Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Village of Wellsville

Local Law No. - 2 of the year 2003

A local law amending local law 5 of 1994 regarding stormwater management and erosion control

Be it enacted by the Board of Trustees of the

Village of Wellsville as follows:

Section 7 (c) 2. Shall read as follows: development of less than five single-family or duplex residential dwelling units and their accessory structures such as garages and storage sheds in an existing subdivision with a pre-approved Stormwater Management and Erosion Control Plan (SM&EC Plan);

Section 7 (c) 3. Shall read as follows: development of one single-family or duplex residential structure not in an existing subdivision on a parcel of one acre or less;

Section 10 (4) i. Shall read as follows: Exposure Restrictions: No more than 1 acre of unprotected soil should be exposed at any one time. Previous earthwork should be stabilized. (Site factors including topography, soil erosion potential, proximity to wetlands and water courses may require limiting the amount of earth that can be exposed, at any one time, to less than 1 acre).

Section 10 Subdivision (a) (2) iv. Shall read as follows: For all development projects of 1 or more acres or containing 2 or more dwelling units where flood elevation data are not available through the NFIP, the stormwater management plan must include a study to determine 100-year flood plain elevations in accordance with TR-20, HEC-2 or other standard engineering methods. Such elevation data shall be used to regulate flood plain encroachments in accordance with the NFIP. The 100-year flood plain elevation and the building restriction line should be shown on the plan.

Section 18 Effective Date

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

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~~County~~
~~City~~
~~Town~~
Village of WELLSVILLE

Local Law No. 5 of the year ~~19~~94

A local law REGARDING STORMWATER MANAGEMENT AND EROSION CONTROL
(Insert Title)

Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

~~County~~
~~City~~
~~Town~~
Village of WELLSVILLE as follows:

Section One: Short Title
This Ordiance shall be known as the "Stormwater Management and ERosion Control Ordinance."

Section Two: Findings of Fact
The Village of Wellsville finds that uncontrolled drainage and runoff associated with land development has a significant impact upon the health, safety and welfare of the ocmmunity. Specifically,

a. Stormwater runoff can carry pollutants into receiving waterbodies, degrading water quality;
b. The increase in nutrients in stormwater runoff such as phosphorus and nitrogen accelerates eutrophication of receiving waters;
c. Improper design and construction of drainage facilities can increase the velocity of runoff thereby increasing streambank erosion and sedimentation;
d. Constrauction requiring land clearing and the alteration of natural topography tends to increase erosion;
e. Siltation of waterbodies resulting from increased erosion decreases their capacity to hold and transport water, interferes with navigation, and harms

1 MaLoney, F.E., et al., "stormwater Runoff Control: A Model Ordinance for Meeting Local Water Quality Management Needs", in Natural Resources Journal. Vol.20.(1980)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

flora and fauna;

f. Impervious surfaces increase the volume and rate of stormwater runoff and allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow;

g. Improperly managed stormwater runoff can increase the incidence of flooding and the level of floods which occur, endangering property and human life;

h. Substantial economic losses can result from these adverse impacts on community waters;

i. Many future problems can be avoided if land is developed in accordance with sound stormwater runoff management practices.

Section Three: Purposes and Objectives

In order to protect, maintain and enhance both the immediate and the long-term health, safety and general welfare of the citizens of the Village of Wellsville, this Ordinance has the following objectives:

a. prevent increases in the magnitude and frequency of stormwater runoff so as to prevent an increase in flood flows and in the hazards and costs associated with flooding;

b. prevent decreases in groundwater recharge and stream base flow so as to maintain aquatic life, assimilative capacity, and potential water supplies;

c. maintain the integrity of stream geometry so as to sustain the hydrologic functions of streams;

d. control erosion and sedimentation so as to prevent its deposition in streams and other receiving water bodies;

e. facilitate the removal of pollutants in stormwater runoff so as to perpetuate the natural biological functions of streams; and,

f. to the extent practical, secure multiple community benefits such as groundwater replenishment, open space protection and increased recreational opportunity through integrated land use stormwater management planning.

Section Four: Authority

In accordance with Articles 4 and 20 of the Village Law of the State of New York, the Villge of Village has the authority to enact ordinances for the purpose of promoting the health, safety or general welfare of the Village of Wellsville, including the protection of the property of its inhabitants. By the same authority, the Village of Wellsville may include in any such ordinance provision for the appointment of any municipal officer or employees to effectuate and administer such ordinance (when ordinance is stated it shall also refer to a Local Law).

Section Five: Jurisdiction

Upon approval of this Ordinance by the Village of Wellsville, all site preparation and construction activities requiring approval under this Ordinance shall be in conformance with the provisions set forth herein.

Section Six: Definitions

Unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most effective application. Words used in the singular shall include the plural and the plural the singular; words used in the present tense shall include the future tense. The word "shall" connotes mandatory and not discretionary; the word "may" is permissive.

Drywell - Similar to infiltration trench but smaller with inflow from pipe; commonly covered with soil and used for drainage areas of less than 1 acre such as roadside inlets and rooftop runoff.

Erosion - The removal of soil particles by the action of water, wind, ice or other geological agents.

Exfiltration - The downward movement of runoff through the bottom of an infiltration system into the soil layer.

Extended Detention - A practice designed to store stormwater runoff by collection as a temporarily pool of water and provide for its gradual (attenuated) release over 24 hours or more. A practice which is used to control peak discharge rates, and which provides gravity settling of pollutants.

First Flush - The delivery of a disproportionately large load of pollutants during the early part of storms due to the rapid runoff of accumulated pollutants. The first flush in these guidelines is defined as the runoff generated from a one year 24 hour storm event from land which has been made more impervious from pre-development conditions through land grading and construction/development activities.

Flood Plain - For a given flood event, that area of land temporarily covered by water which adjoins a watercourse.

