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7

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9 and do not use italics or underlining to indicate new matter.

10
11 ~~County~~
12 ~~City~~
13 ~~Town of New Paltz~~
14 ~~Village~~

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DEPARTMENT OF STATE

15
16 Local Law No. / of the year 2017
17

18 A local law to amend the Code of the Town of New Paltz to add a new Chapter 135,
19 "Stormwater Management and Erosion and Sediment Control" to read as follows:
20

21
22 **Be it enacted by the Town Board of the**
23 ~~County~~
24 ~~City~~
25 ~~Town of New Paltz as follow:~~
26 ~~Village~~
27

28 Be it enacted by the Town Board of the Town of New Paltz as follows:
29

30 **Section 1. Amendment.**
31

32 1. The Code of the Town of New Paltz is hereby amended to add a new Chapter 135,
33 "Stormwater Management and Erosion Sediment Control" to read as follows:
34

35 **Article 1. General Provisions**

36 **§ 135-1. Findings of Fact**
37

38 It is hereby determined that:
39

- 40 **A.** Land development activities and associated increases in site impervious cover
41 often alter the hydrologic response of local watersheds and increase stormwater
42 runoff rates and volumes, flooding, stream channel erosion, or sediment transport
43 and deposition;
44 **B.** This stormwater runoff contributes to increased quantities of water-borne

- 45 pollutants, including siltation of aquatic habitat and an increase in the water
46 temperature which are detrimental to fish and other desirable species;
- 47 **C.** Clearing and grading during construction tends to increase soil erosion and add to
48 the loss of native vegetation necessary for terrestrial and aquatic habitat;
- 49 **D.** Impervious surfaces allow less water to percolate into the soil, thereby decreasing
50 groundwater recharge and stream baseflow;
- 51 **E.** Improper design and construction of stormwater management practices can
52 increase the velocity of stormwater runoff thereby increasing stream bank erosion
53 and sedimentation;
- 54 **F.** Substantial economic losses can result from these adverse impacts on the waters
55 of the municipality;
- 56 **G.** Stormwater runoff, soil erosion and nonpoint source pollution can be controlled
57 and minimized through the regulation of stormwater runoff from land
58 development activities;
- 59 **H.** Proper design, construction and maintenance of stormwater management practices
60 can greatly increase their effectiveness in water quality treatment and water
61 quantity control;
- 62 **I.** Green infrastructure is an effective and desirable method to reduce impacts from
63 stormwater runoff and should be implemented in order to restore natural
64 hydrologic regimes, increase infiltration, slow water, and protect communities
65 from the risks associated with stormwater runoff and soil erosion;
- 66 **J.** Stormwater management practices involving Infiltration recharge the groundwater
67 table and provide a high degree of water quality treatment;
- 68 **K.** Stormwater practices involving Bioretention provide a high degree of water
69 quality treatment;
- 70 **L.** The regulation of stormwater runoff discharges from land development activities
71 in order to control and minimize increases in stormwater runoff rates and
72 volumes, soil erosion, stream channel erosion, and nonpoint source pollution
73 associated with stormwater runoff is in the public interest and will minimize
74 threats to public health and safety;
- 75 **M.** Regulation of land development activities by means of performance standards
76 governing stormwater management and site design will produce development
77 more compatible with the natural functions of a particular site or an entire
78 watershed and thereby mitigate the adverse effects of erosion and sedimentation
79 from development;
- 80 **N.** Climate change and the increased risk of severe storms with the capacity to increase
81 stormwater runoff and soil erosion pose a significant threat to a community's
82 sustainability and the safety of its citizens through potential increases in pollution
83 of its waterways and damage to infrastructure, economic assets, and natural
84 resources;
- 85 **O.** Stream buffers and vegetated floodplains treats stormwater, improve water quality,
86 reduce floodwater velocity, and provide a right-of-way for flood events; and
- 87 **P.** Fitting the development design to the terrain and avoiding steep slopes, floodplains,
88 and wetlands helps to preserve the natural hydrology and drainageways of a site,
89 reduces the need for grading and land disturbance, and provides a framework for

90 site design and layout.

91

92 **§ 135-2. Purpose**

93 The purpose of this Chapter is to establish minimum stormwater management
94 requirements and controls to protect and safeguard the general health, safety, and welfare
95 of the public residing within the Town of New Paltz and to address the findings of fact in
96 Section 135-1 hereof. This Chapter seeks to meet those purposes by achieving the
97 following objectives:

98

99 **A.** Meet the requirements of minimum measures 4 and 5 of the current version of the
100 NYS Department of Environmental Conservation State Pollutant Discharge
101 Elimination System (SPDES) General Permit for Stormwater Discharges from
102 Municipal Separate Sewer Systems (MS4s).

103 **B.** Require regulated land development activities to conform to the substantive
104 requirements of the most current version of the NYS Department of
105 Environmental Conservation (SPDES) General Permit for Construction
106 Activities;

107 **C.** Encourage the use of green infrastructure practices as part of all land development
108 activities, but especially those activities requiring site plan or subdivision plan
109 approval, to control stormwater runoff, protect natural areas, reduce impervious
110 cover, maintain natural hydrology, and using runoff reduction techniques to the
111 maximum extent practicable.

112 **D.** Require that regulated land development activities be designed so that there is no
113 net increase in stormwater runoff from those activities in order to reduce flooding,
114 siltation, increases in stream temperature and streambank erosion and maintain
115 the integrity of stream channels;

116 **E.** Minimize increases in pollution caused by stormwater runoff from land
117 development activities which would otherwise degrade local water quality and
118 harm fish and wildlife habitats;

119 **F.** Minimize the total annual volume of stormwater runoff which flows from any
120 specific site during and following development to the maximum extent
121 practicable;

122 **G.** Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source
123 pollution, wherever possible, through stormwater management practices and to
124 ensure that these management practices are properly maintained and eliminate
125 threats to public safety;

126 **H.** Adapt to current and projected climate change impacts, decrease risk of storm-
127 related flooding, and increased resilience to severe storm surge; and

128 **I.** Reduce the impact on the environment, protect water quality, reduce the potential
129 for erosion and protect sensitive habitats by locating development away from
130 floodplains, ecologically sensitive areas, and permeable soils to the extent
131 practicable, and limiting the amount of clearing and grading.

132

133

134

135 **§ 135-3. Statutory Authority**

136 This Chapter is enacted pursuant to Article 10 of the Municipal Home Rule Law of the
137 State of New York, which gives the Town Board of New Paltz the authority to enact local
138 laws and amend local laws, for the purpose of promoting the health, safety or general
139 welfare of the Town of New Paltz and for the protection and enhancement of its physical
140 environment. The Town Board of New Paltz may appoint municipal officers, employees,
141 or independent contractors to effectuate, administer and enforce such local law.
142

143 **§ 135-4. Applicability**

144 **A.** This Chapter shall be applicable to all water discharged into the MS4 of the Town
145 of New Paltz that is generated on any developed and undeveloped lands unless
146 explicitly exempted by an authorized enforcement agency.

147 **B.** This Chapter shall be applicable to all Land Development Activities as defined in
148 Article 2, Section 135-6.

149 **C.** The municipality shall designate a Stormwater Management Officer ("SMO"),
150 who shall accept and review all Stormwater Pollution Prevention Plans
151 (SWPPP's) and forward such plans to the applicable municipal board. The
152 Stormwater Management Officer shall engage the services of the designated
153 Town Engineer to review the plans, specifications and related documents at a cost
154 established in accordance with a fee structure that is periodically updated and
155 adopted by the Town Board, the cost of the review being reimbursable to the
156 Town by the Applicant.

157 **D.** All Land Development Activities subject to review and approval by the Town
158 Planning Board pursuant to the subdivision and site plan regulations of this Code
159 shall also be reviewed subject to the standards contained in this Chapter.

