

VILLAGE OF ISLAND PARK
LOCAL LAW NO. 7 OF THE YEAR 2007

A Local Law Entitled Storm Water Management
and Erosion & Sediment Control

It is the intent of this Local Law to be a guidance tool for The Village of Island Park subject to the Municipal Separate Storm Sewer System (MS4) Phase II storm water management requirements of the National Pollutant Discharge Elimination System (NPDES) regulations, administered by New York State through the State Pollutant Discharge Elimination System (SPDES) regulations. The goal of providing this local law is to assist the Village in adopting new provisions to meet the new federal aid state guidelines for storm water control.

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Local Law 7 of 2007

Storm Water Management and Erosion & Sediment Control

A local law entitled Storm water Management and Erosion & Sediment Control of the Inc. Village of Island Park, Local law Number 7 of the Year 2007.

Be it enacted by the Board of Trustees of the Village of Island Park as follows:

Article 1. General Provisions

Section I. Findings of Fact

It is hereby determined that:

- 1.1 Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase storm water runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
- 1.2 This storm water runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- 1.3 Clearing and grading during construction tends to increase soil erosion and add to the Loss of native vegetation necessary for terrestrial and aquatic habitat;
- 1.4 Improper design and construction of storm water management practices can increase the velocity of storm water runoff thereby increasing stream bank erosion and sedimentation;
- 1.5 Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow;
- 1.6 Substantial economic losses can result from these adverse impacts on the waters of the municipality;

- 1.7 Storm water runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of storm water runoff from land development activities,
- 1.8 The regulation of storm water runoff discharges from land development activities in order to control and minimize increases in storm water runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with storm water runoff is in the public interest and will minimize threats to public health and safety.
- 1.9 Regulation of land development activities by means of performance standards governing storm water management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

Section 2. Purpose

The purpose of this local law is to establish minimum storm water management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in Section 1 hereof. This local law seeks to meet those purposes by achieving the following objectives:

- 2.1 Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Storm Water Discharges from Municipal Separate Storm water Sewer Systems (MS4s), Permit no- GP-02-02 or as amended or revised;
- 2.2 Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-020I or as amended or revised;
- 2.3 Minimize increases in storm water runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature. and stream bank

erosion and maintain the integrity of stream channels;

- 2.4 Minimize increases in pollution caused by storm water runoff from land development activities which would otherwise degrade local water quality;
- 2.5 Minimize the total annual volume of storm water runoff which flows from any specific site during and following development to the maximum extent practicable; and
- 2.6 Reduce storm water runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through storm water management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

Section 3. Statutory Authority

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the Village Board of Trustees of Island Park has the authority to enact local laws and amend local laws for the purpose of promoting the health, safety or general welfare of the Village of Island Park and for the protection and enhancement of its physical environment. The Village Board of Trustees of the Village of Island may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

Section 4. Applicability

- 4.1 This local law shall be applicable to all land development activities as defined in this local law, Article 2, Section 1.
- 4.2 The municipality shall designate a Storm Water Management Officer who shall accept and review all storm water pollution prevention plans and forward such plans to the applicable municipal board. The Storm water Management Officer may (1) review the plans, (2) upon approval by the Council/Town/Village Board of Trustees of the Village of Island Park, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board, or (3) accept the certification of a licensed professional that the plans conform to the

requirements of this law.

- 4.3 All land development activities subject to review and approval by the board Village of Island Park under subdivision, site plan, and/or special permit regulations shall be reviewed subject to the standards contained in this local law
- 4.4 All land development activities not subject to review as stated in section 4.3 shall be required to submit a Storm water Pollution Prevention Plan (SWPPP) to the Storm water Management Officer who shall approve the SWPPP if it complies with the requirements of this law.

Section 5. Exemptions

The following activities may be exempt from review under this law.

- 5.1 Agricultural activity as defined in this local law'.
- 5.2 Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- 5.3 Repairs to any storm water management practice or facility deemed necessary by the Storm Water Management Officer.
- 5.4 Any part of a subdivision if a plat for the subdivision has been approved by the village of Island Park on or before the effective date of this law.
- 5.5 Land development activities for which a building permit has been approved on or before the effective date of this law.
- 5.6 Installation of fence, sign, telephone. and electric poles and other kinds of posts or poles.
- 5.7 Emergency activity immediately necessary to protect life, property or natural resources.

5.8 Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.

5.9 Landscaping and horticultural activities in connection with an existing structure.

Article 2. Zoning Law Amendment: Storm water Control

Section 1. Definitions

The terms used in this local law or in documents prepared or reviewed under this local law shall have the meaning as set forth in this section.

