

VILLAGE OF CHESTNUT RIDGE

LOCAL LAW “C” (v.3) OF 2023

A LOCAL LAW REQUIRING DRAINAGE REVIEW

Be it enacted by the Village Board of Trustees of the Village of Chestnut Ridge as follows:

Section 1. Add Local Law.

Chapter 243, Article III, entitled “Article III, “Soil Erosion and Sediment Control” is hereby added to read as follows:

§243-33. Title.

This chapter shall be cited and may be referred to hereinafter as the “Soil Erosion and Sediment Control Law of the Village of Chestnut Ridge.”

§243-34. Legislative Intent.

It is the intent of the Village Board of Trustees of the Village of Chestnut Ridge by the adoption of this chapter to control soil erosion and sediment damages and related environmental damage by requiring adequate provisions for surface water retention and drainage for the protection of exposed soil surfaces in order to promote the safety, public health, convenience and general welfare of the community.

§243-35. Word usage; Definitions.

- A. For the purposes of this chapter, certain rules of word usage apply to the text as follows:
- 1) Words use in the present tense include the future tense and the singular includes the plural, unless the context clearly indicates the contrary.
 - 2) The term “shall” is always mandatory and not discretionary; the word “may” is permissive.
 - 3) A word or term not interpreted or defined by this section shall be used with a meaning of common or standard utilization.
- B. The following definitions shall apply in the interpretation and enforcement of this chapter, unless otherwise specifically stated:

APPLICANT

A person, partnership, corporation or public agency requesting permission to engage in land disturbance activity.

CRITICAL AREA

A sediment-producing highly erodible or severely eroded area.

EROSION

Detachment and movement of soil or rock fragments by water, wind, ice and gravity.

EROSION AND SEDIMENT CONTROL PLAN

A plan which fully indicates the necessary land treatment measures, including a schedule of the timing for their installation, which will effectively minimize soil erosion and sedimentation. Such measures shall be in accordance with standards as adopted by the New York State Soil and Water Conservation Committee, or any successor agency.

EXCAVATION or CUT

Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated.

FARM CONSERVATION PLAN

A plan which provides for use of land, within its capabilities and treatment, within practical limits, according to chosen use to prevent further deterioration of soil and water resources.

LAND

Any ground, soil or earth, including marshes, swamps, drainageways and areas not permanently covered by water within the Village.

LAND DISTURBANCE

Any activity involving the clearing, grading, transporting, filling and any other activity which causes land to be exposed to the danger of erosion.

MULCHING

The application of plant residue or other suitable materials to the land surface to conserve moisture, hold soil in place and aid in establishing plant cover.

PERMIT

A certificate issued to perform work under this chapter.

ROCKLAND COUNTY SOIL AND WATER CONSERVATION DISTRICT

A governmental subdivision of this state, which encompasses this Village, organized in accordance with the provisions of the Soil and Water Conservation Districts Law of the State of New York.

SEDIMENT

Solid material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by air, water or gravity as a product of erosion.

SEDIMENT BASIN

A barrier or dam built at suitable locations to retain rock, sand, gravel, silt or other material.

SITE

Any plot, parcel or parcels of land.

SOIL

All unconsolidated mineral and organic material of any origin.

STATE SOIL AND WATER CONSERVATION COMMITTEE

An agency of the state established in accordance with the provisions of the Soil and Water Conservation Districts Law of the State of New York.

STRIPPING

Any activity which significantly disturbs vegetated or otherwise stabilized soil surface, including clearing and grubbing operations.

§243-36. Plan and Permit Required.

- A. No land area shall be disturbed by any person, partnership, corporation, municipal corporation or other public agency within this municipality unless the applicant has submitted to the Village Engineer or Engineering Consultant a plan to provide for soil erosion and sediment control for such land area in accordance with the Guidelines for Erosion and Sediment Control in Urban Areas of New York State adopted by the New York State Soil and Water Conservation Committee and administered by the Rockland County Soil and Water Conservation District and unless such plan has been approved by the Village Engineer or Engineering Consultant and a valid land disturbance permit has been issued by the Village Engineer or Engineering Consultant, except as exempted by § 243-42.
- B. Land area disturbance activity subject to Chapter 243, Article II, shall be exempt from applicability of this chapter.

§243-37. Information to be included in plan.