160 **E.** All Land Development Activities not subject to review as stated in Section 135-4
161 D. and not listed as an exempt activity in Section 135-5 herein shall be required to
162 submit a SWPPP to the SMO, who will then engage the services of the designated
163 Town Engineer as necessary to review the submitted SWPPP. After considering
164 the review and recommendations of the Town Engineer, the SMO shall accept the
165 SWPPP if it complies with the requirements of this law.
166

167 **§ 135-5. Exemptions**

168 The following activities are exempt from review under this Chapter:

169 **A.** Agricultural activity, as defined in this Chapter;

170 **B.** Silviculture activity, except that landing areas on log haul roads are subject to this
171 law;

172 **C.** Routine maintenance activities that disturb less than one acre of land and are
173 performed to maintain the original line and grade, hydraulic capacity or original
174 purpose of a facility;

175 **D.** Repairs to any stormwater management practice or facility deemed necessary by
176 the SMO, after consultation with the Town Engineer, to accomplish the purposes
177 of this Chapter;

178 **E.** Any construction on a lot shown on a plat of subdivision or a site plan which has
179 received final approval by the Town of New Paltz and on which construction has

- 180 commenced or for which a building permit was properly issued on or before the
181 effective date of this Chapter, and remains valid. However, site plans and
182 subdivisions, or any part thereof, that have received final approval by the Town of
183 New Paltz and construction has not commenced on or before the effective date of
184 this law shall comply to the maximum extent practicable with the applicable
185 requirements of this Chapter, as directed by the SMO and the Town Engineer;
- 186 **F.** Land development activities being conducted on land not incorporated within an
187 approved subdivision, but for which a building permit has been approved on or
188 before the effective date of this Chapter, and which permit remains valid.
 - 189 **G.** Cemetery graves;
 - 190 **H.** Installation of fence, sign, telephone, and electric poles and other kinds of posts or
191 poles.
 - 192 **I.** Emergency activities determined by the Town Board to require immediate
193 implementation in order to protect life, property or natural resources;
 - 194 **J.** Activities of an individual engaging in home gardening by growing flowers,
195 vegetable and other plants primarily for use by that person and his or her family;
 - 196 **K.** Landscaping and horticultural activities in connection with an existing structure
197 and/or existing site improvements.
- 198

199 **Article 2. Stormwater Control**

200
201 **§ 135-6. Definitions**

202 The terms used in this Chapter or in documents prepared or reviewed under this Chapter
203 shall have the meaning as set forth in this section.
204

205 **Agriculture** - All agricultural operations and activities related to the growing or raising
206 of crops, livestock or livestock products, and agricultural products, as such terms are
207 defined in or governed by the Agriculture and Markets Law of the State of New York on
208 lands qualified under Ulster County and NYS law for an agricultural exemption by the
209 Assessor of the Town of New Paltz.

210 **Applicant** - A person who owns or controls the property on which a proposed regulated
211 activity would be located, including the property owner or any person who has filed an
212 application for a permit or approval required for a land development activity regulated by
213 this Chapter with the consent of the owner, and any person who would actually control
214 and direct the proposed regulated activity.

215 **Best Management Practices (BMP)** - Physical, structural, and/or managerial practices
216 that, when used singly or in combination, prevent or reduce pollution of water, and have
217 been approved by the Department of Environmental Conservation.

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

221 **Channel** - a natural or artificial watercourse with a definite bed and banks that conducts
222 continuously or periodically flowing water.

223 **Clearing** - Destruction and removal of areas of vegetation by manual, mechanical,

- 224 biological or chemical methods.
- 225 **Dedication** - the deliberate appropriation of property by its owner.
- 226 **Department or DEC**- the New York State Department of Environmental Conservation.
- 227 **Design Manual** – the current version of the *New York State Stormwater Management*
- 228 *Design Manual*, applicable to the proposed SWPPP including applicable updates, which
- 229 serves as the official guidance document for stormwater management principles, methods
- 230 and practices.
- 231 **Developer** - a person who undertakes land development activities.
- 232 **Enforcement Official** - The Stormwater Management Officer (“SMO”) or any other
- 233 official or representative of the Town of New Paltz duly designated by the Town Board
- 234 to enforce any provision of this Chapter (collectively the “Enforcement Official”).
- 235 **Erosion Control** – measures that prevent the soil from eroding.
- 236 **Erosion Control Manual** - the most recent version of the *New York Standards and*
- 237 *Specifications for Erosion and Sediment Control* manual, commonly known as the “Blue
- 238 Book”.
- 239 **Floodplain, 100-year** - The area adjoining a river, stream, or watercourses covered by
- 240 water in the event of a 100-year flood, either as shown on current FEMA mapping or as
- 241 required to be determined when FEMA mapping information is not available. The 100-
- 242 year flooding event is the flood having a 1 percent chance of being equaled or exceeded
- 243 in magnitude in any given year.
- 244 **Floodplain, 500-year** - The area adjoining a river, stream, or watercourses covered by
- 245 water in the event of a 500-year flood, either as shown on current FEMA mapping or as
- 246 required to be determined when FEMA mapping information is not available. The 500-
- 247 year flooding event is the flood having a 0.2 percent chance of being equaled or exceeded
- 248 in magnitude in any given year.
- 249 **Floodway** - The channel of a river or other watercourse and the adjacent land areas that
- 250 must be reserved in order to discharge the base flood without cumulatively increasing the
- 251 water surface elevation more than 1 foot, as shown on current FEMA mapping and as
- 252 required to be determined when FEMA mapping information is not available.
- 253 **Grading** - excavation or fill of material, including the resulting conditions thereof.
- 254 **Green Infrastructure** - Green infrastructure approaches infiltrate, evapotranspire or
- 255 reuse stormwater, using soils and vegetation rather than hardscape collection, conveyance
- 256 and storage structures. Common green infrastructure approaches include green roofs,
- 257 trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters,
- 258 vegetated median strips, reforestation, and protection and enhancement of riparian buffers
- 259 and floodplains.
- 260 **Hydrologic Soil Group (HSG)** - A Natural Resource Conservation Service classification
- 261 system in which soils are categorized into four runoff potential groups.
- 262 **Impervious Cover** - those surfaces, improvements and structures that cannot effectively
- 263 infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks,
- 264 driveways, etc.).
- 265 **Industrial Stormwater Permit** - a State Pollutant Discharge Elimination System
- 266 (SPDES) permit issued to a commercial industry or group of industries which regulates
- 267 the pollutant levels associated with industrial stormwater discharges or specifies on-site
- 268 pollution control strategies.

- 269 **Infiltration** - the process of percolating stormwater into the subsoil.
- 270 **Land Development Activity** - construction activity including clearing, grading,
271 excavating, soil disturbance or placement of fill that results in land disturbance of equal
272 to or greater than one (1.0) acre, or activities disturbing less than one (1.0) acre of total
273 land area that are part of a larger common plan of development or sale totaling equal to or
274 greater than one (1.0) acre of land disturbance, even though multiple separate and distinct
275 land development activities may take place at different times on different schedules.
- 276 **Landowner** - the legal or beneficial owner of land, including those holding the right to
277 purchase or lease the land, or any other person holding proprietary rights in the land.
- 278 **Low Impact Development (LID)** - A land planning and engineering design approach to
279 manage stormwater runoff which emphasizes conservation and use of on-site natural
280 features to protect water quality. This approach implements engineered small-scale
281 hydrologic controls to replicate, to the extent practicable, the pre-development hydrologic
282 regime of watersheds through infiltrating, filtering, storing, evaporating, and detaining
283 runoff close to its source.
- 284 **Maintenance Agreement** - a legally recorded document that sets forth restrictions on the
285 use of property, in the form of a deed restriction or covenant, and which establishes the
286 legal responsibility of the property owners and others for long-term maintenance of
287 stormwater management practices.
- 288 **Mean High Water Mark** - the average annual high water level.
- 289 **Nonpoint Source Pollution** - pollution from any source other than from any discernible,
290 confined, and discrete conveyances, and shall include, but not be limited to, pollutants
291 from agricultural, silvicultural, mining, construction, subsurface disposal and urban
292 runoff sources.
- 293 **Ordinary High Water Mark** - that line on the shore established by the fluctuations of
294 water and indicated by physical characteristics such as a clear, natural line impressed on
295 the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation,
296 the presence of litter and debris, or other appropriate means that consider the
297 characteristics of the surrounding areas.
- 298 **Phasing** - clearing a parcel of land in distinct pieces or parts, with the stabilization of
299 each piece completed before the clearing of the next.
- 300 **Pollutant of Concern** - sediment or a water quality measurement that addresses
301 sediment (such as total suspended solids, turbidity or siltation) and any other pollutant
302 that has been identified as a cause of impairment of any water body that will receive a
303 discharge from the land development activity.
- 304 **Project** - land development activity
- 305 **Qualified Inspector** - a person that is knowledgeable in the principles and practices of
306 erosion and sediment control, such as a licensed Professional Engineer, a Certified
307 Professional in Erosion and Sediment Control (CPESC), a Certified Professional in
308 Stormwater Quality (CPSWQ), Registered Landscape Architect, or other Department
309 endorsed individual. It can also mean someone working in the direct supervision of, and
310 at the same company as, the licensed Professional Engineer or Registered Landscape
311 Architect, provided that person has received Department-endorsed training in the
312 principles and practices of erosion and sediment control.
- 313 **Recharge** - the replenishment of underground water reserves.

