use application on behalf of a legal, beneficial or equitable owner of property.

ENTITY-A limited liability company, limited liability partnership, general or limited partnership, professional corporation, joint venture, "doing business as" name or venture, association or non-publically traded corporation.

LAND USE APPLICATION-An application form and supporting documents submitted by an applicant for review and approval of a building permit, certificate of occupancy, subdivision plat, site plan, special use permit, conditional use permit, variance, zoning amendment, or any other permit, approval or certificate required, necessary or requested for the development of land or construction.

§\_\_\_\_ Requirement for disclosure

A. A land use application for land development or construction within the Village that lists an entity as the owner or applicant shall complete an Entity Disclosure Statement in a form approved by the Village Board from time to time by resolution, and provide all information required in said form. Said Entity Disclosure Statement shall be affirmed or sworn to under the penalty of perjury and shall be filed along with any such land use application or request for permission to undertake any construction activity within the Village.

B. In the event that, prior to issuance of a Certificate of Occupancy for any project under this article, a project that has previously received approval is in any manner transferred, whether by transfer of the property

or transfer of the management and/or operation of the original Entity making application to another Entity, the transferring Entity shall notify the Village and such succeeding Entity must fully comply with this article before any work on the project shall be permitted to proceed. It shall be the responsibility of both the applicant and the Entity to which transfer is being made, to notify the Village of any such transfer.

C. Said Entity Disclosure Statement shall apply to any land use applications, approvals or permission sought from the Building Inspector, Village Board, Village Planning Board, Village Zoning Board of Appeals, and the Architectural Review Board. The Village shall not process, hear, rehear, approve or sign any new or pending preliminary or final site plan, preliminary or final subdivision map, special permit, variance or other land use application or permit which relates directly or indirectly to any construction, including but not limited to any grading permit, erosion and sediment control permit, wetland permit, sewer connection permit, floodplain development permit, water connection permit, which may be granted in association with any construction unless the application includes a fully completed Entity Disclosure Statement signed and either a sworn to or affirmed and submitted with said application to the respective Board.

D. An Entity Disclosure Statement is not required for any of the following activities:

1. Construction of a private garage, not in excess of 500 square feet. Said building shall not be used for any other purpose than the storage of automotive vehicles.

2. Construction of accessory structures, other than garages, not in excess of 300 square feet.
3. Construction of outdoor decks, sidewalks, or porches;
4. Construction of outdoor swimming pools;
5. Installation of fences;
6. Interior or exterior remodeling of a single family detached residential dwelling in existence and with a valid certificate of occupancy as of the effective date this local law, which does not involve any change of use or increase the size of the building, including but not limited to window replacement, door replacement, plumbing improvements, new siding, removal of interior walls, and similar improvements;
7. Installation or removal of home heating oil or propane tanks, in accordance with all applicable laws;
8. Repair, involving the removal and installation of an individual well or in-ground septic system, for a dwelling in existence and with a valid certificate of occupancy as of the effective date of this law;
9. Construction of a private shed not exceeding 300 square feet.
10. Other minor improvements to dwellings or residential lots with an existing

certificate of occupancy, after the Building Inspector has conferred with the Village Board, and the Village Board has rendered a determination that the improvement is minor in nature so as to constitute an exception to the Entity Disclosure filing.

### **Section 3.**

§\_\_\_\_ Penalties for offenses

A. Where an Entity or its representative(s) refuses or fails to provide the information required under this Local Law, the further processing of such application and any work related thereto ("the application") shall be suspended in all respects, until such time as the board or official before which application is submitted or pending determines that the Entity has fully complied with the provisions of this Local Law. In the event of any form of transfer of the property that is the subject of the application occurs or the ownership and/or management of the project is transferred in any manner to another Entity during a pending suspension of the application under the Local Law, the application shall remain suspended until such time as the succeeding Entity shall appear before such body or official before whom the application is pending and obtain approval for any continued work in relation to the application in addition to compliance with this Local Law. The Building Inspector is authorized to issue a Stop Work order on any project where an application has been suspended under this Local Law.

B. Any Entity or representative of an Entity that provides false information or grossly inaccurate information regarding any application, or who fails to advise the

Village of a change in ownership shall, in addition to the suspension of any pending application as set forth in subdivision A above, be subject to a fine not exceeding \$5,000 for a violation of this Local Law. The Village Building Inspector/Code Enforcement Officer is hereby authorized to issue an appearance ticket or other process for a violation of this Local Law.

C. Nothing herein shall be deemed to preclude a criminal proceeding being instituted by the People of the State of New York against the Entity or any of its representatives in the Justice Court or County Court for any offenses where the conduct committed may constitute a violation of the New York State Penal Law or other criminal statutes.

D. Civil Penalty: In addition to those penalties prescribed by herein and by state law, any person or Entity who violates any provision of this chapter shall be liable for a civil penalty of not more than \$3,000.00 for each offense. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this Village. In any such proceeding to collect a civil penalty, the Village shall be entitled to collect interest, costs and disbursements incurred in connection with such proceeding and in addition reasonable counsel fees or a charge to reimburse the Village for expenditures for attorneys employed or appointed by the Village.

#### **Section 4. Effective Date.**

This Local Law shall become effective immediately upon being filed with the Secretary of State.