Forebay - An extra storage area or treatment area, such as a sediment pond or created wetland, near an inlet of a stormwater management facility to trap incoming sediments or take up nutrients before they reach a retention or extended detention pond.

Impervious Area - Impermeable surfaces, such as pavement or rooftops, which prevent the percolation of water into the soil.

Infiltration - A practice designed to promote the recharge of groundwater by containment and concentration of stormwater in porous soils.

Infiltration Basin - An impoundment made by excavation or embankment construction to contain and exfiltrate runoff into the soil layer.

Outfall - The terminus of a storm drain where the contents are released.

Peak Flow - The maximum rate of flow of water at a given point and time resulting from a storm event.

Peak Flow Attenuation - The reduction of the peak discharge of storm runoff by storage and gradual release of that storage.

Retention - A practice designed to store stormwater runoff by collection as a permanent pool of water without release except by means of evaporation, infiltration, or attenuated release when runoff volume exceeds the permanent storage capacity of the permanent pool.

Riprap - A combination of large stone, cobbles and boulders used to line channels, stabilize stream banks, reduce runoff velocities.

Riser - A vertical pipe that is used to control the discharge rate from a pond for a specified design storm.

Swale - A natural depression or wide shallow ditch used to temporarily route, or filter runoff.

Section Seven: Applicability

a. Stormwater management and erosion control plans should be prepared and reviewed for all land development projects and construction activities when it is determined that stormwater runoff and/or erosion will have a significant effect on the environment.

b. It has been established that land cleaning, land grading or earth moving activities can have a significant effect on the environment, therefore, no person, corporation, organization, or public agency may, on or after the effective date of the ordinance:

1. initiate any land clearing, land grading or earth moving activities without first preparing a Stormwater Management and Erosion Control Plan and obtaining approval of said plan from the Village of Wellsville, or;

2. alter any drainage system without first preparing a Stormwater Management and

Erosion Control Plan and obtaining approval of said plan from the Village of Wellsville.

c. Exemptions. The following activities are exempt from the Stormwater Management and Erosion Control Plan requirements:

1. agricultural activities, including household gardening;

2. development of less than five single-family or duplex residential dwelling units and their accessory structures such as garages and storage sheds in an existing subdivision;

3. development of one single-family or duplex residential structure not in an existing subdivision;

4. industrial and/or commercial development projects which result in an impervious surface less than 10,000 square feet;

5. any maintenance, alteration, use or improvement to an existing structure which will not change the quality, rate, volume or location of surface water discharge or contribute to erosion and sedimentation.

Section Eight: Contents of the Stormwater Management and Erosion Control Plan

a. It is the responsibility of an applicant to include sufficient information in the Stormwater Management and Erosion Control Plan for the Village of Wellsville to evaluate the environmental characteristics of the affected areas, the potential and predicted impacts of the proposed activity on community waters, and the effectiveness and acceptability of those measures proposed by the applicant for reducing or mitigating adverse impacts.

b. The Stormwater Management and Erosion Control Plan shall contain the name, address, and telephone number of the owner and developer. In addition, the legal description

of the property shall be provided, and its location with reference to such landmarks as major waterbodies, adjoining roads, railroads, subdivisions, or towns shall be clearly identified on a map.

c. The structure and content of the Stormwater Management and Erosion Control Plan should be as follows:

1. **BACKGROUND INFORMATION**

(a) **PROJECT DESCRIPTION**

(1) Describe what is being proposed (i.e., residential lot subdivision, planned unit development, commercial/retail development, or industrial development).

(2) Describe project size (i.e., number of acres, number of dwelling units, other buildings, and density).

(3) Describe other improvements which will be made on project site, including streets and roads, utilities (water, sewer, etc.), and give particular attention to acreage of land that will become paved and covered with buildings. Lawn acreage also should be specified.

(4) Provide a location map.** Include watersheds in the community that may be impacted by project. Also, show highways, roads, and proximity of project to nearest city, village or hamlet, and to the nearest waterbody, and other prominent features.

(5) Provide a base map containing boundary lines of the project site, sub-catchments, and contributory watersheds at a scale agreed

** Include a north arrow on all maps.

upon by the municipality and developer. ***

(6) Provide an analysis of site limitations and development constraints by including such factors as slope, soil erodibility, depth to bedrock, depth to seasonal high water, soil percolation, etc., to facilitate evaluation of site suitability for proposed stormwater and erosion control facilities in relation to the overall development proposal.

(7) Provide a statement describing how this project will meet stormwater management objectives established by the municipality.

(8) Provide a general description of the approaches which will be taken to control erosion and sedimentation and stormwater runoff.

(9) Provide a statement indicating when project is to begin and the expected date of completion.

(10) Provide a map and descripiton of all critical environmental areas, conservation areas, wildlife habitats, easements, etc., to be protected. (These areas should be marked in the field.)

(11) Provide an analysis of potential impacts from the proposed development to natural resource features on-site and off-site such as streams, lakes, wetlands, water supplies, coastal estuaries, etc. A determination as to whether the proposed development will affect any designated primary or principal aquifer should also be included.

*** For subdivision review purposes, maps typically have a scale ranging from 1" = 50' to 1" = 200'. Map scales in the range of 1" = 1' to 1" = 40' are not uncommon depending on project size and amount of detail required. Maps for stormwater management planning can adopt any of the above scales. The contour interval for the maps should be two feet or an appropriate interval selected on the basis of site conditions and agreed upon by the municipality and developer.

(b) **EXISTING (PRE-DEVELOPMENT) CONDITIONS**

(1) Provide map showing topography (contours) under existing conditions. On this same map, show drainage patterns, including ditches, culverts, permanent streams, intermittent/ephemeral streams or drainages, wetlands, or other waterbodies, and existing roads. Indicate sizes of existing culverts. Delineate watershed and sub-watershed boundaries on the map.