- 314 **Riparian** - Belonging or related to the bank of a water body, including rivers, streams,
315 wetlands, lakes, ponds, or impoundments.
- 316 **Riparian Buffer** - A vegetated area, including trees, shrubs, and herbaceous vegetation,
317 adjacent to a water body.
- 318 **Runoff Reduction Volume (RRv)** - Reduction of the total Water Quality Volume
319 (WQv) by application of runoff reduction techniques and standard Stormwater
320 Management Practices (SMPs) with RRv capacity to replicate predevelopment
321 hydrology.
- 322 **Sediment Control** - measures that prevent eroded sediment from leaving the site.
- 323 **Sensitive Areas** - Coldwater fisheries, shellfish beds, swimming beaches, groundwater
324 recharge areas, water supply reservoirs, regulated wetlands, habitats for threatened,
325 endangered or special concern species, highly erodible soils and/or soils with slopes
326 greater than 15%, 100- and 500-year floodplains, unique geological features, and mature
327 forests.
- 328 **SPDES General Permit for Stormwater Discharges from Construction Activities** - A
329 permit under the NYS Pollutant Discharge Elimination System (SPDES) issued to
330 developers of construction activities to regulate disturbance of one or more acres of land.
- 331 **SPDES General Permit for Stormwater Discharges from Municipal Separate**
332 **Stormwater Sewer Systems** - A permit under the NYS Pollutant Discharge Elimination
333 System (SPDES) issued to municipalities to regulate discharges from municipal separate
334 storm sewers for compliance with EPA established water quality standards and/or to
335 specify stormwater control standards
- 336 **Stabilization** - the use of practices that prevent exposed soil from eroding.
- 337 **Stop Work Order** - an order issued which requires that all construction activity on a site
338 be stopped.
- 339 **Stormwater** - rainwater, surface runoff, snowmelt and drainage.
- 340 **Stormwater Design Plan, Conceptual** - A preliminary plan set demonstrating a
341 stormwater management system(s) and water quality controls for a proposed
342 development at a level of detail to demonstrate its compliance with all applicable
343 requirements, which may be incorporated in a Stormwater Pollution Prevention Plan for
344 the proposed development.
- 345 **Stormwater Design Plan (SDP), Final** - A detailed plan set outlining the stormwater
346 management system(s) and water quality controls for the proposed development,
347 including all computations and specifications, and incorporated as appropriate in the final
348 subdivision plan, final site plan or construction plan for the proposed developed.
- 349 **Stormwater Hotspot** - a land use or activity that generates higher concentrations of
350 hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based
351 on monitoring studies.
- 352 **Stormwater Management** - the use of structural or non-structural practices that are
353 designed to reduce stormwater runoff and mitigate its adverse impacts on property,
354 natural resources and the environment.
- 355 **Stormwater Management Facility** - one or a series of stormwater management
356 practices installed, stabilized and operating for the purpose of controlling stormwater
357 runoff.
- 358 **Stormwater Management Officer (SMO)** - an employee or officer designated by the

359 municipality to accept and review stormwater pollution prevention plans, forward the
360 plans to the applicable municipal board or Town Engineer and inspect stormwater
361 management practices, and to enforce the provisions of this Chapter.

362 **Stormwater Management Practices (SMPs)** - measures, either structural or
363 nonstructural, that are determined to be the most effective, practical means of preventing
364 flood damage and preventing or reducing point source or nonpoint source pollution inputs
365 to stormwater runoff and water bodies.

366 **Stormwater Pollution Prevention Plan (SWPPP)** - a plan for controlling stormwater
367 runoff and pollutants from a site during and after construction activities as further
368 detailed in this Chapter.

369 **Stormwater Runoff** - flow on the surface of the ground, resulting from precipitation

370 **Surface Waters of the State of New York** - lakes, bays, sounds, ponds, impounding
371 reservoirs, springs, wells, rivers, streams, creeks, estuaries, wetlands, marshes, inlets,
372 canals, the Atlantic ocean within the territorial seas of the state of New York and all other
373 bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or
374 private (except those private waters that do not combine or effect a junction with natural
375 surface or underground waters), which are wholly or partially within or bordering the
376 state or within its jurisdiction.

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

382 **Temporarily Ceased** - means that an existing disturbed area will not be disturbed again
383 within 14 calendar days of the previous soil disturbance.

384 **Trained Contractor** - an employee from the contracting (construction) company that
385 will be responsible for implementing the SWPPP, who has received four (4) hours of
386 Department endorsed training in proper erosion and sediment control principles. After
387 receiving the initial training, the trained contractor shall receive four (4) hours of training
388 every three (3) years. It can also mean an employee from the contracting (construction)
389 company that meets the qualified inspector qualifications.

390 **Water Quality Volume (WQv)** - The quantity of stormwater that is captured and
391 received water quality treatment with the utilization of a Stormwater Management
392 Practice. The Water Quality Volume represents 90% of the average annual stormwater
393 runoff volume and its quantity is directly related to the impervious cover in the drainage
394 basin. The volume is calculated in accordance with the Design Manual.

395 **Watercourse** - A permanent or intermittent stream, river, creek, ditch, or channel in
396 which water flows as listed (classified or unclassified) by the NYS Department of
397 Environmental Conservation in 6 NYCRR Article X.

398 **Waterway** - a channel directing surface runoff to a watercourse or public storm drain.

399 **Wetland** – Areas regulated under federal, state, and/or Town law that comprise hydric
400 soils and/or are inundated or saturated by surface or ground water at a
401 frequency and duration sufficient to support, and that under normal
402 circumstances do support, a prevalence of vegetation typically adapted for
403 life in saturated soil conditions and regulated. Wetlands generally include
404 marshes, bogs, vernal pools, wet meadows, fens and similar areas. § 135-
405 **7.Stormwater Pollution Prevention Plans**

406
407 **A. Stormwater Pollution Prevention Plan Requirement**

408 (1) No application for approval of a land development activity shall be deemed
409 complete until the appropriate board has received a proposed Stormwater
410 Pollution Prevention Plan (SWPPP), prepared in accordance with the DEC
411 General Permit for Stormwater Discharges of Construction Activities that will be
412 applicable to the proposed land development activity, as that permit may be
413 amended from time to time, and the supplemental standards set forth below in
414 Paragraph B.

415
416 (2) The applicant shall also provide a copy of the SWPPP prepared in accordance
417 with the specifications of this Chapter to the engineering department or other
418 designated storm water office of the County of Ulster. The applicant shall also
419 provide GPS (Global Positioning System) reference data in a form suitable to the
420 SMO for stormwater outfalls and permanent structures constructed in accordance
421 with the NYS Stormwater Management Design Manual.

422
423 **B. Contents of Stormwater Pollution Prevention Plans**

424 1) All SWPPPs shall document and describe the selection, design, installation,
425 implementation and maintenance of control measures and practices and describe
426 the erosion and sediment control practices and where required, post-construction
427 stormwater management practices used to reduce pollutants. The contents of all
428 SWPPPs will include erosion and sediment control practices designed in
429 conformance with the technical standard, NYS Standards and Specifications for
430 Erosion and Sediment Control, most current edition, and shall also include the
431 following information:

- 432 a. At a minimum, the site plan shall be drawn at a scale no smaller than
433 1 inch equals 100 feet
- 434 b. Buffer (adjacent) areas regulated by the NYS DEC and the Town of
435 New Paltz;
- 436 c. Description of ground cover/vegetation along watercourses;
- 437 d. Consistent with the New York Standards and Specifications for
438 Erosion and Sediment Control (Erosion Control Manual), not more
439 than five (5) acres shall be disturbed at any one time unless pursuant
440 to an approved SWPPP. All silt fences and other applicable erosion
441 and sediment control measures shall be removed from the site after
442 the site has been stabilized.
- 443 e. Description of the ground cover conditions throughout the site, as

- 444 well as any changes to ground cover that have occurred in the
- 445 previous five (5) years.
- 446 f. For all land development activities that requires Site Plan Approval
- 447 under Town Code, a description of salt usage for control of snow and
- 448 ice shall be included. The frequency, type, quantity, etc. of salt usage
- 449 as well as measures to reduce salt usage shall be included.
- 450 g. Description of construction and waste materials expected to be stored
- 451 on-site with updates as appropriate, and a description of controls to
- 452 reduce pollutants from these materials including storage practices to
- 453 minimize exposure of the materials to stormwater, and spill -
- 454 prevention and response;
- 455 h. The percent of impervious ground cover should be clearly noted for
- 456 pre-construction and post-construction conditions;
- 457 i. Temporary practices that will be converted to permanent control
- 458 measures;
- 459 j. Name(s) of the receiving water(s);
- 460 k. Delineation of SWPPP implementation responsibilities for each part
- 461 of the site;
- 462 l. Description of structural practices designed to divert flows from
- 463 exposed soils, store flows, or otherwise limit runoff and the discharge
- 464 of pollutants from exposed areas of the site to the degree attainable;
- 465 and
- 466 m. Any existing data that describes the stormwater runoff at the site.
- 467

468 2) Land development activities as defined in Section 1 of this Article and meeting
469 Condition "A", "B", and/or "C" below shall include water quantity and
470 water quality controls (post-construction stormwater runoff controls) as set
471 forth in Section 135-7 B. 3) and 135-7 B. 4) below.

