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# TOWN OF MACEDON

## Stormwater Management Program (SWMP) Plan

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SPDES General Permit ID# NYR20A391



**Town of Macedon**  
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Macedon, NY 14502  
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Website: <http://www.macedontown.net/s2/ms4/>

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**November 2011**  
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*This document was initially prepared for the Town of Macedon by the Ontario-Wayne Stormwater Coalition and has been modified and updated by BME Associates on behalf of the Town of Macedon. It is intended to assist with compliance with Part IV of GP-0-15-003.*

**Revised September 2017**



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## ACKNOWLEDGEMENTS

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Sections of this document have been adapted from the document "Model Stormwater Management Plan," drafted for the Western New York Stormwater Coalition in October 2008 by Wendel Duchscherer, TVGA Consultants, and Bergmann Associates for the Western New York Stormwater Coalition.

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## Introduction

The Town of Macedon Stormwater Management Program (SWMP) Plan has been developed and revised to comply with Part IV.A. of the New York State Department of Environmental Conservation General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-0-15-003). The Stormwater Management Program Plan provides policy and management guidance for the Town of Macedon, which is a member of the Ontario-Wayne Stormwater Coalition (OWSC). The purpose of this plan is to maintain or improve water quality (see Appendix A for definition).

The OWSC exists by way of an inter-municipal agreement enacted through municipal resolution by each participating member, the term of which is from February 1, 2013 through January 31, 2018. These include the Towns of Farmington, Macedon, Ontario, Victor and Walworth; the Village of Victor; and the Ontario County and Wayne County Highway Departments. Each of these entities is required to develop their own individual Stormwater Management Program Plan.

Part IV.A (“Stormwater Management Program (SWMP) Requirements”) of GP-0-15-003 states:

“Covered entities must develop and enforce a SWMP designed to reduce the discharge of pollutants from small MS4s to the maximum extent practicable (“MEP”) in order to protect water quality and to satisfy the appropriate water quality requirements of the ECL [Environmental Conservation Law] and the CWA [Clean Water Act]. The objective of the permit is for MS4s to assume achievement of the applicable water quality standards.” (page 15)

The SWMP Plan is based on the Federal Stormwater Phase II rule, issued in 1999, which requires municipal separate storm sewer system (MS4) owners and operators, in U.S. Census-defined urbanized areas as well as in additionally designated areas, to develop a Stormwater Management Program. There are six program elements designed to reduce the discharge of pollutants to the maximum extent practicable (MEP). The program elements, titled Minimum Control Measures (MCMs), include:

1. Public Education and Outreach
2. Public Involvement / Participation
3. Illicit Discharge Detection and Elimination
4. Construction Site Runoff Control
5. Post-Construction Stormwater Management
6. Pollution Prevention / Good Housekeeping for Municipal Operations.

This document describes each MCM and the Best Management Practices (BMPs) that have been implemented to maintain compliance with the NYSDEC GP-0-15-003. Responsibilities to achieve and sustain compliance are clearly defined for each BMP. Portions of the work necessary are provided through the collective efforts of the Ontario-Wayne Stormwater Coalition members. The remaining work is the responsibility of the various departments within the Town of Macedon, and are to be coordinated by the designated Stormwater Management Officer. To this end, assistance is readily available from OWSC staff upon request.

This SWMP Plan should be reviewed on an annual basis and updated as necessary in order to take into consideration the latest technologies and information to maintain compliance with the NYSDEC GP-0-15-003, as well as to account for progress made.

## Minimum Measure 1: Public Education and Outreach

### 1.1 Description of Minimum Control Measure

The Public Education and Outreach MCM consists of BMPs that focus on the development of educational materials designed to inform the public about the impacts that stormwater discharges have on local water bodies. The educational materials contain specific actions as to how the public, as individuals or collectively as a group, can participate in reducing pollutants and their impact on the environment. The Public Education and Outreach program and BMPs, in combination, are expected to reach all of the constituents within the MS4’s permitted boundary.

### 1.2 General Permit Requirements

**An MS4 must, at a minimum:**

**a. Identify Pollutants of Concern (POCs), waterbodies of concern, geographic areas of concern, target audiences;**

- i. **Pollutants of Concern:** The Town of Macedon’s permitted area lies within the Oswego River/Finger Lakes Basin Watershed. According to the NYSDEC, “*water quality in the Oswego River/Finger Lakes Basin Watershed is generally satisfactory to good*”. However for the purposes of the Stormwater Management Program pollutants of concern include: silt/sediment, pathogens, algal/weed growth, nutrients (phosphorus), dissolved oxygen/oxygen demand and ammonia. Known, suspected, and possible sources of these pollutants include: habitat modification, agriculture, construction (development), urban/stormwater runoff, and municipal runoff.
- ii. **Waterbodies of Concern:** According to Appendix 2, page 108, of the GP-0-15-003, (Appendix N of the SWMP), the Town of Macedon does not contain any impaired segments. Additionally, the Town does not contain any drinking water sources within its permitted boundaries.

Utilizing the NYSDEC Waterbody Inventory/Priority Waterbodies List the following waterbodies within the Oswego River/Finger Lakes Watershed Basin have been identified as flowing through the permitted area. Some of the waterbodies have been assessed to identify the known, suspected, and possible type of pollutants present and the known, suspected or possible sources of pollutants. Below is a table which includes the name of the waterbody, the assessment category, the known pollutants, and the known sources. See Appendix D for the full Waterbody Inventory Priority Waterbodies List.

<b>Waterbody</b>	<b>Assessment Category</b>	<b>Known Pollutants</b>	<b>Known Sources</b>
Red Creek and Tribs	Minor Impacts	Algal/Weed Growth, Nutrients (Phosphorus), Silt/Sediment	Habitat Modification
Ganargua Creek, Upper & Minor Tribs	Minor Impacts	Nutrients (Phosphorus)	Construction (development), Urban/Stormwater Runoff



NYS Barge Canal (portion 5)	Impaired Segment	Unknown	Unknown
Minor Tribs to Barge Canal	Unassessed	Unassessed	Unassessed

iii. Geographic Areas of Concern: Based upon the Sources of Pollutants identified by the NYSDEC the following areas have been identified as geographic areas of concern:

- Municipal Facilities
- Canal Corridor Overlay District
- Areas under new construction/development
- Septic system areas

iv. Targeted Audiences Include: Based upon the Sources of Pollutants identified by the NYSDEC the following audiences have been targeted for public education and outreach:

- Residents
- Commercial Businesses including retail, restaurants, offices, dry cleaners, nail salons
- Automotive Business including gas stations, car washes, repair shops, etc.
- Institutions including hospitals, churches, and schools
- Developers and contractors
- Industrial facilities (factories, recyclers, auto salvage, mines).

**b. Develop and implement an ongoing public education and outreach program designed to describe to the general public and target audiences:**

- i. the impacts of stormwater discharges on waterbodies;
- ii. POCs and their sources;
- iii. steps contributors of these pollutants can take to reduce pollutants in stormwater runoff; and
- iv. steps contributors of non-stormwater discharges can take to reduce pollutants (non-stormwater discharges are listed below);

See Section 1.4 Best Management Practices Implemented or Underway for details of the public education and outreach program.

**c. Develop, record, periodically assess, and modify as needed, measurable goals; and**

These elements are covered in the Town of Macedon’s Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition’s combined Annual Report that is submitted to the DEC.

**d. Select appropriate education and outreach activities and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP.**

These elements are covered in the Town of Macedon’s Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition’s combined Annual Report that is submitted to the DEC. Also see Section 1.4 Best Management Practices Implemented or Underway for details of the public education and outreach program.

### **1.3 Methodology for Compliance with Permit Requirements**

The OWSC has developed many of the BMPs necessary for this MCM. BMPs have included: brochures, a webpage, and a display for community events. In addition, the Town of Macedon has developed community specific BMPs to compliment the activities performed by the Coalition (see Section 1.4). BMPs will be evaluated by the Town of Macedon on an annual basis and updated or enhanced as necessary.

## 1.4 Best Management Practices Implemented or Underway

Previous permit accomplishments include:

Description of Activity	Purpose	Responsibility	Targeted Audiences	Annual Compliance Requirements
Brochure Development and Distribution, See next page for list of existing brochures.	Raise awareness and change behavior	OWSC, Stormwater Management Coordinator	Construction Operators, Residents, Homeowners, Restaurants, Automotive, Pet Owners	Display brochures at municipal facilities: Town Hall and Library. Track brochures distributed where possible (some brochures exist online for download)
Purchasing and distribution of coloring books	Raise awareness and change behavior	OWSC, Stormwater Management Coordinator	Children and residents	Track number of coloring books distributed
Creation of poster display for community events	Raise awareness	OWSC, Stormwater Management Coordinator	General Public	Document number of times utilized
Development and installation of community signs and new developments	Raise awareness, promote OWSC website	OWSC, Stormwater Management Coordinator	Homeowners, General Public	Document number of signs installed
Development and distribution of automobile decals on municipal vehicles	Raise awareness and promote OWSC website	OWSC, Stormwater Management Coordinator	General Public	Document number of decals distributed
Development of the OWSC webpage <a href="http://owsc.org">http://owsc.org</a>	Raise awareness and educate	OWSC, Stormwater Management Coordinator	General Public, Businesses, Schools	Update webpage annually with relevant information. Document number of visits, annually
Development of the Town of Macedon webpage <a href="http://www.macedontown.net/ms4/">http://www.macedontown.net/ms4/</a>	Raise awareness and educate	Stormwater Management Coordinator, BME Associates	General Public, Businesses, Schools	Update webpage frequently with relevant information. Document number of visits, annually
Distribution of Town wide mailer with stormwater information (Macedon Messenger)	Raise awareness and educate	Stormwater Management Coordinator, BME Associates	General Public, Businesses	Document number of residences reached and how many times mailer was distributed (typically twice per year)
Social media (Town of Macedon MS4 Facebook page) <a href="https://www.facebook.com/MacedonMS4/">https://www.facebook.com/MacedonMS4/</a>	Raise awareness and provide opportunity for public to participate	Stormwater Management Coordinator, BME Associates	General Public	Update page frequently with relevant information. Document number of Likes, followers, and comments annually

List of Brochures:

- ◆ Moving Dirt? Building Something?
- ◆ Stormwater Pollution Prevention: You can make a difference!
- ◆ Living Next to Stormwater Management Ponds
- ◆ Do You Live Near a Stormwater Management Pond?
- ◆ The Homeowner & MS4
- ◆ Restaurant/Food Service & MS4
- ◆ Lawn Maintenance Facts & MS4
- ◆ Automotive Repair & MS4
- ◆ The Scoop about Pet Poop
- ◆ Septic Tips For Your Septic Tank
- ◆ How to Empty Your Pool or Spa Wisely

### 1.5 Best Management Practices for Future Consideration

The Town of Macedon will continue implementing the Best Management Practices as outlined in Section 1.4. The following BMPs will be considered for future exploration and implementation:

- ◆ Additional brochures development targeting commercial businesses
- ◆ Development of Stormwater Door Hangers “Stormwater Pollution Found in Your Area”
- ◆ Additional purchase of refrigerator magnets/chip clips/stress balls
- ◆ Coordinating with the Marina or Campground to display informational brochures

### 1.6 Minimum Reporting Requirements

**At a minimum, the Town of Macedon shall report on the items below:**

- a. List education / outreach activities performed for the general public and target audiences and provide any results (for example, number of people attended, amount of materials distributed, etc.);**

*These items are listed in the Town of Macedon’s Individual MS4 Annual Report Form and the Ontario-Wayne Stormwater Coalition’s combined Annual Report Form that is submitted to the DEC.*

- b. Permittees performing the education and outreach activities required by other MCMs (listed below), may report on those activities in MCM 1 and provide the following information applicable to their program. This may include the following:**

- ◆ IDDE education activities planned or completed for public employees, businesses, and the general public, as required by Part VIII.A.3 of GP-0-15-003;
- ◆ Construction site stormwater control training planned or completed, as required by Part VIII.A.4 of GP-0-15-003;
- ◆ Employee pollution prevention / good housekeeping training planned or completed, as required by Part VIII.A.6 of GP-0-15-003.

*These items are covered in the Town of Macedon’s Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition’s combined Annual Report that is submitted to the DEC.*

- c. Report on effectiveness of program, BMP and measurable goal assessment.**

These items are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

## Minimum Measure 2: Public Involvement and Participation

### 2.1 Description of Minimum Control Measure

The Public Involvement and Participation MCM consists of a set of BMPs that are focused on getting members of the local community involved in the MS4's municipal stormwater management program. Compliance with State and local public notice requirements will be maintained whenever public participation is sought or required. The BMPs include a number of practices designed to seek public input on the SWMP and Annual Report accomplishments in addition to describing specific activities that encourage public participation. The target audiences for the public involvement program are key individuals and groups that may have an interest in the particular BMPs as well as the general public located within the permitted boundary.

### 2.2 General Permit Requirements

#### An MS4 must, at a minimum:

- a. **Comply with the State Open Meetings Law and local public notice requirements, such as Open Meetings Law, when implementing a public involvement / participation program;**

The Town of Macedon complies with the State Open Meetings Law and local public notice requirements. All public meetings are posted on their Home Webpage <http://www.macedontown.net/>

- b. **Provide the opportunity for the public to participate in the development, implementation review and revision of the SWMP:**

The 2017 SWMP revision will be posted on the Town of Macedon's MS4 Webpage and the public will have an opportunity to provide comments. The SWMP will also be presented at a future Town Board Meeting.

- c. **Identify a Local stormwater public contact.** Identify a local point of contact for public concerns regarding stormwater management and compliance with this general SPDES permit. The name or title of this contact and the telephone number must be published in public outreach and public participation materials and kept updated with the Department on the MCC form;

The OWSC and Town of Macedon's websites have identified Scott Allen as the Stormwater Management Program Coordinator and lists his telephone number and email address.

- d. **Shared annual report presentation.** Prior to submitting the final shared annual report to the Department, by June 1 of each reporting year (see Part V.C.2.b.), the report may be presented by each participating individual covered entity at an existing municipal meeting or may be made available for comments on the internet.

The Town of Macedon and the OWSC Coalition complies with the shared annual report presentation by posting the shared draft Annual Report on the Coalition's website ([www.owsc.org](http://www.owsc.org)). Public comments are directed to the OWSC Consultant who prepares the draft. A summary of the received comments and responses will be included in the final Shared Annual Report submitted to the DEC. As of this time, there have been no comments received. The final Shared Annual Reports are posted on the Coalition's website ([www.owsc.org](http://www.owsc.org)) and include permit years 2009-2010 to present day.

**e. Develop, record, periodically assess and modify as needed measurable goals; and**

These items are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

**f. Select appropriate public involvement/participation activities and measurable goals to ensure the reduction of POCs in stormwater discharges to the MEP.**

These items are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC. Also see Section 2.3.

### **2.3 Methodology for Compliance with Permit Requirements**

In order to comply with this MCM, each MS4 must involve the local public in their SWMP. By participating in the OWSC, each MS4 can comply with certain aspects of the SWMP such as public participation at the OWSC meetings, incorporating a feedback mechanism into their local websites and accounting for stormwater business that is covered during public meetings that are held in targeted Ontario and Wayne County communities. Individual MS4s are responsible for allowing public review of their individual SWMPs and the shared Annual Report for the OWSC, which are both posted on the Town of Macedon's website.

**2.4 Best Management Practices Implemented or Underway**

Previous permit accomplishments include:

Description of Activity	Purpose	Responsibility	Targeted Audiences	Annual Compliance Requirements
Public Review of Annual Report	To encourage public participation and to meet permit requirements	Stormwater Management Coordinator, OWSC, BME Associates	Residents	The Town of Macedon prepares the individual MS4 Annual Report and submits the report to the OWSC Consultant who prepares the Coalition’s shared report. The consultant also receives public comments (none at this time) on the draft, and submits the Final Report to the DEC. The final report is also posted on the OWSC’s website by OWSC staff.
Public Review of Stormwater Management Program Plan (SWMP)	To encourage public participation in the planning phase of the SWMP	Stormwater Management Coordinator, BME Associates	Residents	Announce the Stormwater Management Program Plan at a Town Board Meeting, post a draft on the Town of Macedon’s website to solicit comments and advertise plan on the Facebook page to receive additional comments. Post draft and final copy at Library for review.
Support the Macedon Trails Committee in Adopt-A-Trail activities and volunteer Canal Park and Grovino Park cleanup	To encourage public participation in stormwater pollution prevention activities	Stormwater Management Coordinator, BME Associates	Residents, General Public	Facilitate event by availing public resources, such as gloves, trash bags, equipment, and trucks and dumpsters for waste hauling and disposal. Begin documenting activities to include number of participants and dates of activities. Begin advertising events on Facebook page and webpage.
High Acres Waste Management Open House	To encourage public participation in stormwater pollution prevention activities	Stormwater Management Coordinator, OWSC, BME Associates	Residents, General Public	Provide display and hand out brochures about stormwater pollution. The High Acres Waste Management Open House occurs every other year at the High Acres Facility in Fairport.

## 2.5 Best Management Practices for Future Consideration

The Town of Macedon will continue implementing the Best Management Practices as outlined in Section 2.4. The following BMPs will be considered for future exploration and implementation:

- ◆ Incorporate a feedback mechanism into municipal or coalition website to solicit and track comments on the SWMP and Annual Report
- ◆ Investigate the incorporation of a storm drain stenciling project to inform and educate the public on where and why not to dump pollutants down storm drains by indicating where the drain deposits the runoff it collects
- ◆ Explore an Adopt-A-Stream Program with Macedon Trails Committee to cleanup and improve the canal or local streams

## 2.6 Minimum Reporting Requirements

**At a minimum, the Town of Macedon shall report on the items below:**

- a. Annual Report presentation information (date, time, attendees) or information about how the annual report was made available for comment;**

The Town of Macedon and the OWSC Coalition complies with the shared annual report presentation by posting the shared draft Annual Report on the Coalition's website ([www.owsc.org](http://www.owsc.org)). Public comments are directed to the OWSC Consultant who prepares the draft.

- b. Comments received and intended responses (as an attachment);**

As of the date of this SWMP, there have been no comments received by the public.

- c. Public involvement participation activities (for example stream cleanups including the number of people participating, the number of calls to a water quality hotline, the number and extent of storm drain stenciling); and**

These items are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

- d. Report on effectiveness of program, BMP and measurable goal assessment.**

These items are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

## Minimum Measure 3: Illicit Discharge Detection & Elimination

### 3.1 Description of Minimum Control Measure

The Illicit Discharge Detection and Elimination (IDDE) MCM consists of BMPs that focus on the detection and elimination of illicit discharges located within the MS4s. The BMPs describe outfall mapping and update procedures, the legal authority mechanism that will be used to effectively prohibit



illicit discharges, enforcement procedures and actions to ensure that the regulatory mechanism is implemented, the dry weather screening program, procedures for tracking down and locating the source of any illicit discharges, procedures for locating priority areas, and procedures for removing the sources of the illicit discharges.

### 3.2 General Permit Requirements

#### **An MS4 must, at a minimum:**

- a. Develop, implement and enforce a program to detect and eliminate illicit discharges into the small MS4;**

On September 13, 2007, the Town Board of Macedon adopted Town Code Chapter 112 Storm Sewers Article I Illicit Discharge Detection and Elimination to prohibit illicit discharges, and implement enforcement procedures and actions as needed. See Town Code Chapter 112-14 for Enforcement: penalties for offenses and Standard Operating Procedure (SOP) #6 Locating Illicit Discharges.

- b. Develop and maintain a map, at a minimum within the permittee's jurisdiction in the urbanized area and additionally designated area;**

See Section 3.4 Best Management Practices Implemented or Underway for status of mapping.

- c. Field verify outfall locations;**

See Section 3.4 Best Management Practices Implemented or Underway for status of outfall locations.

- d. Conduct an outfall reconnaissance inventory, addressing every outfall within the urbanized area and additionally designated area within the covered entity's jurisdiction at least once every five years, with reasonable progress each year;**

See Section 3.4 Best Management Practices Implemented or Underway for status of outfall reconnaissance inventory. Also see SOP #1 for Dry & Wet Weather Outfall Inspections.

- e. Map new outfalls as they are constructed or newly discovered within the urbanized area and additionally designated area;**

The Town of Macedon continuously maps new outfalls as they are constructed or newly discovered within the urbanized areas and additionally designated area. Over the course of the 2016-2017 permit year the Town will combine the Town of Macedon's outfalls with the Village of Macedon's outfalls.

- f. Prohibit, through a law, ordinance, or other regulatory mechanism, illicit discharges into the small MS4 and implement appropriate enforcement procedures and actions.**

On September 13, 2007, the Town Board of Macedon adopted Town Code Chapter 112 Storm Sewers Article I Illicit Discharge Detection and Elimination to meet the requirements of the Minimum

Control Measure 3 of the SPDES General Permit. See Town Code Chapter 112-14 for Enforcement: penalties for offenses.

- g. Develop and implement a program to detect and address non-stormwater discharges, including illegal dumping, to the small MS4.**

See SOP #1 Dry & Wet Weather Outfall Inspections and SOP #6 Locating Illicit Discharges.

- h. Inform public employees, businesses, and the general public of the hazards associated with illegal discharges and improper disposal of waste;**

See the Town of Macedon's website and the following brochures for information regarding hazards associated with illegal discharges and improper disposal of wastes:

- ◆ The Homeowner & MS4
- ◆ Restaurant/Food Service & MS4
- ◆ Automotive Repair & MS4
- ◆ The Scoop about Pet Poop
- ◆ Septic Tips For Your Septic Tank
- ◆ How to Empty Your Pool or Spa Wisely

- i. Address the categories of non-stormwater discharges or flows as necessary;**

The Town of Macedon's Stormwater Management Coordinator will annually update the non-stormwater discharge list as necessary such that no exempt stormwater discharge is a substantial contribution of pollutants. See Section 3.4 for list of exempt non-stormwater discharges.

- j. Develop, record, periodically assess, and modify as needed, measurable goals; and**

These elements are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

- k. Select appropriate IDDE BMPs and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP.**

These elements are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

### **3.3 Methodology for Compliance with Permit Requirements**

In the initial permit years, the OWSC secured the cooperation of the Monroe County Department of Environmental Services (MC DES) to provide IDDE training. Andy Sansone, an employee of the MC DES, presented information on IDDE methodologies including several field training opportunities which focused on inspection procedures, pollution prevention and good housekeeping practices. In this permit year, the OWSC has reaffirmed its commitment to providing annual IDDE training to each MS4 community. The OWSC has and will continue to provide resources (intern, GPS, camera, etc.) to assist field staff of individual MS4s with the outfall reconnaissance inventories, dry weather inspections, and outfall mapping. At this time, the Town of Macedon has assumed the responsibility of mapping their own outfalls.

**3.4 Best Management Practices Implemented or Underway**

Previous permit accomplishments include:

Description of Activity	Purpose	Responsibility	Targeted Audiences	Annual Compliance Requirements		
Outfall Mapping	To facilitate track down and prioritize outfalls based on proximity to waterbodies and community hotspots. See SOP #6 for Locating Illicit Discharges.	Stormwater Management Coordinator, BME Associates, Clough Harbor	General Public, Residents, Municipal Employees, Local Businesses, Construction Site Owners & Contractors	The Town of Macedon has developed and maintained a Geographic Information Systems (GIS) map showing the urbanized area and additionally designated areas. The outfalls are currently mapped on paper maps. The outfalls have been inspected and survey points have been collected for future mapping purposes.		
Status of Outfall Reconnaissance Inventory	The Town of Macedon has developed and implemented a plan to detect illicit discharges by conducting routine visual inspections of every mapped outfall. See SOP #1 for Dry & Wet Weather Outfall Inspections.	Stormwater Management Coordinator, BME Associates, OWSC Intern	General Public, Residents, Municipal Employees, Local Businesses, Construction Site Owners & Contractors	Permit Year	Approx. # of Outfalls Mapped	# of Outfalls Screened
				2016-2017	78	35
				2015-2016	78	70
				2014-2015	62	44
				2013-2014	52	26
2012-2013	52	52				
Mechanism to prohibit and enforce against illicit discharges	To provide the Town with the legal authority to eliminate any discharges that are found.	Stormwater Management Coordinator, Town Attorney, Town Board	General Public, Residents, Municipal Employees, Businesses, Construction Site Owners & Contractors	On September 13, 2007, the Town Board adopted Town Code Chapter 112 Storm Sewers Article I Illicit Discharge Detection and Elimination to meet the requirements of MCM 3 of the SPDES General Permit. See Town Code Chapter 112-14 for Enforcement: penalties for offenses.		
Brochure Development, Website Postings, and in-house training.	To inform the public about the hazards associated with illegal discharges and improper disposal of wastes.	Stormwater Management Coordinator, BME Associates	Public employees, business, general public	Continue to update brochures. Continue to post information on the Macedon MS4 page about illicit discharges. Continue to train employees on how to identify and detect illicit discharges.		
Addressing Categories of Non-Stormwater Discharges	No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater, except as noted in the list below.	Stormwater Management Coordinator	General Public, Residents, Municipal Employees, Businesses, Construction Site Owners & Contractors	The Stormwater Management Coordinator will annually review and update as necessary the non-stormwater discharge list such that no exempt stormwater discharge is a substantial contribution of pollutants.		

**List of exempt Non-Stormwater Discharges as listed in Town Code 112-6:**

- water line flushing or other potable water sources
- landscape irrigation or lawn watering
- existing diverted stream flows
- rising groundwater
- uncontaminated groundwater infiltration to storm drains
- uncontaminated pumped groundwater
- foundation or footing drains
- crawl space or basement sump pumps
- air-conditioning condensate
- irrigation water
- springs
- water from individual residential car washing
- natural riparian habitat or wetland flows
- dechlorinated swimming pool discharges,
- residential street wash water
- water from fire-fighting activities
- any other water source not containing pollutants

**3.5 Best Management Practices for Future Consideration**

The Town of Macedon will continue implementing the Best Management Practices as outlined in Section 3.4. The following BMPs will be considered for future exploration and implementation:

- ◆ Re-inventory outfalls to ensure all have been properly identified and prioritized.
- ◆ Combine the Town of Macedon's outfalls with the Village of Macedon's outfalls.
- ◆ Create a GIS layer of outfalls and add to the Town's GIS system.
- ◆ Update the watershed layer on GIS to match outfall modifications
- ◆ Add Village MS4 boundaries to existing GIS layer.
- ◆ Map drainage areas to assist with IDDE.

**3.6 Minimum Required Reporting**

**At a minimum, the Town of Macedon shall report on the items below:**

- a. **Number and percent of outfalls mapped;**
- b. **Number of illicit discharges detected and eliminated;**
- c. **Percent of outfalls for which an outfall reconnaissance inventory has been performed;**
- d. **Status of system mapping;**
- e. **Activities in and results from informing public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste;**

- f. Regulatory mechanism status - certification that the mechanism and directive are equivalent to the States model IDDE discharge local law (if not already completed and submitted with an earlier annual report); and**

See Town Code Chapter 112 Storm Sewers Article I Illicit Discharge Detection and Elimination of the Town Codes.

- g. Report on effectiveness of program, BMP and measurable goal assessment.**

These items (a.-g.) are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

## Minimum Measure 4: Construction Stormwater Management

Polluted stormwater runoff from construction sites often flows to MS4s and ultimately is discharged into local rivers and streams. Of the pollutants listed in the box to the right, sediment is usually the main pollutant of concern. According to the 2000 National Water Quality Inventory, States and Tribes report that sedimentation is one of the most widespread pollutants affecting assessed rivers and streams, second only to pathogens (bacteria). Sedimentation impairs 84,503 river and stream miles (12% of the assessed river and stream miles and 31% of the impaired river and stream miles). Sources of sedimentation include agriculture, urban runoff, construction, and forestry. Sediment runoff rates from construction sites, however, are typically 10 to 20 times greater than those of agricultural lands, and 1,000 to 2,000 times greater than those of forest lands. During a short period of time, construction sites can contribute more sediment to streams than can be deposited naturally during several decades. The resulting siltation, and the contribution of other pollutants from construction sites, can cause physical, chemical, and biological harm to our nation's waters. For example, excess sediment can quickly fill rivers and lakes, requiring dredging and destroying aquatic habitats.<sup>1</sup>

### Pollutants Commonly Discharged From Construction Sites

- ◆ Sediment
- ◆ Solid and sanitary wastes
- ◆ Phosphorous (fertilizer)
- ◆ Nitrogen (fertilizer)
- ◆ Pesticides
- ◆ Oil and grease
- ◆ Concrete truck washout
- ◆ Construction chemicals
- ◆ Construction debris

### 4.1 Description of Minimum Control Measure

The Construction Site Runoff MCM consists of BMPs that focus on the reduction of pollutants to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from construction activities disturbing less than one acre will be considered if it is part of a larger common plan of development or sale that would disturb one acre or more. The BMPs describe the legal authority mechanism that will be used to require erosion and sediment controls, enforcement procedures and actions to ensure compliance, requirements for construction site operators to implement appropriate erosion and sediment control BMPs, requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at the construction site, procedures for site plan review which incorporate the consideration of potential water quality impacts, procedures for receipt and consideration of information submitted by the public, and procedures for site inspection and enforcement of control measures.

The stormwater regulations for Construction Site Runoff Control apply to both privately-owned and managed projects, and MS4-owned and managed projects. Therefore, the BMPs described in this section have application to both types of projects.

<sup>1</sup> Adapted from US EPA Fact Sheet 833-F-00-008, "Construction Site Runoff Control Minimum Control Measure." January 2000 (revised December 2005). See EPA's Publications search page online at [http://cfpub.epa.gov/npdes/pubs.cfm?program\\_id=0](http://cfpub.epa.gov/npdes/pubs.cfm?program_id=0)

## 4.2 General Permit Requirements

### An MS4 must, at a minimum:

#### a. Develop, implement, and enforce a program that:

- i. Provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities per the requirements of general SPDES permit (GP-0-15-002);

See Town Code Chapter 113: Stormwater Management and Erosion and Sediment Control and Chapter 135-43 Stormwater Control.

- ii. Addresses stormwater runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Control of stormwater discharges from construction activity disturbing less than one acre must be included in the program if:

- That construction activity is part of a larger common plan of development or sale that would disturb one acre or more

See Town Code Chapter 113: Stormwater Management and Erosion and Sediment Control and Chapter 135-43 Stormwater Control.

- iii. Includes a law, ordinance or other regulatory mechanism to require a SWPPP for each applicable land disturbing activity that includes erosion and sediment controls that meet the State's most up-to-date technical standards:

See Town Code Chapter 113: Stormwater Management and Erosion and Sediment Control and Chapter 135-43 Stormwater Control. The ordinance addresses issues relating to the following:

- Erosion and Sediment Control
- Stormwater Management Design Requirements
- Construction Requirements
- Enforcement; penalties for offenses
- Fees for municipal services relating to SWPPP reviews, inspections, and maintenance.

- iv. Contains requirements for construction site operators to implement erosion and sediment control management practices;

See Town Code Chapter 113: Stormwater Management and Erosion and Sediment Control and Chapter 135-43 Stormwater Control.

- v. Allows for sanctions to ensure compliance to the extent allowable by State or local law;

See Town Code Chapter 113-8: Stormwater Management and Erosion and Sediment Control; Enforcement; penalties for offenses.

- vi. Contains requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;

See Town Code Chapters 135-43.B.2.a.5. & 135-43.B.2.a 6. Stormwater Control.

- vii. Describes procedures for SWPPP review that incorporate consideration of potential water quality impacts and review of individual pre-construction SWPPPs to ensure consistency with State and local sediment and erosion control requirements;

SWPPP Plan Review is currently outsourced to the qualified professionals at the Ontario County Soil & Water Conservation District.

- viii. Describes procedures for receipt and follow up on complaints or other information submitted by the public regarding construction site stormwater runoff;

If a complaint is issued by the public regarding construction site stormwater runoff, the Town will document the complaint on the Construction Site Complaint Log, see Appendix I and the Stormwater Management Coordinator or designee will follow up with a site visit. For situations that pose a significant threat to human health or the environment, the SMC or designee will conduct a site visit immediately. If the complaint is found to be valid, the Stormwater Management Coordinator will request corrective action by the site’s Project Manager.

- ix. Educates construction site operators, design engineers, municipal staff and other individuals to whom these regulations apply about the construction requirements in the covered entity’s jurisdiction, including the procedures for submission of SWPPPs, construction site inspections, and other procedures associated with control of construction stormwater;

Audience	Type of Training	Frequency
Construction Site Operators	Pre-con checklist	One-time at pre-con
Design Engineers	MCSWD Workshop	Annual
Municipal Staff	NYSDEC Endorsed 4-Hour Erosion & Sediment Control Training Course	Every 3 years

- x. Ensures that construction site contractors have received erosion and sediment control training, including the trained contractors as defined in the SPDES general permit for construction, before they do work within the covered entity’s jurisdiction:

The Town of Macedon requires a copy of the NYSDEC Endorsed 4-Hour Erosion & Sediment Control Training Course Certificate from the Trained Contractor to be stored onsite in the Stormwater Pollution Prevention Plan (SWPPP).

- xi. Establishes and maintains an inventory of active construction sites, including the location of the site, owner / operator contact information;



The Stormwater Management Program Coordinator maintains an excel inventory of active construction sites which includes the location of the site and the owner/operator contact information.

- xii. Develop (for newly authorized MS4), record, periodically assess and modify as needed measurable goals; and

These elements are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

- xiii. Select appropriate construction stormwater BMPs and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP.

These elements are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

### **4.3 Methodology for Compliance with Permit Requirements**

The Town of Macedon has adopted the NYS Sample Local Law for Stormwater Management and Erosion & Sediment Control. This ordinance authorizes the MS4 to enforce a program that reduces pollutant runoff from construction sites. The Town of Macedon is responsible for reviewing SWPPPs, inspecting construction sites and enforcing the permit requirements on developers / owner / operators that do not comply with the regulations.

#### 4.4 Best Management Practices Implemented or Underway

Previous permit accomplishments include:

Description of Activity	Purpose	Responsibility	Annual Compliance Requirements
Ordinance Adoption	These ordinances establish minimum stormwater management requirements and controls to protect the general health, safety, and welfare of the public.	Stormwater Management Coordinator, Town Board, Town Attorney	Amend stormwater ordinance, as necessary, to maintain compliance with NYS stormwater standards and requirements as defined the current or any future permits pertaining to stormwater management activities. See Town Code Chapter 113: Stormwater Management and Erosion and Sediment Control and Chapter 135-43 Stormwater Control.
Design Requirements	Review construction project, planning, and design criteria to determine changes needed to comply with local, state and/or federal construction stormwater regulations.	Stormwater Management Coordinator, Ontario Soil & Water Conservation District, BME Associates	Review construction project, planning, and design criteria to determine changes needed to comply with local, state and/or federal construction stormwater regulations. Remain current with the NYS Stormwater Management Design Manual updates.
SWPPP Review & MS4 Acceptance	Review SWPPPs to verify construction plan compliance with local, state, and/or federal construction stormwater regulations. Sign SWPPP Acceptance Forms.	Stormwater Management Coordinator, Ontario Soil & Water Conservation District, BME Associates	Continue SWPPP reviews by qualified professionals (consultants). Maintain records of plans reviewed and approved for construction under this program. Continue to sign MS4 Acceptance Forms after SWPPPs have been reviewed and found to be in compliance with current regulations.
Public Review	Provide the public with an opportunity to review and comment on proposed design plans and construction sites.	Stormwater Management Coordinator	New developments are announced and reviewed at both the Planning Board (1 <sup>st</sup> & 3 <sup>rd</sup> Monday of each month) and Town Board meetings (2 <sup>nd</sup> and 4 <sup>th</sup> Thursdays of each month). At that time the public has an opportunity to request information and relay concerns to the Town of Macedon. The Planning Board also posts signs on the property of the proposed project for one week prior to the public meeting.
SWPPP Inspections	Inspect construction sites to ensure compliance with the GP-0-15-002.	Ontario Soil & Water Conservation District, BME Associates	Construction Site Inspections are outsourced to qualified professionals. Third party contractors ensure inspections are compliant with the requirements listed in GP-0-15-002. The Town of Macedon receives and maintain records of construction site inspections and corrective actions performed.

SWPPP Enforcement	Take action against owners and / or operators of local construction sites that are in violation of local construction stormwater regulations	Stormwater Management Coordinator, Ontario Soil & Water Conservation District, BME Associates	Notify owners/operators of local construction sites who are in violation of the standards defined in GP-0-15-002 using the enforcement procedures outlined in SOP #10, Construction Site Inspection & Enforcement.
<b>Description of Activity</b>	<b>Purpose</b>	<b>Responsibility</b>	<b>Annual Compliance Requirements</b>
SWPPP Review Training	Ensure that representatives completing the construction plan reviews are properly trained.	Stormwater Management Coordinator, Ontario Soil & Water Conservation District, BME Associates	Verify with Consultants that SWPPP reviewers are qualified professionals (PE, CPESC).

#### 4.5 Best Management Practices for Future Consideration

The Town of Macedon will continue implementing the Best Management Practices as outlined in Section 4.4. The following BMPs will be considered for future exploration and implementation:

- ◆ The Town of Macedon plans to add a notice on the MS4 Facebook Page and to the MS4 Website notifying the public that construction plans and SWPPPs are available to review at the Town Hall and Library. The Librarian has created a section in the library dedicated to stormwater education which will also contains documents that are up for public review.
- ◆ The Town of Macedon plans to implement a pre-construction checklist that will be designed to educate owners/operators and construction site personnel on the MS4 requirements for erosion and sediment controls.
- ◆ The Town of Macedon plans to obtain the SWPPP review checklist from the Ontario County Soil & Water District to verify SWPPP compliance with regulations (that include approved structural and non-structural BMPs) and include that checklist at the Town Library Stormwater Section. This form may also be posted on the Website to allow developers and engineers to review the form prior to submitting a SWPPP.

#### 4.6 Minimum Required Reporting

**At a minimum, the Town of Macedon shall report on the items below:**

- a. Number of SWPPPs reviewed;
- b. Number and type of enforcement actions;
- c. Percent of active construction sites inspected once;
- d. Percent of active construction sites inspected more than once;
- e. Number of construction sites authorized for disturbances of one acre or more; and
- f. Report on effectiveness of program, BMP and measurable goal assessment.

The above elements (a.-f.) are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

### Minimum Measure 5: Post-Construction Stormwater Management

#### 5.1 Description of Minimum Control Measure

The Post-Construction Stormwater Management MCM consists of BMPs that focus on the prevention or minimization of water quality impacts from both new and re-development projects that disturb one acre or more. This includes projects less than one acre that are part of a larger common plan of development or sale that discharge into the MS4. The BMPs describe structural and/or non-structural practices, the legal

authority mechanism that will be used to address post-construction runoff from new development and redevelopment projects, and procedures to ensure long term operation and maintenance of BMPs.

## 5.2 General Permit Requirements

### An MS4 must, at a minimum:

#### a. Develop, implement, and enforce a program that:

- i. Provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities. (GP-0-15-002);

See Town Code Chapter 113: Stormwater Management and Erosion and Sediment Control and Chapter 135-43 Stormwater Control.

- ii. Addresses stormwater runoff from new development and redevelopment projects to the small MS4 from projects that result in a land disturbance of greater than or equal to one acre. Control of stormwater discharges from projects of less than one acre must be included in the program if:

- That project is part of a larger common plan of development or sale

See Town Code Chapter 113: Stormwater Management and Erosion and Sediment Control and Chapter 135-43 Stormwater Control.

- iii. Includes a law, ordinance or other regulatory mechanism to require post-construction runoff controls from new development and re-development projects to the extent allowable under State or Local law that meet the State's most up-to-date technical standards:

- The mechanism must be equivalent to one of the versions of the "NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control"; and
- Equivalence must be documented using the NYSDEC Gap Analysis Workbook or certified by the attorney representing the small MS4 as being equivalent to one of the sample laws if one of those sample laws is not adopted or if a modified version of one of the sample laws is adopted

After consultation with the Albany DEC office, the Town of Macedon decided to delay updating their local laws until the new MS4 Permit and its sample local laws were adopted. On June 15th, 2017, the Town of Macedon notified the DEC about this decision and as of the date of this publication, the Town has not received a response from the DEC, see Appendix E for a copy of the letter.

The Town of Macedon has adopted a post-construction stormwater management ordinance. This ordinance establishes minimum stormwater management requirements and controls to protect the general health, safety, and welfare of the public. The ordinance addresses issues relating to the following:

- Permanent Erosion and Sediment Controls;

- Stormwater Management Design Requirements; and
- Fee structure for municipal services relating to SWPPP reviews, inspections, and maintenance

See Town Code Chapter 113: Stormwater Management and Erosion and Sediment Control and Chapter 135-43 Stormwater Control, Appendix E.

- iv. Includes a combination of structural or non-structural management practices (according to standards defined in the most current version of the NYS Stormwater Management Design Manual) that will reduce the discharge of pollutants to the MEP. In development of environmental plans such as watershed plans, opens space preservation programs, local laws, and ordinances covered entities must incorporate principles of Low Impact Development (LID), Better Site Design (BSD) and other Green Infrastructure practices to the MEP. Covered entities must consider natural resource protection, impervious area reduction, maintaining natural hydrologic condition in developments, buffers or set back distances for protection of environmentally sensitive areas such as streams, wetlands, and erodible soils in the development of environmental plans.
- If a stormwater management practice is designed and installed in accordance with the New York State Stormwater Management Design Manual or has been demonstrated to be equivalent and is properly operated and maintained, then MEP will be assumed to be met for post-construction stormwater discharged by the practice.

See Town Code Chapter 113: Stormwater Management and Erosion and Sediment Control and Chapter 135-43 Stormwater Control.

- v. Describes procedures for SWPPP review that incorporate consideration of potential water quality impacts and review of individual pre-construction SWPPPs to ensure consistency with local post-construction stormwater requirements;
- Ensure that the individuals performing SWPPP reviews are adequately trained, or under the supervision of a qualified professional who understand the State and Local post construction stormwater requirements;
  - All SWPPPs must be reviewed for sites where the disturbance is one acre or greater; and
  - After review of SWPPPs, the permittee must utilize the “SWPPP Acceptance Form” created by the Department and required by the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) when notifying construction site owner / operators that their plans have been accepted and approved by the permittee.

The SWPPP review is currently outsourced to the qualified professionals at the Ontario County Soil & Water Conservation District.

- vi. Establish and maintain an inventory of post-construction stormwater management practices to include at a minimum, practices discharging to the small MS4 that have been installed since March 10, 2003, all practices owned by the small MS4, and those practices found to cause or contribute to water quality standard violations;

- The inventory shall include at a minimum: location of practice (street address or coordinates); type of practice; maintenance needed per the NYS Stormwater Management Design Manual, SWPPP, or other provided documentation; and dates and type of maintenance performed

See Appendix J for an inventory of post-construction stormwater management practices.

- i. Ensures adequate long-term operation and maintenance of management practices by trained staff, including assessment to ensure that the practices are performing properly.
  - The assessment shall include inspection items identified in the maintenance requirements (NYS Stormwater Management Design Manual, SWPPP, or other maintenance information) for the practice. Covered entities are not required to collect stormwater samples and perform specific chemical analysis.

See Appendix J for examples of the Post-Construction Inspection Forms. Reports to be filed in a separate binder.

- ii. Covered entities may include in the SWMP Plan provisions for development of a banking and credit system. MS4s must have an existing watershed plan based on which offsite alternative stormwater management in lieu of or in addition to onsite stormwater management practices are evaluated. Redevelopment projects must be evaluated for pollutant reduction greater than required treatment by the state standards. The individual project must be reviewed and approved by the Department. Use of a banking and credit system for new development is only acceptable in the impaired watersheds to achieve the no net increase requirement and watershed improvement strategy areas to achieve pollutant reductions in accordance with watershed plan load reduction goals. A banking and credit system must at minimum include:

At this time, the Town of Macedon has not evaluated this option.

**b. Develop (for newly authorized MS4s), implement, and provide adequate resources for a program to inspect development and re-development sites by trained staff and to enforce and penalize violators;**

- Post-Construction Inspections are conducted by BME Associates.
- The Town of Macedon issues enforcement measures to owners and / or operators of local development projects that are in violation of local post-construction runoff regulations using enforcement procedures outlined in SOP #11 Inspecting Post Construction Controls & Enforcement.
- The Town of Macedon sends the Town Engineer to stormwater training courses offered by the Monroe County Stormwater Coalition.

**g. Develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals; and**

These elements are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

- h. Select appropriate post-construction stormwater BMPs and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP.**

These elements are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

### **5.3 Methodology for Compliance with Permit Requirements**

The Town of Macedon has adopted the NYS Sample Local Law for Stormwater Management and Erosion & Sediment Control which includes provisions to enforce a program that reduces pollutant runoff from both newly and re-developed sites. The Town of Macedon is responsible for inspecting the sites for proper operation and maintenance and enforcing the permit requirements and for properties that are not in compliance. In this manner, Town of Macedon can ensure adequate long-term management practices for both public and private facilities.



**5.4 Best Management Practices Implemented or Underway**

Previous permit accomplishments include:

Description of Activity	Purpose	Responsibility	Annual Compliance Requirements
Post-Construction Stormwater Management Ordinance Adoption	These ordinances establish minimum stormwater management requirements and controls to protect the general health, safety, and welfare of the public.	Stormwater Management Coordinator, Town Board, Town Attorney	Amend stormwater ordinance, as necessary, to maintain compliance with NYS stormwater standards and requirements as defined the current or any future permits pertaining to stormwater management activities. See Town Code Chapter 113: Stormwater Management and Erosion and Sediment Control and Chapter 135-43 Stormwater Control.
SWPPP Review of Post-Construction Controls & MS4 Acceptance	Review SWPPPs to incorporate consideration of potential water quality impacts and review of individual pre-construction SWPPPs to ensure consistency with local post-construction stormwater requirements. Sign SWPPP Acceptance Forms.	Stormwater Management Coordinator, Ontario Soil & Water Conservation District, BME Associates	Continue SWPPP reviews by qualified professionals (consultants). Maintain records of plans reviewed and approved for construction under this program. Continue to sign MS4 Acceptance Forms after SWPPPs have been reviewed and found to be in compliance with current regulations.
Inventory of projects that qualify for inspection under local post-construction runoff regulations	To track and identify post-construction controls to benefit water quality.	Stormwater Management Coordinator, BME Associates	Continue to update the excel inventory which currently includes: location (GIS coordinates), type of practice, and owner.
Inspect MS4 owned and operated post-construction facilities.	To ensure adequate long-term operation and maintenance of post-construction facilities.	Stormwater Management, BME Associates	Inspect and document maintenance as needed. See SOP #11 Inspecting PostConstruction Controls & Enforcement. Document follow up actions. Inspection reports are filed in a separate binder. See Appendix J for examples of the Post-Construction Inspection Forms.

## 5.5 Best Management Practices for Future Consideration

The Town of Macedon will continue implementing the Best Management Practices as outlined in Section 5.4. The following BMPs will be considered for future exploration and implementation:

- ◆ Verify accuracy and update current Post-Construction Inventory to include inspection dates, maintenance needed per the NYS Stormwater Management Design Manual or SWPPP and dates of type of maintenance performed. Prioritize sites for maintenance, rehabilitation, and replacement practices.
- ◆ Improve inspection program for newly developed and re-developed sites or compliance with post-construction regulations. Utilize inspections forms found in Appendix G of the NYS Stormwater Management Design Manual.
- ◆ Explore obtaining the as-builts of post-construction management facilities to ensure that post-construction management facilities have been built per plan.

## 5.6 Minimum Required Reporting

**At a minimum, the Town of Macedon shall report on the items below:**

- a. **Number of SWPPPs reviewed;**
- b. **Number and type of enforcement actions;**
- c. **Number and type of post-construction stormwater management practices inventoried;**
- d. **Number and type of post-construction stormwater management practices inspected;**
- e. **Number and type of post-construction stormwater management practices maintained;**
- f. **Regulatory mechanism status - certification that regulatory mechanism is equivalent to one of the “NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control”; and**

See Town Code Chapter 113: Stormwater Management and Erosion and Sediment Control and Chapter 135-43 Stormwater Control.

- g. **Report on effectiveness of program, BMP and measurable goal assessment;**

These elements (a.-g.) are covered in the Town of Macedon’s Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition’s combined Annual Report that is submitted to the DEC.

## Minimum Measure 6: Pollution Prevention and Good Housekeeping for Municipal Operations

### 6.1 Description of Minimum Control Measure

The Pollution Prevention / Good Housekeeping minimum control measure consists of Best Management Practices (BMPs) that focus on training and the prevention or reduction of pollutant runoff from municipal operations. The BMPs describe the training program; specific municipal operations that are impacted by the proposed operation and maintenance programs (Standard Operating Procedures, or SOPs); maintenance, activities, schedules, and long term inspection procedures for controls to reduce floatables and other pollutants; controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt/sand storage locations; and procedures for the proper disposal of waste removed from the MS4 and municipal operations, including dredge spoil, accumulated sediments, floatables and other debris.

### 6.2 General Permit Requirements

#### An MS4 must, at a minimum:

#### a. Develop and implement a pollution prevention / good housekeeping program for municipal operations and facilities that:

- i. Addresses municipal operations and facilities that contribute or potentially contribute POCs to the small MS4 system.

The operations and facilities include: municipal building maintenance; park and open space maintenance; solid waste management; stormwater system maintenance; street maintenance; vehicle and fleet maintenance; and winter road maintenance (see BMP Summary Sheets in Appendix K). See Appendix L for a complete list of municipal facilities.

- ii. At a minimum frequency of once every three years, perform a self-assessment of all municipal operations addressed by the SWMP: [BMP Summary Sheets have been created for the following municipal operations assessed in the 2016-2017 Permit Year:](#)

#### Municipal Building Maintenance:

- Plaza and Sidewalk Cleaning
- Spill Prevention, Control, & Cleanup
- Septic System Maintenance

#### Parks and Open Space Maintenance:

- Landscape Maintenance
- Outdoor Storage of Raw Materials
- Pet Waste Collection

#### Solid Waste Management:

- Chemical/Hazardous Waste
- Illegal Dumping and Litter Control
- Waste Collection

- Waste Reduction and Recycling

Stormwater System Maintenance:

- Catch Basin/Inlet Structures
- Open Channel, Ditch Maintenance
- Storm Sewer Conveyance System

Street Maintenance:

- Graffiti Removal
- Unpaved Roads and Trails
- Roadway Patching, Resurfacing and Surface Sealing
- Street Sweeping and Cleaning

Vehicle and Fleet Maintenance:

- Vehicle and Equipment Cleaning
- Vehicle and Equipment Fueling – not applicable
- Vehicle and Equipment Repair

Winter Road Maintenance:

- Road Salt Application

- iii. Determines management practices, policies, procedures, etc. that will be developed and implemented to reduce or prevent the discharge of (potential) pollutants. Refer to management practices identified in the “NYS Pollution Prevention and Good Housekeeping Assistance Document” and other guidance materials available from the EPA, State, or other organizations;

See Standard Operation Procedures (SOPs) in Appendix M and the BMPs listed above and in Appendix K.

- iv. Prioritizes pollution prevention and good housekeeping efforts based on geographic area, potential to improve water quality, facilities or operations most in need of modification or improvement, and permittee’s capabilities;

Pollution prevention and good housekeeping efforts will be prioritized based on geographic areas, potential to improve water quality, facilities or operations most in need of modification or improvement and capabilities.

- v. Addresses pollution prevention and good housekeeping priorities;

See BMP Summary Sheets listed above and in Appendix K.

- vi. Includes an employee pollution prevention and good housekeeping training program and ensures that staff receive and utilize training;

The Town of Macedon’s Stormwater Management Program Coordinator and Highway Superintendent will coordinate annual training to the DPW municipal personnel. These personnel will be responsible for implementing the BMPs in their everyday activities.

- vii. Requires third party entities performing contracted services, including but not limited to street sweeping, snow removal, lawn / grounds care, etc., to meet permit requirements as the requirements apply to the activity performed;

The Town of Macedon's Stormwater Management Program Coordinator will obtain third party certificates from contracted service companies and include them in Appendix F of this SWMP.

As of the date of this publication third party certifications have been obtained from the following entities:

- BME Associates
- Caroline Myers Kilmer, WBE Certified Stormwater Consultant
- Ontario Soil & Water Conservation District
- EnviroTech Environmental Services
- Transitions Landscape and Design Inc.