(2) Provide a map showing existing land use, open space, public facilities, utility lines, water supply wells on site, and predominant vegetation cover types (forested, brushland, grassland, cropland, pasture, etc.).

(3) Obtain soils survey information and, by sub-catchment, provide tabular information detailing the area in acres that are in each of the Soil Conservation Service (SCS) Hydrologic Soil Groups A, B, C or D in Table 10 in Chapter III. Soils information should be obtained by conducting a site-specific soil survey.

(4) Where applicable, provide a map showing designated 100-year flood plain boundaries in affected drainage basins in the community including any available 100-year flood elevations and floodways. Show culverts downstream of project and culvert size. Show existing easements for storm drains, sewers, and other utilities. Show the extent of the drainage area served by a man-made stormwater drainage network if that network system is collecting runoff from outside of the natural drainage basin and is discharging into the basin of concern.

(5) Provide hydrologic data describing rainfall characteristics. This should include:

i. Precipitation data for several return periods (i.e., the 1-year 2-year, 10-year, and 100-year storms for a 24-hour

duration).

ii. Provide stream channel survey data by sub-catchment showing channel conditions including roughness and vegetation.

(c) **PROPOSED FUTURE (DEVELOPMENT) CONDITIONS**

(1) Provide a map showing by sub-catchment, the completed project, including lot layout, approximate location of buildings, streets, and other paved surfaces, final contours, utility lines, water supply wells, individual sewage disposal systems, and location and types of easements.

(2) Provide tabular information, by sub-catchment, showing the acres of impervious area created in the proposed development as well as the extent of lawn and areas where the land has been made more impervious than pre-development conditions.

(3) By sub-catchment, show on a map changes to land surface, including areas of cuts and fills, changes in vegetative cover types, and final contours. Indicate by sub-catchment, land-clearing and earth moving start-up and completion dates.

(4) Indicate construction schedule including estimated completion date(s) and proposed winter shutdowns.

2. **COMPARISON OF PRE-DEVELOPMENT WITH POST-DEVELOPMENT RUNOFF**

(a) **METHODOLOGIES**

(1) Describe or identify the methodology used to compare and evaluate pre- with post-development runoff conditions in terms of volumes, peak rates of runoff, routing, and hydrographs.

i. Peak discharge rates and total runoff volumes from the project area for existing site conditions and post-development conditions for the 2-year and 10-year, 24 hour storm events should be calculated. The relevant variables used in this determination, such as curve number and time of concentration should be included.

ii. Downstream analysis of the 100-year, 24 hour event, including peak discharge rates, total runoff volumes and evaluation of impacts to receiving waters and/or wetlands should be evaluated.

iii. Storage volume and surface area requirements necessary to provide flood control for runoff generated during 2-year, 10-year and 100-year, 24 hour storm events should be calculated.

iv. Discharge provisions for the proposed control measures, including peak discharge rates, outlet design, discharge capacity for each stage, outlet channel design, and a description of the point of discharge should be provided.

v. Sufficient detail should be provided to show that the stormwater facility(ies) is/are capable of withstanding the discharge from the 100-year storm event.

(2) Describe or identify the methodology used to compare and evaluate pre- with post-development pollutant loading. Contaminants to be compared include total suspended solids, total phosphorus, total nitrogen, and biological oxygen demand. Pollutant loading coefficients may be used.

i. Water quality treatment facilities should be designed for the 1-year, 24 hour storm event.

ii. The necessary storage volumes should be calculated and the proposed stormwater measure(s) should be described in detail. The plans should provide sufficient detail of the water quality control measures to ensure that the relevant design criteria will be met.

iii. Specific information may include surface area dimensions, depths, inlet designs, planting specifications for use of aquatic vegetation, percent solids removal expected, discharge rates and outlet design.

(b) **CALCULATIONS**

(1) State any assumptions used in making the calculations.

(2) Provide assumptions and coefficient values used in the hydrologic calculations for making above comparisons. Evaluate the post-development effect of stormwater runoff on identified flood plains or designated flood hazard areas in the community.

(3) Compare pollutant loading between before and after conditions. Provide computations.

3. **STORMWATER MANAGEMENT**

(a) **STORMWATER MANAGEMENT FACILITIES**

(1) Describe in a narrative and show on a map, by sub-catchment, proposed stormwater management facilities. A soil profile to at least one foot below the stormwater management facility should be provided.

(2) Provide designs of proposed structural stormwater management facilities. Indicate which facilities will be used to attenuate peak flows, which will be used to enhance stormwater runoff quality,

and which facilities will serve a dual role. Identify the materials to be used in constructing these facilities.

(3) Calculations for sizing stormwater facilities should be provided.

(4) Provide designs and calculations for siting and sizing such specialized measures and devices as filter strips, water quality inlets (oil/grit separator) forebays, etc., which will be used to remove sediment, oil-based products, and other contaminants found in urban runoff.

(5) Provide an evaluation of the amount of treatment or level of pollutant reduction that can be expected from the proposed stormwater management facility(ies). Contaminants to be considered in this evaluation include total suspended solids (TSS), total phosphorus (P), total nitrogen (N), biological oxygen demand (BOD) and thermal pollution. Evaluation of the effectiveness of stormwater management practices can be based on reports on the effectiveness of comparable stormwater facilities on similar sites.

Guidance for evaluating the level of reduction of TSS (and other pollutants attached thereto) that can be expected from selected stormwater management facilities can be found in the publication entitled "Methodology for Analysis of Detention Basins for Control of Urban Runoff Quality".[1].

(6) Provide information on the design provisions that address safety considerations (e.g., gentle slopes and benches in ponds) and accommodate maintenance needs (including access to conduct maintenance operations).