472 Condition A - Stormwater runoff from land development activities
473 discharging a pollutant of concern to either an impaired water identified on
474 the Department's 303(d) list of impaired waters or a Total Maximum Daily
475 Load (TMDL) designated watershed for which pollutants in stormwater
476 have been identified as a source of the impairment.

477 Condition B - Stormwater runoff from land development activities
478 disturbing five (5.0) or more acres.

479 Condition C - Stormwater runoff from land development activity
480 disturbing between one (1.0) and five (5.0) acres of land during the course
481 of the project, exclusive of the construction of single family residences.

482

483 3) General Requirements for the contents of all SWPPPs for land development
484 activities that meet Conditions A, B and/or C shall be the same as is
485 required in the SPDES General Permit for Stormwater Discharges from
486 Construction Activity, most current version, and shall also include the
487 following:

- 488 a. All information in Section 135-7 B. 1) of this Chapter;

- 489 b. Description of each post-construction stormwater management
490 practice, a Stormwater Modeling and Analysis Report, testing results,
491 operation and maintenance plan and, where required, compliance with the
492 Enhanced Phosphorous Removal Standards;
- 493 c. Documentation that the stormwater management planning process
494 using green infrastructure has been followed as required in the Design
495 Manual using the stormwater management practices in Schedules A1, A2
496 and A3. A detailed description as to why each green infrastructure practice
497 cannot be utilized in the design must be provided. The planning process
498 steps are as follows:
- 499 i. Prepare an initial site plan and conceptual design that preserves
500 natural features and reduces impervious cover by incorporating
501 green infrastructure practices listed in Schedule A1 as appropriate
502 to achieve runoff reduction goals and using the evaluation process
503 in the Design Manual;
 - 504 ii. Determine the Water Quality Volume (WQv) using the sizing criteria
505 in the Design Manual;
 - 506 iii. Apply runoff reduction techniques to reduce total WQv using the
507 green infrastructure practices in Schedule A2 and standard
508 stormwater management practices with runoff reduction capacity as
509 described in Schedule A3 and using the sizing and performance
510 criteria in the Design Manual;
 - 511 iv. Determine the minimum runoff reduction volume (RRv) needed
512 using the sizing criteria in the Design Manual;
 - 513 v. Apply standard stormwater management practices in Schedule A3 to
514 address remaining WQv using the sizing and performance criteria
515 in the Design Manual; and
 - 516 vi. Apply volume and peak rate control practices only if still needed to
517 meet the requirements in the Design Manual.
- 518 d. Comparison of post-development stormwater runoff conditions with
519 pre-development conditions.
- 520 e. Increases in stormwater runoff volume as a result of the land
521 development activity shall be presented. Potential downstream impacts
522 due to increased volume and proposed methods to lessen the volume shall
523 be discussed.
- 524 f. Infiltration Practices for water quality treatment are preferred after the
525 use of green infrastructure practices in the design have been exhausted (per
526 the requirements of the Design Manual) if soils and other physical
527 characteristics are suitable and if the project does not involve a stormwater
528 hot spot (See Section 4.11 of the Design Manual). If Infiltration Practices
529 are not used, a detailed description as to why this cannot be achieved must
530 be provided.
- 531 g. Bioretention Practices for water quality treatment are preferred after
532 the use of green infrastructure practices in the design have been exhausted
533 (per the requirements of the Design Manual) if physical characteristics of
534 the site are suitable. If Bioretention Practices are not used, a detailed

- 535 description as to why this cannot be achieved must be provided.
- 536 h. The method of soil compaction should be discussed. During
- 537 construction, compaction of landscaped or pervious areas should be
- 538 avoided to allow infiltration of stormwater into the subsoil.
- 539 i. Maintenance easements to ensure access to all stormwater management
- 540 practices at the site for the purpose of inspection and repair. Easements
- 541 shall be recorded on the plan and shall remain in effect with transfer of title
- 542 to the property.
- 543 j. Inspection and maintenance agreement shall be binding on all subsequent
- 544 landowners served by the on-site stormwater management measures in
- 545 accordance with Article 2, Section 4 of this Chapter.

546

547 4) Requirements for post-construction runoff controls shall comply with the

548 standards established in the current editions of the Design Manual and the NYS

549 Standards and Specifications for Erosion and Sediment Control, and

550 including the following standards for land development activities that meet

551 Conditions A, B and/or C:

552 1. Pond Practices

- 553 a. The maximum bottom area of any individual stormwater
- 554 management pond or series of stormwater management ponds,
- 555 including the forebay area, shall not exceed 0.5 acres, unless
- 556 specifically accepted by the Town's reviewing Engineer upon an
- 557 investigation of the specific site conditions that could justify an
- 558 increase in stormwater management pond area.
- 559 b. The minimum length to width ratio for the pond shall be 2:1, or
- 560 the pond must be designed so that the flow path within the pond
- 561 is equal to 2 times the pond width. The pond inlet and outlet
- 562 shall be located on the opposite sides of the pond.
- 563 c. Maintain a long flow path through the system to the greatest
- 564 extent possible, and design ponds with irregular shape.
- 565 d. The Pond shoreline shall be planted with barrier riparian
- 566 vegetation in accordance with the Design Manual.
- 567 e. Sediment removal from the forebay shall occur every 3 years or
- 568 when it becomes 30% full.
- 569 f. Sediment removal from the main basin shall occur every 5 years
- 570 or when it becomes 30% full (30% of the permanent pool depth),
- 571 whichever occurs sooner.
- 572 g. All low flow orifices (6-inch diameter or less) shall be
- 573 adequately designed to prevent clogging.
- 574 h. Pond side slopes shall be 3H:1V to allow regular maintenance
- 575 (e.g. mowing).
- 576 i. The principal spillway and large culverts shall not permit access
- 577 by small children.
- 578 j. Pond Practices shall meet all requirements set forth in the Design

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Manual.

2. Infiltration Practices

- a. The infiltration practice shall operate as an offline treatment system, with a bypass overflow to a detention basin or other stable downstream receptacle.
- b. Remove sediment/gross solids from the infiltration surface annually, to ensure the maximum surface area for treatment.
- c. Rehabilitate/replace at least the top 6 inches of filter media when flow-through rate reduces to <60% design treatment flow rate (replace >6 inches as necessary to restore design treatment flow rate).
- d. Infiltration Practices shall meet all requirements set forth in the Design Manual.

3. Bioretention Practices

- a. Bioretention Soil Media:
 - i. The media shall have 0% clay content. Any clay greatly hastens failure, especially in the presence of geotextiles.
 - ii. The required organic component of the soil media shall be peat.
- b. A landscaping plan is required for each Bioretention Practice. To the extent practicable, native plant species shall be used.
- c. Remove sediment/gross solids from the bioretention surface annually or when depth exceeds 3 inches.
- d. Rehabilitate/replace mulch and bioretention media (top 6 inches minimum) when flowing through rate reduces to <60% design treatment flow rate.
- e. Bioretention Practices shall meet all requirements set forth in the Design Manual.

§135-8. Plan Certification and MS4 Acceptance

A. The SWPPP shall be prepared by a New York State registered landscape architect, an International Erosion Control Association Certified Professional in Erosion and Sediment Control (CPESC), an International Erosion Control Association Certified Professional in Storm Water Quality (CPSWQ) or a New York State licensed professional engineer, and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this Chapter and any other applicable laws or regulations. All components of the SWPPP that involve the practice of engineering, as defined by the NYS Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

B. The Notice of Intent (NOI) Acceptance form shall be reviewed and approved by the Town's authorized and designated MS4 representative prior to filing the NOI with the DEC to obtain coverage under any SPDES General Permit for Stormwater.

