

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NEW YORK 12207

(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 underlines to indicate a new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
AUG 08 2003

Town of Schodack

Local Law No. 2 of the year 2003

MISCELLANEOUS
& STATE RECORDS

A local law to amend Town Code by deleting Chapters 221 and 222 and adding a new Chapter 223 entitled Water Quality Control and by amending Chapter 219

Be it enacted by the Town Board of the Town of Schodack as follows:

Section 1.

Town Code Section 219 is modified to the extent provided in Chapter 223 entitled Water Quality Control.

Section 2.

Town Code Sections 221 and 222 are hereby deleted.

Section 3.

Chapter 223 entitled WATER QUALITY CONTROL is hereby enacted as follows:

See Attachment.

Section 4.

This Local Law shall become effective upon filing in the Office of the Secretary of State.

WATER QUALITY CONTROL

Chapter 223

- § 223-1. Findings, purpose and intent.
- § 223-2. Definitions.
- § 223-3. Scope, authority and applicability.
- § 223-4. Agency actions.
- § 223-5. Site plan review and special permits.
- § 223-6. Permitted uses.
- § 223-7. Groundwater monitoring wells and water supplies.
- § 223-8. Reporting requirements.
- § 223-9. Variances, enforcement and penalties.

[HISTORY: Adopted by the Town Board of the Town of Schodack July 28, 2003 as Local Law No. 2 of 2003, as a replacement for Chapters 221 and 222]

GENERAL REFERENCES

Aquifer Ordinance guidelines.
Freshwater wetlands – See Ch. 124.
Solid waste management – See Ch. 184.
Subdivision of land – See Ch. 188.
Zoning – See Ch. 219.

§ 223-1. Findings, purpose and intent.

- A. The Town Board of the Town of Schodack (the “Town”), hereby determines that the public order, safety, health and welfare of the Town requires the reasonable regulation of the manner in which commercial, industrial, agricultural and residential use and development occurs within the Town.
- B. The Schodack Terrace and Valatie Kill Aquifers and other groundwater sources are among the most important natural resources within the Town. In addition, the Moordener Kill, Valatie Kill, Vlockie Kill, Muitzes Kill and other streams and water bodies within the Town are valuable surface water resources that can recharge groundwater. The purpose and intent of this Chapter is to establish, protect,

preserve, and promote the safe use of the existing and potential groundwater supply from development activities that may adversely affect the quality or availability of water from the Town aquifers; to protect and preserve potential sources of future water supply for the public health, safety and general welfare; and to assure an adequate supply of suitable drinking water for the residents of the Town. Such protection is particularly warranted since significant Town aquifers are located directly beneath the ground surface and the majority of the Town does not have a public sewer system.

- C. This Chapter establishes the Water Quality Control District which shall overlay all districts established in Chapter 219. This Chapter also modifies the regulatory review requirements and permitted uses in Chapter 219, and establishes additional use conditions.

§ 223-2. Definitions.

Definitions of terms used in this Chapter shall be consistent with those contained in Chapter 188 and 219. However, for the purposes of this Chapter only, the following words shall be interpreted and defined as follows:

AGRICULTURAL ACTIVITIES - Those activities directly related to agricultural production on lands that would meet the requirements of Article 25AA of NY State Dept. of Agriculture and Markets. This includes lands that are at least 7 acres and produce average gross sales of at least \$10,000, or lands less than 7 acres with average gross sales of at least \$50,000.

AGRICULTURAL ANIMAL WASTE – Manure and other animal waste derived from agricultural industries.

AGRICULTURAL BEST PRACTICES – “best practices” for nonpoint source pollution prevention and water quality protection as established by NRCS standards, grower groups or contained within the Agricultural Management Practices Catalogue, prepared by the Agricultural Management Practices Sub-Committee of the New York State Nonpoint Source Management Practices Task Force (May 1996), and as modified in the future.

AQUIFER – In the context of these regulations, the aquifer is defined as that body of gravel and sand (shown on plate 1) directly below the land surface which will yield groundwater to wells in sufficient quantity to satisfy the users’ needs. Both the unsaturated and saturated zones are considered to be the aquifer.

BULK STORAGE – The holding or containment of dry, semidry or liquid materials in large quantities, either packaged or loose, usually dispensed in smaller quantities for sale, use or consumption.

CHLORIDE SALTS – The solid compounds or solutions of potassium chloride (commonly used as fertilizer), calcium chloride or mixtures of chloride salt with

aggregates (commonly used for road maintenance during the winter) or sodium chloride (commonly used for water-softener regenerations, road maintenance).

COMMERCIAL RAIL TERMINAL – establishments primarily engaged in the furnishing of terminal facilities for freight traffic for line-haul service, and in the movement of railroad cars between terminal yards, industrial sidings and other local sites.

COMMUNITY WATER SYSTEM – a public water system which serves at least five service connections used by year-round residents or regularly serves at least 25 year-round residents. A groundwater production well serving such system shall be known as a Community Supply Well.

CONSTRUCTION AND DEMOLITION LANDFILL – A site used for the deposition of wastes resulting from construction, remodeling, repair and demolition of structures, road building and land-clearing. Such wastes include, but are not limited to, roofing shingles, bricks, concrete and other masonry materials, soil, rock, lumber, road spoils, paving material, tree and brush stumps.

DIRECT RECHARGE AREA - This area includes the gravel and sand aquifer and any land within 1,000 feet of the edge of the aquifer. The boundary of this area is shown on Plates 1 and 2. For the purposes of aquifer protection, the aquifer and the immediately adjoining area are considered one and the same.

DRY CLEANERS – a facility that utilizes dry cleaning equipment to clean fabrics and/or garments. Such equipment avoids saturating fabrics with water, and instead uses chemicals such as perchloroethylene (PERC) and petroleum based solvents.

GROUNDWATER – Subsurface water that saturates pore and fracture space in the unconsolidated deposits and bedrock.

HAZARDOUS MATERIAL – Any hazardous substance or hazardous waste listed in NYSDEC regulations 6 NYCRR Parts 371 and 597.

LINEAR DISTANCE – The shortest horizontal distance from the nearest point of a structure or object to the edge, margin or steep bank forming the ordinary high water line of a surface water body.

METAL FABRICATION – a business engaged in the manufacturing of products that are primarily composed of metallic raw materials. Included are the three general functions of forming metal shapes, surface preparation and metal finishing. Specific metal fabrication operations include: forming, cutting, rolling, surface cleaning, anodizing, chemical conversion coating, electroplating, electoles plating, painting, polishing, hot dip coating, and etching.

NRCS – The Natural Resources Conservation Service of the United States Department of Agriculture.

NYSDEC – The New York State Department of Environmental Conservation. Water quality standards for the Department are listed in 6NYCRR Part 703.

NYSDOH – The New York State Department of Health

ON-SITE DISPOSAL SYSTEM – Any system used for the disposal of sewage, industrial waste, as defined in § 17-0105 of Article 17 of the New York State Environmental Conservation Law, and 10 NYCRR Part 75 of the NYS DOH, including but not limited to: sewerage systems and sewage treatment works, on a site or parcel of land.

OPEN STORAGE – the storage of a material in such a way which permits exposure to the elements of nature, degradation of storage containers, and potential release of the stored materials.

PETROLEUM – Any petroleum based product of any kind which is liquid at 20° C (68°F) under atmospheric pressure and has been refined, re-refined, or otherwise processed for the purpose of being burned as a fuel to produce heat or usable energy, or which is suitable for use as a motor fuel or lubricant in the operation or maintenance of an engine. Waste oil which had been reprocessed or re-refined and which is being stored for sale or use as fuel or lubricant is considered petroleum for purposes of this Chapter.

PESTICIDE – Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest; and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; including herbicides, fungicides and insecticides.

RCDOH – The Rensselaer County Department of Health

RADIOACTIVE WASTE – Any discarded or waste material that emits ionizing radiation.

REPORTABLE QUANTITY - The amount of material, which if spilled and released into the environment, is required to be reported to the applicable local, state and federal agencies, as specified in 40 CFR Parts 302.4 and 355 (Appendix A) and 6 NYCRR Parts 595 and 613. Examples of NYSDEC Reportable Quantities for releases to land/water for some common materials are:

- Petroleum – any escape of petroleum from the ordinary container (only applicable at NYSDEC regulated facilities);
- Sulfuric acid – 100 lbs;
- Chlorine -10 lbs.;
- Sodium hydroxide – 100 lbs.;

- Ammonia – 100 lbs.

SEPTAGE – Residue removed from wastewater disposal systems.

SEWAGE – Any liquid or solid waste matter, together with such groundwater infiltration and surface water as may be present, including mixtures of sewage with industrial wastes or other wastes.

SLUDGE – Any solid, semisolid or liquid waste generated from a public, quasi-public, private, commercial or industrial wastewater treatment plant, water supply treatment or air pollution control facility.

SOLID WASTE – All discarded materials or substances, including but not limited to garbage, refuse, industrial and commercial waste, sludge, ashes, incinerator residue, demolition and construction debris, discarded automobiles but not including domestic sewage or hazardous waste.

SPDES Permit – a New York State Pollution and Discharge Elimination System permit issued by the NYSDEC.

SPILL – Any intentional or unintentional action or omission resulting in an unpermitted releasing, spilling, discharging, leaking, or dumping of petroleum product, or hazardous material so that such substances may enter the environment.

STORAGE – The above or belowground storage of any material for a time period greater than 48 hours.

SUPPLY WELL – Any well now used as a source of groundwater supply.

SURFACE WATER BODY – Any stream, spring, pond, lake, reservoir, wetland, or channel of water which ultimately flows over the aquifer, including but not limited to the Moordener Kill, Vlockie Kill, Muitzes Kill, Valatie Kill and their tributaries.

TRUCK TERMINAL - establishments primarily engaged in the operation of terminal facilities used by highway-type freight carrying vehicles. Included are facilities that provide vehicle maintenance and service, and warehousing of freight. However, warehousing operations run by an entity that uses it's own trucks or leased trucks under their direct control for moving their own goods, shall not be considered truck terminals. Establishments primarily associated with local trucking (e.g. within a single municipality, continuous municipality, or its suburban areas) and courier services for individually addressed letters, parcels, and packages generally weighing less than 100 lbs., shall not be classified as a truck terminal.

USEPA – United States Environmental Protection Agency

USDOT – United States Department of Transportation

UNDERGROUND STORAGE TANK – Any one (1) or combination of tanks that are used to contain an accumulation of hazardous materials or to store petroleum product and whose volume is ten percent (10%) or more beneath the surface of the ground.