(b) **STORMWATER CONVEYANCE SYSTEM**

(1) Describe in a narrative and map by sub-catchment the stormwater conveyance (drainage) system. Indicate which segments of the drainage system are open channels and which segments are piped (culverts). Provide rationale and justification for installing piped segments.

(2) Provide plan view and cross-sectional designs of stormwater conveyance systems. Hydrologic calculations for siting and sizing the stormwater conveyance system should be provided. Identify materials to be used.

(3) Provide plans, designs and identify materials to be used for preventing erosion in channel sections of stormwater conveyance systems. Show how erosion at culvert inlets and outfalls will be prevented.

(c) **RECREATIONAL AND/OR LANDSCAPE FEATURES (Optional)**

(1) Describe and illustrate any recreational or landscape features which are to be factored into the stormwater management system to enhance the aesthetics of the facility(ies) and provide multiple use options.

(2) On the map prepared, show the location of recreational facilities.

(3) Provide landscaping sketches and designs for the stormwater management facilities.

4. **EROSION AND SEDIMENT CONTROL**

(a) **TEMPORARY EROSION AND SEDIMENT CONTROL FACILITIES** (to be used during land clearing, land grading and the construction phases)

(1) Describe temporary structural facilities and vegetative measures which will be used to control erosion and sedimentation.

(2) Provide a map showing, by sub-catchment, the location of temporary vegetative and structural erosion and sediment control facilities.

(3) Provide dimensional details of proposed erosion and sediment control facilities and identify the materials that will be used in developing these facilities. Calculations used in siting and sizing

sediment basins should be provided (see New York Guidelines for Urban Erosion and Sediment Control).[2]

(4) Identify temporary erosion and sediment control facilities which will be converted to permanent stormwater management facilities.

(5) Provide an implementation schedule for the staging of temporary erosion and sediment control facilities.

(6) Provide a maintenance schedule for soil erosion and sediment control facilities.

(b) PERMANENT EROSION AND SEDIMENT CONTROL FACILITIES

(1) Describe permanent structural and vegetative practices which will be used to provide long-term control of erosion and sedimentation when construction activities are completed and the project site is restored.

(2) Provide a map showing, by catchment, the location of permanent erosion control facilities, including both structural and vegetative.

(3) By sub-catchment, provide an implementation schedule for restoring the project site with permanent erosion and sediment control facilities.

5. IMPLEMENTATION SCHEDULE AND MAINTENANCE

(a) Provide an implementation schedule for staging of all stormwater management facilities. Describe how this schedule will be coordinated with the staging of erosion and sediment control facilities and construction activities.

(b) Provide a description of the arrangements which will be made for ensuring long-term maintenance of stormwater management and erosion control facilities. Back-up contingency plans should be provided and described. Those responsible for performing maintenance should be

identified.

Section Nine: Plan Review Process

a. The Stormwater Management and Erosion Control Plan shall be reviewed in a three-stage process:

1. **Pre-submission Phase** - which provides an opportunity for the community to learn of the developer's intent and for the developer to learn of the community's requirements and standards for development.

2. **Preliminary Site Development Plan Phase** - which includes the submission of an application for preliminary site development plan approved for a developer. The application shall be accompanied by information about the proposal as set forth in Section Eight of this Ordinance. Because it is a preliminary action and not final, action on the proposal shall be given as tentative approval, tentative approval with modification or disapproval.

3. **Final Site Development Plan Phase** - if approval or approval with modification is tentatively given in the preliminary site development phase, the next step can be submission of a final application, including the necessary documentation for final approval. It is in this phase that any requested modifications be satisfied as part of final application submission.

b. The Stormwater Management and Erosion Control Plan shall not be approved unless it is consistent with the Purposes and Objectives of this Ordinance in Section Three and the Performance Standards described in Section Ten, except where a variance has been granted pursuant to Section Sixteen, or where off-site management is approved pursuant to Section Eleven.

c. Inspections. The applicant shall schedule the following inspections with the Village of Wellsville, Director of Public Works or his representative:

1. **Initial Inspection**: prior to approval of the Stormwater Management and Erosion Control Plan;

2. **Erosion Control Inspection:** to ensure erosion control practices have been

installed in accord with the Plan.

3. **Bury Inspection**: prior to backfilling of any underground drainage or stormwater conveyance structures;

4. **Final Inspection**: when all work including construction of stormwater management facilities has been completed.

d. The Village of Wellsville, Director of Public Works, or his representative shall inspect the work and either approve it or notify the applicant in writing in what respects there has been a failure to comply with the requirements of the approved Stormwater Management and Erosion Control Plan. Any portion of the work which does not comply shall be promptly corrected by the applicant or the applicant will be subject to the bonding provisions of Section Thirteen and the penalty provisions of Section Fourteen. The Village of Wellsville, Director of Public Works, or his representative may conduct random inspections to ensure effective control of erosion and sedimentation during all phases of construction.

Section Ten: Performance Standards

a. Stormwater Management and Erosion Control Plans shall be prepared in accordance with the following performance standards which have been structured to achieve the purposes and objectives of this Ordinance as well as to ensure that the quality and quantity of runoff after development is not substantially altered from pre-development conditions:

1. <u>EROSION AND SEDIMENT CONTROL STANDARDS</u>

(a) The following erosion and sediment control standards provide minimum criteria to ensure that properly designed erosion and sediment control practices are factored into site-specific development plans:

(1) Existing vegetation on a project site should be retained and protected as much as possible to minimize soil loss from the project site. (This also will minimize erosion control costs.)

(2) Sediment control practices/measures, where necessary, should be designed to protect the natural character of waterbodies on-site as well as off-site. The practices must be in place from the start of land disturbance activities to establishment of permanent stabilization.

i. The off-site impacts of erosion and sedimentation from the development site should not be any greater during and following land disturbance activities than under pre-development conditions.

ii. Water in stream reaches on-site and downstream of construction areas should not have substantial visible contrast relative to color, taste, odor, turbidity and sediment deposition from the water in reaches upstream of the construction area.

iii. Sediment laden runoff should not be allowed to enter any waterbody in such quantity that would result in deposition on the bottom of the waterbody, degrade its natural biological functions, or be deleterious to the classified usage of the water.