- viii. Requires municipal operations and facilities that would otherwise be subject to the NYS Multisector General Permit (MSGP, GP-0-06-002) for industrial stormwater discharges to prepare and implement provisions in the SWMP that comply with Parts III. A, C, D, J, K and L of the MSGP. The permittee must also perform monitoring and record keeping in accordance with Part IV. of the MSGP. Discharge monitoring reports must be attached to an MS4s annual report. For those operations or facilities that are not required to gain coverage under the MSGP, implementation of the above noted provisions of the SWMP will ensure that MEP is met for discharges.

The Town of Macedon does not have any operations or facilities that pertain to this requirement.

- b. Develop, record, periodically assess and modify as needed any and all measurable goals; and**

These elements are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

- c. Select appropriate pollution prevention and good housekeeping BMPs and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP.**

These elements are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

### **6.3 Methodology for Compliance with Permit Requirements**

The Town of Macedon will continue to assess the BMPs as listed above and further explained in detail in Appendix K. Training will be provided to the personnel who will be responsible for implementing the BMPs in their everyday activities. The Town will continue to review existing BMPs, Standard Operating Procedures (SOPs) and publicize the importance of reducing and preventing the discharge of pollutants to the maximum extent possible (MEP) from municipal activities.

**6.4 Best Management Practices Implemented or Underway**

Previous permit accomplishments include:

Description of Activity	Purpose	Responsibility	Annual Compliance Requirements
Municipal Training Program	Train MS4 personnel whose work may potentially impact stormwater and provide education on how to prevent water pollution	OWSC, Stormwater Management Coordinator, Highway Superintendent	Continuously train municipal personnel on how to improve water quality by following pollution prevention measures.
Document Municipal Operations Good Housekeeping Programs	To annually measure the progress being made on the Annual Report for MCM 6.	Stormwater Management Coordinator, Highway Superintendent, Transitions Landscape & Design, EnviroTech	Continue to document parking lots swept, street sweeping, phosphorus applied in chemical fertilizer, nitrogen applied in chemical fertilizer, and the amount of pesticide/herbicide applied.
Municipal Building Maintenance	Conduct building maintenance activities such that they do not impact the stormwater systems and local water bodies whenever possible.	Stormwater Management Coordinator, Highway Superintendent	Review the maintenance activity lists on an annual basis to determine if any improvements are necessary. Develop mitigation measures for each activity that impacts stormwater
Parks & Open Space Maintenance	Reduce the discharge of landscaping and lawn care waste from MS4 owned facilities through the use of	Stormwater Management Coordinator, Highway Superintendent, Transitions Landscape & Design	Maintain and/or update as necessary an inventory of all municipally owned lands that are and/or will be subject to landscaping and lawn care activities. Review the Park & Open Space Maintenance BMPs on an annual basis to determine if any improvements are necessary. Train municipal personnel accordingly.
Septic System Management	To prevent improperly treated wastewaters from septic systems from impacting municipal stormwater systems and local waterbodies.	Stormwater Management Coordinator, Highway Superintendent	Continue to monitor and pump out facilities at the Bullis Park Concession (typically once every 3 to 4 years) and at the Highway Barn (typically once a year).
Solid Waste Management	Prevent the discharge of hazardous waste and materials from impacting municipal stormwater systems and local	Stormwater Management Coordinator, Highway Superintendent	Review the Solid Waste Management BMPs on an annual basis to determine if any improvements are necessary. Train municipal personnel accordingly.

	waterbodies		
Stormwater System Maintenance	To reduce sediment and suspended solid discharges by routinely cleaning municipal catch basins and stormwater inlet structures.	Highway Superintendent	Review the Stormwater System Maintenance BMPs on an annual basis to determine if any improvements are necessary. Train municipal personnel accordingly.
Street Maintenance	Utilize proper street maintenance activities to reduce stormwater quality impacts.	Highway Superintendent	Review Street Maintenance BMPs on an annual basis to determine if any improvements are necessary. Train municipal personnel accordingly.
Vehicle, Equipment Maintenance and Maintenance Facilities Procedures	Maintain an inventory of municipal owned vehicles and maintenance records.	Stormwater Management Coordinator, Highway Superintendent	Review vehicle inspection and maintenance records on an annual basis to evaluate conformance to vehicle manufacturer service specifications. Review Vehicle and Fleet Maintenance BMP on an annual basis to determine if any improvements are necessary. Train municipal personnel accordingly.
Winter Road Maintenance	Provide proper storage and application of road salt to reduce the impact of salt on plants, aquatic life, and the local water bodies.	Highway Superintendent	Review Winter Road Maintenance BMP on an annual basis to determine if any improvements are necessary. Train municipal personnel accordingly

The following BMPs were considered for use but were eliminated from the SWMP because they are not applicable to the facility or operations or these activities have been outsourced to other entities:

- Bridge Repair Work – not applicable
- Fountain & Pool Maintenance – not applicable
- Outdoor Loading and Unloading – not applicable
- Storage and Use of Pesticides – outsourced to EnviroTech or Transitions Landscape & Design
- Paint and Paint Removal – outsourced

## 6.5 Best Management Practices for Future Consideration

The Town of Macedon will continue implementing the Best Management Practices as outlined in Section 6.4. The following BMPs will be considered for future exploration and implementation:

- ◆ Hazardous Waste & Materials Management: Evaluate each municipally owned facility and determine if Spill Prevention Control and Countermeasures plans (SPCC) are required.
- ◆ Pet Waste Collection: Explore installing pet waste signs or bag stations at municipal parks.
- ◆ Illegal Dumping and Litter Control: Train municipal employees to notify the Building & Zoning Clerk and the Highway Department Secretary of illegal dumping for tracking purposes.
- ◆ Waste Reduction and Recycling: Explore implementation of an e-waste program, in progress.
- ◆ Vehicle and Equipment Cleaning: Explore using biodegradable, phosphate-free detergents for washing vehicles, in progress.
- ◆ Vehicle and Equipment Cleaning: Explore installing a dry well or leach line to accept outdoor wash area waters to prevent wash waters from entering the storm drain system, in progress.
- ◆ Vehicle and Equipment Repair: Explore building a berm at the former Village DPW to prevent wash waters from lawn mowers from entering the storm drain system.
- ◆ Explore alternative compounds to spread on the roads that have the same effect but are better for the surrounding area. Currently researching magnesium chloride as alternative to the sand/salt mixture, in progress.
- ◆ Create a SWPPP for the former Village DPW facility.

## 6.6 Minimum Reporting Requirements

**At a minimum, the Town of Macedon shall report on the items below:**

- a. Indicate the municipal operations and facilities that the pollution prevention and good housekeeping program assessed;**

The operations and facilities include: municipal building maintenance; park and open space maintenance; solid waste management; stormwater system maintenance; street maintenance; vehicle and fleet maintenance; and winter road maintenance (see BMP Summary Sheets in Appendix K). See Appendix L for a complete list of the municipal facilities.

- b. Describe, if not done so already, the management practices, policies and procedures that have been developed, modified, and / or implemented and report, at a minimum, on the items below that the permittee's pollution prevention and good housekeeping program addressed during the reporting year:**

- Acres of parking lot swept;
- Miles of street swept;
- Number of catch basins inspected and, where necessary, cleaned;
- Post-Construction control stormwater management practices inspected and, where necessary, cleaned (currently not applicable);
- Pounds of phosphorus applied in chemical fertilizer;



- Pounds of nitrogen applied in chemical fertilizer; and
- Pounds of pesticides / herbicides applied as pure product (currently not applicable).

These elements are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC

**c. Staff training events and number of staff trained; and**

These elements are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

**d. Report on effectiveness of program, BMP and measurable goal assessment. If the pollution prevention and good housekeeping program addresses other operations than what is listed above in Part VIII.A.6.a. (ii.), the permittee shall report on items that will demonstrate program effectiveness.**

These elements are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

# **Appendices**

Appendix A: General Definitions

Appendix B: List of Commonly Used Abbreviations

Appendix C: Staffing Plan/Organizational Chart

Appendix D: Priority Waterbody Inventory Sheets

Appendix E: Letter To DEC Regarding Local Laws – Illicit Discharge Detection & Elimination, Construction Site Stormwater Runoff Control and Post- Construction Stormwater Management(#NYR20A391)& Local Laws/Town Code (MCMs 3, 4 & 5)

Appendix F: Third Party Certifications & Inter-Municipal Agreement

Appendix G: Outfall Map (To Be Added)

Appendix H: Illicit Discharge Detection & Elimination Complaint Log

Appendix I: Construction Site Complaint Log

Appendix J: Post-Construction Stormwater Management Practice Inventory & Inspection Forms

Appendix K: BMP Summary Sheets

Appendix L: Municipal Facilities Inventory& Inspection Form

Appendix M: Standard Operating Procedures (SOPS)

Appendix N: NYS DEC SPDES General Permit for Stormwater Discharges From Municipal Separate Storm Sewer Systems (MS4s)

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# **APPENDIX A**

## **General Definitions**

## Appendix A: General Definitions

**Best Management Practices (BMPs)** – Activities or structural improvements that help reduce the quantity and improve the quality of stormwater runoff. BMPs include public education and outreach, treatment requirements, operating procedures, and practices to control runoff, spillage, leakage, sludge and waste disposal, and drainage from raw material storage.

**Clean Water Act** – Amendments made to the Federal Water Pollution Control Act in 1972 to establish water quality standards and to create the National Pollutant Discharge Elimination System to protect the waters and waterways of the U. S. by regulating the discharge of pollutants from point source discharges and municipal separate storm sewer systems.

**Combined Sewer System** – A sewer system designed to convey both sanitary wastewater and stormwater.

**Detention Pond** – Pond that stores a volume of water for a given period of time and then discharges the water downstream.

**Discharge** – An outflow of water from a stream, pipe, ground water system or watershed.

**Ecosystem** – All of the plants and animals in an area that interact to make up the local environment.

**Erosion** – The overall process of the transport of material on the earth's surface including the movement of soil and rock by agents such as water, wind, or gravity.

**Groundwater** – All of the water contained in void space beneath the earth's surface.

**Heavy Metals** – Metals such as zinc, copper, lead, mercury, chromium, cadmium, iron, manganese, nickel, molybdenum and silver that, even in low concentrations can be toxic or lethal to humans, animals and aquatic life.

**Illicit Discharge** – The term refers to any discharge to an MS4 that is not composed entirely of stormwater unless authorized via an NPDES permit or otherwise excluded from regulation. Thus, not all illicit discharges are illegal or prohibited.

**Industrial Waste** – Unwanted materials from an industrial operation, this may include liquids, sludge, solids, or hazardous waste.

**Large Municipal Separate Storm Sewer System (Large MS4)** – All municipal separate storm sewers that are located in an incorporated place with a population of 250,000 or more according to the latest Census.

**Maintain or Improve Water Quality** – This statement is to mean that no MS4 shall allow for an increase in turbidity to local waters that will cause a substantial visible contrast to natural conditions; the MS4s shall not allow suspended, colloidal and settleable solids from sewage, industrial wastes or other wastes that will cause deposition or impair local waters for their best usages; and no MS4 shall allow

residue from oil and floating substances attributable to sewage, industrial wastes or other wastes, nor visible oil film nor globules or grease.

**Maximum Extent Practicable (MEP)** – A water quality standard that applies to all MS4 operators under NPDES permits. The standard has no exact definition, as it was intended to be flexible to allow operators to tailor their stormwater programs to their particular site.

**Medium Municipal Separate Storm Sewer System (Medium MS4)** – This includes all municipal separate storm sewers that are located in an incorporated place with a population of more than 100,000 but less than 250,000.

**Municipal Separate Storm Sewer Systems (MS4)** – Areas with a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains) that are not a combined sewer or part of a publicly owned treatment system and are owned or operated and regulated by a municipality or authorized agency. MS4s may be small, medium or large with the medium or large MS4s being principally determined by population size.

**Non-Point Source Pollutants (NPS)** – Pollution coming from many diffuse sources whose origin is often difficult to identify. This pollution occurs as rain or snowmelt travels over the land surface and picks up pollutants such as fertilizer, pesticides, and chemicals from cars. This pollution is difficult to regulate due to its origin from many different sources. These pollutants enter waterways untreated and are a major threat to aquatic organisms and people who fish, use waters and waterways for recreational purposes or as an untreated drinking water source.

**National Pollutant Discharge Elimination System (NPDES)** – This is the EPA's regulatory program to control the discharge of pollutants to waters and waterways of the United States.

**Notice of Intent (NOI)** – An application to notify the permitting authority of a facility's intention to be covered by a general permit. This exempts a facility from having to submit an individual or group application.

**Nutrients** – The term typically refers to nitrogen and phosphorus or compounds containing free amounts of the two elements. These elements are essential for the growth of plant life, but can create problems in the form of algal blooms, depletion of dissolved oxygen and pH changes in streams and other water bodies when higher concentrations are allowed to enter drainage systems and lakes.

**Ordinance** – A law based on state statutory authority developed and approved by a governmental agency to allow them to regulate the enforcement of criteria contained within the specific law and to invoke sanctions and other enforcement measures to ensure facilities comply with the criteria.

**Outfall** – the point where a sewer or drainage discharges into a receiving waterway.

**Point Source Pollution** – This is pollution coming from a single, definable source, such as a factory.

**Retention Pond** – Pond that stores a volume of water without allowing it to discharge downstream.

**Runoff** – Any drainage that leaves an area as surface flow.

**Sanitary Sewer** – Is an underground pipe system that carries sanitary waste and other wastewater to a treatment plant.

**Sediment** – Material derived from the weathering of rock such as sand and soil. This material can be detrimental to aquatic life and habitats if too much is allowed to wash into rivers and ponds.

**Site Plan** – Is a geographic representation of the layout of buildings and other important features on a tract of land.

**Small Municipal Separate Storm Sewer Systems (SMS4s)** – Are MS4s that are not merely determined by population, but are much broader in scope, they are land areas with conveyances that are designated because of one or more of the following criteria: 1) they discharge to sensitive waters; 2) they are experiencing high growth or have a high growth potential; 3) they are contiguous to urbanized areas and other MS4s; 4) they are a significant contributor of pollutants to the waters of the U. S.; or 5) they have ineffective protection of water quality through other programs.

**State Pollutant Discharge Elimination System (SPDES)** – The state's regulatory program to control the discharge of pollutants to waters of the United States.

**Storm Drain** – Any drain which drains directly into the storm sewer system, usually found along roadways or in parking lots.

**Storm Sewer** – Is an underground pipe system that carries runoff from streets and other surfaces.

**Stormwater** – Stormwater or snow melt runoff, and surface runoff and drainage.

**Stormwater Management** – Any measure associated with the planning, maintenance, and regulation of facilities which collect, store, or convey stormwater.

**Stormwater Pollution Prevention Plan (SWPPP)** – A plan developed by a facility or entity that thoroughly evaluates potential pollutant sources at a site and selects and implements appropriate best management practice measures designed to prevent or control the discharge of pollutants in stormwater runoff.

**Surface Runoff** – Is the flow of water across the land surface that occurs when the rainfall rate exceeds the ability of the soil to absorb the water. This is of primary concern when dealing with impervious surfaces, such as parking lots, roofs, roads, or driveways where water cannot infiltrate at all.

**Surface Water** – Is any water that remains on the earth's surface, such as ponds, rivers, streams, impoundments, wetlands, oceans, etc.

**Total Maximum Daily Load (TMDL)** – Is a regulatory limit of the maximum amount of a pollutant type that can be released into a body of water in a twenty-four hour period without adversely affecting water quality.

**Tributary** – A stream which drains into another larger stream or body of water.

**Urbanized Area (UA)** – Is a land area consisting of one or more central places and the adjacent densely settled surrounding area (urban fringe) that together have a residential population of at least 50,000 and a minimum average population density of at least 1,000 people per square mile.

**Watershed** – A geographic area in which water flowing across the surface will drain into a certain stream or river and flow out of the area via that stream or river, or all of the land that drains to a particular body of water, also known as a catchment or drainage basin.

**Waters of the US** – These are surface waters defined as wetlands, lakes (including dry lakes), rivers, streams (including intermittent streams, ephemeral washes and arroyos), mudflats, sandflats, sloughs, wet meadows, playa lakes, natural ponds, and man-made impoundments.

**Wetlands** – Is an area of land where part of the surface is covered with water or the soil is completely saturated with water for a large majority of the year. Wetlands provide an important habitat for many different types of plant and animal species. Wetlands are also natural stormwater control areas, since they filter out pollutants and are able to retain large amounts of water during storm events.



## **APPENDIX B**

### **List of Commonly Used Abbreviations**

## **Appendix B: List of Commonly Used Abbreviations**

**BMPs** – Best Management Practices

**CWA** – Clean Water Act

**EPA** – U.S. Environmental Protection Agency

**MCC** – Municipal Compliance Certification form

**MCM** – Minimum Control Measure

**MEP** – Maximum Extent Practicable

**MS4** - Municipal Separate Storm Sewer System

**NOI** – Notice of Intent

**NPS** – Non-Point Source Pollutants

**NPDES** – National Pollution Discharge Elimination System

**NYSDEC** – New York State Department of Environmental Conservation

**POC** – Pollutants of Concern

**SMO** – Stormwater Management Officer

**SOP** – Standard Operating Procedures

**SPCC** – Spill Prevention and Control Countermeasures

**SPDES** – State Pollution Discharge Elimination System

**SWMP** – Stormwater Management Program

**SWPP** – Stormwater Pollution Prevention

**SWPPP** – Stormwater Pollution Prevention Plan

**TMDL** – Total Maximum Daily Load

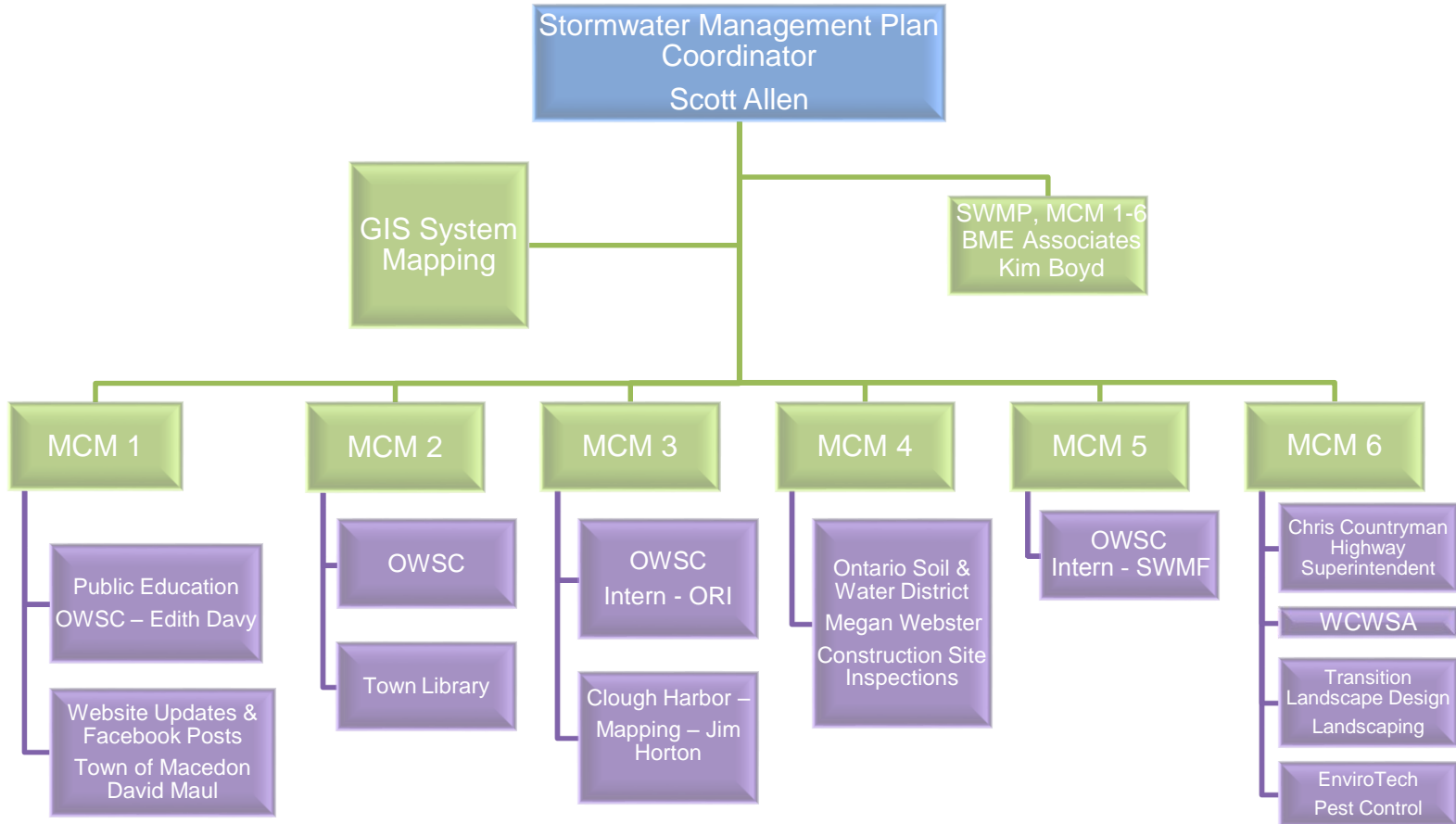
**USEPA** – United States Environmental Protection Agency

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# **APPENDIX C**

## **Staffing Plan/Organizational Chart**

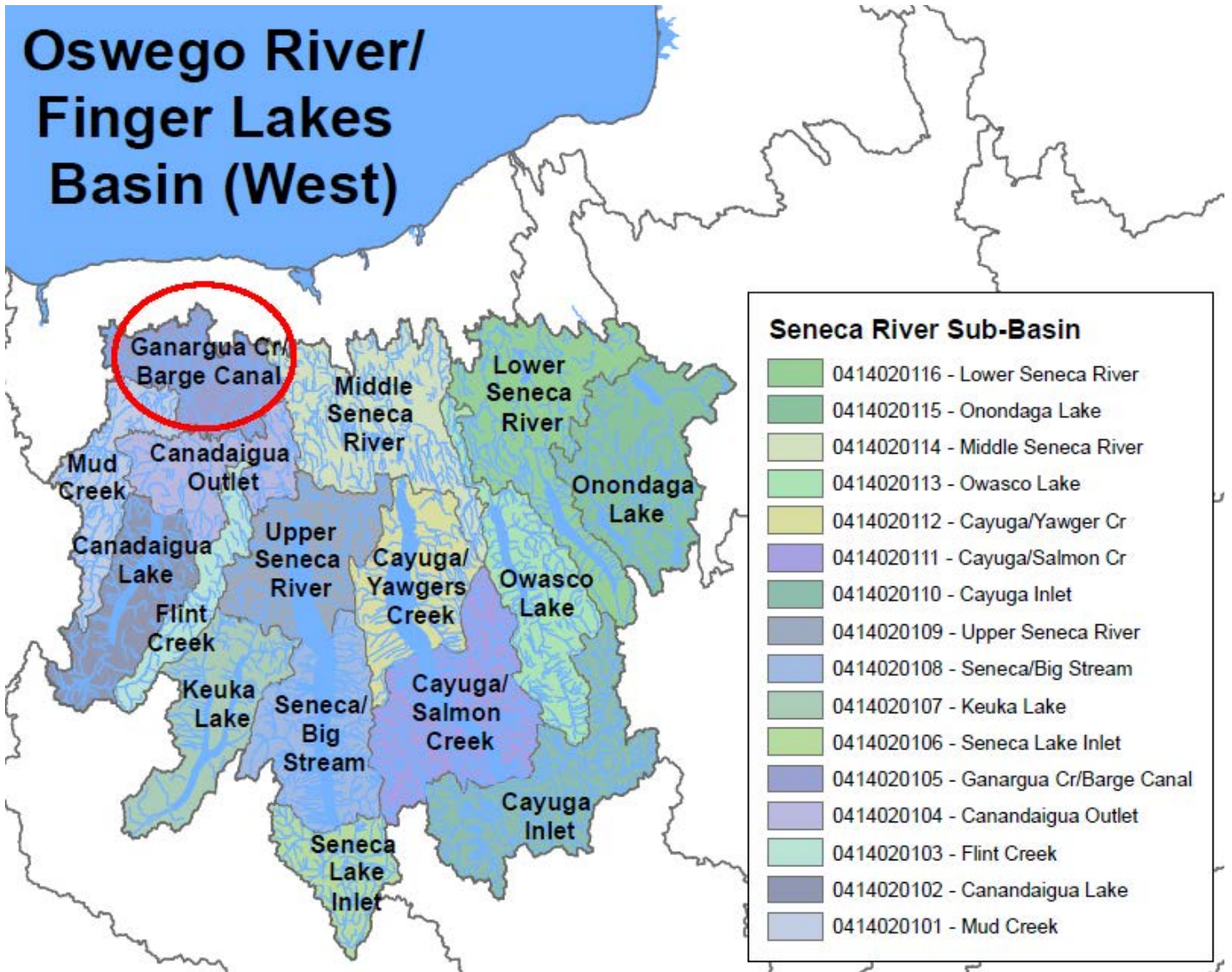
# Town of Macedon MS4 Staffing Plan/Organizational Chart



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# **APPENDIX D**

## **Priority Waterbody Inventory Sheets**



## Ganargua Creek-Erie Canal (0414020105)

### Water Index Number

Ont 66-12-52-23  
 Ont 66-12-52-23- 1  
 Ont 66-12-52-23- 8  
 Ont 66-12-52-23-17  
 Ont 66-12-52-23-24

### Waterbody Segment

Ganargua Creek, Lower, and minor tribs(0704-0026)  
 Marletown Creek and tribs (0704-0003)  
 Fairville Creek and tribs (0704-0032)  
 Red Creek and tribs (0704-0015)  
 Red Creek and tribs (0704-0033)

### Category

MinorImpacts  
 UnAssessed  
 UnAssessed  
 Need Verific  
 MinorImpacts



# Red Creek and tribs (0704-0033)

# MinorImpacts

## Waterbody Location Information

Revised: 08/09/2007

**Water Index No:** Ont 66-12-52-23-24  
**Hydro Unit Code:** 04140201/230      **Str Class:** C  
**Waterbody Type:** River  
**Waterbody Size:** 78.3 Miles  
**Seg Description:** entire stream and tribs

**Drain Basin:** Oswego-Seneca-Oneida  
Seneca/Clyde Rivers  
**Reg/County:** 8/Wayne Co. (59)  
**Quad Map:** PALMYRA (I-12-4)

## Water Quality Problem/Issue Information

(CAPS indicate MAJOR Use Impacts/Pollutants/Sources)

Use(s) Impacted	Severity	Problem Documentation
Aquatic Life	Stressed	Known
Recreation	Stressed	Known

### Type of Pollutant(s)

Known: ALGAL/WEED GROWTH, NUTRIENTS (phosphorus), Silt/Sediment  
Suspected: ---  
Possible: ---

### Source(s) of Pollutant(s)

Known: HABITAT MODIFICATION  
Suspected: AGRICULTURE  
Possible: ---

## Resolution/Management Information

**Issue Resolvability:** 1 (Needs Verification/Study (see STATUS))  
**Verification Status:** 4 (Source Identified, Strategy Needed)  
**Lead Agency/Office:** ext/WQCC  
**TMDL/303d Status:** n/a

**Resolution Potential:** Medium

## Further Details

Aquatic life support and recreational uses in Red Creek are known to experience minor impacts due to nonpoint nutrients and silt/sediment. Aquatic weed growth also contributes to the impacts.

A biological (macroinvertebrate) assessment of Red Creek in Palmyra (at Maple Avenue) was conducted in 2001. Sampling results indicated slightly impacted water quality conditions. The stream carried an abundance of aquatic weeds (duckweed) indicating ponded waters upstream. The ponded water likely influenced the sample. Specific conductance at the site was quite high also. Although aquatic life is supported in the stream, nutrient biotic evaluation indicates/suggests the level of eutrophication is sufficient to stress/threaten aquatic life support. (DEC/DOW, BWAM/SBU, June 2005)

This segment includes the entire stream and all tribs. The waters of the stream are Class C. Tribs to this reach/segment, including Black Creek (-9) are Class C,C(T).



# Ganargua Creek, Upper, and minor tribs (0704-0013) MinorImpacts

## Waterbody Location Information

Revised: 08/09/2007

<b>Water Index No:</b> Ont 66-12-52-23	<b>Drain Basin:</b> Oswego-Seneca-Oneida	
<b>Hydro Unit Code:</b> 04140201/160	<b>Str Class:</b> C	Seneca/Clyde Rivers
<b>Waterbody Type:</b> River	<b>Reg/County:</b> 8/Wayne Co. (59)	
<b>Waterbody Size:</b> 67.1 Miles	<b>Quad Map:</b> MACEDON (I-11-3)	
<b>Seg Description:</b> stream and selected tribs, from Palmyra to Victor		

## Water Quality Problem/Issue Information (CAPS indicate MAJOR Use Impacts/Pollutants/Sources)

<b>Use(s) Impacted</b> Aquatic Life	<b>Severity</b> Stressed	<b>Problem Documentation</b> Known
--	-----------------------------	---------------------------------------

### Type of Pollutant(s)

Known: NUTRIENTS (phosphorus)  
Suspected: Silt/Sediment  
Possible: D.O./Oxygen Demand, Ammonia

### Source(s) of Pollutant(s)

Known: CONSTRUCTION (development), URBAN/STORM RUNOFF  
Suspected: Agriculture, Municipal  
Possible: - - -

## Resolution/Management Information

<b>Issue Resolvability:</b> 1 (Needs Verification/Study (see STATUS))	
<b>Verification Status:</b> 4 (Source Identified, Strategy Needed)	
<b>Lead Agency/Office:</b> ext/WQCC	<b>Resolution Potential:</b> Medium
<b>TMDL/303d Status:</b> n/a	

## Further Details

Aquatic life support in this portion of Ganargua Creek is known to experience minor impacts due to nutrients from primarily nonpoint sources. Impacts from municipal discharges had been identified in the past, but additional sampling is recommended to determine the whether these impacts continue.

NYSDEC Rotating Intensive Basin Studies (RIBS) Intensive Network monitoring of Ganargua Creek in Macedon, Wayne County, (at Erie Road) was conducted in 2002. Intensive Network sampling typically includes macroinvertebrate community analysis, water column chemistry, sediment and invertebrate tissues analysis and toxicity evaluation. During this sampling the biological (macroinvertebrate) sampling results indicated slightly impacted water quality conditions. The impacts are attributed to nonpoint source nutrient enrichment. Water column sampling revealed dissolved solids and iron to be parameters of concern, however these findings are thought to be more reflective of natural conditions in the basin than a source of water quality impacts. Toxicity testing of the water column showed significant mortality and reproductive impacts in one of the three tests conducted. (DEC/DOW, BWAM/RIBS, January 2005)

A biological (macroinvertebrate) assessment of Ganargua Creek in Macedon was also conducted in 2001. Sampling results at that time also indicated slightly impacted water quality. Previous sampling in 1980 and prior reflected non-impacted conditions. The headwaters of the creek are in the Town of Victor, a rapidly growing suburb of Rochester. Recent development in the watershed and along the stream (including a golf course) increases the nutrient and other loadings to the stream. This stream is typical of many waters in the state that are slipping from non-impacted to slightly impacted due to nonpoint source nutrient enrichment attributed to development pressures. A survey of the entire Ganargua Creek at multiple sites between East Victor and Lyons was conducted in 1996. Sampling results at that time also indicated primarily slightly impacted water quality conditions. However moderate impact was noted along one short reach below Victor and Farmington related to municipal discharges. Another short reach outside this portion of the creek was similarly impacted. Since this sampling, the Village of Victor WWTP has been updated and is meeting permit discharge limits and the Farmington WWTP is about to complete and upgrade as well. Due to the length of time since it was last sampled, conditions regarding this impact should be verified. (DEC/DOW, BWAM/SBU, August 2007)

This segment includes the portion of the stream and selected/smaller tribs from the confluence with the Barge Canal in Palmyra to Mud Creek in Victor. The waters of this portion of the stream are Class C. Tribs to this reach/segment, including Trapp Brook (-33), are also Class C. Great Brook (-43) and Mud Creek are listed separately.

# NYS Barge Canal (portion 5) (0704-0020)

# Impaired Seg

## Waterbody Location Information

Revised: 08/13/2007

**Water Index No:** Ont 66-12-52-23..(Barge Canal)      **Drain Basin:** Oswego-Seneca-Oneida  
**Hydro Unit Code:** 04140201/230      **Str Class:** C      Seneca/Clyde Rivers  
**Waterbody Type:** River      **Reg/County:** 8/Wayne Co. (59)  
**Waterbody Size:** 23.5 Miles      **Quad Map:** NEWARK (I-12-3)  
**Seg Description:** portion from Lyons to Wayneport

## Water Quality Problem/Issue Information

(CAPS indicate MAJOR Use Impacts/Pollutants/Sources)

Use(s) Impacted	Severity	Problem Documentation
AQUATIC LIFE	Impaired	Suspected

### Type of Pollutant(s)

Known: ---  
Suspected: D.O./OXYGEN DEMAND, Water Level/Flow, Nutrients  
Possible: Pathogens

### Source(s) of Pollutant(s)

Known: ---  
Suspected: MUNICIPAL, Agriculture, Hydro Modification, Urban/Storm Runoff  
Possible: On-Site/Septic Syst, Other Sanitary Disch

## Resolution/Management Information

**Issue Resolvability:** 1 (Needs Verification/Study (see STATUS))  
**Verification Status:** 3 (Cause Identified, Source Unknown)  
**Lead Agency/Office:** DOW/Reg8      **Resolution Potential:** Medium  
**TMDL/303d Status:** 3a\*

## Further Details

Aquatic life support and recreational uses in this portion of the NYS Barge Canal are impaired due to oxygen-demanding substances that cause low dissolved oxygen. Municipal discharges are the likely source of the pollutants. Zebra mussel infestation of the canal may also be contributing to the impacts.

A biological (macroinvertebrate) assessment of the Barge Canal in Newark (at canal light 719) was conducted in 2006. Multiple sampling results indicated moderately impacted water quality conditions. The fauna was dominated by sewage-tolerant midges. Zebra mussels were numerous on the plates, but not so numerous that they invalidated the samples. Habitat factors (slow current) may have some effect on the results, but the samples showed greater impacts than previous sampling results. (DEC/DOW, BWAM/SBU, June 2005)

This segment includes the portion of the canal from Canadaigua Outlet in Lyons to the western edge of the drainage basin in Wayneport. The waters of this portion of the canal are Class C.



# Ganargua Creek, Upper, and minor tribs (0704-0013) MinorImpacts

## Waterbody Location Information

Revised: 08/09/2007

<b>Water Index No:</b> Ont 66-12-52-23	<b>Drain Basin:</b> Oswego-Seneca-Oneida	
<b>Hydro Unit Code:</b> 04140201/160	<b>Str Class:</b> C	Seneca/Clyde Rivers
<b>Waterbody Type:</b> River	<b>Reg/County:</b> 8/Wayne Co. (59)	
<b>Waterbody Size:</b> 67.1 Miles	<b>Quad Map:</b> MACEDON (I-11-3)	
<b>Seg Description:</b> stream and selected tribs, from Palmyra to Victor		

## Water Quality Problem/Issue Information (CAPS indicate MAJOR Use Impacts/Pollutants/Sources)

<b>Use(s) Impacted</b> Aquatic Life	<b>Severity</b> Stressed	<b>Problem Documentation</b> Known
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### Type of Pollutant(s)

Known: NUTRIENTS (phosphorus)  
Suspected: Silt/Sediment  
Possible: D.O./Oxygen Demand, Ammonia

### Source(s) of Pollutant(s)

Known: CONSTRUCTION (development), URBAN/STORM RUNOFF  
Suspected: Agriculture, Municipal  
Possible: - - -

## Resolution/Management Information

<b>Issue Resolvability:</b> 1 (Needs Verification/Study (see STATUS))	
<b>Verification Status:</b> 4 (Source Identified, Strategy Needed)	
<b>Lead Agency/Office:</b> ext/WQCC	<b>Resolution Potential:</b> Medium
<b>TMDL/303d Status:</b> n/a	

## Further Details

Aquatic life support in this portion of Ganargua Creek is known to experience minor impacts due to nutrients from primarily nonpoint sources. Impacts from municipal discharges had been identified in the past, but additional sampling is recommended to determine the whether these impacts continue.

NYSDEC Rotating Intensive Basin Studies (RIBS) Intensive Network monitoring of Ganargua Creek in Macedon, Wayne County, (at Erie Road) was conducted in 2002. Intensive Network sampling typically includes macroinvertebrate community analysis, water column chemistry, sediment and invertebrate tissues analysis and toxicity evaluation. During this sampling the biological (macroinvertebrate) sampling results indicated slightly impacted water quality conditions. The impacts are attributed to nonpoint source nutrient enrichment. Water column sampling revealed dissolved solids and iron to be parameters of concern, however these findings are thought to be more reflective of natural conditions in the basin than a source of water quality impacts. Toxicity testing of the water column showed significant mortality and reproductive impacts in one of the three tests conducted. (DEC/DOW, BWAM/RIBS, January 2005)

A biological (macroinvertebrate) assessment of Ganargua Creek in Macedon was also conducted in 2001. Sampling results at that time also indicated slightly impacted water quality. Previous sampling in 1980 and prior reflected non-impacted conditions. The headwaters of the creek are in the Town of Victor, a rapidly growing suburb of Rochester. Recent development in the watershed and along the stream (including a golf course) increases the nutrient and other loadings to the stream. This stream is typical of many waters in the state that are slipping from non-impacted to slightly impacted due to nonpoint source nutrient enrichment attributed to development pressures. A survey of the entire Ganargua Creek at multiple sites between East Victor and Lyons was conducted in 1996. Sampling results at that time also indicated primarily slightly impacted water quality conditions. However moderate impact was noted along one short reach below Victor and Farmington related to municipal discharges. Another short reach outside this portion of the creek was similarly impacted. Since this sampling, the Village of Victor WWTP has been updated and is meeting permit discharge limits and the Farmington WWTP is about to complete and upgrade as well. Due to the length of time since it was last sampled, conditions regarding this impact should be verified. (DEC/DOW, BWAM/SBU, August 2007)

This segment includes the portion of the stream and selected/smaller tribs from the confluence with the Barge Canal in Palmyra to Mud Creek in Victor. The waters of this portion of the stream are Class C. Tribs to this reach/segment, including Trapp Brook (-33), are also Class C. Great Brook (-43) and Mud Creek are listed separately.



# NYS Barge Canal (portion 5) (0704-0020)

**Impaired Seg**

## Waterbody Location Information

Revised: 08/13/2007

**Water Index No:** Ont 66-12-52-23..(Barge Canal)      **Drain Basin:** Oswego-Seneca-Oneida  
**Hydro Unit Code:** 04140201/230      **Str Class:** C      Seneca/Clyde Rivers  
**Waterbody Type:** River      **Reg/County:** 8/Wayne Co. (59)  
**Waterbody Size:** 23.5 Miles      **Quad Map:** NEWARK (I-12-3)  
**Seg Description:** portion from Lyons to Wayneport

## Water Quality Problem/Issue Information

(CAPS indicate MAJOR Use Impacts/Pollutants/Sources)

Use(s) Impacted	Severity	Problem Documentation
AQUATIC LIFE	Impaired	Suspected

### Type of Pollutant(s)

Known: ---  
Suspected: D.O./OXYGEN DEMAND, Water Level/Flow, Nutrients  
Possible: Pathogens

### Source(s) of Pollutant(s)

Known: ---  
Suspected: MUNICIPAL, Agriculture, Hydro Modification, Urban/Storm Runoff  
Possible: On-Site/Septic Syst, Other Sanitary Disch

## Resolution/Management Information

**Issue Resolvability:** 1 (Needs Verification/Study (see STATUS))  
**Verification Status:** 3 (Cause Identified, Source Unknown)  
**Lead Agency/Office:** DOW/Reg8      **Resolution Potential:** Medium  
**TMDL/303d Status:** 3a\*

## Further Details

Aquatic life support and recreational uses in this portion of the NYS Barge Canal are impaired due to oxygen-demanding substances that cause low dissolved oxygen. Municipal discharges are the likely source of the pollutants. Zebra mussel infestation of the canal may also be contributing to the impacts.

A biological (macroinvertebrate) assessment of the Barge Canal in Newark (at canal light 719) was conducted in 2006. Multiple sampling results indicated moderately impacted water quality conditions. The fauna was dominated by sewage-tolerant midges. Zebra mussels were numerous on the plates, but not so numerous that they invalidated the samples. Habitat factors (slow current) may have some effect on the results, but the samples showed greater impacts than previous sampling results. (DEC/DOW, BWAM/SBU, June 2005)

This segment includes the portion of the canal from Canadaigua Outlet in Lyons to the western edge of the drainage basin in Wayneport. The waters of this portion of the canal are Class C.

## **APPENDIX E**

**Letter To DEC Regarding Local Laws**

**&**

**Local Laws/Town Code (MCMs 3, 4, & 5)**



June 15, 2016

MS4 Permit Coordinator  
NYSDEC, Bureau of Water Permits  
625 Broadway, 4<sup>th</sup> Floor  
Albany, NY 12233-3505

**Re: Local Laws - Illicit Discharge Detection & Elimination, Construction Site Stormwater Runoff Control and Post-Construction Stormwater Management (#NYR20A391) 2530**

Dear Permit Coordinator:

We are writing to you on behalf of the Town of Macedon in regards to updating their local laws pertaining to Illicit Discharge Detection & Elimination, Construction Site Stormwater Runoff Control, and Post-Construction Stormwater Management.

The Village of Macedon dissolved on March 31, 2017, and at that time, the Town of Macedon incorporated the Village's geographical boundaries into the Town's geographical boundaries, and began incorporating the Village's MS4 responsibilities into the Town's SWMP and MS4 Program.

The Town has considered updating their existing stormwater local laws to encompass the Village's urbanized areas. However, the Draft SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-0-17-002), and the Sample Local Law for Stormwater Management and Erosion & Sediment Control have not been finalized. Therefore, after consultation with the Albany DEC Office, the Town has decided it would be prudent to delay updating their local laws until the new permit and sample laws are adopted. This decision will save the Town's taxpayers from passing laws now, and then repeating that lengthy process again in another six months to a year when the Draft MS4 Permit and Sample Local Laws are finalized. The Village's local laws will remain in effect until March 31, 2019.

Please contact our office if you disagree with the Town's course of action. You may reach our office at (585) 377-7360, ext. 133.

Thank you for your attention to this matter.

Sincerely,

BME ASSOCIATES

A handwritten signature in blue ink that reads 'Kimberly Boyd'.

Kimberly Boyd, CPESC, CPMSM  
Stormwater Specialist

KB

c: Cassandra Pagano; Town of Macedon Supervisor (by Email)  
Scott Allen; Town of Macedon (by Email)  
Ben Groth; NYSDEC, Region 8 (by Email)  
Peter Vars; BME Associates (by Email)  
Tom Danks; BME Associates (by Email)

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## Chapter 112. Storm Sewers

[HISTORY: Adopted by the Town Board of the Town of Macedon as indicated in article histories. Amendments noted where applicable.]

### **GENERAL REFERENCES**

Land use and public works — See Ch. **75**.

Sewers — See Ch. **104**.

Stormwater management and erosion and sediment control — See Ch. **113**.

Zoning — See Ch. **135**.

## Article I. Illicit Discharge Detection and Elimination

[Adopted 9-13-2007 by L.L. No. 3-2007]

### § 112-1. Purpose; intent.

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the Town of Macedon through the regulation of nonstormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this article are:

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-02-02, as amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge nonstormwater wastes;
- C. To prohibit illicit connections, activities and discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article; and
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

### § 112-2. Definitions.

Whenever used in this article, unless a different meaning is stated in a definition applicable to only a portion of this article, the following terms will have the meanings set forth below:

#### **BEST MANAGEMENT PRACTICES (BMPs)**

Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance

systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**CLEAN WATER ACT**

The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**CONSTRUCTION ACTIVITY**

Activities requiring authorization under the SPDES Permit for Stormwater Discharges from Construction Activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

**DEPARTMENT**

The New York State Department of Environmental Conservation.

**DESIGN PROFESSIONAL**

New York State-licensed professional engineer or licensed architect.

**HAZARDOUS MATERIALS**

Any material, including any substance, waste, or combination thereof, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**ILLCIT CONNECTIONS**

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:

- A. Any conveyances which allow any nonstormwater discharge, including treated or untreated sewage, process wastewater, and wash water, to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- B. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**ILLCIT DISCHARGE**

Any direct or indirect nonstormwater discharge to the MS4, except as exempted in § 112-6 of this article.

**INDIVIDUAL SEWAGE TREATMENT SYSTEM**

A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility, that treats sewage or other liquid wastes for discharge into the groundwaters of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.

**INDUSTRIAL ACTIVITY**

Activities requiring the SPDES Permit for Discharges from Industrial Activities Except Construction, GP-98-03, as amended or revised.

**MS4**

Municipal separate storm sewer system.

**MUNICIPALITY**

The Town of Macedon.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM**

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- A. Owned or operated by the Town of Macedon;
- B. Designed or used for collecting or conveying stormwater;
- C. Which is not a combined sewer; and
- D. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

### **NONSTORMWATER DISCHARGE**

Any discharge to the MS4 that is not composed entirely of stormwater.

### **PERSON**

Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

### **POLLUTANT**

Dredged spoil; filter backwash; solid waste; incinerator residue; treated or untreated sewage, garbage, and sewage sludge; munitions; chemical wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; and industrial, municipal, agricultural waste and ballast discharged into water which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.

### **PREMISES**

Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

### **SPECIAL CONDITIONS**

- A. Discharge compliance with water quality standards. The condition that applies where a municipality has been notified that the discharge of stormwater authorized under its MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition, the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
- B. 303(d) listed waters. The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition, the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.
- C. Total maximum daily load (TMDL) strategy. The condition in the municipality's MS4 permit where a TMDL, including requirements for control of stormwater discharges, has been approved by EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
- D. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any water body or watershed into which an MS4 discharges. Under this condition, the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

### **STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER DISCHARGE PERMIT**

A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

### **STORMWATER**

Rainwater, surface runoff, snowmelt and drainage.

### **STORMWATER MANAGEMENT OFFICER (SMO)**

An employee, the municipal engineer or other public official(s) designated by the Town of Macedon to enforce this article. The SMO may also be designated by the municipality to accept and review stormwater pollution

prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

### **303(d) LIST**

A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

### **TOTAL MAXIMUM DAILY LOAD**

The maximum amount of a pollutant to be allowed to be released into a water body so as not to impair uses of the water, allocated among the sources of that pollutant.

### **TMDL**

Total maximum daily load.

### **WASTEWATER**

Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

## **§ 112-3. Applicability.**

This article shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

## **§ 112-4. Responsibility for administration.**

The Stormwater Management Officer(s) [SMO(s)] shall administer, implement, and enforce the provisions of this article. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the municipality.

## **§ 112-5. Severability.**

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.

## **§ 112-6. Discharge prohibitions; exceptions.**

### **A. Prohibition of illegal discharges.**

- (1) No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater, except as provided in Subsection **A(2)**.
- (2) Exceptions. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited, except as described as follows:
  - (a) The following discharges are exempt from discharge prohibitions established by this article, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities, and any other water



source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

- (b) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this article.
  - (c) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.
  - (d) The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.
- B. Prohibition of illicit connections.
- (1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
  - (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
  - (3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

## § 112-7. Prohibition against failing individual sewage treatment systems.

No persons shall operate a failing individual sewage treatment system in areas tributary to the municipality's MS4. A failing individual sewage treatment system is one which has one or more of the following conditions:

- A. The backup of sewage into a structure.
- B. Discharges of treated or untreated sewage onto the ground surface.
- C. A connection or connections to a separate stormwater sewer system.
- D. Liquid level in the septic tank above the outlet invert.
- E. Structural failure of any component of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.
- F. Contamination of off-site groundwater.

## § 112-8. Prohibition against activities contaminating stormwater.

- A. Activities that are subject to the requirements of this section are those types of activities that:
  - (1) Cause or contribute to a violation of the municipality's MS4 SPDES permit;
  - (2) Cause or contribute to the municipality being subject to the special conditions as defined in § 112-2, Definitions, of this article.
- B. Such activities include failing individual sewage treatment systems as defined in § 112-7, improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES

permit authorization.

- C. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

## § 112-9. Prevention, control and reduction of stormwater pollutants by use of best management practices.

- A. Best management practices. Where the SMO has identified illicit discharges as defined in § 112-2 or activities contaminating stormwater as defined in § 112-8, the municipality may require implementation of Best Management Practices (BMPs) to control those illicit discharges and activities.
- (1) The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and nonstructural BMPs.
  - (2) Any person responsible for a property or premises which is or may be the source of an illicit discharge as defined in § 112-2 or an activity contaminating stormwater as defined in § 112-8 may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.
  - (3) Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
- B. Individual sewage treatment systems - response to special conditions requiring no increase of pollutants or requiring a reduction of pollutants. Where individual sewage treatment systems are contributing to the municipality's being subject to the special conditions as defined in § 112-2 of this article, the owner or operator of such individual sewage treatment systems shall be required to:
- (1) Maintain and operate individual sewage treatment systems as follows:
    - (a) Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee, or the top of the sludge is within 10 inches of the bottom of the outlet baffle or sanitary tee;
    - (b) Avoid the use of septic tank additives;
    - (c) Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and
    - (d) Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items.
  - (2) Repair or replace individual sewage treatment systems as follows:
    - (a) In accordance with 10 NYCRR, Appendix 75-A to the maximum extent practicable.
    - (b) A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:
      - [1] Relocating or extending an absorption area to a location not previously approved for such;
      - [2] Installation of a new subsurface treatment system at the same location;
      - [3] Use of alternate system or innovative system design or technology.
    - (c) A written certificate of compliance shall be submitted by the design professional to the municipality at the completion of construction of the repair or replacement system.

## § 112-10. Suspension of access to MS4.

- A. Illicit discharges in emergency situations. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.
- B. Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this article may have his or her MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the SMO.

## § 112-11. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

## § 112-12. Applicability; access to facilities; monitoring of discharges.

- A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this article, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises, any condition which constitutes a violation of this article.
- B. Access to facilities.
  - (1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
  - (2) Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this article.
  - (3) The municipality shall have the right to set up on any facility subject to this article such devices as are necessary, in the opinion of the SMO, to conduct monitoring and/or sampling of the facility's stormwater discharge.
  - (4) The municipality has the right to require the facilities subject to this article to install monitoring equipment as is reasonably necessary to determine compliance with this article. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
  - (5) Unreasonable delays in allowing the municipality access to a facility subject to this article is a violation of this article. A person who is the operator of a facility subject to this article commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this article.

- (6) If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

## § 112-13. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

## § 112-14. Enforcement; penalties for offenses.

- A. Notice of violation. When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this article, he/she may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:
- (1) The elimination of illicit connections or discharges;
  - (2) That violating discharges, practices, or operations shall cease and desist;
  - (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
  - (4) The performance of monitoring, analyses, and reporting;
  - (5) Payment of a fine; and
  - (6) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor, and the expense thereof shall be charged to the violator.
- B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this article shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this article shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

## § 112-15. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the SMO to the Macedon Town Board within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal and, within five days of making its decision, file its decision in the office of the municipal clerk and mail a copy of its decision by certified mail to the discharger.

## § 112-16. Corrective measures after appeal.

- A. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within five business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

## § 112-17. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

## § 112-18. Alternative remedies.

- A. Where a person has violated a provision of this article, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Municipal Attorney and concurrence of the Municipal Code Enforcement Officer, where:
  - (1) The violation was unintentional.
  - (2) The violator has no history of previous violations of this article.
  - (3) Environmental damage was minimal.
  - (4) The violator acted quickly to remedy violation.
  - (5) The violator cooperated in investigation and resolution.
- B. Alternative remedies may consist of one or more of the following:
  - (1) Attendance at compliance workshops.
  - (2) Storm drain stenciling or storm drain marking.
  - (3) River, stream or creek cleanup activities.

## § 112-19. Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

## § 112-20. Remedies not exclusive.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

# Chapter 113. Stormwater Management and Erosion and Sediment Control

[HISTORY: Adopted by the Town Board of the Town of Macedon 9-13-2007 by L.L. No. 4-2007. Amendments noted where applicable.]

