

Topic:	Steep Slope Protection; Erosion & Sedimentation Control; Wildlife & Fish Habitat; Natural Resource Protection & Conservation; Scenic Resources; Flood Prevention; Wetlands & Watercourse Protection
Resource Type:	Regulations
State:	New York
Jurisdiction Type:	Municipal
Municipality:	Town of New Paltz
Year (adopted, written, etc.):	2004
Community Type - applicable to:	Suburban; Rural
Title:	Town of New Paltz Steep Slope Protection Ordinance
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Abstract

This law is designed to protect the physical and aesthetic integrity of steep sloping topographic features in the Town of New Paltz. To this end, the law places restrictions on the construction methods used by builders in sensitive areas, and creates a permit process one must go through to get approval to build.

Resource

Town of New Paltz NY Steep Slopes
Code of the Town of New Paltz NY
Chapter 140: Zoning
General Code

ARTICLE XV Steep Slope Protection [Added 3-25-2004 by L.L. No. 1-2004]

§ 140-132. Purpose.

It is the intent of the Town of New Paltz to preserve steep slopes to the greatest extent practicable and to regulate their use to protect the public interest by minimizing detrimental effects of disturbance and development of these areas. This section is intended to protect the public from the potential negative impacts of the erosion, siltation, pollution of water supplies, slope failure, increase in downstream runoff, alteration of scenic views, and destruction of potentially significant habitat, which may result from disturbance of steep slopes.

§ 140-133. Findings.

- A. Steep slopes and adjacent watercourses and wetlands have been and are in jeopardy of being damaged and destroyed by unregulated filling, excavating, building, clearing and grading, and other such acts inconsistent with the natural conditions of steep slopes. Steep slopes in the Town of New Paltz are environmentally sensitive landforms and valuable natural resources, which are of benefit to the entire Town and surrounding region. The environmental sensitivity of steep slopes often results from such features as rock outcrops, shallow soils over bedrock, bedrock fractures, groundwater seeps, watercourses, and other wetlands found on or immediately adjacent to steep slopes.
- B. Protection of steep slopes is a matter of concern to the entire Town of New Paltz. The establishment of regulatory and conservational practices in this critical area is needed to protect the public health, safety, and general welfare. Experience has demonstrated that effective protection of steep slopes requires preservation wherever possible. Experience has further demonstrated that where steep slopes have to be disturbed, careful review and regulation, including stringent mitigation measures, are required.
- C. The Town of New Paltz's experience with past development has shown that improperly managed disturbances of steep slopes can aggravate erosion and sedimentation beyond rates experienced in the natural geomorphological processes. Erosion and sedimentation often include the loss of topsoil, a valuable natural resource, and can result in the disturbance of habitats, the degradation of the quality of surface water, the silting of wetlands, the alteration of drainage patterns, obstruction of drainage structures, and the intensification of flooding.
- D. The Town of New Paltz's experience with past development has shown that inadequately controlled disturbance of certain steep slopes can lead to the failure of slopes and the mass movement of earth, rock slides and landslides, damage to the natural environment, threats to man-made structures and personal safety, and the degradation of aesthetics.
- E. Steep slopes, including vegetation on rock cliffs, are an important environmental feature that contribute to the character of the Town. Overdevelopment or improperly managed disturbances are detrimental to the character of the Town and can result in public and private expenditures for corrective measures.
- F. Regulation of development on steep slopes is consistent with the legitimate interest of landowners to make reasonable use of their land. Regulation can prohibit the degradation of steep slopes and allow reasonable use of private property by encouraging flexible design of development so as to avoid disturbance of steep slopes. Regulation can also permit environmentally sound disturbance of steep slopes conducted in accordance with acceptable management and engineering practices to

permit reasonable use of private property.