(3) Erosion and sediment control measures should be constructed prior to beginning any land disturbances. All runoff from disturbed areas should be directed to the sediment control devices. These devices should not be removed until the disturbed land areas are stabilized.

(4) Specific guidance.

i. **Exposure Restrictions**: No more than 5 acres of unprotected soil should be exposed at any one time. Previous earthwork should be stabilized. (Site factors including topography, soil erosion potential, proximity to wetlands and water courses may require limiting the amount of earth that can be exposed, at any one time, to less than 5 acres.)

ii. **Grading**: Perimeter grading should blend with adjoining properties.

iii. **Vegetative Protection**: Where protection of trees and/or other vegetation is required, the location should be shown on the erosion control plan, the method of protecting vegetation during construction should be described.

iv. Drainage control.

(1.a) Surface runoff that is relatively clean and sediment free should be diverted or otherwise prevented from flowing through areas of construction activity on the project site. This will greatly reduce sediment loading in surface runoff.

(1.b) A fill associated with an approved temporary sediment control structure or permanent stormwater management structure, should not be created which causes water to pond off-site on adjacent property, without first having obtained ownership or permanent easement for such use from the owner of the off-site or adjacent property.

(1.c) In general, natural drainage channels should not be altered. Pursuant to Article 15 of the Environmental Conservation Law, a protected stream and banks thereof should not be altered or relocated without the approval of the Department of Environmental Conservation. *

(1.d) Runoff from any land disturbing activity should not be discharged or have the potential to be

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* A natural drainage channel refers to a swale, water course in a gully, or an unprotected stream. Natural drainage channels should not be altered or relocated on adjacent properties without first having obtained ownership or a permanent easement for the altered or relocated drainage channel from the owner of the off-site or adjacent property.

discharged off-site or into storm drains or into watercourses unless such discharge is directed through a properly designed, installed and maintained structure, such as a sediment trap, to retain sediment on-site. Accumulated sediment shall be removed when it takes up 60% of the storage capacity of the sediment retention structure.

(1.e) For finished grading, adequate gradients should be provided so as to prevent water from standing on the surface of lawns for more than 24 hours after the end of a rainfall, except in a swale flow area which may drain as long as 48 hours after the end of rainfall.

(1.f) Permanent swales or other points of concentrated water flow should be stabilized. Biotechnical approaches using certain types of grasses, such as reed canary grass, are preferable to using sod, gabions and rip-rap where water quality enhancement is a high priority and the swale design allows. However, sod, gabians or rip-rap may be used to stabilize swales where soils and gradient preclude the use of reed canary grass.

(1.g) Surface flows over cut and fill slopes should be controlled so as to prevent erosion.

v. Timing.

(1.a) Except as noted below, all sites should be seeded and mulched with erosion control materials such as straw mulch, jute, or excelsior (wood shavings) within 15 days of final grading. If construction has been suspended, or sections completed, areas should be seeded immediately and stabilized with erosion control materials. Maintenance should be

performed as necessary to ensure continued stabilization.

(1.1) For active construction areas, such as borrow or stockpile areas, roadway improvements, and areas within 50 ft. of a building under construction, a perimeter sediment control system consisting, for example, of silt fencing or hay bales, should be installed and maintained to contain soil.

(1.2) On cut sides of roads, ditches should be stabilized immediately with rock rip-rap or other non-erodible liners, or where appropriate, vegetative measures such as sod. When seeding is approved, an anchor mulch should be used and soil should be limed and fertilized.

(1.3) Permanent seeding should optimally be undertaken in the spring from March 21 through May 20, and in late summer from August 25 to October 15. During the peak summer months and in the fall after October 15 when seeding is found to be impracticable, an appropriate mulch should be applied. Permanent seeding may be undertaken during summer if plans provide for adequate watering of the seedbed.

(1.4) All slopes steeper than 3:1 (h:v), as well as basin or trap embankments, and perimeter dikes should, upon completion, be stabilized with sod, seed and anchored straw mulch, or other approved stabilization measures. Ar-

eas outside of the perimeter sediment control system should not be disturbed. Maintenance should be performed as necessary to ensure continued stabilization.

(1.b) Temporary sediment trapping devices should be removed within thirty (30) calendar days following establishment of permanent stabilization in all contributory drainage areas. Stormwater management structures used temporarily for sediment control should be made permanent within this time period as well. Accumulated sediments removed from temporary sediment traps or permanent stormwater management facilities should be disposed of such that they will not erode and enter a waterbody.

vi. Stream Corridor Management[1]

(1.a) Stream corridors should be delineated on a map for all streams (permanent or intermittent) on the project site. An analysis of natural resource constraints and cultural features, such as flood plains, wetlands, slopes, soil erodibility, depth to bedrock, areas of ecological or geological significance, significant wildlife habitats and historic landmarks, can be used to delineate stream corridors. The 50 ft. setback distance from flood hazard areas and the 100 ft. buffer around protected wetlands should be factored into the stream corridor delineation process. If there is a stream corridor management ordinance, an overlay protective district, or other local law which protects the stream corridor, then that law should provide the basis for stream corridor delineation.

(1.b) The delineated stream corridor should serve as the minimum setback distance between areas to be developed on the project site and the protected stream. Setback distances should be based upon the analysis of natural resource constraints, such as slope, soil erodibility, depth to bedrock, and cultural resource features.

(1.c) Care is to be exercised to ensure that streambank vegetation, including grasses, shrubs and trees in the delineated stream corridor remain undisturbed during land clearing, land grading and construction. The outer edge of the stream corridor on the construction site should be clearly delineated. Heavy construction equipment should be prevented from entering the delineated stream corridor.