### GENERAL REFERENCES

Freshwater wetlands — See Ch. **65**.

Land use and public works — See Ch. **75**.

Sewers — See Ch. **104**.

Storm sewers — See Ch. **112**.

Zoning — See Ch. **135**.

## Article I. General Provisions

### § 113-1. Findings of fact.

It is hereby determined that:

- A. Land development activities and associated increases in site-impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition.
- B. This stormwater runoff contributes to increased quantities of waterborne pollutants, including siltation of aquatic habitats for fish and other desirable species.
- C. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitats.
- D. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing stream bank erosion and sedimentation.
- E. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow.
- F. Substantial economic losses can result from these adverse impacts on the waters of the municipality.
- G. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities.
- H. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.
- I. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

### § 113-2. Purpose.

The purpose of § **135-43** and this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in § **113-1** hereof. Section **135-43** and this chapter seek to meet those purposes by achieving the following objectives:

- A. Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-02-02, as amended or revised;
- B. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities, GP-02-01, as amended or revised;
- C. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- D. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- E. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- F. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

### § 113-3. Statutory authority.

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

### § 113-4. Applicability.

- A. Section **135-43** and this chapter shall be applicable to all land development activities as defined in § **135-43**.
- B. The municipality shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may:
  - (1) Review the plans;
  - (2) Upon approval by the Town Board of the Town of Macedon, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or
  - (3) Accept the certification of a licensed professional that the plans conform to the requirements of § **135-43** and this chapter.
- C. All land development activities subject to review and approval by the Planning Board of the Town of Macedon under subdivision, site plan, and/or special use permit regulations shall be reviewed subject to the standards contained in § **135-43** and this chapter.
- D. All land development activities not subject to review as stated in Subsection **C** shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer, who shall approve the SWPPP if it complies with the requirements of § **135-43** and this chapter.

## § 113-5. Exemptions.

The following activities may be exempt from review under § **135-43** and this chapter.

- A. Agricultural activity as defined in § **135-7**.
- B. Silvicultural activity, except that landing areas and log haul roads are subject to § **135-43** and this chapter.
- C. Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- D. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- E. Any part of a subdivision if a plat for the subdivision has been approved by the Town of Macedon on or before the effective date of § **135-43** and this chapter.
- F. Land development activities for which a building permit has been approved on or before the effective date of § **135-43** and this chapter.
- G. Cemetery graves.
- H. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- I. Emergency activity immediately necessary to protect life, property or natural resources.
- J. Activities of an individual engaging in home gardening by growing flowers, vegetables and other plants primarily for use by that person and his or her family.
- K. Landscaping and horticultural activities in connection with an existing structure.

## Article II. Administration and Enforcement

### § 113-6. Construction inspection.

- A. Erosion and sediment control inspection .
  - (1) The Town of Macedon Stormwater Management Officer may require such inspections as necessary to determine compliance with § **135-43** and this chapter and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of § **135-43** and this chapter and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Town of Macedon enforcement official at least 48 hours before any of the following, as required by the Stormwater Management Officer:
    - (a) Start of construction.
    - (b) Installation of sediment and erosion control measures.
    - (c) Completion of site clearing.
    - (d) Completion of rough grading.
    - (e) Completion of final grading.
    - (f) Close of the construction season.
    - (g) Completion of final landscaping.
    - (h) Successful establishment of landscaping in public areas.



- (2) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted, except for site stabilization, until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.
- B. Stormwater management practice inspections. The Town of Macedon Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit as-built plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.
  - C. Inspection of stormwater facilities after project completion. Inspection programs shall be established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher-than-typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher-than-usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.
  - D. Submission of reports. The Town of Macedon Stormwater Management Officer may require monitoring and reporting from entities subject to § 135-43 and this chapter as are necessary to determine compliance with § 135-43 and this chapter.
  - E. Right-of-entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Town of Macedon the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection C.

## § 113-7. Performance guarantee; maintenance guarantee; recordkeeping.

- A. Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town of Macedon in its approval of the stormwater pollution prevention plan, the Town of Macedon may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town of Macedon as the beneficiary. The security shall be in an amount to be determined by the Town of Macedon based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town of Macedon, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facilities have been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Town of Macedon. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.
- B. Maintenance guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town of Macedon with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town of Macedon may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

- C. Recordkeeping. The Town of Macedon may require entities subject to § **135-43** and this chapter to maintain records demonstrating compliance with § **135-43** and this chapter.

## § 113-8. Enforcement; penalties for offenses.

- A. Notice of violation. When the Town of Macedon determines that a land development activity is not being carried out in accordance with the requirements of § **135-43** and this chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:
- (1) The name and address of the landowner, developer or applicant;
  - (2) The address, when available, or a description of the building, structure or land upon which the violation is occurring;
  - (3) A statement specifying the nature of the violation;
  - (4) A description of the remedial measures necessary to bring the land development activity into compliance with § **135-43** and this chapter and a time schedule for the completion of such remedial action;
  - (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
  - (6) A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within 15 days of service of notice of violation.
- B. Stop-work orders. The Town of Macedon may issue a stop-work order for violations of § **135-43** and this chapter. 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 Macedon 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 § **135-43** and this chapter.
- C. Violations. Any land development activity that is commenced or is conducted contrary to § **135-43** and this chapter, may be restrained by injunction or otherwise abated in a manner provided by law.
- D. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of § **135-43** and this chapter shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction of a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of § **135-43** and this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
- E. Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of § **135-43** and this chapter, the Stormwater Management Officer may prevent the occupancy of said building or land.
- F. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Macedon may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

## § 113-9. Fees for services.

The Town of Macedon may require any person undertaking land development activities regulated by § 135-43 and this chapter to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Town of Macedon or performed by a third party for the Town of Macedon.

## Chapter 135. Zoning

[HISTORY: Adopted by the Town Board of the Town of Macedon 4-26-1990. Amendments noted where applicable.]

### GENERAL REFERENCES

Environmental quality review — See Ch. 53.  
 Building construction — See Ch. 61.  
 Freshwater wetlands — See Ch. 65.  
 Land use and public works — See Ch. 75.

135a Schedule I 

135b Schedule II 

135c Schedule III 

135d Zoning Map 

## Article I. Enactment and Intent

### § 135-1. Title.

This chapter shall be known and may be cited as the "Zoning Ordinance of the Town of Macedon."

### § 135-2. Purpose.

- A. For the purpose of promoting the health, safety and general welfare of the people of the Town of Macedon, this chapter is adopted pursuant to Article 16 of the Town Law of the State of New York. Its purpose is to regulate and restrict:
- (1) The height, number of stories and size of buildings and other structures.
  - (2) The percentage of lot that may be occupied.
  - (3) The size of yards, courts and other open space.
  - (4) The density of population and the location and use of buildings, structures and land for business, industry, agriculture, residence or other purposes.
- B. This chapter and the **Zoning Map**<sup>[1]</sup> which is a part of said chapter are designed to:
- (1) Lessen congestion in the streets.
  - (2) Secure safety from fire and other dangers.
  - (3) Provide adequate light and air.
  - (4) Provide for solar access and the implementation of solar energy systems.
  - (5) Prevent the overcrowding of land and avoid undue concentration of population
  - (6) Facilitate the efficient and adequate provision of public facilities and services.
  - (7) Provide the maximum protection to residential areas from the encroachment of adverse environmental influences.

[1] *Editor's Note: The Zoning Map is included at the end of this chapter.*

- C. This chapter and **Zoning Map** were made after reasonable consideration, among other things, as to the character of the Town and its peculiar suitability for particular uses and with a view to conserving property values and natural resources and encouraging the most appropriate use of land throughout the Town.

### § 135-3. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum standards and requirements for the protection of the public health, safety and general welfare.

### § 135-4. Conflict with other laws; compliance with SEQR.

- A. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or laws, the most restrictive or those imposing the higher standards shall govern.
- B. Prior to any action by a municipal board on any application made in accordance with the provisions of this chapter, said board shall satisfy the requirements of the State Environmental Quality Review (SEQR) regulations.

### § 135-5. Amendments.

- A. Procedure. The Town Board may from time to time, on its own motion, on petition or on recommendation of the Planning Board and in accordance with the laws of the State of New York, amend, supplement or repeal the regulations, provisions or district boundaries of this chapter.
- B. Filing of petition. A petition to amend, change or supplement the text of this chapter or any zoning district as designated on the **Zoning Map** established herein shall be filed with the Town Clerk and accompanied by the appropriate fees. The Clerk shall transmit the documentation to the Town Board. A petition for a change to the **Zoning Map** shall contain a map which clearly describes the affected property and its boundaries and shall indicate the existing zoning district and the requested zoning change. In addition, every petition for a change to the Official **Zoning Map** shall contain an environmental assessment form completed and signed by the petitioner, or agent, in accordance with the procedures set forth in State Environmental Quality Review (SEQR) regulations.
- C. Referral to Planning Board. Each proposed amendment, except those initiated by the Planning Board, shall be referred to the Planning Board for an advisory report. In reporting, the Planning Board shall fully state its reasons for recommending or opposing the adoption of such proposed amendment. The Planning Board may condition its approval, as may be appropriate, and shall state whether such amendment is in harmony with the Town's plan for land use. The Planning Board shall state its position relative to proposed zoning amendments, in writing, within 45 days of the receipt of all pertinent data from the Town Board. Absence of a reply from the Planning Board within the forty-five-day period shall indicate that the Board is in favor of the amendment.
- D. Public hearing; notice; recording of actions. Unless otherwise provided, the provisions of the Town Law of the State of New York pertaining to public hearings, official notices and proper recording of zoning actions taken by the Town Board shall apply to all amendments to this chapter.
- E. Disposition final; rehearing on petition. The disposition of a petition for amendment by the Town Board shall be final, and disapproval or denial of the proposed amendment shall void the petition. No new petition for an amendment which has been previously denied by the Town Board shall be considered by it, except for a vote to table or to receive and file, and no public hearing shall be held on such amendment within a period of one year from the date of such previous denial, unless the Planning Board shall submit a recommendation, with reasons stated therefor certifying that there have been substantial changes in the situation which would merit a rehearing by the Town Board. Such rehearing may be granted only upon a favorable vote of a majority of the Town Board plus one.

## Article II. Definitions and Word Usage

### § 135-6. Word usage; administrative agencies defined.

#### A. Word usage.

- (1) All words used in the present tense include the future tense.
- (2) All words in the plural number include the singular number, and all words in the singular number include the plural number, except as to the number of permitted structures, unless the natural construction of the wording indicates otherwise.
- (3) The word "person" includes an association, partnership or corporation.
- (4) Unless otherwise specified, all distances shall be measured horizontally along the ground.
- (5) The word "building" includes the word "structure."
- (6) "Lot" includes the words "plot," "parcel," "tract" or "site."
- (7) The word "premises" includes a lot and all buildings or structures thereon.
- (8) To "erect," "to construct" and "to build" a building or structure each have the same meaning and also include "to excavate" for a building and "to relocate" a building by moving it from one location to another.
- (9) "Used" shall be deemed also to include "designated, intended or arranged to be used or occupied."
- (10) "Shall" is mandatory and not discretionary"; "may" is permissive.

#### B. Administrative agencies defined. For the purpose of this chapter, certain words and terms used herein shall be defined as follows:

##### **BOARD OF APPEALS**

The Zoning Board of Appeals of the Town of Macedon.

##### **BUILDING INSPECTOR**

The official or officials designated by the Town Board of the Town of Macedon to enforce the provisions of the New York State Uniform Fire Prevention and Building Code in the Town.

##### **COUNTY PLANNING BOARD**

The Planning Board of the County of Wayne.

##### **DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

The New York State Department of Environmental Conservation.

##### **DEPARTMENT OF HEALTH**

The New York State Department of Health and any other health board or department established pursuant to the laws of the State of New York and having authority for the regulation of matters pertaining to the public health of the Town.

##### **HEALTH OFFICER**

The official or officials appointed by the Town Board of the Town of Macedon to protect the health and safety of Town residents.

##### **PLANNING BOARD**

The Planning Board of the Town of Macedon.

##### **TOWN BOARD**

The Town Board of the Town of Macedon.

**ZONING OFFICER**

The official or officials designated by the Town Board of the Town of Macedon to enforce the provisions of this chapter.

**§ 135-7. Definitions.**

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

**ACCESSORY**

The term applied to a building or use which:

- A. Is customarily incidental and subordinate to and serves a principal building or principal use;
- B. Is subordinate in area, extent or purpose to the principal building or principal use served;
- C. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use; and,
- D. Is located on the same parcel as the principal building or principal use.

**AGRICULTURAL OR FARMING ACTIVITIES**

The use of the land for agricultural purposes, including, but not limited to, dairying, pasturage, truck farms or nurseries, greenhouses, horticulture, viticulture and apiaries, animal and poultry husbandry and the necessary accessory uses for storage; provided, however, that the operation of any such accessory use shall be incidental to that of the principal agricultural activities.

**AIRSTRIP**

Any area of land designed for private noncommercial use of airborne aircraft, including hangars, taxiways and landing strips.

**ALTERATIONS**

As applied to a building or structure:

- A. The change or rearrangement in the supporting members of a building or structure, such as bearing walls, columns, beams or girders or in the exit facilities;
- B. An enlargement of a building or structure, whether by extending on a side or by increasing in height;
- C. The moving from one location or position to another; and
- D. Any alteration whereby a structure is adapted to another or different use.

**ANTENNA**

Any device for radiating or receiving radio waves, television signals, microwave signals, signals from satellites and similar signals.

[Added 5-11-1995 by L.L. No. 2-1995]

**APARTMENT BUILDING**

A building arranged, intended or designed to be occupied by three or more families living independently of each other, but having common hallways and entrances.

**APPLICANT**

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

[Added 9-13-2007 by L.L. No. 4-2007]

**AREA OF SPECIAL FLOOD HAZARD**

Land in the floodplain subject to a one-percent-or-greater chance of flooding in any given year. It is also commonly referred to as the "base floodplain" or "one-hundred-year floodplain."

**BARN**

An accessory farm building used for farm purposes, including, but not limited to, the storage of hay, grain, and the like, and the housing of farm animals.

[Added 5-11-1995 by L.L. No. 2-1995]

**BASE FLOOD**

The flood having a one-percent chance of being equaled or exceeded in any one given year. For purposes of this chapter, "base flood" has the same meaning as the "one-hundred-year flood."

**BASEMENT**

That portion of a building having its floor subgrade (below ground level) on all sides. For purposes of this chapter, "basement" has the same definition as "cellar."

**BED-AND-BREAKFAST**

See "tourist home."

**BUFFER AREA**

A continuous strip of land area covered with grass, vegetation, trees, fencing, embankments or berms not less than 10 feet in depth and not less than six feet in height, densely planted and designed to provide a physical screen preventing visual access from one use to another and to reduce the escape and/or intrusion of litter, fumes, dust, noise, or other noxious or objectionable elements.

**BUILDING**

Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, property or business activity.

**BUILDING AREA**

The aggregate of the areas of all enclosed and roofed spaces of the principal building and all accessory buildings. Such areas shall be computed by using outside building dimensions measured on a horizontal plane at ground level.

**BUILDING HEIGHT**

The vertical dimension measured from the average elevation of the finished grade level at the front of the building to the highest point of the structure.

**BUILDING LINE**

A line formed by the intersection of a horizontal plane at an average grade level and a vertical plane that coincides with the exterior surface of the building or a projected roof or porch; the vertical plane will coincide with the most projected surface, excluding steps and overhanging eaves less than two feet in width. All yard and setback requirements are measured to the "building lines."

**BUILDING, PRINCIPAL**

A building in which is conducted the main or principal use of the lot on which said building is situated.

**CAMPING GROUND**

A parcel of land used or intended to be used, let or rented for transient, vacation and recreational occupancy by travel trailers, campers, tents, recreational vehicles, motor homes and the motor vehicles propelling or carrying the same, but excluding mobile homes designed for year-round occupancy or as a place of residence.

**CERTIFICATE OF COMPLIANCE**

A certificate issued by the Building Inspector upon completion of the change in use of an existing building or of a parcel of land with no buildings. Said certificate shall acknowledge compliance with all requirements of this chapter.

**CERTIFICATE OF OCCUPANCY**

A certificate issued by the Zoning Officer upon completion of construction or alteration of a building. Said certificate shall acknowledge compliance with all of the requirements of the Uniform Code.

**CHANNEL**

A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

[Added 9-13-2007 by L.L. No. 4-2007]

#### **CLEARING**

Any activity that removes the vegetative surface cover.

[Added 9-13-2007 by L.L. No. 4-2007]

#### **CLUB**

An organization catering exclusively to members and their guests, including premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain, provided that there are not conducted any vending stands, merchandising or commercial activities, except as required generally for the membership and purposes of such club or as permitted by separate ordinance or local law.<sup>[1]</sup>

#### **COMMERCIAL RECREATION**

Recreation facilities which are privately operated for gain and which are available to the general public on an individual admission or membership basis. Such uses shall include, but not be limited to, golf courses and country clubs, miniature golf courses, indoor racquetball or tennis courts, theaters, bowling alleys, skating rinks and amusement parks.

#### **COMMERCIAL RECREATION, HIGH-DENSITY (GC and ORM Districts)**

Recreation facilities that concentrate activities within a building or adjacent, immediate outdoor area, including, but not limited to, skating rinks, indoor racquetball or tennis courts, bowling alleys, miniature golf courses and amusement parks.

[Added 5-11-1995 by L.L. No. 2-1995]

#### **COMMERCIAL RECREATION, LOW-DENSITY (AR-40, R-30, ORM and GC Districts)**

Recreation facilities characterized by predominantly outdoor activities by patrons requiring significant land uses, including, but not limited to, golf courses and country clubs, outdoor tennis courts and model airplane clubs.

[Added 5-11-1995 by L.L. No. 2-1995]

#### **COMPOST PILE, RESIDENTIAL**

Any pile of organic materials of less than three cubic yards stored in the rear yard no closer than three feet from the rear property line, 15 feet from side property lines and 40 feet from any residence.

[Added 5-11-1995 by L.L. No. 2-1995]

#### **DAY-CARE CENTER**

A center designed to provide daytime care or instruction for four or more children, operated on a regular basis.

#### **DEDICATION**

The deliberate appropriation of property by its owner for general public use.

[Added 9-13-2007 by L.L. No. 4-2007]

#### **DEPARTMENT**

The New York State Department of Environmental Conservation.

[Added 9-13-2007 by L.L. No. 4-2007]

#### **DESIGN MANUAL**

The New York State Stormwater Management Design Manual, most recent version, including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

[Added 9-13-2007 by L.L. No. 4-2007]

#### **DEVELOPER**

A person who undertakes land development activities.

[Added 9-13-2007 by L.L. No. 4-2007]

#### **DEVELOPMENT**



Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, grading, filling, paving, excavation or drilling operations.

**DRIVEWAY**

A roadway providing a means of access from a street to a property or off-street parking area. An accessway may also be deemed a "driveway."

**DWELLING**

A building designed or used for one or more families. The term "dwelling" shall not be deemed to include a motel, hotel, rooming house or travel trailer.

**DWELLING, MANUFACTURED**

A factory-built residential dwelling unit designed to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations and placement on a permanent foundation and connections to utilities. Manufactured housing built after June 15, 1976, shall meet the National Manufactured Home Construction and Safety Standards as set forth by the United States Department of Housing and Urban Development.

**DWELLING, MULTIPLE-FAMILY**

A residential building designed for or occupied by three or more families living independently of each other with the number of families in residence not exceeding the number of dwelling units provided.

**DWELLING, SINGLE-FAMILY**

A detached residential dwelling unit, other than a mobile home, designed for and occupied exclusively by one or more persons living as a single, nonprofit housekeeping unit.

**DWELLING, TWO-FAMILY**

A detached residential building containing two dwelling units, designed for occupancy and used exclusively by two families living independently of each other. A duplex is a "two-family dwelling" which is designed with a common wall.

**DWELLING UNIT**

A building or portion thereof providing housekeeping facilities for a single family.

**ELEVATED BUILDING**

A nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers) or shear walls.

**EROSION CONTROL MANUAL**

The most recent version of the "New York Standards and Specifications for Erosion and Sediment Control" manual, commonly known as the "Blue Book."

[Added 9-13-2007 by L.L. No. 4-2007]

**ESSENTIAL SERVICES**

The erection, construction, alteration or maintenance by public utilities or any governmental department or commission of underground or overhead gas, electrical, telecommunications or water transmission and/or distribution systems, including poles, wires, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishings of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety or general welfare. This definition expressly excludes power generation facilities or sites for the disposal of waste materials associated with the provision of such services.

**EXCAVATION**

The process of the removal of sand, gravel, soil (including topsoil) or other natural deposits by stripping, digging or other means.

**EXCAVATION SITE**

A parcel of land used for the purpose of extracting stone, sand, gravel or topsoil for sale as an industrial or commercial operation.

**FAMILY**

One or more persons, related by birth, marriage or other domestic bond, occupying a dwelling unit and living as a single nonprofit housekeeping unit.

**FARM**

Any parcel containing at least 10 acres of land which is worked for gain in the growing of agricultural products or the raising of animals. It includes necessary farm structures within the prescribed limitations and the storage of equipment used. It excludes riding academies and livery or boarding stables and kennels. Farm activities may be permitted on parcels of land of less than 10 acres, however, such activities shall be limited to the growing of crops. No farm structures shall be permitted on parcels smaller than 10 acres.

**FARM BUILDING**

Any building used for the housing of agricultural equipment, produce, livestock or poultry or for the incidental or customary processing of farm products, and provided that such building is located on, operated in conjunction with and necessary to the operating of the farm as defined by this Article.

**FARM DWELLING**

A dwelling located on a farm and occupied by a family engaged in agricultural activities.

**FARM MARKET**

Any permanent structure for the display and sale of agricultural and nursery products grown principally by the operator.

[Added 5-11-1995 by L.L. No. 2-1995]

**FARM STAND**

Any temporary structure for the display and sale of agricultural and nursery products grown principally by the operator.

[Added 5-11-1995 by L.L. No. 2-1995]

**FENCE**

A structure of wood, masonry, wire mesh or other material, including landscaping, which prohibits or inhibits unrestricted travel or view between properties or portions of properties or between the street or public right-of-way and a property.

**FINISHED GRADE LEVEL**

The level where the finished grade of the ground intersects the foundation walls; height measurements shall be based from the finished grade level.

**FLOOD or FLOODING**

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)**

An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

**FLOOD HAZARD BOUNDARY MAP (FHBM)**

An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined but no water surface elevation is provided.

**FLOOD INSURANCE RATE MAP (FIRM)**

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the Town.

**FLOOD INSURANCE STUDY**

The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Hazard Boundary Floodway Map and the water surface elevation of the base flood.

**FLOODPROOFING**

Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation of the base flood.

**FLOOR**

The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

**FLOOR AREA, GROSS**

The sum of the gross horizontal areas of several floors of a building or buildings, measured from the inside faces of exterior walls or from the center line of walls separating two uses. For the purpose of applying the requirements for off-street parking and loading in the case of offices, merchandising or service types of uses, "gross floor area" shall not include areas used principally for nonpublic purposes, such as storage, rest rooms, fitting or alteration rooms or general maintenance or enclosed pedestrian malls or corridors.

**FLOOR AREA, HABITABLE**

The horizontal area of any floor of a building designed and intended for living purposes, which includes working, sleeping, eating, cooking or recreation or combination thereof. A floor used only for storage purposes is not a habitable floor. All dimensions shall be measured from the interior faces of exterior walls or from the center line of the base of walls separating two dwelling units.

**FUNCTIONALLY DEPENDENT USE**

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to another use (i.e. the relationship of water to docking or port facility necessary for the loading and unloading of cargo or passengers, ship building and ship repair). The term does not include long-term storage, manufacture, sales or service facilities.

**GARAGE, PRIVATE**

A building which provides for the storage of motor vehicles or household items by the occupants on the lot upon which it is erected, with no provision for repairing or servicing such vehicles for profit. A garage cannot serve as the principal use on any lot.

**GARAGES, PUBLIC OR REPAIR**

Any garage, other than a private garage, operated for gain, available to the public and which is used for the storage, repair, servicing or rental of motor vehicles.

**GRADING**

Excavation or fill of material, including the resulting conditions thereof.  
[Added 9-13-2007 by L.L. No. 4-2007]

**HIGHEST ADJACENT GRADE**

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HOME OCCUPATION**

Any occupation or profession customarily conducted entirely within a dwelling or a building accessory to the dwelling by the inhabitants thereof which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. A "home occupation" shall not be interpreted to include the following: commercial stables and kennels, restaurants, day-care services, musical and dancing

instruction to groups exceeding four pupils, convalescent homes, mortuary establishments, garages or shops for the repair of motor vehicles, retail businesses and trades and service establishments.

### **HOME PROFESSIONAL OCCUPATION**

The office of a member of a licensed profession when conducted within a dwelling or a building accessory to the dwelling by the inhabitants thereof, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Such occupations shall include, but not be limited to, those of doctors, lawyers, architects, engineers, ministers and other licensed professionals.

### **HOTEL**

See definition of "motel."

### **IMPERVIOUS COVER**

Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snowmelt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

[Added 9-13-2007 by L.L. No. 4-2007]

### **INDUSTRIAL STORMWATER PERMIT**

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

[Added 9-13-2007 by L.L. No. 4-2007]

### **INFILTRATION**

The process of percolating stormwater into the subsoil.

[Added 9-13-2007 by L.L. No. 4-2007]

### **IN-LAW APARTMENTS**

A residential unit for a family member, nonrental and containing not less than 450 square feet and not more than 550 square feet.

[Added 5-11-1995 by L.L. No. 2-1995]

### **JUNK VEHICLE**

Any vehicle not duly registered, insured or inspected.

[Added 5-11-1995 by L.L. No. 2-1995]

### **JUNKYARD**

A lot, land or structure or part thereof where junk and/or discarded or salvaged materials are bought, sold, exchanged, sorted, baled, packed, disassembled, handled or abandoned, including automobile or other vehicle or machinery, wrecking or dismantling yards; house wrecking yards; used lumber yards; places or yards for storage of salvaged house wrecking and structural steel materials and equipment; or where any unregistered motor vehicle is held outside of a completely enclosed building, whether for the purpose of resale or sale of used parts therefrom, for the purpose of reclaiming for use some or all the materials therein or for the purpose of storage or disposing of the same for any other purpose. The term "junkyard" shall not include pawn shops and establishments for the sale, purchase or storage of used furniture, household equipment and clothing or for processing of used, discarded or salvaged materials as part of manufacturing operations. Exceptions shall be as follows:

- A. New and/or used motor vehicles which are operable, qualify for a current New York State Motor Vehicle inspection sticker under Article 5 of the New York Motor Vehicle and Traffic Law and are offered for sale to the public may be stored on the premises on which new or used car sales may be conducted in accordance with the provisions of these regulations.
- B. The storage of vehicles subject to seasonal use, such as travel trailers and snowmobiles, even though such vehicles may be unlicensed during the part of the year they are not in use.
- C. The storage of agricultural equipment, machinery and vehicles in an Agricultural/Residential District which are being used in farm operations.

### **JURISDICTIONAL WETLAND**

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

[Added 9-13-2007 by L.L. No. 4-2007]

**KENNEL**

Any premises on which four or more dogs or cats six months old or older are kept, bred and/or boarded.

**LAND DEVELOPMENT ACTIVITY**

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

[Added 9-13-2007 by L.L. No. 4-2007]

**LANDOWNER**

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

[Added 9-13-2007 by L.L. No. 4-2007]

**LOADING SPACE, OFF-STREET**

Space logically and conveniently located for public pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles.

[Amended 3-28-1996 by L.L. No. 2-1996]

**LOT**

A parcel of land considered as a unit, devoted to a certain use and occupied, or capable of being occupied, by a building or group of buildings that are united by a common interest or use and the customary accessory uses and open space belonging to same.

**LOT AREA**

The square footage or acreage contained within the boundaries of a lot. Any portion of a lot included in a public road, street or highway right-of-way shall not be included in calculating "lot area."

**LOT, CORNER**

A parcel of land at the junction of and fronting on two or more intersecting streets. All "corner lots" shall be deemed to have two front yards, two side yards and no rear yard.

**LOT COVERAGE**

That percentage of the lot area which is devoted to building area.

**LOT DEPTH**

The minimum horizontal distance from the street line of a lot to its opposite rear line, measured in the general direction of the side lines of the lot.

**LOT FRONTAGE**

The front of a lot shall be construed to the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered front yards.

**LOT LINES**

The property lines bounding the lot:

**A. LOT LINE, FRONT**

The line separating the lot from a street right-of-way.

**B. LOT LINE, REAR**

The lot line opposite and most distant from the front lot line.

**C. LOT LINE, SIDE**

Any lot line other than a front or rear lot line.

**LOT OF RECORD**

A lot which is part of an approved subdivision recorded in the Office of the County Clerk or a lot described by metes and bounds, the description of which has been so recorded.

**LOT, THROUGH**

A lot which is not a corner lot and which has frontage on two streets.

**LOT WIDTH**

The distance between the side lot lines measured parallel to the street line at the front building line.

**LOWEST FLOOR**

The lowest level, including basement or cellar, of the lowest enclosed area. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement is not considered a building's "lowest floor," provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

**MAINTENANCE AGREEMENT**

A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

[Added 9-13-2007 by L.L. No. 4-2007]

**MEAN SEA LEVEL**

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**MOBILE HOME**

Any portable vehicle which is designed to be transported on its own wheels or those of another vehicle, which is used, designed to be used and capable of being used as a detached single-family residence and which is intended to be occupied as permanent living quarters containing sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities and plumbing and electrical connections for attachment to outside systems. The definition of "mobile home" includes all additions made subsequent to installation. All "mobile homes" built after June 15, 1976, shall meet the National Mobile Home Construction and Safety Standards as set forth by the United States Department of Housing and Urban Development. This definition does not include manufactured housing placed on a permanent foundation or a travel trailer.

**MOBILE HOME PARK**

A parcel of land under single ownership on which two or more mobile homes are occupied as residences or which is planned and improved for the placement of two or more mobile homes for nontransient residential use or for the sale or rental of two or more mobile home lots.

**MOTEL**

A building or buildings containing sleeping units for transient guests and providing accessory off-street parking facilities and which may include restaurant facilities and a dwelling unit for a bona fide caretaker or operator. The term "motel" includes "hotels," "auto courts," "tourist courts," "motor lodges" and similar terms. Each sleeping unit shall contain not less than 240 square feet of living space.

**MOTOR VEHICLE**

Every vehicle which is propelled by any power other than muscular power, except electrically driven invalid chairs being operated or driven by an invalid. "Motor vehicles" shall include, but not be limited to automobiles, trucks, boats, all terrain vehicles, snowmobiles, etc.

**MOTOR VEHICLE SERVICE STATION**

Any building, structure or land used to dispense, sell or offer automotive fuels, oils or accessories, including lubrication, washing, polishing or cleaning and the replacement or installation of parts and accessories to passenger automobiles or trucks not exceeding 1 1/2 tons.

**MULTIPLE-FAMILY DWELLING COMPLEX**

A series of multiple-family dwellings, designed and built as an integrated development with a common architectural style.

**NATIONAL GEODETIC VERTICAL DATUM (NGVD)**

A vertical control as corrected in 1929, used as a reference for establishing varying elevations within the floodplain.

**NEIGHBORHOOD CHARACTER**

The atmosphere or physical environment which is created by the combination of land use and buildings within an area. Neighborhood character is established and influenced by land use types and intensity, traffic generation and also by the location, size and design of structures as well as the interrelationship of all these features.

**NEW CONSTRUCTION**

A structure for which the start of construction commenced on or after the effective date of this chapter.

**NONCONFORMING BUILDING OR STRUCTURE**

Any lawful building or structure existing at the date of enactment of this chapter which in its design or location upon a lot does not conform to the regulations of this chapter for the district in which it is located.

**NONCONFORMING LOT**

A lot of record existing at the date of the enactment of this chapter which does not have the minimum width, depth or area for the district in which it is located.

**NONCONFORMING USE**

Any use of land, buildings or structures lawfully existing on the date of enactment of this chapter which does not conform to the use regulations of the district in which it is situated.

**NONPOINT SOURCE POLLUTION**

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

[Added 9-13-2007 by L.L. No. 4-2007]

**NURSERY SCHOOL**

A place providing or designed to provide daytime care or instruction for four or more children from two to five years of age away from their home for up to three hours per day.

**PARKING SPACE, OFF-STREET**

A space for the parking of an automobile and having a width of not less than 10 feet and a depth of not less than 20 feet, exclusive of passageways and driveways appurtenant thereto. Such space shall be located on the lot it is accessory to and shall have direct access to a street or public way.

**PERSON**

An individual, an association, a partnership or corporation.

[Added 3-28-1996 by L.L. No. 2-1996]

**PHASING**

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

[Added 9-13-2007 by L.L. No. 4-2007]

**POLLUTANT OF CONCERN**

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

[Added 9-13-2007 by L.L. No. 4-2007]

**PRINCIPAL BUILDING**

A building in which is conducted the main or principal use of the lot on which said building is located.

**PRINCIPALLY ABOVE GROUND**

At least 51% of the actual cash value of the structure, excluding land value, is above the ground.

**PRINCIPAL USE**

The main or primary purpose for which a building, structure or lot is to be used.

**PROJECT**

Land development activity.

[Added 9-13-2007 by L.L. No. 4-2007]

**PUBLIC AND SEMIPUBLIC BUILDINGS AND USES**

Intended to designate any one or more of the following uses, including grounds and accessory buildings necessary for their use:

- A. Churches, places of worship, parish houses and convents.
- B. Public parks, playgrounds and recreational areas, including golf courses, when authorized or operated by a governmental authority.
- C. Nursery schools, elementary schools, secondary schools, colleges or universities having a curriculum approved by the Board of Regents of the State of New York.
- D. Public libraries and museums.
- E. Fire, ambulance and public safety buildings.
- F. Hospitals for the care of human beings, nursing homes, convalescent home, homes for the adults, homes for the aged or residences for adults as the same are defined under the Public Health Law or the Social Services Law of the State of New York, provided that they are duly licensed by the State of New York.
- G. Membership corporations established for cultural, social or recreational purposes.
- H. Day-care centers approved by the New York State Department of Social Services.
- I. Municipal buildings.

**PUBLIC MARKET**

A site which provides space on a rental or fee basis for growers to sell agricultural products to the general public.

**RECHARGE**

The replenishment of underground water reserves.

[Added 9-13-2007 by L.L. No. 4-2007]

**RECREATIONAL VEHICLE**

A vehicle-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are:

**A. TRAVEL TRAILER**

A vehicular portable unit mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle and of a body width of no more than eight feet and a body length of no more than 38 feet when factory equipped for the road.

**B. CAMP TRAILER**

A portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle.

**C. TRUCK CAMPER**



A portable unit, designed to be loaded onto or affixed to the bed or chassis of a truck. "Truck campers" are of two basic types:

(1) **SLIDE-IN CAMPER**

A portable unit designed to be loaded onto and unloaded from the bed of a pickup truck.

(2) **CHASSIS-MOUNT CAMPER**

A portable unit designed to be affixed to a truck chassis.

D. **MOTORHOME**

A vehicular unit built on a self-propelled motor vehicle chassis.

**RESIDENTIAL CONVERSION**

The conversion of the use of a building from nonresidential to residential use or the structural alteration of an existing residential structure to increase the number of residential units in the structure.

**RESTAURANT**

Any establishment, however designated, at which food is sold for consumption on the premises to patrons and equipped with seating facilities and where the taking of food and drink from said building is incidental. The term "restaurant" shall include bars and taverns licensed to sell alcoholic beverages for on-premises consumption. However, a snack bar refreshment stand at a public, semipublic or community swimming pool, playground, playfield or park operated by the agency or groups or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a "restaurant."

**RESTAURANT, DRIVE-IN**

An establishment where food, soft drinks, ice cream and similar confections are sold for principal consumption outside the confines of the principal building or in automobiles, regardless of whether or not seats are provided for patrons.

**RETAIL NURSERY**

Nursery products sold retail, grown on or off site.

[Added 5-11-1995 by L.L. No. 2-1995]

**RIGHT-OF-WAY LINE**

The line determining the street or highway limit of public ownership. For the purposes of this chapter, the "right-of-way line" and the "street line" shall have the same meaning.<sup>[2]</sup>

**ROOMING HOUSE**

A dwelling other than a motel or tourist home where more than two persons are housed or lodged for hire, with or without meals.

**SALVAGE, RECYCLING, SCREENING, PROCESSING AND COMPOSTING (SRSPC) OPERATION**

Any lot, land or structure or part thereof where discarded or salvaged materials are bought, sold, exchanged, sorted, baled, packed, disassembled, handled or abandoned and/or stored or where secondhand or used property, which shall include, but not be limited to, newspaper, cardboard, plastics, automobiles or other vehicles or machinery, used lumber, rubber products, steel materials, equipment and similar items and materials or any waste material, whether composed of wood, paper, cloth, cardboard, plastics, metals, soils, stone, cement or otherwise which, taken together, exceed in bulk three cubic yards, except in residential areas, wood used for fuel and those materials used on site within a one-year period. This definition shall not include pawn shops and establishments for the sale, purchase or storage of used furniture, household equipment and clothing or for processing of used, discarded or salvaged materials as part of manufacturing operations.

[Added 3-28-1996 by L.L. No. 2-1996]

**SCREENING, PROCESSING and COMPOSTING**

Any combination of materials in excess of three cubic yards of the following: wood, soil, concrete, asphalt or any naturally occurring element.

[Added 3-28-1996 by L.L. No. 2-1996]

**SEDIMENT CONTROL**

Measures that prevent eroded sediment from leaving the site.

[Added 9-13-2007 by L.L. No. 4-2007]

**SENSITIVE AREAS**

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

[Added 9-13-2007 by L.L. No. 4-2007]

**SERVICE ROAD**

A local street which generally runs parallel to and adjacent to an arterial or collector street and which provides access to abutting properties and protection from the arterial or collector street.

**SETBACK**

The horizontal distance between the street line, rear or side lines of the lot and the front, rear or side lines of the building. All measurements shall be made at right angles to or radially from the lot lines to the building lines. Setbacks from street lines to building lines are defined as "front setbacks." Setbacks from side lot lines are "side setbacks." Setbacks from rear lot lines are "rear setbacks."

**SHOPPING CENTER**

A group of stores, shops and similar establishments occupying adjoining structures or two or more commercial buildings located on a single lot or adjacent lots, with such buildings developed as part of a single integrated development with a common architectural design.

**SIGN**

Any material, structure or part thereof, or any device attached to a building structure or painted or represented thereon, composed of lettered or pictorial matter, or upon which lettered or pictorial matter is placed and is intended for display of an advertisement, notice, directional matter or name, and includes sign frames, billboards, sign boards, illuminated signs, pennants, fluttering devices, projecting signs or ground signs.

**SIGN AREA**

The area of a sign consisting of the entire surface of any regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed, but excluding supporting or structural members not bearing advertising matter.

**SIGN, BUILDING FRONT OR FACE**

The outer surface of a building which is visible from any private or public street, highway or driveway, including window display areas.

**SIGN, BUSINESS**

A sign which directs attention to a business, profession or industry conducted upon the premises or to a commodity or service sold or offered by such business, profession or industry upon the premises where such sign is located.

**SIGN, DIRECTIONAL**

A sign that directs attention to the location of a local service or place of business.

**SIGN ERECTION**

The construction, alteration, repair, display, location or relocation, attachment, placement, suspension, affixage or maintenance of any sign, including the painting of exterior wall signs and the use of any vehicle or other substitute for a sign.

**SIGN, FREESTANDING**

A sign or sign support structure that is not attached to or part of a building or structure, including planter and ground signs.

**SIGN, ILLUMINATED**

A sign lighted by electricity, gas or other artificial light, including reflective or phosphorescent light, paint or tape.

**SIGN, LIGHTING DEVICE**

Any light, string or groups of lights located or arranged so as to cast illumination on or from a sign.

**SIGN, NONCONFORMING**

A sign which exists at the time of enactment of this chapter and which does not conform to the regulations and restrictions imposed herein.

**SIGN, OUTDOOR ADVERTISING**

A sign which directs attention to a business, profession or industry conducted or a commodity or service sold or offered on a site other than upon the premises where such sign is located.

**SIGN, PORTABLE OR MOBILE**

A sign that is designed and intended to be transported from place to place and is not permanently affixed to the ground or to a building or structure. "Portable signs" may or may not have wheels.

**SIGN, PROJECTING**

A sign which is attached to the exterior of a building or a structure beyond the surface of that portion of the building or structure to which the sign is attached and not parallel to the face of the building.

**SIGN, ROOF**

A sign constructed on or supported by the roof of any building or structure.

**SIGN, TEMPORARY**

A sign which is intended to advertise community or civic projects, real estate for sale or lease or other special events on a temporary basis.

**SIGN, TRAFFIC CONTROL**

A sign which is intended to provide directions to motorists to expedite the flow of vehicular traffic, including signs which contain such words as "exit," "entrance," "one-way," etc., or use arrows to direct the flow of traffic.

**SITE DEVELOPMENT PLAN**

A plan, to scale, showing uses and structures proposed for a parcel of land, including lot lines, streets, existing and proposed buildings and structures, topography, rights-of-way, parking areas, open space and any other information deemed necessary by any Town official or agency involved in the site development plan review and approval process.

**SMALL BUSINESS**

Any service-related business that conducts its primary profit-making activities off-site and sells products only on an incidental basis, including, but not limited to, a general contractor, landscaper or roofer.

[Added 5-11-1995 by L.L. No. 2-1995]

**SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01**

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

[Added 9-13-2007 by L.L. No. 4-2007]

**SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02**

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

[Added 9-13-2007 by L.L. No. 4-2007]

**STABILIZATION**

The use of practices that prevent exposed soil from eroding.

[Added 9-13-2007 by L.L. No. 4-2007]

**STABLE**

A building in which horses or other animals are kept for remuneration, hire or sale.

**START OF CONSTRUCTION**

The initiation, excluding planning and design, of any phase of a project which creates a physical alteration of the property, and shall include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations; or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings, storage trailers and building materials.

**STOP-WORK ORDER**

An order issued which requires that all construction activity on a site be stopped.  
[Added 9-13-2007 by L.L. No. 4-2007]

**STORAGE BUILDING, PRIVATE**

An accessory building other than a barn or garage used for the storage of goods or materials connected with a household or farm.  
[Added 5-11-1995 by L.L. No. 2-1995]

**STORMWATER**

Rainwater, surface runoff, snowmelt and drainage.  
[Added 9-13-2007 by L.L. No. 4-2007]

**STORMWATER HOTSPOT**

A land use or activity that generates higher concentrations of hydrocarbons, tracemetals or toxicants than are found in typical stormwater runoff, based on monitoring studies.  
[Added 9-13-2007 by L.L. No. 4-2007]

**STORMWATER MANAGEMENT**

The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.  
[Added 9-13-2007 by L.L. No. 4-2007]

**STORMWATER MANAGEMENT FACILITY**

One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.  
[Added 9-13-2007 by L.L. No. 4-2007]

**STORMWATER MANAGEMENT OFFICER**

An employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.  
[Added 9-13-2007 by L.L. No. 4-2007]

**STORMWATER MANAGEMENT PRACTICES (SMPs)**

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.  
[Added 9-13-2007 by L.L. No. 4-2007]

**STORMWATER POLLUTION PREVENTION PLAN (SWPPP)**

A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.  
[Added 9-13-2007 by L.L. No. 4-2007]

**STORMWATER RUNOFF**

Flow on the surface of the ground resulting from precipitation.  
[Added 9-13-2007 by L.L. No. 4-2007]

**STORY**

That portion of a building included between the surface of the floor and the ceiling next above it, having a vertical distance of at least seven feet, six inches, along the studs forming each of the exterior walls. Each story above the first story must have an area equal to at least 2/3 that of the first story. The first story is the lowest story which is 75% or more above the average level of the ground adjacent to said building.

**STORY, HALF**

That portion of a building next under a gable, hip or gambrel roof having a vertical distance between the floor and horizontal ceiling of at least seven feet, six inches, except that for habitable space under a sloping roof the minimum height above at least 50% of such floor area shall be seven feet, six inches. The area where the height is less than five feet shall not be considered in computing required floor area.

**STREET**

A public or private thoroughfare which affords the principal means of access to abutting properties.

**STREET GRADE**

The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the "street grade."

**STREET LINE**

See "right-of-way line."

**STRUCTURE**

Anything constructed or erected which requires temporary or permanent support or attachment to the ground, beneath the ground or to something having permanent location on the ground, including gasoline and oil tanks, buildings, mobile homes, fences and billboards.

**SUBSTANTIAL IMPROVEMENT**

Any repair, reconstruction, alteration and/or modification of a building, the cost of which equals or exceeds 50% of the replacement value of the building either before the improvement or repair is started or, if the building has been damaged and is being restored, before the damage occurred. The Zoning Officer shall determine the value of the improvements to be made based upon the square footage of building area added or improved. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either any project for improvement of a building to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a building listed on the National Register of Historic Places or a State Inventory of Historic Places.

**SURFACE WATERS OF THE STATE OF NEW YORK**

Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition, are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

[Added 9-13-2007 by L.L. No. 4-2007]

**SWIMMING POOL**

Any body of water or receptacle for water which has a capability of a depth of more than two feet at any point, used or intended to be used for swimming, bathing or wading and installed or constructed above or below ground.

**TELECOMMUNICATIONS TOWER**

Any freestanding structure greater than 35 feet in height, which is capable of receiving and/or transmitting signals (for the purpose of communication).

[Added 6-13-2002 by L.L. No. 2-2002]

**TEMPORARY USES**

An activity conducted for a specific limited period of time which may not otherwise be permitted by the provisions of this chapter. Examples of such uses are structures incidental to new construction which shall be removed after the completion of the construction work.

**TOPSOIL**

Soil material which is rich in organic matter and capable of supporting plant life.

**TOURIST HOME**

A dwelling in which overnight accommodations are provided or offered for transient guests for compensation. For the purpose of this chapter, the term "tourist home" shall have the same meaning as "bed-and-breakfast establishments."

**TOWER**

Includes any structure, including dish antennae, whether attached to a building or freestanding and whether guyed or self-supporting, designed to be used as or for the support of devices to be used for the transmission and/or reception of radio frequency signals, such as, but not limited to, broadcast, shortwave, citizens band, FM or television signals or wind-driven devices, such as energy converters and wind-speed and/or direction indicators.

**TRAVEL TRAILER**

See "recreational vehicle."

**UNIFORM CODE**

The New York State Uniform Fire Prevention and Building Code.

**USE, SPECIAL PERMIT**

A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relating to the neighborhood, would promote the public health, safety, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in a zoning district as a special permit use only if specific provision for such special permit use is made in this chapter.

**VARIANCE**

A relaxation of the terms of this chapter which, in the determination of the Board of Appeals, would not be contrary to the public interest and which satisfies the conditions spelled out in state law relative to the issuance of variances.

**VEHICLE**

Every device in, upon, or by which any person or property is, may be or formerly was transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

[Added 5-11-1995 by L.L. No. 2-1995]

**VETERINARY ANIMAL CLINIC OR OFFICE**

A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

**WATERCOURSE**

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

[Added 9-13-2007 by L.L. No. 4-2007]

**WATERWAY**

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

[Added 9-13-2007 by L.L. No. 4-2007]

**WINDMILL**

An alternate energy device which converts wind energy by means of a rotor to mechanical or electrical energy. A wind generator may also be deemed a windmill.

**YARD**

A required open space unoccupied and unobstructed by any structure or portion of a structure, except as may be provided by this chapter and situated between the principal building or group of buildings and the nearest lot line.

#### **YARD, FRONT**

A yard extending between the side lot lines across the front of a lot adjoining a street, situated between the street line and the front building line.

#### **YARD, REAR**

A yard extending between the side lot lines, situated between the rear line of the building and the rear lot line. In the case of through lots, there will be no "rear yards," but only front and side yards.

#### **YARD, SIDE**

A yard extending between the side building line and the nearest side lot line, situated between the front and rear yards.

[1] *Editor's Note: The definition of "cluster development" which immediately followed this definition was repealed 5-1-1995 by L.L. No. 2-1995.*

[2] *Editor's Note: The definition of "roadside stand," which immediately followed this definition, was repealed 5-11-1995 by L.L. No. 2-1995.*

## Article III. Administration and Enforcement

### § 135-8. Zoning Officer.

The duty of administering and enforcing the provisions of this chapter is hereby conferred upon the Zoning Officer, who shall have such powers as are conferred upon him by this chapter. He shall be appointed by the Town Board and shall carry out any directives from the Board relative to the duties of the position set forth in § 135-9 below. The Zoning Officer shall receive such compensation as the Town Board shall determine.

### § 135-9. Duties of the Zoning Officer.

- A. It shall be the duty of the Zoning Officer or his duly authorized assistants to cause any plans, buildings or premises to be examined or inspected to determine that they are not in violation of the provisions of this chapter. In the fulfillment of their duties, the Zoning Officer or his authorized assistants may enter any premises or building during reasonable hours in the course of his duties in accordance with state law after due written notice has been given.
- B. If the Zoning Officer shall find that any of the provisions of this chapter are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action to correct it. In his efforts to attain compliance the Zoning Officer shall have the authority to order discontinuance of illegal uses of land, buildings or structures, removal of illegal buildings or structures or of illegal additions, alterations or structural changes, stop work or discontinuance of any illegal work being done. On the serving of notice by the Zoning Officer to the owner of any property violating any of the provisions of this chapter, the certificate of occupancy or certificate of compliance, as appropriate, for such building or use shall be held null and void. A new certificate of occupancy and/or compliance shall be required for any further use of such building or premises.
- C. It shall be the duty of the Zoning Officer to issue permits and certificates to applicants who fully comply with the provisions of this chapter.
- D. The Zoning Officer shall maintain a permanent and current record of all applications for permits and certificates, his action upon same, any conditions relating thereto and any other matters considered and action taken by him. Such records shall form a part of the records of his office and shall be available for use by Town officials and for inspection by the public. The records to be maintained shall include the following:

- (1) Application file. An individual permanent file for each application for a permit or certificate provided for by this chapter shall be established at the time the application is made. Said file shall contain the following:
    - (a) One copy of the application and all supporting documents and plans;
    - (b) Notations regarding pertinent dates and fees and the like;
    - (c) As appropriate, one copy of any resolutions or actions of the Town Board, Planning Board or Zoning Board of Appeals in acting on the application; and
    - (d) The date the permit or certificate applied for was issued or denied.
  - (2) Quarterly report. The Zoning Officer shall prepare a quarterly report for the Town Board. Said report shall cite all actions taken by the Zoning Officer, including all referrals made by him; all permits and certificates issued and denied; all complaints of violation received and all violations found by him, and the action taken by him consequent thereon; and the time spent and mileage used. A copy of this quarterly report shall also be transmitted by the Zoning Officer to the Tax Assessor, Planning Board and Board of Appeals at the same time it is transmitted to the Town Board.
- E. Whenever the Zoning Officer denies a permit or certificate he shall, in writing, inform the applicant of the specific reasons for denial and instruct the applicant on the proper methods to apply for relief.
  - F. The Zoning Officer shall maintain a current list and a map of nonconforming uses to determine if discontinuance or destruction or change in use or vacancy has taken place.
  - G. The Zoning Officer shall maintain a current list and a map showing the variances and special use permits to determine if the conditions and safeguards placed on variances and special permits are being complied with.
  - H. Upon written direction from the Town Board, the Zoning Officer shall issue special use permits. Upon approval of a variance by the Board of Appeals, the Zoning Officer shall be empowered to issue the necessary permits with the specific conditions to be imposed.
  - I. The Zoning Officer shall be authorized and empowered to issue appearance tickets pursuant to the New York State Criminal Procedure Law.