The applicant must submit a separate soil erosion control plan for each noncontiguous site. The applicant may consult with the Rockland County Soil and Water Conservation District in the selection of appropriate erosion and sediment control measures and the development of the plan. Such plan shall contain:

- A. The location and description of existing natural and man-made features on and surrounding the site, including general topography and soil characteristics.
- B. The location and description of proposed changes to the site.
- C. Measures for soil erosion and sediment control which must meet or exceed Standards for Soil Erosion and Sediment Control in Urban Areas of New York State, adopted by the State Soil and Water Conservation Committee. Guidelines shall be on file at the office of the Village Clerk-Treasurer.
- D. A schedule of the sequence of installation of planned erosion and sediment control measures as related to the progress of the project, including anticipated starting and completion dates.
- E. All proposed revisions of data required shall be submitted for approval.

§243-38. Review and approval.

- A. Soil erosion and sediment control plans shall be reviewed by the Village Engineer or Engineering Consultant and approved when in conformance with the Guidelines for Erosion and Sediment Control in Urban Areas of New York State.
- B. The Village Engineer or Engineering Consultant may seek the assistance of the Rockland County Soil and Water Conservation District in the review of such plans and may deem

as approved those plans which have been reviewed and determined adequate by the said District.

§243-39. General design principles.

Control measures shall apply to all aspects of the proposed land disturbance and shall be in operation during all stages of the disturbance activity. The following principles shall apply to the soil erosion and sediment control plan:

- A. Stripping of vegetation, grading or other soil disturbance shall be done in a manner which will minimize soil erosion.
- B. Whenever feasible, natural vegetation shall be retained and protected.
- C. The extent of the disturbed area and the duration of its exposure shall be kept within practical limits.
- D. Either temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed critical areas during construction or other land disturbance.
- E. Drainage provisions shall accommodate increased runoff resulting from modified soil and surface conditions during and after development or disturbance. Such provisions shall be in addition to all existing requirements.
- F. Water runoff shall be minimized and retained on site wherever possible to facilitate groundwater recharge.
- G. Sediment shall be retained on site.
- H. Diversions, sediment basins and similar required structures shall be installed prior to any on-site grading or disturbance.
- I. The principle of zero net incremental discharge of surface water shall be adhered to.

§243-40. Maintenance.

All necessary soil erosion and sediment control measures installed under this chapter shall be adequately maintained after completion of the project until such measures are permanently stabilized as determined by the Village Engineer or Engineering Consultant. The Village Engineer or Engineering Consultant shall give the applicant, upon request, a certificate indicating the date on which the measures called for in the approved plans were completed.

§243-41. Performance and maintenance bond.

Where the permitted soil disturbance is done in conjunction with an activity requiring a building permit and the restoration and stabilization are satisfactorily completed prior to issuance of a certificate of occupancy, a bond for such disturbance only will not be required. Where the soil disturbance is not done in conjunction with a building permit, a cash bond shall be deposited with the Village Clerk-Treasurer prior to issuance of a soil disturbance permit in an amount determined by the Village Engineer or Engineering Consultant to be sufficient to allow the Village to perform the erosion control work and/or cleanup work in the event of default of the permittee. Said bond shall include written permission to the Village or its agents or contractors to enter upon the permittee's land to perform the work and to use the bond money to pay for any corrective measures taken, including off-site cleanup or repairs. The bond or remaining balance of bond shall be returned to the permittee upon application to and subsequent approval by the Village Engineer or Engineering Consultant.

§243-42. Exemptions.

The following activities are specifically exempt from this chapter:

- A. Use of land for gardening primarily for home consumption.
- B. Agricultural use of lands when operated in accordance with a farm conservation plan approved by the Rockland County Soil and Water Conservation District or when it is determined by the Rockland County Soil and Water Conservation District that such use will not cause excessive erosion and sedimentation.

§243-43. Enforcement; inspections.

The requirements of this chapter shall be enforced by the Village Engineer or Engineering Consultant, who shall also inspect or require adequate inspection of the work. If the Village Engineer or Engineering Consultant finds existing conditions not as stated in the applicant's erosion and sediment control plan, he may refuse to approve further work and may require necessary erosion and sediment control measures to be promptly installed and may seek other penalties as provided in § 243-46.

§243-44. Appeals.

Appeals from decisions under this chapter may be made to the Village Board in writing within 10 days from the date of such decision. The appellant shall be entitled to a hearing before the Village Board within 30 days from the date of appeal.

