

VILLAGE OF CHESTNUT RIDGE

LOCAL LAW “A (v.1)” OF 2025

A LOCAL LAW TO AMEND CHAPTER 133 OF THE VILLAGE CODE (CLEARING, FILLING AND EXCAVATION)

BE IT ENACTED by the Village Board of Trustees of the Village of Chestnut Ridge (“Village Board”) as follows:

Section 1. Legislative Intent.

It is the intent of this Local Law to ensure efficiency of the Village Code to promote the health, safety and welfare of the Village, its citizens, and land in the Village, as well as to promote consistency of the Village Code with other municipalities in the vicinity of Chestnut Ridge. The Village seeks to amend the Village Code to maintain the appropriate effectiveness of the Village to facilitate development with respect to disturbance of land within the Village.

Section 2. Authority.

This Local Law is adopted pursuant to the authority in Municipal Home Rule Law §10.

Section 3. Amendment. Chapter 133 is hereby renamed as follows:

Chapter 133 of the Village Code is hereby renamed to Clearing, Filling and Excavation (Land Disturbance)

Section 4. Amendment. Chapter 133-1 is hereby repealed and replaced as follows:

§ 133-1. Title.

This chapter shall be known as “The Clearing, Filling and Excavation (Land Disturbance) Law of the Village of Chestnut Ridge.” The Chapter is commonly known as Land Disturbance.

Section 5. Amendment. Chapter 133-2 is hereby repealed and replaced as follows:

§ 133-2. Purposes.

The Board of Trustees of the Village of Chestnut Ridge hereby finds that uncontrolled clearing, filling or excavating resulting in Land Disturbance may cause serious health, safety and environmental problems, including erosion, siltation, flooding and other potential harmful effects. It is the purpose of this chapter to prevent such harmful effects and thus to promote the public health, safety and welfare in the Village of Chestnut Ridge.

Section 6. Amendment. Chapter § 133-3 is hereby repealed and replaced as follows:

§ 133-3. General provisions.

A. A permit from the Village Engineer shall be required for any operation under this chapter, which is hereby defined as any land filling, excavation, regarding, removal, stripping, or disturbance of topsoil, earth, sand, gravel or rock, except as provided in §§ 133-5 and 133-6 hereof. No existing operation shall be extended in area, except as provided in § 133-6 hereof, without first securing a permit therefor. A Permit from this Chapter shall be required by all residential applications including additions, new house construction and accessor structures and will be reviewed by the overall land disturbance activity in square feet of “Clearing, Filling and Excavation (Land Disturbance).”

B. A blasting permit from the Building Inspector shall be required for any blasting.

Section 7. Amendment. Chapter § 133-4 is hereby repealed and replaced as follows:

§ 133-4. Prohibited operations.

A. There shall be no processing of fill, topsoil, earth, sand, gravel, rock or other substances from the ground on the premises except for use on the same premises.

B. There shall be no operation commenced or carried on which is primarily for the purpose of the sale or exchange of fill, excavated topsoil, earth, sand, gravel, rock or other substance from the ground.

C. Material used for land filling must be clean, nonorganic and non-burnable before being delivered to the site. Such material shall not contain garbage, disease-producing organisms, harmful radioactivity, or any other substance which may be considered harmful by the Village Engineer. No material may be used for this purpose which will produce obnoxious odors, or either cause or require covering or other measures to prevent the attraction of rats or other vermin, flies, mosquitoes, or other harmful insects.

D. There shall be no blasting or rock-drilling activities commenced or carried on at any location within 100 yards of a church, school or camp as defined in Chapter 290, Zoning, of the Code of the Village of Chestnut Ridge or any playground or recreational field associated therewith, during the hours when such church, school, or camp is used by children under the age of 18 years in connection with the operation thereof.

Section 8. Amendment. Chapter § 133-5 is hereby repealed and replaced as follows:

§ 133-5. Other permits or approvals deemed permits.

A. Approved subdivision construction plans deemed a special permit. Where the Planning Board has approved, with or without conditions, the construction plans for proposed streets and drainage facilities in new subdivisions, the approved construction plans shall be deemed to be a duly issued permit for such operation within the rights-of-

way and slope rights of the proposed streets and areas reserved for drainage facilities as may be necessary for the establishment, provided that if there is to be land filling and/or removal of excavated material, said fill and/or removal shall be disclosed as an integral part of the subdivision plans. All operations outside such street right-of-way and slope rights and drainage facilities shall be subject to the permit and approval requirements of this chapter, unless such operation is showing on an approved grading plan as part of said construction plans, the rehabilitation of the disturbed areas is bonded as a condition of subdivision, and provided, if there is to be land filling and/or removal, said operation shall be disclosed as an integral part of the subdivision plans. For the purposes of this subsection, the term "Planning Board" shall be deemed to include the Planning Board of the Town of Ramapo.