623

624 **§135-9. Other Permits**

625 The applicant shall provide the SMO with acceptable evidence that all other
626 applicable environmental and/or other required permits have been, or will be,
627 acquired for the land development activity prior to approval of the final stormwater
628 design plan.

629

630 **§135-10. Contractor Certification**

- 631 A. Each contractor and subcontractor identified in the SWPPP who will be
632 involved in soil disturbance and/or stormwater management practice
633 installation shall sign and date a copy of the following certification
634 statement before undertaking any land development activity:
635 "I certify under penalty of law that I have read, understand and agree to
636 comply with the terms and conditions of the Stormwater Pollution
637 Prevention Plan and agree to implement any corrective actions identified
638 by the qualified inspector during a site inspection. I also understand that it
639 is unlawful for any person to cause or contribute to a violation of water
640 quality standards."
641 B. The certification must include the name and title of the person providing
642 the signature, address and telephone number of the contracting firm; the
643 address (or other identifying description) of the site; and the date the
644 certification is made.
645 C. The certification statement(s) shall be filed with the SMO and become part
646 of the SWPPP for the land development activity.

647

648 **§135-11. SWPPP Copy Retention and Availability**

649

650 A copy of the SWPPP shall be retained at the site of the land development activity
651 in a prominent place for public viewing during construction, from the date of
652 initiation of construction activities until the date of the filing of a notice of
653 termination of coverage from the General Permit evidencing that all disturbed
654 areas have achieved final stabilization and the notice of termination has been
655 accepted by the designated Town MS4 representative. The documents must be
656 maintained in a secure location, such as a job trailer, on-site construction office, or
657 mailbox with lock. The secure location must be accessible during normal business
658 hours to an individual performing a compliance inspection.

659

660 **Article 3. Performance and Design Criteria for Stormwater Management and**
661 **Erosion and Sediment Control**

662

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

665

666 **§135-12. Technical Standards**

667

668 For the purpose of this Chapter, the current version of the following documents shall
669 serve as the official standards and specifications for stormwater management. A
670 SWPPP or SDP that incorporates stormwater management practices that are designed,
671 constructed and maintained in accordance with these technical documents, as well as
672 other requirements included in this law applicable to the regulated activity, shall be
673 presumed to meet the standards imposed by this law:

674

675

A. The NYS Stormwater Management Design Manual;

676

1. Stormwater management practices must be selected, design, installed
677 and maintained to meet the performance criteria in the most current
678 version of the Design Manual using sound engineering judgment.

677

678

2. Stormwater management practices must be designed to meet the
679 applicable sizing criteria in the most current version of the Design
680 Manual.
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B. The NYS Standards and Specifications for Erosion and Sediment Control,
684 (the Erosion Control Manual);

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685

686

C. The standards imposed by this Chapter are intended to be consistent with DEC
687 SWPPP standards and the standards of the SPDES General Permit for
688 Stormwater Discharges from Construction Activities, most current version,
689 unless a supplemental standard is expressly identified in this Chapter.

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D. Technical Standards Equivalents shall additionally provide:

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1. Where erosion and sediment control measures are not designed in
693 conformance with the design criteria included in the Erosion Control
694 Manual, the applicant or developer must include in the SWPPP the reason(s)
695 for the deviation or alternative design and provide information which
696 demonstrates that the deviation or alternative design is equivalent to the
697 technical standards set forth in §135-12 A and B above; and

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2. Where post-construction stormwater management practices are not
698 designed in conformance with the performance criteria in the Design
699 Manual, the applicant or developer must include in the SWPPP the reason(s)
700 for the deviation and demonstrates that the alternative design is equivalent to
701 the technical standard.
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E. Performance Standards Required:

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1. The applicant or developer shall minimize the discharge of pollutants from
706 equipment and vehicle washing, wheel wash water, and other wash waters
707 using clean water only. Soaps, detergents and solvents shall not be used.

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2. The applicant or developer shall minimize the exposure of building
708 materials, building products, construction wastes, trash, landscape materials,
709 fertilizers, pesticides, herbicides, detergents, sanitary waste and other
710 materials present on the site to precipitation and to stormwater.

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Minimization of exposure is not required in cases where the exposure to

713 precipitation and to stormwater will not result in a discharge of pollutants, or
714 where exposure of a specific material or product poses little risk of storm
715 water contamination (such as final products and materials intended for
716 outdoor use).
717 3. The applicant or developer shall prevent the discharge of pollutants from
718 spills and leaks and implement chemical spill and leak prevention and
719 response procedures.
720

721 **§135-13. Water Quality Standards**

722
723 Any land development activity shall not cause an increase in turbidity in surface
724 waters of the state of New York that will result in substantial visible contrast to
725 natural conditions.
726

727 **Article 4. Maintenance, Inspection and Repair of Stormwater Facilities**

728
729 **§135-14. Maintenance During Construction**

- 730
731 A. When land is disturbed in connection with a regulated land development
732 activity, the owner, applicant or developer shall at all times properly
733 operate and maintain all facilities and systems of treatment and control (and
734 related appurtenances) which are installed or used by the applicant or
735 developer to achieve compliance with the conditions of this Chapter.
736 Sediment shall be removed from sediment traps or sediment ponds
737 whenever their design capacity has been reduced by fifty (50) percent.
738 B. The applicant or developer or their representative shall be on site daily
739 when construction or grading activity takes place and shall inspect and
740 document the effectiveness of all erosion and sediment control practices.
741 C. Inspections by a qualified stormwater inspector shall be completed every 7
742 calendar days and within 24 hours of any storm event producing 0.5 inches
743 of precipitation or more. The inspection reports shall be delivered to the
744 Stormwater Management Officer and also copied to the site log book.
745 D. Where soil disturbance activity has temporarily or permanently ceased, the
746 application of soil stabilization measures must be initiated by the end of
747 the next business day and completed within fourteen (14) calendar days
748 from the date the current soil disturbance activity ceased. If 5 acres or
749 more have been disturbed at one time and soil disturbance activity has
750 temporarily or permanently ceased, the application of soil stabilization
751 measures must be initiated by the end of the next business day and
752 completed within seven (7) days of the date the current soil disturbance
753 activity ceased. The soil stabilization measures selected shall be in
754 conformance with the Erosion Control Manual.
755
756 E. The following activities are subject to the requirements in §135-14 A. and
757 B., but are exempt from the requirements in §135-14 C. and D. above:

- 758 1. Construction on agricultural property that involves
759 the soil disturbance of one (1) or more but less than five (5) acres
760 of land.
- 761 2. Construction of a single-family subdivision with
762 25% or less impervious cover at total site builder-out that
763 involves soil disturbance of one (1) or more but less than five (5)
764 acres of land.
- 765 3. Construction of a single family home that involves
766 soil disturbance of one (1) or more but less than five (5) acres of
767 land.

768 F. Land development activities where the applicant or developer has received
769 authorization from the Department to disturb 5 acres or more at any one
770 time shall be inspected by a qualified inspector twice every 7 days. The
771 two inspections shall be separated by a minimum of two full calendar
772 days.

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§135-15. Registration Statement

776 Prior to the issuance of any permit to an applicant to commence a Land Development
777 Activity that has a SWPPP that includes a stormwater management facility as one of
778 the requirements, the applicant or developer shall complete and file with the SMO a
779 Stormwater Facility Registration Statement, which shall include a copy of any
780 proposed permanent stormwater management facility design, the operations and
781 maintenance plan in the SWPPP for the permanent facility, the entity that will be
782 responsible for implementing each practice in the plan, including contact information
783 for a responsible person, and such fee as required by resolution of the Town Board.
784 The Statement shall be updated within thirty days of a change or modification in the
785 design, operation or maintenance of the facility, the designated entity responsible for
786 implementing any practice or the contact information provided on the Statement, or
787 when the owner or operator of the facility submits a Notice of Termination of
788 coverage to the MS4. The Statement shall be renewed every three years thereafter.