(1.d) Impervious surfaces, other than planned crossings, consisting of asphalt, concrete or similar paving materials should not be installed or constructed within the delineated stream corridor.

(1.e) The bed and banks of all on-site and off-site streams which may be impacted by land clearing, grading, and construction activities should be protected to prevent sedimentation, streambank erosion, stream enlargement, or degradation or loss of fisheries habitat. Measures for protecting the bed and/or banks of a stream may include gabion baskets, rip-rap, log cribbing, and vegetative measures. Whenever possible, vegetative streambank stabilization practices are recommended over structural practices such as rip-rap and gabion linings which may unnecessarily

alter the existing stream ecosystem. Native species of vegetation should be used for streambank stabilization wherever practical. In undertaking streambank stabilization activities for protected streams, the permittee shall comply with appropriate protection of water provisions in Article 15 of the Environmental Conservation Law.

(1.f) Where temporary work roads or haul roads cross stream channels, adequate waterway openings must be constructed using spans, bridges, or culverts. Backfill used in conjunction with spans, bridges or culverts should consist of washed rock or other acceptable, clean methods that will ensure that road construction and use do not result in turbidity and sediment downstream. All stream crossing activities and appurtenances shall be in compliance with a permit issued pursuant to Article 15 of the Environmental Conservation Law, where applicable.

vii. Maintenance

(1.a) An erosion control plan for a project site should identify maintenance requirements for erosion and sediment control practices utilized, and it should provide a maintenance schedule. All erosion and sediment control measures should be inspected at a minimum of once a week and after every heavy rainfall and maintained in conformance with the schedule so as to ensure they remain in effective operating condition until such times as they are removed.

(1.b) All points of construction ingress and egress should

be protected to prevent the deposition of materials onto traversed public thoroughfare(s) either by installing and maintaining a stabilized construction entrance or by maintaining a vehicle wash area in a safe disposal area to wash vehicle wheels and undercarriage. All materials deposited onto public thoroughfare(s) should be removed immediately. Proper precaution should be taken to assure that the removal of materials deposited onto public thoroughfare(s) will not enter catch basins, storm sewers, or waterbodies.

(1.c) Accumulated sediment should be removed when 60% of the storage capacity of sediment retention structures is reached. All removed sediment should be disposed of in a spoil area where it can be graded, mulched and seeded to prevent erosion and sedimentation.

2. FLOOD CONTROL STANDARDS

(a) The following standards are intended to ensure that stormwater runoff is safely conveyed through a development site, to minimize streambank erosion, and to reduce flooding related to land development and urbanization:

(1) Peak Flow Attenuation

i. The release of stormwater runoff from a developed area should not exceed pre-development conditions. To accomplish this, stormwater runoff should be controlled so that during and after development, no greater peak flow will be discharged from the project site than was discharged prior to development for a runoff volume

generated from a 2-year 24-hour storm, a 10-year 24-hour storm, and a 100-year 24-hour storm all considered individually.

(1.a) The runoff volume generated from a 2-year, 24-hour storm should be stored and gradually released for a minimum of 40-hours. This design standard is intended to prevent stream channel erosion.

(1.b) The runoff volume generated from a 10-year, 24-hour storm should be attenuated for a minimum of 24 hours. This design standard is intended to assure the adequacy of existing and proposed culverts and storm drain systems.

(1.c) The runoff volume generated from a 100-year, 24-hour storm should be attenuated for a minimum of 24 hours. This is intended to reduce the rate of runoff from development to prevent expansion of the 100-year flood plain and to alleviate flooding of improved properties and roadways.

ii. Dry detention basins are frequently used for peak flow attenuation. However, it is not necessary that peak flow attenuation requirements be satisfied only by means of detention basins. For example, infiltration trenches, dry wells, or stone reservoirs underneath paving, may be used for attenuating peak flows for smaller storms. Appropriate consideration must be given to the length of life of the stormwater facility and feasibility of maintenance.

iii. Where dams are to be constructed for attenuating peak flows, approval may have to be obtained from DEC pursuant to Article 15-0503 of the Environmental Conservation

Law.

iv. The minimum requirements for peak flow attenuation can be waived for the 100-year, 24 hour storm event where it can be proven that downstream flooding is not a concern, such as where stormwater runoff is discharged to coastal waters or to a regional stormwater facility designed to handle additional volume and peak discharge. The cumulative effect of all proposed development projects within the watershed should be considered in making this determination.

v. For public safety reasons, the structural integrity of all stormwater management control facilities should be designed to withstand the discharge from a 100-year, 24 hour storm event.

(2) 100-Year Flood Plains

i. When a land development project is in the vicinity of a river, stream, lake or coastal embayment, encroachment into special flood hazard areas is allowed only in compliance with provisions adopted by the municipality under the National Flood Insurance Program (NFIP).

ii. A 50' buffer (building restriction line) should be established from the flood hazard area as a safety factor to allow for inaccuracy in the determination.

iii. Pursuant to Article 24 (ECL), a 100-foot buffer is required around a protected wetland. Other buffer requirements may apply in a delineated stream corridor.

iv. For all development projects of 5 or more acres or containing 5 or more dwelling units where flood elevation

data are not available through the NFIP, the stormwater management plan must include a study to determine 100-year flood plain elevations in accordance with TR-20, HEC-2 or other standard engineering methods. Such elevation data shall be used to regulate flood plain encroachments in accordance with the NFIP. The 100-year flood plain elevation and the building restriction line should be shown on the plan.