## Article IV. Certificates and permits

### § 135-10. General.

- A. The certificates and permits enumerated herein are hereby established for the equitable enforcement and administration of the provisions of this chapter. A site development plan shall be a prerequisite for an application for a building permit for the erection or alteration of a building, structure or use thereof or the change in the use of any land area or existing, building or for any development activities, including the physical alteration of the land form in excess of 100 cubic yards of material or an area of more than one acre.  
[Amended 5-11-1995 by L.L. No. 2-1995]
- B. Permits issued pursuant to this section shall expire in 12 months unless the project is completed. The Zoning Officer may grant an extension for time of completion and include any conditions or requirements deemed necessary or desirable. Applicants shall justify the need for the proposed extension. Unless such an extension is requested and approved, further work as described in the canceled permit shall not proceed until a new permit has been obtained. If a project is not initiated within six months of the issuance of the permit, the permit issued shall be considered null and void.  
[Added 5-11-1995 by L.L. No. 2-1995]

### § 135-11. Site development permits.

- A. The Zoning Officer is hereby empowered under the procedures and requirements specified herein to issue a site development permit for any plans regarding the construction or alteration or demolition of any building or



part of any building, or the change in the use of any land area or part thereof, or for the change in use of any existing building or for any development activity as defined by this chapter where he shall determine that such plans are not in violation of the provisions of this chapter.

- B. No development activities shall commence nor shall any building or structure be erected, moved, added to or structurally altered or changed in use without a site development permit therefor issued by the Zoning Officer. No site development permit shall be issued by the Zoning Officer, except in conformity with the provisions of this chapter, unless he receives a written order from the Board of Appeals in the form of an administrative review or variance as provided by this chapter.
- C. All applications for site development permits shall be made in quadruplicate to the Zoning Officer on forms supplied by him in the details specified in § 135-16 of this chapter.
- D. One copy of the application and supporting documents shall be returned to the applicant by the Zoning Officer, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and all remaining copies of the application, similarly marked, shall be retained by the Zoning Officer.
- E. Where the proposed use is for the expansion or structural alteration of an existing single-family dwelling or the erection of an accessory use or structure in an agricultural or residential district, the Zoning Officer shall carefully consider the application for compliance with this chapter and may either issue or deny the permit applied for. When the application is for any other permitted use in any zone, including the physical alteration of the land form without the construction of any buildings or structure, the Zoning Officer shall, prior to the issuance of an permit, refer copies for such plans, drawings and statements to the Planning Board and the Town Engineer for review and recommendation; however, the Zoning Officer, in his discretion, may grant a permit without referral to the Planning Board and the Town Engineer for any of the following:  
[Amended 5-11-1995 by L.L. No. 2-1995]
- (1) Any site work being done on less than five acres and requiring less than 100 cubic yards of material displaced.
  - (2) Ponds of less than 1/2 acre in size.
  - (3) Any fill of less than 100 cubic yards.
- F. All site development permit applications referred to the Planning Board shall be reviewed to determine that:
- (1) The proposed site development plan is consistent with the goals and objectives of the Town's Master Plan;
  - (2) The proposed improvements are sufficient to adequately serve the proposed use;
  - (3) Adjacent properties are protected from potential negative impacts; and
  - (4) Potential adverse environmental impacts are minimized.
- G. A copy of the complete application and supporting documentation shall also be transmitted by the Planning Board Clerk to the County Planning Board for review when required under § 239-m of the General Municipal Law.  
[Amended 5-11-1995 by L.L. No. 2-1995]
- H. Prior to reaching a decision on any proposed site plan the Planning Board may conduct a public hearing on the application. Such public hearing shall be advertised in the official newspaper of the Town at least five days before the public hearing.  
[Amended 5-11-1995 by L.L. No. 2-1995<sup>[1]</sup>]

[1] *Editor's Note: This local law also provided for the deletion of former Subsections (9), (10), (11) and (12).*

## § 135-12. Supplemental regulations pertaining to site development permit approval.

- A. Expiration of site development approval. Approval of a site development permit shall expire automatically six months after approval is granted, unless work has commenced on the site.  
[Amended 5-11-1995 by L.L. No. 2-1995]
- B. Reimbursable costs. Costs incurred by the Town for consultation fees or other extraordinary expenses in connection with the review of a proposed site development plan shall be charged to the applicant in accordance with the approved fee schedule.
- C. Letter of credit. No building permit shall be issued until all improvements shown on the site development plan are installed or a letter of credit, approved by the Town Board, has been provided for the necessary improvements. The sufficiency of the letter of credit shall be determined by the board responsible for approving the permit, after consultation with the Zoning Officer, Town Engineer, Town Attorney or other officials as may be appropriate.  
[Amended 5-11-1995 by L.L. No. 2-1995]
- D. Inspection of improvements and development. The Zoning Officer shall be responsible for the overall inspection of site improvements, including coordination with the Town Engineer and other officials and agencies, as appropriate. No certificate of compliance shall be granted prior to a final inspection and determination of conformity to the site development plan and the New York State Uniform Code.
- E. Integration of site development plan approval procedure with other Planning Board approvals. Whenever the particular circumstances of a proposed development require compliance with either the special use permit procedure or the requirements of Chapter **75**, Land Use and Public Works, the Town shall integrate, to the extent possible, the requirements of this section with the procedural submission requirements for such compliances. In any case, all state permits and local land use control approvals shall be obtained prior to the issuance of a building permit.  
[Amended 5-11-1995 by L.L. No. 2-1995]

## § 135-13. Special use permits.

Upon written direction of the Town Board, the Zoning Officer is hereby empowered to issue a special use permit as provided for by this chapter.

- A. Uses permitted by special permit shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth in Article **XXII** in addition to all other requirements of this chapter. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.
- B. A special use permit shall authorize only one particular special use. The special use permit shall expire if the use shall cease for more than one year for any reason.
- C. No person shall be issued a special use permit for a property where there is an existing violation of this chapter.
- D. Before any special use permit shall be issued, the Town Board shall make written findings certifying compliance with the specific rules governing individual special permit uses and that satisfactory provisions and arrangements have been made concerning the following, where applicable:
  - (1) Ingress and egress to property and proposed structures thereon, with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.
  - (2) Off-street parking and loading areas where required, with particular attention to the items in Subsection **D(1)** above, and the noise, glare or odor effects of the special permit use on adjoining properties and properties generally in the district and the economic impact of the proposed special permit use.
  - (3) Refuse and service areas, with particular reference to the items in Subsection **D(1)** and **(2)** above.
  - (4) Utilities as appropriate, with reference to locations, availability and compatibility.
  - (5) Screening and buffering, with reference to type, dimensions and character.

- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
  - (7) Required yards and other open space.
  - (8) General compatibility with adjacent properties and other property in the zone district.
- E. All applications for special use permits shall be made in quadruplicate to the Zoning Officer on forms provided by him.
  - F. The Zoning Officer, after determining that an application is in proper form, shall transmit copies of the application and all supporting documents to the Town Planning Board and Town Engineer for review and recommendation. The Town Planning Board and the Town Engineer shall review the application and submit a written report to the Town Board within 45 days following the receipt of the proposal.
  - G. The Zoning Officer shall transmit a copy of the complete application and supporting documents to the County Planning Board for review when required under § 239-m of General Municipal Law.  
[Amended 5-11-1995 by L.L. No. 2-1995]
  - H. The application shall include a site development plan of the special permit use and subject parcel division to scale, which includes all of the data specified in § **135-16** of this chapter.  
[Amended 5-11-1995 by L.L. No. 2-1995]
  - I. If the Town Board determines that a public hearing would serve no community benefit, it shall render a decision on the proposal within 45 days of the receipt of written reports from the Town Planning Board and Town Engineer. If the application was transmitted to the County Planning Board under Article 12-B, § 239-m of the General Municipal Law, the Town Board cannot act within the first 30 days following the referral of the application to the County Planning Board unless said Board provides a written reply to the Town within the thirty-day period. The time period to make a determination may be extended by mutual agreement of the applicant and the Town Board.
  - J. If the Town Board determines that the public benefit would be served by a public hearing, said hearing shall be conducted within 45 days following the receipt of a written report from the Planning Board. Within 30 days from the date of such public hearing, the Town Board shall, by resolution, either approve or disapprove the application so heard. The thirty-day period available to make a determination may be extended by mutual agreement of the applicant and the Town Board.
  - K. In approving an application, the Town Board may impose any modifications or conditions it deems necessary to conform with the goals and objectives of the Town's Master Plan and its principles of land use and development and to protect the health, safety or general welfare of the public.
  - L. If an application is approved by the Town Board, the Zoning Officer shall be furnished with a copy of the approving resolution of the Town Board and he shall issue the permit applied for in accordance with the conditions imposed by the Board.
  - M. If any application is disapproved by the Town Board, the reasons for such denial shall be set forth in the Board resolution and a copy of such resolution shall be transmitted to the Zoning Officer. The Zoning Officer shall deny the application accordingly by providing the applicant with a copy of the Board's reasons for disapproval.
  - N. The Zoning Officer shall inspect the premises of a use authorized and approved with a special use permit not less than one time each calendar year. The inspection shall determine that the use is being operated consistent with the terms and conditions established by the Town Board in approving the permit. If the Zoning Officer shall determine that the conditions are not in compliance with the permit, the Zoning Officer shall nullify the special use permit and set forth the procedures and requirements for reestablishing the use. The use may not be operated until a new application is submitted and approved.

## § 135-14. Temporary use permits.

Upon written direction of the Town Board, the Zoning Officer is hereby empowered to issue a temporary use permit. A temporary use permit shall only be effective for a period of not to exceed three months; said permit may be extended by the Town Board not more than once, for an additional period not to exceed three months.

- A. All applications for temporary use permits shall be made in quadruplicate to the Zoning Officer on forms provided by him.
- B. The Zoning Officer, after determining that an application is in proper form, shall transmit copies of the application and all supporting documents to the Town Planning Board for review and recommendation. The Town Planning Board shall review the application and submit a written report to the Town Board within 45 days following the receipt of the proposal.
- C. The application shall include a site development plan for the temporary use and subject parcel drawn to scale which includes all of the data specified in § **135-16** of this chapter.
- D. The Town Board shall render a decision on the request within 45 days following the receipt of a written report from the Planning Board. The forty-five-day period to make a determination may be extended by mutual agreement of the applicant and the Town Board.
- E. If the Town Board determines that the public benefit would be served by a public hearing on the proposal, said hearing shall be conducted within 45 days following the receipt of a written report from the Planning Board. Within 30 days from the date of such public hearing, the Town Board shall, by resolution, either approve or disapprove the application so heard. The thirty-day period available to make a determination may be extended by mutual agreement of the applicant and the Town Board.
- F. In approving an application, the Town Board may impose any modifications or conditions it deems necessary to protect the health, safety or general welfare of the public, including the period of time for which the permit shall be valid.
- G. If an application is approved by the Town Board, the Zoning Office shall be furnished with a copy of the approving resolution of the Town Board, and he shall issue the permit applied for in accordance with the conditions imposed by the Board.
- H. If any application is disapproved by the Town Board, the reasons for said denial shall be set forth in the Board resolution and a copy of said resolution shall be transmitted to the Zoning Officer. The Zoning Officer shall deny the application accordingly by providing the applicant with a copy of the Board's reasons for disapproval.  
[Amended 5-11-1995 by L.L. No. 2-1995]

## § 135-15. Certificates of compliance.

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance shall have been issued therefor by the Zoning Officer stating that the proposed use of the building or land conforms to the requirements of this chapter.
- B. Failure to obtain a certificate of compliance shall be a violation of this chapter and punishable as provided by Article **XXIV**.
- C. Within seven days after the completion of the change in use of a building or parcel of land, the applicant shall so notify the Zoning Officer, by registered mail, stating that such action has been completed. Within 15 days of the receipt of this letter, the Zoning Officer shall conduct a final inspection of the premises to determine whether the new use complies with the requirements of this chapter. If the Zoning Officer determines that said building or use complies with the provisions herein, he shall issue a certificate of compliance. If it is determined that the provisions specified herein are not fully complied with, the Zoning Officer shall specify the violations and the terms and conditions for remedying these violations. A certificate of compliance shall not be issued until such violations are corrected.
- D. No nonconforming building or use shall be maintained, renewed, changed or extended without a certificate of compliance having first been issued by the Zoning Officer. The certificate of compliance shall state specifically

wherein the nonconforming use differs from the provisions of this chapter.

## § 135-16. Application details.

Each application for a site development permit, special use permit and temporary use permit shall be accompanied with a site plan. The materials to be submitted with each application shall clearly show the conditions on the site at the time of the application, the features of the site which are to be incorporated into the proposed use or building and the appearance and function of the proposed use or building. The application shall include the following information and plans for both "before" and "after" conditions:

- A. The location, design, dimensions, use and height of each proposed building and yard area.
- B. Property boundaries as shown on an accurate map drawn to scale, including the precise location of the center line of the road, dimensions, North arrow, date.
- C. A general location map showing the location of the property in relation to adjacent parcels and total holdings of the applicant.
- D. The location and arrangement of vehicular accessways and the location, size and capacity of all areas to be used for off-street parking.
- E. Information to describe topography and natural grades.
- F. Provisions for water supply, sewage disposal and storm drainage.
- G. The location of fire hydrants.
- H. The location and design of outdoor lighting facilities.
- I. The location and design of construction materials of all proposed signs.
- J. The location and capacity of all areas to be used for loading and unloading and the distance to the nearest intersection.
- K. The location and dimensions of sidewalks, walkways and other areas established for pedestrian use.
- L. The design and treatment of open areas, buffer areas and screening devices maintained, including dimensions of all areas devoted to lawns, trees and other landscaping devices.
- M. The location of fire and other emergency zones.
- N. Other elements integral to the proposed development as considered necessary by the Zoning Officer, Planning Board or Town Board, including a property survey, any and all requirements to comply with the State Environmental Quality Review regulations (SEQR), other community impacts and the identification of any state or county permits required for the execution of the project.

## § 135-17. Fees.

Each application for a permit provided for by this chapter shall be accompanied by a fee, payable in cash or other form of security approved by the Town Attorney. Fees shall be established annually by resolution of the Town Board.

## Article V. Board of Appeals and Planning Board

[Amended at time of adoption of Code<sup>[1]</sup>]

[1] *Editor's Note: See Ch. 1, General Provisions, Art. I.*

## § 135-18. Zoning Board of Appeals.

- A. Establishment. The Board of Appeals, heretofore created pursuant to the provisions of the Town Law, is hereby continued as now constituted. Each member of the Board of Appeals shall continue to hold office to the expiration of his present term, at which time the Town Board shall appoint a successor as provided by law.
- B. Appointment of members. The Town Board shall appoint a Board of Appeals consisting of five members and shall designate the Chairperson thereof. In the absence of a Chairperson, the Board of Appeals may designate a member to serve as Acting Chairperson. The Town Board may provide for compensation to be paid to experts, clerks and a secretary and provide for such other expenses as may be necessary and proper, not exceeding the appropriation made by the Town Board for such purpose.
- C. Term of office. Members of the Board of Appeals shall be appointed for a five-year term, with each term to expire at the end of a calendar year. The Chairperson shall be appointed annually.
- D. Vacancy in office. Appointments to fill vacancies shall be for the unexpired term of the member or members whose term or terms become vacant. Appointments to fill such vacancies shall be made in the same manner as the original appointment.
- E. General grant of power. The Board of Appeals shall perform all the duties and have all the powers prescribed by the laws of the State of New York.
- F. Meetings, minutes and records. Meetings of the Board of Appeals shall be open to the public to the extent provided in Article 7 of the Public Officers Law. The Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact and shall also keep records of its proceedings and other official actions.
- G. Filing requirements. Every rule, regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board of Appeals shall be filed in the Town Clerk's Office and shall be a public record.
- H. Assistance to Board of Appeals. The Board of Appeals shall have the authority to call upon any department, agency or employee of the Town for such assistance as shall be deemed necessary and as shall be authorized by the Town Board.

## § 135-19. Powers and duties.

- A. Jurisdiction of Board of Appeals. Except as otherwise provided in this chapter, the jurisdiction of the Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation or determination made by the Zoning Officer.
- B. Votes necessary for decision. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Officer or to grant a use or area variance.

## § 135-20. Appeal from Zoning Officer.

- A. Standing to appeal. An appeal may be made to the Board of Appeals from any person aggrieved or by an officer, board or bureau of the Town of Macedon affected thereby.
- B. Time for appeal. Such an appeal shall be taken within 60 days after the filing of any order, requirement, decision, interpretation or determination of the Zoning Officer by filing with the Zoning Officer a notice of appeal, specifying the grounds thereof and the relief sought.
- C. Contents of appeal. All appeals made to the Board of Appeals shall be in writing on forms supplied by the Zoning Officer. Every appeal shall refer to the specific provision of this chapter and shall exactly set forth the interpretation that is claimed, the plans for a special use or the details of the variance that is applied for, in addition to the following information:
  - (1) The name and address of the applicant.

- (2) The name and address of the owner of the district lot to be affected by such proposed variance or appeal.
  - (3) A brief description and location of the district lot to be affected by such proposed variance or appeal.
  - (4) A statement of the present zoning classification of the district lot in question, the improvements thereon and the present use thereof.
  - (5) A reasonably accurate description of the present improvements and the additions or changes intended to be made under the application indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.
- D. Procedure for Zoning Officer. Upon receipt of an appeal complying with the provisions of this section, the Zoning Officer shall transmit to the Board of Appeals all papers constituting the record upon which the action appealed from was taken. All fees due from the appealing party shall be paid prior to such transmittal.
- E. Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board of Appeals after the notice of appeal shall have been filed with the Zoning Officer that, by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Zoning Officer and on due cause shown.

## § 135-21. Procedure for Board of Appeals.

- A. Hearing of Appeals. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof by the publication in a paper of general circulation in the Town of a notice of such hearing, at least five days prior to the date thereof. In case of an appeal, alleging error or misinterpretation in any order or other action by the Zoning Officer, the following persons shall be notified: the applicant and the person or persons, if any, who benefit from the order, requirement, regulation or determination.
- B. Town Planning Board referral. The Board of Appeals shall refer to the Town Planning Board all appeals, including variance applications, and any other pertinent matters for review and recommendations. The Zoning Officer shall transmit to the Planning Board a copy of the notice of appeal and all papers constituting the record upon which the action appealed from was taken. Such transmittal shall be made at least 30 days before the date of the hearing on the appeal, and the Board of Appeals shall defer any decision thereon for a period of not more than 30 days, pending a report from the Planning Board.
- C. County Planning Board referral. At least five days before a hearing, the Board of Appeals shall mail notice of the appeal to the Wayne County Planning Board, if required by § 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration, as set out in § 239-m, Subdivision 1, of the General Municipal Law. The Board of Appeals shall defer any decision until 30 days after the referral or receipt of the report of the County Planning Board, whichever is earlier.
- D. Compliance with SEQRA. The Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and regulations promulgated thereunder, codified in Title 6, Part 617 of the New York Codes, Rules and Regulations.
- E. Time of decision. The Board of Appeals shall decide upon the appeal within 62 days after the conduct of the hearing. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board.
- F. Filing of decision and notice. The decision of the Board of Appeals on the appeal shall be filed in the office of the Town Clerk within five business days after the date such decision is rendered, and a copy thereof mailed to the applicant.

- G. Expiration of appeal decision. Unless otherwise specified by the Board of Appeals, a decision on any appeal for a variance or special use permit shall expire if the applicant fails to obtain any necessary building permit or comply with the conditions of said authorization permit within six months from the date of authorization.

## § 135-22. Permitted action by Board of Appeals.

- A. Interpretations, requirements, decisions and determinations. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the Zoning Officer and to that end shall have all the powers of the Zoning Officer from whose order, requirement or decision the appeal is taken.
- B. Use variances.
- (1) The Board of Appeals, on appeal from the decision or determination of the Zoning Officer, shall have the power to grant use variances, authorizing a use of that which otherwise would not be allowed or would be prohibited by the terms of this chapter. No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such necessary hardship, the applicant shall demonstrate to the Board of Appeals that:
    - (a) Under the applicable zoning regulations, the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
    - (b) The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;
    - (c) The requested use variance, if granted, will not alter the essential character of the neighborhood; and
    - (d) The alleged hardship has not been self-created.
  - (2) The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- C. Area variances.
- (1) The Board of Appeals shall have the power, upon an appeal from a decision or determination of law, to grant area variances from the area or dimensional requirements of this chapter. In making its determination, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighted against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider whether:
    - (a) An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
    - (b) The benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
    - (c) The requested area variance is substantial;
    - (d) The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
    - (e) The alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.



- (2) The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- D. Imposition of conditions. The Board of Appeals shall, in the granting of use variances, area variances and special permits, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of the zoning law and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

## § 135-23. Planning Board.

- A. Establishment. The Planning Board, heretofore created pursuant to the provisions of the Town Law, is hereby continued as now constituted. Each member of the Planning Board shall continue to hold office to the expiration of his present term, at which time the Town Board shall appoint a successor as provided by law.
- B. Powers and duties. The Planning Board shall have the following powers and duties:
- (1) To prepare and, from time to time, change the master or comprehensive plan for the development of the Town.
  - (2) To review proposals to approve or disapprove the laying out, closing off, abandonment or changes in lines of streets, highways and public areas and to make recommendations to the Town Board.
  - (3) To make investigations, maps, reports and recommendations relating to the planning and development of the Town as it seems desirable. This shall include, but not be limited to, changes in boundaries of districts, recommended changes in the provision of this chapter, other land use and development matters of importance to the Planning Board and to act on any matter lawfully referred to it by the Town Board.
  - (4) To review, act on or provide advisory reports as specified by this chapter.
  - (5) To make referrals to other Town departments, boards and/or officials to request advisory opinions to assist the Planning Board in making decisions which affect the development of the Town.
  - (6) All such powers as are conferred upon Town Planning Boards by the provisions of the Town Law as now or hereafter in effect.

## § 135-24. Alternate members.

- A. The positions of alternate members of the Zoning Board of Appeals and the Planning Board are hereby established. There shall be two such alternate members for the Board of Appeals and two such alternate members for the Planning Board.
- B. The alternate members of the Board of Appeals and the Planning Board shall serve in the absence, unavailability or inability of a regular member of such boards to serve. Copies of notices sent to regular members of the Board of Appeals and the Planning Board shall be sent to the respective alternate members. When a meeting of the Board of Appeals or Planning Board shall be duly noticed and called for discussion, if it shall become apparent that a regular member(s) of the Board will be unable to hear and deliberate upon an application, then the alternate member(s) of the Board, at the call of the Chairman or Clerk of the Board, shall be duly authorized to hear any application, to deliberate and to vote with full force and effect as if duly appointed a regular member of the Board.
- C. The alternate members of the Board of Appeals and the Planning Board shall be appointed for the same term and in the same manner as regularly appointed members.

## Article VI. Regulations Applicable to All Districts

## § 135-25. Applicability of regulations.

No building shall hereafter be erected and no existing building shall be moved, structurally altered, rebuilt, added to or enlarged, nor shall any land be used for any purpose other than those included among the uses listed as permitted uses in each zone district of this chapter and meeting the requirements set forth herein. Open space contiguous to any building shall not be encroached upon or reduced in any manner, except in conformity to the area and bulk requirements, off-street parking requirements, and all other regulations required by this chapter for the zone district in which such building or space is located. In the event of any such unlawful encroachment or reduction, such building or use shall be deemed to be in violation of this chapter, and the certificate of occupancy or certificate of compliance, as appropriate, shall become null and void.

## § 135-26. Preservation of natural features.

- A. No structure shall be built within 50 feet of the bed of a stream carrying water on an average of six months of the year, except for:
- (1) Public bridges, public waterworks and other municipal or public utility facilities.
  - (2) Such private bridges, fords, drainage conduits, embankments and similar structures as are necessary to permit access to a lot or portion thereof or as are incidental to a lawful use of a lot, provided that such structure will not have a material adverse effect on the stream, nor alter the flow of water therein, nor substantially increase the likelihood of flood or overflow in the area.
- B. No movement of earth or filling of any material shall be permitted in any district without a site development permit issued by the Zoning Officer subject to the provisions of this chapter.
- C. No person shall strip, excavate or otherwise remove topsoil for use other than on the premises from which taken, except in connection with the approved construction or alteration of a building or swimming pool on such premises or lawful excavation operations pursuant to § 135-172 of this chapter.  
[Amended 5-11-1995 by L.L. No. 2-1995]
- D. Whenever natural features such as trees, brooks, drainage channels and views interfere with the proposed use of property, the retention of the maximum amount of such features consistent with the intended use of the property shall be encouraged.

## § 135-27. Number of principal buildings per lot; use of yard and open space.

Except as specifically provided herein, no lot shall have erected upon it more than one principal building. No yard or other open space provided around any building for the purpose of complying with the provisions of this chapter shall be considered to provide a yard or open space for any other building.

## § 135-28. Final subdivision approval required; site preparation in advance of final approval.

No site preparation or construction shall be commenced until final subdivision approval has been granted by the Town and the subdivision map has been filed in the Wayne County Clerk's office or site development plan approval has been granted and all conditions of said approval have been met. In special circumstances the Town may grant approval for site preparation in advance of final approval upon application for permission to the Town. Said application shall be supported by good and sufficient reasons for starting in advance of final approval and must contain adequate surety for the performance of the work.

## § 135-29. Accessory buildings.

- A. Accessory buildings attached to a principal building shall comply with the yard requirements of this chapter for the principal building.
- B. Detached accessory buildings on corner lots may be located in a side yard subject to the side setback requirements of **Schedule I**.<sup>[1]</sup> Such accessory buildings shall be no closer to the right-of-way line than the required front setback line.  
*[1] Editor's Note: Schedule I is included at the end of this chapter.*
- C. The Zoning Officer may require detached accessory buildings to be fenced and/or buffered from adjacent properties consistent with approved site development plans, in order to protect the value of adjacent properties.

## § 135-30. Visibility at intersections.

At the intersection of two or more streets, no hedge, fence or wall (other than a single post or tree) which is higher than three feet above the ground surface, nor any obstruction to vision, including agricultural crops, shall be permitted in the triangular area formed by the intersecting street lines and a line joining each 50 feet distant from said intersection measured along the edge of the pavement.

## § 135-31. Access to public street required.

Every principal building shall have access to a public street improved to meet Town requirements. Access may be either direct or by private road or drive approved by the Town. Said road or driveway shall have a right-of-way width of not less than 30 feet and a pavement width of not less than 15 feet improved with a durable all weather surface, subject to approval by the Town Board. All structures shall be so located on lots so as to provide safe and convenient access for servicing, fire protection and required off-street parking.

## § 135-32. Buildings fronting on streets proposed for widening.

Where a building lot has frontage on a street which is proposed for right-of-way widening, the required front yard setback area shall be measured from such proposed right-of-way line.

## § 135-33. Display of goods and vending machines in required yard areas.

No business establishment shall place or display goods for purposes of sale or permit any coin-operated vending machine of any type to be placed in any location which would infringe upon the required yard areas specified in this chapter.

## § 135-34. Storage of odor-producing substances.

No manure, odor or dust-producing substances shall be permitted to be stored within 125 feet of any lot line.

## § 135-35. Corner lot front yard requirements.

For the purpose of regulating the location of buildings on corner lots, all portions of a corner lot which fronts on a public street shall be subject to the front yard requirements of the zone district in which said corner lot is located.

## § 135-36. Storage of recreational vehicles and trailers.

No front yard shall be used for the open storage of boats, vehicles, travel trailers or any other equipment. Such vehicles may be stored on the side of the building but no closer than 10 feet from the rear or side lot line.

## § 135-37. New lots including former lots with existing buildings.

When a new lot is formed so as to include within its boundaries any part of a former lot on which there is an existing building or use, the subdivision must be carried out in such a manner as will not infringe upon any of the provisions of this chapter, either with respect to any existing structures or use and any proposed structures or use or setbacks.

## § 135-38. Publicly owned property.

Nothing in this chapter shall restrict the construction, use or maintenance of public buildings, structures or facilities, parks or other publicly owned properties or the installation and maintenance of such public utilities as may be required to service any district. All facilities shall be subject to the yard requirements of this chapter and to site plan review.

## § 135-39. Fences.

Fences erected in the Town shall adhere to the following standards:

- A. No fence in a front yard of a residential district shall be erected, altered or reconstructed to a height exceeding four feet above ground level.
- B. Fences in any rear or side yard of a residential district may be erected, altered or reconstructed to a height of up to 6 1/2 feet above ground level.
- C. Fencing used to enclose a tennis court may be permitted up to 10 feet in height, provided that such fencing is not less than 25 feet from either the side or rear property line.
- D. These restrictions shall not be applied so as to restrict the erection of a wall for the purpose of retaining earth.
- E. Fences in the Office, Research and Manufacturing and Commercial Districts may be up to eight feet in height, except that they shall not exceed four feet in height in any front yard.
- F. Fences for kennels and for the purpose of enclosing farmland, horses and cattle shall not exceed eight feet in height.
- G. No fence shall be erected to encroach on any property line or upon a public right-of-way.
- H. The most finished or decorative side of any fence placed, erected or constructed on a lot shall face out from such lot toward the adjoining properties.
- I. No fence shall be erected in a special flood hazard area, except for farm fences, provided that it can be demonstrated that such fence would not restrict the flow of floodwaters nor have any impact on any buildings.

## § 135-40. On-site sewage disposal systems.

If the use of any lot or building involves the disposal of sewage or wastewater and public sewers are not available, an adequate sanitary disposal system for the same shall be installed in accordance with regulations and standards promulgated by the New York State Department of Health and at all times maintained on such lot or in lawful connection therewith. The minimum lot area otherwise required shall be increased where necessary to the extent required to provide such disposal system. Certification of approval for the installation of on-site sewage disposal systems shall be obtained from the Town Engineer prior to site plan approval.

## § 135-41. Commercial storage of waste.

Except for customary farm operations, no lot shall be used for the commercial storage or disposal of solid or liquid waste without the prior approval of the Town Board. Duly approved individual sewage disposal systems shall be excepted from this provision. Town Board approval shall be given only upon a finding that the proposed use shall not have a detrimental effect upon surrounding properties and evidence of any required permits necessary from the New York State Departments of Health and/or Environmental Conservation. The Town Board may require the submission of any documents necessary to make the foregoing finding. Consistent with the provisions of § 135-40 above, this provision shall not prohibit the storage of animal waste upon any farm.

## § 135-42. Discharges from individual sewage disposal systems.

Discharges from individual sewage disposal systems shall be in accordance with approved plans and the procedures and standards of the New York State Departments of Health and Environmental Conservation.

## § 135-43. Stormwater control.

[Amended 9-13-2007 by L.L. No. 4-2007]

- A. Definitions. The terms used in this section and Chapter 113 or in documents prepared or reviewed under this section and Chapter 113 shall have the meaning as set forth in § 135-7.
- B. Stormwater pollution prevention plans.
- (1) Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this section and Chapter 113.
  - (2) Contents of stormwater pollution prevention plans.
    - (a) All SWPPPs shall provide the following background information and erosion and sediment controls:
      - [1] Background information about the scope of the project, including location, type and size of project;
      - [2] Site map/construction drawings for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface waters; wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and locations of the stormwater discharges;
      - [3] Description of the soils present at the site;
      - [4] Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the "New York Standards and Specifications for Erosion and Sediment Control" (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP.
      - [5] Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
      - [6] Description of construction and waste materials expected to be stored on site, with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill-prevention and response;
      - [7] Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project, from initial land clearing and

grubbing to project close-out;

- [8] A site map/construction drawings specifying the locations, sizes and lengths of each erosion and sediment control practice;
  - [9] Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
  - [10] Temporary practices that will be converted to permanent control measures;
  - [11] Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
  - [12] Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
  - [13] Names of the receiving waters;
  - [14] Delineation of SWPPP implementation responsibilities for each part of the site;
  - [15] Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
  - [16] Any existing data that describes the stormwater runoff at the site.
- (b) Land development activities, as defined in § 135-7, meeting Condition A, B or C below shall also include water quantity and water quality controls (postconstruction stormwater runoff controls) as set forth in Subsection **B(2)(c)** below as applicable:
- [1] Condition A: Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
  - [2] Condition B: Stormwater runoff from land development activities disturbing five or more acres.
  - [3] Condition C: Stormwater runoff from land development activity disturbing between one and five acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.
- (c) SWPPP requirements for Conditions A, B and C:
- [1] All information in Subsection **B(2)(a)** of this section;
  - [2] Description of each postconstruction stormwater management practice;
  - [3] Site map/construction drawings showing the specific locations and sizes of each postconstruction stormwater management practice;
  - [4] Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
  - [5] Comparison of postdevelopment stormwater runoff conditions with predevelopment conditions;
  - [6] Dimensions, material specifications and installation details for each postconstruction stormwater management practice;
  - [7] Maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater management practice;
  - [8] Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall

remain in effect with transfer of title to the property;

[9] Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Subsection **D** of this section;

[10] For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meets the requirements in this section and Chapter **113**.

- (3) Other environmental permits. The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.
  - (4) Contractor certification.
    - (a) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."
    - (b) The certification must include the name and title of the person providing the signature; address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
    - (c) The certification statements shall become part of the SWPPP for the land development activity.
  - (5) A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.
- C. Performance and design criteria for stormwater management and erosion and sediment control. All land development activities shall be subject to the following performance and design criteria:
- (1) Technical standards. For the purpose of this section and Chapter **113**, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this section and Chapter **113**:
    - (a) The "New York State Stormwater Management Design Manual," (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual").
    - (b) "New York Standards and Specifications for Erosion and Sediment Control" (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the "Erosion Control Manual").
  - (2) Equivalence to technical standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in Subsection **C(1)**, and the SWPPP shall be prepared by a licensed professional.
  - (3) Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.
- D. Maintenance, inspection and repair of stormwater facilities.
- (1) Maintenance and inspection during construction.
    - (a) The applicant or developer of the land development activity or his or her representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with

the conditions of this section and Chapter **113**. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.

- (b) For land development activities as defined in § **135-7** and meeting Condition A, B or C in Subsection **B(2)(b)**, the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. Inspection reports shall be maintained in a site logbook.
  - (c) The applicant or developer or his or her representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.
- (2) Maintenance easements. Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of Macedon to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this section and Chapter **113**. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Town of Macedon.
- (3) Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this section and Chapter **113** shall ensure they are operated and maintained to achieve the goals of this section and Chapter **113**. Proper operation and maintenance also includes, as a minimum, the following:
- (a) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this section and Chapter **113**.
  - (b) Written procedures for operation and maintenance and training new maintenance personnel.
  - (c) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Subsection **C(3)**.
- (4) Maintenance agreements. The Town of Macedon shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B entitled "Sample Stormwater Control Facility Maintenance Agreement."<sup>[1]</sup> The Town of Macedon, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this section and Chapter **113** and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

[1] *Editor's Note: A copy of the sample stormwater control facility maintenance agreement is on file in the Town offices.*

## § 135-44. Structures where utility service has been discontinued.

Any structure which has been vacant or which has had utility service disconnected for 12 consecutive months shall not be used for any purpose without obtaining a new certificate of compliance.

## § 135-45. Structures destroyed by fire.

- A. Any structure determined by the Fire Department to be completely destroyed by fire shall require a new building permit before any reconstruction is started. A new certificate of occupancy shall also be required.



- B. Any structure partially destroyed by fire shall be rebuilt in accordance with this chapter and the following additional provisions:
- (1) No permit shall be required to restore/replace any portion of a structure to its same condition prior to its being damaged.
  - (2) Any change in a structure damaged by fire, including, but not limited to, size of building, bearing walls, entranceways and building materials, shall require a new building permit, and said reconstruction shall meet or exceed the Uniform Code requirements and the provisions of this chapter.

## § 135-46. Freestanding antennas and satellite dishes.

No more than one freestanding antenna and no more than one TV satellite reception dish shall be permitted on any lot in any district.

## § 135-47. Garages required for new construction.

Every single- or two-family dwelling unit (including duplexes) built after the adoption of this chapter shall be constructed on a lot with a garage, either attached or detached to the principal building, large enough to house not less than one automobile per dwelling unit.

## § 135-48. Outdoor storage of junk and/or junk vehicles.

[Added 5-11-1995 by L.L. No. 2-1995]

Except as specifically provided in § 135-187, no lot shall have upon it the outdoor storage of junk, more than one junk vehicle or the used parts of any vehicle.

## § 135-49. Location of utilities underground.

[Added 5-11-1995 by L.L. No. 2-1995]

All utilities shall be located underground.

## § 135-50. Public hearing required; deadline for start of construction.

[Added 5-11-1995 by L.L. No. 2-1995]

- A. All subdivision, site plans and land use charges require public hearing by the Planning Board.
- B. Any approval granted under this chapter shall be null and void if authorized activity is not commenced within six months of issuance.

## Article VII. Establishment and Designation of Zone Districts

### § 135-51. Establishment of districts.

The Town of Macedon is hereby divided into zoning districts as hereinafter set forth and as the same may be from time to time amended:

AR-40	Agricultural/Residential District
R-30	Residential District
R-22	Residential District

GC	General Commercial District
ORM	Office/Research/Manufacturing District
TPD	Totally Planned Development District
NCD	New Community Development District
MHD	Mobile Home District
FPO	Floodplain Overlay District
SRSPC	Overlay Salvage, Recycling, Screening, Processing and Composting District [Added 3-28-1996 by L.L. No. 2-1996]

## § 135-52. Zoning Map.

- A. There shall exist only one official **Zoning Map**, which shall be kept in the office of the Town Clerk and it shall bear the seal of the Town of Macedon, a certification that it is the official **Zoning Map** of the Town of Macedon and its date of adoption. Said **Zoning Map** shall show the boundaries of the zoning districts herein established and which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.
- B. Said **Zoning Map** shall be on material suitable for reproduction by a dry diazo copier or equivalent process. Copies of this map which may from time to time be published and distributed would be accurate only as of the date of their printing and shall bear words to that effect.
- C. Changes made in zoning district boundaries or other matters portrayed on the **Zoning Map** under the provisions set forth herein shall be permanently affixed to the **Zoning Map** promptly after the amendment has been approved by the Town Board and shall convey information as to the date and nature of the change. No amendment to this chapter which involves matters portrayed on the **Zoning Map** shall become effective until such change and entry has been made on said **Zoning Map** and has been attested by the Town Clerk.

[1] *Editor's Note: The Zoning Map is included at the end of this chapter.*

## § 135-53. Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the official **Zoning Map**, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following the municipal limits of the Town shall be construed as following such municipal limits.
- D. Boundaries indicated as following the center lines of streams or other water bodies shall be construed to follow such center lines.
- E. Boundaries indicated as parallel to or extensions of features indicated in Subsections **A** through **D** above shall be so construed. Distances not specifically indicated on the official **Zoning Map** shall be determined by the scale of the map.
- F. Where physical or cultural features on the ground are at variance with those shown on the official **Zoning Map**, or in other circumstances not covered by subsections **A** through **E** above, the Board of Appeals shall interpret the district boundaries.

## Article VIII. General District Regulations

## § 135-54. Minimum regulations.

The regulations set by this chapter shall be the minimum regulations within each district and shall apply uniformly to each class or kind of structure or use of land.

## § 135-55. Compliance required.

No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

## § 135-56. General requirements.

No building or structure shall hereafter be erected or altered which:

- A. Exceeds the height limitation for any structure within a specified district;
- B. Accommodates or houses a greater number of families;
- C. Occupies a greater percentage of lot area;
- D. Has narrower or smaller yards or other open spaces than herein required, or
- E. In any other manner is contrary to the provisions of this chapter and the requirements of the New York State Uniform Code.

## § 135-57. Use of yards and open spaces restricted.

No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with the regulations set forth herein, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building except as provided in Article **XXI**.

## § 135-58. Reduction in existing yards or lot size.

No yard or lot existing at the time of enactment of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet or exceed the minimum requirements established herein.

## Article IX. AR-40 Agricultural/Residential District

### § 135-59. General.

In an AR-40 Agricultural/Residential District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following.

### § 135-60. Permitted principal uses.

[Amended 5-11-1995 by L.L. No. 2-1995]

Permitted principal uses shall be as follows:

- A. Single-family dwellings, not to exceed one principal structure per lot.
- B. The raising, storing and packing of field, garden, orchard, nursery and vineyard crops and their sale, except that no farm building shall be erected on any plot of less than 10 acres.
- C. The keeping, breeding and raising of cattle (including dairies), sheep, goats and horses operated in conjunction with and necessary to the operation of a farm as defined herein and subject to the following restrictions:
  - (1) No structure housing up to five such animals shall be located closer than 100 feet to any street or property line.
  - (2) No structure housing more than five such animals shall be located closer than 150 feet to any street or property line.
  - (3) Wet litter disposal operations shall be permitted only under the following conditions:
    - (a) All buildings containing wet litter shall not be any closer than 150 feet to any street or property line and no closer than 750 feet to the nearest residential building on an adjacent lot.
    - (b) The storage of manure shall be subject to Planning Board approval, which may be granted after consideration of the applicable guidelines of the Soil Conservation Service.
  - (4) The keeping, breeding and raising of pigs and fowl shall be done in conjunction with and incidental to the operation of a farm as defined herein and subject to the following restrictions:
    - (a) All pigs and fowl shall be confined in shelters which are located no closer than 150 feet to any street or property line.
    - (b) Wet litter disposal operations shall be permitted only under the following conditions:
      - [1] All buildings containing pigs, fowl or litter shall not be any closer than 150 feet to any street or property line and no closer than 750 feet to then nearest residence building on an adjacent lot.
      - [2] The storage of manure shall be subject to Planning Board approval, which may be granted after consideration of the applicable guidelines of the Soil Conservation Service.

## § 135-61. Permitted accessory uses.

[Amended 5-11-1995 by L.L. No. 2-1995]

Permitted accessory uses shall be as follows:

- A. One attached private garage or carport with a maximum capacity of 1,000 square feet for the parking of automobiles of residents on the premises.  
[Amended 2-24-2005 by L.L. No. 6-2005]
- B. Customary detached accessory structures serving residential uses, including, but not limited to, private swimming pools, storage structures, sheds, pole barns, detached garages, greenhouses, pet shelters and fireplaces, all subject to the following provisions:  
[Amended 2-24-2005 by L.L. No. 6-2005]
  - (1) No more than two detached accessory structures may be located on any one parcel of land in a residential district. Detached accessory structures with less than 100 square feet of floor area shall not be included in determining the number of accessory structures on a property.
  - (2) The aggregate lot coverage by accessory structures shall not exceed 15% of the lot.
  - (3) No accessory structure may exceed the gross square footage of the principal structure, not including any attached garage or basement areas.
  - (4) No detached accessory structure in a residential district shall exceed 24 feet in height.

- (5) Detached accessory structures shall be located in the rear yard and subject to the setback requirements of **Schedule I**.<sup>[1]</sup>  
*[1] Editor's Note: Schedule I is included at the end of this chapter.*
- (6) Detached garages shall be located to the rear of the front building line of the principal building and may be located in a side yard.
- C. Customary farm accessory structures for the storage of products or equipment are subject to the provision of this chapter up to a maximum height of 35 feet; provided, however, that silos are exempt from height restrictions.
- D. The keeping, breeding and raising of cattle, sheep, goats, pigs, fowl and horses associated with residential uses subject to the following restrictions:  
[Amended 2-24-2005 by L.L. No. 6-2005]
- (1) No stable, similar animal housing or confining areas shall be allowed on lots of less than five acres.
- (2) No structure housing up to five animals shall be located closer than 100 feet to any street or 50 feet to any side or rear property line. No structure housing more than five animals shall be located closer than 150 feet to any street or 100 feet to any side or rear property line.
- (3) No stable or similar animal housing structure shall exceed 1,500 square feet of floor area.
- (4) Large animals such as horses and cattle shall not exceed one animal per acre of land, with five acres minimum required.
- (5) Small animals such as sheep, goats, fowl and pigs, shall not exceed four animals per acre of land, with five acres minimum required.
- E. Off-street parking, fencing and signs in accordance with the provisions of this chapter.
- F. Farm market structures for the display or sale of agricultural and nursery products grown principally by the operator, subject to the following restrictions:  
[Amended 12-19-1996 by L.L. No. 6-1996]
- (1) The farm must have 10 acres and be a working active farm.
- (2) Farm market structures shall not exceed 2,000 square feet of floor area.
- (3) Said structures shall conform to the minimum setback requirements for accessory buildings in this district as specified in **Schedule I**.<sup>[2]</sup>  
*[2] Editor's Note: Schedule I is included at the end of this chapter.*
- (4) Not more than 40% of the total sales floor area shall be for the display and sale of products produced off site and not less than 60% sale floor area for products produced on site. These products must be produced by the farm market owner.
- (5) Incidental uses shall include the sale of jams, jellies, baked items and ice cream, as well as accessory items with a demonstratable tie to agricultural products sold. These products must be non-brand-name cottage products with a nonbrand packaging.
- (6) Sufficient land area shall be provided to accommodate off-street parking for not less than three vehicles on site or as required in Article **XXII**, § **135-183**, of this chapter.
- G. Farm stands of a nonpermanent nature (movable and temporary) may be utilized for the sale of agricultural products grown solely by the operator during the harvest season under the following conditions:  
[Amended 12-19-1996 by L.L. No. 6-1996]
- (1) The stand shall be set back not less than 30 feet from the edge of the right-of-way line.
- (2) Sufficient land area shall be provided to accommodate off-street parking for not less than three vehicles on site.

- (3) Such stands (including signs associated with such uses) shall be removed and appropriately stored within 10 days of the end of the harvest season.
- H. The placement of any antenna shall conform to the setback, height and location requirements pertaining to an accessory structure in the relevant district.
- I. Other accessory uses not specified herein may be approved by the Planning Board, provided that the Board determines that such uses are clearly accessory to the permitted principal use and consistent with the purpose and intent of the zone district and this chapter. The Town Board shall request an advisory opinion from the Planning Board prior to acting on a request for an accessory use which is not specifically identified.

## § 135-62. Dimensional requirements.

The dimensional requirements for this district are specified in the Zoning **Schedule I** which is a part of this chapter.

[1]

[1] *Editor's Note: Schedule I is included at the end of this chapter.*

## § 135-63. Special uses.

[Amended 5-11-1995 by L.L. No. 2-1995]

The following uses may be permitted consistent with the provisions of Article **XXI**, provided that a special use permit is approved by the Town Board:

- A. Essential services, excluding power plants.
- B. Commercial excavation operations.
- C. Private airstrips.
- D. Camping grounds.
- E. Public and semipublic uses and buildings.
- F. Small businesses.
- G. Commercial recreation low-density uses.
- H. Planned business centers.

## § 135-64. Additional uses and requirements.

The following additional uses may be permitted in the AR-40 Agricultural/Residential District upon approval of the Planning Board and compliance with the requirements of this chapter and the additional development standards:

- A. Home occupations and home professional occupations. The Planning Board may approve home occupations and home professional occupations in this district, provided that the following standards are maintained:
  - (1) No more than one person other than a member of the immediate family occupying such dwelling shall be employed as part of the home occupation or home professional occupation.
  - (2) A home occupation or home professional occupation must be conducted within a dwelling which is bona fide residence of the principal practitioner or in an accessory building thereto which is normally associated with a residential use. Such home occupations may occupy either up to 30 percent of the gross floor area of the residence to be used for the conduct of the home occupation or up to 40% of the floor area of an accessory structure but not both.
  - (3) In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character, either by

- the use of colors, materials, construction, lighting, signs or the emission of sounds, noises or vibrations.
- (4) No outdoor display of goods or outside storage of equipment or materials used in the home occupation or profession shall be permitted.
  - (5) No sign shall be permitted except in accordance with the provisions of Article **XXIII**.
  - (6) Off-street parking shall be provided in accordance with Article **XXII**.
  - (7) No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.
  - (8) Not more than one home occupation or profession shall be permitted for each residential property.
- B. Kennels and veterinary animal clinics or offices. The Planning Board may approve kennels and veterinary clinics or offices in this district provided that the following standards and provisions are maintained:
- (1) The minimum lot area for kennels and veterinary animal clinics and offices with facilities for exterior runs shall be five acres. For veterinary animal clinics or offices without facilities and space for exterior runs, the minimum lot area shall be one acre.
  - (2) No structure to house animals within a kennel shall be closer than 250 feet to any street or property line.
  - (3) No outdoor area enclosed by fences for the use of animals shall be permitted within a front yard. All enclosed fence areas shall be setback not less than 150 feet from any side or rear property line.
  - (4) The Planning Board shall review and approve the structure, capacity, location, lighting, parking, landscaping and buffer screening to be provided.
- C. Rooming houses. The Planning Board may approve rooming houses in this district, provided that the following standards and provisions are maintained:
- (1) No rooming house shall provide shelter for more than four tenants who are not family members.
  - (2) Off-street parking shall be provided as follows: at least two spaces for the family residing on the premises plus not less than one additional space for each roomer.
- D. Windmills. The Planning Board may approve windmills in this district, provided that the following standards and provisions are maintained:
- (1) In addition to the application requirements specified for site development permits in § **135-11**, the site plan proposals for a windmill or wind generator shall also show:
    - (a) Location of tower on site and tower height, including blades, rotor diameter and ground clearance.
    - (b) All utility lines both above and below ground within a radius equal to the proposed tower height, including blades.
    - (c) Dimensional representation of the various structural components of the tower construction, including the base and footings.
    - (d) Design data indicating the basis of design, including manufacturer's dimensional drawings, installation and operation instructions.
    - (e) Certification by a registered professional engineer or manufacturer's certification that the tower design is sufficient to withstand wind-load requirements for structures.
  - (2) No windmill, including blades, shall extend more than 75 feet above the average ground level measured at the base of the tower.
  - (3) No more than one windmill or tower shall be permitted as an accessory use to any property.

- (4) No windmill shall be erected in any location where its overall height, including blades, is greater than the distance from its base to any property line.
  - (5) Access to the tower shall be limited either by means of a fence six feet high around the tower base, with a locking portal, or by limiting tower climbing apparatus to no lower than 12 feet from the ground.
  - (6) No windmill shall be installed in any location along the major axis of an existing microwave communications link where the operation of the windmill is likely to produce an unacceptable level of electromagnetic interference, unless the applicant provides sufficient evidence satisfactory to the Planning Board indicating the degree of expected interference and the possible effect on the microwave communications link.
  - (7) Windmills shall be located or installed in compliance with the guidelines of the Federal Aviation Regulations with regard to airport approach zones (15,503) and clearance around VOR and DVOR stations.
  - (8) All sites proposed for windmills shall have sufficient access to unimpeded air flow for adequate operation. The Siting Handbook for Small Wind Energy Conversion Systems, PNL-2521, or other nationally recognized references should be used as a guide in siting the location or towers.
  - (9) No windmill shall be installed in a location where the impact on the neighborhood character is determined by the Planning Board to be detrimental to the general neighborhood character.
  - (10) If the windmill is to be interconnected to an electric utility distribution system, the applicant shall provide evidence of approval of the proposed interconnection by the local power company.
  - (11) Towers shall be located in either a rear or side yard. Applicants seeking a side yard siting shall demonstrate that such a location is essential to the viability of the proposed investment.
  - (12) Guy wires and anchors for towers shall not be located closer than 10 feet to any property line.
  - (13) All windmills shall be designed with an automatic brake to prevent over-speeding and excessive pressure on the tower structure.
  - (14) The minimum distance between the ground and any protruding blades shall not be less than 10 feet as measured at the lowest point of the arc of the blades.
- E. Stables or riding academies. The Planning Board may approve the use of land and buildings for stables for the commercial boarding of horses or riding academies in this district, provided that the following standards and provisions are maintained:
- (1) No site preparation or construction shall commence, nor shall existing structures be occupied until final site development plan approval has been granted by the Planning Board and permits have been issued by all governmental agencies involved.
  - (2) The land devoted to this use shall not be less than 20 contiguous acres.
  - (3) The permitted use may include any of the following:  
[Amended 5-11-1995 by L.L. No. 2-1995]
    - (a) Storage of horse vans for conveying or vanning of horses as may be accessory to the principal use.
    - (b) Sale or rental of horses for use by the public by the hour, day, month or year.
    - (c) Rides on horses by the public.
    - (d) Rental of horse vans.
    - (e) Riding lessons to the public.
    - (f) Horse shows.
  - (4) One principal single-family dwelling may be located on the land devoted to this use, provided that it complies with the requirements for this chapter. The land area on which the principal single-family



dwelling is located shall not be considered as part of the land devoted to this use, as set forth in Subsection **E(2)** above.