789
790

§135-17. Maintenance Agreements

791 A. Prior to the issuance of any permit to an applicant to commence a Land
792 Development Activity that has a SWPPP which includes a stormwater management
793 facility as one of the requirements, the applicant or developer shall submit to the
794 SMO a formal maintenance agreement for the stormwater management facilities in
795 recordable form, together with all documents and fees required to record that
796 agreement in the office of the Ulster County Clerk as a deed restriction on the
797 property. The maintenance agreement shall be reviewed by the Town attorney, in
798 consultation with the SMO and the Town engineer, to determine that: it will be
799 binding on all subsequent landowners; it is consistent with the terms and conditions
800 of Schedule B of this Chapter, entitled *Sample Stormwater Control Facility*
801 *Maintenance Agreement*; it provides for access to the facility at reasonable times for
802 periodic inspection by the Town of New Paltz to ensure that the facility is maintained
803 in proper working condition to meet design standards; that it meets any other

804 applicable standards of this Chapter; and that it is in proper form for recording.
805 Permits to commence the Land Development Activity may be issued by the issuing
806 official on receipt of appropriate evidence that the maintenance agreement has been
807 duly recorded in the Clerk's Office.

808

809 B. The Town of New Paltz, in lieu of a maintenance agreement, at its sole discretion
810 may establish a town drainage district in accordance with the Town Law and accept
811 dedication of any existing or future stormwater management facility, provided such
812 facility meets all the requirements of this Chapter and includes adequate and
813 perpetual access and sufficient area, by easement or otherwise, for inspection and
814 regular maintenance.

815

816 **§135-16. Maintenance after Construction**

817 The owner or operator of permanent stormwater management practices installed in
818 accordance with this law shall operate and maintain the stormwater management
819 practices to achieve the goals of this law. Proper operation and maintenance also
820 includes as a minimum, the following:

821

- 822 A. A preventive/corrective maintenance program for all critical facilities and
823 systems of treatment and control (or related appurtenances) which are
824 installed or used by the owner or operator to achieve the goals of this law.
825 B. Written procedures for operation and maintenance and training new
826 maintenance personnel.
827 C. Discharges from the SMPs shall not exceed design criteria or cause or
828 contribute to water quality standard violations.

829

830 **Article 5. Administration and Enforcement**

831

832 **§135-18. Construction Inspection**

833

834 **A. Inspection Schedule**

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836 1) The Town of New Paltz Stormwater Management Officer may require such
837 inspections as necessary to determine compliance with this law and may either
838 approve that portion of the work completed or notify the applicant wherein the
839 work fails to comply with the requirements of this law and the stormwater
840 pollution prevention plan (SWPPP) as approved. To obtain inspections, the
841 applicant shall notify the SMO and any other Town of New Paltz official
842 designated by the SMO at least 48 hours before any of the following:

843

- a) Start of construction
844 b) Installation of sediment and erosion control measures
845 c) Completion of site clearing
846 d) Completion of rough grading

- 847 e) Completion of final grading
- 848 f) Close of the construction season
- 849 g) Completion of final landscaping
- 850 h) Successful establishment of landscaping in public areas.
- 851 i) Dewatering activities involving the pumping of water.

852

853 2) If any violations are found, the applicant and developer shall be notified in writing
854 of the nature of the violation and the required corrective actions. No further work
855 shall be conducted, except for site stabilization, until any violations are corrected
856 and all work previously completed has received approval by the Stormwater
857 Management Officer.

858

859 **B. Stormwater Management Practice Inspections and As-built Survey**

860

861 1) The Town of New Paltz Stormwater Management Officer, or at the Town Board's
862 discretion, a New York State licensed professional engineer, or certified professional
863 in erosion and sediment control (CPESC), or certified professional in storm water
864 quality (CPSWQ) shall be responsible for conducting inspections of stormwater
865 management practices (SMPs).

866

867 2) The SMO, or at the Town Board's discretion, a New York State licensed
868 professional engineer or certified professional in erosion and sediment control, or
869 certified professional in storm water quality may also conduct random inspections
870 during construction, clearing and grading or site disturbance as necessary to
871 determine compliance with this law. If deficiencies or violations are found, the SMO
872 shall notify the applicant and/or developer in writing of the nature of the deficiency or
873 violation and any required corrective actions.

874

875 3) The SMO may inspect the site in response to complaints associated with turbid
876 water, flooding, or other potential violations of the Stormwater Pollution Prevention
877 Plan.

878

879 4) All applicants are required to submit "as built" plans for any stormwater
880 management practices located on-site after final construction is completed. The plan
881 must show the final design specifications for all stormwater management facilities
882 and must be certified by a professional engineer.

883

884 **C. Inspection of Stormwater Facilities After Project Completion**

885

886 After filing of a NOT or completion of the regulated activities, inspection programs
887 shall be established on any reasonable basis, including but not limited to: routine
888 inspections; random inspections; inspections based upon complaints or other notice of
889 possible violations; inspection of drainage basins or areas identified as higher than
890 typical sources of sediment or other contaminants or pollutants; inspections of

891 businesses or industries of a type associated with higher than usual discharges of
892 contaminants or pollutants or with discharges of a type which are more likely than the
893 typical discharge to cause violations of state or federal water or sediment quality
894 standards or the SPDES stormwater permit; and joint inspections with other agencies
895 inspecting under environmental or safety laws. Inspections may include, but are not
896 limited to: reviewing maintenance and repair records; sampling discharges, surface
897 water, groundwater, and material or water in drainage control facilities; and
898 evaluating the condition of drainage control facilities and other stormwater
899 management practices.

900
901 **D. Submission of Reports**

902 The SMO may require monitoring and reporting from entities subject to this law as
903 are necessary to determine compliance with this law.

904
905 **E. Right-of-Entry for Inspection.**

906 1. Every owner and applicant undertaking a Land Development Activity that requires
907 review or approval pursuant this Chapter shall be deemed to have given their
908 respective consents to the Enforcement Official and to any consultants or other
909 representatives of the Town reasonably required to assist the SMO in the performance
910 of the SMO's duties (the Town MS4 representatives) to access any part of the site or
911 premises upon which that activity is being conducted at any reasonable time for the
912 purpose of performing his or her duties under this Chapter. Therefore, when any new
913 stormwater management facility is installed on private property or when any new
914 connection is made between private property and the public storm water system, the
915 owner or operator shall allow the Enforcement Official or other duly authorized Town
916 MS4 representatives, upon the presentation of credentials and other documents as
917 may be required by law, to: Enter upon the owner's or operator's premises where a
918 regulated stormwater facility or activity is located or conducted or where records
919 must be kept pursuant to the requirements of this Chapter or the conditions of
920 coverage of any SPDES permit; Have access to and copy at reasonable times, any
921 records that must be kept pursuant to this Chapter or the conditions of a SPDES
922 permit; and Inspect at reasonable times any facilities or equipment (including
923 monitoring and control equipment), practices or operations regulated or required by
924 this Chapter; Sample or monitor at reasonable times, for purposes of assuring
925 compliance with this Chapter, any substances or parameters at any location.

926
927 2. The Enforcement Official shall provide reasonable advance notice to the owner
928 and to the applicant under the circumstances prevailing at the time that such notice is
929 given, and thereafter the Enforcement Official and any other Town MS4
930 representatives are authorized to enter upon any site or premises upon which any
931 regulated Land Development Activity is being conducted at any reasonable time for
932 the purpose of performing his or her duties under this Chapter.

933
934 3. Application for search warrant. Should an owner or applicant revoke its consent to
935 inspection(s) believed to be necessary by the Enforcement Official for the purpose of
936 performing his or her duties under this Chapter and the Enforcement Official has

937 reasonable cause to believe that a violation of this Chapter has occurred, the
938 Enforcement Official is hereby authorized to apply to the Town Justice Court, or any
939 other court of competent jurisdiction, for an administrative search warrant (pursuant
940 to such legal requirements as may apply) to permit such inspection(s). The
941 application for a search warrant shall in all respects comply with the applicable laws
942 of the State of New York.. Upon the issuance of said warrant the Enforcement
943 Official and any other consultants reasonably required to assist the Enforcement
944 Official in the performance of the Enforcement Official's duties shall execute the
945 warrant and shall conduct the inspection as per the conduct and procedures provided
946 for by applicable laws of the State of New York.