- G. Regulation of development on steep slopes will not preclude the Town from continuing to meet its social, economic and other essential responsibilities.
- H. These regulations are enacted with the intent of providing reasonable balance between the rights of the individual property owner to the fair use of his property and the rights of present and future generations. Therefore, this chapter recognizes the rights of owners of property exhibiting steep slopes to use their property for reasonable purposes consistent with other regulations and controls, provided that such use, in the judgment of the appropriate agencies or officials of the Town, does not result in a significant loss or degradation of steep slopes or a loss of visual or open space benefits which steep slopes have been found to provide.
- I. It is declared to be the intent of the Town of New Paltz to preserve steep slopes to the greatest extent practicable and to regulate their use within the Town to protect the public interest by ensuring the maximization of benefit found to be provided by the preservation of steep slopes and by ensuring the minimization of detrimental effects for the practice of properly managed disturbance of steep slopes as set forth in this article.

§ 140-134. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGRICULTURE — All agricultural operations and activities related to the growing or raising of crops, livestock or livestock products, and agricultural products, as such terms are defined in or governed by the Agriculture and Markets Law of the State of New York on lands qualified under Ulster County and NYS law for an agricultural exemption by the Assessor of the Town of New Paltz.

ANGLE OF REPOSE — The maximum angle at which the exposed face of various soil and rock minerals can deviate from the horizontal without incurring the likelihood of slope failure.

APPLICANT — A person requesting a steep slope permit from the Town of New Paltz in accordance with the provisions of this chapter.

APPROVING AUTHORITY — The municipal agency or public official empowered to administer the permit procedures of this chapter.

CLEARING — Any activity which removes or significantly disturbs trees, brush, grass, or

any other type of vegetation.

CUSTOMARY LANDSCAPING — Land maintenance involving tree trimming and pruning, the removal of dead and/or diseased vegetation, lawn and garden care and the planting of decorative trees, shrubs, and plants.

DEPOSIT — To fill, place, eject, or dump any material (not including stormwater).

DISTURBANCE — The removal of vegetation, excavation, regrading, filling, removal of soil, rock or retaining structures in areas of steep slope, or any combination thereof, whether by manual labor, machine, or explosive, and shall include the conditions resulting from any excavation or fill. The condition of disturbance will be deemed to continue until the area of disturbance is revegetated and/or permanently stabilized.

DISTURBED AREA — Any steep slope area for which a disturbance is proposed or is ongoing.

DRAINAGE — The gravitational movement of water or other liquids by surface runoff or surface flow.

EROSION — The wearing away of the land surface by action of wind, water, gravity, or other natural forces.

EXCAVATION — Any act by which earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced or spread.

FILL — Any act by which earth, sand, gravel, rock, or any other material is deposited, placed, replaced, dumped, transported, or moved by person or persons to a new location and shall include conditions resulting therefrom.

FOREST LAND — An ecosystem supporting a dense growth of trees covering a large area. The fence rows alone do not constitute a forest system.

GRADING — The alteration of the surface or subsurface conditions of land, lakes, ponds, or watercourses by excavating or filling.

LAND STEWARDSHIP PLAN — A written description of land management and stewardship practices employed on the property, and how such practices are in keeping with the intent of this Local Law as set forth in the "purpose" section herein. Said written description shall include an enumeration of all such land management practices, but does not need to be specific in terms of location, scope or duration of said practices.

MULCHING — The application of a layer of plant residue or other material for the purpose of controlling erosion.

PERSON — Any person, firm, partnership, association, corporation, company, organization or other legal entity of any kind, including public agencies and municipal corporations.

REMOVAL — Cutting vegetation to the ground, leaving it as stumpage, extracting it completely, or killing it by spraying.

SEDIMENT — Solid material, both mineral and organic, that is in suspension, is being transported, has been deposited, or has been removed from its site of origin by erosion.

SITE — One or more lots or parcels of land, where regrading work is performed as a single unified operation.

SITE PLAN — The map or drawn representation of a proposed development, which is submitted to the municipal approval authority for consideration and approval.

SITE PREPARATION — The activities of stripping, removal, excavating, filling, and grading, no matter what the purpose of these activities.

SOIL — The natural, unconsolidated, mineral and organic material occurring on the surface of the Earth; it is a medium for the growth of plants.

SOIL CONSERVATION — The protection of soil by careful management in order to prevent physical loss by erosion and to avoid chemical deterioration.

SOIL STABILIZATION — Measures which protect soil from the erosive forces or raindrop impact and flowing water and include, but are not limited to, vegetation establishment, mulching and the early application of gravel base on roads to be paved.

