

Topic: Environmental Compliance
Resource Type: Regulations
State: New York
Jurisdiction Type: Municipal
Municipality: Town of Croton-on-Hudson
Year (adopted, written, etc.): 1992-2003
Community Type – applicable to: Urban; Suburban; Rural
Title: Town of Croton-on-Hudson Environmental Compliance Ordinance
Document Last Updated in Database: February 10, 2016

Abstract

This ordinance creates the position of an environmental consultant empowered to monitor new development to ensure that it is being complete in full compliance with the Town's environmental protection laws.

Resource

CODE OF THE VILLAGE OF CROTON-ON-HUDSON NEW YORK, v77

Updated 04-15-2003

PART II GENERAL LEGISLATION

Chapter 115, ENVIRONMENTAL COMPLIANCE

[HISTORY: Adopted by the Board of Trustees of the Village of Croton-on-Hudson 5-4-1992 as L.L. No. 3-1992. Amendments noted where applicable.]

§ 115-1. Legislative intent.

A. The Village Board has been advised by the Village Engineer, Village Counsel and the Village Planning Board that the costs of ensuring compliance with applicable environmental standards and requirements regarding residential development, subdivision development, cluster development, commercial development, industrial development and any other development or construction activity in environmentally sensitive areas exceeds the resources presently available to the village.

B. Increasingly, the Planning Board is approving subdivision and cluster developments which are subject to complex and detailed conditions in order to properly protect environmentally sensitive areas. The village will be required to closely monitor construction and development on such sites in order to ensure full compliance with these detailed conditions and to prevent, to the maximum extent possible, environmental harm.

C. Construction in environmentally sensitive areas may result in irreparable damage to the environment if prompt action is not taken by village officials.

D. The Village Board of Trustees desires to allow development wherever practical, reasonable and in conformity with all applicable laws, rules and regulations and to concurrently assure that environmentally sensitive areas are actually developed in full compliance with all applicable village requirements relating to environmental protection and all applicable specific resolutions or other development approvals of any of the various village boards.

§ 115-2. Definitions.

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

DEVELOPMENT OR CONSTRUCTION APPROVAL -- Includes subdivision approval, preliminary plat approval, final plat approval, cluster approval, site plan approval, final approved environmental impact statement and rezoning approval and shall include building permit approval in a subdivision only if the Planning Board determines as a condition of preliminary or final plat approval that approval of any or all building permit applications shall be subject to this chapter. Except as provided hereinabove, "development or construction approval" shall not include approval of a building permit application for a development or dwelling on an existing single lot.

SITE PLAN -- A site plan for environmental or zoning purposes showing the particular site for development overlaid upon a topographic map with contour lines at two-foot intervals prepared by means of a field survey which precisely shows the outline or footprint of all proposed construction, road and driveway location and grades, floor and garage elevations and the location and nature of any other construction, activity or improvement which may require disturbance or modification to the terrain. If required by the Planning Board, the "site plan" shall also show one or more of the following:

- A. The locations of all areas of shallow bedrock and rock outcrop that are likely to require blasting or removal.
- B. The location of each tree with a trunk diameter of eight inches or more.
- C. The location of any stone walls.
- D. The location of any wetlands, water bodies, watercourses and buffer zones.
- E. The location of any slopes with a grade of 15% or more.
- F. Any other features, construction activity or other matters as may be required for development or construction approval.

§ 115-3. Environmental consultant.

A. When authorized pursuant to the provisions of Subsection B of this section, the Village Board of Trustees, upon recommendation of the Planning Board and Village Engineer, may retain a qualified professional to act as an environmental consultant. The environmental consultant shall be qualified by education and training to evaluate, implement and enforce the conditions or requirements in any development or construction approval which are designed to protect against or minimize adverse environmental impacts. The village may retain more than one environmental consultant if demand requires, or the village may utilize the same environmental consultant on multiple matters.

B. Whenever any board, agency, employee or official of the village issues any development or construction approval, an environmental consultant may be retained. For purposes of the power to retain an environmental consultant, the village shall be authorized to do so in connection with all future, pending and past development and construction approvals.

C. The environmental consultant shall perform all duties required in this chapter and shall work with and be responsible to the Village Engineer to implement and enforce all requirements for environmental protection that are included in any development or construction approval.

D. Any development or construction approval, as previously defined, may require that no construction or other activity which shall disturb the land or potentially adversely affect the environment shall commence unless and until a qualified environmental consultant has been retained pursuant to this chapter and is available to perform the duties authorized herein.

§ 115-4. Powers and duties of consultant.

The environmental consultant shall possess the following powers and shall perform the following duties:

A. Enter upon the land or site for which development or construction approval or site plan approval has been granted for the purpose of inspecting the premises to determine whether all conditions or requirements designed to protect against or minimize adverse environmental impacts are being complied with.