Agricultural Activity - the activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

Applicant - a property owner or agent of a property owner who has filed an application for a land development activity.

Building - any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

Clearing - any activity that removes the vegetative surface cover.

Dedication - the deliberate appropriation of property by its owner for general public use.

Department - the New York State Department of Environmental Conservation

Design Manual - the New York State Storm water Management Design Manual, most recent version including applicable updates, that serves as the official guide for storm water management principles, methods and practices.

Developer - a person who undertakes land development activities.

Erosion Control Manual - the most recent version of the “New York Standards and Specifications for Erosion and Sediment Control” manual, commonly known as the “Blue Book”.

Grading - excavation or fill of material, including the resulting conditions thereof.

Impervious Cover - those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow, melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.)

Industrial Storm water Permit - a State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial storm water discharges or specifies on-site pollution control strategies.

Infiltration - the process of percolating storm water into the subsoil.

Jurisdictional Wetland - an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Land Development Activity - construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

Landowner - the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Maintenance Agreement - a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

Nonpoint Source Pollution - pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural¹, mining, construction, subsurface disposal and urban runoff sources.

Phasing - clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

Pollutant of Concern - sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

Project - land development activity

Recharge - the replenishment of underground water reserves.

Sediment Control - measures that prevent eroded sediment from leaving the site.

Sensitive Areas - cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, and habitats for threatened, endangered or special concern species.

SPDES General Permit for Construction Activities GP-02-01 - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES General Permit for Storm water Discharges from Municipal Separate Storm Water Sewer Systems GP-02-02 - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify storm water control standards

Stabilization - the use of practices that prevent exposed soil from eroding.

Stop Work Order - an order issued which requires that all construction activity on a site be stopped.

Storm Water - rainwater, surface runoff, snowmelt and drainage

Storm Water Hotspot - a land use or activity that generates higher concentrations of hydrocarbons trace metals or toxicants than are found in typical storm water runoff, based on monitoring studies.

Storm Water Management - the use of structural or non-structural practices that are designed to reduce Storm water runoff and mitigate its adverse impacts on property, natural resources and the environment

Storm Water Management Facility- one or a series of storm water management practices installed, stabilized and operating for the purpose of controlling storm water runoff.

Storm Water Management Officer - an employee or officer designated by the municipality to accept and review storm water pollution prevention plans, forward the plans to the applicable municipal board and inspect storm water management practices

Storm Water Management Practices (SMI's) - measures, either structural or nonstructural. that are determined to be the most effective, practical means of preventing good damage and preventing or reducing point source or nonpoint source pollution inputs to storm water runoff and water bodies.

Storm water Pollution Prevention Plan (SWPPP) - a plan for controlling storm water runoff and pollutants from a site during and after construction activities.

Storm water Runoff- flow on the surface of the ground, resulting from precipitation

Surface Waters of the State of New York - lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface

or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

Watercourse - a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

Waterway - a channel that directs surface runoff to a watercourse or to the public storm drain.

Section 2. Storm Water Pollution Prevention Plans

2.1. Storm Water Pollution Prevention Plan Requirement

No application for approval of a land development activity shall be reviewed until the appropriate board has received a Storm water Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this local law.

2.2 Contents of Storm water Pollution Prevention Plans

2.2.1 All SWPPPs shall provide the following background information and erosion and sediment controls:

- I. Background information about the scope of the project, including location, type and size of project.
2. Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the storm water discharges(s);

Site map should be at a scale no smaller than 1"=100"

Description of the soil(s) present at the site;

4. Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP.
5. Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in storm water runoff;
6. Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to storm water, and spill -prevention and response;
7. Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
8. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
9. Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
10. Temporary practices that will be converted to permanent control measures;
11. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that

each practice should remain in place;

12. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
13. Name(s) of the receiving water(s);
14. Delineation of SWPPP implementation responsibilities for each part of the site;
15. Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
16. Any existing data that describes the storm water runoff at the site.

2.2.2 Land development activities as defined in Section 1 of this Article and meeting Condition "A", "B" or "C" below shall also include water quantity and water quality controls (post-construction storm water runoff controls) as set forth in Section 2.2.3 below as applicable:

Condition A - Storm water runoff from land development activities discharging a pollutant of concern to either impaired water identified on the Department's 3 03(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in storm water have been identified as a source of the impairment.

Condition B - Storm water runoff from land development activities disturbing five (5) or more acres.

Condition C - Storm water runoff from land development activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.

