

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Yorktown

Local Law No. 7 of the year 2020

A local law to amend Chapter 248 of the Code of the Town of Yorktown entitled "STORMWATER
(Insert Title)
MANAGEMENT AND EROSION AND SEDIMENT CONTROL" by amending multiple
sections.

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Yorktown as follows:

Section I. Statement of Authority.

This Local Law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the provisions of the Statute of Local Governments, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section II. Chapter 248 of the Town Code entitled "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL" is amended by the amendment of §248-1 entitled "Findings of Fact" by adding section "J" with regards to Trees and Woodlands" to read as follows:

J. Trees and woodlands play a vital role in helping to stabilize soil, reducing the risk of soil erosion and siltation in watercourses, and clogging of drainage channels. Additionally, tree roots provide channels that allow waster infiltration, crucial to groundwater and reservoir recharge. Woodlands are especially important in carrying out out these functions, not just because of the presence of trees, but because the presence of canopy, shrub, and ground cover layers of vegetation. Therefore, protecting the integrity of woodlands and their valuable functions requires regulating the removal of any of these three layers in such communities.

Section III. Chapter 248 of the Town Code entitled "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL" is amended by the amendment of §248-3 entitled "Definitions" by adding the following text:

CONTINUED ON PAGE 2A

(If additional space is needed, attach pages the same size as this sheet, and number each.)

CONSTRUCTION ACTIVITY

Activity which disturbs or breaks the surface of soil or results in the movement of earth, including but not limited to building, clearing, grading, filling, excavation, stripping, removal of vegetation and demolition.

PROTECTED WOODLAND

A woodland as defined herein that is 10,000 square feet or greater in area regardless of individual property boundaries

WOODLAND

A contiguous area of vegetation consisting of trees as the dominant species along with an understory of shrubs and herbaceous ground cover. The driplines of the outermost trees shall define the boundary of the woodland. A protected woodland shall be deemed to exist even if it has been degraded by invasive plant species

WOODLAND DISTURBANCE

Any activity which alters the existing structure of a protected woodland. Alterations include the cutting or removal of any canopy trees, understory shrubs, herbaceous woodland ground cover, as well as the removal of humus or duff from the ground

Section IV.

Chapter 248 of the Town Code entitled "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL" is amended by the amendment of §248-5(A)(11) entitled "Exempt activities; regulated activities" by replacing the text to read as follows:

(11) Landscaping and horticultural activities in connection with an existing structure. Such activities that disturb 5,000 square feet or more of protected woodland are not exempted.

Section V.

Chapter 248 of the Town Code entitled "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL" is amended by the amendment of §248-5(D) entitled "Exempt activities; regulated activities" by replacing the text to read as follows:

D. Regulated activities subject to administrative permit. The Town Engineer is the approval authority for any development that does not fall within Subsections B and C above and proposes to disturb 5,000 square feet or more in area or the movement of 50 cubic yards or more of material.

Section VI.

Chapter 248 of the Town Code entitled "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL" is amended by the amendment of §248-6(A)(1)(b) "Stormwater pollution prevention plans" by replacing the text to read as follows:

(b) Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; area of disturbance; areas that will not be disturbed; existing vegetation; location of protected woodlands on the site to be disturbed; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of different soil types with boundaries; material, waste, borrow or equipment storage areas located on adjacent properties; sensitive areas; and location(s) of the stormwater discharges(s). Site map should be at a scale no smaller than one inch equals 100 feet (e.g., one inch equals 500 feet is smaller than one inch equals 100 feet).

Section VII.

Chapter 248 of the Town Code entitled "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL" is amended by the amendment of §248-13 "Review of application; approval"" by adding subsection "E" to read as follows:

E. Additional conditions are required and shall attach to the Stormwater Management and Erosion and Sediment Control permit if an area of at least 5,000 square feet and less than 10,000 square feet is disturbed in a protected woodland.

(a) The plans and any attached mitigation plans shall be forwarded to the Conservation Board and the Tree Conservation Advisory Commission for review and comment, which shall review the application within 30 days of receipt thereof and shall file a written report with the approval authority with its recommendations concerning the application.

(b) The approval authority shall require the preparation of a mitigation plan pursuant to §270-10: PRESERVATION OF YORKTOWN'S TREES AND WOODLANDS.

Section VIII. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section IX. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section X. Effective Date.

This Local Law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 7 of 2020 of the ~~(County)(City)(Town)(Village)~~ of Yorktown was duly passed by the Town Board on July 7, 2020, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

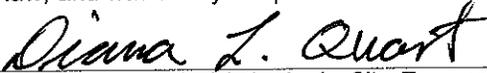
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: July 16, 2020

