

## Chapter 65: CEMETERIES

### § 65-1. Legislative intent.

The Village Board of the Village of South Blooming Grove is concerned with the integrity of the cemeteries and burial grounds within the Village as more and more of the land within the Village is subject to residential and commercial development. The Village Board finds and determines that it is necessary to adopt measures that will afford protection to the cemeteries and burial grounds located within the Village's borders from encroachment of commercial and/or residential development. It is the further intent of this chapter to preserve the integrity of such cemeteries and burial grounds and to promote and protect the health, safety and general welfare of Village residents by establishing appropriate regulations regarding land development that is within certain distances of such cemeteries and/or burial grounds. Village Law of the State of New York authorizes villages to adopt regulations for the care of cemeteries and burial grounds.

### § 65-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**BURIAL GROUND** — Refers to and shall include any piece or parcel of land where a person is buried, notwithstanding that the site may not be recognized as a traditional cemetery.

**CEMETERY** — Shall include any and all public, private, religious, historic and/or family cemeteries where persons are buried.

### § 65-3. Identification and location of cemeteries within Village.

- A. The following is a list of cemeteries and/or burial grounds and their general location covered by this chapter:

Cemetery	Location
Mangin / Cooley	End of Mangin Road
Round Hill Cemetery	Clove Road
Unnamed Cemetery	Northeast Side State Route 208 & Peddler Hill Road
Slattery Town Cemetery	Northwest Side State Route 208 & Peddler Hill Road

- B. More exact locations of each cemetery and/or burial ground identified herein can be found on the Official Village of South Blooming Grove Cemetery Map filed in the office of the Village Clerk.
- C. Notwithstanding the identification of cemeteries and/or burial grounds hereinabove, this list shall not be exhaustive such that any cemeteries and/or burial grounds not identified on said list are subject to the provisions herein. Further, the Village Board, by resolution, may amend the listing of cemeteries and/or burial grounds, as well as the Official Village of South Blooming Grove Cemetery Map, when any additional cemeteries and/or burial grounds are identified sufficiently to be included on such list or on said map.

### § 65-4. Encroachment restrictions.

- A. No commercial and/or residential structure shall be erected within 100 feet of a cemetery or burial ground whether the cemetery is identified herein or not.
- B. The Planning Board, in its sole discretion, as part of any subdivision, site plan or special exception use permit application, may require a residential or commercial developer to erect

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fencing, install plantings or otherwise erect a visual and/or physical barrier between areas of lands proposed for development and any adjacent or contiguous cemetery and or burial ground. A small area will be set aside for parking for visitors and an adequate driveway from a roadway will be constructed or lands will be set-aside for this purpose. No site plan approval will be granted until such proper conditions have been met for the cemetery and access to the cemetery have been properly addressed.

- C. The Building Inspector shall not issue a building permit for any structure and / or an addition to an existing structure, that is located within 650 feet from any cemetery and/or burial ground without first referring the matter to the Planning Board for review consistent with the provisions of Subsection B.
- D. The Planning Board, in its sole discretion, may apply the provisions of this section to protect other cemeteries and/or burial grounds which are included or not and/or referred to in the Village of South Blooming Grove's Cemetery Map or which the Board otherwise deems to be of historical significance.
- E. Where the cemetery is on land proposed to be developed, the planning board may require the developer to erect a historical marker of a design and text acceptable to the Planning Board.

### **§ 65-5. Enforcement.**

**Enforcement.** The Building Inspector, Code Enforcement Officer, any other person authorized by resolution of the Village Board, will enforce all provisions of this chapter. All such enforcement officers shall have the right and authority to issue appearance tickets for the violation of any provision of this section or any prohibition or limitation on usage imposed pursuant to this section.

### **§ 65-6. Penalties for offenses.**

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be guilty of an unclassified misdemeanor and shall be subject to a fine of not more than \$1,500. Each week's continued violation shall constitute a separate additional violation.

### **§ 65-7. Dedication of Burial Grounds**

The Village Board, at its option, may accept dedication of any burial ground or cemetery, subject to the provisions of this chapter and any other requirement intended to recognize and protect the cemeteries and the public health, safety and welfare.

### **§ 65-8. Judicial review.**

Any persons aggrieved by any decision or determination made by the Village Board pursuant to this article may bring a proceeding to review such determination in the manner provided by Article 78 of the Civil Practice Law and Rules.

### **§ 65-9. Application.**

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local authority having jurisdiction.

### **§ 65-10. Authority.**

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This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

### **§ 65-11. Repeal.**

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

### **§ 65-12. Effective Date.**

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

### **§ 65-13. Supersession of other laws.**

This chapter supersedes, and is in derogation of, the Code of the Town of Blooming Grove, County of Orange, and State of New York. In addition, it is not intended that this chapter supersede the authority of the County of Orange Department of Health.