UPLAND WATERSHED AREA - This area of protection borders the Direct Recharge Area on the up-gradient side. It is typically composed of bedrock or glacial till and is shown on Plates 1 and 2.

WATER QUALITY CONTROL DISTRICT – All areas lying within the boundaries of the Town of Schodack that are composed of the Wellhead Protection Area, Direct Recharge Area and the Upland Watershed Area, as shown on Plates 1 and 2.

WELLHEAD PROTECTION AREA – The portion of the Direct Recharge Area that includes an inner well zone (500 ft. radius) of a community well system, and the area upgradient (maximum distance of 1 mile) from the system through which groundwater may travel to the cone of depression. The Wellhead Protection Areas for existing and potential future community water systems are shown on Plates 1 and 2.

§ 223-3. Scope, authority and applicability.

- A. The Water Quality Control District shall overlay all other zoning districts within the Town of Schodack. Any uses permitted in the zoning districts established in Chapter 219 shall also be subject to the provisions of this overlay district. In any case where conflicts arise between the Water Quality Control District regulations and any other existing regulations, the more restrictive regulations shall apply. Unless otherwise indicated, this Chapter applies only to portions of the Town located within the Water Quality Control District, which is composed of the Wellhead Protection, Direct Recharge and Upland Watershed Areas, shown in Plates 1 and 2. The provisions and requirements of this Chapter shall be in addition to any other applicable Local, State or Federal requirements.
- B. The actual location of a proposed activity or intended use, rather than the parcel boundary, on which the activity or use occurs, shall be used to determine the applicable requirements of this Chapter.
- C. The lawful use of any buildings or use of land existing at the time of adoption of this Chapter, may continue although such use or building may not conform to the provisions of this Chapter. Future repair and maintenance, or structural alteration of an existing use may occur provided that the health and safety of the public will be protected, NYSDEC water quality standards will not be violated, and a new nonconformity is not created. This right shall extend to the new property owner, in the event of a change in ownership.
- D. Nothing contained herein shall be deemed to limit the right to farm as set forth in the Article 25-AA of the NYS Agriculture and Markets Law. Specific agricultural related provisions are contained in paragraphs 223.6.C.1.k and 223.6.C.1.l.

- E. The Town Board may, by resolution, adopt guidelines governing site plan review, special permits, wastewater treatment, monitoring, wells and water supply.
- F. This Chapter shall be reviewed and modified, as necessary, whenever Chapter 219 is modified. At a minimum, a comprehensive review will be performed every 5 years.

§ 223-4. Agency actions.

- A. No federal, state, or local governmental agency shall grant any permit or approval for any use or activity potentially affecting water quality within any of the protection zones without prior notice to the Town, unless otherwise preempted by Law.

§ 223-5. Site Plan Review and Special Permits.

- A. The site plan review and special permit procedures established by this Chapter, shall be conducted in conjunction with the requirements in Chapter 219 of the Town Code.
- B. Special permits within the Water Quality Control District may be granted by the Planning Board upon a finding that the proposed project is consistent with the provisions of this Chapter. A special use permit application shall contain the information required by Chapter 219 and the additional items listed in guidelines adopted by resolution of Town Board.
- C. Reimbursement for consultant fees incurred by the Planning Board shall be in conformance with Chapter 219.
- D. Special permits issued in accordance with this Chapter shall have an initial duration of 18 months. Thereafter, permits will be subject to annual renewal, in accordance with Chapter 219-75 (D). After the second annual renewal period, the Planning Board may lengthen the renewal time duration, based upon the compliance record. The Town Board, by resolution, may establish the amount of fees charged for special permits and subsequent renewals.
- E. If there is a change of ownership or occupancy, the special permit will extend to the new owner, provided that the use does not change and the new owner complies with existing permit conditions. Any new activity that requires a building permit under Chapter 219 shall be subject to the requirements of this Chapter, other than at a use subject to 223-3C.

§ 223-6. Permitted and prohibited uses.

The following uses are permitted or prohibited within the Water Quality Control District, provided that all other governmental permits, orders and approvals shall have been obtained.

- A. Uses permitted under the Town of Schodack Zoning Law (Chapter 219) are permitted in the Water Quality Control District subject to the provisions of this Chapter.

B. Upland Watershed Area - requirements in this section pertain to the portion of the Upland Watershed that is more than 1000 ft. from the Aquifer.

1. All uses listed in Chapter 219 are allowed within the Upland Watershed Area subject to the following conditions:
 - a. It shall be unlawful for any person or commercial/industrial entity to directly or indirectly throw, drain, or otherwise discharge into the groundwater or surface water of the Town, substances that cause an exceedance of NYSDEC water quality standards, unless such activity is authorized by a permit from the appropriate regulatory authority.
 - b. Bulk storage of coal, chloride salts, or mixtures of chloride salts with aggregate shall only be allowed within watertight structures. Any outside loading or handling area shall have a base of impervious material that is graded or diked in such a manner to prevent seepage and runoff. These storage, loading and handling areas shall not be allowed within a linear distance of 200 feet from a surface water body.
 - c. Solid waste landfills, construction and demolition waste landfills, junkyards (including motor vehicle), vehicle salvage operations, or metal salvage operations shall not be located within a linear distance of 200 feet from a surface water body.
 - d. Septage waste and sewage sludge shall not be deposited within a linear distance of 200 feet from a surface water body, unless it is permitted by NYSDEC.
 - e. There shall be no commercial or industrial storage of petroleum or hazardous materials within a linear distance of 200 feet of a surface water body.
2. Site plan review for Municipal Buildings and Uses will be required.
3. Hazardous and radioactive waste disposal are prohibited.

C. Direct Recharge and Wellhead Protection Areas

1. All uses permitted under Town Zoning (Chapter 219) are allowed subject to the following conditions
 - a. It shall be unlawful for any person or commercial/industrial entity to directly or indirectly throw, drain, or otherwise discharge into the

groundwater or surface water of the Town, substances that cause an exceedance of NYSDEC water quality standards, unless such activity is authorized by as permit from the appropriate regulatory authority

- b. Bulk storage of coal, chloride salts, or mixtures of chloride salts with aggregate shall only be allowed within watertight structures. Any outside loading or handling area shall have a base of impervious material that is graded or diked in such a manner to prevent seepage and runoff. These storage, loading or handling areas shall not be located within 200 feet of any surface water body or 500 feet from a community supply well.
- c. Permits for wastewater disposal shall be obtained by the RCDOH or the NYSDEC, as required and provided to the Town. The Town Board may adopt guidelines to supplement disposal standards.
- d. The introduction into an existing on-site disposal system of any material for which the system was not designed, or permitted, that will potentially cause an exceedance of NYSDEC groundwater standards, is prohibited.
- e. On-site disposal systems shall not be located within 200 feet of a community supply well.
- f. There shall be no open storage of hazardous material or petroleum.
- g. Activities at service repair shops involving the use or potential spillage of hazardous materials or petroleum shall be conducted on an impervious surface that is bermed or otherwise constructed to contain spills or leaks.
- h. Hazardous material storage for commercial/industrial uses that is not regulated by NYSDEC, shall only occur on an enclosed, impervious surface that is bermed or otherwise constructed to contain spills or leaks.
- i. Petroleum shall be stored in individual containers with a capacity less than 60 gallons or in aboveground tanks. The tanks shall be installed on an impervious surface and be fully enclosed by a structure that prevents exposure to outside weather or have secondary containment with a minimum capacity equal to that of the tank(s). Alternatively, petroleum may be stored belowground in tanks with a combined capacity of over 1100 gallons, if such storage conforms to the requirements of 6NYCRR Part 614. Any tank with a capacity exceeding 1100 gallons will require Planning Board review.
- j. For parking lots and vehicle storage or sales areas regularly holding 100 vehicles or more for at least 5 days per week, or at vehicle washing facilities, gasoline sales and motor vehicle service stations, an impervious surface (e.g. asphalt or concrete) with water flow directed towards an

appropriately sized and maintained oil/water separator or water quality inlet structure shall be required. Collected petroleum product and other waste materials shall be removed as needed by a hauler licensed by the NYSDEC. The Planning Board may require oil/water separators or water quality inlet structures for other uses where petroleum is stored or transferred or where less than 100 commercial trucks or construction vehicles are stored. This provision may be waived if the site requires and has obtained a NYSDEC SPDES permit.

- k. Agricultural animal waste and fertilizer shall not be landspread on the ground surface within 200 ft. of a community supply well.
 - l. Industrial, commercial and agricultural storage and application of pesticides shall be consistent with NYSDEC standards.
 - m. Excavations or cut-ins that expose groundwater within the Wellhead Protection Area are prohibited. This provision does not apply to temporary (less than 60 days) construction related excavations or cut-ins.
 - n. Establishment of a centralized disposal area for snow or ice removed from salted roadways or parking lots is prohibited within the Wellhead Protection Area.
2. The following accessory uses require site plan review if their associated primary use is not subject to site plan review or special permit:
- Sale and repair of antiques and craft items
 - Parking and loading (except if associated with residential or agricultural activity)
3. Additional uses that require a special use permit are listed in Table 1.
4. Prohibited uses are listed in Table 1.

§ 223-7. Groundwater monitoring wells and water supplies.

- A. The Planning Board may require any use authorized pursuant to a permit issued under this Chapter to install one (1) or more groundwater monitoring wells in a direction downgradient and/or upgradient from on-site uses, only upon a finding that such monitoring is necessary to assess impacts that are associated with on-site disposal systems or petroleum/hazardous material storage areas. The specific location of these groundwater monitoring wells shall be determined by a geologist, engineer or other qualified professional, trained and experienced in hydrogeology.

- B. The frequency and chemical analyses of required water quality sampling from monitoring wells shall be determined on a site-specific basis by the Planning Board.
- C. Access to wells shall be provided to the employees of the Town for purposes of any additional water quality testing.

223-8 Reporting Requirements

- A. Any person or entity that is required to report to the Federal or State government, a spill or leak which exceeds the Reportable Quantity, shall also report such spill or leak to the Town no later than the earlier of: 1) within two hours of obtaining knowledge of the spill/leak; or 2) within one hour of reporting such spill/leak to any other agency that is entitled to receive such notice. Spills during non-business hours should be reported through the non-emergency Town Police number (477-7973).
- B. All applicants for a permit under the New York State Pollutant Discharge Elimination System (SPDES) shall simultaneously submit a copy of the application to the Town Building Department.
- C. Any soil borings, well logs, groundwater quality sampling results and aquifer pump test data collected during site development activities shall be submitted to the Town Building Department for review during the permit process.