947
948 **§135-19. Performance Guarantee**

949
950 **A. Construction Completion Guarantee**

951 In order to ensure the full and faithful completion of those aspects of land
952 development activities that are related to compliance with all conditions set forth by
953 the Town of New Paltz in its acceptance or approval of a SWPPP, the Town may
954 require the applicant or developer to provide, prior to construction, a cash escrow, or
955 irrevocable letter of credit from an appropriate financial institution which guarantees
956 satisfactory completion and maintenance of the stormwater water management and
957 water quality facilities and names the Town of New Paltz as the beneficiary. Security
958 shall be in an amount determined by the Town of New Paltz based on submission of
959 final design plans, with reference to actual construction and landscaping costs, and in
960 form acceptable to the attorney for the Town of New Paltz. The performance
961 guarantee shall remain in force until the applicant is released from liability by the
962 Town of New Paltz provided that such period shall not be less than one year from the
963 date of final acceptance or such other certification that the facility(ies) have been
964 constructed in accordance with the approved plans and specifications and that a one-
965 year inspection has been conducted and the facilities have been found to be
966 acceptable to the Town of New Paltz. Per annum interest on cash escrow deposits
967 shall be reinvested in the account until the applicant is released from liability

968
969 **B. Maintenance Guarantee**

970 Where stormwater management and erosion and sediment control facilities are to be
971 operated and maintained by the developer or by a corporation that owns or manages a
972 commercial or industrial facility, the developer, prior to construction, may be required
973 by the Town board or official accepting or approving the SWPPP to provide the
974 Town of New Paltz with an irrevocable letter of credit from an approved financial
975 institution or other security acceptable to the Town in an amount and in a form
976 satisfactory to the Town to ensure proper operation and maintenance of all
977 stormwater management and erosion control facilities both during and after
978 construction, and until the facilities are removed from operation. If the developer or
979 landowner fails to properly operate and maintain stormwater management and erosion
980 and sediment control facilities, the Town Board of the Town of New Paltz may
981 authorize such draw upon the account as is necessary to cover the costs of proper
982 operation and maintenance, including engineering and inspection costs.

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C. Recordkeeping

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The Town of New Paltz may require entities subject to this law to maintain records demonstrating compliance with this law.

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§135-20. Enforcement and Penalties

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A. This Chapter may be enforced by the Stormwater Management Officer (“SMO”) or any other official or representative of the Town of New Paltz duly designated by the Town Board (collectively the “Enforcement Official”).

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B. The Enforcement Official is authorized to issue a Notice and Order to Remedy Violation for any violation of any provision of this Chapter and in the event that the responsible party fails to remedy the violation in accordance with the Order, to request that the Town Board authorize and commence in any court of competent jurisdiction a prosecution for such violation and arrange for the issuance of process pursuant to the Criminal Procedure Law to secure the attendance of the accused.

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C. The Enforcement Official is authorized to include as a condition in any Notice and Order to Remedy Violation a direction that the person to whom such notice and order is directed to cure any specified condition that creates a danger to the health, safety or welfare of the public.

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D. Any person who fails to comply with the directives in a Notice and Order to Remedy Violation issued by the Enforcement Official within the time limit stated thereon, shall be deemed to have committed a separate offense against this Chapter and shall also thereafter be liable for any such violation or the penalty therefor.

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E. The Enforcement Official may issue a stop work order for violations of this law. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the Town of New Paltz confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this Chapter.

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F. The Enforcement Official may request that the Town Board enforce compliance with this Chapter by authorizing and instituting a proceeding in a court of competent jurisdiction for fines and/or injunctive relief, or to impose civil penalties for violations of this Chapter, or both.

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G. The reasonable and necessary costs and expenses incurred by the Town, including but not limited to contractor charges, reasonable attorney, engineering and consultant fees, employee salaries and administrative costs associated with the enforcement of this Chapter including an action to enjoin the performance of any work in violation of this Chapter, or to compel the cure, correction, removal or prevention of any

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1030 condition existing in violation of the provisions of this Chapter, shall be charged to the
1031 owner of such real property

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1033 H. If costs and expenses are not paid in full within thirty (30) days of service of a
1034 duly audited voucher upon the owner by certified mail to the address on the Town
1035 assessment roll, the charge and costs shall be assessed and levied against and constitute a
1036 lien on the real property upon which it is levied until paid or otherwise satisfied and
1037 discharged, and shall be collected in the same manner and at the same time as other Town
1038 real property taxes.

1039

1040 **§135-21. Penalties for offenses.**

1041 A. For purposes of this section, each week's continued violation of a requirement of this
1042 Chapter shall constitute a separate violation.

1043

1044 B In addition to or as an alternative to any penalty provided herein or by law, any person
1045 who violates the provisions of this Chapter shall be guilty of a violation punishable by a
1046 fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to
1047 exceed six months, or both for conviction of a first offense; for conviction of a second
1048 offense both of which were committed within a period of five years, punishable by a fine
1049 not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or
1050 imprisonment for a period not to exceed six months, or both; and upon conviction for a
1051 third or subsequent offense all of which were committed within a period of five years,
1052 punishable by a fine not less than seven hundred dollars nor more than one thousand
1053 dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However,
1054 for the purposes of conferring jurisdiction upon courts and judicial officers generally,
1055 violations of this Chapter shall be deemed misdemeanors and for such purpose only all
1056 provisions of law relating to misdemeanors shall apply to such violations. Each week's
1057 continued violation shall constitute a separate additional violation. In addition, in the
1058 event that the Town of New Paltz incurs any monetary fines or penalties due to acts or
1059 omissions of the persons or entities who violated this law, said individual or entity shall
1060 be liable to the Town of New Paltz for payment of all such fines or penalties imposed
1061 upon or paid by the Town of New Paltz.

1062

1063 C. In addition to the penalties provided for in this Chapter, above, the Town shall not
1064 issue a building permit or other permit, any temporary certificate of occupancy,
1065 certificate of occupancy or variance for any property for which a violation of this chapter
1066 has been served until said violation has been finally determined to be cured or otherwise
1067 resolved to the satisfaction of the Town.

1068

1069 D. No penalty provided for by this Chapter shall be deemed exclusive. The Enforcement
1070 Official shall have discretion to seek one or more of the penalties provided herein in a
1071 court of competent jurisdiction.

1072

1073 **§135-22 Restoration of lands**

1074

1075 A. Any violator may be required to restore land to its undisturbed condition.

1076

1077 B. In the event that restoration is not undertaken within a reasonable time after notice,
 1078 the Town of New Paltz may at its own option cause necessary corrective action to restore
 1079 land to be performed and assess the cost thereof through a special tax assessment to the
 1080 owners of the property until paid.

1081

1082 **§135-23. Fees for Services**

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1084 The Town of New Paltz may require any person undertaking land development activities
 1085 regulated by this law to pay reasonable costs at prevailing qualified professional fee rates

Schedule A1

Green Infrastructure Planning General Categories and Specific Practices (From: New York State Stormwater Management Design Manual, Table 3.1)		
Group	Practice	Description
Preservation of Natural Resources	Preservation of Undisturbed Areas	Delineate and place into permanent conservation easement undisturbed forests, native vegetated areas, riparian corridors, wetlands, and natural terrain.
	Preservation of Buffers	Define, delineate and place in permanent conservation easement naturally vegetated buffers along perennial streams, rivers, shorelines and wetlands.
	Reduction of Clearing and Grading	Limit clearing and grading to the minimum amount needed for roads, driveways, foundations, utilities and stormwater management facilities.
	Locating Development in Less Sensitive Areas	Avoid sensitive resource areas such as floodplains, steep slopes, erodible soils, wetlands, mature forests and critical habitats by locating development to fit the terrain in areas that will create the least impact.
	Open Space Design	Use clustering, conservation design or open space design to reduce impervious cover, preserve more open space and protect water resources.
	Soil Restoration	Restore the original properties and porosity of the soil by deep till and amendment with compost to reduce the generation of runoff and enhance the runoff reduction performance of practices such as grass channels, filter strips, and tree clusters.
Reduction of Impervious Cover	Roadway Reduction	Minimize roadway widths and lengths to reduce site impervious area.
	Sidewalk Reduction	Minimize sidewalk lengths and widths to reduce site impervious area.
	Driveway Reduction	Minimize driveway lengths and widths to reduce site impervious area.
	Cul-de-sac Reduction	Minimize the number of cul-de-sacs and incorporate landscaped areas to reduce their impervious cover.
	Building Footprint Reduction	Reduce the impervious footprint of residences and commercial buildings by using alternate or taller buildings while maintaining the same floor to area ratio.
	Parking Reduction	Reduce imperviousness on parking lots by eliminating unneeded spaces, providing compact car spaces and efficient parking lanes, minimizing stall dimensions, using porous pavement surfaces in overflow parking areas, and using multi-storied parking decks where appropriate.

1086 for review of SWPPPs, inspections, or SMP maintenance performed by the Town of New
 1087 Paltz or performed by a third party for the Town of New Paltz.