B. Approved site plans deemed a special permit. Where Chapter 290, Zoning, requires the approval of a site plan and when, in the opinion of the Planning Board, the finished elevations shown on these plans are necessitated or required for the intended land use and/or by other provisions of this chapter, the approved final site plan shall be deemed to be a duly issued permit for the necessary land filling and/or excavation and removal of material from the property, provided that the rehabilitation of the disturbed areas is bonded as a condition of site plan approval and provided that such operation is disclosed as an integral part of the site plan. For the purposes of this subsection, the term "Planning Board" shall be deemed to include the Planning Board of the Town of Ramapo.

C. Notwithstanding any other provision of any other subsection of this § 133-5 of this article, no building permit, approved subdivision construction plan, or approved site plan shall be deemed to be a blasting permit.

Section 9. Amendment. Chapter § 133-6 is hereby repealed and replaced as follows:

§133-6. Exceptions.

A. Village of Chestnut Ridge. The provisions of this chapter shall not apply to operations conducted by or for the Village of Chestnut Ridge, or any public department or public agency thereof.

B. Farming. The provisions of this chapter shall not be construed as prohibiting or limiting the normal use of land for farming or gardening, or similar agricultural or horticultural uses in any district.

C. Lawns and gardens. The provisions of this chapter shall not be construed as prohibiting or limiting the normal addition of topsoil or fertilizer to lawns and gardens, or the addition of gravel or material for the primary purpose of improving or beautifying the surfaces of previously graded areas.

Section 10. Amendment. Chapter § 133-7 is hereby repealed and replaced as follows:

§133-7. Application.

The site (or plot) plan required for an application for any permit required by this chapter shall include the following items:

- A. The area proposed to be disturbed and its relation to neighboring properties, together with buildings, roads, and natural watercourses, if any, within 250 feet of the boundaries of the said area. An inset map at a reduced scale may be used, if necessary and helpful.
- B. The area that is to be disturbed by the proposed excavation or land filling. Area shall be defined by the Limits of Disturbance with the calculation of Area in Square Feet.
- C. The estimated maximum quantity of material to be excavated and/or removed and the estimated maximum quantity that will be used for regrading or filling, computed from cross sections of a proposed excavation or disturbed area.
- D. A description of any material to be used for land filling and, where fill is to be brought onto the premises, its source, method of transport and estimated volume.
- E. The location of any well, and the depth thereof, and the location of natural watercourses, if any, located within 50 feet of the proposed disturbed area.
- F. The location of any sewage disposal system, any part of which is within 50 feet of the proposed disturbed area.
- G. Existing topography of the area proposed to be disturbed at a contour interval of not more than two feet. Contours shall be shown for a distance 50 feet beyond the limits of the proposed disturbed area. Spot elevations shall be provided to demonstrate any site features that are required to reasonably review the plan.
- H. The proposed final contours at a maximum contour interval of two feet. Spot elevations shall be provided to demonstrate building corners, drainage structures and other site features that are required to reasonably review the plan.
- I. The applicant shall submit a complete application for Land Disturbance as part of the application to the Building Department for any structure or other activity that will require Land Disturbance.
- J. The details of any drainage system proposed to be installed and maintained by the applicant, designed to provide for proper surface drainage of the land, both during the performance of the work applied for and after the completion thereof. Drainage system to provide on-site detention for the increase in impervious areas shall be provided based on the 100-year frequency storm consistent with local and state requirements. It is the intent of this requirement to bring new or substantial improvements consistent with current stormwater regulations.

K. If a proposed excavation is for the purpose of making a lake or pond, the details of the proposed construction of the dam or other structure or embankment intended to impound the water, together with the details and location of proposed discharge and of a valved outlet for drainage purposes. This work may require outside agency approvals prior to submittal including Rockland County Drainage Agency and/or NYSDEC.

L. The rehabilitation proposed and the estimate of the cost of such work in accordance with the standards of this section.

Section 11. Amendment. Chapter § 133-8 is hereby repealed and replaced as follows:

The Planning Board Village Engineer shall approve, approve with conditions or disapprove applications under this chapter within 30 days of the receipt of a complete application.

Section 12. Chapter § 133-9 is hereby repealed.

Section 13. Amendment. § 133-10 is hereby repealed and replaced as follows:

§ 133-10. Required Permit Fees.

Permit fees shall be based on the overall Land Disturbance Activity is Square Feet and current Fee Schedule including; initial fee (or minimum fee) for Land Disturbance for the first 1,000 square feet of disturbance plus fee for each additional 1,000 square feet of disturbance.

Section 14. Chapter § 133-11 is hereby repealed.

Section 15. 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 which requires no further review under the State Environmental Quality Review Act, 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 16. 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 17. Code Preparation.

The Village Code preparation contractor is authorized, without further action of the Village Board, to correct typographical errors, numbering and other related technical changes that do not affect or alter the substantive provisions of this Local Law.

Section 18. Effective Date.

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