- (5) The number of horses that may be boarded and/or trained at such property shall not exceed 25 horses for the first 20 acres of land devoted to this use, plus one horse for each additional 1/2 acre of land available for such purpose.
  - (6) The stable and the facilities for the storage of manure shall be located on the land devoted to this use and not less than 200 feet from any street or property line. The Planning Board may require manure storage areas to be screened and/or buffered from adjacent areas.
  - (7) Exercise tracks and riding rings shall meet the following requirements:
    - (a) No riding ring or exercise track shall be closer than 100 feet to any street or property line.
    - (b) Horses shall not be left unattended in any roofless area which is enclosed by a fence less than five feet in height.
  - (8) Accessory buildings such as barns (not housing horses) sheds and the like, may be located on the land devoted to this use, provided that they are set back at least 200 feet from the street line and 100 feet from each side boundary line and they are not used for the storage of manure.
  - (9) Structures on the land devoted to this use (not including the principal dwelling) shall not, in the aggregate, cover more than 5% of the area of the land devoted to this use.
  - (10) No structure shall exceed 35 feet in height.
  - (11) Suitable and adequate off-street parking shall be provided in accordance with the requirements established by the Town Board. No parking shall be permitted within 200 feet of any street or property lines.
  - (12) Exterior lighting shall be permitted only to the extent necessary to prevent injury to the public and shall be so installed and arranged as to reflect light away from adjoining streets and residential properties in order to prevent any nuisance.
  - (13) Exterior loudspeakers shall be installed or used on the premises so as to minimize potential nuisances to adjacent properties.
  - (14) No manure shall be permitted to be stored within 200 feet of any street or property line.
  - (15) The maintenance of the structures and hygienic conditions shall be under the supervision of the New York State Department of Health. If conditions are found to exist which are dangerous to the health, safety and welfare of humans or horses, or if any of the requirements of this chapter or of any condition attached to the permit issued hereunder are not complied with by the operator of the boarding stable, the permit issued hereunder may be revoked or suspended by the Town Board.
  - (16) Potable water supply and sewage disposal systems shall be provided.
- F. Duplexes. The Planning Board may approve the use of land for duplex residential structures in this district, provided that the following standards and provisions are maintained:
- (1) The minimum lot size, frontage and setback requirements shall conform to the specifications set forth in **Schedule I** of this chapter.<sup>[1]</sup>  
*[1] Editor's Note: Schedule I is included at the end of this chapter.*
  - (2) Each unit of a duplex shall be served with separate utility meters, shut-off valves and heating systems.
  - (3) In cases where eight or more duplex structures are planned for a subdivision, the Planning Board shall carefully consider the need for two access points to the subdivision and require them, if needed.
  - (4) Each duplex structure shall have its own individual driveway access to a public street.

- (5) Each dwelling unit in a duplex structure shall have not less than two off-street parking spaces. At least one of these off-street parking spaces shall be provided for in an enclosed garage.
  - (6) The minimum living area to be provided in each duplex unit shall equal or exceed the minimum area required for single-family dwellings.
  - (7) Each duplex unit shall be landscaped to effectively screen dissimilar uses from one another and to protect and enhance the overall quality of the existing neighborhood.
  - (8) The Planning Board shall determine that the neighborhood character of the site proposed for duplex units is appropriate for such use and that plans for water supply, sewage disposal and storm drainage are capable of serving the proposed use.
  - (9) The Planning Board shall determine that the street system serving the site is adequate to carry the anticipated traffic flows and that the proposal will not create a burden or nuisance for adjoining property owners.
  - (10) The Planning Board shall review and approve the amount and location of landscaping and buffer screening to be provided.
  - (11) No site preparation or construction shall commence until final site plan approval has been granted and permits issued by all governmental agencies involved.
- G. Residential conversions. The Planning Board may approve an application for the conversion of an existing structure for occupancy by not more than four families living as separate and independent housing units in this district, provided that the following standards and provisions are maintained:  
[Amended 5-11-1995 by L.L. No. 2-1995]
- (1) Any building proposed to be converted to create additional living units shall have not less than 2,400 square feet of gross floor area.
  - (2) The conversion shall comply with the requirements of the Uniform Code and this chapter.
  - (3) The minimum habitable floor area for living units shall be as follows:
    - (a) Four hundred fifty square feet for efficiency units;
    - (b) Five hundred fifty square feet for one-bedroom units;
    - (c) Eight hundred square feet for two-bedroom units; and
    - (d) Nine hundred square feet for three-bedroom units.
  - (4) For each dwelling unit proposed to be created by a conversion, the minimum lot size shall exceed the minimum required by 10%.
  - (5) The Planning Board shall determine that water supply and sanitary sewer services are adequate to support the additional density.
  - (6) The Planning Board shall determine that the street system serving the site is adequate to carry the anticipated traffic flows and that the proposal will not create a burden or nuisance for adjoining property owners.
  - (7) Not less than three off-street parking spaces shall be provided for each independent housekeeping unit.  
[Amended 5-11-1995 by L.L. No. 2-1995]
  - (8) The Planning Board shall review and approve the amount and location of landscaping and buffer screening to be provided.
  - (9) Each unit shall be served with separate utilities, meters, shut-off valves and heating systems.
- H. Tourist homes/bed-and-breakfast establishments. The Planning Board may approve the use of a residential structure for a tourist home/bed-and-breakfast establishment in this district, provided that the following

standards and provisions are maintained:

- (1) Such uses shall meet the minimum lot size, frontage and setback requirements for a two-family dwelling as specified in **Schedule I** of this chapter.<sup>[2]</sup>  
*[2] Editor's Note: Schedule I is included at the end of this chapter.*
  - (2) The building proposed for occupancy as a tourist home shall contain no more than four lodging rooms for hire.
  - (3) The operator of the tourist home shall reside on the premises.
  - (4) The applicant shall meet the requirements of the Uniform Code.
  - (5) Off-street parking space shall be provided as follows: at least two spaces shall be provided for the family residing on the premises, plus not less than one additional space for each lodging room.
  - (6) One sign up to eight square feet in area may be permitted on the premises. The sign may be freestanding or mounted on the building. If freestanding, the sign shall not be more than four feet in height. Such signs may not be illuminated, except indirectly.
  - (7) The exterior of the building shall be maintained consistent with the character of the area.
  - (8) The Planning Board shall review and approve the amount and location of landscaping and buffer screening to be provided.
- I. Public market. The Planning Board may approve the use of land for public markets in this district, provided that the following standards and provisions are maintained:
- (1) Minimum lot size, frontage and setback requirements shall conform to the specifications set forth in **Schedule I** of this chapter.<sup>[3]</sup>  
*[3] Editor's Note: Schedule I is included at the end of this chapter.*
  - (2) Items offered for sale shall principally be agricultural products grown or raised on area farms.
  - (3) The Planning Board shall determine that the character of the site is appropriate for such use and that plans for water supply, sewage disposal and storm drainage are capable of serving the proposed use.
  - (4) The Planning Board shall determine that the street system serving the site is adequate to carry the anticipated traffic flows and that the proposal will not create a burden or nuisance for adjoining property owners. The Planning Board shall specify the location, number and width of driveways deemed appropriate to serve the proposed use.
  - (5) The Planning Board shall determine that areas designated for off-street parking and for the loading and unloading of goods are adequate to accommodate the level of activity anticipated with the proposed use.
  - (6) No site preparation or construction shall commence until final site plan approval has been granted and permits issued by all governmental agencies involved.
  - (7) The Planning Board shall review and approve the amount and location of landscaping and buffer screening to be provided.
  - (8) No signs shall be permitted, except in accordance with Article **XXIII**.
  - (9) The Planning Board in approving such uses may impose other controls and operating requirements which, in its opinion, are necessary to protect public health, safety and welfare.
- J. In-law apartments. The Zoning Officer may approve the use of land for an in-law apartment in this district as an addition to an existing single-family structure for occupancy by a family member(s), provided that the following standards and provisions are maintained:  
 [Added 5-11-1995 by L.L. No. 2-1995]

- (1) Any building to which an in-law apartment is proposed to be annexed shall already conform to the required square footage for a single-family unit, and the proposed addition shall not be less than 450 square feet or more than 550 square feet.
- (2) The in-law apartment may not be used or rented by nonfamily members.
- (3) Construction must comply with the provision of the New York State Fire Prevention and Building Code and requirements of this chapter. Sanitary sewer systems must be approved by Town agencies.
- (4) Utility services shall be shared in common.
- (5) Use of the in-law apartment shall be confined to a family member, and use by anyone other than a family member is prohibited.
- (6) Use shall be strictly conditioned upon the prior issuance of a certificate of occupancy in accordance with the provisions of this chapter.

## Article X. R-30 Residential District

### § 135-65. General.

In an R-30 Residential District, no building or premises shall be used, and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following.

### § 135-66. Permitted principal uses.

Permitted principal uses shall include all uses, provisions and regulations specified for the AR-40 District.

### § 135-67. Permitted accessory uses.

Permitted accessory uses shall include all uses, provisions and regulations specified for the AR-40 District. Permitted accessory uses shall be as follows:

### § 135-68. Dimensional requirements.

The dimensional requirements for this district are specified in Zoning **Schedule I** which is made a part of this chapter. <sup>[1]</sup>

[1] *Editor's Note: Schedule I is included at the end of this chapter.*

### § 135-69. Special uses.

The following uses may be permitted consistent with the provisions of Article **XXI**, provided that a special use permit is approved by the Town Board:

- A. All uses, provisions and regulations specified for the AR-40 District.

### § 135-70. Additional uses and requirements.

The following additional uses may be permitted in the R-30 Residential District upon approval of the Planning Board and compliance with the requirements of this chapter and the following additional development standards:

- A. All uses, provisions and regulations specified for the AR-40 District.

## Article XI. R-22 Residential District

### § 135-71. Purpose.

The purpose of the R-22 Residential District is to provide an opportunity for new residential development to occur at medium densities in areas where water and sewer services are available, in locations where adequate highway facilities exist, commercial and business services are conveniently located and in areas where such densities will not adversely impact or create a burden for existing development.

### § 135-72. Requirements for rezoning.

In order to be considered for rezoning to an R-22 Residential District, the following standards and provisions shall apply.

- A. The minimum land area to be considered for rezoning to an R-22 Residential District shall be 25 contiguous acres. The rezoning of a smaller parcel to an R-22 Residential District may only be considered if the parcel is contiguous to an area already zoned R-22 Residential or contiguous to the Residential (R-1) Zoning District of the Village of Macedon.  
[Amended 5-12-1994 by L.L. No. 3-1994]
- B. No area shall be considered for rezoning to an R-22 Residential District unless public water and sanitary sewer services are available to serve the area proposed for development.

### § 135-73. Procedures for rezoning.

The procedures for amendments to this chapter specified in § 135-5 of this chapter shall be superseded by the procedures enumerated below in order for the Town Board to consider a rezoning proposal to establish an R-22 Residential District in the Town:

- A. A request to establish an R-22 Residential District shall be made to the Town Board by filing an application for rezoning, which includes a sketch plan and a completed environmental assessment form (EAF), with the Town Clerk. The Town Clerk shall refer the request to the Planning Board for consideration.
- B. The applicant shall first meet with the Planning Board to discuss design and development objectives. At this meeting, the applicant shall describe how the proposed rezoning would be integrated with and relate to neighboring land uses, site development constraints and the availability of public facilities and services. The concept plan shall be of the entire area proposed for rezoning, drawn to scale, and shall include the following information:
- (1) The principal physical characteristics of the area, including an analysis of the soils and subsoils and the location of major stands of trees, streams, floodplains, wetlands and rock outcroppings.
  - (2) The topography of the site with contour intervals of not more than five feet of elevation, portions of the area with moderate to high susceptibility to erosion, flooding or ponding and a preliminary grading plan with five-foot contour intervals.
  - (3) A written analysis of the relationship of the site proposed for rezoning to existing land use and zoning regulations within 1,000 feet of such site, including the identification of any significant parcels of vacant land and the character of nearby built-up areas.
  - (4) The proposed lotting pattern for the entire site, including:
    - (a) The total number of and general sizing of individual lots.

- (b) Estimates of vehicular traffic volumes to be generated.
  - (c) A suggested internal street system, including vehicular and pedestrian flows.
  - (d) A description of how the area will be tied to the existing street and pedestrian network.
  - (e) Estimated demands for public water and sewer services.
  - (f) A suggested layout of water, sanitary sewer and storm sewer facilities with proposed points of interconnection to existing systems.
  - (g) The identification of areas proposed for recreation and open space, including sites to be offered for dedication to the Town.
- (5) A description of the manner in which those areas of the site not proposed for dedication are to be maintained and by whom, including, but not limited to, open space, streets and lighting.
- (6) If the development is expected to be phased, a general description of the phasing plan, including the anticipated time frames for development.
- (7) A description of any covenants, grants of easements or other deed restrictions proposed to be imposed upon the use of the land, buildings or structures, including proposed easements for public utilities and drainage.
- (8) A written statement by the applicant setting forth the reasons why the proposed rezoning would be advantageous to and in the best interests of the Town of Macedon.
- (9) Any other information or documentation which the applicant deems necessary to support this application.
- C. Within 60 days of the receipt of the sketch plan, EAF and supporting documents, the Planning Board shall submit a written report to the Town Board. The Planning Board shall hold a public hearing on the sketch plan to assist it in the preparation of its report. If no report has been rendered within the sixty-day period, unless such time limit has been extended by formal action of the Town Board at the request of the Planning Board, the applicant may proceed to meet with the Town Board and request that a public hearing be scheduled on the rezoning.
- (1) A favorable report from the Planning Board shall be based on the following findings which shall be included as part of the report:
    - (a) The proposal implements the goals and policies of the Master Plan of the Town of Macedon.
    - (b) The sketch plan meets all of the requirements of this chapter.
    - (c) The proposal is conceptually sound in that it meets a community need and conforms to accepted design standards for the proposed roadway system, land use configuration, open space and drainage systems.
    - (d) Adequate public water and sewer services and utilities are available or proposed to be made available in order to properly serve the proposed development.
  - (2) An unfavorable report shall state clearly the reasons therefor and, if appropriate, point out to the applicant the conditions under which a favorable report may be issued.
- D. Upon receipt of a report from the Planning Board, the Town Board shall consider the application for the establishment of an R-22 Residential District in the same manner as any other application for amendment of the **Zoning Map**.
- E. If the Town Board approves the redistricting for the establishment of an R-22 Residential District, the **Zoning Map** shall be so amended.

## § 135-74. Use regulations.

In an R-22 Residential District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses, except the following.

## § 135-75. Permitted principal uses.

Permitted principal uses shall be as follows:

- A. Single-family dwellings, not to exceed one principal structure per lot.
- B. Cluster residential developments of one-family detached dwellings upon approval of the Town Board and compliance with the requirements of this chapter and the following additional development standards:
  - (1) The minimum tract size shall be 25 acres.
  - (2) The lot size, yard, area and height requirements shall be established on an individual case basis which reflects the unique conditions of each site proposed for development, the potential impact on adjacent properties and to ensure consistency with the Town's Master Plan. Although this provision will encourage flexibility in design, promote the efficient use of land resources and help preserve the natural and scenic qualities of open space, the following minimum standards are enacted to guide the review and approval of cluster residential developments by the Town:
    - (a) No lot in a cluster residential development may be less than 16,500 square feet in an area; no more than  $\frac{1}{3}$  of the lots may be less than 18,000 square feet in area; and no more than  $\frac{2}{3}$  of the lots may be less than 20,000 square feet in area.
    - (b) The proportional division of lot sizes specified herein shall be maintained for each individual phase of a phased project.
    - (c) Lot widths and side yards in a cluster residential development may vary in accordance with the following standards:

<b>Lot Size (square feet)</b>	<b>Corresponding Minimum Lot Width (feet)</b>	<b>Corresponding Minimum Side Yard (feet)</b>
16,500 to 17,999	85	12
18,000 to 19,999	90	15
20,000 to 21,999	95	15

- (3) The number of lots or units (density of development) in a cluster residential development plan shall not exceed that which could otherwise be created under a conventional development plan for the same tract of land.
- (4) The developers shall provide an area of not less than 20% of the gross acreage of the area to be developed under the cluster provisions to be devoted exclusively to permanent recreation or open space.
- (5) All recreation or open space areas shall be suitable for such uses in the opinion of the Planning Board. The ownership and future maintenance of such recreation areas shall be subject to the approval of the Town Board.

## § 135-76. Permitted accessory uses.

Permitted accessory uses shall be as follows:

- A. Includes all uses, provisions and regulations specified for the AR-40 District, except that structures for the display and sale of agricultural and nursery products and the keeping of farm animals shall not be permitted.

## § 135-77. Dimensional requirements.

The dimensional requirements for this district are specified in the Zoning **Schedule I** which is made a part of this chapter.<sup>[1]</sup>

[1] *Editor's Note: Schedule I is included at the end of this chapter.*

## § 135-78. Special uses.

The following uses may be permitted consistent with the provisions of Article **XXI**, provided that a special use permit is approved by the Town Board:

- A. Essential services, excluding power plants, maintenance buildings and storage yards.
- B. Public and semipublic uses and buildings.
- C. Multiple-family developments.

## § 135-79. Additional uses and requirements.

The following additional uses may be permitted in the R-22 Residential District upon approval of the Planning Board and compliance with the requirements of this chapter and the following additional development standards:

- A. Home occupations and home professional occupations in accordance with the provisions and regulations specified for the AR-40 District.
- B. Rooming houses in accordance with the provisions and regulations specified for the AR-40 District.
- C. Duplexes in accordance with the provisions and regulations specified for the AR-40 District.
- D. Residential conversions in accordance with the provisions and regulations specified for the AR-40 District.

## Article XII. GC General Commercial District

### § 135-80. Use regulations.

- A. In a GC General Commercial District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used in whole or in part for any uses except as specified herein. All permitted uses, whether principal or accessory, including storage, shall be carried out in a fully enclosed building. Such provisions shall not apply to off-street parking for registered vehicles, outdoor loading or other service activities.
- B. Whether or not listed below as a permitted use, any use which is noxious or offensive by reason of emission of odor, dust, vibration, noise, smoke, gas fumes, glare or radiation or which presents any hazard to public health or safety shall be prohibited.

### § 135-81. Permitted principal uses.

Permitted principal uses shall be as follows:

- A. Retail business establishments which are clearly of a neighborhood service character, such as, but not limited to, the following:
  - (1) Stores selling groceries, meats, baked goods and other such food items.
  - (2) Drugstores and variety stores.
  - (3) Stationery, tobacco and newspaper stores and confectionery stores.



- (4) Clothing, variety and general merchandise stores.
  - (5) Hardware, appliance, radio and television sales and service.
- B. Personal service establishments which shall include, but not be limited to, the following:
- (1) Barber and beauty shops.
  - (2) Shoe repair and fix-it shops.
  - (3) Dry-cleaning stores and laundromats.
  - (4) Business and professional offices, including, but not limited to, medical, real estate and insurance offices and banks.
- C. Theaters and assembly halls.
- D. Newspaper printing, including incidental job printing.
- E. The sale of new and used automobiles, provided that:
- (1) Such sales shall be conducted in a fully enclosed building located on the same lot and having a building area of not less than 5,000 square feet devoted to the sales and services of automobiles, or
  - (2) The sale of new and used automobiles may be carried on in an unenclosed area, provided that:
    - (a) Such area is on the same or an adjacent lot to such building. If the enclosed area is on an adjacent lot, the lot shall be not more than 200 feet from the lot with the building and shall further be:
      - [1] In the same ownership as said building;
      - [2] In a General Commercial (GC) District; and
      - [3] Used for no other purpose.
    - (b) Such unenclosed area shall be paved, shall be suitably drained and shall be maintained in a neat and orderly manner.
    - (c) All exterior illumination shall be approved by the Planning Board and shall be shielded from the view of all surrounding properties and streets.
    - (d) Suitable landscaping and/or fencing of such unenclosed area shall be required.
    - (e) As used in this section, the sale of new automobiles shall be deemed to mean only the sale of such automobiles under a franchise granted to the person, firm or corporation conducting such business by an automobile manufacturer. Used automobiles shall be sold only in connection with the sale of new automobiles.
    - (f) No establishment for the sale of new and used automobiles shall be opened, conducted or maintained, except as provided above. None of the provisions of this section, however, shall be deemed to prohibit the continuance of the present use of any property for the sale of new and used automobiles, provided that any such continued use shall be subject to all of the provisions of this section. Plans for any changes required to bring about such conformance shall be submitted to and approved by the Planning Board before any such change shall be made. The Planning Board may approve, modify or disapprove such plans and may impose reasonable and appropriate conditions to such approval so that the spirit of this chapter shall be observed.
- F. Bus and railroad stations.
- G. Laundromats and dry cleaners.
- H. Building supply and farm equipment stores and retail nurseries.  
[Amended 5-11-1995 by L.L. No. 2-1995]

- I. Electrical, heating, plumbing or woodworking shops.
- J. Assembling, converting, altering, finishing, cleaning or any other processing of products, provided that:
  - (1) Goods so produced or processed are to be sold at retail, exclusively on the premises.
  - (2) Space used for such purposes shall not occupy more than 20% of the area devoted to retail sales, shall be clearly incidental to such retail use and shall be fully concealed from any street.
  - (3) Not more than two persons shall be engaged in such production/processing at any one time.
- K. Public markets.
- L. Funeral parlors.
- M. Hotels and motels.
- N. Commercial storage buildings providing space for rent.
- O. Veterinary animal clinics or offices with interior operations only.
- P. Other business uses which, in the opinion of the Town Board are similar in nature and scale to those permitted above. Prior to making such a determination, the Town Board shall request an advisory opinion from the Planning Board.

## § 135-82. Combination residential and business uses.

Upon the approval of the Town Board a principal building may contain a combination of residential and business uses, provided that such residential uses are accessory to the business conducted and located elsewhere than on the street frontage of the ground floor and having a minimum habitable area as required in **Schedule II**.<sup>[1]</sup>

[1] *Editor's Note: Schedule II is included at the end of this chapter.*

## § 135-83. Existing lawful residential uses.

[Added 5-11-1995 by L.L. No. 2-1995]

Residential uses in lawful existence as of the date of the adoption of this chapter may be continued as of right. Such uses may be modified so long as such modification uses conform to the provisions set forth in Article **XX** of this chapter and related sections. Such residential uses and lots shall be exempt from the limitations set forth in Article **XX** of this chapter, except in the case of abandonment as specified in § **135-166**.

## § 135-84. Permitted accessory uses.

[Amended 5-11-1995 by L.L. No. 2-1995]

Permitted accessory uses shall be as follows:

- A. Private garages and storage buildings that are necessary to store any vehicles, equipment or materials on the premises and that are used in conjunction with a permitted business use.
- B. Off-street parking, loading and unloading facilities, signs, fences and landscaping, subject to the provisions of this chapter.
- C. Farm markets and farm stands subject to the provisions of § **135-61F** and **G** of this chapter.
- D. Other business uses as approved by the Planning Board.

## § 135-85. Dimensional requirements.

The dimensional requirements for this district are specified in the Zoning **Schedule I** which is a part of this chapter.

[1]

[1] *Editor's Note: Schedule I is included at the end of this chapter.*

## § 135-86. Special uses.

The following uses may be permitted consistent with the provisions of Article **XXI**, provided that a special use permit is approved by the Town Board:

- A. Essential services, excluding power plants, maintenance buildings and storage yards.
- B. Motor vehicle service stations and auto repair shops.
- C. Car wash establishments.
- D. Restaurants and taverns.
- E. Off-street parking above and below ground.
- F. Commercial recreation, high-density uses.

[Added 5-11-1995 by L.L. No. 2-1995<sup>[1]</sup>]

[1] *Editor's Note: This local law also provided for the deletion of former Subsection D(4), Commercial/recreation, and the renumbering of Subsections D(5) and (6) to become D(4) and (5), respectively.*

- G. Commercial recreation, low-density uses.
- [Added 5-11-1995 by L.L. No. 2-1995]

- H. Multiple-family developments.
- [Added 5-11-1995 by L.L. No. 2-1995]

## § 135-87. Other provisions and requirements.

The following other provisions and requirements shall regulate uses in the GC District:

- A. The gross aggregate floor area of all buildings on a single parcel of land shall not exceed two times the area of the lot on which such building(s) is located.

## Article XIII. ORM Office/Research/Manufacturing District

### § 135-88. General use regulations.

In an ORM Office/Research/Manufacturing District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be or used in whole or in part for any uses except as specified herein. All permitted uses, whether principal or accessory, including storage, shall be carried out in a fully enclosed building. Such provisions shall not apply to off-street parking for registered vehicles, outdoor loading or other service activities.

### § 135-89. Permitted principal uses.

- A. Any use of an industrial nature is permitted which involves only the processing, assembly, compounding or packaging of previously prepared or refined materials, provided that at no time shall such use result in or cause:
  - (1) Dissemination of dust, smoke, smog, observable gas, fumes or odor or other atmospheric pollution, objectionable noise, glare or vibration that will be evident beyond the property line.

- (2) Hazard of fire or explosion or other physical hazard to any adjacent building or any land area adjacent to the site of the use.
  - (3) Violation of applicable standards or regulations adopted and enforced by any federal, state, county or Town environmental or health agency or legislative body. Violation of such standards shall result in the revocation of an existing certificate of occupancy and/or certificate of compliance and the immediate cessation of operations. The correction of the violation and new certificates shall be a prerequisite to the resumption of such industrial operations.
- B. The following uses are indicative of those which are intended to be permitted:
- (1) Manufacture of machinery such as cash registers, typewriters, calculators, software products, computers and other high-tech products and other office machines.
  - (2) Fabrication of metal products, such as baby carriages, bicycles, metal foil, tin, aluminum, gold, etc., metal furniture, musical instruments, sheet metal products and toys.
  - (3) Fabrication of paper products, such as bags, book bindings, boxes and packaging materials, office supplies and toys.
  - (4) Fabrication of wood products, such as bolts, boxes, cabinets and woodworking, furniture and toys.
  - (5) Food and associated industries, such as bakeries, bottling of food and beverages, food and cereal mixing and milling, food processing, food sundry manufacturing, ice cream manufacturing and manufacturing of spirituous liquor.
  - (6) The warehousing or storage of goods and products, such as building materials, farm supplies and the like, which may be sold from the premises to the general public. The bulk storage of fuel for resale from the premises is prohibited; however, such storage is permitted for resale off the premises upon the following conditions:  
[Amended 11-9-2000 by L.L. No. 6-2000]
    - (a) The total capacity (including unusable buffer capacity) of tanks(s) used for bulk fuel storage shall not exceed 110,000 United States gallons.
    - (b) Any fuel storage facility or tank shall be no more than 40 feet in height, located at least 500 feet from any residential structure and adequately screened from view of such structure, located 500 feet from any public right-of-way and at least 25 feet from any property line.
    - (c) Any fuel storage facility or tank, upon cessation of use for off-site resale of fuel, shall be emptied of all contents.
- C. Permitted principal uses shall be as follows:
- (1) Office buildings for executive, engineering and administrative purposes.
  - (2) Scientific or research laboratories devoted to research, design and/or experimentation and processing and fabricating incidental thereto.
  - (3) The compounding and processing of pharmaceutical and cosmetic products.
  - (4) Commercial storage buildings providing space for rent.
  - (5) Warehousing and distribution facilities.
  - (6) Other uses which, in the opinion of the Town Board, are similar in nature and scale to those permitted above. Prior to making such a determination, the Town Board shall request an advisory opinion from the Planning Board.

## § 135-90. Existing lawful residential uses.

[Added 5-11-1995 by L.L. No. 2-1995]

Residential uses in lawful existence as of the date of the adoption of this chapter may be continued as of right. Such uses may be modified so long as such modifications conform to the provisions set forth in Article **IX** of this chapter and related sections. Such residential uses and lots shall be exempt from the limitations set forth in Article **XX** of this chapter, except in the case of abandonment as specified in § **135-166**.

## § 135-91. Permitted accessory uses.

[Amended 5-11-1995 by L.L. No. 2-1995]

Permitted accessory uses shall be as follows:

- A. Private garages and storage buildings that are necessary to store any vehicles, equipment or materials on the premises and that are used in conjunction with a permitted use.
- B. Off-street parking, loading and unloading facilities and signs, fences and landscaping subject to the provisions of this chapter.
- C. Farm markets and farm stands subject to the provisions of § **135-61F** and **G** of this chapter.
- D. Other business uses that, in the opinion of the Town Board, are similar in nature and scale to those permitted above. Prior to making such a determination, the Town Board shall request an advisory opinion from the Planning Board.

## § 135-92. Dimensional requirements.

The dimensional requirements for this district are specified in Zoning **Schedule I**, which is a part of this chapter.<sup>[1]</sup>

[1] *Editor's Note: Schedule I is included at the end of this chapter.*

## § 135-93. Special uses.

[Amended 5-11-1995 by L.L. No. 2-1995]

The following uses may be permitted consistent with the provisions of Article **XXI**, provided that a special use permit is approved by the Town Board.

- A. Essential services, excluding power plants.
- B. Motor vehicle service stations and auto repair shops.
- C. Planned business centers.
- D. Above- and below-ground off-street parking
- E. Commercial recreation, high-density.
- F. Commercial recreation, low-density.
- G. Solid waste landfills.  
[Added 2-24-2005 by L.L. No. 4-2005]
- H. Camping grounds.  
[Added 6-14-2012 by L.L. No. 4-2012]

## § 135-94. Other provisions and requirements.

The following other provisions and requirements shall regulate uses in the ORM District:

- A. Residential uses shall be prohibited.  
[Amended 2-24-2005 by L.L. No. 4-2005]
- B. Incidental storage out of doors may be permitted, provided that such materials are shielded from view from public streets and adjacent off-street parking areas by fencing, landscaping or other appropriate measures.
- C. All uses permitted shall set aside not less than 20% of the lot area to be devoted to seeding, planting, retention of tree cover or other landscaping. This area shall be used for no other purposes.
- D. Each use shall provide truck loading and unloading areas in an amount sufficient to permit the transfer of goods and products in other than a public street, off-street parking area or front yard.
- E. Parking areas may be located in any of the required yard areas, provided that they are not less than 75 feet from a right-of-way line or 30 feet from any other property line.
- F. The gross aggregate floor area of all buildings on a single parcel of land shall not exceed two times the area of the lot on which such building(s) is located.

## Article XIV. TPD Totally Planned Development District

### § 135-95. Intent.

- A. It is the intent of this article to provide flexible land use and design regulations through the use of performance criteria so that large scale neighborhoods may be developed within the Town that incorporate a variety of residential types and nonresidential uses, and contain both individual building sites and common property which are planned and developed as a unit. Such a planned unit is to be designed and organized so as to be capable of satisfactory use and operation as a separate entity without necessarily needing the participation of other building sites or other common property in order to function as a neighborhood. This Article specifically encourages innovations in residential development so that the growing demands for housing at all economic levels may be met by greater variety in type, design and siting of dwellings and by the conservation and more efficient use of land in such developments.
- B. This Article recognizes that, while the standard zone function (use and bulk) and the subdivision function (platting and design) are appropriate for the regulation of land use in areas of neighborhoods that are already substantially developed, these controls represent a type of preregulation, regulatory rigidity and uniformity which may be harmful to the techniques of land development contained in the totally planned development concept. Further, this Article recognizes that a rigid set of space requirements along with bulk and use specifications would frustrate the application of this concept. Thus, where TPD techniques are deemed appropriate through the rezoning of land to a Totally Planned Development District by the Town Board, the set of use and dimensional specifications elsewhere in this chapter are herein replaced by an approval process in which an approved plan becomes the basis for continuing land use controls.

### § 135-96. Objectives.

In order to carry out the intent of this Article, a TPD shall achieve the following objectives:

- A. A maximum choice in the types of environment, occupancy tenure (e.g., cooperatives, individual ownership, condominium, leasing), types of housing, lot sizes and community facilities available to existing and potential Town residents.
- B. More usable open space and recreation areas.
- C. More convenience in location of accessory commercial and service areas.
- D. The preservation of trees, outstanding natural topography and geologic features and prevention of soil erosion.

- E. A creative use of land and related physical development which allows an orderly transition of land from rural to urban uses.
- F. An efficient use of land resulting in small networks of utilities and streets and thereby lower housing costs.
- G. A development pattern in harmony with the objectives of the Macedon Master Plan.
- H. A more desirable environment than would be possible through the strict application of other sections of this chapter.

## § 135-97. General requirements.

- A. Minimum area. Under normal circumstances, the minimum area requirements to qualify for a Totally Planned Development District shall be 100 contiguous acres of land. Where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this Article, the Planning Board may consider projects for review with less acreage.
- B. Ownership. The tract of land for a project may be owned, leased or controlled by a single person, a corporation or by a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.
- C. Location of TPD District. The TPD District shall be applicable to any area of the Town where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this Article.

## § 135-98. Permitted uses.

All uses within an area designated as a TPD District are determined by the provisions of this Article and the approval of the project concerned.

- A. Residential uses. Residences may be of any variety of types. In developing a balanced community, the use of a variety of housing types and densities shall be deemed most in keeping with this Article. In keeping with the objectives found in § 135-98A and F, the developer must demonstrate that he is reaching as broad a market as possible. In making these determinations, the Planning Board shall consider the size of the site, its location with respect to community services and facilities, transportation and area-wide market surveys as are available from several sources in Wayne County. Developers may avail themselves of such state, federal and other housing programs as may be available to accomplish these objectives.
- B. Service and other nonresidential uses may be permitted (or required) where such uses are designed primarily to serve the residents of the TPD. Such uses may include:
  - (1) Retail business establishments which are clearly of a neighborhood service character such as, but not limited to, the following:
    - (a) Stores selling groceries, meats, baked goods and other such food items.
    - (b) Drugstores and variety stores.
    - (c) Stationery, tobacco and newspaper stores and confectionery stores.
  - (2) Personal service establishments which are clearly of a neighborhood service character such as, but not limited to, the following:
    - (a) Barber and beauty shops.
    - (b) Shoe repair and fix-it shops.

## § 135-99. Customary accessory or associated uses.

Accessory uses such as private garages, off- street parking, including storage space for auxiliary vehicles such as travel trailers, campers, boats and snowmobiles, recreational and community activities, churches and schools shall also be permitted as appropriate to the TPD concept.

## § 135-100. Intensity of land use.

Because land is used more efficiently in a TPD, improved environmental quality can often be produced with a greater number of dwelling units per gross building area than usually permitted in traditionally zoned districts. The Town Planning Board shall determine in each case the appropriate land use intensity and/or dwelling unit density for individual projects. In most cases, however, the gross density shall not exceed four dwelling units per acre. The determination of land use intensity ratings or dwelling unit densities shall be completely documented, including all facts, opinions and judgments justifying the selection of the rating or density. Generally, however, at least 30% of TPD dwelling units should be detached, single-family units.

## § 135-101. Common property in the TPD.

Common property in a TPD is a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which is shared by the owners and occupants of the individual building sites. When common property exists, unless approved by the Town as a public property, the ownership of such property shall either be public or private. When common property exists in private ownership, satisfactory arrangements must be made for the improvement, operation and maintenance of such common property and facilities, including private streets, drives, service and parking areas and recreational and open space areas, and the Town Board reserves the right to approve or disapprove such arrangements.

## § 135-102. Application procedure and zoning approval process.

Whenever any totally planned development is proposed, before any permit for the erection of a permanent building in such totally planned development shall be granted, and before any subdivision plat of any part thereof may be filed in the office of the Wayne County Clerk, the developer or his authorized agent shall apply for and secure approval of such totally planned development in accordance with the following procedures:

### A. Application for sketch plan approval:

- (1) Requirements. In order to allow the Town Board and the developer to reach an understanding on basic design requirements prior to detailed design investment, the developer shall submit two copies of a sketch plan of this proposal to the Town Board, which will refer the same to the Planning Board for review. The sketch plan shall be approximately to scale, though it need not be to the precision of a finished engineering drawing, and it shall clearly show the following information:
  - (a) The location of the various uses and their areas in acres.
  - (b) The general outlines of the interior roadway system and all existing rights-of-way and easements, whether public or private.
  - (c) Delineation of the various residential areas indicating for each such area its general extent, size and composition in terms of total number of dwelling units, approximate percentage allocation by dwelling unit type (i.e., single-family detached, duplex, townhouse, garden apartments, high-rise) and general description of the intended market structure (i.e., luxury, middle-income, moderate-income, elderly units, family units, etc.), plus a calculation of the residential density in dwelling units per gross acre (total area including interior roadways) for each such area.
  - (d) The interior open space system.
  - (e) The overall drainage system.



- (f) If grades exceed 3% or portions of the site have moderate to high susceptibility to erosion or a moderate to high susceptibility to flooding and ponding, a topographic map showing contour intervals of not more than five feet of elevation, along with an overlay outlining the above susceptible soil areas, if any.
  - (g) Principle ties to the community at large with respect to transportation, water supply and sewage disposal.
  - (h) General description of the provision of other community facilities such as schools, fire protection services and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.
  - (i) A location map showing uses and ownership of abutting lands.
- (2) Documentation to accompany the sketch plan:
- (a) Evidence of how the developer's particular mix of land uses meets existing community demands to include area-wide as well as local considerations.
  - (b) Evidence of the developer's compliance with the provisions of Article **XV** with respect to the provision of an adequate mix of housing.
  - (c) Evidence that the proposal is compatible with the goals of local and area-wide Master Plans.
  - (d) A general statement as to how common open space is to be owned, used and maintained.
  - (e) If the development is to be staged, a general indication of how the staging is to proceed. Whether or not the development is to be staged, the sketch plan shall show the intended total project.
  - (f) Evidence to demonstrate the applicant's competence to carry out the plan and his awareness of the scope of such a project, both physical and financial, including payment of suitable fees.
- (3) The Planning Board shall review the sketch plan and its related documents with the applicant and shall render either a favorable report to the Town Board or an unfavorable report to the applicant, after consultation with the County Planning Board.
- (a) A favorable report shall include a recommendation to the Town Board that a public hearing be held for the purpose of considering TPD districting. Such a report shall be based on the following findings which shall be included as part of the report:
    - [1] The proposal conforms to the Master Plan.
    - [2] The proposal meets the intent and objectives of Totally Planned Development as expressed in §§ **135-97** and **135-98**.
    - [3] The proposal meets all the general requirements of § **135-99**.
    - [4] The proposal is conceptually sound in that it meets local and area-wide needs and it conforms to accepted design principals in the proposed functional roadway and pedestrian system, land use configuration, open space system, drainage system and scale of the elements both absolutely and to one another.
    - [5] There are adequate services and utilities, including sewers available or to be made available in the construction of the development, with the costs incurred by the developer.
  - (b) An unfavorable report shall clearly state the reason for such a finding.
- B. Application for TPD districting:
- (1) Upon receipt of a favorable report from the Planning Board, the Town Board shall set a date for and conduct a public hearing for the purpose of considering TPD districting for the applicant's plan in accordance with the procedures established under § 264 of the Town Law or other applicable law. Said public hearing shall be conducted within 45 days of the receipt of the favorable report.

- (2) The Town Board shall refer the application to the County Planning Board for its analysis and recommendations pursuant to the provisions of § 239-m of the General Municipal Law and the provisions of this Article, and the Town Board shall also refer the application to the Town Engineer for his review.
    - (a) The Town Board shall give the County Planning Board at least 30 days to render its report.
    - (b) The Town Engineer shall submit a report to the Town Board within 30 days of the referral duly noting the feasibility and adequacy of those design elements under his sphere of interest. This report need only concern itself at this time with general conceptual acceptance or disapproval, as the case may be, and in no way implies any future acceptance or disapproval, as the case may be, and in no way implies any future acceptance or reflection of detailed design elements as will be required in the later site plan review stage. The Town Engineer may also state in his report any other conditions or problems that must be overcome before consideration of acceptance on his part.
  - (3) Within 45 days after the public hearing, the Town Board shall render its decision on the application.
- C. Zoning for totally planned development. Upon approval of the application by the Town Board, the area in question shall be conditionally rezoned as a TPD District, subject to final approval by the Town Board as set forth in § **135-105**, and the **Zoning Map** shall be so noted. The Town Board may, if it feels it necessary in order to fully protect the public health, safety and welfare of the community, attach to its zoning resolution any additional conditions or requirements for the applicant to meet. Such requirements may include, but are not limited to, visual and acoustical screening; land use mixes; order of construction and/or occupancy; circulation systems, both vehicular and pedestrian; availability of sites within the area for necessary public services such as schools, fire houses and libraries; protection of natural and/or historic sites; and other such physical or social demands. Following review of the recommendations by the Planning Board, the Town Board shall, at this time, approve the density standards for the development.

## § 135-103. Site development plan approval process.

- A. Application for preliminary site development plan review shall be made to the Planning Board and shall be accompanied by the following information prepared by a licensed engineer, architect and landscape architect:
- (1) An area map showing the applicant's entire holdings, that portion of the applicant's property under consideration and all properties, subdivisions, streets and easements within the applicant's property.
  - (2) A topographic map showing contour intervals of not more than five feet of elevation shall be provided.
  - (3) A preliminary site plan including the following information:
    - (a) Title of drawing, including name and address.
    - (b) North point, scale and date.
    - (c) Boundaries of the property plotted to scale.
    - (d) Existing watercourses.
    - (e) A site plan showing:
      - [1] The location, proposed use and height of all buildings.
      - [2] The location of all parking and truck-loading areas, with access and egress drives thereto.
      - [3] The location and proposed development of all open spaces including parks, playgrounds and open space reservations.
      - [4] The location of outdoor storage, if any.
      - [5] The location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.

- [6] The description of method of sewage disposal and location of such facilities.
  - [7] The location and size of all signs.
  - [8] The location and proposed development of buffer areas.
  - [9] The location and design of lighting facilities.
  - [10] The amount of building area proposed for nonresidential uses, if any.
- (4) A tracing overlay showing all soils areas and their classifications and those areas, if any, with moderate to high susceptibility to flooding and moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation.
- B. County Planning Board review. Upon receipt of the application for Preliminary Site Development Plan approval, the Planning Board shall refer said application to the County Planning Board for its report to the Planning Board within 30 days of receipt of said referral.
- C. Factors for consideration. In its review, the Planning Board may consult with the Town Engineer and other Town and county officials as well as with representatives of federal and state agencies, including the Soil Conservation Service. The Planning Board may require the exterior design of all structures be made by, or under the direction of, a registered architect whose seal shall be affixed to the plans. The Planning Board may also require such additional provisions and conditions that appear necessary for the public health, safety and general welfare, including, but not limited to, the following:
- (1) Adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic and pedestrian convenience.
  - (2) Adequacy and arrangement of pedestrian traffic access and circulation, including intersections, road widths, channelization structures and traffic controls.
  - (3) Location, arrangement, appearance and sufficiency of off-street parking and loading.
  - (4) Location, arrangement, size and design of buildings, lighting and signs.
  - (5) Relationship of the various uses to one another and their scale.
  - (6) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or a noise buffer between adjacent uses and adjoining lands.
  - (7) Adequacy and distribution of usable open space for playgrounds and informal recreation.
  - (8) Adequacy of stormwater and sanitary waste disposal facilities.
  - (9) Adequacy of structures, roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion.
  - (10) Protection of adjacent properties against noise, glare, unsightliness or other objectionable features.
  - (11) Compliance with the provisions of SEQR.
  - (12) Conformance with other specific charges of the Town Board which may have been stated in the zoning resolution.
  - (13) Location and design of erosion and sediment control structure.
- D. Action on preliminary site development plan application. No grading or physical modification of the site shall begin until the developer has received preliminary site plan approval. Failure to comply shall be construed as a violation of this chapter.
- (1) Within 45 days of the receipt of an application for preliminary site development plan approval, the Planning Board shall make its recommendations to the Town Board. Failure to render a decision within said period shall be deemed to be approval by the Planning Board.

- (2) The Planning Board's action shall be in the form of a written statement to the Town Board.
- (3) A copy of the appropriate minutes of the Planning Board shall be a sufficient report.
- (4) The Planning Board's statement may include recommendations for changes to be incorporated in the final site development plan and to be conditions of approval. Such recommendations shall be limited, however, to siting and dimensional details with general use areas and shall not significantly alter the sketch plan as it was approved in the zoning proceedings.
- (5) If the preliminary site development plan is disapproved, the Planning Board's statement shall contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site development plan and resubmission of the preliminary site plan to the Planning Board after it has been revised or re-designed.

## § 135-104. Request for changes in sketch plan.

If, in the site development plan process, it becomes apparent that certain elements of the sketch plan, as it has been approved by the Town Board, are unfeasible and in need of significant modification, the applicant shall then present his solution to the Planning Board as his preliminary site development plan in accordance with the above procedures. The Planning Board shall then determine whether or not the modified plan is still in keeping with the intent of the zoning resolution. If a negative decision is reached, the site development plan shall be considered disapproved. The developer may then, if he wishes, produce another site development plan in conformance with the approved sketch plan. If an affirmative decision is reached, the Planning Board shall so notify the Town Board stating all of the particulars of the matter and its reasons for feeling the project should be continued as modified. Preliminary site development plan approval may then be given only with the consent of the Town Board.

## § 135-105. Application for final detailed site plan approval.

- A. After receiving conditional approval from the Town Board on a preliminary site development plan and approval for all necessary permits and curb cuts from state and county officials, the applicant may prepare his final detailed site development plan and submit it to the Planning Board for final review; except that if more than six months has elapsed between the time of the Planning Board's report on the preliminary site development plan and if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary site development plan for further review and possible revision prior to accepting the proposed final site plan for review.
- B. The final detailed site plan shall conform substantially to the preliminary site development plan that has received preliminary site development plan approval. It should incorporate any revisions or other features that may have been recommended by the Planning Board and/or the Town Board at the preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission.
  - (1) In addition to the requirements for preliminary site development plan approval, an application for final site development plan approval shall also contain:
    - (a) The final site plan at a scale of 50 feet to one inch. Where more than one sheet is required to show the entire development, a key map shall be provided.
    - (b) The lines of existing and proposed streets and sidewalks immediately adjoining and within the TPD or TPD stage.
    - (c) The names of existing and proposed streets.
    - (d) Typical cross sections of proposed streets and sidewalks.
    - (e) Profiles of proposed streets at suitable vertical scale showing finished grades in relation to existing ground elevation.
    - (f) Layout of proposed lots, including lot numbers and proposed numbering system for buildings.

- (g) The location and size of any existing and proposed sewers (storm and/or sanitary), water mains and pipes on the property or into which any connection is proposed.
  - (h) Provisions for water supply and sewage disposal and evidence that such provisions have received approval of the New York Department of Environmental Conservation and/or New York Department of Health.
  - (i) Locations of survey monuments.
  - (j) A planting plan indicating locations, varieties and minimum size of trees to be planted and of existing trees to be preserved. Existing wooded areas need not be itemized, but should be generally described.
  - (k) Brief specifications or reference to Town standards for all public facilities to be constructed or installed within the TPD stage.
- (2) Action on the final detailed site development plan application. Within 45 days of the receipt of the application for final site development plan approval, and after a duly advertised public hearing in accordance with procedures of § § 276 of the Town Law, the Planning Board shall render its recommendations to the Town Board and so notify the applicant. If no decision is made within the forty-five-day period, a favorable recommendation shall be deemed to have been made.
- (a) Upon reviewing an application the Planning Board shall endorse its approval on a copy of the final site development plan with its recommendation that the Town Board formally establish a TPD District in accordance with the approved plan. The Town Board shall then, by resolution, formally rezone the area as a TPD District and shall forward the final site development plan to the appropriate permit issuing officer who shall then be empowered to issue permits consistent with the requirements of the Uniform Code and this chapter.
  - (b) Upon disapproving an application, the Planning Board shall so inform the permit issuing officers. The Planning Board shall also notify the applicant and the Town Board, in writing, of its decision and its reasons for disapproval. A copy of the appropriate minutes may suffice for this notice. In such event, the property in question may be developed only in conformity with the regulations and restrictions applicable to the district in which it is located.

## § 135-106. Staging.

If the applicant wishes to stage his development, and he has so indicated, then he may submit only those stages he wished to develop for site plan approval, in accordance with his staging plan. Any plan which requires more than 24 months to be completed shall be required to be staged, and a staging plan must be developed. It is the intent of this Article that individual stages of the TPD will have an integrity of use in their own right so that, if for any reason, the entire TPD would not be completed, those portions of the TPD already constructed will be an asset to the community by themselves. Staging plans must take account of this objective, and developers proposing individual stages that deviate significantly from the overall character of the TPD should present convincing evidence that such a stage is indeed in keeping with this Article.

## § 135-107. Other regulations.

- A. Regulation after initial construction and occupancy. For the purposes of regulating development and use of property after initial construction and occupancy, any changes other than use changes may be processed only upon presentation to and approval by the Planning Board. Use changes shall also be in the form of a request for special permit, except that Town Board approval shall be required. It shall be noted, however, that properties lying in Totally Planned Development Districts are unique and shall be so considered by the Planning Board or Town Board when evaluating these requests, and maintenance of the intent and function of the planned unit shall be of primary importance.

- B. Site development plan review. Site development plan review under the provisions of this Article shall suffice for Planning Board review of subdivisions under Chapter **75**, Land Use and Public Works, subject to the following conditions:
- (1) The developer shall prepare sets of subdivision plats suitable for filing with the office of the Wayne County Clerk, in addition to those drawings required above.
  - (2) The developer shall plat the entire development as a subdivision; however, TPD's being developed in stages may be platted and filed in separate stages.
  - (3) Final site development plan approval under § **135-107** shall constitute final plat approval under Chapter **75**, Land Use and Public Works; and provisions of § 276 of the Town Law requiring that the plat be filed with the Wayne County Clerk within 30 days of approval shall apply.

## § 135-108. Financial responsibility.

No building permits shall be issued for construction within a TPD District until the required improvements are installed or, alternatively, a letter of credit is provided in accordance with the same procedures as provided for in § 276 of the Town Law relating to subdivisions. Other such requirements may also be established from time to time by the Town Board.

## Article XV. NCD New Community Development District

[Amended 5-11-1995 by L.L. No. 2-1995; 9-25-2008 by L.L. No. 1-2008]

## § 135-109. Statement of intent and objectives.

It is the intent of this article to establish a special planned unit development district within the Town of Macedon, to be known as "The Macedon New Community Development District," which district shall consist of a minimum of 500 acres of land. Said district shall hereinafter be referred to as the "New Community Development District (NCD)."

## § 135-110. General requirements; permitted uses.

- A. Location of NCD. The NCD is hereby adopted for 500 acres of land located within the Town of Macedon as shown on the map adopted with this chapter.<sup>[1]</sup> Said map may be revised by a showing that the developer, or any successor thereto, has obtained control of additional adjacent land, and that the inclusion of such land within the NCD will be to the benefit of the new planned community and the Town. Approval for such inclusion of additional land shall be by the Town Board pursuant to the provisions of the Town Law of the State of New York. The following regulations shall be adhered to for all additional lands proposed to be rezoned to NCD after the adoption of this Code:
- (1) The developer shall submit to the Town Board an overall master plan depicting the entire NCD district, which also shows the new acreage proposed to be rezoned and how the proposed rezoning integrates into the existing overall NCD development.
  - (2) The developer shall also submit to the Town Board, for approval, a specific concept plan for the lands to be rezoned to NCD, including adequate detail to specify the proposed locations of particular uses (i.e., single family, multifamily, industrial, commercial).
  - (3) The Town-Board-approved concept plan shall be formally incorporated as part of the rezoning approval, and the Town Planning Board shall thereafter use it as a guide for reviewing future site plan applications for compliance with the allowed use.

- (4) The developer shall not request site plan approval from the Town Planning Board for any proposal which does not meet the requirements of the approved concept plan for the rezoned NCD land.
- (5) The developer may petition the Town Board, from time to time as circumstances dictate, to formally revise the approved concept plan by Board resolution, for a particular area of the NCD.

[1] *Editor's Note: A copy of the Zoning Map is included at the end of this chapter.*

B. Permitted uses in the New Community Development District shall be as follows:

- (1) Dwelling units, detached, semidetached, attached, multiplex, low- or high-rise apartments.
- (2) Commercial, service and other nonresidential uses.
- (3) Public and private institutional and recreational facilities.
- (4) Office, research and manufacturing uses.

C. Roads and utilities. The developer shall provide all necessary water and sewer facilities, storm drainage, highway access, paved service streets, off-street parking, including storage space for auxiliary vehicles such as travel trailers, campers, boats, snowmobiles, loading facilities, street lighting, sidewalks and curbs as shall be required by the Town, except as may otherwise be provided through state, county or federal programs.