223-9 Variances, Enforcement, Penalties

- A. Variances to this Chapter shall be pursuant to procedures established in Chapter 219, subject to the following additional requirements.
- B. Variances to this Chapter may be granted by the Zoning Board of Appeals after a review and recommendation by the Planning Board. The Planning Board shall review whether the health and safety of the public will be protected and that NYSDEC water quality standards will not be violated by any variance.
- C. Plates 1 and 2 shall control the location of the Wellhead Protection, Direct Recharge and Upland Watershed Areas, unless modified by the Town Board after a request from the owner of said property. This request shall include (as applicable) survey data and pertinent subsurface hydrogeologic information such as boring logs, groundwater depth, a description of the nature and thickness of the unconsolidated deposits, depth to bedrock, as determined by borings, wells, or test pits. This information shall be accompanied by a written opinion prepared and signed by an engineer, geologist, or other qualified professional in support of the modification.
- D. Upon conviction, a violation of this Chapter shall be deemed an offense as set forth in §135 of the New York State Town Law and shall be punishable by a fine of \$350 to \$5000 for each and every such offense, or imprisonment for a period not to exceed fifteen (15) days, or both. Each day of violation shall constitute a separate and additional

violation. In addition to the above-provided penalties and punishment, the Town Board may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Chapter. In addition, any party who discharges or causes to be discharged pollutants in violation of this Chapter shall be liable to the Town for all costs incurred by the Town in taking remedial or corrective action to halt or correct such illegal discharge, whether these costs are incurred directly by the Town or indirectly through the Town's contracting for such activities.

TABLE 1: WATER QUALITY CONTROL DISTRICT - Additional Use Restrictions and Regulatory Requirements

SPECIAL PERMITS	
AREA	
Direct Recharge, Wellhead Protection	<p>Municipal buildings and uses</p> <p>Warehouses Office & retail buildings Manufacturing facilities Hotel and motel ¹ Utilities Hospitals</p> <p>Shopping centers</p> <p>Office and professional parks Corporate centers Sales and distribution centers Health & medical facilities Retail stores Clinics (only if special permit not required for primary use)</p> <p>Business & professional offices</p> <p>Libraries & museums Membership clubs and lodges General contractors Building supply & Construction companies Veterinarian office Manufacturing of goods</p>
AREA	
Direct Recharge	<p>Fossil/nuclear power plants (public or private)</p> <p>³ Truck & rail commercial terminal ³ Bus, truck or rail passenger terminals Mining Co-generation plants (if capacity exceeds 1 MW)</p> <p>Motor vehicle service (with gas sales) Gas sales</p> <p>³ Truck terminal</p> <p>² Hazardous waste disposal ² Radioactive waste disposal ² Solid waste landfill ² Construction and demolition landfill</p> <p>² Junkyard motor vehicle ² Junkyard</p> <p>² Vehicle salvage</p> <p>² Metal fabrication or salvage ² Commercial petroleum storage facility ² Petroleum refinery ² Chemical manufacturing</p> <p>² Asphalt storage or manufacturing facility ² Land application of septic wastes or sewage sludge (unless associated with agricultural activity and permitted by NYSDEC)</p>
Wellhead Protection	<p>Dry cleaning establishments Recreation vehicle parks Truck & rail commercial terminal Bus, truck or rail passenger terminals Truck terminal Laundry</p> <p>All Uses In Direct Recharge Area</p> <p>Motor vehicle service shop (without gas sales) ² Commercial solid waste transfer/recycling facility</p> <p>² Oil and gas exploration ² Electric component manufacturing ² Automotive body repair shop</p>

Notes:

1. Required only for utilities (public or private) that store or use hazardous materials or petroleum. It does not include utility poles.
2. These uses are not specifically enumerated in Chapter 219.
3. These uses are allowed without gas sales by special permit in the Direct Recharge Area south of the NYS Thruway-Berkshire Spur, if they are allowed by Zoning Chapter 219.

(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. 2 of 2003 of the ~~(County)(City)~~(Town)(Village) of Schodack was duly passed by the Town Board on July 28 2003, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted 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 _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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 20____ 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 _____ 20____, 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 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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.....1....., above.

Doreen Corbin

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

(Seal)

Date: August 5, 2003

(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 RENSSELAER

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]

Signature

Town Attorney

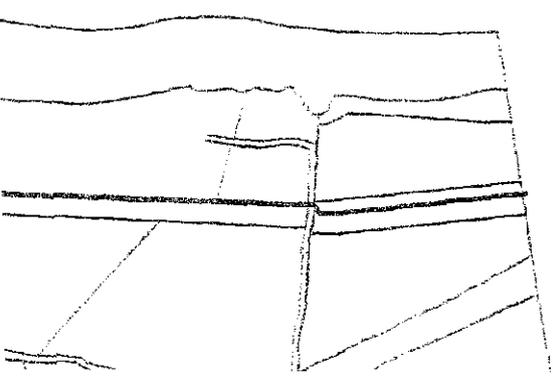
Title

~~County~~
~~City~~
Town of Schodack
~~Village~~

Date: August 5, 2003

**TOWN OF SCHODACK
AQUIFER PROTECTION ARE
TOWN OF SCHODACK
RENSSELLAER CO. N.Y.**

**PLATE 2: AQUIFER PROTECTION ZON
AND ZONING DISTRICTS**



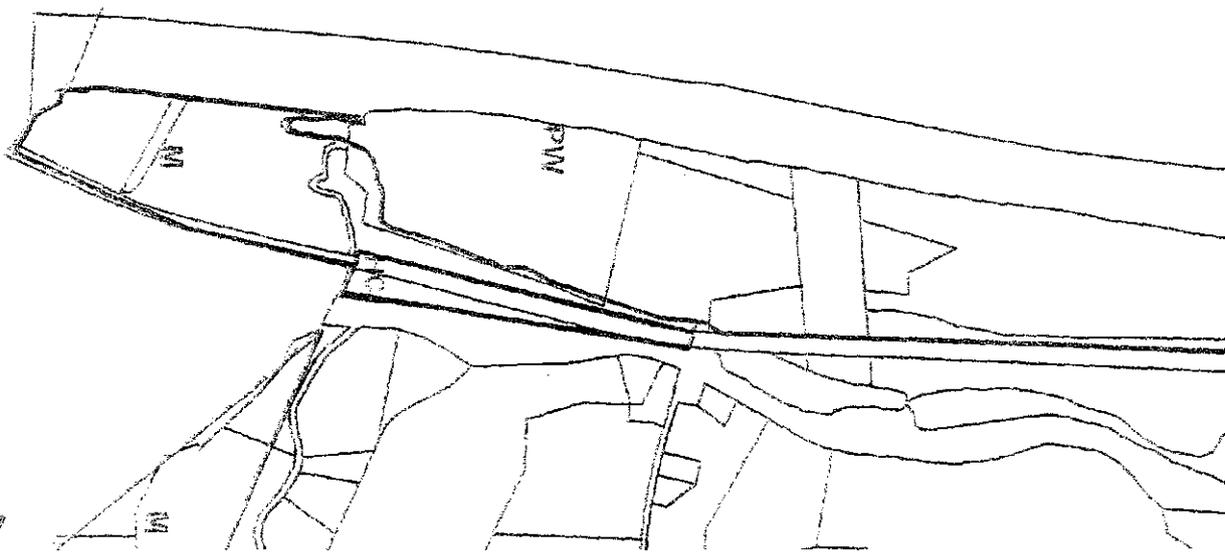
LaFleur, R. G., 1965, Glacial geology of the Troy, NY quadrangle: NY State Museum Map and Chart Series, No. 7

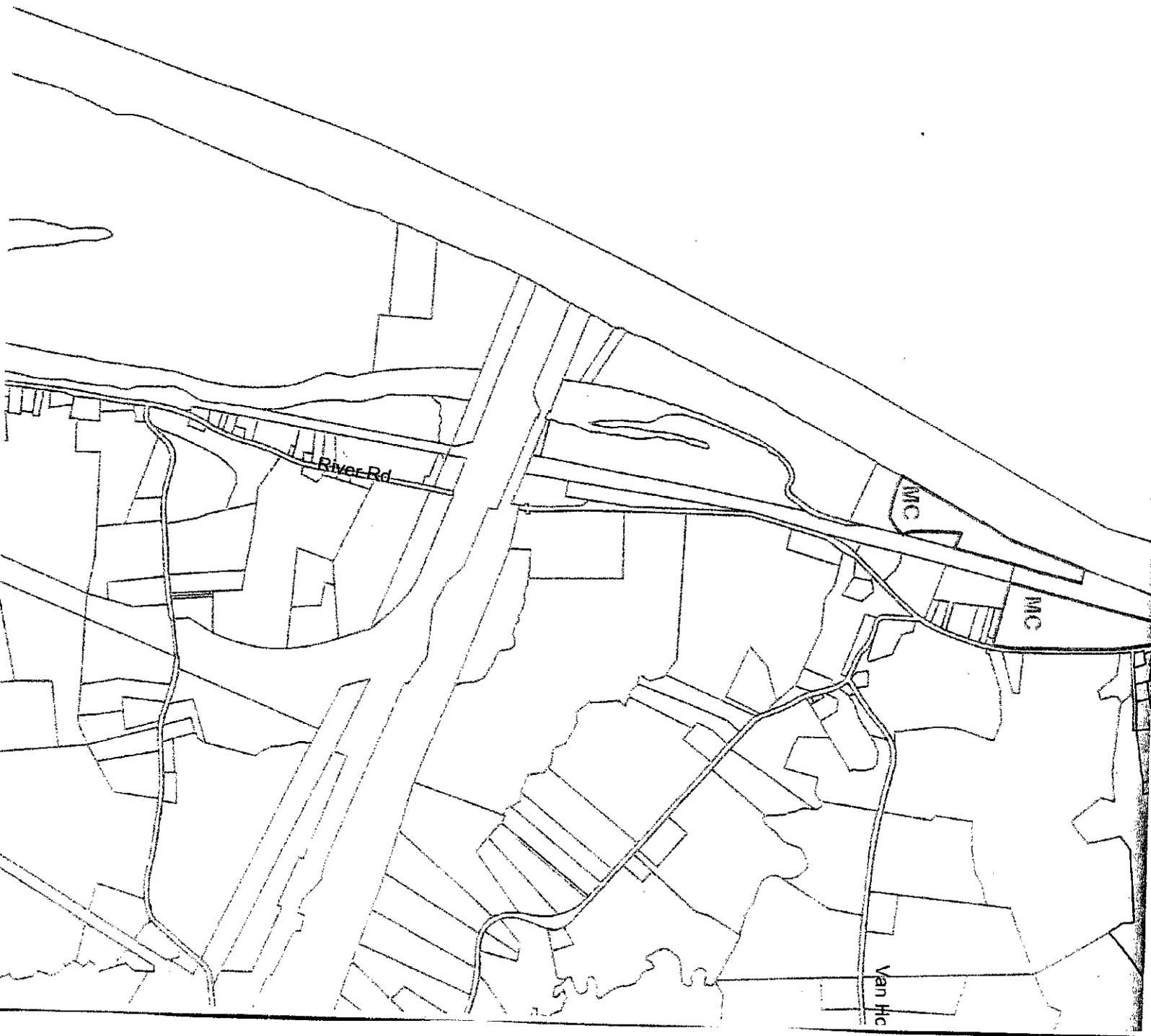
LaFleur, R. G., 1977, Surficial geologic map of the Kinderhook quadrangle: open-file map, NY State Geologic Survey