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Schedule A2

Green Infrastructure Techniques Acceptable for Runoff Reduction (From: New York State Stormwater Management Design Manual, Table 3.2)		
Group	Practice	Description
Runoff Reduction Techniques	Conservation of natural areas	Retain the pre-development hydrologic and water quality characteristics of undisturbed natural areas, stream and wetland buffers by restoring and/or permanently conserving these areas on a site.
	Sheetflow to riparian buffers or filter strips	Undisturbed natural areas such as forested conservation areas and stream buffers or vegetated filter strips and riparian buffers can be used to treat and control stormwater runoff from some areas of a development project.
	Vegetated open swale	The natural drainage paths, or properly designed vegetated channels, can be used instead of constructing underground storm sewers or concrete open channels to increase time of concentration, reduce the peak discharge, and provide infiltration.
	Tree planting / tree box	Plant or conserve trees to reduce stormwater runoff, increase nutrient uptake, and provide bank stabilization. Trees can be used for applications such as landscaping, stormwater management practice areas, conservation areas and erosion and sediment control.
	Stream daylighting for redevelopment projects	Stream daylight previously-culverted/piped streams to restore natural habitats, better attenuate runoff by increasing the storage size, promoting infiltration, and help reduce pollutant loads.
	Rain garden	Manage and treat small volumes of stormwater runoff using a conditioned planting soil bed and planting materials to filter runoff stored within a shallow depression.
	Green roof	Capture runoff by a layer of vegetation and soil installed on top of a conventional flat or sloped roof. The rooftop vegetation allows evaporation and evapotranspiration processes to reduce volume and discharge rate of runoff entering conveyance system.
	Stormwater planter	Small landscaped stormwater treatment devices that can be designed as infiltration or filtering practices. Stormwater planters use soil infiltration and biogeochemical processes to decrease stormwater quantity and improve water quality.
	Rain tank/Cistern	Capture and store stormwater runoff to be used for irrigation systems or filtered and reused for non-contact activities.
	Porous Pavement	Pervious types of pavements that provide an alternative to conventional paved surfaces, designed to infiltrate rainfall through the surface, thereby reducing stormwater runoff from a site and providing some pollutant uptake in the underlying soils.

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Schedule A3

York State Stormwater Management Design Manual, Table 3.3)

Group	Practice	Description
Pond	Micropool Extended Detention Pond (P-1)	Pond that treats the majority of the water quality volume through extended detention, and incorporates a micropool at the outlet of the pond to prevent sediment resuspension.
	Wet Pond (P-2)	Pond that provides storage for the entire water quality volume in the permanent pool.
	Wet Extended Detention Pond (P-3)	Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time.
	Multiple Pond System (P-4)	A group of ponds that collectively treat the water quality volume.
	Pocket Pond (P-5)	A stormwater wetland design adapted for the treatment of runoff from small drainage areas that has little or no baseflow available to maintain water elevations and relies on groundwater to maintain a permanent pool.
Wetland	Shallow Wetland (W-1)	A wetland that provides water quality treatment entirely in a wet shallow marsh.
	Extended Detention Wetland (W-2)	A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface.
	Pond/Wetland System (W-3)	A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.
	Pocket Wetland (W-4)	A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.
Infiltration	Infiltration Trench (I-1) (Runoff Reduction Capacity)	An infiltration practice that stores the water quality volume in the void spaces of a gravel trench before it is infiltrated into the ground.
	Infiltration Basin (I-2) (Runoff Reduction Capacity)	An infiltration practice that stores the water quality volume in a shallow depression before it is infiltrated into the ground.
	Dry Well (I-3) (Runoff Reduction Capacity)	An infiltration practice similar in design to the infiltration trench, and best suited for treatment of rooftop runoff.
Filtering Practices	Surface Sand Filter (F-1)	A filtering practice that treats stormwater by settling out larger particles in a sediment chamber, and then filtering stormwater through a sand matrix.
	Underground Sand Filter (F2)	A filtering practice that treats stormwater as it flows through underground settling and filtering chambers.
	Perimeter Sand Filter (F-3)	A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot.
	Organic Filter (F-4)	A filtering practice that uses an organic medium such as compost in the filter in place of sand.
	Bioretention (F-5) (Runoff Reduction Capacity)	A shallow depression that treats stormwater as it flows through a soil matrix, and is returned to the storm drain system.
Open Channels	Dry Swale (O-1) (Runoff Reduction Capacity)	An open drainage channel or depression explicitly designed to detain and promote the filtration of stormwater runoff into the soil media.
	Wet Swale (O-2)	An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.

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**Schedule B
TOWN OF NEW PALTZ**

**SAMPLE STORMWATER CONTROL FACILITY
MAINTENANCE AGREEMENT**

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1107 Whereas, the Municipality of Town of New Paltz ("Municipality") and the
1108 _____ ("facility owner") want to enter into an agreement to provide for
1109 the long term maintenance and continuation of stormwater control measures approved
1110 by the Municipality for the below named project, and
1111

1112 Whereas, the Municipality and the facility owner desire that the stormwater control
1113 measures be built in accordance with the approved project plans and thereafter be
1114 maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure
1115 optimum performance of the components. Therefore, the Municipality and the facility
1116 owner agree as follows:
1117

1118 1. This agreement binds the Municipality and the facility owner, its successors and
1119 assigns, to the maintenance provisions depicted in the approved project plans which
1120 are attached as Schedule A of this agreement.
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1122 2. The facility owner shall maintain, clean, repair, replace and continue the stormwater
1123 control measures depicted in Schedule A as necessary to ensure optimum performance
1124 of the measures to design specifications. The stormwater control measures shall
1125 include, but shall not be limited to, the following: drainage ditches, swales, dry wells,
1126 infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.
1127

1128 3. The facility owner shall be responsible for all expenses related to the maintenance
1129 of the stormwater control measures and shall establish a means for the collection and
1130 distribution of expenses among parties for any commonly owned facilities.
1131

1132 4. The facility owner shall provide for the periodic inspection of the stormwater
1133 control measures, not less than once in every five year period, to determine the
1134 condition and integrity of the measures. Such inspection shall be performed by a
1135 Professional Engineer licensed by the State of New York. The inspecting engineer
1136 shall prepare and submit to the Municipality within 30 days of the inspection, a written
1137 report of the findings including recommendations for those actions necessary for the
1138 continuation of the stormwater control measures.
1139

1140 5. The facility owner shall not authorize, undertake or permit alteration, abandonment,
1141 modification or discontinuation of the stormwater control measures except in
1142 accordance with written approval of the Municipality.
1143

1144 6. The facility owner shall undertake necessary repairs and replacement of the
1145 stormwater control measures at the direction of the Municipality or in accordance with
1146 the recommendations of the inspecting engineer.
1147

1148 7. The facility owner shall provide to the Municipality within 30 days of the date of

1149 this agreement, a security for the maintenance and continuation of the stormwater
1150 control measures in the form of a Bond, letter of credit or escrow account).

1151
1152 8. This agreement shall be recorded in the Office of the County Clerk, County of
1153 Ulster together with the deed for the common property and shall be included in the
1154 offering plan and/or prospectus approved pursuant to _____.

1155
1156 9. If ever the Municipality determines that the facility owner has failed to construct or
1157 maintain the stormwater control measures in accordance with the project plan or has
1158 failed to undertake corrective action specified by the Municipality or by the inspecting
1159 engineer, the Municipality is authorized to undertake such steps as reasonably
1160 necessary for the preservation, continuation or maintenance of the stormwater control
1161 measures and to affix the expenses thereof as a lien against the property.

1162
1163 10. This agreement is effective _____.

1164
1165 **Section 2. Severability.**

1166
1167 If any clause, sentence, paragraph, subdivision or part of this local law or the application
1168 thereof to any person, firm or corporation, or circumstance be adjudged invalid or
1169 unconstitutional by any court of competent jurisdiction, such order or judgment shall not
1170 affect, impair or invalidate the remainder thereof, but shall be confined in its operation to
1171 the clause, sentence, paragraph, subdivision or part of this local law or in its application
1172 to the person, firm or corporation, or circumstance directly involved in the controversy in
1173 which such order or judgment shall have been rendered and shall not affect or impair the
1174 validity of the remainder of this local law or the application thereof to any other person,
1175 firm or corporation or circumstance and the Town Board hereby declares that it would
1176 not have enacted this local law or the remainder thereof had the invalidity of such
1177 provision or application thereof been apparent.

1178
1179 **Section 3. Effective date.**

1180
1181 This local law shall take effect immediately upon filing with the 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. 1 of 2017 of the (County)(City)(Town)(Village) of New Paltz was duly passed by the Town Board on December 22, 2016, in accordance with the applicable provisions of law.

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.

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.

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.

* 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 _____ above.

[Handwritten Signature]

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

Date: December 27, 2016

(Seal)