SOIL SURVEY — The systematic examination and mapping of soil in the field.

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) — The law pursuant to Article 8 of the New York Environmental Conservation Law providing for environmental quality review of actions which may have a significant effect on the environment.

STEEP SLOPE — Any geographical area proposed for disturbance, whether on a single lot or not, having a topographical gradient of 15% or greater (ratio of vertical distance to horizontal distance), with a minimum horizontal dimension of 10 feet, and a minimum area as defined below, and whether man-made or natural, and whether created by a

retaining structure or not. Steep slopes are further categorized as:

- A. MODERATELY STEEP SLOPE -- A slope equal to or greater than 15% but less than 25% and covering a minimum horizontal area of 3/10 acre or 13,068 square feet.
- B. EXTREMELY STEEP SLOPE -- A slope greater than 25% and covering a minimum horizontal area of 2/10 acre or 8,712 square feet.

STEEP SLOPE PERMIT — A written form of municipal approval granted by the approving authority and required for the issuance of a work permit and the conduct of any "steep-slope-regulated activity."

TOPOGRAPHY — The configuration of the land surface, including its relief and the position of its natural and man-made features.

VEGETATED — Covered or provided with vegetation or plant life.

VEGETATION — The process of vegetating, the faculty of growth possessed by plants and seeds.

§ 140-135. Exempt and regulated activities.

A. Exempt activities.

- (1) Agriculture, as defined herein;
- (2) Any customary landscaping, not involving regrading, is allowed without the need for obtaining a permit, provided that any such activities conform to all other applicable laws of the Town of New Paltz;
- (3) Regulated activities on lands which are open to the public for a park, nature preserve or wildlife refuge, for recreation or tourism, whether or not a fee is charged for such use, or lands governed by the terms of a conservation easement on file with the Assessor of the Town of New Paltz and the County Clerk, or lands protected by a conservation easement or owned in fee by a not-for-profit land trust or conservation organization, or nonpublic lands owned and maintained by bone fide religious/apostolic organizations possessing a tax exemption under Section 501(d) of the United States IRS Code, or on lands designated as a national landmark, provided that all such lands are managed by a land stewardship plan on file with the Town of New Paltz Environmental Conservation Commission to meet the spirit and intent of this chapter;

(4) Emergency actions, and measures necessary to protect human life and preserve property, such as clearing rock slides, creating a fire break to fight fire, or other situations in which there is an imminent threat to public health, safety and welfare.

(5) Any property that is already subject to one or more established plans of land stewardship, such as a: [Added 4-15-2004 by L.L. No. 4-2004]

(a) Federal, state, or local historic landmark designation;

(b) Farmland conservation easement pursuant to the New York State Agricultural and Markets Law, Article 25-AAA;

(c) New York State DEC-approved forestry plan pursuant to §§ 480 and 480-a of the Real Property Tax Law, or pursuant to a Forest Land Enhancement Program (FLEP);

(d) USDA Natural Resource Conservation Services-approved Wildlife Habitat Incentives Program plan (WHIP);

(e) USDA Agricultural Management Assistance Conservation Plan (AMA);

(f) USDA Conservation Security Plan (CSP);

(g) USDA Conservation Reserve Program (CRP);

(h) USDA Conservation Reserve Enhancement Program (CREP);

(i) USDA Debt for Nature Program;

(j) USDA Wetland Reserve Program (WRP);

(k) Cooperative Agricultural Environmental Management Plan (AEM) (implemented through Cornell Cooperative Extension, Soil and Water Conservation Service and the USDA Natural Resources Conservation Service).

B. Regulated activities. It shall be unlawful to create any disturbance and/or to remove any more than two trees with a diameter greater than four inches, when measured from 1 1/2 feet from ground level, on any steep slope as defined by this section, with the exception of an exempt activity as defined herein, without a specific written permit as required by this section.

§ 140-136. Approval authority.

