

Chapter 72

FILLING OPERATIONS

[HISTORY: Adopted by the Town Board of the Town of Conklin 4-29-2008 by L.L. No. 1-2008. Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention — See Ch. 76.
Stormwater management — See Ch. 111.
Subdivision of land — See Ch. 115.
Zoning — See Ch. 140.

§ 72-1. Purpose and intent.

This chapter provides for the review and approval of certain filling operations within the Town of Conklin which might be otherwise exempt from review pursuant to Chapter 76, Flood Damage Prevention, Chapter 111, Stormwater Management and Erosion and Sediment Control, Chapter 115, Subdivision of Land and Chapter 140, Article XXVI, Site Plan Review. The Town of Conklin, by virtue of its geography and topography, is especially prone to flooding, drainage and other water control problems. This problem is not limited to certain areas of the Town or certain types of development. This enactment is intended to allow the Town review and oversight of filling operations which might adversely affect neighboring and surrounding properties and which are otherwise not subject to Town review under the existing regulatory structure.

§ 72-2. Enactment.

The Town Board of the Town of Conklin does hereby enact the Town of Conklin "Filling of Vacant and Developed Properties" pursuant to the authority and provisions of Section 10 of the Municipal Home Rule Law so as to safeguard and protect the general health, safety, and welfare of the public.

§ 72-3. Title.

This chapter shall be known as the "Town of Conklin Filling of Vacant and Developed Properties Law."

§ 72-4. Applicability.

- A. This chapter shall apply to any and all filling operations, events and procedures within the Town which are not otherwise subject to review pursuant to other state and local regulatory provisions, including but not limited to Chapter 76, Flood Damage Prevention, Chapter 111, Stormwater Management and Erosion and Sediment Control, Chapter 115, Subdivision of Land and Chapter 140, Article XXVI, Site Plan Review, provided that such fill exceeds the ratio 100 cubic yards of fill per one acre of land being filled.

- B. It shall also apply to those instances where an individual or an entity seeks to commence or continue a filling operation in reliance upon a fill permit issued under any other chapter of the Town of Conklin Code, more than five years prior to the enactment of this chapter and when a new property owner seeks to commence or continue a filling operation pursuant to a permit issued to the previous property owner.

§ 72-5. Designation of local administrator.

The Town of Conklin Code Enforcement Officer is hereby appointed to administer and implement this chapter by granting or denying fill permit application requirements.

§ 72-6. Fill permit.

A fill permit required pursuant to this chapter shall be obtained before the start of any filling operation or event. Application for a fill permit shall be made on forms furnished by the Town of Conklin and shall include but not be limited to plans drawn to scale and showing the nature, location, dimensions and elevations of the area in question, existing structures on the subject property and the properties immediately adjacent thereto, the intended placement, type and quantity of the proposed fill material, and the drainage facilities existing and proposed for the site. The local administrator may require that a licensed professional engineer retained by the applicant prepare a drainage plan in connection with the permit application.

§ 72-7. Duties and responsibilities of local administrator.

The Town of Conklin Code Enforcement Officer shall review all permit applications to determine if the proposed fill would adversely affect the subject property and the adjacent and surrounding properties. If there is no adverse affect, the fill permit may be granted. If there is an adverse affect, the mitigation measures may be made a condition of the fill permit, or, in the event no such mitigation measures are available, the permit may be denied.

§ 72-8. Stop-work orders.

All filling operations which are undertaken absent the review and permit required under this chapter shall be subject to the issuance of a stop-work order. Disregard of a stop work order shall subject the property owner and the individual or entity doing the filling to the penalties set forth in § 72-9 of this chapter.

§ 72-9. Penalties for offenses.

Any infraction of this chapter for failure to comply with any of its requirements or provisions shall constitute a violation. Any person, including but not limited to the property owner and the person or entity doing the filling, shall upon conviction of a violation as set forth herein be subject to a fine of \$250 for each day of noncompliance. Nothing herein shall prevent the Town of Conklin from taking any such other lawful action as necessary to remedy or prevent an infraction of this chapter.

§ 72-10. When effective.

This chapter shall take effect immediately.