(3) Runoff Conveyance Systems

i. Priority should be given to maintaining natural drainage systems, including perennial and intermittent streams, swales and drainage ditches, in an open condition.

ii. Where closed storm drain systems (i.e., those involving a culvert or similar conduit) are deemed essential, justification should be given as to why it is necessary to have a closed system. When justified, the closed system should be designed to:

(1.a) convey the 10-year 24-hour storm flow within the closed (piped) storm drain system; and

(1.b) when a closed system sized for a 10-year, 24-hour storm is used, the storm drain system also should provide for conveyance of the 100-year 24-hour storm (generally on well established turf over the top of the closed storm drain).

iii. Any alteration to a protected stream, a stream bed or the banks thereof, including the installation of stormwater conveyance systems will require an Article 15, Protection of Water Permit and may require an Article 24, Freshwater Wetlands Permit.

iv. Any culvert or stormwater structure placed in a stream should not impede fish migration.

3. WATER QUALITY MANAGEMENT STANDARDS

(a) The following guidelines should be used in conjunction with the erosion and sediment control guidelines and flood control guidelines to protect water quality from runoff associated with development projects. The guidelines should be followed by a project applicant/sponsor in preparing and implementing a stormwater management plan. The guidelines should apply to all land areas where soil permeability has been changed as a result of land clearing, land grading and land development.

(1) Control of "First Flush"

Control of the "first flush" is important in stormwater management because most runoff-related water quality contaminants are transported from land, particularly impervious surfaces, during the initial stages of a storm event. For example, from 70% to 95% of the contaminants in stormwater can be removed by capturing the first flush of runoff through infiltration practices. Regardless of whether infiltration, retention or extended detention practices are used to capture the first flush, the performance standards for protecting water quality from stormwater runoff are as follows:

i. Stormwater management facilities for capturing and treating the first-flush may include infiltration, retention, and extended detention. Dry detention (ponds) may not be used to treat the first-flush.

ii. Stormwater management facilities for treating the first-flush should be designed to capture the runoff resulting from a 1 year 24 hour storm from all land areas for which the perviousness has been changed over pre-development

conditions due to land clearing, land grading and construction.* Supplemental stormwater management practices, including swales, filter strips and oil/grit separators may not be used as a substitute for infiltration, retention and extended detention in treating stormwater runoff. However, these practices should be used in conjunction with infiltration, retention, and extended detention wherever feasible.

iii. When extended detention is used, the detention time for capturing and treating the first-flush that is being discharged to a river, stream or wetland should be at least 24 hours. The detention time for treating stormwater runoff in an extended detention facility which is being discharged to a lake, reservoir, coastal embayment or estuary or a tributary thereto should be at least 14 days.

iv. There should be no surface discharge to a waterbody when infiltration or retention is used. If extended detention is built into a retention (wet) pond by providing additional free board and an outlet structure to an impoundment, the above detention times should be used.

(2) Control of Thermal Discharges

Control of thermal energy in stormwater runoff in watersheds having streams which support cold water fisheries is essential. Impervious surfaces, for example, asphalt parking areas and roofs, store large quantities of heat during hot weather in summer. The heat from such surfaces is released to stormwater through conduction during storm events. Stormwater runoff

* Note that, in addition to paved surface areas and roof surfaces, the contributory area for which the first-flush should be captured and treated includes lawns and similarly landscaped features which are subject to fertilize and chemical applications.

having elevated temperatures, can, in turn, increase stream temperatures during storm events and adversely impact cold water fisheries or other aquatic ecosystem functions. Accordingly:

i. Stormwater discharges should be consistent with the thermal criteria found in Part 704 of the Water Quality Regulations, Title 6, Chapter X, New York State Codes, Rules and Regulations.

Section Eleven: Off-Site Stormwater Management Facilities

a. The Village of Wellsville may allow stormwater runoff that is of unacceptable quality or which would be discharged in volumes or rates in excess of those otherwise allowed by this Ordinance, to be discharged into stormwater management facilities off the site of development if all of the following conditions are met:

1. It is not practicable to completely manage runoff on the site in a manner that meets the Performance Standards in Section Ten.

2. The off-site drainage facilities and channels leading to them are designed, constructed and maintained in accordance with the requirements of this Ordinance;

3. Adverse environmental impacts on the site of development will be minimized;

(a) Adequate provision is made for the sharing of construction and operating costs of the off-site facilities. The developer may be required to pay a portion of the cost of constructing the facilities as a condition to receiving approval of the drainage plan.

(b) Use of regional off-site stormwater management facilities does not eliminate the requirement that the first-flush be captured and treated on-site.

(c) A request to use off-site stormwater management facilities and all information related to the proposed off-site facilities should be made a part of the developer's stormwater management plan.

Section Twelve: Maintenance

a. The Village of Wellsville shall determine whether stormwater management facilities are to be maintained by the developer/owner, a homeowner's association, or by the Village of Wellsville.

1. If maintenance is to be performed by a homeowner's association, the homeowner's association must be registered pursuant to Section 352-E of the New York State General Business Law.

2. If maintained by an owner or homeowner's association, a maintenance plan containing a maintenance schedule shall be prepared by the developer, owner and/or homeowner's association for approval by the Village of Wellsville (see Section Eight [c.]).

3. Stormwater management facilities maintained by an owner or homeowner's association shall have adequate easements to permit the Village of Wellsville Director of Public Works, or his representative to inspect and, if necessary, to take corrective action should the owner fail to properly maintain the system. Before taking corrective action, the Village of Wellsville shall give the owner or homeowner's association written notice of the nature of the existing defects. If the owner or homeowner's association fails within thirty (30) days from the date of notice to commence corrective action or to appeal the matter to the Village of Wellsville, the Village of Wellsville may take necessary corrective action, the cost of which shall be borne by the owner or developer pursuant to Section Thirteen of this Ordinance or by the homeowner's association. If, in the event the homeowner's association fails to pay for required corrective action, the Village of Wellsville shall have a lien placed on the real property of members of the homeowner's association until payment is made.

b. Stormwater management facilities may be dedicated to the Village of Wellsville for purposes of maintenance by mutual consent and agreement of the developer/owner and Village of Wellsville; and shall be dedicated to the Village of Wellsville when said facilities are determined to be appropriately a part of the Village of Wellsville maintained stormwater management system.

