

ZONING

Chapter 210

Village

of

CASTLETON-ON-HUDSON

**GENERAL
CODE
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- (c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

ARTICLE XI

Critical Environmental Area Overlay

[Added 5-20-1994 by L.L. No. 2-1994]

§ 210-77. Purpose.

Areas of the village which are topographically steep and subject to slumping, sliding and erosion as designated on the Rensselaer County Soil and Water Conservation map as type HUE (250E) soils (at least a 25% grade) and as delineated on the Zoning Map are designated as a Critical Environmental Area of the Slopes and Gullies for the purpose of protecting human life, preventing material losses and reducing the cost to the public of rescue and relief efforts necessitated by unwise development and occupancy of areas subject to slumping, sliding and erosion.

§ 210-78. Applicability.

Proposed activities within the Critical Environmental Area which would contribute to substantial erosion, sliding or slumping and which require a certificate of compatibility prior to commencement include the following:

- A. The erection, construction, demolition, enlargement or movement of any structure.
- B. The alteration of the following: existing land contours, natural barriers to erosion, sliding or slumping or surface water patterns, which would ordinarily involve use of tractors, backhoes, track vehicles, dump trucks, skid loaders, trailers, other heavy machinery/equipment or explosives.

§ 210-79. Procedures.

- A. Applications for certificate of compatibility. The proposed activity shall be described in writing to the Village Building Inspector, who shall advise within 20 days of receipt of such writing whether an application for a certificate of compatibility must be prepared and submitted to the Village Planning Board.
- B. Review of applications for certificate of compatibility. The Planning Board shall review applications for a certificate of compatibility for proposed activities in the Critical Environmental Area and shall not issue a certificate unless the following requirements have been met.
- (1) After a full review, and within 60 days of application to the Planning Board, the Planning Board shall take one of the following actions:
- (a) Grant a certificate of compatibility if:
- [1] It determines that the proposed action is inconsequential to erosion, sliding or slumping;
 - [2] After consultation with a qualified entity or individual, it determines that the proposed action is inconsequential to erosion, sliding or slumping; or
 - [3] After consultation with a qualified agency or individual, or based on its own review, it determines that the proposed action is significant but may be eliminated or minimized by following steps or procedures established by the qualified entity, individual or Planning Board.
- (b) Deny an application for certificate of compatibility if:
- [1] It determines that the proposed activity is significant, and a qualified consulting

entity or individual, or the Planning Board alone, determines that the activity cannot be done without threat of erosion, sliding or slumping; or

- [2] The applicant fails to supply information necessary to make an informed decision.

C. Emergency. In the event of an emergency situation which requires action immediately and cannot wait for a certificate of compatibility, only as much work may be performed so as to remove the immediate danger to health, life and property. The Village Building Inspector must be notified by the next business day to initially determine if there is a possible danger of erosion, sliding or slumping and to advise as to whether an application for a certificate of compatibility is required.

ARTICLE XII Administration and Enforcement

§ 210-80. Enforcement. [Amended 5-16-1994 by L.L. No. 2-1994]

The Mayor shall appoint the Building Inspector and Code Enforcement Officer, subject to approval of the Board of Trustees, to administer and enforce the provisions of this chapter.

§ 210-81. Powers and duties. [Amended 5-16-1994 by L.L. No. 2-1994]

The Building Inspector and Code Enforcement Officer shall have the following powers and duties as specified below:

- A. Rules, regulations and forms. The Building Inspector and Code Enforcement Officer, subject to the approval of the Village Board, shall have the authority to make and adopt such forms as they may deem necessary for the proper enforcement and administration of this chapter and to secure its stated purposes and intent. The forms

