

LOCAL LAW - 2025

A Local Law Adding Village Code Chapter 150 entitled “Private Wells” as follows:

BE IT ENACTED, by the Board of Trustees of the Inc. Village of East Williston as follows:

Section 1. Adding Chapter 150 as below:

§ 150-1 Purpose, intent, and findings.

The Board of Trustees of the Village of East Williston (Board) recognizes that the residents of the Village should be entitled to the quiet enjoyment of their property.

The Board finds that the installation of private wells on any property within the Village will require assessment of possible environmental impacts to ensure that any such installation will be safe for those who own the property and for all residents of the Village. As such, the Board has determined that a special use permit shall be required as approved by the Board of Trustees following a hearing prior to any such installation.

§ 150-2. Applicability.

This article applies to all private wells to be constructed after the effective date of this article.

§ 150-3. Special exception permit required.

A private well may only be installed or operated to withdraw non-potable water from underground sources upon the grant of a special exception permit from the Board of Trustees. The construction of private water wells for the purpose of providing drinking water and domestic water use is forbidden.

§ 150-4. Application.

Every person seeking a private well special exception permit shall make written application to the Board of Trustees, setting forth the purpose of the new or additional private well, the proposed size and depth, the capacity of the pump or pumps to be attached thereto, the manner and the extent by which the water is

to be recharged into the underground sources, if any, and the maximum amount of water to be withdrawn from said well, to be computed at the rate of gallons per minute. A permit fee as set forth from time to time by the Board of Trustees shall be filed with each application.

§ 150-5. Fees and expenses.

- (a) “Expenses” shall mean, without limitations, all fees, costs and expenses for engineering, legal, and stenographic services, environmental and other consultant services, all fees, costs and expenses for advertising, and all recording fees that are reasonably and necessarily incurred in connection with the respective application to install a private well. Applicants seeking to install a private well shall be liable for, and shall pay to the Village all of its expenses incurred in connection with the respective application.
- (b) Initial deposit. In addition to such filing fee as may be required pursuant to any other Chapter in this Code, the Board of Trustees shall from time to time by resolution establish and require deposits to be paid by applicants to secure payment of the Expenses as described by this Chapter. The Expenses for which the applicant is responsible shall be deducted from the deposit during the course of the application.
- (c) Additional deposit. In the event, from time to time, the amount on deposit with the Village pursuant to this Section is reduced by seventy five percent (75%) of its original amount prior to final determination of the respective application by the Board, the applicant shall deposit such additional funds as may be required to restore the amount on deposit to fifty percent (50%) of its original amount.

Refund of unused deposit. In the event that the amount of the deposit shall exceed the Expenses incurred by the Village upon final determination of the Board, the unused portion of the deposit shall be returned to the applicant

§ 150-6. Action by the Board of Trustees.

Upon such application being submitted and all fees paid, the Board of Trustees shall set a date for a public hearing upon the application.

§ 150-7. Notice of Hearing.

Upon a hearing date being set, the applicant shall provide notice of the hearing in such form and to such people and/or entities as is required for applications before the Zoning Board of Appeals.

§ 150-8. Determination after Hearing.

Upon such hearing being held, the Board may direct that the applicant provide such other additional information it deems necessary. Upon receipt of all such information and after hearing the presentation of the applicant the Board may: grant the application, deny the application; or grant the application and impose such conditions upon the grant as the Board deems to be appropriate.

§ 150-9. Penalties for offenses.

Any person violating any provision of this article shall be liable to a penalty set in accordance with Chapter One, section 1-18 of the Village Code..

Section 2. Authority.

The Board of Trustees of the Village of East Williston is authorized to adopt this local law pursuant to Article IX of the New York State Constitution, the Municipal Home Rule Law, the relevant provisions of the Village Law of the State of New York, and the general power vested with the Village of East Williston to promote the expedient resolution of planning issues in the Village.

Section 3. Severability.

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 4. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.