

TOWN OF NORTH CASTLE

Local Law No. 2 For the Year 2021 Adopted May 12, 2021

A local law to revise Chapter 340 (Wetlands and Watercourse Protection) to permit the Building Department to administratively review and approve some types of wetlands permits.

Section 1. Amend the definition of ADMINISTRATIVE PERMIT in Section 340-3.B of the Town Code as follows:

ADMINISTRATIVE PERMIT

A permit issued by the Building Inspector for certain activities in wetlands, as listed in § 340-4C, which have been determined by this chapter to be limited in scope and limited in potential impact on wetlands. The Building Inspector may refer any administrative wetlands permit to the Town Wetland Consultant for review and report.

Section 2. Amend the definition of APPROVAL AUTHORITY in Section 340-3.B of the Town Code as follows:

APPROVAL AUTHORITY

The administrative board or public official empowered to grant or deny permits under this chapter, to require the posting of bonds as necessary and to revoke or suspend a permit where lack of compliance to the permit is established. The approval authority shall be:

- (1) The Planning Board of the Town of North Castle for any wetlands activity requiring a permit as specified in § 340-4B and for any activity included on plans submitted to the Planning Board for approval under other procedures, such as subdivision, site plan, or special use permit applications.
- (2) The Building Inspector of the Town of North Castle for any wetlands activity requiring an administrative permit as specified in § 340-4C.

Section 3. Amend Section 340-5.B of the Town Code as follows:

B. Conservation Board.

- (1) Where the Planning Board is the approval authority, upon submission of a completed application and upon referral from the Planning Board, the Conservation Board shall review the application and, within 45 days of receipt thereof, shall file a written report and its recommendation concerning the application with the Planning Board. Such report shall evaluate the proposed regulated activity in terms of the findings, intent and standards of this Chapter 340.

- (2) Where the Building Inspector is the approval authority, upon submission of the completed application, the Building Inspector shall provide the Conservation Board with an informational report at its next meeting.

Section 4. Amend Section 340-6.D(4) of the Town Code as follows:

Administrative wetland permit fees. A fee shall be charged in connection with the review of administrative wetland permit applications when such application is referred to the Town Wetlands Consultant by the Building Inspector as described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule.

Section 5. 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 6. 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 7. Effective Date.

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