The approval authority with respect to applications hereunder shall be as follows:

- A. The Zoning Board of Appeals shall be the approval authority with respect to any application which requires the issuance of any other permit or approval by it pursuant to the local laws of the Town of New Paltz.
- B. The Planning Board shall be the approval authority with respect to any application which requires the issuance of any other permit or approval by it pursuant to the local laws of the Town of New Paltz, including any application which also requires the issuance or approval by the Zoning Board of Appeals.
- C. The Town of New Paltz Town Board shall be the approval authority with respect to any application which requires the issuance of any permit or other approval by it pursuant to the laws, rules and regulations of the State of New York and/or the local laws of the Town of New Paltz.
- D. The Town of New Paltz Town Engineer or other qualified representative that is duly authorized by the Town Board shall be the approval authority with respect to all other regulated activities.

§ 140-137. Standards for approval.

In denying, granting or granting with modifications any application for a permit, the approval authority shall consider the consistency of the proposed activity with the findings set forth in § 140-133 of this chapter and the following standards:

- A. Alterations of trees and forests and topographical alterations on steep slopes shall conform with any applicable regulations of the Town of New Paltz.
- B. Activities within wetlands and their adjacent area, and within the regulated areas of protected streams shall be in conformance with the applicable federal and state regulatory requirements.
- C. Disturbance of areas with steep slopes should conform with the following provisions:
 - (1) The planning, design, and development of buildings shall provide the maximum structural safety, slope stability and human enjoyment while adapting the affected site to, and taking advantage of, the best use of the natural terrain.

- (2) The terracing of building sites, including the mounding of septic tile fields, shall be kept to an absolute minimum.
- (3) The roads and driveways shall follow the natural topography to the greatest extent possible in order to minimize the potential for erosion and shall be consistent with other applicable regulations of the Town of New Paltz and current engineering practices.
- (4) Replanting shall consist of indigenous vegetation and shall replicate the original vegetation on the site as much as possible.
- (5) The natural elevations and vegetative cover of ridgelines shall be disturbed only if the crest of a ridge and the treeline at the ridge remains unobstructed. This may be accomplished either by positioning buildings and areas of disturbance below a ridgeline or by positioning buildings and areas of disturbance at a ridgeline so that the elevation of the roofline is no greater than the elevation of the natural treeline. However, under no circumstances shall more than 100 feet along the ridgeline, to a width of 100 feet generally centered on the ridgeline, be disturbed.
- (6) Regrading shall blend in with the natural contours of the land.
- (7) Cuts and fills shall be rounded off to eliminate sharp angles at the top, bottom, and sides of regraded slopes.
- (8) The angle of cut and fill slopes shall not exceed a slope of one vertical to two horizontal except where retaining walls, structural stabilization, or other methods acceptable to the Town Engineer are used.
- (9) Tops and bottoms of cut and fill slopes shall be set back from structures a distance that will ensure the safety of the structure in the event of the collapse of the cut or fills slopes. Generally, such distance shall be considered to be six feet plus 1 1/2 the height of the cut or fill. Nevertheless, a structure built on a slope or at the toe of a slope is permitted if it is properly designed to retain the slope and withstand the forces exerted on it by the retained slope.
- (10) The disturbance of rock outcrops shall be by means of explosive only if labor and machines are not effective and only if rock blasting is conducted in accordance with all applicable regulations of the Town of New Paltz and the State of New York.
- (11) Disturbance of steep slopes shall be undertaken in workable units in which the disturbance can be completed and stabilized in one construction sequence so that

areas are not left bare and exposed during winter and spring thaw periods (December 15 through April 15).