LaFleur, R. G., 1993, Schodack aquifer hydrogeologic report: Rensselaer County Bureau of Budget, Research and Planning

New York Department of Health, 1999, New York State Source Water Assessment Program Plan

Reynolds, R. J., 1999, Hydrogeology of the Schodack-Kinderhook area, Rensselaer and Columbia Counties, NY: USGS open file report 97-639



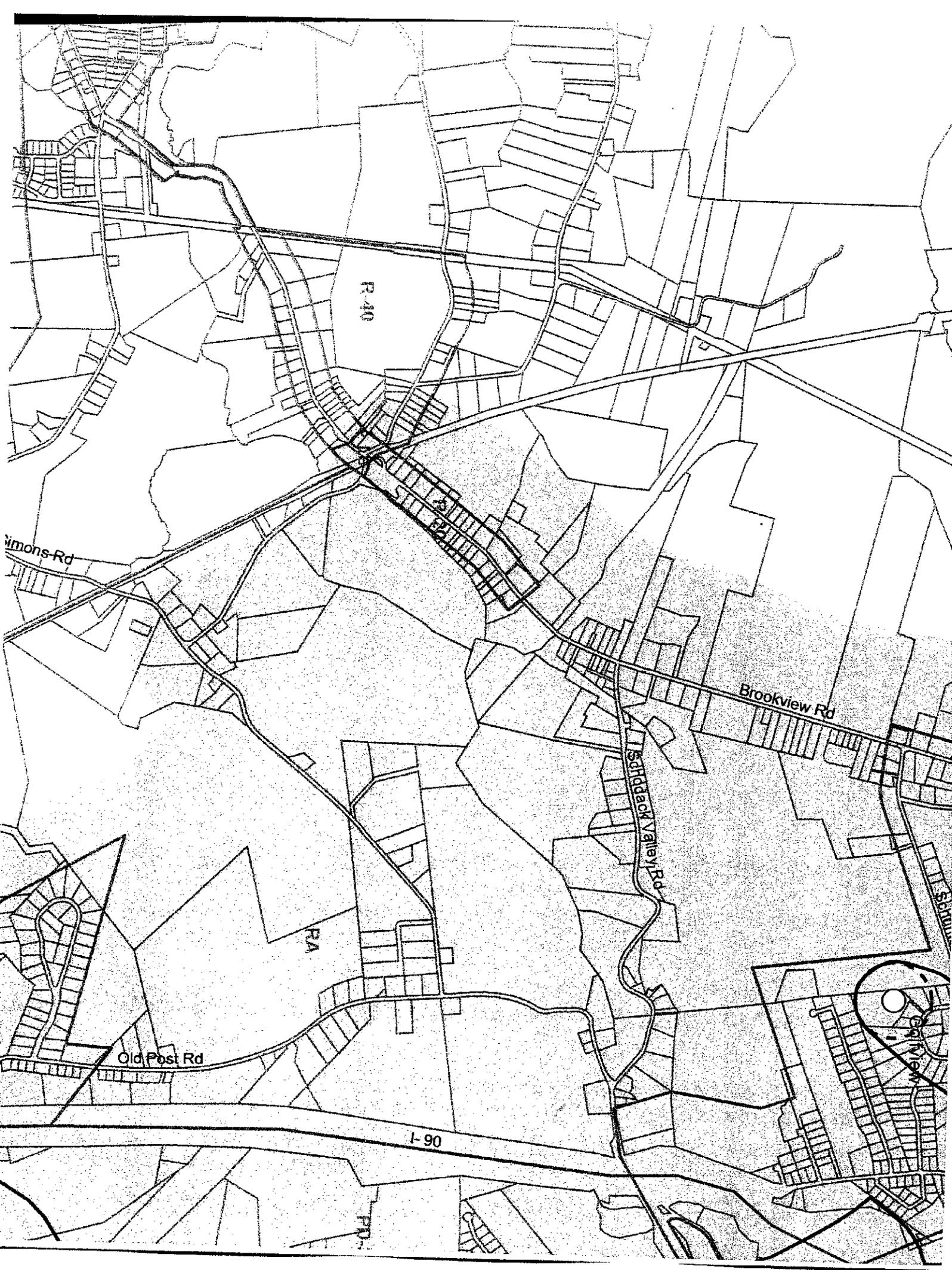




AS AND ZONING DISTRICTS

ES





R-40

Simons Rd

Brookview Rd

Schock Valley Rd

R-1A

Old Post Rd

I-90

R-1A

South

Brookview



en Rd

R-20

Clowe Rd

R-40

South Schodack Rd

R-40

Eleanor Dr

1-90

Bame Rd

R-20

Clearview

Battisti

Castleton

R-40

HC

Schodack Dr

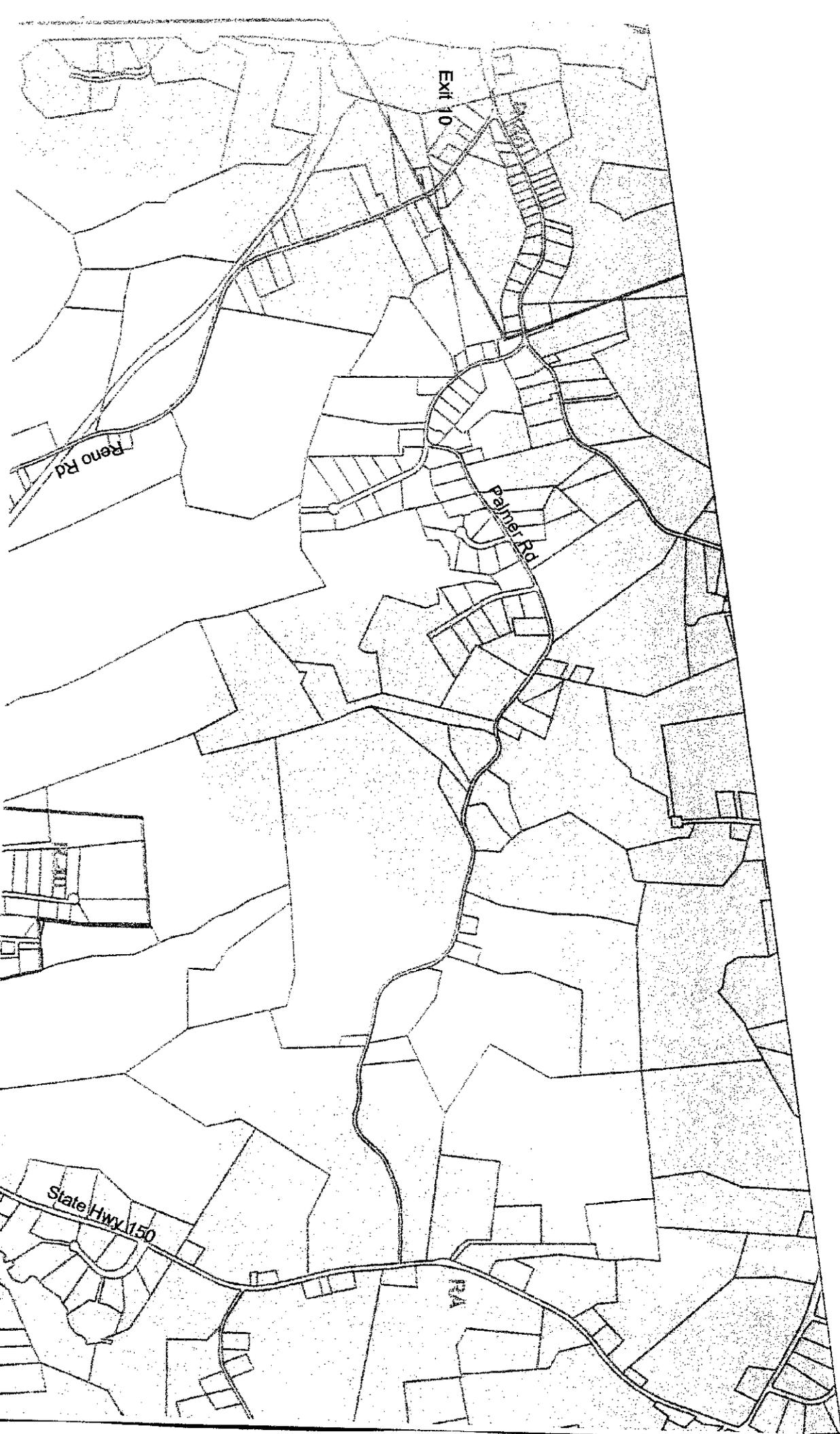


3 Rd

RD 4

NY State Thruway

RD 1





US Hwy 9

Exit 11

Crawfish

Townhall Wellfield

Curtis

US Hwy 20

Beaver Rd

