

## **TOWN OF NORTH CASTLE**

### **Local Law No. 2 for the Year 2018 Adopted April 11, 2018**

A local law to amend Chapter 340 entitled Wetlands and Watercourse Protection to require the preparation of a “no wetland impact” alternative and to create a wetland mitigation bank.

Section 1. Amend Section 340-6.A of the Town Code to add the following new section in proper numerical order:

(13). Preparation of a plan that does not require the issuance of a wetlands permit for review by the Planning Board.

Section 2. Create the following new Section 340-9.A(4) of the Town Code as follows:

(4) Fee In-Lieu. The Town Board, upon recommendation of the Planning Board, shall have the authority to accept a cash payment to the Town of North Castle Wetland Mitigation Bank in lieu of providing some, or any, of such required wetland and wetland buffer mitigation, and the Town Board, in its discretion, may elect to accept such payment on behalf of the Town. The amount of the cash payment required for such disturbance shall be in such amount as set forth in the Master Fee Schedule. The expenditure of wetland mitigation bank revenues shall be limited exclusively to those actions designed to provide for the enhancement of wetland and/or wetland buffer areas.

Section 3. Amend Section 340-3 of the Town Code to revise the following definitions:

MITIGATION -- The creation or substantial improvement of wetlands and wetland buffers in nonregulated areas, in degraded wetland areas, or in wetland buffer areas to lessen, ease or replace the functional capacity of existing wetlands or wetland buffers that is lost or adversely impacted as a result of the permitted activity. Wetland mitigation, referred to in this chapter as "mitigation," requires the development and implementation of a mitigation plan, pursuant to § 340-9.

MITIGATION PLAN -- The plan prepared by the applicant pursuant to § 340-9 when the applicant has demonstrated that either losses or adverse impacts to the wetland or wetland buffer are necessary and unavoidable as defined in § 340-8D and have been minimized to the maximum extent practicable. The mitigation plan shall compensate for unavoidable wetland losses or adverse impacts at a ratio of not less than two for one, i.e., two acres of created wetland for every one acre of wetland loss or adverse impact. The mitigation plan shall also compensate for unavoidable wetland buffer losses or adverse impacts at a ratio of two for one, unless the approval authority determines that such mitigation is not feasible.

Section 4. Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

Section 5. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

Section 6. Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

Dated: April 11, 2018