- (12) Disturbance of existing vegetative groundcover shall not take place more than 15 days prior to grading and construction.
- (13) Temporary soil stabilization, including, if appropriate, temporary stabilization measures such as netting or mulching to secure soil during the grow-in period, must be applied to an area of disturbance not longer than two days after establishing the final grade, and permanent stabilization must be applied within 15 days of establishing the final grade.
- (14) Soil stabilization must be applied not longer than two days after disturbance, if the final grade is not expected to be established within 60 days.
- (15) Measures for the control of erosion and sedimentation shall be undertaken consistent with the New York State Guidelines for Urban Erosion and Sediment Control, latest edition, or its equivalent (satisfactory to the approval authority).
- (16) All proposed disturbance of steep slopes shall be undertaken with consideration of the soils limitations characteristics contained in the Soils Survey of Ulster County, 1979, as prepared by the Soil Conservation Service, in terms of recognition of limitation of soils on steep slopes for development and application of all mitigating measures as deemed necessary by the approval authority.
- (17) Topsoil shall be stripped from all areas of disturbance and then stockpiled and stabilized in a manner to minimize erosion and sedimentation and replaced elsewhere on the site at the time of final grading. Stockpiling shall not be permitted on slopes greater than 10%.
- (18) No organic material or rock shall be used as fill material that is of a size that will not allow appropriate compaction or cover by topsoil. Fill materials shall be no less granular than the soil upon which it is placed and shall drain readily.
- (19) Compaction of fill materials and fill areas shall be such to ensure support of proposed structures and stabilization for intended uses.

§ 140-138. Permit procedures.

- A. Application for permit. An application for permit to alter a steep slope shall be filed with the approval authority and shall contain the following information and such other

information as required by it, except when waived by it as not pertinent or necessary for the proposed disturbance:

- (1) The name and post office address of the owner and applicant.
- (2) This street address and tax map designation of the property covered by the application.
- (3) A statement of authority from the owner for any agent making application.
- (4) A listing of property owners adjacent to, across streets from, and downgradient within 500 feet of the property as well as any additional property owners deemed appropriate by the approval authority.
- (5) A statement of the proposed work and purpose thereof.
- (6) Copies, in such reasonable number as determined by the approval authority, of plans for the proposed regulated activities drawn to a scale of not less than one inch equals fifty feet (unless otherwise specified by the approval authority). Such plan for alteration of land containing moderately steep slopes shall be prepared by an experienced professional with qualifications satisfactory to the approval authority. Plans for alteration of land containing extremely steep slopes shall be prepared and certified by a qualified professional licensed by the State of New York, such as a professional engineer, a certified professional in erosion and sediment control, or a landscape architect. The plan for the regulated activities must incorporate the following information:
 - (a) The location of the proposed construction or area of disturbance and its relationship to the property lines, easements, buildings, roads, walls, sewage disposal systems, wells, and streams and wetlands within 100 feet of the proposed construction or area of disturbance for adjacent properties at the same elevation and within 500 feet of the properties significantly lower.
 - (b) The estimated material quantities of excavation/fill.
 - (c) The location and size of areas of soils listed by soil types in the area of the proposed disturbance and to a distance of 100 feet beyond same.
 - (d) The existing and proposed contours [National Geodetic Vertical Datum (NGVD)] at two-foot intervals in the area of the proposed disturbance and to the distance of 100 feet beyond same.

- (e) Cross sections of steep slope areas.
 - (f) Retaining walls or like constructions, with details of construction.
 - (g) The erosion and sedimentation control plan.
 - (h) Other details, including specific reports by qualified professionals on soils, geology and hydrology, and borings and/or test pits, as may be determined to be necessary by the approval authority.
 - (i) A list of all applicable County, State, or federal permits which are required for such work or improvements.
 - (j) An application fee in the amount set forth in a fee schedule established by the Town of New Paltz Town Board.
- B. Referral. The approval authority shall refer any application submitted to it pursuant to this chapter to the Environmental Conservation Commission for review and report. The Environmental Conservation Commission shall report back to the approval authority within forty five days of the date of the referral or within such greater period as may be specified by the approval of authority (at the time of the referral). Failure to comply with the specified time period shall be interpreted by the approval authority as indicating no objection to the application.
- C. Notice. Upon receipt of a completed application under this chapter, the approval authority shall cause notice of receipt of the same to be mailed by first-class mail to the adjoining property owners, including those across the street adjoining the involved property. Such property owners shall have ten days from said day of notice to submit written comment to the approval authority with regard to said application. The approval authority may waive this notice procedure if it has received responses from all the adjoining property owners prior to action by it. In cases where the approval authority is the Town Engineer or other qualified representative that is duly authorized by the Town Board, he/she shall cause such notice to be posted at one or more locations along the street or streets abutting the property.
- D. Public hearing. A public hearing shall be held by the approval authority on the application made hereunder at such times, under such circumstances, and upon such notice as may be required for the granting of the permit or approval required of such approval authority pursuant to the local laws and ordinances of the Town of New Paltz. A public hearing may be held when the approval authority is the Town Engineer or other qualified representative that is duly authorized by the Town Board.