D. Common property. Community property in the NCD shall be a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the residents and/or employees of the community. When common property exists, the ownership of such common property may be either public, community or private or any combination thereof. When common property exists, arrangements satisfactory to the Town Board must be made for the improvement, operation and maintenance of such common property and areas and recreational and open space areas. The Town Board shall retain the right to review and approve the articles of incorporation and character of any association owning or managing any common property within the NCD and to require whatever conditions it deems necessary to ensure that the intent and purpose of this article are carried out. Where deemed appropriate by the Planning Board, the developer shall be required to create pathways facilitating pedestrian access to open space areas, parklands, recreational areas and enabling connection to the Macedon Trail System.

E. Residential density. Any additional lands rezoned and added to the existing NCD shall not exceed two units per acre for one- or two-family homes, and eight units per acre for apartments and town homes, with these densities being calculated using only the acreage being rezoned at the time.

## § 135-111. Required Planning Board review.

- A. Site development plans approved by the Planning Board shall be required for all proposed developments. Where an approved site development plan is proposed to be amended, such amendment shall also be subject to the approval of the Town Planning Board.
- B. On each original or amended site development plan, the Town Planning Board shall certify whether or not the said plan meets all applicable requirements of this article.
- C. No building permit or certificate of occupancy may be issued nor may any division of property be made, except in accordance with an approved site development plan or amendment of any such plan.

## § 135-112. Review standards.

- A. Residential standards.
  - (1) Areas proposed in the form of single-family or two-family detached houses shall not exceed the density set forth in § 135-110E.
  - (2) To the extent feasible, at least 30% of the total number of dwellings within this NCD should be in single-family detached structures.

- (3) The densities for multifamily residential uses shall not exceed eight dwelling units per acre.
- (4) Building height, size and design shall be appropriate to the location within the NCD where proposed and shall further be appropriate to the overall development plan of the NCD and the development plan of the Town.
- (5) Off-street parking facilities shall be adequate for the particular development and approval as to quantity and location by the Planning Board. In no case shall campers, boats and other recreational vehicles be stored in other than screened or enclosed structures.
- (6) The Planning Board may require as much as 25% of any required open space to be provided in the form of suitable play area.
- (7) All multifamily uses must provide adequate landscaping to the satisfaction of the Planning Board.
- (8) A buffer strip of adequate width should be provided, where appropriate, between residential and nonresidential areas and between residential areas and state and county roads. Said buffer strip may be created by utilizing suitably landscaped green areas, by design, configuration and location of particular buildings or by any other method meeting the approval of the Planning Board. No parking shall be permitted in a buffer area.
- (9) The Planning Board may require the developer to provide space within the NCD for the common storage of recreational vehicles, travel trailers and similar equipment for the sole convenience of residents of the NCD. If such space is required, the Planning Board shall approve the size and location of such common storage areas and shall specify required buffer planting and screening.
- (10) One- and two-family residential housing lots shall meet the following minimum standards for all new development projects:
  - (a) Minimum lot width shall be 85 feet (100 feet for a duplex). For pie-shaped lots on curved road radii, the frontage width can be less than 85 feet (100 feet for a duplex), as long as the lot width at the front setback line of the primary structure is 85 feet (100 feet for a duplex).
  - (b) Minimum lot size shall be 15,000 square feet for one family, and 20,000 square feet for a duplex.
  - (c) Minimum front setback for a primary structure shall be 60 feet.
  - (d) Minimum side setback for a primary structure shall be 10 feet.
  - (e) Minimum rear setback for a primary structure shall be 40 feet.
  - (f) Minimum side or rear setback for accessory structures shall be 10 feet.
  - (g) No accessory structures may be located in the front or side yard area.
  - (h) No accessory structure shall be larger than 20% of the size of the primary structure.
  - (i) No accessory structure shall be taller than 12 feet or the height of the primary structure, whichever is less.
  - (j) No more than two detached accessory structures greater than 100 square feet are permitted per lot, including outbuildings, pools, sheds, etc. Structures of 100 square feet or smaller shall not be considered in the total number of structures allowed, however must still meet required minimum setbacks.
  - (k) Fencing shall be 6.5 feet maximum height in the rear and side yards, and four feet in the front yard area. The more decorative side of the fence shall face outward from the lot.
  - (l) Minimum house standards shall comply with Attachment 2 of Chapter 135.<sup>[1]</sup>  
<sup>[1]</sup> *Editor's Note: See Schedule II at the end of this chapter.*
  - (m) All new single-family homes shall have a minimum of 440 square feet of attached garage space.



- (n) All new duplex units shall have a minimum of 240 square feet of attached garage space per unit.
- (11) One- and two-family residential housing lots, at a minimum, shall have the following lot amenities (The Planning Board may add additional amenities during site plan review.):
- (a) All roof downspout conductors shall be connected underground to the stormwater management system with a minimum-six-inch diameter SDR-35 PVC piping and a cleanout at the right-of-way line. No splash blocks will be permitted on residential lots of less than 30,000 square feet within the NCD zoning district.
  - (b) Every housing unit shall have one driveway post light. At the discretion of the Planning Board, ornamental street lighting shall be provided at regular intervals throughout the subdivision, with special emphasis on lighting street intersections and any other critical areas identified by the Planning Board.
  - (c) All driveways shall be asphalt- or concrete-paved. No stone or gravel driveways are permitted.
  - (d) All lots shall have a minimum of one street tree with a minimum caliper of two inches. Corner lots shall have a minimum of two street trees.
  - (e) Concrete sidewalks shall be provided, at a minimum, on one side of any public street. Location and extent of required sidewalks shall be determined by the Planning Board. Additional off-road walking trails may be required at the Planning Board's discretion, pursuant to § **135-110D**.
  - (f) Drainage swales in yard areas which cross multiple lots shall have a minimum-four-inch perforated tile line bedded in stone, discharging to a municipal storm conveyance system.
  - (g) In no case shall drainage from an NCD property exit to an adjacent property without first being routed to the on-site stormwater management system.
  - (h) Any new residential subdivisions in the NCD Zoning District shall be serviced by municipal sanitary sewers.
- (12) Other uses in residential areas of NCD.
- (a) The only nonresidential use that shall be permitted on a lot approved by the Planning Board as a residential use in the NCD Zoning District shall be home occupations, as described in § **135-64A**, and approved by the Planning Board.
  - (b) In-law apartments shall be permitted as described in § **135-64J**.
  - (c) Any one- or two-family residence in NCD shall not be converted or modified in any way to increase the number of dwelling units.
  - (d) Windmills shall not be permitted in residential areas of the NCD Zoning District.
  - (e) Outdoor solid-fuel-burning furnaces shall not be permitted in the NCD Zoning District.
- (13) At no time shall any developer propose a new multifamily residential development project, within the NCD Zoning District, which causes the overall number of multifamily units to exceed 20% of the total number of dwelling units in the NCD District (i.e., single-family homes shall constitute a minimum of 80% of all dwelling units within the NCD District). The developer will be required to provide an analysis of this ratio for any proposed multifamily development in the NCD District. This analysis is subject to review and approval by the Town Board.
- B. Commercial standards.
- (1) Except for the regional commercial center located within the NCD, commercial uses should be generally scaled to serve the residents of the NCD.
  - (2) Parking areas serving commercial uses shall be provided as specified in **Schedule III**.<sup>[2]</sup>

[2] *Editor's Note: Schedule III is included at the end of this chapter.*

- C. Office, research and manufacturing standards.
- (1) The amount of land devoted to office, research and manufacturing uses shall be appropriate, in the judgement of the Town Planning Board, to the development of the NCD.
  - (2) Office and research use shall be subject to controls as deemed appropriate by the governing body of the Town.
- D. Site and structure standards.
- (1) Where feasible, natural features such as streams, rocks, outcrops, topsoil, trees and shrubs shall be preserved and incorporated in the landscaping of the development.
  - (2) Where adequate surface drainage is not possible by grading alone, a supplementary drainage system approved by the Planning Board shall be required.
  - (3) To improve the quality of the environment and to reduce inconvenience during bad weather, the underground installation of electrical and telephone equipment shall be required where feasible.
  - (4) Lot sizes and dimensions, structure heights and locations thereon may be freely disposed and arranged in conformity with the overall density standards set forth herein. One- and two-family lot dimensions are specified in § 135-112A(10). For other uses, minimum lot size or frontage and, except for office, research and manufacturing uses, maximum percentage of lot coverage are not specified herein. In reviewing any particular site plan for the whole or any part of property falling within this NCD, the Planning Board shall be guided by the appropriate standards of good planning practices, to the end that the resulting development shall be compatible with the surroundings of the area and assure the stability of the uses proposed to be developed on the site.
  - (5) The right-of-way and pavement widths for internal roads serving multifamily dwellings, commercial and office, research and manufacturing developments shall be determined from sound planning and engineering standards to conform with the estimated needs of the proposed full development and the traffic to be generated thereby. The pavement of said roads shall be not less than 24 feet wide, excluding parking lanes, and shall be adequate and sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of fire-fighting equipment and police emergency vehicles. Dedicated streets shall be in conformance with the standards established by the Town.

## § 135-113. Application procedures.

- A. General requirements. The Planning Board shall require the applicant to furnish such preliminary drawings and specifications as required for normal site development plan approval, including the following:
- (1) An area map showing the applicant's entire holdings, said portion of the applicant's property under consideration and all properties, subdivisions, streets and easements within 500 feet of that parcel of property. An applicant shall also show whether its holdings are by lease, option, deed or otherwise.
  - (2) A topographic map showing contour intervals of not more than five feet of elevation.
  - (3) A plan map showing the location of the various uses, the general pattern of the interior road systems, the location and treatment of all open space areas (including parks and playgrounds) and the location of all existing and proposed site improvements, including water, sewer and storm drainage systems. In addition, data on the number of dwelling units by type and the appropriate acreage for all uses shall be included on the plan, if available.
  - (4) Any other material deemed necessary to determine the applicability of the development with reference to:
    - (a) The proposed developments, land use and circulation patterns and their relationship to natural features.

(b) The proposed developments relating to the existing structures and uses in adjacent areas.

- B. Approval of site plans. The Town Board reserves the authority to give final approval to site development or plot plans, pursuant to the provisions of the Town Law.

## § 135-114. Construction time limitations.

If, after the passage of 24 months from the date of any site plan development approval within this New Community Development District, construction has not substantially commenced, the site plan development approval given under the terms of this article shall be revoked and the developer shall be required to resubmit the site development plans to the Town Planning Board for approval.

## § 135-115. Staging; presentation of plan.

- A. It is anticipated that the developer will stage development within this NCD and said developer may submit in detail those stages he wishes to develop for site plan approval in accordance with a staging plan. Such plan must be submitted and approved for each stage of development in accordance with the procedures established within this article.
- B. For any phased or staged development project within the NCD district, the developer shall present annually to the Planning Board a master plan showing the existing developments and the projected development for the succeeding three years, together with an analysis of the long-term projected conformance with land use ratios and other requirements of this chapter.

## § 135-116. Petition for revision of approved plan.

At any time following the approval of site plans, including the issuance of permits for any part thereof, the applicant may petition for review in detail the previously approved plans, stating his reasons therefore. Such reasons may be based upon such consideration as, but shall not be limited to, changing social or economic conditions, suggested improvements to layout or design features or unforeseen difficulties or advantages such as site conditions, state or federal projects or statutory changes which mutually affect the interest of the applicant and the Town. Upon finding that such petition and reasons are reasonable and valid, and provided that such revisions do not alter the concept of the plan as previously approved, the Planning Board may reconsider the design of all or a portion of the site plan.

## § 135-117. Improvements or performance guaranties.

As a condition of final approval of site development plans, the Town Board shall require the applicant to post adequate performance guaranties to ensure the installation of all required site improvements in an amount sufficient to cover the cost of all such improvements. Said performance guaranty shall be in the form of a letter of credit or certified check, which should include an agreed-upon date for the completion of such improvements and should be for a period of time determined by the Town Board. The amount of the performance guaranty may be reduced by the Town Board when portions of the required improvements have been completed. If no such performance guaranty is posted, the approval or application shall be a nullity.

## § 135-118. Building requirements.

- A. Construction within the NCD Zoning District shall strictly comply with all requirements of Chapter **75** of the Town of Macedon Land Use Code,<sup>[1]</sup> any provisions specified in the NCD Zoning District, all relevant New York State Uniform Fire Prevention and Building Codes, as well as any other applicable state, local or federal laws.

[1] *Editor's Note: See Ch. 75, Land Use and Public Works.*

- B. All utilities shall be installed underground.

## § 135-119. Other regulations.

- A. Regulation after initial construction and occupancy. For the purposes of regulating development and use of property after initial construction and occupancy, any changes other than use changes may be processed only upon presentation to and approval by the Planning Board. Use changes proposed by either the developer or an individual owner shall be in the form of a request for approval, except that Town Board approval shall be required. It shall be noted, however, that properties lying in the NCD are unique and shall be so considered by the Planning Board or Town Board when evaluating these requests; and, maintenance of the intent and function of the planned unit shall be of primary importance.
- B. Site development plan review. Site development plan review under the provisions of this article shall suffice for Planning Board review of subdivisions under Chapter 75, Land Use and Public Works, subject to the following conditions:
  - (1) The developer shall prepare sets of subdivision plats suitable for filing with the office of the Wayne County Clerk, in addition to those drawings required above.
  - (2) The developer shall plat the entire development as a subdivision; however, portions of the NCD being developed in stages may be platted and filed in separate stages.
  - (3) Final site development plan approval shall constitute final plat approval under Chapter 75, Land Use and Public Works; and provisions of § 276 of the Town Law requiring the plat to be filed in the office of the Wayne County Clerk within 30 days of approval shall apply.
- C. Financial responsibility. No building permits shall be issued for construction within the NCD until improvements are installed or letters of credit posted in accordance with the same procedures as provided for in § 276 of the Town Law relating to subdivisions. Other requirements may also be established from time to time by the Town Board.

## § 135-120. Nonconforming uses.

- A. Any building or land located within the NCD, and lawfully occupied by a use on the date of the first publication of the public hearing notice for the enactment of this article, or amendment thereto, which does not conform after the passing of this article, or amendment thereto, to the permitted uses or regulations of the NCD shall be deemed a nonconforming use.
- B. Such use deemed nonconforming may be continued, but, if said nonconforming use of occupancy is discontinued for a period of more than 12 months, it shall be deemed abandoned, and any subsequent use or occupancy of the land or structure shall be in conformance with the provisions of the NCD.
- C. A use deemed nonconforming may be changed to a use permitted in the NCD, provided that the change is approved by the Planning Board. Once a nonconforming use has been changed to an approved conforming use, said building or land shall not be permitted to revert to a nonconforming use.
- D. A use deemed nonconforming shall not be enlarged, extended or intensified; nor shall any structural alteration be made to any building in which said use is conducted, except as may be permitted by the Planning Board.

## § 135-121. Governing provisions.

In order to promote innovative planning and development and to foster creative use of the property located therein, unless otherwise specified herein the NCD shall be governed by and subject only to the provisions set forth in this article and the provisions set forth elsewhere in this zoning district. Establishing minimum requirements and use restrictions shall not be applicable within this district, except as may be required by the Planning Board upon their review of an application or plan for the use of the whole or any part of the property located in this district.

## Article XVI. MHD Mobile Home District

## § 135-122. Location.

Mobile homes may be permitted in the areas designated on the **Zoning Map** of the Town of Macedon as a Mobile Home District and only when located in a duly authorized mobile home park subject to the provisions of this chapter. Under certain circumstances, a temporary permit may be issued by the Town Board as provided in § **135-125** of this chapter.

## § 135-123. Mobile home parks.

All mobile home parks shall be planned as a unit and shall be located on a tract of land at least 25 acres in area. No person or persons, being the owner or occupant of any land in a Mobile Home District, shall use or permit the development and use of such land as a mobile home park without first obtaining a permit therefor as provided in this chapter. Such permit shall be renewed annually.

- A. Application for permit. Applications for a permit for a mobile home park shall be filed in writing with the Town Board. Twelve copies of said application shall be provided and shall include the following:
- (1) Names and addresses of all applicants if an individual or partnership, and the name and address of principal officers if a corporation.
  - (2) Name and address of the owner of land upon which the mobile home park is to be located.
  - (3) Location map.
  - (4) Drawing(s) of the proposed mobile home park indicating how it is to be designed so as to be in conformity with the requirements of this chapter.
  - (5) Site development plans which provide the level of detail consistent with § **135-16** of this chapter.
  - (6) An indication of existing topography and drainage patterns, including wet or swampy areas.
  - (7) A copy of all contemplated park rules, regulations and covenants; a list of management and tenant responsibilities; a written statement of any entrance and exit fees, utility connection fees or any security deposits to be charged.
  - (8) Such further information as the developer may feel is necessary to describe his intent and ability to comply with the environmental, health and safety standards of this chapter.
- B. Procedure. Upon the submission of such application, the Town Board shall refer the application to the Planning Board to review the same in accordance with the following procedures:
- (1) Within 45 days from receipt of the application, the Planning Board shall review the plans and related documents with the applicant and shall render a written report to the Town Board and to the applicant, after consultation with the County Planning Board. Prior to submitting its report to the Town Board, the Planning Board shall conduct a public hearing on said application, which hearing shall be duly advertised in accordance with Town Law.
  - (2) Within 45 days from the date of the receipt of the report from the Planning Board, the Town Board shall approve, modify and approve or disapprove the application and instruct the Zoning Officer to issue the appropriate permits. Prior to making a decision on the application, the Town Board may conduct a public hearing, duly advertised in accordance with Town Law.
- C. Renewal of mobile home park permit.
- (1) The Zoning Officer shall review a mobile home park permit every year on the anniversary date of its issuance and renew the same if the site is in compliance with all the provisions of this chapter.
  - (2) If the mobile home park has not been constructed in accordance with approved plans and all conditions attached thereto or if a violation of this chapter shall be found or if any unapproved changes shall have

taken place, the permits shall not be renewed until said mobile home park has been brought into compliance.

- (3) In such cases, the Zoning Officer shall serve an order upon the holder of the permit in accordance with the provisions of § **135-146** of this chapter.

## § 135-124. Permits for existing mobile home parks.

- A. The owner of any mobile home park existing prior to the adoption of this chapter shall apply for a mobile home park permit within one year from the date of adoption of this chapter, and such permit shall be subject to renewal annually thereafter.
- B. Upon initial application, the Zoning Officer shall issue a temporary permit valid for two years and shall serve notice on the park owner of any safety and/or sanitary violations of this chapter which might exist. Any additions to the park shall comply with the provisions of this chapter.

## § 135-125. Interim dwelling.

The Town Board may issue a temporary permit for a mobile home not located in a mobile home park in the event that a permanent residence has been damaged or destroyed or for other similar hardship. Such temporary permits may also be issued by the Town Board when an applicant desires to use such a mobile home for temporary office or storage space. In such cases, said mobile home shall be removed within 12 months from the date of issuance of the temporary permit, unless extended for an additional period of time by the Town Board upon good cause shown.

## § 135-126. Site location.

- A. Neighborhood. Mobile home parks shall be located in those areas specified in this chapter and **Zoning Map** of the Town of Macedon.<sup>[1]</sup> In no case shall a site be approved in an area subject to objectionable smoke, odor or other similar adverse environmental influence.

[1] *Editor's Note: The Zoning Map is included at the end of this chapter.*

- B. Relationship to major roads. Mobile home parks plans shall include a sketch of the site as it relates to major traffic arteries with indications of anticipated traffic patterns to the park. Direct connections onto major highways shall be in accordance with the standards set forth in § **135-133** of this chapter.

## § 135-127. Natural features.

- A. General requirements. Topography, groundwater level, surface drainage and soil conditions shall not be such as to create hazards to the property or to the health and safety of the occupants. No developed portion of the site shall be subject to excessive settling or erosion. A sloping site should be graded to produce terraced lots for placement of the mobile home units and, in general, units should be placed parallel rather than perpendicular to the slope.
- B. Surface drainage. Mobile home park plans shall show all proposals for changes in existing surface drainage patterns. All parks shall be graded to prevent ponding of surface water. If any part of the site is located in a floodplain, no structure or mobile home shall be located on any land designated as an area of special flood hazard.
- C. Soils. Soils shall have sufficient bearing and stability properties to provide adequate support for mobile home installations. Topsoil should be of sufficient depth to sustain lawns, trees and other vegetation.
- D. Natural features. Mobile home park plans shall show existing tree masses or trees over six inches in diameter, hedgerows and other notable existing natural features, such as streams or rock formations. Such natural

features shall be retained as much as possible in the site plan, and densities shall be reduced, if necessary, to permit such retention.

## § 135-128. Lot layout and unit placement.

- A. Required separation. Mobile home units may be positioned in a variety of ways within a park, provided that a separation of at least 25 feet is maintained between units. A drawing showing proposed layout of mobile home units shall be prepared.
- B. Setback. No mobile home shall be located less than 35 feet from the pavement edge of a private park street or 25 feet from the right-of-way line of any internal public street within a mobile home park. No mobile home shall be placed within 100 feet of any property line or street line which abuts the mobile home park.
- C. Density. The density of development in a mobile home park shall not exceed six units per gross acre.
- D. Minimum lot size. Mobile home lots shall be a minimum of 6,000 square feet in area and have a minimum width of 55 feet. In special cases, where unusual park design provides for side streets or a greater amount of usable recreation or public open space than required by this chapter or when other special conditions exist, the Planning Board may approve a modification of lot size. In no case, however, shall the gross density, as specified in Subsection C of this section above be exceeded, nor shall any lot width be reduced below 50 feet.

## § 135-129. Vehicular circulation and storage.

- A. Park road layout. A drawing of the proposed park road layout, including connections to be made to adjacent existing roads or highways, shall be included in all mobile home park plans. Straight, uniform, gridiron road patterns should be avoided unless they can be relieved by mobile home clustering, landscaping and an interesting open space system.
- B. Park Road construction. All roads within a mobile home park shall conform to the right-of-way requirements and construction specifications of the Town of Macedon.
- C. Off-street parking. Two off-street parking spaces shall be provided for each mobile home site. Such spaces may be located on the individual lot or grouped to serve two or more mobile home sites. The construction of such parking areas shall meet or exceed the Town's Department of Public Works construction specifications.
- D. Storage space for auxiliary vehicles. No travel trailer, camper, boat, snowmobile or similar auxiliary vehicle or conveyance shall be stored on any mobile home lot. However, storage space shall be provided within the park for auxiliary vehicles. The construction of such parking areas shall meet or exceed the Town's Department of Public Works construction specifications.

## § 135-130. Park entrance.

Mobile home lot adjacent to park entrance. No mobile home lot shall be located less than 100 feet from the intersection of a park entrance road and a public highway, and no private mobile home driveway shall make a direct connection with an existing public highway.

## § 135-131. Mobile home sales area.

- A. The display and sale of mobile homes shall not be permitted in any area where mobile home parks are permitted and which is zoned for residential development at densities greater than two dwelling units per acre, unless such sales area is located within the mobile home park itself and not adjacent to a public street.
- B. No display or sales area shall be located at the park entrance.

- C. In any zone where mobile home sales are permitted, such sales area shall be surfaced with asphalt or other hard, dust-free surface and should contain a minimum of six off-street parking spaces for customers.
- D. All sales areas shall be landscaped and buffered from adjacent mobile home units and other residential areas by a dense hedge or topographical changes or divisions acceptable to the Planning Board. A combination of landscaping and decorative fencing may be substituted.

### § 135-132. Park facilities and activities.

- A. If park facilities and activities such as meeting rooms, recreation buildings, laundry rooms and swimming pools are to be included in the mobile home park, the plan shall include details of these facilities and the owner's statement of intent to provide adequate supervision and management of such facilities and activities.
- B. All park facilities and activities shall be landscaped with trees, shrubs and grass and shall provide adequate paved off-street parking space.
- C. Park facilities and activities shall be located and designed in a manner that will be a visual asset to the mobile home park and compatible with the residential character of the park.

### § 135-133. Open space treatment and park amenity.

- A. Open space and developed recreation areas. In all mobile home parks, a variety of open spaces shall be provided so as to be usable by and easily accessible to all park residents. Such open space shall be provided on the basis of not less than 500 square feet for each mobile home unit with a total minimum requirement of 12,000 square feet. Part or all of such open space shall be in the form of developed recreation areas located in such a way and of adequate size and shape as to be usable for active recreation purposes. All open space shall be stabilized by grass or other forms of ground cover which will prevent dust and muddy areas.
- B. Buffer zones. Mobile home parks shall be buffered from such development or highway by a hedge or similar landscaped screen which will rapidly reach a height of at least six feet. A combination of landscaping and decorative fencing may be substituted, provided that the height requirement is met and considerable landscaping is used.
- C. Soil and ground cover requirements. Exposed ground surfaces in all parts of any mobile home park shall be paved, surfaced with crushed stone or other solid material or protected with grass or other ground cover capable of preventing erosion and of eliminating objectionable dust.
- D. Trees. At least one tree shall be planted on each mobile home lot if no such tree already exists. Planted trees shall have a caliper of at least two inches at the date of planting.
- E. Walkways. Each mobile home stand shall be provided with a walkway leading from the stand to the street or to a driveway or parking area connecting to the street. Such walkway shall be constructed in accordance with the Town of Macedon Department of Public Works construction specifications. If common walkways are provided, they shall meet the same specifications, with the exception of width, which shall increase to four feet.
- F. Fencing. If fencing of individual lots within the park is to be provided by the mobile home occupant, standards shall be provided by the park operator so the consistency can be maintained. Specifications shall accompany the original submission.
- G. Park lighting. All parks shall be furnished with adequate lights to illuminate streets, driveways and walkways for the safe movement of vehicles and pedestrians at night. Electric service to such lights shall be installed underground, and decorative lighting fixtures shall be used where possible.

### § 135-134. Mobile home stand.



- A. Support of the mobile home unit. Each site shall be provided with a stand which will give a firm base and adequate support for the mobile home. Such stand shall have a dimension approximating the width and length of the home and any expansions or extensions thereto. Anchored tie-downs shall be provided at least on each corner of the stand.
- B. The stand area shall be graded to ensure adequate drainage, but in no event shall the grade variance exceed six inches from one end of the stand to the other.

## § 135-135. Patios.

Each site shall be provided with a patio with a minimum width of 10 feet and a total area of at least 200 square feet. Such patios shall be constructed in accordance with the Department of Public Works construction specifications of the Town of Macedon and shall be located so that access to the front door of the mobile home can be obtained. The following additional specifications shall also apply:

- A. Surface material: four inches reinforced concrete or conventional two-inch patio blocks.
- B. Minimum dimension: 10 feet wide; 200 square feet of area.
- C. Elevation: grade +.
- D. Finish: float or brush.

## § 135-136. Mobile home units.

- A. Unit skirting. The mobile home shall be completely skirted within 90 days of occupancy. Materials used for skirting shall provide a finished exterior appearance and shall be similar in character to the material used in the mobile home.
- B. Expansions and extensions. Expandable rooms and other extensions to a mobile home unit shall be supported on a stand constructed in accordance with construction standards for the mobile home stand. Skirting shall be required around the base of all such expansions or extensions.
- C. Steps shall be installed at all entrance and exit doors. Such steps shall be constructed of materials intended for permanence, weather resistance and attractiveness and shall be equipped with handrails.

## § 135-137. Water supply.

- A. All parks shall be connected to a central water supply.
- B. Connections thereto and the distribution methods and materials used shall be subject to the inspection and approval of the Water Superintendent and Town Engineer.

## § 135-138. Sewage disposal.

- A. All parks shall be connected to a central sewer system.
- B. All materials used and workmanship to connect to a central sewage disposal system shall be subject to inspection and approval of the Zoning Officer and Town Engineer.

## § 135-139. Solid waste disposal.

- A. The storage, collection and disposal of solid waste in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

- B. If group solid waste storage areas are provided for park occupants, they shall be enclosed or otherwise screened from public view and shall be rodent- and animal proof and located not more than 300 feet from any mobile home site they are to serve. Containers shall be provided in sufficient number to properly store all solid waste produced.

## § 135-140. Electric power, telephone and television service.

- A. The mobile home park electrical distribution shall be installed underground and shall comply with the national electric code and with requirements of the utility company serving the area and the Public Service Commission.
- B. The distribution system for telephone service shall be underground in accordance with the standards established by the telephone company.

## § 135-141. Fuel systems.

- A. All mobile home parks shall be provided with facilities for the safe storage of necessary fuels. All systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.
- B. Natural gas installations shall be planned and installed so that all components and workmanship comply with the requirements of American Gas Association, Inc., and conform to the requirements, inspections and approval of the utility which will supply this product.
- C. Heating systems with common supplies shall be designed, constructed, inspected and maintained in conformance with the provisions of National Fire Protection Association, Standard 30. In the event that a park system which requires pumping for fuel distribution is planned, a backup pump shall be required.
- D. Liquefied petroleum gas systems shall be selected, installed and maintained in compliance with the requirements of National Fire Protection Association, Standard 58. LPG tanks shall be located to the rear of the mobile home site and shall be landscaped and screened from public view.

## § 135-142. Fire protection.

- A. The mobile home park plan shall include a list of the applicable rules and regulations of the fire district wherein said park is located and shall comply with such rules and regulations.
- B. Fire hydrants shall be installed in accordance with the requirements of the district and inspected and approved by the Water Superintendent.

## § 135-143. Mail service.

- A. Mailbox location shall provide safe and easy access for the pickup and delivery of mail.
- B. Grouped mailboxes for cluster delivery shall be located in a way that will not require stopping on a public right-of-way for pickup.
- C. When mailboxes are grouped together for some form of cluster delivery, such groupings shall be suitably landscaped.

## § 135-144. Park owner responsibilities and restrictions.

The person to whom a permit for a mobile home park is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its common grounds, streets, facilities and equipment in good repair and in a clean and sanitary condition.

## § 135-145. Inspection and enforcement.

- A. This Article shall be enforced by the Zoning Officer and the New York State Department of Health. Said officers and their inspectors shall be authorized and have the right in the performance of duties to enter any mobile home park and make such inspections as are necessary to determine satisfactory compliance with this Article and regulations issued hereunder. Such entrance and inspections shall be accomplished at reasonable times, after prior notice to the park operator and, in emergencies, whenever necessary to protect the public interest. Owners, agents or operators of a mobile home park shall be responsible for providing access to all parts of the premises within their control to the Zoning Officer or to his agents acting in accordance with the provisions of this Article.
- B. It shall be the duty of the Zoning Officer to make necessary inspections required every year for renewal of mobile home park permits, to investigate all complaints made under this chapter and to request the Town Board to take appropriate legal action on all violations.

## § 135-146. Orders, notices and hearings.

- A. Orders. Upon determination by the Zoning Officer that there has been a violation of any provision of this chapter, he shall serve upon the holder of the permit for such mobile home park an initial order, in writing and by registered mail, directing that the conditions therein specified be corrected. The order shall contain an outline of remedial action which, if taken, will effect compliance and specify the number of days within which such remedial action is to be completed.
- B. Notices. If the violations are not corrected within the period of time specified in the order, the Zoning Officer shall serve a notice, in writing, upon such mobile home park operator requiring the holder of the park permit to appear before the Town Board to show cause why the mobile home park permit should not be revoked. Such hearing before the Town Board shall occur not less than 48 hours nor more than 30 days after the date of service of said notice.
- C. Hearings. Within 30 days after the hearing at which the testimony and witnesses of the Zoning Officer and the mobile home park permit holder shall be heard, the Town Board shall make a determination, in writing, sustaining, modifying or withdrawing the order issued by the Zoning Officer. Failure to abide by any Town Board determination to sustain or modify the initial order of the Zoning Officer and to take corrective action accordingly shall be cause for the revocation of the mobile home park permit affected by such order and determination.

## § 135-147. Special uses.

[Added 12-19-1993 by L.L. No. 2-1993]

The following uses may be permitted consistent with the provisions of Article **XXI**, provided that a special use permit is approved by the Town Board:

- A. Commercial excavation operations.

## Article XVII. FPO Floodplain Overlay District

### § 135-148. Statement of purpose.

It is the purpose of this Article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.

- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.
- D. Control filling, grading, dredging and other development which may increase erosion or flood damages.
- E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- F. Qualify and maintain for participation in the National Flood Insurance Program.

## § 135-149. Objectives.

The objectives of this Article are to:

- A. Protect human life and health.
- B. Minimize expenditure of public money for costly flood control projects.
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. Minimize prolonged business interruptions.
- E. Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
- G. Provide that developers are notified that property is in an area of special flood hazard.
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

## § 135-150. General provisions.

- A. Lands to which this Article applies. This Article shall apply to all areas of special flood hazards within the Town of Macedon outside of the Village of Macedon.
- B. Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the Town of Macedon of Wayne County, New York," dated January 5, 1984, with accompanying Flood Insurance Rate Maps and Flood Boundary Floodway Maps is hereby adopted and declared to be a part of this Article. The Flood Insurance Study and maps are on file at the Town Office, 30 Main Street, Macedon, New York 14502.
- C. Interpretation, conflict with other laws.
  - (1) This Article has been developed in response to revisions to the National Flood Insurance Program effective October 1, 1986, and shall supersede all previous laws and ordinances adopted for the purpose of establishing and maintaining eligibility for flood insurance.
  - (2) In their interpretation and application, the provisions of this Article shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this Article are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards, shall govern.

- D. Overlay District. The FPO District shall not be independently mapped upon the **Zoning Map**, but shall be mapped in conjunction with an underlying district. The area within the FPO District shall be identical to the areas of special flood hazard within the Town of Macedon. The **Zoning Map** serves to provide a close approximation of the special flood hazard area. The FIRM Maps and Flood Boundary Floodway Map shall be used to determine the exact legal boundaries of the special flood hazard area.
- E. Uses permitted; dimensional requirements. The uses permitted and the dimensional requirements for the FPO District shall be determined by the regulations specified in this Article for the primary or underlying zone district.
- F. Penalties for noncompliance. Penalties for noncompliance with these regulations are specified in Article **XIII** of this chapter. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under § **135-153** will be declared noncompliant and notification sent to the Federal Emergency Management Agency.
- G. Warning and disclaimer of liability. The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the Town of Macedon, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

## § 135-151. Administration.

- A. Designation of the Local Administrator.
  - (1) The Zoning Officer is hereby appointed Local Administrator to administer and implement this Article by granting or denying floodplain development permit applications in accordance with its provisions.
  - (2) Prior to approving a floodplain development permit for the construction, expansion, demolition or substantial alteration of any building or the change in use of any land area or building within an area of special flood hazard, the Zoning Officer shall refer all information and documentation to the Planning Board. The Planning Board shall review the information and recommend approval or denial of the permit, in writing, to the Zoning Officer. The Planning Board, prior to reaching its decision, may request an advisory opinion from the Town Engineer and/or the Town Attorney. The Planning Board shall notify the Zoning Officer of its decision and the Zoning Officer, acting on the written direction of the Planning Board, shall either approve or deny the permit.
- B. Establishment of floodplain development permit. A floodplain development permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in § **135-150B**. Application for a floodplain development permit shall be made on forms furnished by the Zoning Officer and may include, but not be limited to plans, in triplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.
  - (1) Application stage. The following information is required where applicable:
    - (a) Elevation in relation to mean sea level of the proposed lowest floor (including basement or cellar) of all structures.
    - (b) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.
    - (c) When required, a certificate from a licensed professional engineer or architect that the utility floodproofing will meet the criteria of § **135-152A(3)**.
    - (d) Certificate from a licensed professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofing criteria of § **135-152B(2)(b)**.

- (e) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (2) Construction stage. Upon placement of the lowest floor or floodproofing by whatever means, it shall be the duty of the permit holder to submit to the Zoning Officer a certificate of the elevation of the lowest floor or floodproofed elevation in relation to mean sea level. The elevation certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building the floodproofing certificate shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by same. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Zoning Officer shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project, unless immediately corrected.
- C. Duties and responsibilities of the Zoning Officer. The duties of the Zoning Officer shall include, but not be limited to:
- (1) Permit application review. The Zoning Officer shall:
- (a) Review all floodplain development permit applications to determine that the requirements of this Article have been satisfied.
- (b) Review all floodplain development permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (c) Review all floodplain development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this Article, "adversely affects" means physical damage to adjacent properties. An engineering study may be required of the applicant for this purpose.
- [1] If there are no adverse effects, then the permit shall be granted consistent with the provisions of this Article.
- [2] If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.
- (d) Review all floodplain development permits for compliance with the provisions of § 135- 151A(5), Encroachments.
- (e) Use of other base flood and floodway data. When base flood elevation data has not been provided in accordance with § **135-150B**, Basis for establishing the areas of special flood hazard, the Zoning Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer § **135-152B**, Specific standards and § **135-152C**, Floodways.
- (2) Information to be obtained and maintained. The Zoning Officer shall:
- (a) Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement or cellar of all new or substantially improved structures and whether or not the structure contains a basement or cellar.
- (b) For all new or substantially improved floodproofed structures:
- [1] Obtain and record the actual elevation, in relation to mean sea level, to which the structure has been floodproofed.
- [2] Maintain the floodproofing certifications required in § **135-152B(2)(b)**.
- (c) Maintain for public inspection all records pertaining to the provisions of this Article, including variances, when granted, and certificates of compliance.
- (3) Alteration of watercourses. The Zoning Officer shall:

- (a) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Regional Director, Federal Emergency Management Agency, Region II, 26 Federal Plaza, New York, New York 10278.
  - (b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (4) Interpretation of FIRM boundaries.
- (a) The Zoning Officer shall have the authority to make interpretations when there appears to be a conflict between the limits of the federally identified area of special flood hazard and actual field conditions.
  - (b) Base flood elevation data established pursuant to § **135-150B** and/or § **135-151C(2)**, when available, shall be used to accurately delineate the area of special flood hazards.
  - (c) The Zoning Officer shall use flood information from any other authoritative source, including historical data, to establish the limits of the area of special flood hazards when base flood elevations are not available.
- (5) Stop-work orders.
- (a) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop-work order by the Zoning Officer. Disregard of a stop-work order shall be subject to the penalties described in Article **XXIV** of this chapter.
  - (b) All floodplain development found noncompliant with the provisions of this Article and/or the conditions of the approved permit shall be subject to the issuance of a stop-work order by the Zoning Officer. Disregard of a stop-work order shall be subject to the penalties described in Article **XXIV** of this chapter.
- (6) Inspections. The Zoning Officer and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify that the development is in compliance with the requirements of either the floodplain development permit or the approved variance.
- (7) Certificate of compliance.
- (a) It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises or both or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Zoning Officer stating that the use of any building or land is in conformance with the requirements of this Article.
  - (b) All other development occurring within the designated flood hazard area will have upon completion a certificate of compliance issued by the Zoning Officer.
  - (c) All certificates shall be based upon the inspections conducted subject to § **135-151C** and/or any certified elevations, hydraulic information, floodproofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

## § 135-152. Provisions for flood hazard reduction.

A. General standards. In all areas of special flood hazards, the following standards are required:

- (1) Anchoring.
  - (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

- (b) All manufactured dwellings shall be installed using methods and practices which minimize flood damage. Manufactured dwellings must be elevated and anchored to resist flotation, collapse or lateral movement. Manufactured dwellings shall be elevated to or above the base flood elevation or two feet above the highest adjacent grade when no base flood elevation has been determined. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- (2) Construction materials and methods.
    - (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
    - (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
  - (3) Utilities.
    - (a) Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required.
    - (b) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
    - (c) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters.
    - (d) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
  - (4) Subdivision proposals.
    - (a) All subdivision proposals shall be consistent with the need to minimize flood damage.
    - (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
    - (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
    - (d) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than either 50 lots or five acres.
  - (5) Encroachments.
    - (a) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood carrying capacity of the area of special flood hazards set forth in § **135-151C(1)**, Permit application review. This may require the submission of additional technical data to assist in the determination.
    - (b) In all areas of special flood hazard in which base flood elevation data is available pursuant to § **135-150B** or § **135-151C(2)** and no floodway has been determined, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.
    - (c) In all areas of the special flood hazard where floodway data is provided or available pursuant to § **135-150B**, the requirements of § **135-152C**, Floodways, shall apply.
- B. Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in § **135-150B**, Basis for establishing the areas of special flood hazards, and § **135-151C(2)**, Use of other



base flood data, the following standards are required:

- (1) Residential construction. New construction and substantial improvements of any resident structure shall:
  - (a) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation.
  - (b) Have fully enclosed areas below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
    - [1] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
    - [2] The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.
    - [3] Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- (2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including basement or cellar, elevated to or above the base flood elevation or be floodproofed so that the structure is watertight, below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
  - (a) If the structure is to be elevated, fully enclosed areas below the base flood elevation shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
    - [1] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
    - [2] The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.
    - [3] Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
  - (b) If the structure is to be floodproofed:
    - [1] A licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
    - [2] A licensed professional engineer or licensed land surveyor shall certify the specific elevation (in relation to mean sea level) to which the structure is floodproofed.
  - (c) The Zoning Officer shall maintain on record a copy of all such certificates noted in this Article.
- (3) Construction standards for areas of special flood hazards without base flood elevations.
  - (a) New construction or substantial improvements of structures including manufactured dwellings shall have the lowest floor, including basement, elevated to or above the base flood elevation as may be determined in § **135-150B** or two feet above the highest adjacent grade where no elevation data is available.

- (b) New construction or substantial improvements of structures, including manufactured dwellings, shall have the lowest floor (including basement) elevated at least two feet above the highest adjacent grade next to the proposed foundation of the structure.
- (c) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
  - [1] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
  - [2] The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.
  - [3] Openings may be equipped with louvers, valves, screens or other coverings or openings, provided that they permit the automatic entry and exit of floodwaters.
- C. Floodways. Located within areas of special flood hazard are areas designated as floodways. The floodway is an extremely hazardous area due to high velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by § 135-150B and § 135-151C(2), all encroachments, including fill, new construction, substantial improvements and other development, shall be prohibited within the limits of the floodway, unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

## § 135-153. Variance procedure.

- A. Appeals Board.
  - (1) The Board of Appeals, as established by the Town Board, shall hear and decide appeals and requests for variances from the requirements of this Article.
  - (2) The Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Zoning Officer in the enforcement or administration of this Article.
  - (3) Those aggrieved by the decision of the Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
  - (4) In passing upon such applications, the Board of Appeals shall consider all technical evaluations, all relevant factors and standards specified in other sections of this Article and:
    - (a) The danger that materials may be swept onto other lands to the injury of others.
    - (b) The danger to life and property due to flooding or erosion damage.
    - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
    - (d) The importance of the services provided by the proposed facility to the community.
    - (e) The necessity to the facility of a waterfront location, where applicable.
    - (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
    - (g) The compatibility of the proposed use with existing and anticipated development.

- (h) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area.
  - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - (j) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding.
  - (k) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
  - (l) The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.
- (5) Upon consideration of the factors of § **135-153A(4)** above and the purposes of this Article, the Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article.
- (6) The Zoning Officer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.
- B. Conditions for variances.
- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that items in Subsection **A(4)(a)** through **(l)** in this section have been fully considered. As the lot size increases beyond 1/2 acre, the technical justification required for issuing the variance increases.
  - (2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures and contributing structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the contributing structures procedures set forth in the remainder of this Article.
  - (3) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
    - (a) The conditions specified in Subsection **B(1), (4), (5)** and **(6)** are met.
    - (b) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
  - (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  - (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (6) Variances shall only be issued upon receiving written justification:
    - (a) A showing of good and sufficient cause.
    - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant.
    - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
  - (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

# Article XVIII. CCO Canal Corridor Overlay District

[Added 5-11-1995 by L.L. No. 2-1995]

## § 135-154. Statement of purpose.

It is the purpose of this Article to encourage development along the Erie/Barge Canal corridor, preserving its historic nature, conserving the variety of extant wildlife and promoting public access to the canal corridor for the benefit of Town residents.

## § 135-155. District location.

All lands located in the Town of Macedon within one-fifth (1/5) mile north and south of the Erie/Barge Canal as measured from the New York Blue Line are hereby designated as the "Canal Corridor Overlay District."

## § 135-156. General objectives.

The objective of this Article is to guide and regulate development so as to achieve quality open space and to preserve the canal corridor as a source of community character. Development shall take into consideration natural topography, existing trees, forests, wetlands, drumlins, steep slopes, sight views rivers, streams and the historic nature of the canal. Development shall provide open space along the canal to promote and allow public access to and use of the canal waterway.

## § 135-157. Site development provisions.

- A. Site development within the overlay district shall conform with all relevant provisions of this chapter, as well as all parts of this Article. Where there is a difference between the setback or other requirements of this chapter in general and this Article in particular, the more stringent shall apply.
- B. In evaluating a site development plan, the Planning Board shall determine that the plan reflects the purposes and objectives of the overlay district. Historic and environmentally sensitive areas shall not be destroyed or negatively altered.
- C. All site plans submitted must be accompanied by, at a minimum, Part I of the long form environment assessment document provided pursuant to regulations promulgated under the State Environmental Quality Review Act.
- D. The site development plan shall reflect the following considerations:
  - (1) The minimum setback for any structure shall be 300 feet from the canal shoreline. Designation of the front yard for purposes of regulations that reference a front yard shall be determined by the Planning Board, based upon visual aesthetics and impact from canalside and roadside.
  - (2) Industrial, commercial and residential development within the overlay district, including all roads and parking lots, must adhere to a one-hundred-foot setback from the canal, unless otherwise specified by the Planning Board.
  - (3) Industrial, commercial and residential development within the overlay district shall provide public, residential and/or employee amenities in terms of canal appreciation, recreation, enjoyment and use, as is reasonably practicable.
  - (4) Development of canal related businesses, such as marinas and restaurants, at highway/bridge crossings achieve the purposes and objectives of the overlay district, provided that all applicable regulations are observed.

- (5) Flag-lot development shall not be permitted, except where the Planning Board determines that such development is the only reasonable development option.
  - (6) A buffer zone of not more than 75 feet in width and not less than 30 feet adjacent to the New York State Blue Line shall be observed. Clear cutting in this zone is prohibited; provided, however, that judicious thinning may be permitted by the Planning Board. Where no preexisting vegetation exists, the Planning Board shall specify plantings of stipulated types, heights and densities.
  - (7) Signs within the overlay district shall conform to the Article **XXIII**, with the following restrictions:
    - (a) Billboards are prohibited, and
    - (b) Freestanding signs shall be no greater in size than 16 square feet and no greater in height than 12 feet above the average ground height.
- E. The Planning Board may waive, in whole or in part, a setback restriction if it finds that the purposes and objectives of this section are served; provided, however, that in doing so, the Planning Board shall impose such conditions as are warranted and necessary.

## Article XIX. Permitted Modifications

### § 135-158. Existing zone lots of record.

- A. A nonconforming zone lot of official record existing at the effective date of this chapter may be used for any purpose permitted in the zone district in which it is located, irrespective of its area or width, provided that the owner of which does not own any adjoining property which would create a conforming lot if all or part of said property were combined with subject zone lot, and provided that the minimum area for such lot shall be 12,000 square feet and a minimum lot width requirement of 80 feet and that all other provisions of this chapter are adhered to. No lot or lots in single ownership shall hereafter be reduced so as to create one or more nonconforming lots.
- B. A permit for the use of preexisting lots which are less than 12,000 in area and less than 80 feet in width may only be issued following the approval of a variance by the Board of Appeals.

### § 135-159. Height regulations.

- A. The height limitations of this chapter shall not apply to church spires, belfries, cupolas, domes and silos.  
[Amended 5-11-1995 by L.L. No. 2-1995]
- B. Chimneys, ventilators, skylights, water tanks, television and radio antenna and similar features and necessary mechanical appurtenances usually carried on and above the roof level may exceed the height limitation of this chapter by not more than 30 feet.
- C. The provisions of this chapter shall not apply to prevent the erection of a parapet wall or cornice for ornament which may extend above the height limits of this chapter by up to five feet.
- D. Public and quasi-public buildings, schools, churches and other similar permitted uses may exceed the maximum height specified for the zone district, provided that the minimum front, side and rear yard setbacks are increased by two feet for each one foot of such additional height, up to a maximum height of 50 feet, and provided that on-site fire protection facilities approved by the local fire company are installed.

### § 135-160. Yard regulations.

- A. Side yard reduction.

- (1) The width of one side yard in a residential district may be reduced to not less than 10 feet, provided that the sum of widths of the two side yards is not less than the required minimum, and further provided that the distance between the proposed structure and either an existing or proposed structure on an adjacent zone lot is not less than the required minimum sum of the widths of the two side yards.
- (2) In the case of lots which comply with the provisions for modification of Subsection **A** above, the combined total side yard requirements, as specified in **Schedule I**,<sup>[1]</sup> shall be reduced by six inches for each one foot by which a lot is less than the minimum lot width requirement specified in **Schedule I** for the zone in which located. In no case shall the combined side yard width be reduced to less than 30 feet, nor shall any single yard be less than 10 feet in width.

[1] *Editor's Note: Schedule I is included at the end of this chapter.*

- B. Front yard exception. In residential districts where the frontage on the same side of the street within 500 feet of the subject is 50% or more developed, the required front yard setback from the right-of-way line for a new structure may be modified to the average for such existing development. Otherwise, the requirements of **Schedule I** shall apply.<sup>[2]</sup>

[2] *Editor's Note: Schedule I is included at the end of this chapter.*

## § 135-161. Projections into required yards.

Certain architectural features may project into required yards as follows:

- A. Cornices, canopies, eaves or other architectural features may project into side yards a distance not exceeding two inches per one foot of side yard width, but may not exceed a total of three feet.
- B. Fire escapes may project into side and rear yards a distance not exceeding four feet, six inches.
- C. Bay windows, balconies, fireplaces, uncovered stairways and necessary landings and chimneys may project a distance not exceeding three feet, provided that such features do not occupy in the aggregate more than 1/3 of the length of the building wall on which they are located.
- D. Patios may be located in side and rear yards, provided that they are not closer than 10 feet to any adjacent property line.

## Article XX. Nonconforming Buildings and Uses

### § 135-162. Continuance.

Except as otherwise provided in this Article, the lawful use of land or buildings existing at the date of the adoption of this chapter may be continued, although such use or building does not conform to the regulations specified by this chapter for the zone district in which such land or building is located. The following provisions shall, however, apply to all nonconforming uses:

- A. A nonconforming lot shall not be further reduced in size.
- B. A nonconforming building shall not be enlarged, extended or increased unless such enlargement would tend to reduce the degree of nonconformance.
- C. A nonconforming use shall not be expanded, except as may be authorized by § 135-164.
- D. A nonconforming use may be changed into a conforming use. When a nonconforming use is changed to conform to the requirements of this chapter, the use of the building or tract of land shall not be changed again, except in accordance with these regulations.
- E. Where such nonconforming use is upon the land itself and not enclosed within a structure or where such use involves the removal of soil, minerals or the excavation of gravel or rock or other material, such use may be continued upon the land being so used at the time of the adoption hereof. Any such nonconforming use of the

land may be extended or expanded to include any part of the plot or parcel of land now being used or held in reserve for future use, provided that such enlargement does not involve the use of any lot acquired or the excavation rights of which were acquired by the excavation operator after the effective date of this chapter. However, such extension or expansion of such nonconforming use shall comply with the setback and fencing requirements of this chapter.

## § 135-163. Certification of nonconformance.

After the effective date of this chapter upon the written request of the user of any structure or premises or at the initiation of the Zoning Officer, an examination by the Zoning Officer of any existing use shall be made. A report of the findings made upon such examination shall thereafter be filed with the Zoning Board of Appeals, together with a certificate of existing nonconforming use, which shall clearly describe the premises and structure, if any, referred to and shall specify the nature and extent of such existing use. Such certificate shall be prepared in triplicate, one copy of which shall be maintained by the Zoning Officer, one copy of which shall be furnished to the Zoning Board of Appeals and one copy to be furnished to the owner or user.