2.2.3 SWPPP Requirements for Condition A, B and C:

1. All information in Section 2.2 .1 of this local law
2. Description of each post-construction storm water management practice;
3. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction storm water management practice;

4. Hydrologic and hydraulic analysis for all structural components of the storm water management system for the applicable design storms
5. Comparison of post-development storm water runoff conditions with pre-development conditions
6. Dimensions, material specifications and installation details for each post-construction storm water management practice;
7. Maintenance schedule to ensure continuous and effective operation of each post-construction storm water management practice.
8. Maintenance easements to ensure access to all storm water management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.
9. Inspection and maintenance agreement binding on all subsequent landowners served by the on-site storm water management measures in accordance with Article 2: Section 4 of this local law.
10. For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all storm water management practices meet the requirements in this local law.

2.3 Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final storm water design plan.

2.4 Contractor Certification

2.4.1 Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or storm water management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and

¹ Revised 3/06 - formerly Section 2.3. This section was moved under Section 2.2.3 to more closely meet the New York State requirements for Condition A in Section 2.2.2. The NY SPDES General Permit for Storm water Runoff from Construction Activities (GP-02-01) requires that SWPPP5 be prepared by a licensed professional for land development activities discharging a pollutant of concern to an impaired water identified on the Department's 303(d) list of impaired waters or to a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in storm water have been identified as a source of the impairment.

agree to comply with the terms and conditions of the Storm water Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards.”

- 2.4.2 The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
- 2.4.3 The certification statement(s) shall become part of the SWPPP for the land development activity.
- 2.5 A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

Section 3. Performance and Design Criteria for Storm water Management and Erosion and Sediment Control

All land development activities shall be subject to the following performance and design criteria:

3.1 Technical Standards

For the purpose of this local law, the following documents shall serve as the official guides and specifications for storm water management. Storm water management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:

- 3.1.1 The New York State Storm water Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual)
- 3.1.2 New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current

version or its successor, hereafter referred to as the Erosion Control Manual).

5 The New York State technical guidance documents may be ordered from The Department. An order form as well as downloadable versions of the Manuals are available on the Internet at;

<http://www.dec.state.ny.us/website/dow/toolbox/escstandards/index.html>

<http://www.dec.state.ny.us/website/dow/toolbox/swmanual/>

3.2 Equivalence to Technical Standards²

Where storm water management practices are not in accordance with technical standards, the applicant or

developer must demonstrate equivalence to the technical standards set forth in Article 2, Section 3.1 and

the SWPPP shall be prepared by a licensed professional.

3.3 Water Quality Standards

Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

Section 4. Maintenance, Inspection and Repair of Storm water Facilities³

4.1 Maintenance and Inspection during Construction⁴

4.1.1 The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this local

² Added 3/06 to ensure that the local law addresses the New York State requirement for applicants to demonstrate through preparation by a licensed professional that storm water management practices that are not prepared in accordance with NYSDEC technical standards will work in the field to prevent soil erosion and maintain water quality

³ Revised 3/06 to add the word "Inspection" to the title to more closely reflect the content of the section

⁴ Revised 3/06 to add the word "Inspection" to the title to more closely reflect the content of the section

law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.

- 4.1.2 For land development activities as defined in Section 1 of this Article and meeting Condition A, B or C in Section 2.2 2, the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in a site log book.⁵

4.2 Maintenance Easement(s)

Prior to the issuance of any approval that has a storm water management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the storm water management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Village of Island Park to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this local law. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Village of Island Park.

4.3 Maintenance after Construction

The owner or operator of permanent storm water management practices installed in accordance with this law shall ensure they are operated and maintained⁶ to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, the following:

- 43.1 A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law.

⁵ Revised 3106. This clause was rewritten to more closely meet the New York State requirements for Conditions A, B and C in Section 2.2.2. The NY SPDES General Permit for Storm water Runoff from Construction Activities (GP-02-OI) requires that inspections be conducted every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more for all projects that are required to prepare frill SWPPPs as stated [n Conditions A, B and C, and to copy such reports to a site log book.

⁶ Revised 3106 to correct a grammatical error

4.3.2 Written procedures for operation and maintenance and training new maintenance personnel

4.3.3 Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Article 2, section 3.3.

4.4 Maintenance Agreements

The **Village of Island Park** shall approve a formal maintenance agreement for storm water management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this local law entitled Sample Storm Water Control Facility Maintenance Agreement. The Village of Island Park in lieu of a maintenance agreement at its sole discretion may accept dedication of any existing or future storm water management facility provided such facility meets all the requirements of this local law and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Section 5. Severability and Effective Date

5.1 Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or Clause of this local law.

5.2 Effective Date

This Local Law shall be effective upon filing with the office of the Secretary of State.