E. Action by the approval authority. In approving any application, the approval authority may impose such conditions or limitations as it determines necessary to insure compliance with the intent, purposes, and standards of this chapter.

(1) On applications for which no public hearing is required, a determination shall be made to approve, approve with modifications or disapprove the application within 60 days of receipt of a completed application therefor.

(2) On applications for which a public hearing is required, a determination shall be made to approve, approve with modifications, or disapprove the issuance of such permit simultaneously with a determination by the approval authority of the other permit or approval for which the application was made.

F. Appeal. Any party aggrieved by a decision of the Town Engineer or other qualified representative that is duly authorized by the Town Board to approve, approve with conditions, or disapprove an application may appeal the decision to the Zoning Board of Appeals.

§ 140-139. Duration of permit.

A. Activities specified by the permit shall be undertaken pursuant to any conditions of the permit and shall be completed according to any schedule set forth in the permit.

B. A permit shall expire on completion of the activities specified and shall be valid for a period of one year from the date of approval or for the period of any other permit issued by the approval authority.

C. A permit may be renewed by the approval authority for a period of up to one year.

D. The approval authority may revoke or suspend a permit if it finds that the applicant has not complied with any of the conditions or limitations set forth in the permit.

§ 140-140. Security.

In granting a permit, the approval authority shall require a security (in an amount and with surety and conditions satisfactory to it), securing to the Town of New Paltz compliance with the conditions and limitations set forth in the permit.

§ 140-141. Inspection and monitoring.

- A. The approval authority may inspect activities undertaken pursuant to a permit (or have such activities inspected by its representative) so as to ensure satisfactory completion.
- B. The approval authority may require that the applicant submit for approval a detailed monitoring program, including but not necessarily limited to written status reports at specified intervals documenting activities undertaken pursuant to a permit.
- C. The approval authority may require that the activities undertaken pursuant to a permit be supervised by an appropriate licensed professional.

§ 140-142. Compliance with State Environmental Quality Review Act.

All actions by the Planning Board under the provisions of this chapter shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.

§ 140-143. Fees.

- A. The Town Board of the Town of New Paltz shall establish by resolution the fee to be charged, collected and received for the granting of each permit required by this chapter.
- B. The fees required pursuant to the provisions of this chapter shall be paid in advance upon submission of an application, and the failure to submit the full payment required shall render the application and complete.

§ 140-144. Penalties for offenses.

- A. Every person who shall fail to comply with a violation order issued by the enforcement officer within the time limit stated thereon shall be deemed to have committed an offense against this chapter and also shall be liable for any such violation for the penalty therefor.
- B. A violation of this chapter is hereby declared to be an offense, punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors, and, for such purposes only, all provisions of

law relating to misdemeanors shall apply to such violations. Each week's continued violations shall constitute a separate additional violation.

- C. Any person violating this chapter shall be subject to a civil penalty enforceable and collectible by the Town. Such penalty shall be collectible by and in the name of the Town for each week that such violation shall continue.
- D. In addition to the above-provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.
- E. The enforcement responsibility, procedures and fines shall be coordinated with zoning enforcement and flood damage control law provisions so that any instance where multiple violations occur because of the same set of facts can be effectively and efficiently prosecuted.

§ 140-145. Relief from decisions.

Any person or persons jointly or severally aggrieved by any decision of the Planning Board, and/or the Town Board, and/or the Zoning Board of Appeals, and/or the Town Engineer and/or their duly authorized representative under this article may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the Civil Practice Law and Rules of the State of New York. Such proceeding shall be governed by the specific provisions of Article 78, except that the action must be commenced within 30 days after the filing of the decision of the Planning Board, or of the Zoning Board of Appeals, or of the Town Engineer, or of such duly authorized representative, as the case may be, in the office of the Town Clerk in accordance with applicable provisions of New York State Town Law.