## § 135-164. Conditional continuance of nonconforming mobile home parks.

[Added 10-13-1994 by L.L. No. 10-1994]

- A. Applicability. This section shall apply to any mobile home park permitted under § **135-124** of this chapter.
- B. Layout and unit placement.
  - (1) Replacement of any mobile home unit within a park must be separated by a distance of not less than 15 feet from other units on all sides, (or an average of 20 feet along each side front to back), a setback of not less than five feet from any interior roadway and a setback of 25 feet, along with Planning Board approved buffering, from any public highway right-of-way. No mobile home unit will be installed closer than existing setbacks from park boundaries. No replacements will be within 15 feet from any side or rear property line, regardless of existing setbacks of park boundaries. Said requirements shall not, however, impair or effect existing setbacks on any mobile home unit presently on any lot in any mobile home park as of the date of the adoption hereof.
  - (2) Replacement of any mobile home unit must be done within the parameters of the existing park space and not extend beyond existing park boundaries.
  - (3) Size of replacement mobile home units shall not be restricted, except as to meet the requirements of this section.
- C. Roadways. All interior roads must be a minimum of 18 feet wide.
  - (1) All park roadways shall be graded, leveled and surfaced as to permit the safe passage of emergency and other vehicles. The maximum speed limit on said roads shall be 15 miles per hour and posted as such.
  - (2) All private roadways within any mobile home park and all entrances and exits within said park shall be kept free of snow, ice and debris and maintained so as to permit unhampered use of the same by park residents, visitors and emergency vehicles.
- D. Mobile home installation.
  - (1) Each mobile home site shall be provided with a stand which will give a firm base and adequate support for the mobile home unit. According to ANSI A221.1, forty-two-inch frost-free footings shall be required for tie downs, unless not required by manufacture specifications. Any mobile home unit to be installed must be located on an approved park pad shown on the as-built map, required for any permit beginning on or after January 1, 1995.

- (2) Any mobile home unit built before June 15, 1976 herein after installed in the Town of Macedon, shall be certified safe by a licensed engineer.
  - (3) Each unit requires a certificate of occupancy from the Building Department.
  - (4) At the time of the installation of the mobile home, the unit shall be securely blocked, leveled and connected with existing utility systems and support services.
  - (5) Any replacement mobile home unit shall be completely skirted within 90 days of occupancy, weather permitting.
  - (6) Expandable rooms and other extensions to an existing mobile home unit shall comply with applicable federal and state codes relating thereto, shall be bolted on or pre-engineered units only and require approval of the park owner prior to issuance of any building permit.
  - (7) Any replacement mobile home unit shall have at least one approved set of steps to include a platform and a handrail. Residents at the time of adoption of this section shall have 90 days from occupancy to comply with this requirement.
- E. Water supply, sewage and solid waste disposal.
- (1) All refuse, garbage and solid waste shall be stored in covered refuse containers. Said containers shall be emptied and the contents properly disposed of by the owner or operator of the mobile home park. The placing or storage of any unsightly materials or unlicensed or unregistered vehicles in the park is prohibited.
  - (2) Each mobile home unit shall have a water supply connection in accordance with Town and state regulations.
  - (3) Sewage shall be provided to each mobile home unit in compliance with state regulations.
- F. Fuel systems. Every mobile home park occupant shall provide for the safe storage of heating and cooking fuels. All systems shall be installed and maintained in accordance with the applicable codes and regulations governing such systems.
- G. Fire protection.
- (1) Common areas of any mobile home park shall be kept free of litter, rubbish and other flammable materials by the park owner or operator.
  - (2) Each lot shall be kept free of litter, rubbish and other flammable materials by the lot occupant. Storage of more than five gallons of flammable materials on any lot shall be prohibited.
- H. Accessory buildings.
- (1) No accessory building may be erected on any lot unless a building permit therefor has been obtained from the Building Inspector and such structures conforms in all particulars with the requirements of this chapter and the Building Code of the Town of Macedon,<sup>[1]</sup> as they may be amended from time to time. Permits for such construction or structures will not be issued without the park owner's written approval. No more than one utility building shall be allowed on any one lot, and such building shall not exceed a total of 100 square feet of ground area.  
*[1] Editor's Note: See Ch. 61, Fire Prevention and Building Construction.*
  - (2) Accessory buildings shall be portable and not within 20 feet of the interior park road or within five feet of any lot line or within 10 feet from any mobile home unit in the mobile home park.

## § 135-165. Expansion of nonconforming uses.

A nonconforming use shall not be expanded, except in conformance with the procedures and regulations specified in this section. In no case shall such expansion extend beyond the lot occupied by such nonconforming use. The



expansion of a nonconforming use hereunder shall be subject to a special permit authorized by the Town Board, and each case shall be considered on an individual basis. Application forms for such special permit shall be obtained from the Zoning Officer. The Zoning Officer shall issue a permit to allow the expansion of a preexisting nonconforming use only upon written authorization of the Town Board. The Town Board in considering such special requests shall, at a minimum, address the following potential concerns:

- A. Standards applicable to granting a special permit authorizing the expansion of a nonconforming use:
- (1) The location and size of the nonconforming use, the nature and intensity of the operations involved in or conducted in connection with it, the size and site in relation to it, the location of the site in relation to it, the location of the site in respect to streets giving access thereto. Conditions shall be in place such that the expansion will not be inconsistent with the orderly development of the district in which the use is located.
  - (2) Screening or other protective measures shall be adequate to protect any adjacent properties from objectionable aspects of any such expansion of the nonconforming use.
  - (3) Off-street parking areas shall be of adequate size for the particular use, and access drives shall be laid out so as to achieve maximum safety and minimum inconvenience to adjacent properties.
  - (4) The Town Board may prescribe any condition that it deems necessary or desirable to aid it in making a determination on the application and to protect the interests of the community and adjacent properties.
- B. Public hearing:
- (1) Before authorizing a special permit to expand a nonconforming use, the Town Board shall give public notice and hold a public hearing on the application for such permit in the same manner as required by law for amendments to this chapter.
  - (2) Prior to such public hearing, the application shall be referred to the Town Planning Board for report and recommendation. The Planning Board shall have 45 days after said referral to state its position relative to the proposed permit application. The Town Board shall hold such public hearing at the earliest possible date following the forty-five-day referral period and may take action on the proposal as it deems appropriate.
- C. Limitations. A special permit authorizing the expansion of a nonconforming use shall be deemed to authorize only the particular use or uses specified in the permit and shall apply only to the area specified in the permit. A special permit issued under this section shall expire within six months from the date of issuance if the nonconforming use is not expanded or enlarged.

## § 135-166. Abandonment.

In any district, whenever a nonconforming use of land, premises, building or structure or any part or portion thereof has been discontinued for a period of one year, such nonconforming use shall not thereafter be reestablished, and all future uses shall be in conformity with the provisions of this chapter. Such discontinuance of the active and continuous operation of such nonconforming use or part of portion thereof for such period of one year is hereby construed and considered to be an abandonment of such nonconforming use, regardless of any reservation of an intent not to abandon same or of an intent to resume active operations. If actual abandonment in fact is evidenced by the removal of buildings, structures, machinery, equipment and other evidences of such nonconforming use of the land and premises, the abandonment shall be construed and considered to be completed and all rights to reestablish or continue such nonconforming use shall thereupon terminate.

## § 135-167. Restoration.

- A. Any building damaged by fire or other unintentional causes shall not be repaired or rebuilt, except in conformance with this chapter. In the case of a permitted restoration of a nonconforming use, such restoration shall not increase the degree of nonconformance.

- B. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition any wall or roof which has been declared unsafe by the Zoning Officer.
- C. Normal maintenance repairs and incidental alteration of a building or other structure containing a nonconforming use shall be permitted, provided that it does not extend the area or volume of space occupied by the nonconforming use.
- D. Any building which is nonconforming due to insufficient yard distances or lot area shall not be considered a nonconforming use. Any alterations or structural changes may be accomplished within the existing frame of said building, but any additions shall conform to the specific setback and yard distance requirements of this chapter.

## § 135-168. District changes.

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein or created thereby.

## § 135-169. Construction approval prior to adoption of this chapter.

Nothing herein contained shall require any change in plans, construction or designated use of a building complying with existing laws, a permit for which had been duly granted before the date of adoption of this chapter or any applicable amendment thereto.

# Article XXI. Regulations Governing Special Permit Uses

## § 135-170. General provisions.

The uses specified in this article are hereby declared to possess unique characteristics requiring that each proposal for any such use shall be considered by the Town Board as an individual case. Upon application complying with the requirements of Article III, special use permits may be approved by the Town Board and issued by the Zoning Officer after referral and recommendation from the Town Planning Board in accordance with the administrative procedures set forth in Article III and only after it has found that each and all of the following standards have been met:

- A. The proposed special use is consistent with the general intent of the Town's Master Plan and with each of the specific purposes set forth in this chapter.
- B. The location, size and use of the structures involved, nature and intensity of the operations involved and size and layout of the site in relation to the proposed special use are such that it will be compatible with the orderly development of the use district.
- C. Operation of the proposed special use is no more objection-able to the uses of nearby properties by reason of dust or smoke emission, noise, odors, fumes, pollution of air or water, including subsurface waters, unsightliness or similar conditions, than would be the operation of any permitted use.
- D. The proposed special use satisfies each and all standards and conditions specified for such special use by the relevant provisions of this article.
- E. The Town Board may impose additional conditions or restrictions as it may deem necessary prior to approving any special use permit application in order to protect public health and safety, the quality of the Town's natural resource base and the value of property. The Zoning Officer shall make an on-site visit to each property authorized as a special use not less than one time each year. The purpose of said site visit is to ensure that the use is being operated in accord with the conditions specified by the Town Board. If the Zoning Officer shall determine that a violation of this chapter or the conditions imposed by the Town Board exists, the certificate

of occupancy and/or certificate of compliance shall be null and void. A new special use permit application shall be required to be submitted and approved prior to the reestablishment of said use.

- F. No site preparation or construction shall commence nor shall existing structures be occupied for special permit use until final site development plan approval has been granted by the Planning Board and permits have been issued by all governmental agencies involved.  
[Amended 3-9-2000 by L.L. No. 2-2000]

## § 135-171. Essential services.

- A. Essential services as defined in § **135-7** herein may be allowed as a special permit use in any zone district upon the approval of a special use permit by the Town Board.
- B. The Town Board shall determine the following prior to approving a special use permit:
- (1) The proposed installation in a specific location is necessary and convenient for the efficiency of the essential service or the satisfactory and convenient provision of service to the area in which the particular use is located.
  - (2) The design of any building in connection with such facility shall conform to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights in the district in which it is to be located.
  - (3) Adequate and attractive fences and other safety devices will be provided.
  - (4) A buffer strip not less than 15 feet in depth shall be provided around the perimeter of the property.
  - (5) Adequate off-street parking shall be provided.
  - (6) All other applicable requirements of this chapter shall be met.
- C. Special use permit applications relative to the use, erection, relocation, reconstruction, modification, or alteration of telecommunications towers shall be subject to the provisions set forth in § **135-182.1**.  
[Added 12-10-2015 by L.L. No. 4-2015]

## § 135-172. Motor vehicle service stations and auto repair shops.

The Town Board may approve a special use permit for motor vehicle service stations, and auto repair shops in the GC General Commercial and ORM Office/Research/Manufacturing Districts, provided that the following standards and conditions are maintained:

- A. In addition to the information required in the special permit application and enumerated in § **135-16** herein, the site development plan submitted shall also show the location and number of fuel tanks to be installed, the dimensions and capacity of each storage tank, the depth the tanks will be placed below the ground and number and location of fuel pumps to be installed.
- B. Such uses shall be screened from adjacent uses by a buffer area not less than 10 feet in depth composed of densely planted evergreen shrubbery, solid fencing or a combination of both which, in the opinion of the Town Board, will be adequate to prevent the transmission of headlight glare across the district boundary line. The Town Board shall determine on an individual case basis how close to the right-of-way the landscaped buffer shall be required to be installed. Such buffer screen shall have a minimum height of six feet above the ground. If said shrubbery becomes decayed and fails to provide an adequate screen, the Zoning Officer shall direct the property owner to replace said shrubs.
- C. The entire area of the site traveled by motor vehicles shall be hard surfaced.
- D. All repairs of motor vehicles shall be performed in a fully enclosed building. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside of an enclosed building.

- E. Motor vehicle service stations may include facilities for the sale of food, household items and convenience merchandise, provided that the sale of such items takes place entirely within an enclosed building.
- F. Accessory goods for sale may be displayed on the pump island and the building island only. The outdoor display of oil cans and/or antifreeze and similar products may be displayed on the respective island if provided for in a suitable stand or rack.
- G. No building or structure, including gasoline pumps or automotive service appliances, shall be erected within 75 feet of any right-of-way line.
- H. All unregistered vehicles must be stored inside a fully enclosed building at all times.
- I. No motor vehicle service station or auto repair shop shall have more than two driveways on any public street fronting the site.
- J. No driveway shall be closer than 50 feet to the intersection of two street corner lot lines or within 20 feet of an adjacent lot line.
- K. No motor vehicle service station or auto repair shop, including any driveway to such uses, shall be established within 200 feet of the boundary line of any Residential District or of any school, church, park, playground, hospital, public library, institution for dependent children or any place of public assembly designed for the simultaneous use of 100 persons or more, regardless of the district where the subject premises are located. For purposes of this Article, the distance shall be measured along the street line on the side of the street where such use is proposed or such driveway would cross.
- L. No motor vehicle service station and no outdoor gasoline or oil pump or automotive service appliance shall be established on a lot that is within 1,000 feet of another lot measured along the same street frontage on which there is an existing motor vehicle service station or outdoor gasoline or oil pump or other automotive service establishment or of another lot for which a building permit has been issued for the erection of a motor vehicle service establishment.

## § 135-173. Commercial excavation operations.

[Amended 12-19-1993 by L.L. No. 2-1993]

The Town Board may approve a special permit for commercial excavation operations in the AR-40 Agricultural/Residential District, R-30 Residential District and MHD Mobile Home District, provided that the following standards and conditions are maintained.

- A. The applicant shall furnish evidence of a valid permit from the New York State Department of Environmental Conservation pursuant to Title 27, Article 23, of the Environmental Conservation Law, when applicable.
- B. The minimum lot area for any such use shall be 20 acres.
- C. All buildings and excavation operations shall be located or shall occur not less than 150 feet from any right-of-way or property line. The setback area shall not be used for any use in conjunction with the excavation and appurtenant activities, except for fencing, berms, buffers, access roads, parking and one public notice sign identifying the use of the property.
- D. All equipment used for excavations and processing shall be constructed, maintained and operated in such a manner as to eliminate as far as is practicable, noises, vibrations and dust conditions which are injurious or a nuisance to persons living in the vicinity. Applicants shall provide a written statement which specifies the method proposed to be used and related operating procedures to keep roadways clean when hauling during mining operations.
- E. All operations, including the starting of vehicles and excavation activities, shall be conducted between the hours of 7:00 a.m. and 7:00 p.m., with no Sunday or holiday operations and except in the case of public or private emergency or whenever any reasonable or necessary repairs to equipment are required to be made.
- F. All land which has been excavated must be rehabilitated in accordance with reclamation plans approved by the Town Board as part of the site development plan review and approval process. Whenever possible, the Town

Board shall encourage excavation operators to reclaim areas on an ongoing basis as part of the excavation operation. All reclamation work shall be complete within one year after the termination of operations, at the expense of the operator. The rehabilitation plan shall be prepared by a licensed engineer, landscape architect or licensed surveyor and provide for at least the following objectives:

- (1) The removal of all buildings and structures used in the operations.
  - (2) All excavations shall be graded and backfilled, and piles of waste material shall be leveled.
  - (3) Excavations made to a water-producing depth shall be properly sloped to the water line, with banks sodded or surfaced with soil of an equal quality to adjacent land area top soil and shall be planted with trees, shrubs, legumes or grasses.
  - (4) Excavations not made to a water-producing depth must be graded or backfilled with nonnoxious, nonflammable, noncombustible solid material and in a topographic character which will result in a substantial general conformity to adjacent lands. Such grading or back-filling and leveled piles of waste materials shall be designed to minimize erosion and shall be surfaced with a soil equal in quality to that of adjacent land area and planted with trees, shrubs, legumes or grasses.
- G. Where any open excavation will have a depth of 10 feet or more and a slope of more than 30°, there shall be a fence approved as to design, structure and height by the Town Board, with suitable gates where necessary, effectively blocking access to the area in which such excavation is located. Such fence shall be located 50 feet or more from the edge of the excavation. All operations shall be screened from nearby residences as required by the Town Board.
- H. The slope of material in any excavation shall not exceed the normal angle of repose or 45°, whichever is less.
- I. A letter of credit shall be required to assure that the conditions stipulated in the approval of the special use permit, including the restoration of the site in accordance with the approved site development plan, are carried out.
- J. Each tract of land to be granted a permit for excavation shall use only direct access to improved highways and demonstrate proof of legal right to that access.
- K. All access roads shall be constructed to screen excavation and appurtenant activities from public view as much as feasible. The junction of the access and the public road must be at an angle of not more than 10° deviation from a right angle [90°].
- L. All topsoil and subsoil shall be stripped from the active excavation area and stockpiled and seeded for use in accordance with the restoration plan. The location of topsoil to be stored shall be identified. Such stockpiles shall be treated to minimize the effects of erosion by wind or water upon public roads, streams or adjacent property. No topsoil shall be removed from the site without the express approval of the Town Board.
- M. After any such operation, the site shall be made reusable for a use permitted in the district. Where topsoil is removed and ultimately replaced, sufficient arable soil shall be respread over the premises after the operation. The area shall be brought to final grade by a layer of topsoil one foot in depth or original thickness, whichever is less. Fills shall be of suitable material approved by the Town Engineer.
- N. Existing hills, trees and ground cover fronting along public roads or adjacent property shall be preserved, maintained and supplemented by selective cutting, transplanting and addition of new trees, shrubs and other ground cover for the purpose of screening and noise reduction. If, however, the existing topography and natural vegetation does not lend itself to an economically feasible supplement plan, the operation can, if properly landscaped with grass, trees and shrubs, grade back overburden around the perimeter of the excavation site to create a berm for the purpose of screening and noise reduction. No berm shall be constructed within 25 feet of any right-of-way line or other property boundaries.
- O. Lateral support shall be sufficient to prevent the hazard or damage to persons, adjacent properties and public roads by reason of slides, sinking or collapse.
- P. All access routes leading to public highways shall be dust and mud free. All precautions shall be taken to prevent dust and sand from being blown from the premises. Also, the first 200 feet of access from a public

road shall be improved to meet written specifications as approved by the Town Board to ensure its suitability to carry heavy traffic.

- Q. Operations shall not be detrimental to adjacent property nor unduly interfere with the quiet enjoyment of adjacent property.
- R. An adequate and comprehensive drainage system shall be provided to convey the stormwater runoff originating on and crossing the premises in accordance with the natural direction of runoff for the total watershed area. No excavation shall be allowed within 50 feet of a natural stream. Sediment control measures shall be installed to keep sediment damage, if any, totally within the applicant's property. The Town Board shall determine whether or not the system and control measures are adequate and, in force, prior to approval of original or renewal permit.
- S. The applicant shall include a plan for the control of soil erosion and excessive groundwater seepage upon public roads, streams or adjacent property. The Town Board shall determine whether or not the controls are adequate and in force prior to approval of the original or renewed permit.
- T. All applications for a permit under this section must contain an operations plan in sufficient detail to describe the excavation operation, including active excavation and storage areas.
- U. Permits under this section shall be issued for a period of one year and shall be subject to periodic site inspection and review by the Zoning Officer and Town Engineer. If all operations undertaken pursuant to any permit issued hereunder have been conducted in full compliance with the term of such permit and all provisions of this chapter, such permit may be renewed by the Town Board for a period of one year. At least 10 days before taking any such renewal action, the Town Board shall cause a notice to be published in the official Town newspaper and posted on the official sign board a notice of the proposed renewal and a statement indicating clearly both the property affected and the nature of the operation. All ordinances and regulations in effect at the time a renewal is granted shall apply to the renewal permit in the same manner as when a new or original permit is issued.
- V. Prior to taking action on any proposal for a permit under this section, the Town Board shall request and receive a written report from the Town Engineer on the adequacy and/or appropriateness of the proposed excavation.

## § 135-174. Private airstrips.

The Town Board may approve a special use permit for private airstrips in the AR-40 Agricultural/Residential and R-30 Residential Districts, provided that the following standards and provisions are maintained:

- A. An application for the establishment, construction, enlargement or alteration of an airstrip shall include, in addition to requirements for special use permits outlined in § 135-13, the following statements and information:
  - (1) Name and address of the proponent.
  - (2) Classification of the proposed airport (commercial, noncommercial or restricted.)
  - (3) Type of aviation activities proposed (aircraft sales and service, flight instruction, crop dusting, air taxi, etc.).
  - (4) Number of aircraft expected to utilize the airstrip initially and within five years.
  - (5) Type of aircraft expected to utilize the facility.
  - (6) Statement as to the anticipated number of daily operations.
  - (7) Copy of the airspace clearance granted by the Federal Aviation Administration for this airport, including United States Geological Survey topographic map.
  - (8) A copy of the New York State Commissioner of Transportation's determination concerning this airport in accordance with the provisions of § 249 of the New York State General Business Law.
  - (9) A site development plan to be approved by the Town Board, which includes the following:

- (a) Scale no smaller than one inch equals 100 feet.
  - (b) Location of existing and proposed structures.
  - (c) Alignment of existing and/or proposed runways shown in exact location and magnetic bearing to the nearest thirty minutes ( $30^\circ$ ).
  - (d) Existing and proposed contours at intervals of five feet.
  - (e) Location of aircraft parking and tie-down areas.
  - (f) Provisions for access and off-street parking.
  - (g) Provisions for sanitary waste disposal and water supply, if applicable.
  - (h) Location and method of fuel storage.
- (10) An area map at a scale of not less than one inch equals 500 feet showing:
- (a) Distances from buildings, roads, natural features, power lines or other possible obstructions within 2,000 feet of the ends of runways, accurately plotted.
  - (b) Properties within 1,000 feet of the airport boundary, with owners identified and the location and height of each building demarcated.
- B. Permits issued for the operation of an airstrip shall be valid for a period of three years. Said permit may be extended by action of the Town Board for successive periods of three years if the operation conforms to the initial proposal and the conditions on which the initial permit was issued are unchanged.
- C. The Town Board, in considering a request for a special use permit or the extension of a permit to operate an airstrip, may impose any conditions it deems necessary to protect the health, safety and public welfare of the Town.

## § 135-175. Camping grounds.

[Amended 5-11-1995 by L.L. No. 2-1995; 6-14-2012 by L.L. No. 4-2012]

The Town Board may approve a special use permit for camping grounds in the AR-40 Agricultural/Residential, R-30 Residential, and ORM Office Research and Manufacturing Districts, provided that the following standards and provisions are maintained:

- A. Camping grounds shall be occupied by travel trailers, pickup coaches, motor homes, camping trailers and recreational vehicles and tents suitable for temporary habitation and used for travel, vacation and recreation purposes. No permanent external appurtenances such as carports, cabanas or patios may be attached to any travel trailer or other vehicular accommodation parked in a camping ground, and the removal of wheels and placement of a unit on a foundation in a camping ground is prohibited.
- B. Minimum site area shall be 25 acres.
- C. Minimum lot size shall be 25 feet by 80 feet to accommodate areas with travel trailers and campers and 25 feet by 50 feet for areas to be occupied exclusively with tents.
- D. Not more than a total of 10 travel trailers, campers, tents, recreational vehicles or motor homes shall be permitted per acre of gross site area.
- E. Location and access. A camping ground shall be so located that no entrance or exit from a site shall discharge traffic into an R-22 Residential District nor require movement of traffic from the camping ground through an R-22 Residential District. A camping ground shall have a minimum of 200 feet of frontage on a public street.
- F. Site conditions. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. Natural vegetation shall be retained wherever possible. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion of

the camping grounds subject to flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.

- G. Accessory uses. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundries and other uses and structures customarily incidental to the operation of camping grounds are permitted as accessory uses to the camping grounds. In addition, retail stores and other convenience establishments shall be permitted as accessory uses in camping grounds in such districts where such uses are not allowed as principal uses, subject to the following restrictions:
- (1) Such establishments and the parking areas primarily related to their operations shall not occupy more than 5% of the gross area of the camping ground.
  - (2) Such establishments shall be restricted in their use to occupants of the camping ground.
  - (3) Such establishments shall present no visible evidence from any street outside the camping ground of their commercial character which would attract customers other than occupants of the camping ground.
- H. Plans for sewage disposal and water supply shall be designed in accordance with standards promulgated by the New York State Departments of Health and Environmental Conservation and shall receive approval from said agencies.
- I. Streets.
- (1) Streets in camping grounds shall be private, but shall be constructed with a stabilized travelway and shall meet the following minimum stabilized travelway-width requirements:
    - (a) One-way street, no parking: 12 feet.
    - (b) One-way street with parking on one side or two-way street with no parking: 18 feet.
    - (c) Two-way street with parking on one side: 27 feet.
    - (d) Two-way street with parking on both sides: 34 feet.
  - (2) Plans and specifications for streets shall be reviewed and approved by the Town Engineer. All roadways and public parking areas shall either be paved or dust treated.
- J. Recreation facilities. A minimum of 10% of the gross site area for the camping ground shall be set aside and developed as common use areas for open or enclosed recreation facilities. No travel-trailer site, required buffer strip, street right-of-way, storage area or utility site shall be counted as meeting recreational purposes.
- K. Entrances and exits to camping grounds shall be designed for safe and convenient movement of traffic into and out of the camping ground and to minimize friction with movement of traffic on adjacent streets. All traffic into or out of the camping ground shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended. Road curbs shall have a minimum radius of 50 feet and shall be designed for drive-through campsite parking.
- L. Off-street parking and loading. In connection with use of any camping ground, no parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk or required buffer or right-of-way or any public grounds or on any private grounds not part of the camping ground, unless the owner has given written permission for such use. Each camping ground shall provide off-street parking, loading and maneuvering space, located and scaled so that the prohibitions above may be observed, and camping ground owners shall be responsible for violations of these requirements.
- M. An adequate lighting system shall be provided for the camping ground. Pedestrian walkways shall be provided to lead to all parking areas, rest rooms or other service buildings. All walkways shall have adequate lighting.
- N. All utilities shall be underground.
- O. Not less than one covered twenty-gallon garbage receptacle shall be provided for each camp site. No camp site shall be situated further than 100 feet from a garbage receptacle. Garbage and rubbish shall be collected and disposed of as often as may be necessary to ensure sanitary conditions.



- P. All applicable sanitation standards promulgated by the State of New York shall be met.
- Q. No camp structure, except fences, gates and permitted signs, shall be located within 150 feet of any street or property line.
- R. Campsites and buildings shall be set back not less than 100 feet from major waterways and 50 feet from minor creeks.
- S. Permits under this section shall be issued for a period of one year and shall be subject to periodic inspection by the Town Zoning Officer. If all operations undertaken pursuant to any permit issued hereunder have been conducted in full compliance with the term of such permit and all provisions of this chapter, such permit may be renewed by the Town Board for a period of one year. At least 10 days before taking any such renewal action, the Town Board shall cause a notice to be published in the official Town newspaper and posted on the official sign board a notice of the proposed renewal and a statement indicating the property affected and the nature of the activity to be permitted. All rules and regulations in effect at the time a renewal is granted shall apply to the renewal permit in the same manner as when a new or original permit is issued.

## § 135-176. Public and semipublic uses and buildings.

The Town Board may approve a special use permit for public and semipublic uses of an institutional, health, educational, recreational, religious or cultural nature in any district, provided that the following standards and provisions are maintained:

- A. A statement setting forth the details of the operation of the use.
- B. The applicant shall provide the Town Board with evidence of approval, certificate of need, license or other similar document required to initiate or expand such a use from any and all appropriate regulating agencies.
- C. The proposal shall meet the minimum area and yard requirements for such uses as specified in **Schedule I**.<sup>[1]</sup>  
 [1] *Editor's Note: Schedule I is included at the end of this chapter.*
- D. The proposed use shall meet the minimum off-street parking and loading and unloading requirements of this chapter, as well as provisions for landscaping, buffering, signs and accessways.
- E. The Town Board, in considering the request for a special use permit, may impose conditions it deems necessary to protect the health, safety and public welfare of the Town.

## § 135-177. Multiple-family developments.

The Town Board may approve a special use permit for multiple-family developments in the R-22 Residential District and the GC General Commercial District, provided that the following standards and provisions are maintained:

- A. The minimum land area required for such use shall be three acres.
- B. The maximum gross density shall not exceed eight dwelling units per acre.  
 [Amended 5-11-1995 by L.L. No. 2-1995]
- C. Apartment buildings shall contain no more than 12 dwelling units.
- D. Townhouse buildings shall contain no more than eight dwelling units.
- E. Minimum habitable floor area requirements:
  - (1) Townhouse unit having two bedrooms or less: 850 square feet.
  - (2) Townhouse unit having three bedrooms or more: 1,000 square feet.
  - (3) Apartment unit, efficiency: 450 square feet.
  - (4) Apartment unit having one bedroom: 550 square feet.

- (5) Apartment unit having two bedrooms: 700 square feet.
  - (6) Apartment unit having three bedrooms: 800 square feet.
  - (7) Apartment units having four bedrooms: 900 square feet.
- F. Unit distribution:
- (1) No more than 30% of the total units within a multiple-family dwelling development shall be efficiency units.
  - (2) No more than 30% of the total units within a multiple-family dwelling development shall have three or more bedroom units.
- G. Setback requirements. Minimum area and yard requirements for each multiple-family structure within a multiple-family development shall be as follows:
- (1) Setback, front and rear, shall be 75 feet; and, side, 50 feet.
  - (2) Minimum distance between buildings shall be 60 feet.
  - (3) Direct line of sight visibility from one building to another shall not be less than 100 feet.
  - (4) Every building shall have a minimum setback of 25 feet from all interior roads, driveways and parking areas.
  - (5) A strip of land at least six feet in width surrounding each building shall be kept completely open except for foundation plantings of less than six feet in height.
  - (6) Court yards bounded on three sides by the wings of a single building or by the walls of separate buildings shall have a minimum court width of two feet for each one foot in height of the tallest adjacent building.
- H. No exterior wall shall exceed 100 feet in length, unless there is a lateral offset of at least eight feet in its alignment, not less frequently than along each 100 feet of length of such exterior wall.
- I. All stairways to the second floor or higher shall be located inside the building.
- J. Access to public road:
- (1) All multiple-family dwelling developments shall have direct access to a public road.
  - (2) If there are more than 12 dwelling units in a multiple-family dwelling development, direct access must be provided to a public road by a private driveway or a road dedicated to the Town by the developer.
  - (3) If there are more than 50 dwelling units in a multiple-family development, or if in the opinion of the Town Board the location or topography of the site indicates the need for additional access, the Town Board may require such additional access as a condition of site plan approval.
- K. Requirements for off-street parking as provided in Article **XI** of this chapter shall be met, except that the location of off-street parking lots may be modified to conform with the approved site plan, provided that such lots shall not be located within the front yard or the required side yard setback. Paved pedestrian walkways, with appropriate lighting, shall be provided from off-street parking areas to all living units each parking area is intended to serve.
- L. The aggregate lot coverage of multiple-family dwelling developments shall not exceed 30% of the total lot area.
- M. Services.
- (1) Each dwelling unit shall contain complete kitchen facilities, toilet, bathing and sleeping facilities.
  - (2) There shall be a minimum common storage area in each building for bicycles, perambulators and similar types of equipment of 40 square feet in area, a minimum of five feet in height and not less than four feet in width per dwelling unit.

- (3) Sufficient laundry, drying, garbage pickup and other utility areas shall be provided and shall be located with a view both to convenience and to minimizing the detrimental effect on the aesthetic character of the building(s) and shall be enclosed and shielded from view by fencing, walls or shrubbery of at least six feet in height around the perimeter. Fencing and walls shall be not more than 50% open on the vertical surface.

N. Recreation; open space; maintenance.

- (1) Multiple-family dwelling complexes shall be designed to create usable private open space. A minimum of 10% of the total tract area, exclusive of the required setback areas, buffer strip and parking areas shall be designated for common recreational purposes.
- (2) No recreational area shall be less than 10,000 square feet in area nor less than 100 feet in width. Areas designated for recreation purposes shall be approved by the Town Board.
- (3) Multiple-family dwelling complexes shall be attractively shrubbed and properly maintained. Open space adjacent to, around or between driveways, parking areas, structures or other required improvements shall be graded and seeded to provide a thick stand of grass or other plant material.

O. Utilities.

- (1) All public utility, electric, gas, cable television and telephone lines shall be installed underground.
- (2) Multiple-family developments shall be connected to and served by public water supply and sanitary sewer systems.<sup>[1]</sup>

[1] *Editor's Note: Original Section 1009, which immediately followed this section and dealt with cluster residential development, was repealed 5-11-1995 by L.L. No. 2-1995*

## § 135-178. Planned business centers.

The Town Board may approve a special use permit for a planned business center in the AR-40 Agricultural/Residential, R-30 Residential and ORM Office/Research/Manufacturing District, provided that the following standards and provisions are maintained:

- A. The Town Board shall determine that the physical character of the site proposed for planned business use is adequate to accommodate the proposed use, and that plans for storm drainage are capable of serving the planned business area.
- B. The site shall be served by public water and sanitary sewer services.
- C. The Town Board shall determine that the street system serving the site is adequate to carry the anticipated traffic flows and that the proposal will not create a burden or nuisance for adjoining property owners.
- D. Proposed planned business centers shall be located on a site of not less than four acres with not less than 300 feet of frontage on each highway which fronts the site.
- E. Planned business centers shall be constructed in accordance with an overall plan for the entire area and shall be designed with a single architectural scheme with appropriate common off-street parking, service road access and land-scaping. The development shall provide initially for the construction of either a minimum of 8,000 square feet of ground floor area or a minimum of four of the permitted uses.
- F. Planned business centers shall not have more than one entrance to the site on each highway frontage. The location and width of said entranceways shall be subject to approval by the Town Board.
- G. Uses permitted are shopping centers, stores and shops where retail goods are sold or personal services rendered which are similar, but not limited to, the following:
  - (1) Retail business establishments which are clearly of a neighborhood service character such as grocery stores, drugstores, stationery, variety and clothing stores and restaurants.

- (2) Personal service establishments such as barber and beauty shops, shoe repair shops, business and professional offices, self-service laundries and dry-cleaning stores.
  - (3) Other uses approved by the Town Board.
- H. Off-street parking shall be provided at a ratio of not less than one parking space per 150 square feet of floor area. Private garage space for the storage of commercial vehicles used in conjunction with a permitted business use shall also be permitted.
  - I. Truck loading and unloading areas shall be provided in sufficient amount to permit the transfer of goods and materials on the premises rather than on a public street or customer off-street parking area on the premises. A dense landscaping screen of not less than six feet in height shall be required where off-street loading and unloading areas abut residential uses so that such operations shall be shielded from view from such residences.
  - J. The regulations of Article **XXIII** shall govern the location, size, number and characteristics of signs in a planned business center.
  - K. The Town Board may prescribe more restrictive conditions deemed reasonable or appropriate with respect to improving the design quality of a planned business center.
  - L. A letter of credit shall be established and provided prior to final approval of the planned business center to assure that all parking, entrances, exits, facilities and services are installed as required and proposed.
  - M. Where a planned business center abuts a residential use or district, there shall be a landscaped buffer strip not less than 30 feet in depth at the periphery of the planned business center. This landscaped buffer shall be provided within the minimum setback requirements. The buffer strip shall include materials and be perpetually maintained by the developer or owner to provide a visual screen between the planned business center and the adjoining residential lot(s), and shall be used for no other purpose.
  - N. Lighting within the center shall be provided in a manner so as to minimize potential disturbance to adjacent properties.

## § 135-179. Car wash establishments.

The Town Board may approve a special use permit for car wash establishments, including both coin-operated vehicle washers and automatic vehicle washers, in the GC General Commercial District, provided that the following standards and provisions are maintained:

- A. Coin-operated vehicle washers. These washers are intended to be those where the vehicle operator washes the vehicle by using a device which is geared to a coin-operated, timed mechanism.
  - (1) The vehicle washing facility or customary uses or operations associated with the facility shall be located no closer than 300 feet to any residential district and shall be separated from a residential district by another nonresidential use.
  - (2) All washing facilities shall be within a completely enclosed building which shall be designed in keeping with the facades of adjacent land uses.
  - (3) Vacuuming facilities may be located outside the building, but shall not be in the front yard and shall meet the respective setback requirements as required for the GC General Commercial District. Such area shall be buffered or screened as deemed necessary by the Town Board.
  - (4) Off-street parking shall be provided on the property in the ratio of not less than four reservoir parking spaces entering each washing stall and three reservoir parking spaces at the exit from each stall plus one space per employee.
  - (5) All off-street parking areas shall be paved.
  - (6) Any lights used to illuminate the area shall be directed away from adjacent properties and roadways.
  - (7) The hours of operation shall be determined by the Town Board.

- B. Automatic vehicle washers. These vehicle washers are intended to be those where the vehicle is either slowly driven through or pulled through by an automatic chain mechanism. This vehicle washer is one in which the vehicle operator does not perform any of the washing function other than to drive the vehicle where necessary.
- (1) The vehicle washing facility and customary uses or operations associated with the facility shall not be located closer than 500 feet to a residential district.
  - (2) All vehicle wash operations shall be so soundproofed. The entire development shall be so arranged and the operations shall be so conducted that the noise emanating therefrom, as measured from any point on the adjacent property, shall be no more audible than the noise emanating from the ordinary street traffic and from other commercial uses measured at the same point on said adjacent property.
  - (3) There shall be provided no less than 10 reservoir parking spaces for the entrance to each washing area if there are two bays and seven if there are three or more bays and five parking spaces at the exit of each washing area. One parking space shall also be provided for each employee on the maximum shift.
  - (4) Vacuuming facilities may be provided outside of the building, but shall meet the setback requirements as required for the GC General Commercial District. Such area shall be buffered or screened as deemed necessary by the Town Board.
  - (5) The only operations conducted on the property shall be the washing of vehicles and vacuuming of interiors of vehicles.
  - (6) Any lighting shall be directed away from adjacent properties and roadways.
  - (7) All off-street parking areas shall be paved.
  - (8) All washing operations shall be conducted within enclosed structures which shall be externally designed to be in keeping with the exterior facades of adjacent land uses.
  - (9) Water used for washing vehicles shall be collected and recycled for additional use.
- C. The Town Board may permit operators of car wash establishments to sell gasoline on the site of the car wash property. The Town Board in considering such a request may require the operator to submit additional information to adequately describe the location and operation of such activity and, as a condition of granting such approval, may impose any conditions it deems necessary to protect the health and safety of motorists and pedestrians and to protect adjacent properties from potential adverse impacts of such use. Under no conditions shall the operator be allowed to perform repairs to motor vehicles on the site. Further, any merchandise available for sale shall be maintained within a fully enclosed building.

## § 135-180. Commercial recreation uses.

[Amended 5-11-1995 by L.L. No. 2-1995]

The Town Board may approve a special use permit for low-density commercial recreation in the AR-40 Agricultural/Residential District and low- or high-density commercial recreation in the GC General Commercial District, provided that the following standards and provisions are maintained:

- A. The applicant shall submit a written statement which sets forth the details of the operation of the proposed use.
- B. The minimum tract size for such a use shall be five acres with not less than 300 feet of frontage on each highway which fronts the site.
- C. The Town Board shall determine that the physical character of the site is adequate to accommodate the proposed use and that plans for water supply, sewage disposal and storm drainage are capable of meeting anticipated demands.
- D. The Town Board shall determine that the street system serving the site is adequate to carry the anticipated traffic flows and that the proposal will not create a burden or nuisance for adjoining property owners.

- E. Prior to granting a special use permit for such uses, the Town Board may impose any conditions deemed reasonable or appropriate with respect to improving the design quality of the proposed use or to minimize the impact of such uses on adjacent properties.
- F. The regulations of Article **XXIII** shall govern the location, size, number and characteristics of signs for such uses.
- G. A letter of credit shall be established and provided prior to final approval of commercial recreation uses to assure that all parking, entrances, exits, facilities and services are installed as required and proposed.
- H. A landscaped buffer strip not less than 30 feet in depth shall be provided along the periphery of the proposed use. This landscaped buffer shall be provided within the setback requirements. The buffer strip shall include materials and be perpetually maintained by the developer or owner to provide a visual screen between the proposed use and adjoining properties and shall be used for no other purpose.
- I. Lighting shall be provided in a manner so as to minimize potential disturbances to adjacent properties.

## § 135-181. Restaurants and taverns.

The Town Board may approve a special use permit for a freestanding restaurant or tavern in the GC General Commercial District, provided that the following standards and provisions are maintained:

- A. The applicant shall submit a written statement setting forth the details of the operation of the proposed use.
- B. The applicant shall provide the Town Board with evidence of approval, license or other similar document required to initiate or expand such a use from any and all appropriate regulating agencies.
- C. The proposal shall meet the minimum yard requirements for such uses as specified in **Schedule I**.<sup>[1]</sup>  
 [1] *Editor's Note: Schedule I is included at the end of this chapter.*
- D. The proposed use shall meet the minimum off-street parking and loading and unloading requirements of this chapter, as well as the provisions for landscaping, buffering, sign controls and accessway requirements which limits each such use to only one accessway from the highway.
- E. Lighting shall be provided in a manner so as to minimize potential disturbance to adjacent properties and roadways.
- F. The Town Board, in considering the request for a special use permit, may impose conditions it deems necessary to protect the health, safety and public welfare of the Town.

## § 135-182. Small businesses.

[Added 5-11-1995 by L.L. No. 2-1995]

The Town Board may approve a special use permit for a small business in the AR-40 Agriculture Residential District, provided that the following standards and provisions are maintained:

- A. The applicant shall submit a written statement setting forth the details of the proposed small business use.
- B. The minimum size of the parcel upon which a small business shall be permitted is 10 acres.
- C. A small business use shall be accessory to a use permitted as of right.
- D. A small business shall be conducted between the hours of 7:00 a.m. and 7:00 p.m.
- E. There shall be allowed at any one time no more than two Class 8 vehicles at the specially permitted small business location.
- F. There shall be allowed at any one time no more than four employees or independent contractors at the specially permitted small business location.

- G. Buffering and off-street parking shall be provided as may be recommended by the Planning Board and approved by the Town Board.
- H. All lighting shall be directed away from adjacent properties and roadways.
- I. Water and sewer service to the small business operation shall be reviewed by the Planning Board and approved by the Town Board.
- J. The Town Board, in considering the request for a special permit, may impose conditions it deems necessary to protect the health, safety and public welfare of the Town.

## § 135-182.1. Telecommunications towers.

[Added 6-13-2002 by L.L. No. 2-2002]

### A. Purpose.

- (1) The purpose of these supplemental regulations is to promote the health, safety, and general welfare of the residents of the Town of Macedon; to provide standards for the safe provision of telecommunications towers consistent with applicable federal and state regulations; to minimize the total number of telecommunications towers in the community by encouraging shared use of existing and future towers and the use of existing tall buildings and other high structures; and to minimize adverse siting, mitigate impacts and ensure appropriate landscaping and buffering.
- (2) It is a further purpose of this section to prevent visual intrusion of such communication installations and to protect the natural features and aesthetic characteristics of the Town of Macedon. The Town of Macedon recognizes the increased demand for wireless communication transmitting facilities and the need for the services they provide. Often, the facilities require the construction of towers. The unaesthetic intrusion of large or high structures of unusual shape or size, monolithically towering above standard-appearing homes and structures, can be disturbing to visual sensitivities. Bulk and visual impact of such installations creates aesthetic problems making it appropriate to have some special limitations as to size and placement thereof. The intent of this section is to protect the Town's interest in properly siting towers in a manner consistent with sound land use planning while also allowing wireless services providers to meet their technological and service objectives. Accordingly, it is the intent of this section to provide a means of controlling the installation and maintenance of such installations. It is furthermore intended to provide a safe and effective way to maintain the aesthetic character of and harmony within the Town of Macedon.

### B. Application of special permit regulations.

- (1) No telecommunications tower shall hereafter be used, erected, moved, reconstructed, changed or altered except after approval of a special use permit and unless in conformity with these regulations.
- (2) No existing structure shall be modified to serve as a telecommunications tower unless in conformity with these regulations.
- (3) Telecommunications towers and accessory facilities/structures shall be permitted in all zoning districts, subject to and upon the approval and issuance of a special use permit by the Town Board and final site plan approval by the Town of Macedon Planning Board under the procedures set forth in Macedon Code § 135-13 and § 135-182.1.

[Amended 12-10-2015 by L.L. No. 4-2015]

### C. Shared use of existing tall structures or existing or approved towers. At all times, shared use of existing tall structures (for example, municipal water towers, multistory buildings, church steeples, farm silos, etc.) and existing or approved towers shall be preferred to the construction of new towers.

- (1) An applicant proposing to share use of an existing tall structure or existing or approved tower shall be required to submit:
  - (a) A completed application for a special use permit.

- (b) Documentation of intent from the owner of the existing facility to allow shared use.
  - (c) A site plan. The plan shall show all existing and proposed structures and improvements, including roads, buildings, tower(s), guy wires and anchors, parking and landscaping, and shall include grading plans for new facilities and roads. In cases where shared use of an existing tall structure is proposed, any methods used to conceal this modification of the existing facility shall be indicated on the site plan.
  - (d) An engineer's report certifying that the proposed shared use will not diminish the structural integrity and safety of the existing tall structure, or existing or approved tower, and explaining what modifications, if any, will be required in order to certify to the above.
  - (e) A completed long-form EAF and a completed visual EAF.
  - (f) A copy of its certificate of need from the Public Service Commission and a copy of its Federal Communications Commission (FCC) license.
- (2) If an applicant proposing to share use of an existing tall structure, or existing or approved tower, submits complete and satisfactory documentation in accordance with Subsection **C(1)** above, and if modifications indicated according to Subsection **C(1)** are deemed insignificant by the Town Board, the Town Board shall grant a special use permit without further review under this section. If the Town Board determines that any modifications indicated according to subsection **C(1)** are significant, it may require further review according to Subsections **H** through **S** below.
- (3) The Town Board may consider a new telecommunications tower when the applicant demonstrates that shared use of existing tall structures and existing or approved towers is impractical. An applicant shall be required to present an adequate inventory of all existing tall structures and existing or approved towers within 8 miles (both within and outside of this municipality) of the proposed site and outlining opportunities for shared use of these existing facilities as an alternative to a proposed new tower. The report shall demonstrate good faith efforts to secure shared use from the owner of each existing tall structure and existing or approved tower as well as documentation of the physical and/or financial reasons why shared usage is not practical in each case. Written requests and responses for shared use shall be provided.
- D. Additional criteria for special use permit applications for the construction of new telecommunications towers. The Town Board shall grant a special use permit application to an applicant for shared usage of an existing tower site for a new tower or for construction of a new telecommunications tower and a new location, provided the applicant meets all applicable requirements set forth in Subsections **E** through **S** below, and sufficiently demonstrates the following:
- [Added 12-10-2015 by L.L. No. 4-2015<sup>[1]</sup>]
- (1) The construction of a telecommunications tower on the proposed site is necessary to provide safe and adequate service and that it will eliminate substantial aspects of the existing gaps in cellular service, improve transmission and reception of existing service in the Town of Macedon and in the surrounding region, or provide service in places where no wireless service is currently available;
  - (2) Compelling reasons, related to technology, economics, efficiency and other factors, justify the position that it is preferable and more feasible to use this single site than multiple alternate sites; and
  - (3) The intrusion on the community is genuinely minimal and that it will have a negligible impact on the surrounding neighborhood.
- [1] *Editor's Note: This local law also provided for the redesignation of former Subsections D through R as Subsections E through S, respectively.*
- E. Shared usage of an existing tower site for new tower. Where use of existing tall structures or approved towers is found to be impractical, the applicant shall investigate shared usage of a previously approved tower site. Documentation and conditions shall be in accordance with Subsection **C(1)** above. Any new telecommunications tower and/or equipment proposed for an existing tower site shall also be subject to the requirements of Subsections **G** through **S** below.



- F. New tower at a new location. The Town Board may consider a new telecommunications tower on a site not previously developed with an existing tower when an applicant demonstrates that shared use of existing tall structures, and existing or approved towers, is impractical, and submits a report as described in Subsection **C(1)** above; and when the Town Board determines that shared use of an existing tower site for a new tower is undesirable based upon the applicant's investigation in accordance with this section. Any proposed new telecommunications tower shall also be subject to the requirements of Subsection **G** through **S** below. Applications for new tower construction shall be considered Type 1 actions under SEQRA regulations. [Amended 12-10-2015 by L.L. No. 4-2015]
- G. Future shared use of new towers. The applicant shall design a proposed new telecommunications tower to accommodate future demand for reception and transmitting facilities. The applicant shall submit to the Board a letter of intent committing the new tower owner, and his/her successors in interest, to negotiate in good faith for shared use of the proposed tower by other telecommunications providers in the future. This letter, which shall be filed with the Building Inspector prior to issuance of a building permit (assuming the telecommunications tower is approved according to this section), shall commit the new owner and his/her successors in interest to:
- (1) Respond in a timely, comprehensive manner to a request for information from a potential shared-use applicant.
  - (2) Negotiate in good faith concerning future requests for shared use of the new tower, by other telecommunications providers.
  - (3) Allow shared use of the new tower if another telecommunications provider agrees in writing to pay charges.
  - (4) Make no more than a reasonable charge for shared use, based on generally accepted accounting principles. The charge may include but is not limited to a pro rata share of the cost of the site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, and depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.
- H. Site plan review: submission requirements. Prior to the issuance of a special use permit by the Town Board and site plan approval by the Planning Board, the following requirements shall be complied with:
- (1) An applicant shall be required to submit a site plan in accordance with § **75-49**. The site plan shall show all existing and proposed structures and improvements, including roads, buildings, tower(s), guy wire and anchors, parking and landscaping, and shall include grading plans for new facilities and roads. The site plan will also be required to show the following:
    - (a) The site plan shall also include a side elevation of the proposed tower and all accessory structures.
    - (b) The location of all structures on the property and all structures on any adjacent property within 100 feet of the property lines, together with the distance of these structures to the communication tower.
    - (c) Inventory of other existing and proposed communication towers within an eight-mile radius of the proposed site.
  - (2) Supporting documentation. The Planning Board shall require that the site plan include a complete long-form environmental assessment form and visual EAF and documentation on the proposed intent and capacity of use as well as a justification for the height of any tower and justification for any clearing required. The Planning Board shall also require a copy of the applicant's certificate of need from the Public Service Commission and a copy of the applicant's Federal Communications Commission (FCC) license. [Amended 12-10-2015 by L.L. No. 4-2015]
  - (3) Preference for siting communication towers. The following establishes a system of preferred locations that a proposed tower be located in a specific setting or in a specific area or zoning district, provided there is a technologically feasible and available location. A guideline for the preference, from the most favorable to the least favorable district/setting/property, is as follows:

- (a) Property with an existing structure suitable for collocations (including existing towers, farm silos, municipal water tanks, steeples, etc.).
  - (b) Municipal or government-owned property.
  - (c) ORM Office/Research Manufacturing District and GC General Commercial District.  
[Amended 12-10-2015 by L.L. No. 4-2015]
  - (d) Any other zoning district.  
[Added 12-10-2015 by L.L. No. 4-2015]
- I. Lot size and setbacks. All proposed telecommunications towers and accessory structures for a single application shall be located on a single tax parcel and shall be set back from abutting parcels and street lines a distance sufficient to substantially contain on-site all ice-fall or debris from tower failure and preserve the privacy of any adjoining residential properties.
- (1) Lot size of parcels containing a tower shall be determined by the amount of land required to meet the setback requirements. If the land is to be leased, the entire lot required shall be leased from a single parcel.
  - (2) Telecommunication towers shall comply with all existing setback requirements of the underlying zoning district, or shall be located with a minimum setback from any property line equal to 1 1/2 times the height of the tower, whichever is greater. Accessory structures shall comply with the minimum setback requirements in the underlying zoning district.
- J. Visual impact assessment. The Planning Board shall require the applicant to undertake a visual impact assessment of any proposed new tower or any proposed modification of an existing tower, unless the modification is in conjunction with Subsections **C(1)** and **C(2)** above and found to be insignificant by the Planning Board, which shall include:
- (1) A "Zone of Visibility Map" shall be provided in order to determine locations where the tower may be seen.
  - (2) Accurate pictorial representations of "before" and "after" views from key viewpoints both inside and outside of the Town, including but not limited to: state highways and other major roads, state and local parks, other public lands, preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors or travelers. The Planning Board shall determine the appropriate key sites at a presubmission conference with the applicant.
  - (3) Assessment of alternative tower designs and color schemes, as described in Subsection **K** below.
  - (4) Assessment of the visual impact of the tower base, guy wires, accessory buildings and overhead utility lines from abutting properties and streets.
- K. New tower design. Alternative designs shall be considered for new towers, including but not limited to lattice, single-pole structures, and camouflaged designs. The design of a proposed new tower shall comply with the following:
- (1) Any new tower shall be structurally designed to accommodate future shared use by at least three other telecommunications providers (four total carriers minimum). Ground lease areas shall be large enough to accommodate ground equipment for a total of four carriers.
  - (2) Unless specifically required by other regulations, all towers shall have a neutral earth tone or similar painted finish that shall minimize the degree of visual impact.
  - (3) The maximum height of any new tower in the Town of Macedon shall not exceed that which shall permit operation without artificial lighting of any kind or nature, in accordance with municipal, state, and/or federal law and/or regulation. Under no circumstance shall any antennas, extensions, or other devices extending above the structure of the tower measured from the ground surface immediately surrounding the site exceed 199 feet.
  - (4) The Planning Board may request a review of the application by a qualified engineer and/or legal counsel in order to evaluate the need for and the design of any new tower. Expenses for this evaluation shall be the

- responsibility of the tower applicant.
- (5) Accessory structures shall maximize the use of building materials, colors and textures designed to blend with the natural surroundings.
  - (6) No portion of any tower or accessory structure shall be used for a sign or other advertising purpose, including but not limited to company names, phone numbers, banners, and streamers.
- L. Existing vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible. No cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground) shall take place prior to the approval of the special permit.
- M. Screening. Deciduous or evergreen tree plantings shall be required to screen portions of the tower and accessory structures from adjacent property as well as from public sites known to include important views or vistas.
- N. Access. Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than 10 feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
- O. Parking. Parking shall be provided to assure adequate emergency and service access. The Planning Board shall determine the number of required spaces based upon a recommendation from the applicant.
- P. Fencing. Sites of proposed new towers and sites where modifications to existing towers are proposed shall be adequately enclosed by a fence, design of which shall be approved by the Planning Board, unless the applicant demonstrates to the Planning Board that such measures are unnecessary to ensure the security of the facility.
- Q. Removal. The applicant shall submit to the Town Board a letter of intent committing the tower owner, and his/her successors in interest, to notify the Building Inspector within 30 days of the discontinuance of use of the tower. This letter shall be filed with the Building Inspector prior to issuance of a building permit (assuming the telecommunications tower is approved according to this section). Obsolete or unused towers and accessory structures shall be removed from any site within four months of such notification. A bond shall be placed with the Town equal to the cost of removal and reclamation of the site. Failure to notify and/or remove the obsolete or unused tower in accordance with these regulations will result in utilizing the bond for site reclamation.
- R. Intermunicipal notification for new towers. In order to keep neighboring municipalities informed, and to facilitate the possibility of directing that an existing tall structure or existing telecommunications tower in a neighboring municipality be considered for shared use, prior to preliminary approval the Planning Board shall require:
- (1) An applicant who proposes a new telecommunications tower shall notify in writing the legislative body of each municipality that borders the Town of Macedon, including the Towns of Penfield, Perinton, Victor, Farmington, Walworth, Marion, Palmyra, Manchester, the Villages of Macedon and Palmyra, and the Wayne County Planning Board. Notification shall include the exact location of the proposed tower, and a general description of the project, including, but not limited to, the height of the tower and its capacity for future shared use.
  - (2) Documentation of the notification shall be submitted to the Planning Board at the time of application.
- S. Notification of nearby landowners. The applicant shall be required to mail notice of the public hearing directly to all landowners whose property is located within a one-mile radius of the property line of the parcel on which a new tower is proposed. Notice shall also be mailed to the administrator of any state or federal parklands from which the proposed tower would be visible if constructed. Notification, in all cases, shall be made by certified mail. Documentation of this notification shall be submitted to the Town Board prior to the public hearing.