§243-45. Fees.

Each application shall be accompanied by a fee payable to the Village of Chestnut Ridge in accordance with a schedule as adopted by the Village Board. The Village may require any person undertaking activities regulated by this Article to pay the costs for review by the Village Engineer or Engineering Consultant or some other professional on behalf of the Village. The Village shall determine the amount to be paid by the said person into an escrow account to be held by the Village. The costs incurred by the Village for such review shall be reimbursed from the escrow account. The escrow account shall be replenished by the person undertaking the land development activity on an as-needed basis.

§243-46. Penalties for offenses.

- A. When the Building Inspector determines that a land development activity is not being carried out in accordance with the requirements of this article, he/she may issue a written notice of violation to the landowner. The notice of violation shall contain, at a minimum:
 - 1) The name and address of the landowner, developer and applicant;
 - 2) The address and description of the building, structure or land upon which the violation is occurring;
 - 3) A statement specifying the nature of the violation;
 - 4) A description of the remedial measures necessary to bring the land development activity into compliance with this article and a time schedule for completion of such remedial action;
 - 5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
 - 6) A statement that the determination of violation may be appealed to the Board of Trustees by filing a written notice of appeal within 10 days after service of the notice of violation.

- B. Stop-work orders. The Building Inspector may issue a stop-work order for violation of this article. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Building Inspector confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil or criminal penalties or injunction in accordance with the enforcement measures authorized in this article.
- C. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this article shall be guilty of a violation punishable by a fine not exceeding \$1,000 for conviction of a first offense; not less than \$1,000 nor more than \$2,500 or imprisonment not to exceed 15 days or both for conviction of a second offense within a period of five years; not less than \$2,500 nor more than \$5,000 or imprisonment for a period not to exceed 15 days or both upon conviction for a third or subsequent offense committed within a period of five years. Violations of this article shall be deemed offenses. Each day's continued violation shall constitute a separate additional offense.
- D. Restoration. The Building Inspector may require any violator to restore land to its prior undisturbed condition. In the event that restoration is not undertaken within the time stated in the notice issued pursuant to Subsection A hereinabove, the Village may take necessary corrective action, the cost of which shall become a lien in the nature of a tax lien upon the property until paid. In addition, any fees, penalties or other costs imposed by the Village against the violator in order to obtain compliance with this article shall be assessed against the property in the nature of a tax lien until paid. No such lien shall take effect until the Board of Trustees has held a public hearing upon 10 days' notice to the violator, advising him/her that a lien will be imposed upon the affected property and the amount thereof. The violator shall have an opportunity to appear and give evidence at the public hearing and to be represented by counsel. Any person aggrieved by a decision of the Board of Trustees may appeal such decision to the New York State Supreme Court in an Article 78 proceeding pursuant to the Civil Practice Law and Rules within 30 days after such decision has been filed in the office of the Village Clerk and a copy mailed by regular mail to the violator.
- E. The remedies contained within this chapter shall further not be exclusive, but shall be in addition to any other remedy provided by law, so long as not inconsistent herewith, nor shall the invoking of any remedy or procedure contained within this chapter preclude the pursuit of any and all other remedies, and the same are intended to be cumulative.

§243-47. Supersession of other laws.

This chapter supersedes, and is in derogation of, Chapter 335 of the Code of the Town of Ramapo, County of Rockland, State of New York. This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

Section 2. State Environmental Quality Review Act.

Pursuant to 6 NYCRR 617.5(c)(26) and (33), this Local Law is classified as a Type II Action as it involves the adoption of regulations, policies, procedures, and local legislative decisions in connection with routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment.

Section 3. Severability.

If any clause, sentence, paragraph, word, section or other part of this Local Law, or the application thereof to any person, entity, or circumstance, shall be determined by any court or tribunal of competent jurisdiction to be unconstitutional, illegal, invalid or unenforceable, such determination shall not affect, impair or invalidate the remaining provisions of this Local Law or the application thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or other part thereof directly involved in the controversy in which such determination shall have been rendered and the remaining provisions of this Local Law shall not be impaired thereby and such determination. The Village Board of the Village of Chestnut Ridge hereby declares that it would have passed this Local Law or the remaining provisions thereof had such invalid provision or the application thereof been apparent at the time of enactment.

Section 4. Effective Date.

This Local Law shall be effective immediately upon filing with the Secretary of State.