Rohoff Rd

School House Rd

Poynier Rd

Rice Rd

Schroeder Bassett Rd



Kingman Rd

Woodward Rd

Kilde Lane

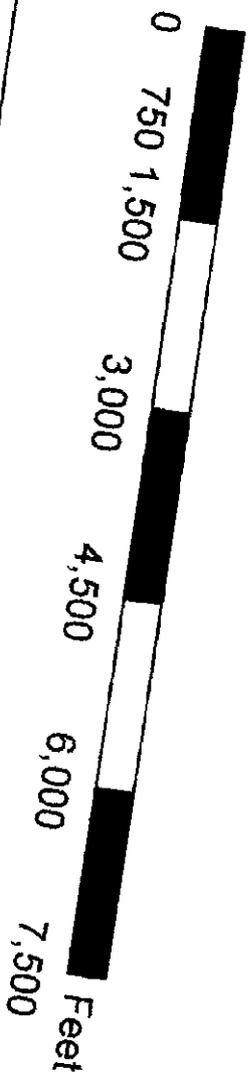
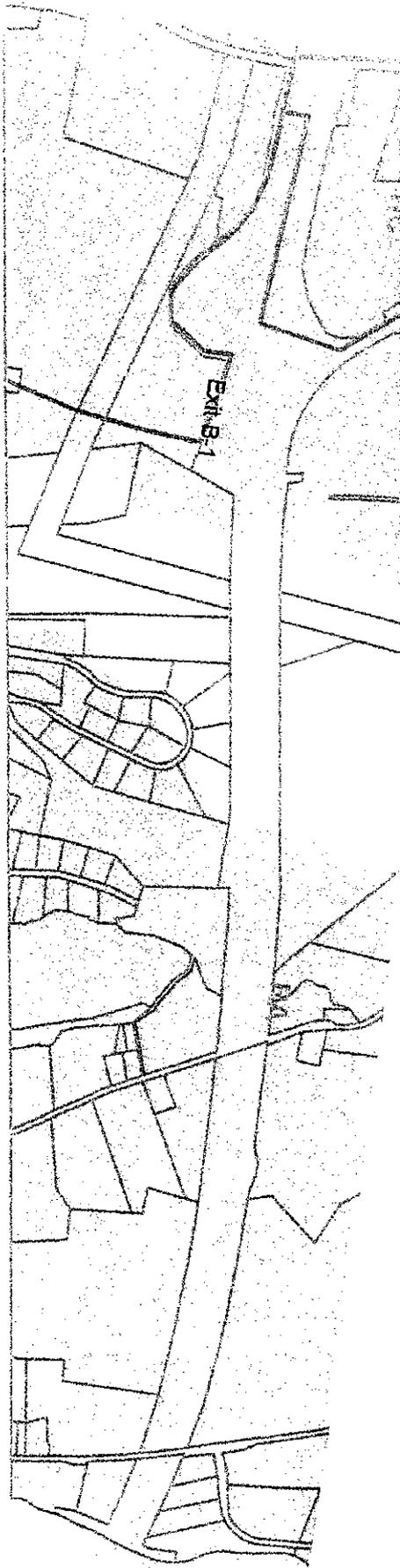
Lape Rd

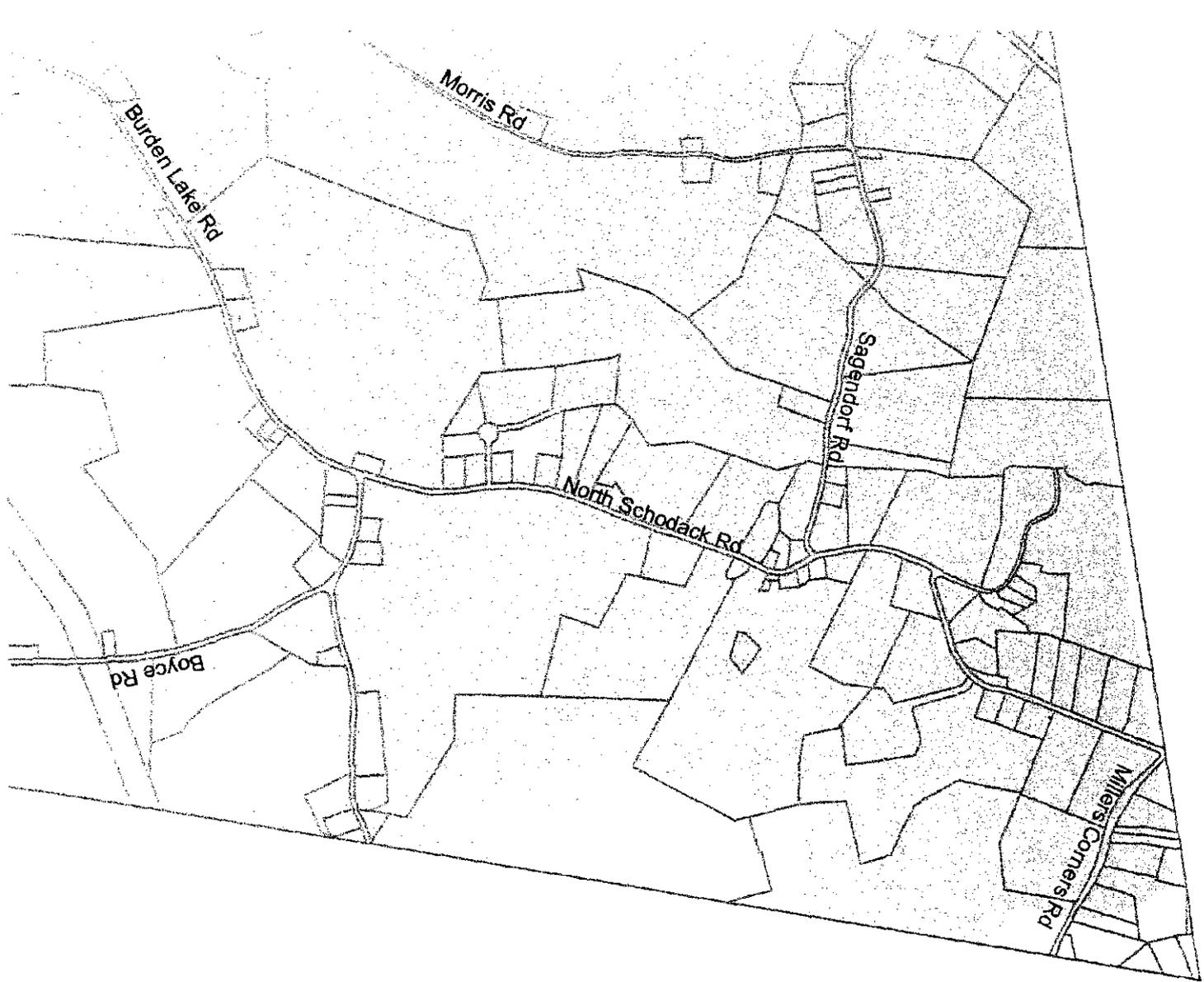
Irish Hill Rd

Bunker Hill Rd

Mc Clellan Rd

Spinehaven









Legend

Water Supply Wells

 Future Potential Supply

 Municipal System

 Private System

 Inner Well Zone

 Well Head Protection Areas

 Tax Parcels

 Zoning Districts

 Direct Recharge Area



SPECTRA ENVIRONMENTAL GROUP, INC.

19 British American Blvd.
Latham, NY 12110

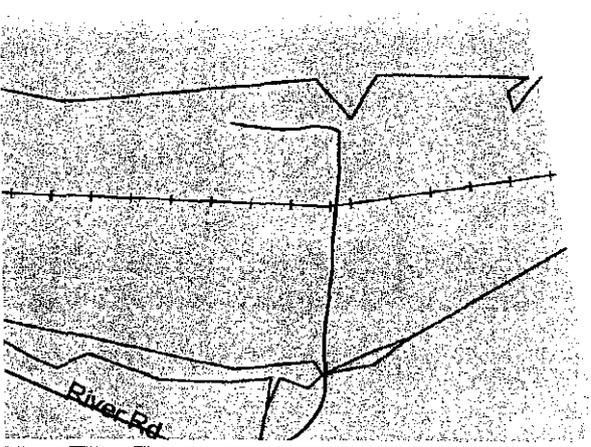
Project: 02299
7/30/03

NOTE:

- 1) Tax Parcel outlines provided by Rensselaer County Bureau of Research and Information Services (September 2002)
- 2) Zoning boundaries are from Kleinke Associates (November 1996)

