

PROPOSED LOCAL LAW NO. \_\_ OF 2011

TOWN OF PLEASANT VALLEY

**RE: A LOCAL LAW AMENDING CHAPTER 53 OF THE CODE OF THE TOWN OF PLEASANT VALLEY ENTITLED “WETLAND, WATERBODY AND WATERCOURSE PROTECTION”**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF PLEASANT VALLEY AS FOLLOWS:**

Section 1.

Chapter 53 of the Town of Pleasant Valley Code, entitled “Wetland, Waterbody and Watercourse Protection” is hereby amended as follows:

Section 2.

§ 53-1. Declaration of Policy.

B. It is declared to be the policy of the Town of Pleasant Valley to exercise ~~concurrent~~ authority to regulate wetlands, watercourses and water bodies ~~with~~ **which may also be regulated** by the Department of Environmental Conservation under the provisions of Article 24 of the New York State Environmental Conservation Law, and or by with the Federal Army Corps of Engineers, where respective jurisdictions overlap. **Pursuant to this Chapter, the Town of Pleasant Valley establishes the right to impose restrictions on Areas of Regulation, as defined herein, which may be in addition to or more restrictive than any restrictions imposed by any state or federal regulatory agency with concurrent jurisdiction.** ~~However, As~~ it is not the purpose of this legislation to multiply efforts, studies or expenditures by real property owners attempting to make reasonable and environmentally sound use of their assets. ~~Accordingly, except for reasonable cause,~~ the local approval authority established under this Chapter shall, **whenever possible, utilize any previous** ~~defer to~~ determination made by the Federal Army Corps of Engineers or the State Department of Environmental Conservation with respect to the identification of, and the delineation of the size and boundaries of, wetland areas.

Section 3.

§53-2. Areas of Regulation

Areas of regulations are:

E.

~~Where a wetland is regulated by another agency responsible for the administration of regulatory wetland buffers, the buffer requirements of this chapter shall be deemed concurrent, and not additional or consecutive, to the other agency's buffer regulations.~~

**E. Wetlands located on property which is the subject of a subdivision application pursuant to Chapter 82 shall also be subject to the provision of §82-18 and to any requirements which may be imposed by the Planning Board in the application process.**

Section 4. Separability.

**Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed invalid, all other provisions hereof shall remain valid and enforceable.**

Section 5. Effective Date.

**This Local Law shall take effect upon its being duly filed in the office of the Secretary of State of the State of New York.**

**Underline** denotes addition

~~Strikeout~~ denotes deletion