B. Review approved site plans and approve or deny lot staking, driveway locations, cut and fill operations, building locations, tree preservation activities and any other matter in any development or construction approval or site plan which may be conferred the discretion of the environmental consultant.

C. Assure that construction and development in the village conforms to the conditions of the relevant development or construction approval and site plan.

D. Issue stop-work orders as provided in this chapter.

E. Perform such other specific duties consistent with this chapter as may be prescribed in any development or construction approval or site plan.

§ 115-5. Site plan.

A. The Planning Board may require, prior to granting development or construction approval or as a condition of a development or construction approval, that a site plan shall be submitted by the applicant, which shall comply with the requirements of this chapter and be consistent with the terms and conditions of the development or construction approval.

B. If a site plan is required, then no activity shall be undertaken which shall disturb the land or potentially adversely affect the environment until the site plan is approved, and all such activity shall be in accordance with the approved site plan.

§ 115-6. Lot staking; field inspection.

A. Any development or construction approval or site plan may require, prior to disturbing the land, that the holder of any development or construction approval shall physically stake the location of all construction activities, lot grading, lot clearance, road and driveway construction, building envelope, cut and fill operations, utility trenching or installation, any areas in which the terrain will be disturbed and the location of any other activity or matter approved on the site plan.

B. Such staking shall occur subsequent to the grant of a building permit, but no later than 20 days prior to engaging in actual construction activities.

C. Upon the completion of the staking, the holder of the development or construction permit shall notify the environmental consultant who shall physically inspect the staking within 10 days of receipt of notification. The environmental consultant shall inspect to determine if the staking is in conformity with the site plan and the development or construction approval.

D. The environmental consultant shall be empowered to order, in the field, the minor relocation or adjustments to the alignment and location of driveways, roads, utility lines, building envelop and any other construction or terrain disturbance in order to prevent the loss of significant terrain features and to prevent adverse effects on the environment, so long as such adjustments or relocations are consistent with the site plan and the development or construction approval.

§ 115-7. Stop-work orders; enforcement appeals.

A. The environmental consultant shall be empowered to order the cessation of construction, development or work of any type at any land or site for which development or construction approval has been granted if:

(1) There is a failure to comply with the conditions or requirements of the development or construction approval or the site plan; or

(2) There is a failure to maintain appropriate escrow accounts or other forms of financial security as may be required pursuant to this chapter.

B. Upon issuance of a stop-work order, it shall be posted upon the land or property affected in a prominent place and served on the permittee either personally or by certified or registered mail. Immediately upon posting the stop-work order, all work shall cease except for that remedial work specifically approved by the environmental consultant to correct the breach of the relevant requirements or conditions. The environmental consultant shall rescind the stop-work order upon determining that all violations of all applicable requirements and conditions or this chapter, the development and construction approval and the site plan have been corrected.

C. Stop-work orders shall remain in force permanently unless rescinded by the environmental consultant or unless rescinded by the Planning Board after an appeal. A stop-work order may be appealed pursuant to the following procedures:

(1) A written notice of appeal shall be filed with the Planning Board not later than 30 days after posting of the stop-work order upon the land or property affected.

(2) The Planning Board shall conduct a hearing on the appeal. Written notice of the hearing shall be served on the permittee, either personally or by registered or certified mail, at least five days prior to the date of the hearing, and the written notice of hearing shall:

(a) State in clear and concise language the grounds for the issuance of the stop-work order; and

(b) State the time and place of the hearing.

(3) At the appeal hearing, the permittee shall be given an opportunity to be heard, may call witnesses and may present evidence. After the conclusion of the hearing, the Planning Board shall determine whether the stop-work order shall remain in force, be modified or be rescinded.

D. The village shall be empowered to enforce the requirements of any development or construction approval, site plan or stop-work order by means of any judicial remedy available to the village, including but not limited to injunctive relief.

§ 115-8. Cost of consultant guaranty.

A. Any development or construction approval may require that, prior to engaging in individual activities which shall disturb the land or potentially adversely affect the environment, a fee to offset the cost of the environmental consultant shall be paid in an amount which shall be set in the development or construction approval, but which shall not exceed one-half of one percent ($1/2$ of 1%) of 115% of the total construction costs.

B. Any development or construction approval may require that, prior to engaging in individual activities which shall disturb the land or potentially adversely affect the environment, one or more bonds, letters of credit or escrow accounts shall be established and placed with the village, in a form satisfactory to the village, in an amount to be set forth in the development or construction approval which is sufficient to insure that all infrastructure improvements are properly constructed; to insure compliance with all

conditions and requirements imposed in any development or construction approval; and to insure compliance with each site plan.

© General Code Publishers Corp.