**TOWN OF SCHODACK
SCHODACK TERRACE AND V.
TOWN OF SCHODACK
RENSSELAER CO. N.Y.**

PLATE 1: AQUIFER PROTECTION ZONES



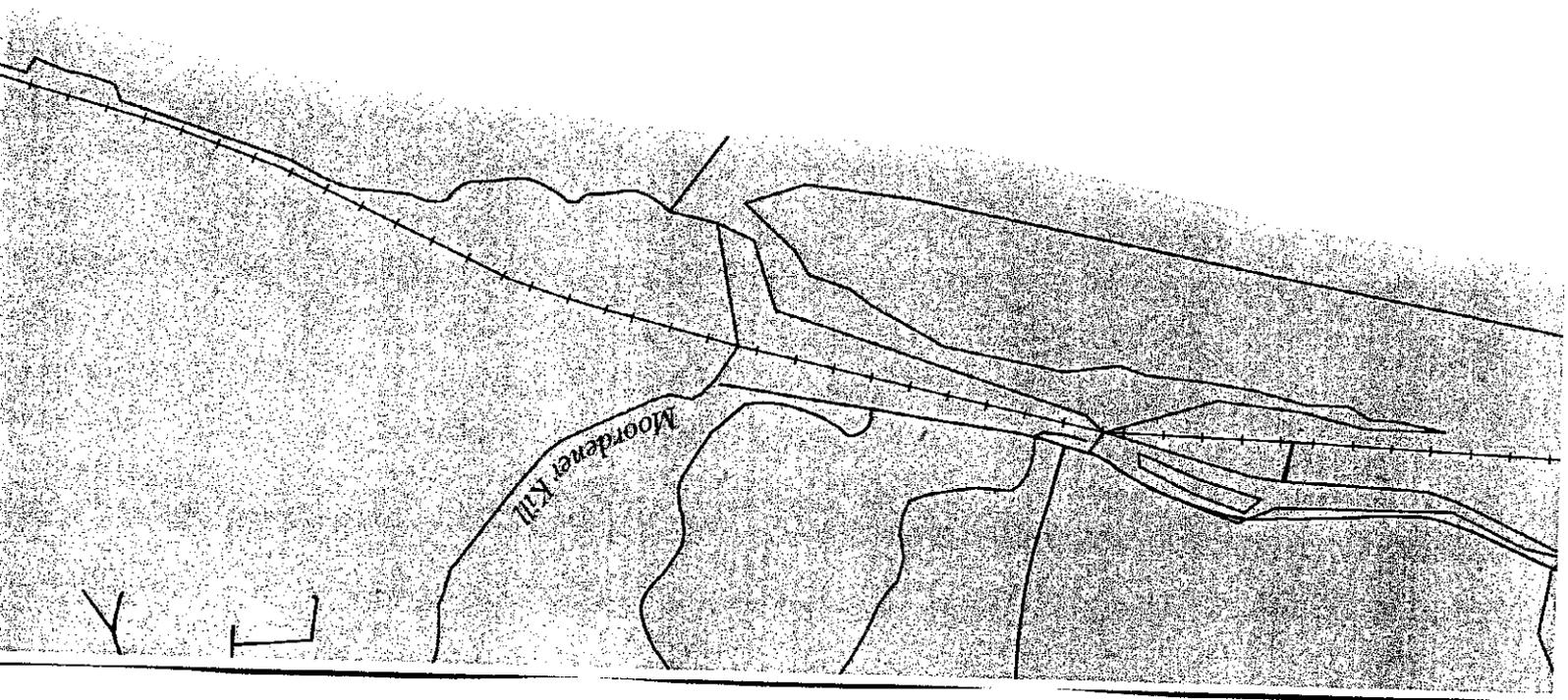
Aquifer References

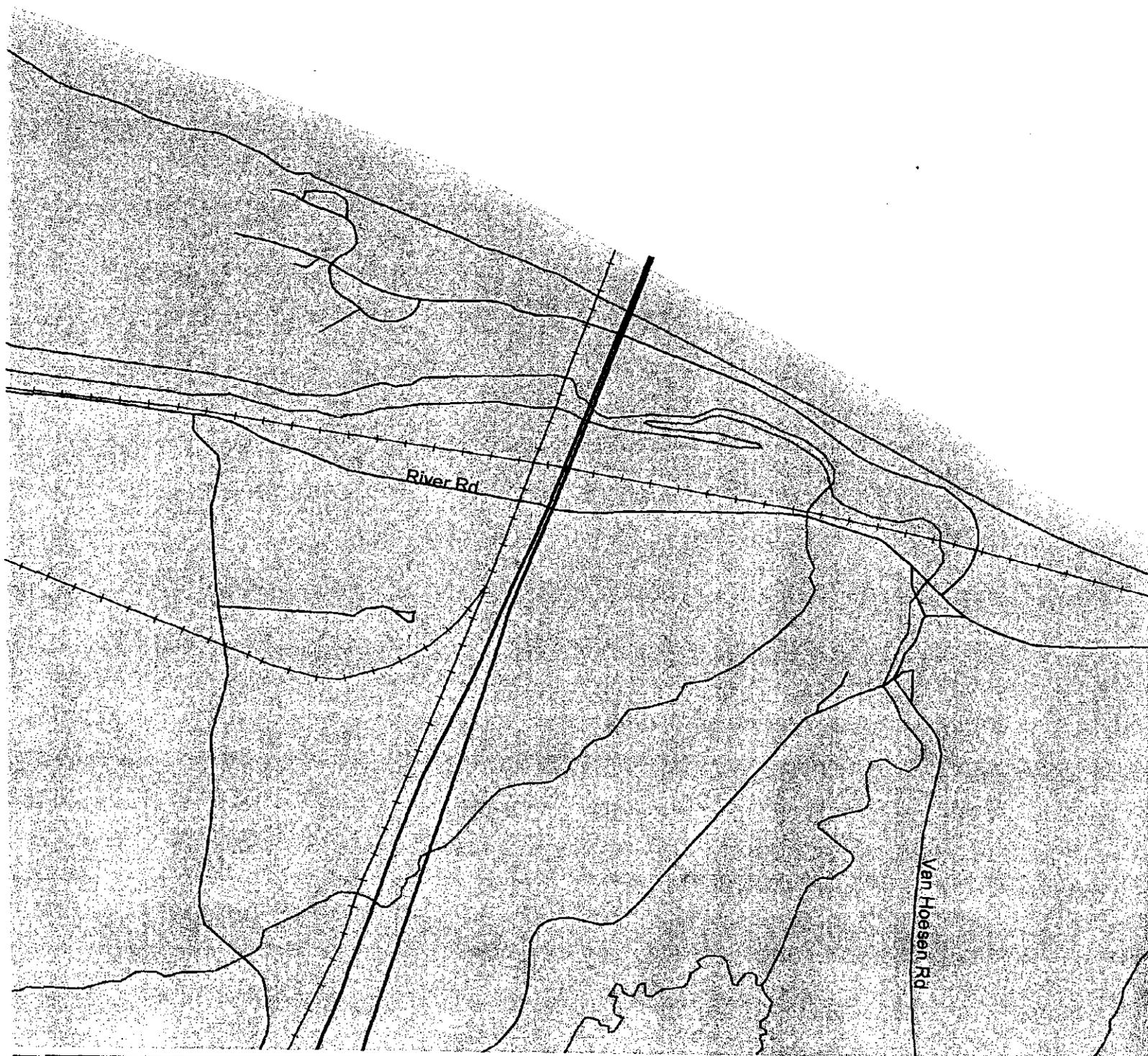
LaFleur, R.G., 1965, Glacial geology of the Troy, NY quadrangle: NY State Museum Map and Chart Series, No. 7

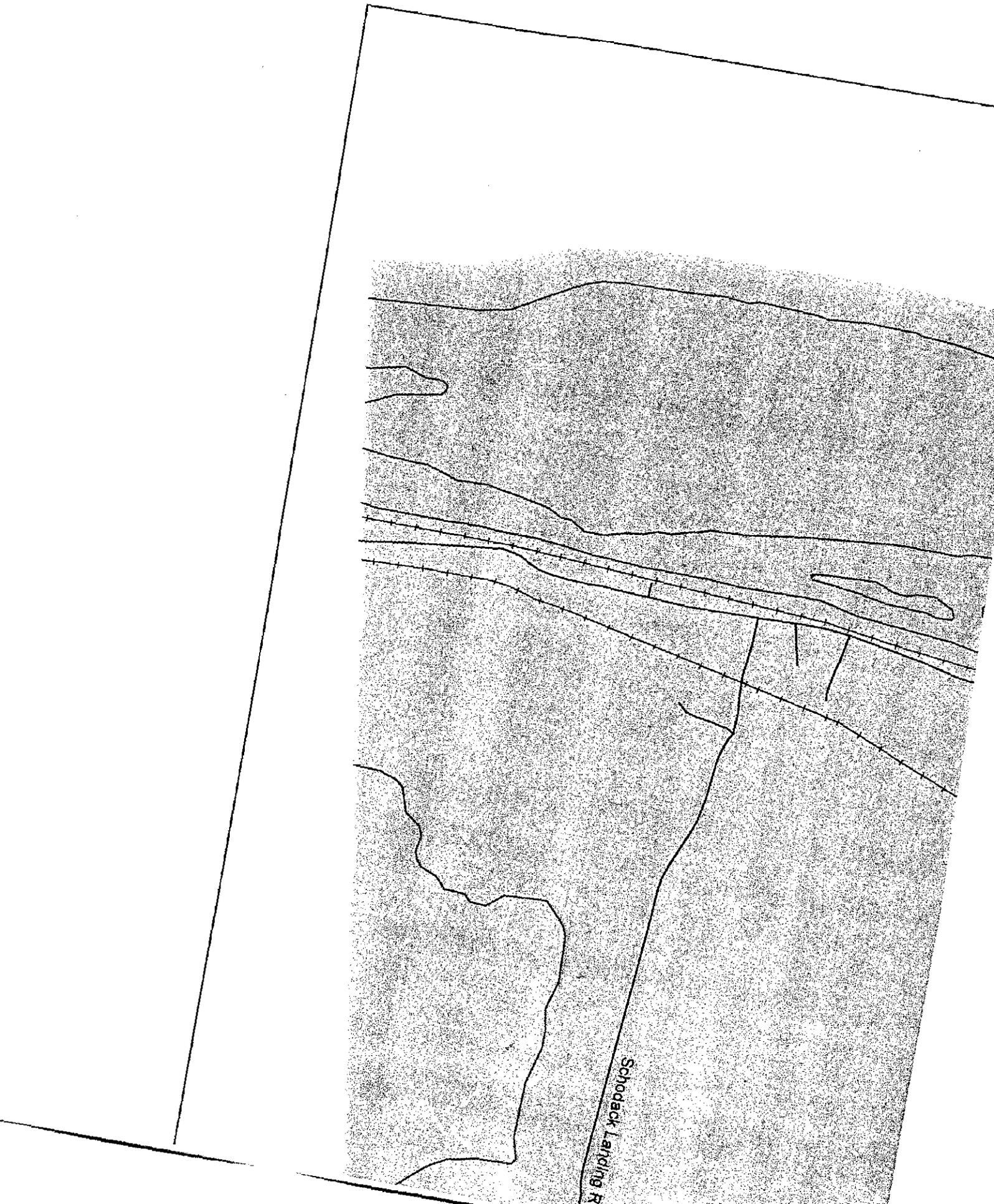
LaFleur, R.G., 1977, Surficial geologic map of the Kinderhook quadrangle: open-file map, NY State Geologic Survey

LaFleur, R.G., 1993, Schodack aquifer hydrogeologic report: Rensselaer County Bureau of Budget, Research and Planning

