

LOCAL LAW NO. 3 OF 2024

A LOCAL LAW amending §230-16 of the Zoning Law to include stormwater runoff requirements for all construction activities.

BE IT ENACTED by the Board of Trustees of the Village of Dering Harbor as follows:

SECTION 1. Amendment. Section §230-16 of the Zoning Law is amended by adding underlined words as follows:

§230-16. Sewage Disposal; Stormwater management.

A. Sewage Disposal. All sewage shall be disposed in compliance with the regulations of the Suffolk County Department of Health.

B. Stormwater management.

(1) No person shall engage in a construction activity, including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance, or increases site impervious surfaces, without first receiving approval of an erosion and sediment control and stormwater management plan by the Stormwater Management Officer (SMO) as designated under the provisions of Chapter 164, Stormwater Management and Erosion and Sediment Control.

(2) The erosion and sediment control and stormwater management system shall be designed to minimize erosion and prevent sediment and stormwater runoff from leaving the site. Design of the erosion and sediment control and stormwater management system shall be consistent with general and specific community standards and comply with municipal management plans or control programs. Design shall be based on environmentally sound site planning and engineering techniques. The best available technology shall be used to minimize off-site stormwater runoff, increase on-site infiltration, encourage natural filtration functions, simulate natural drainage systems and minimize off-site discharge of pollutants to ground and surface water. Best available technology may include measures such as downspouts, gutters, leaching pools, retention basins, recharge trenches, porous paving and piping, contour terraces and bioswales.

(3) All applications for a building permit shall include plans for erosion and sediment control and stormwater management. The SMO may waive the requirement for the submission of a plan where it is determined that the proposed construction activity does not increase site impervious surfaces or otherwise cause an increase in stormwater runoff.

(4) The review of the plans for erosion and sediment control and stormwater management not associated with a building permit application shall be subject to a fee in an amount set by the Board of Trustees from time to time by resolution. The SMO may engage the services of a professional engineer to review the plans, specifications and related documents at a cost to be established by the Board of Trustees.

(5) Construction or land development activity exceeding the one-acre threshold shall also be subject to the provisions of Chapter 164, Stormwater Management and Erosion and Sediment Control.

SECTION 2. Authority. The proposed local law is enacted pursuant to Village Law §7-712, as well as Municipal Home Rule Law §§10(1)(i), 10(1)(ii)(a)(11), 10(1)(ii)(a)(12), and 10(2).

SECTION 3. Severability. If any section or subsection, paragraph, clause, phrase, or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole, or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION 4. Effective Date. This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.