Section Thirteen: Performance Bond

a. In order to ensure the full and faithful completion of all construction activities related to compliance with all conditions set forth by the Village of Wellsville in its approval of the Stormwater Management and Erosion Control Plan, the Village of Wellsville may require the developer to provide, prior to construction, a performance bond, escrow account certification, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Village of Wellsville as the beneficiary. The security shall be in an amount to be determined by the Village of Wellsville based on submission of final design plans, with reference to actual construction costs.

b. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or owner of a development (and not by a homeowner's association or the Village of Wellsville), the developer, prior to construction, also may be required to provide the Village of Wellsville with an irrevocable letter of credit from an appropriate financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities for the life of the project.

The letter of credit shall remain in force until the surety is released from liability by the Village of Wellsville.

Per annum interest on the letter of credit will be reinvested in the account until the surety is released from liability.

The operation and maintenance letter of credit shall remain in force for the life of the project.

If the developer or owner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Village of Wellsville may draw upon the account to cover the costs of proper operation and maintenance.

Section Fourteen: Enforcement

a. Nuisance. Any development activity that is commenced without prior approval of a Stormwater Management and Erosion Control Plan or is conducted contrary to an approved Stormwater Management and Erosion Control Plan as required by this Ordinance, shall be deemed a public nuisance and may be restrained by injunction or otherwise abated in a manner provided by law.

b. Civil and Criminal Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this Ordinance shall be punished by a fine of not less than One Hundred Dollars ($100) nor more than One Thousand Dollars ($1,000) or by imprisonment for a period not to exceed sixty (60) days, or by both such fine and imprisonment. Such person shall be guilty of a separate offense for each day during which the violation occurs or continues.

c. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village of Wellsville may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

d. Notice of Violation. When the Village of Wellsville determines that developmental activity is not being carried out in accordance with the requirements of this Ordinance, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

1. the name and address of the owner or applicant;

2. the street address when available or a description of the building, structure, or land upon which the violation is occurring;

3. a statement specifying the nature of the violation;

4. a description of the remedial actions necessary to bring the development activity into compliance with this Ordinance and a time schedule for completion of such remedial action;

5. a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;

6. a statement that the determination of violation may be appealed to the Village of Wellsville by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

e. The notice of violation shall be served upon the person(s) to whom it is directed either personally, in a manner provided for personal services of notices by the court of local jurisdiction, or by mailing a copy of the notice of the violation by certified mail, postage prepaid, return receipt requested to such person at his or her last known address.

f. A notice of violation issued pursuant to this section constitutes a determination from which an administrative appeal may be taken to the Village of Wellsville.

Section Fifteen: Appeals

a. Any person aggrieved by the action of any official charged with the enforcement of this Ordinance, as the result of the disapproval of a Stormwater Management and Erosion Control Plan, issuance of a written notice of violation, or an alleged failure to properly enforce the Ordinance in regard to a specific application, shall have the right to appeal the action to the Village of Wellsville. The appeal shall be filed in writing within twenty (20) days of the date of official transmittal of the final decision or determination to the applicant, shall state clearly the grounds on which the appeal is based, and shall be processed in the manner prescribed for hearing administrative appeals under Village Law, Section 7-712(a).

Section Sixteen: Severability

a. Each separate provision of this Ordinance is deemed independent of all other provisions herein so that if any provision or provisions of this Ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

Section Seventeen: Variance

a. The Village of Wellsville may grant a written variance from any requirement of this Ordinance using the following criteria:

1. there are special circumstances applicable to the subject property or its intended use; and

2. the granting of the variance will not:

   (a) increase or decrease the rate or volume of surface water runoff;

   (b) have an adverse impact on a wetland, water course or waterbody;

   (c) contribute to the degradation of water quality; and,

   (d) otherwise impair attainment of the objectives of this Ordinance.

Section Eighteen: Effective Date

a. This Local Law shall become effective upon its filing with the New York State, Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 1994 of the (County)(City)(Town)(Village) of WELLSVILLE was duly passed by the BOARD OF TRUSTEES on JULY 11 1994, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. ---------- of 19------ of the (County)(City)(Town)(Village) of ---------- was duly passed by the ---------- on ---------- 19 ---, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the ---------- and was deemed duly adopted on ---------- 19----,
(Elective Chief Executive Officer)*
in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ---------- of 19------ of the (County)(City)(Town)(Village) of ---------- was duly passed by the ---------- on ---------- 19----, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the ---------- on---------- 19----. Such local law was submitted
(Elective Chief Executive Officer)*
to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on ---------- 19---, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ---------- of 19------ of the (County)(City)(Town)(Village) of ---------- was duly passed by the ---------- on ---------- 19----, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the ---------- on ---------- 19---. Such local law was subject to
(Elective Chief Executive Officer)*
permissive referendum and no valid petition requesting such referendum was filed as of ---------- 19---, in accordance with the applicable provisions of law.

*** Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. ---------- of 19------ of the City of ---------- having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on---------- 19----, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. ---------- of 19------ of the County of ---------- State of New York, having been submitted to the electors at the General Election of November ---------- 19----, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph----------, above.

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 07/18/94

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ALLEGANY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

VILLAGE ATTORNEY
Title

W. JOSEPH EMBSER, ATT'Y
EBENEZER OIL CO. BUILDING
85 NORTH MAIN STREET
P.O. BOX 624
WELLSVILLE, NEW YORK 14895
716-593-1900

XCountyX
XCityX
XTownX of WELLSVILLE
Village

Date: 07/18/94