New York Department of Health, 1999, New York State

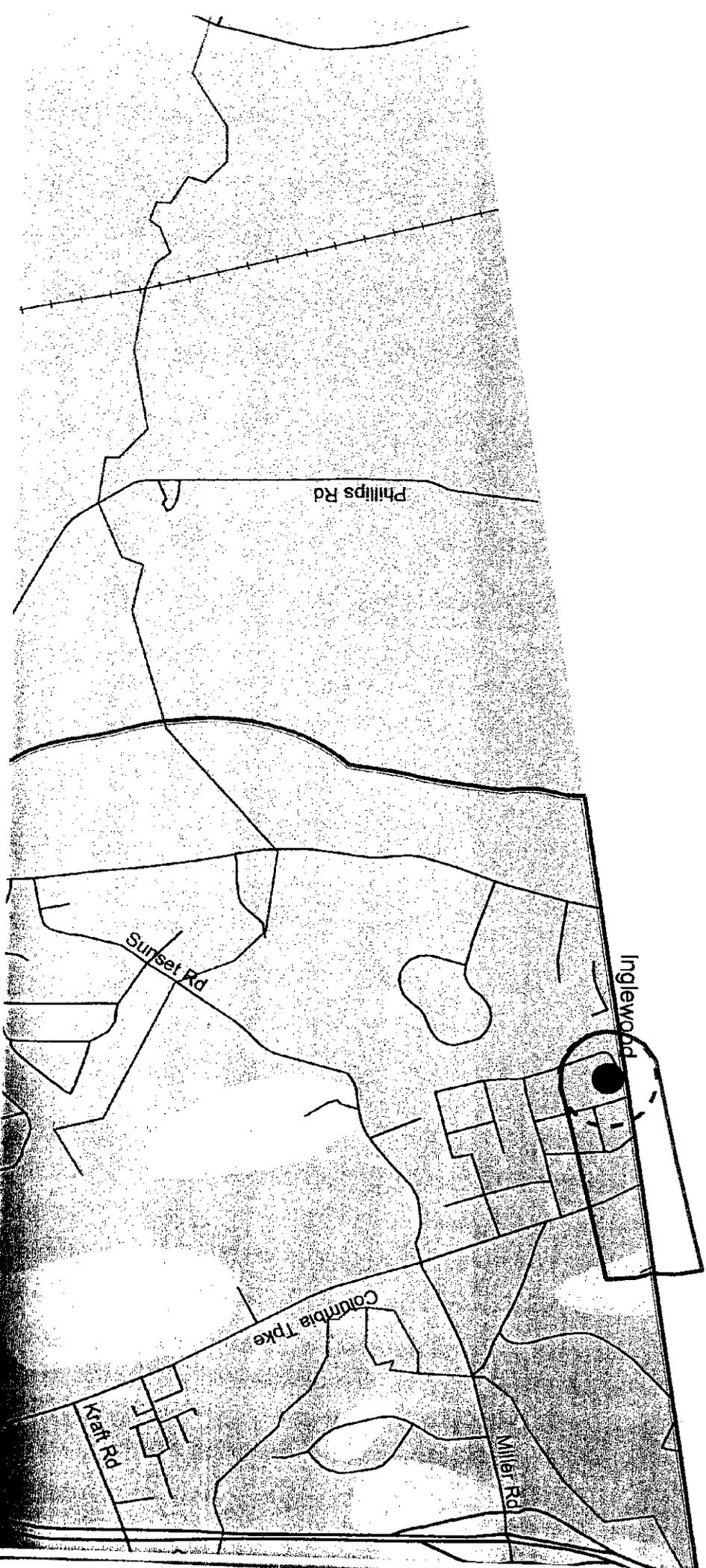






Schodack Landing R

ALATIETKILL AQUIFERS





Simons Rd

Brookview Rd

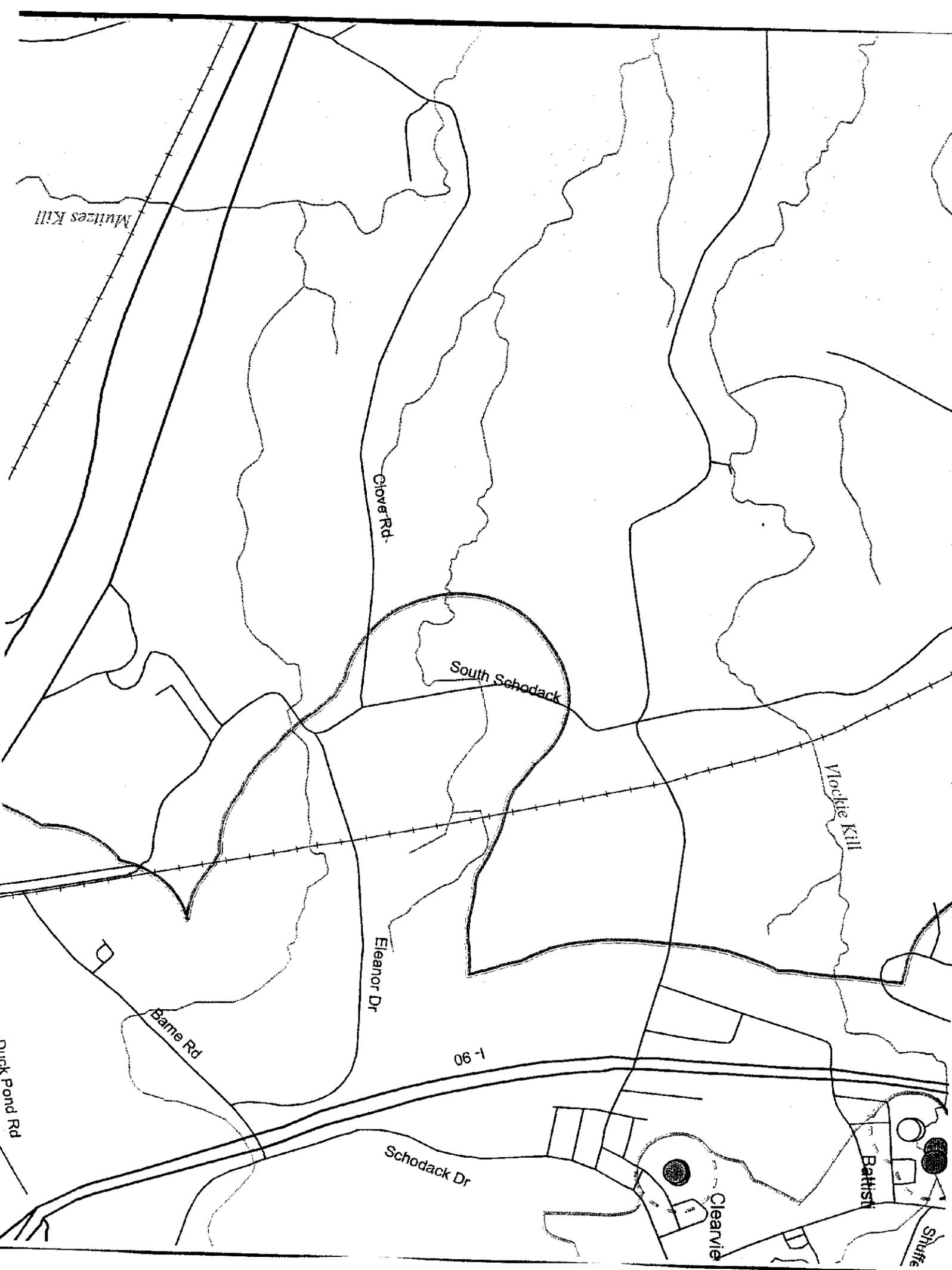
Schodack Valley Rd

Old Post Road South

Schumanstein Rd

Golfview

E-90



Miltzes Kill

Clover Rd.

South Schodack

Vlockie Kill

Eleanor Dr.

Barre Rd.

06-1

Schodack Dr.

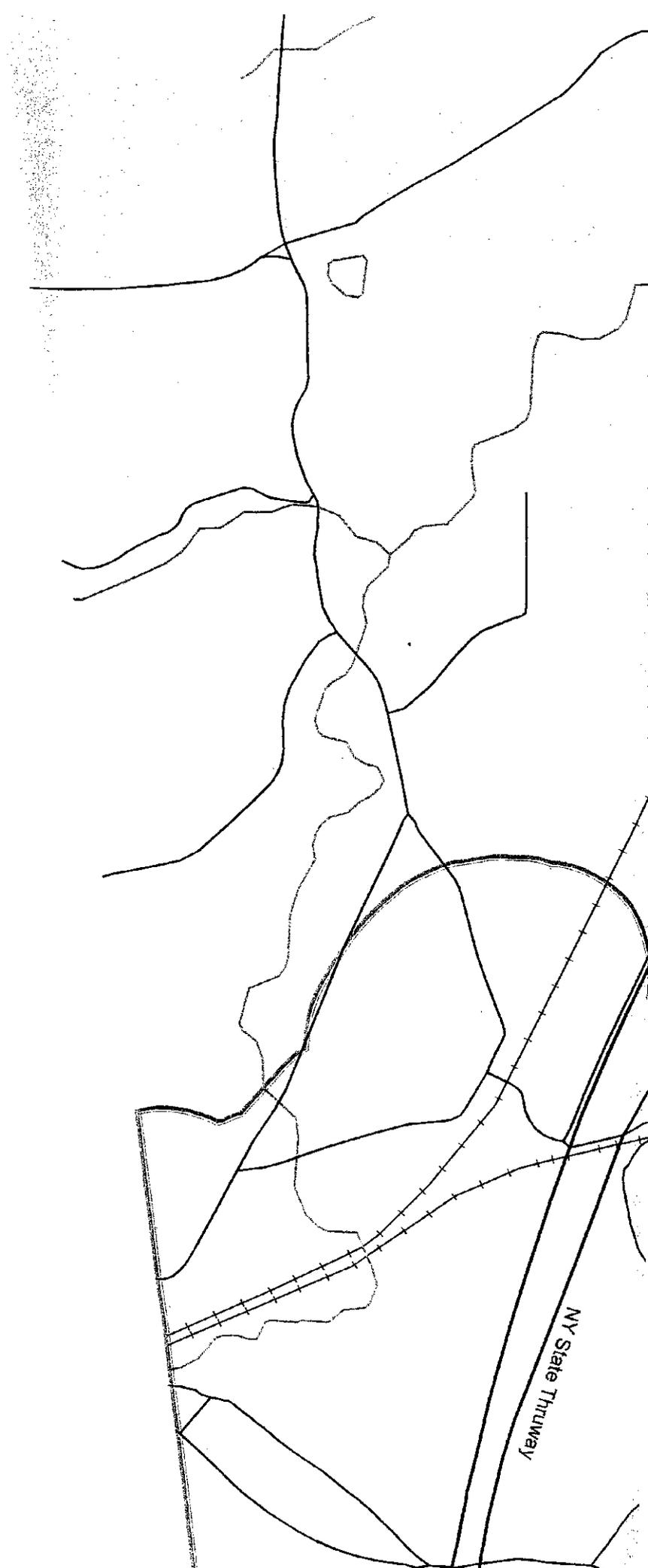
Clearvie

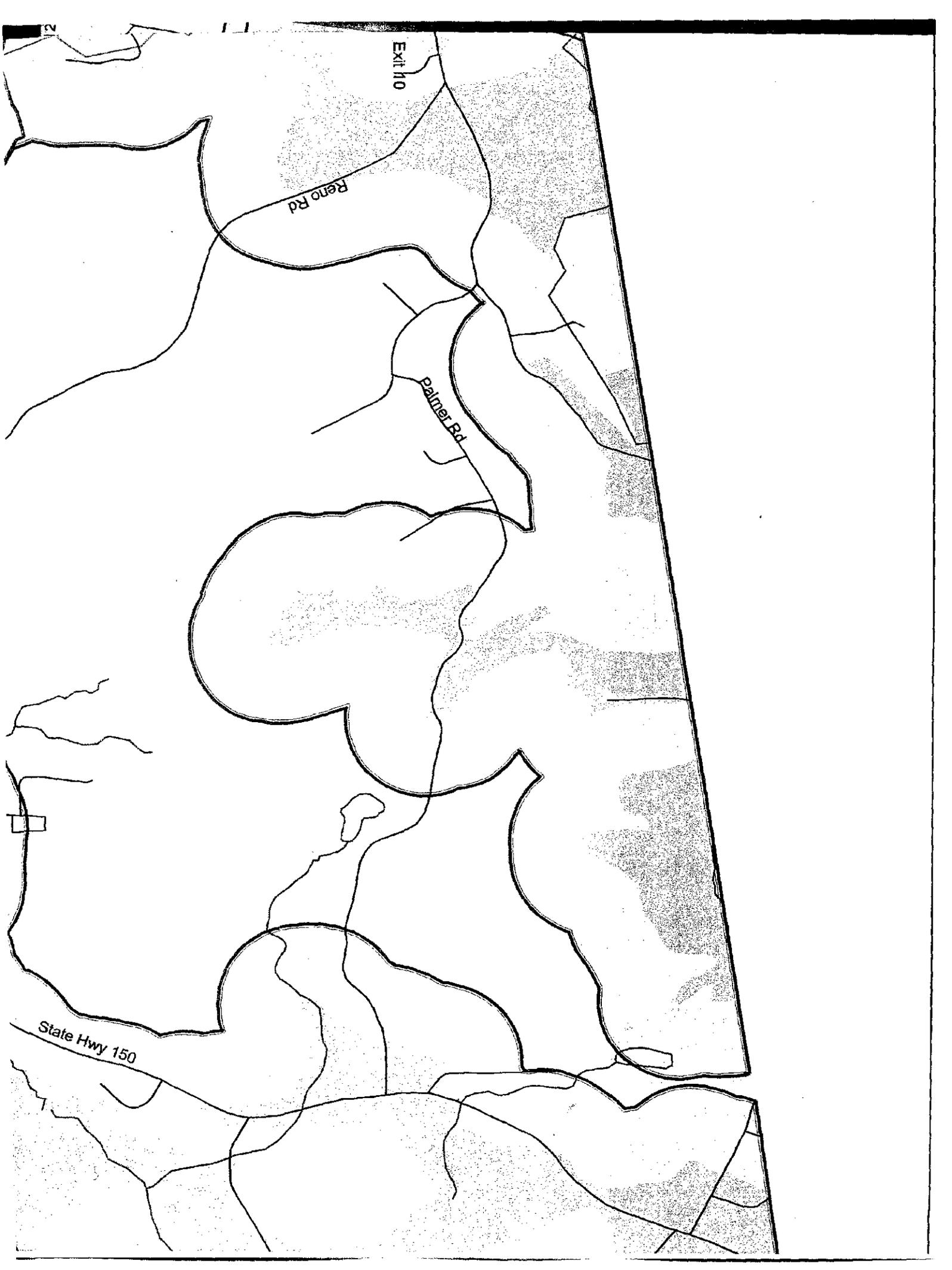
Bathin

Shuffe

Duck Pond Rd

0 750 1,500 3,000 4,500 6,000





Exit 10

Reno Rd

Palmer Rd

State Hwy 150

2



Creekside

Townhall-Wellfield

Curtis

US Hwy 20

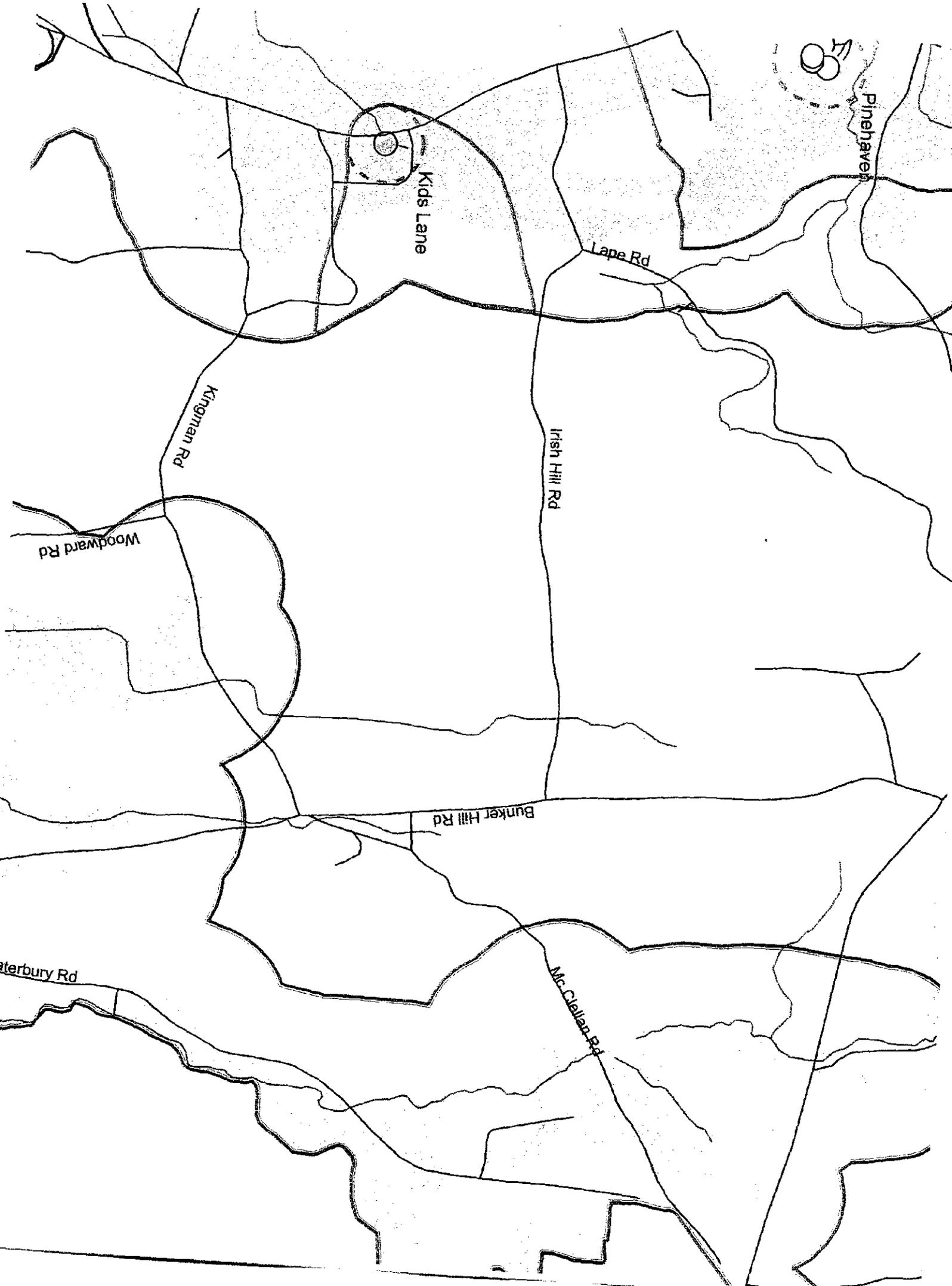
Rohloff Rd

School House Rd

Payne Rd

Rice Rd

East Schodack-Nassau Rd



Kids Lane

Lape Rd

Pinehaven

Irish Hill Rd

Kingman Rd

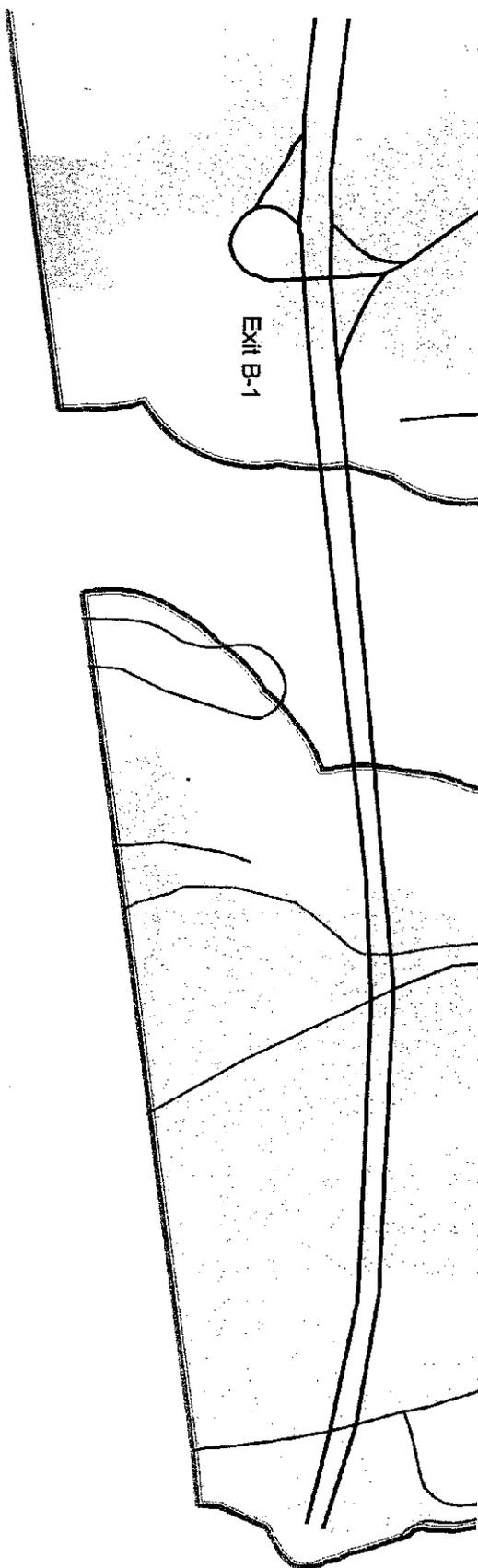
Woodward Rd

Bunker Hill Rd

Waterbury Rd

Mc Clellan Rd





Exit B-1

■ Feet

7,500

Burden Lake Rd

Morris Rd

Sagendorf Rd

Schodack Rd

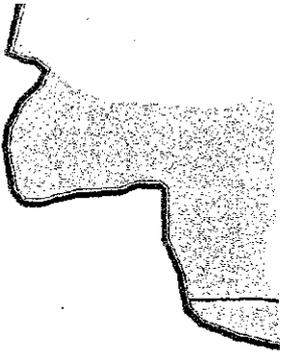
Boyce Rd

Millers Corners Rd



Hoags Corners Rd





Legend

Water Supply Wells

 Future Potential Supply

 Municipal System

 Private System

 Inner Well Zone

 Well Head Protection Areas

 **Down Gradient Areas**

 **Direct Recharge Area Boundary**



SPECTRA ENVIRONMENTAL GROUP, INC.
19 British American Blvd.
Latham, NY 12110

Project: 02299
8/06/03

NOTE:

- 1) Town Streets provided by Rensselaer County Bureau of Research and Information Services as shown on "Town of Schodack Street Map", 11/2/02
- 2) Hydrography data from the US Department of Commerce, US Census Bureau Geography Division, 2001, available at: www.cugir.mannlib.cornell.edu/index.jsp