## § 135-182.2. Solid waste landfill.

[Added 2-24-2005 by L.L. No. 5-2005]

The Town Board may approve a special use permit for a solid waste landfill in the ORM — Office, Research and Manufacturing District, provided that the following standards and provisions are maintained:

- A. Any application for a solid waste landfill shall be considered a "Type I" action, pursuant to the SEQRA review process, pursuant to 6 NYCRR Part 617.4 (a) (1).
- B. The applicant shall submit a written statement which sets forth the details of the operation of the proposed use, including the applicant's qualifications and experience in operating a solid waste landfill.
- C. The special use permit term for a solid waste landfill shall be five years, after which the permit shall be considered for renewal by the Town Board, for subsequent terms of five years.
- D. In making its decision to grant a special use permit for a solid waste landfill, the Town Board shall thoroughly investigate and consider all impacts relative to the operation of a solid waste landfill, including, but not limited to, traffic generation versus existing levels, traffic patterns and property values.
- E. Solid waste landfills must provide a comprehensive, guaranteed property value protection program for all existing properties within 1/2 mile of the facility within the Town of Macedon at the time of the initial special use permit approval, in a manner satisfactory to the Town Board.
- F. Solid waste landfills must provide the Town of Macedon a host community agreement, to be negotiated by the Town Board, which will adequately compensate the citizens of the Town of Macedon for permitting such use to exist.
- G. To ensure that the facility remains under the control of a competent operator/owner, any change in ownership or operator of the solid waste disposal facility requires the new owner to apply for, and receive, a new special use permit from the Town Board, prior to any such change occurring.
- H. The Town Board shall require adequate financial security from the owner of the facility to guarantee appropriate final closure of the facility to NYSDEC standards at no expense to the Town of Macedon.
- I. The Town Board shall require adequate financial security from the owner of the facility to guarantee that the appropriate long-term monitoring and maintenance of the facility will occur following final closure, for a period of not less than the mandated long-term monitoring timeframe required by the NYSDEC, or 50 years, whichever is greater, at no expense to the Town of Macedon.
- J. The Town Board shall require substantial landscaping and buffering to mitigate visual impacts of the facility.
- K. All site design considerations (i.e., size, height, location, setbacks, etc.) shall be considered by the Town Board on a site specific basis, considering the local conditions, impact on residents and all other relevant factors.
- L. Solid waste landfills shall not be subject, in any way, to the requirements of Town Zoning Law § 135-187.
- M. The Town Board shall impose any conditions and take any actions it deems necessary to protect the public health, safety and welfare.

## Article XXII. Supplementary Regulations

### § 135-183. Off-street parking.

[Amended 10-28-2004 by L.L. No. 4-2004]

In all districts there shall be provided, at the time any building or structure is erected, enlarged, increased in capacity or changed in use, unproved and usable off-street parking spaces for motor vehicles in accordance with the requirements of this article and **Schedule III.**<sup>[1]</sup> None of the off-street parking facilities as required herein shall be required for any existing building or use, unless said building shall be enlarged or the use of said building or land is changed. In such cases, off-street parking facilities shall be provided as hereinafter specified for the building as enlarged or to accommodate the needs of the new use.

## A. Design requirements.

- (1) Off-street parking space shall be provided as further specified in this chapter and shall be furnished with necessary passageways and driveways. For the purpose of this chapter a parking space shall not be less than 10 feet in width and 20 feet in depth exclusive of accessways and driveways in any parking area with fewer than 50 parking spaces total. In parking areas with over 50 parking spaces total, the stall sizes may be reduced to a minimum of 9 1/2 feet wide and 19 feet deep.
- (2) Off-street parking areas for nonresidential uses shall provide drive aisles with a minimum width of 24 feet for two-lane traffic and 18 feet for one lane traffic.
- (3) Off-street parking areas with a capacity for more than 20 vehicles shall delineate fire lanes and post no-parking markers at the direction of the Town Fire Marshal. Designated fire lanes shall be a minimum of 30 feet in width.
- (4) Any off-street parking area shall provide designated handicapped parking spaces in compliance with current ADA design regulations.
- (5) All off-street parking space shall be deemed to be required space on the lot on which it is situated and shall not be encroached upon or reduced in any manner.
- (6) All parking areas, passageways and driveways (except where provided in connection with one- and two-family dwellings or farm residences and buildings) shall be adequately drained and surfaced with a dustless, durable, all-weather surface, subject to approval of the Town Board.
- (7) Each off-street parking space shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley and so that any motor vehicle may be parked and unparked without moving or damaging another.
- (8) The collective provision of off-street parking areas by two or more buildings or uses located on adjacent lots may be approved by the Planning Board, provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately.
- (9) No driveway to an off-street parking area shall be located closer than 50 feet to the intersection of any two streets or within 20 feet of any side lot line, provided that sufficient distance will always remain for all required radii for said driveway. The distance from the driveway to the intersection shall be measured by extending the curblines of the intersecting street until it intersects the curblines, extended if necessary, of the driveway in question. In addition, a minimum distance of 20 feet shall be maintained between two driveways located on any one frontage.
- (10) Except where otherwise specified in this chapter, off-street parking areas and associated drive aisles may be located in any yard space for nonresidential uses but shall not be located closer than 40 feet to the right-of-way line of all streets and no closer than 10 feet to any other property line.
- (11) Off-street parking stalls shall have ninety-degree orientation with two-lane aisles for all parking areas with over 50 total parking spaces. Parking areas with fewer than 50 total parking spaces may have a sixty-degree angled parking with approval of the Planning Board.
- (12) Off-street parking stalls adjacent to buildings or structures shall be no closer than 10 feet to any portion of the building or structure, and must have a barrier consisting of parking bumpers or curbing. Isolated building entry vestibules and canopies may extend to within four feet of the parking area.

## B. Location of off-street parking facilities. Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be walking distance measured from the nearest point of the parking facility to the nearest public entrance of the building that such facility is required to serve.

- (1) For one- and two-family dwellings and for all types of residential structures, off-street parking facilities shall be located on the same lot with the building they are required to serve.
- (2) For multiple-family dwellings, off-street parking facilities shall be located not more than 200 feet from the building they are required to serve.

- (3) For other uses, off-street parking facilities shall be located not more than 500 feet from the building they are required to serve.
- C. Screening and landscaping.
- (1) Off-street parking areas for more than five vehicles shall be effectively screened on the rear and side yards by a fence of acceptable design, unpierced masonry wall, landscaped berm or compact evergreen hedge. Such fence, wall or hedge shall not be less than six feet in height and shall be maintained in good condition.
- (2) Except where otherwise specified in this chapter, when a parking area for five or more vehicles is within or abuts a residential district, a planted buffer area not less than 10 feet in depth shall be provided in addition to the fence or wall specified in Subsection **C(1)** above. Landscaping utilized to provide this buffer shall not be less than four feet in height at the time of planting and spaced not more than three feet apart.
- D. Lighting.
- (1) All off-street parking areas and appurtenant passageways and driveways (excluding areas serving one- and two-family dwellings and farm dwellings) shall be illuminated adequately during the hours between sunset and sunrise when the use is in operation.
- (2) Any lights used to illuminate an off-street parking area shall be so arranged as to reflect the light away from all adjoining property.
- E. Units of measurement.
- (1) In churches and other places of assembly in which patrons or spectators occupy benches, bleachers, pews or other similar seating facilities, each 20 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities.
- (2) When units of measurement determining the number of required parking spaces result in the requirement of a fractional space, any fraction shall require one parking space.
- F. Mixed occupancies and uses not specified. In any case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be determined by the Town Planning Board. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as hereinafter specified for joint use.
- G. Joint use. The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap in point in time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.
- H. Required off-street parking space. Required off-street parking space for specific uses as regulated in this chapter is contained in Schedule m which is part of this chapter.<sup>[2]</sup>
- [2] *Editor's Note: Schedule III is included at the end of this chapter.*
- [1] *Editor's Note: Schedule III is included at the end of this chapter.*

## § 135-184. Loading regulations.

- A. For every building, structure or part thereof having more than 4,000 square feet of gross building area erected and occupied for commerce and industry, as well as other uses requiring the receipt and distribution of materials and merchandise by vehicles, adequate space for loading and unloading services shall be provided and permanently maintained in order to avoid undue interference with the public use of streets, alleys or parking areas.
- B. Every building, structure or addition thereto having a use which complies with the above definition shall be provided with at least one truck standing, loading and unloading space on the premises not less than 12 feet in

width, 55 feet in length and 14 feet in height. One additional truck space of these dimensions shall be provided for every additional 20,000 square feet or fraction thereof of gross area in the building.

- C. Required off-street loading space is not to be included as off-street parking space in the computation of required off-street parking area.

## § 135-185. Access control.

In order to encourage the sound development of street frontage, the following special regulations shall apply to all nonresidential buildings and uses:

- A. Each separate use, grouping of attached buildings or groupings of permitted uses shall not have more than one point of access.
- B. The use of common access points by two or more permitted uses shall be encouraged by the Town Board in order to reduce the number and closeness of access points along the streets and to encourage the fronting of significant traffic generating uses upon a parallel access street and not directly upon a primary road.
- C. Access points for industrial uses shall not be less than 24 feet nor more than 40 feet in width. All other access points shall not be less than 20 feet nor more than 30 feet in width.

## § 135-186. Private swimming pools.

Private swimming pools shall be permitted in any Residential District, provided that there is an existing residence on said lot and the following regulations are complied with:

- A. Fences. In-ground swimming pools shall be completely enclosed by a fence of not less than four feet in height. Said fence shall have a gate with a latch to control access to the pool area. Aboveground pools less than four feet in height shall be similarly fenced. Aboveground pools which are four feet or more above the ground shall not require a fence, except that any steps leading to the pool deck shall be enclosed by a gate that may be securely fastened and locked. Notwithstanding the foregoing, a fence shall be required if the walls of the pool are so located as to provide a means by which the wall of this pool can be climbed and entry gained to the deck of the pool.
- B. Setbacks.
- (1) Outdoor swimming pools shall be located in the rear or side yards and shall conform to the minimum setback requirements for a structure in the district. Aprons and decks which are accessory to a pool shall not be within the minimum setback area specified in Schedule<sup>[1]</sup> for accessory uses.  
*[1] Editor's Note: Schedule I is included at the end of this chapter.*
  - (2) No swimming pool shall be closer to the street or front lot line than the front of the building or structure to which the pool is an accessory use.
- C. Drainage. No permit shall be issued for such pool unless the applicant can show that the proposed drainage of such pool is adequate and will not interfere with the property of others, public highways or area drainage facilities.
- D. Water supply. No permit shall be issued for such pool unless the applicant can demonstrate that there is sufficient water supply to accommodate such pool without detriment to normal water consumption requirements and that all proposed water connections are proper and adequate.
- E. Lighting. No lights shall be erected, operated or maintained in connection with a swimming pool in such a manner as to create an annoyance to surrounding properties.
- F. Overhead wiring. Service drop conductors and any other open overhead wiring shall not be installed above the swimming pool or an area surrounding the swimming pool which extends 10 feet horizontally from the pool

edge, diving structures, observation stands, towers or platforms. Service conductors shall be enclosed in ground-fault interruptor boxes and appropriately grounded.

- G. Filtering system. A filtering system shall be installed in all pools requiring in excess of 1,760 gallons of water to fill an area approximately 10 feet in diameter by 36 inches in depth.
- H. Permits. Building and zoning permits shall be required for all swimming pools having an area greater than 100 square feet or a depth greater than 18 inches, regardless of whether the pool is above or below the ground.
- I. Compliance with New York State requirements. Applications for swimming pool permits shall comply with these regulations and all applicable requirements of the State of New York. Where the regulations of the Town and state are inconsistent, the more restrictive requirements shall govern.

## § 135-187. Salvage, recycling, screening, processing and composting.

- A. Legislative intent.
  - (1) A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the Town of Macedon and the safeguarding of their material rights against unwarranted invasion, and in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Town and the general welfare of its citizens.
  - (2) It is further declared that the unrestrained accumulation of unregistered motor vehicles and other secondhand or used property is a hazard to such health, safety and welfare of the citizens of the Town, necessitating the regulation, restraint and eliminating thereof.
  - (3) At the same time, it is recognized that the maintenance of salvage and recycling operations, as hereinafter defined, are useful and necessary businesses when not in conflict with the requirements of this section.
- B. Permit required. No person shall operate, establish or maintain a salvage, recycling, screening, processing and composting (SRSPC) operation until he has obtained a special use permit pertaining to a site in a SRSPC Overlay District, which special use permit shall require annual renewal in accordance with the provisions of this section.
- C. Location. A SRSPC operation shall only be located in the SRSPC Overlay District, as may hereinafter appear on the **Zoning Map** of the Town of Macedon.<sup>[2]</sup> The Salvage and Recycling Overlay District may be located only in the AR-40 District (Agricultural/Residential) or the ORM District (Office/Research/Manufacturing) and shall allow uses permitted in the primary district and SRSPC operations permitted in accordance with this section.
 

[2] *Editor's Note: The Zoning Map is included at the end of this chapter.*
- D. Rezoning procedure. The procedures for amendments to this chapter specified in § 135-5 shall be superseded by the procedures enumerated below in order for the Town Board to consider the location of a SRSPC Overlay District:
  - (1) A request to establish a SRSPC Overlay District shall be made to the Town Board by filing an application for rezoning, which includes a sketch plan and a completed long form environmental assessment form (EAF) with the Town Clerk. The Town Clerk shall refer the request to the Planning Board for consideration.
  - (2) The applicant shall first meet with the Planning Board to discuss design and development objectives. At this meeting, the applicant shall provide a written description of how the proposed rezoning would be integrated with and relate to neighboring land uses, site development constraints and the availability of public facilities and services. The concept plan shall be of the entire area proposed for rezoning, drawn to scale with a total holding map, and shall include the following information:
    - (a) The principal physical characteristics of the area, including an analysis of the soils and subsoils and the location of major stands of trees, streams, floodplains, wetlands and rock outcroppings.
    - (b) The topography of the site with contour intervals of not more than five feet of elevation, portions of the area with moderate to high susceptibility to erosion, flooding or ponding and a preliminary



grading plan with five-foot contour intervals.

- (c) A written analysis of the relationship of the site proposed for rezoning to existing land use and zoning regulations within 1,000 feet of such site, including the identification of any significant parcels of vacant land and the character of nearby built-up areas.
  - (d) A written statement by the applicant setting forth the reasons why the proposed rezoning would be advantageous to and in the best interests of the Town of Macedon.
  - (e) Any other information or documentation which the applicant deems necessary to support this application.
- (3) Within 90 days of the receipt of the sketch plan, EAF and supporting documents, the Planning Board shall submit a written report to the Town Board. The Planning Board shall hold a public hearing on the sketch plan to assist it in the preparation of its report. If no report has been rendered within the ninety-day period, unless such time limit has been extended by formal action of the Town Board at the request of the Planning Board, the applicant may proceed to meet with the Town Board and request that a public hearing be scheduled on the rezoning.
- (a) A favorable report from the Planning Board shall be based on the following findings, which shall be included as part of the report:
    - [1] The proposal implements the goals and policies of the Master Plan of the Town of Macedon.
    - [2] The sketch plan meets all of the requirements of this chapter.
    - [3] The proposal is conceptually sound in that it meets a community need and conforms to accepted design standards for the proposed roadway system, land use configuration, open space and drainage systems.
    - [4] Adequate water and sewer services and utilities are available or proposed to be made available in order to properly serve the proposed operation.
  - (b) An unfavorable report shall state clearly the basis for its conclusions.
- (4) Upon receipt of a report from the Planning Board, the Town Board shall consider the application for the establishment of a SRSPC Overlay District in the same manner as any other application for amendment of the **Zoning Map**.
- (5) If the Town Board approves the establishment of a SRSPC Overlay District, the **Zoning Map** shall be so amended.
- E. Application procedure for special use permit. Application for a SRSPC special use permit shall be made in accordance with the special use permit procedures set out in Article **XXI** of this chapter. The application shall be made in writing to the Town Board and shall be accompanied by written confirmation from the Zoning Officer that the proposed location is within a district permitting such uses.
- F. Special use permit standards. The SRSPC uses specified in this chapter are hereby declared to possess unique characteristics requiring that each proposal for any such use shall be considered by the Town Board as an individual case. Upon application complying with the requirements of this section, salvage and recycling permits may be approved by the Town Board and issued by the Zoning Officer after referral to and recommendation from the Town Planning Board and only after the Town Board has found that each and all of the following standards have been met:
- (1) The proposed SRSPC operation is consistent with the general intent of the Town's Master Plan and with each of the specific purposes set forth therein.
  - (2) There is a minimum land area of 10 acres located within the SRSPC Overlay District and particularized by a legal description.
  - (3) The location, size and use of the structures involved, nature and intensity of the operations involved and size and layout of the site in relation to the proposed SRSPC operation are such that it will be compatible

with the orderly development of the uses permitted in the district.

- (4) Operation of the proposed SRSPC operation is no more objectionable to the uses of nearby properties, by reason of dust or smoke emission, noise, odors, fumes, pollution of air or water, including subsurface waters, unsightliness or similar conditions, than would be the operation of any permitted use.
- (5) Except as provided in Subsection **F(6)**, operation shall be completely surrounded with a fence at least eight feet in height that substantially screens the area, secured with a suitable gate that shall be closed and locked except during the working hours of such operation or when the applicant or his agent shall be within. All motor vehicles and parts thereof and all secondhand or used property, stored or deposited by the applicant shall be kept within the enclosure of the operation, except if removal shall be necessary for the transportation of the same in the reasonable course of business. All wrecking or other work on such motor vehicles and parts and other secondhand or used property as hereinabove defined shall be accomplished with the enclosure. Where the topography, natural growth of timber or other considerations accomplish the purpose of this subsection, in whole or part, the fencing requirements may be reduced by the Town Board, upon granting the special permit; provided, however, that such natural barrier achieves the purpose of this subsection.
- (6) Operations abutting a residential uses shall be screened from such uses by a buffer area not less than 20 feet in depth composed of densely planted evergreen shrubbery, solid fencing or a combination of both which, in the opinion of the Town Board, will be adequate to prevent the transmission of headlight glare across the district boundary line. The Town Board shall determine on an individual case basis how close to the right-of-way the landscaped buffer shall be required to be installed. Such buffer screen shall have a minimum height of six feet above the ground. If said shrubbery becomes decayed and fails to provide an adequate screen, the Zoning Officer shall direct the property owner to replace said shrubs.
- (7) The first 200 feet of entrance to the site traveled by motor vehicles shall be hard surfaced.
- (8) No building or structure, including gasoline pumps, tanks or automotive service appliances, shall be erected within 75 feet of any property line for SRSPC operations.
- (9) For SRSPC operations involving more than screening, processing or composting, all unregistered vehicles shall be stored inside a fully enclosed fenced area at all times.
- (10) No SRSPC operation involving more than screening, processing or composting, including any driveway to such uses, shall be established within 1,500 feet of any residential structure, or 1,500 feet of any school, church, park, playground, hospital, public library, institution for dependent children or any place of public assembly designed for the simultaneous use of 100 persons or more or within 600 feet of any designated wetlands area.
- (11) No salvage and recycling operation limited to screening, processing or composting, including any driveway to such uses, shall be established within 300 feet of any residential structure or 1,500 feet of any school, church, park, playground, hospital, public library, institution for dependent children or any place of public assembly designed for the simultaneous use of 100 persons or more or within 600 feet of any designated wetlands area.
- (12) The Town Board may impose additional conditions or restrictions as it may deem necessary prior to approving any SRSPC operation application in order to protect public health and safety, the quality of the Town's natural resource base and the value of property. The Zoning Officer shall make an on-site visit to each property authorized as a SRSPC operation not less than one time each year. The purpose of said site visit is to verify that the use is being operated in accord with the conditions specified by the Town Board.

#### G. Hearing.

- (1) A hearing on the application shall be held by the Town Board within the Town not less than 45 days from the date of the receipt of a recommendation on the application from the Town Planning Board and County Planning Board, if required. Notice of the hearing shall be given the applicant by mail, postage prepaid, to the address given in the application and shall be published once in the newspaper having a circulation within the Town, which publication shall be not less than 10 days before the date of the hearing.

- (2) At the time and place set for hearing, the Town Board shall hear the applicant and all other persons wishing to be heard on the application for approval for the establishment of the operation. In considering such application, the Town Board shall take into account, after proof of legal ownership or right to such use of the property for the approval period, the nature and development of surrounding property, such as the proximity of wetlands, churches, schools, hospitals, public buildings or other places of public gathering, and whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy odors or smoke or other causes.
  - (3) At the hearing regarding establishment of the SRSPC operation, the Town Board may also take into account the clean, wholesome and attractive environment that has been declared to be of vital importance to the continued welfare of its citizens by considering whether or not the proposed location can be reasonably protected from having an unfavorable effect thereon. In this connection, the Town Board may consider collectively the type of road servicing the operation or from which the operation may be seen, the natural or artificial barriers protecting the operation from view, the proximity of the proposed operation to established residential and recreational areas or main access routes thereto, as well as the reasonable availability of other suitable sites for the salvage and/or recycling operation.
  - (4) At the time and place set for hearing, the Town Board shall hear the applicant and all other persons wishing to be heard on the application for approval to operate, establish or maintain the SRSPC operation. In considering such application, it shall take into account the suitability of the applicant with reference to his ability to comply with the requirements and conditions set forth in this chapter and other reasonable regulations concerning the proposed operation, and any record of convictions for any type of larceny or receiving of stolen goods and any other matter within the purview of this chapter.
- H. Grant or denial of application; appeal. After the hearing, the Town Board shall endeavor, within 45 days, to make a finding as to whether or not the application should be granted, giving notice of their findings to the applicant by mail, postage prepaid, to the address given on the application. If approved, the permit, including the site plan approval of location, shall be forthwith issued to remain in effect for a period of one year from the date of issuance. Approval shall be personal to the applicant and not assignable without prior consent of the Town Board. Permits shall be renewed thereafter upon payment of the annual license fee without hearing, provided that all provisions of this chapter are complied with during the permit period, the SRSPC operation does not become a public nuisance under the common law or local regulations and the applicant is not convicted of a larceny or the receiving of stolen goods.
- I. Permit fees. The annual permit fee shall be determined by the effective Fee Schedule<sup>[3]</sup> and to be paid at the time the application is made and annually thereafter in the event of renewal. In the event that the application is not granted, the fee shall be returned to the applicant. In addition to the permit fee, the applicant shall pay to the Town the cost of advertising such application and such other reasonable costs incident to the hearing as are clearly attributable thereto and shall be paid to the Town Clerk prior to the publication of the notice of hearing.
- <sup>[3]</sup> *Editor's Note: The Fee Schedule is on file in the Clerk's office.*
- J. Penalties for offenses. If the Zoning Officer shall determine that a violation of this Article or the conditions imposed by the Town Board exists:
- (1) The owner or licensee of any such place of business who commits or permits any acts in violation of any of the provisions of this chapter shall be deemed to have committed an offense, and also shall be liable for any such violation and the penalty therefor. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.
  - (2) For every violation of any provision of this chapter, the persons violating same shall be subject to the penalties provided in Chapter 1, General Provisions, Article I and in addition may be ordered to pay all costs and expenses involved in the case, including reasonable prosecution expenses.<sup>[4]</sup>
- <sup>[4]</sup> *Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.*
- (3) Conviction for any of the above-mentioned violations shall constitute and effect an immediate forfeiture of the license.

- (4) Any person violating this chapter, in addition, shall be subject to a civil penalty enforceable and collectible by the Town in the amount of \$100 for each such offense. Such penalty shall be collectible by and in the name of the Town of each day that such violation shall continue.
  - (5) In addition to the above provided penalties and punishment, the Town Board may also 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.
- K. Existing salvage and recycling operations. Existing salvage and recycling operations lawfully conducted at the time of the effective date of this section shall be entitled to a special use permit as of right upon application without a public hearing and thereafter reviewed in accordance with this section. Such existing operations, to the extent they do not conform to the requirements of this section, may be lawfully continued; provided, however, there shall be no extensions, enlargements, changes or modifications until such time as the operation conforms to the provisions of this section, except as to district location, and a public hearing is held thereon.

[1] *Editor's Note: Derived from L.L. No. 2-1992, adopted 3-26-1992*

## Article XXIII. Sign Regulations

### § 135-188. Purpose.

The intent of these regulations is to promote and protect public health, welfare and safety by regulating and restricting the erection, construction, repair, removal, alteration and maintenance of signs and other advertising devices in the Town. The regulations are designed to promote public safety, protect property values, create a more attractive economic climate and enhance the scenic and natural beauty of the Town.

### § 135-189. General conditions and regulations.

- A. No sign shall be erected without the approval of and permit issued by the Zoning Officer. The Planning Board shall review and approve multiple business or multiple use signs, signs requiring a variance and signage that will result in two or more signs on any one parcel.  
[Amended 5-11-1995 by L.L. No. 2-1995]
- B. All signs shall be securely attached to a building or a structurally sound support. Display surfaces shall be kept neatly painted and in good repair at all times.
- C. No illuminated signs or outdoor illumination shall direct light in a way which would create a traffic hazard or nuisance or be unreasonably detrimental to adjoining or neighboring properties.
- D. No sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. Lighting devices shall employ only lights emitting light of constant intensity.
- E. No projecting sign shall be erected or maintained which extends a distance of more than 18 inches from the front or face of a building. In no event shall a sign overhang or project onto any public right-of-way, except as provided for in this chapter.
- F. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or similar fluttering devices.
- G. No sign shall consist of animated or moving parts or be constructed in a movable or portable form.
- H. No sign shall be attached to fences, utility poles or trees.
- I. No sign shall be erected or maintained upon the roof of any building or structure.
- J. No motor vehicle, mobile home or trailer on which is placed or painted any sign shall be parked or stationed in a manner primarily intended to display the sign.
- K. No sign shall be erected or maintained within 25 feet of the right-of-way of any public street or highway.

- L. Except for off-premises directional signs regulated by § **135-193**, no sign advertising a business use or service other than that provided on the premises on which said sign is located shall be permitted.
- M. The regulations specified herein shall not apply to any sign or directional device erected by any governmental agency, nonadvertising signs identifying underground utility lines or posted or preserve signs erected pursuant to the Environmental Conservation Law of the State of New York.
- N. No sign shall be located closer than 25 feet to any side property line unless it is attached to a building.
- O. No sign shall be erected in such a manner as to confuse or obstruct the view of any traffic sign, signal or device.
- P. Signs advertising a temporary situation may be displayed during the duration of those services or until the final day of the event. Such signs may include, but not be limited to, political, charitable, social and educational functions, real estate sale, lease or rental signs and signs advertising services of a temporary nature incident to a business or property.
- Q. Any sign not specifically covered by these regulations shall require approval by the Planning Board and a permit issued by the Zoning Officer.

## § 135-190. Specific conditions and regulations.

- A. No more than two signs containing advertising or otherwise relating to a single business or activity shall be erected or maintained on a single property.
- B. No more than one of the two permitted signs may be a ground sign.
- C. The total area of all signs erected on a single property shall not exceed one square foot per linear foot of building facade on the street which provides the principal access for the use.
- D. Directional signs that do not exceed two square feet in sign area and are limited to such texts as "Office," "Entrance," "Exit," "Parking" and "No Parking" are excluded from the limitation on the number and area of signs permitted.
- E. No ground sign shall exceed 24 square feet in area and 20 feet in overall height, measured from the highest level of natural ground immediately beneath the sign to the highest point of the sign or the supporting structure thereof.
- F. No ground sign shall be set back less than 25 feet from any street line. No ground sign shall be set back a distance less than the height of the sign from any side or rear property line.
- G. Signs incidental to places of worship, libraries, museums, social clubs and societies and signs announcing the name of multiple-family dwelling complexes shall not exceed 16 square feet in area.

## § 135-191. Multiple uses or activities.

Notwithstanding the standard governing the number of signs permitted to be erected or maintained on any parcel of real property set forth in § **135-190** above, the following standards shall guide the regulation of all private signs associated with projects when more than one principal building or business use or activity is proposed to be conducted on a separate and discreet basis upon a single parcel of real property associated with the project, such as in the case of a shopping center, plaza or mall or other multiple commercial use facility or industrial park:

- A. A single ground sign of up to 64 square feet in area and not more than 20 feet in height may be erected which identifies the name of the center or facility as a whole and does not advertise any individual business activity.
- B. Ground signs advertising individual businesses within a shopping center or joint development project shall be prohibited.
- C. One sign identifying individual businesses or uses may be erected for each separate principal activity. Individual business signs may be attached to the face of the building or hung from a canopy. Such signs shall not exceed

the lesser of:

- (1) One square foot of area for each linear foot of store frontage; or
  - (2) Fifteen percent of the surface area of the wall on which the sign is to be attached; or
  - (3) Twenty-four square feet.
- D. In a shopping center, industrial park or multiple commercial facility, there may be one directory sign at any location therein which shall not exceed five square feet for each acre of land in such shopping center, industrial park or multiple commercial facility, provided that such sign shall not exceed 24 square feet in area. In addition, at each point of entrance and exit for vehicular traffic into such shopping center, industrial park or multiple commercial facility, one directory sign shall be permitted which does not exceed two square feet for each acre of land in such shopping center or industrial park. Such signs shall not exceed a total area of 12 square feet.  
[Amended 12-9-1999 by L.L. No. 5-1999]
- E. An overall sign design plan for any such center or facility shall be submitted with the application for the site development permit. The sign design plan shall include plans for each principal activity therein and shall reflect consistency in design, lettering, lighting and the use of materials.

## § 135-192. Additional requirements signs in agricultural and residential districts.

- A. A sign indicating the name and address of the occupant or a permitted home occupation, provided that it shall not be larger than four square feet in area. If such signs are freestanding they shall not exceed four feet in height above the ground level at the sign's location, and shall be no closer than 10 feet to any lot line. Said signs shall not be illuminated, except indirectly.
- B. For multiple-family dwellings and public buildings, a single identification sign not exceeding 16 square feet in area and indicating only the name and address of the building may be displayed. Such signs shall not be closer to any lot line than 1/2 of the required setback and shall not project more than six feet in height above grade. Said signs shall not be illuminated, except indirectly.
- C. No more than two signs advertising the sale, lease or rental of the premises upon which the sign is located. Such signs shall not exceed nine square feet in area, provided that such sign is erected or displayed not less than five feet inside the property line and not more than four feet in height. Said signs must be removed from the premises within seven days after the property has been leased or title transferred.
- D. No more than one identification sign not exceeding 24 square feet in area shall be permitted identifying the name of a farm. Said signs shall not be closer than 25 feet to any right-of-way or property line and shall not be illuminated, except indirectly.
- E. A permanent sign may be erected to indicate a subdivision, which sign shall not exceed 50 square feet in area nor more than seven feet in height.
- F. A temporary sign, not exceeding 24 square feet in area, the height of which is not greater than six feet, shall be permitted for a period of three years from the time of final subdivision approval or advertising the sale of property within such subdivision.
- G. Not more than two signs may be erected for the purpose of advertising the sale of agricultural and nursery products associated with a roadside stand. Said signs shall not exceed a total combined area of 12 square feet and shall be located not less than 25 feet from the right-of-way line. Signs associated with nonpermanent roadside stands shall be removed from the site at the same time that the nonpermanent stand is removed.
- H. No sign advertising a business in a residential district shall exceed 16 square feet in area.

## § 135-193. Off-premises directional signs.

Notwithstanding the provisions of § **135-189** to the contrary, one directional sign advertising an industry or business having its principal place of business within the Town of Macedon may be located upon premises other than the premises of the principal place of such industry or business, provided that:

- A. Such industry or business does not front on a state highway.
- B. The principal purpose of such sign is to direct motor vehicles to the location of such business or industry.
- C. Such sign is located no closer than 25 feet from the right-of-way line.
- D. Such sign has a maximum area of not more than 12 square feet on either side and shall have no more than two sides.
- E. No part of such sign shall be more than 12 feet above the ground measured from the highest level of natural ground immediately beneath the sign.
- F. Wherever possible, the grouping of compatible off-premises directional signs shall be encouraged.
- G. Such signs may be illuminated by indirect lighting.
- H. All applications for an off-premises directional signs shall be accompanied by a written statement signed by the owner of the premises giving permission to locate the sign on the subject property.

### § 135-194. Temporary signs.

- A. Temporary signs advertising any political, educational, charitable, civic, religious or like campaign or event may be erected for a consecutive period not to exceed 60 days in any calendar year. Said signs shall be removed within 14 days following the campaign or event.
- B. If such temporary signs are not removed within the fourteen-day period, the Zoning Officer is authorized to remove said signs and to charge all costs incident to the removal of the sign or signs to the organization responsible for the placement of the signs.
- C. No temporary sign shall be attached to fences, trees, utility poles, bridges and traffic signs and shall not obstruct or impair vision or traffic in any manner or create a hazard or disturbance to the health and welfare of the general public.
- D. No temporary sign shall exceed 24 square feet in area.

### § 135-195. Nonconforming signs.

- A. Any existing sign erected before the adoption of this chapter which is nonconforming and for which no permit was issued shall be removed within six months from the effective date of this chapter.
- B. Any existing sign erected before the adoption of this chapter for which a permit was issued and which would be in violation under the provisions of this chapter, shall be allowed to continue for a period of not more than 10 years from the effective date of this chapter. At the end of the ten-year period, all such nonconforming signs shall be removed.
- C. Nonconforming signs shall not be altered, rebuilt, enlarged, extended or relocated, unless such action changes a non-conforming sign into a conforming sign as provided herein. The failure to keep any such nonconforming sign in good repair within a period of 30 days after due notification by the Zoning Officer shall constitute abandonment of the sign. An abandoned sign shall not be reused and shall be removed by or at the expense of the property owner.
- D. If a project subject to zoning review(s) is proposed for a parcel of property upon which a legally preexisting sign which does not conform to these standards is located, the reviewing agency shall require that the said nonconforming sign be brought into compliance as a condition of the approval of the proposed action.

## § 135-196. Application for sign permit.

All applications for a sign permit shall be made in writing, in triplicate, upon the forms prescribed and provided by the Zoning Officer and shall meet the standards set forth:

- A. All applications shall contain the following information:
- (1) Name, address and telephone number of the applicant.
  - (2) Location of building, structure or land to which or upon which the sign is to be erected.
  - (3) A detailed drawing or blue print showing a description of the construction details of the sign and showing the lettering and/or pictorial matter composing the sign; position of lighting or other extraneous devices; and a location plan showing the position of the sign or any buildings or structures, including any private or public street or highway.
  - (4) Written consent of the owner of the building, structure or land to which or on which the sign is to be erected, in the event that the applicant is not the owner thereof.
- B. All applications pursuant to §§ **135-191**, **135-193** and **135-195** shall be forwarded to the Planning Board for approval. Prior to rendering its decision the Board shall:  
[Amended 5-11-1995 by L.L. No. 2-1995]
- (1) Review the design, size and location of the proposed sign to determine whether the proposed sign is in violation of any of the regulations or restrictions set forth in this chapter.
  - (2) Grant approval, including any reasonable conditions, or reject the application and provide reasons for rejecting the application.
- C. All applications not governed by Subsection **B** shall be submitted to the Zoning Officer for approval. Prior to rendering his decision, the Zoning Officer shall:  
[Added 5-11-1995 by L.L. No. 2-1995]
- (1) Review the design, size and location of the proposed sign to determine whether the proposed sign is in violation of any of the regulations or restrictions set forth in this chapter.
  - (2) Refer the application to the Planning Board for a recommendation, in the Zoning Officer's discretion.
  - (3) Grant approval, including any reasonable conditions, or reject the application, stating the reasons therefor.

## § 135-197. Permit required; fee.

After approval of the design, size and location of any sign, as aforesaid, no person shall erect any sign as defined herein without first obtaining a permit from the Zoning Officer, and payment of fees as determined by the Town Board.

## § 135-198. Issuance of a permit.

It shall be the duty of the Zoning Officer, upon the filing of the application for said permit, to examine all of the data submitted to him with the application, and if necessary, the building or premises upon which it is proposed to erect the sign or other advertising structure. If it shall appear that the proposed sign is in compliance with all of the requirements of this chapter, and other laws and ordinances of the Town of Macedon, and has been approved as to design, size and location by the Macedon Town Planning Board, as provided for herein, a permit for the erection of the proposed sign shall be issued. If the sign authorized under any such permit has not been completed within six months from the date of the issuance of such permit, the permit shall become null and void, but may be renewed for one additional six-month period upon the approval of the Planning Board and upon payment of an additional fee.



A request, which cites the reason for requesting the completion of the sign shall be submitted, in writing, to the Planning Board not more than 30 days following the first six-month expiration period.

## § 135-199. Removal of signs.

- A. The Zoning Officer shall notify the owner of any sign which no longer serves the purpose for which the permit was granted or is unsafe, insecure or is a menace to the public or has been erected or installed in violation of this chapter, in writing, to remove or correct the unsatisfactory condition of said sign within 30 days from the date of such notice.
- B. Upon failure to comply with such notice within the prescribed time, the Zoning Officer is hereby authorized to remove or cause removal of such sign and shall charge all costs and expenses incurred in said removal to the owner of the sign and/or the owner of the land or building on which such sign is located.
- C. The Zoning Officer may cause any sign which is a source of immediate peril to persons or property to be removed summarily upon written notice to that effect. Failure to comply within five days of such notice will serve as an authorization to the Zoning Officer to remove or cause removal of such sign, with all costs and expenses charged as provided for above.

## Article XXIV. Penalties

### § 135-200. Penalties for offenses.

- A. Any person, firm, company or corporation owning, controlling or managing any building, structure or premises therein or where there shall be placed on or there exists anything in violation of any of the provisions of this chapter and any person, firm, company or corporation who shall assist in the commission of any violation of this chapter or any conditions imposed by the Town Board, Planning Board or the Board of Appeals or who shall build or use any building or parcel of land, contrary to the plans or specifications submitted to the Building Inspector and/or Zoning Officer and certified as complying with this chapter and the Uniform Code and any person, firm, company or corporation who shall omit, neglect or refuse to do any act required by this chapter shall be subject to the penalties as provided in Chapter 1, General Provisions, Article I, and in addition may be ordered to pay all costs and expenses involved in the case. Every such person, firm, company or corporation shall be deemed guilty of a separate offense for each day such violation, disobedience, omission, neglect or refusal shall continue.<sup>[1]</sup>

[1] *Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I*

- B. Any person, firm, company or corporation violating this chapter, in addition, shall be subject to a civil penalty enforceable and collectible by the Town in the amount of \$100 for such offense. Such penalty shall be collectible by and in the name of the Town for each day that such violation shall continue.

[Added 4-14-1994 by L.L. No. 1-1994]

### § 135-201. Alternative penalty.

In case of any new violation or any of the provisions of this chapter or conditions imposed by the Town Board, Planning Board or Board of Appeals, in addition to other remedies herein provided, the Town Board may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

**APPENDIX F**  
**Third Party Certifications**  
**&**  
**Inter-Municipal Agreement**



## Third Party Contractor Agreement

Regarding Cooperation to Comply with the New York State  
Department of Environmental Conservation SPDES General  
Permit For Stormwater Discharges From Municipal Separate  
Storm Sewer Systems (MS4s)  
GP-0-15-003

### Third Party Contractor Information:

Company Name: BME Associates

Company Representative: Kimberly Boyd

Address: 10 Lift Bridge Lane East, Fairport, NY 14450

Phone Number: 585-377-7360 (ext. 133)

Email: kboyd@bmepc.com

Identify the activities that the entity will be responsible for including the particular Minimum Control Measure (MCM), the location and type of work:

MCM 1: SWMP Updates, FB Posts, Website Updates, Town Wide Mailer - Urbanized Area

MCM 2: Annual Report Preparation, SWMP Updates, Open House - Urbanized Area

MCM 3: Outfall Mapping, ORI, Dry Weather Inspections - Urbanized Area

MCM 4: SWPPP Review, Stormwater Inspections, SWPPP Enforcement - Town Wide

MCM 5: SWPPP Review, Inventory & Inspect Post-Construction Controls - Town Wide

MCM 6: SOP & BMP Development, Low Priority Facility Assessments - Urbanized Area

### Certification Statement:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Town of Macedon's stormwater management program and agree to implement any corrective actions identified by the Town of Macedon or a representative. I also understand that the Town of Macedon must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems ("MS4 GP") and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any non-compliance by the Town of Macedon will not diminish, eliminate, or lessen my own liability."

Your signature below will constitute acknowledgement and acceptance of this agreement.

[Signature]

Town of Macedon Representative

Kimberly Boyd

Third Party Contractor Representative

6-13-17

Date

6-13-17

Date



## Third Party Contractor Agreement

Regarding Cooperation to Comply with the New York State  
Department of Environmental Conservation SPDES General  
Permit For Stormwater Discharges From Municipal Separate  
Storm Sewer Systems (MS4s)  
GP-0-15-003

### Third Party Contractor Information:

Company Name: Caroline Myers Kilmer, WBE Certified Stormwater Consultant

Company Representative: Caroline Kilmer, MS, CPESC, CPSWQ, SPMSM

Address: 90 Caversham Woods, Pittsford, NY 14534

Phone Number: 585-746-5276

Email: caroline.myers.kilmer@gmail.com

### Identify the activities that the entity will be responsible for including the particular Minimum Control Measure (MCM), the location and type of work:

MCM 2 - Macedon Trails Committee, Provide Rain Garden Workshop, Assist with other Pubic

Events as needed - City Wide

MCM 3 - Identify and inventory outfalls located in the Village of Macedon using GPS - Urbanized Area

MCM 6 - Assist with creation of SWPPP for Village of Macedon DPW, Village of Macedon

Sewer Plant, provide municipal training for Pollution Prevention and IDDE - Urbanized Area

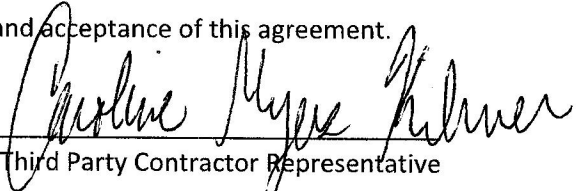
### Certification Statement:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Town of Macedon's stormwater management program and agree to implement any corrective actions identified by the Town of Macedon or a representative. I also understand that the Town of Macedon must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems ("MS4 GP") and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any non-compliance by the Town of Macedon will not diminish, eliminate, or lessen my own liability."

Your signature below will constitute acknowledgement and acceptance of this agreement.

\_\_\_\_\_  
Town of Macedon Representative

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Third Party Contractor Representative

\_\_\_\_\_  
Date

9/18/17



## Third Party Contractor Agreement

Regarding Cooperation to Comply with the New York State  
Department of Environmental Conservation SPDES General  
Permit For Stormwater Discharges From Municipal Separate  
Storm Sewer Systems (MS4s)  
GP-0-15-003

### Third Party Contractor Information:

Company Name: EnviroTech Environmental Services

Company Representative: Robert Allen

Address: PO Box 29, Victor NY 14564

Phone Number: 8007242102

Email: info@naturallythebest.com

### Identify the activities that the entity will be responsible for including the particular Minimum Control Measure (MCM), the location and type of work:

Minimum Control Measure 6: Pollution Prevention/Good Housekeeping For Municipal Operations

Envirotech applies pest control at municipal facilities - Town Wide

Utilize a management system that incorporates integrated pest management techniques.

Use pesticides only if there is an actual problem.

Do not use pesticides if rain is expected, and do not prepare pesticides near a storm drain.

Calibrate application equipment to avoid excessive application.

### Certification Statement:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Town of Macedon's stormwater management program and agree to implement any corrective actions identified by the Town of Macedon or a representative. I also understand that the Town of Macedon must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems ("MS4 GP") and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any non-compliance by the Town of Macedon will not diminish, eliminate, or lessen my own liability."

Your signature below will constitute acknowledgement and acceptance of this agreement.

\_\_\_\_\_  
Town of Macedon Representative

Robert Allen Robert Allen  
Third Party Contractor Representative

\_\_\_\_\_  
Date

09/13/2017  
\_\_\_\_\_  
Date



## Third Party Contractor Agreement

Regarding Cooperation to Comply with the New York State Department of Environmental Conservation SPDES General Permit For Stormwater Discharges From Municipal Separate Storm Sewer Systems (MS4s)  
GP-0-15-003

### Third Party Contractor Information:

Company Name: Ontario County Soil & Water Conservation District

Company Representative: Thomas Derve

Address: 480 North Main Street, Canandaigua, NY 14424

Phone Number: 585-396-1450

Email: \_\_\_\_\_

Identify the activities that the entity will be responsible for including the particular Minimum Control Measure (MCM), the location and type of work:

MCM 4: SWPPP Plan Review, SWPPP Inspections, & SWPPP Enforcement - Town Wide

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Certification Statement:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Town of Macedon's stormwater management program and agree to implement any corrective actions identified by the Town of Macedon or a representative. I also understand that the Town of Macedon must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems ("MS4 GP") and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any non-compliance by the Town of Macedon will not diminish, eliminate, or lessen my own liability."

Your signature below will constitute acknowledgement and acceptance of this agreement.

[Signature]

Town of Macedon Representative

6-13-17

Date

[Signature]

Third Party Contractor Representative

THOMAS W. DERUE, DISTRICT MANAGER

6/9/17

Date



### Third Party Contractor Agreement

Regarding Cooperation to Comply with the New York State Department of Environmental Conservation SPDES General Permit For Stormwater Discharges From Municipal Separate Storm Sewer Systems (MS4s) GP-0-15-003

**Third Party Contractor Information:**

Company Name: Transitions Landscape & Design Inc.  
Company Representative: Charlie Holvey  
Address: 1095 Quaker Road, Macedon, NY 14502  
Phone Number: 315-986-1595  
Email: transitions@verizon.net

**Identify the activities that the entity will be responsible for including the particular Minimum Control Measure (MCM), the location and type of work:**

MCM 6: Parks & Open Space Maintenance, Pesticide & Fertilizer Application, Hydroseeding at Municipal facilities, parks, or right-of-ways - Urbanized Areas  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Certification Statement:**

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Town of Macedon's stormwater management program and agree to implement any corrective actions identified by the Town of Macedon or a representative. I also understand that the Town of Macedon must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems ("MS4 GP") and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any non-compliance by the Town of Macedon will not diminish, eliminate, or lessen my own liability."

Your signature below will constitute acknowledgement and acceptance of this agreement.

\_\_\_\_\_  
Town of Macedon Representative

Charlie R. Holvey Sr.  
Third Party Contractor Representative

\_\_\_\_\_  
Date

9/11/17  
Date

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2289  
5

INTERMUNICIPAL AGREEMENT

REGARDING COOPERATION TO COMPLY WITH THE  
FEDERAL PHASE II STORMWATER REGULATION IN  
ONTARIO AND WAYNE COUNTIES

An INTERMUNICIPAL AGREEMENT among the Ontario-Wayne Counties Stormwater Coalition members of the Towns of FARMINGTON, 1000 County Road 8, Farmington, New York 14425, MACEDON, 32 Main Street, Macedon, New York 14502, ONTARIO, 1850 Ridge Road, Ontario, New York 14519, VICTOR, 85 East Main Street, Victor, New York 14564, WALWORTH, 3600 Lorraine Drive, Walworth, New York 14568, hereinafter referred to as "Towns", the Coalition members of the Villages of MACEDON, 81 Main Street, Macedon, New York 14502, VICTOR, 60 East Main Street, Victor, New York 14564, hereinafter referred to as "Villages"; ONTARIO COUNTY on behalf on its Department of Public Works with offices at 2962 County Road 48, Canandaigua, New York 14424; and WAYNE COUNTY on behalf of its Highway Department with offices at 7227 Route 31, Lyons, New York 14489, as authorized by Article 5-G of the General Municipal Law.

WHEREAS, the Phase II federal stormwater regulations require that regulated municipal separate storm sewer system operators comply with the SPDES General Permit for Stormwater Discharges (General Permit GP-0-10-002) issued by the New York State Department of Environmental Conservation; and

WHEREAS, the Phase II federal stormwater regulations require that for each regulated municipal separate storm sewer system the municipality must prepare and implement a stormwater management program that includes six minimum control measures; and

WHEREAS, the municipalities recognize that, because watersheds and separate storm sewer systems cross municipal and county boundaries and because there are opportunities to save money and resources by working collaboratively, the municipalities should work cooperatively to comply with the requirements of the Phase II federal stormwater regulations; and

WHEREAS, the Ontario-Wayne Stormwater Coalition started holding meetings beginning in 2004 to identify and analyze options for pooling resources to meet the requirements of the Phase II Federal Stormwater Regulations, and;

WHEREAS, the funding for the Ontario-Wayne Stormwater Coalition is a combination of municipal cash and in-kind funding and New York State Environmental Protection Fund grant(s) and other available grant sources, which shall be managed by the Ontario County Soil and Water Conservation District and/or an appointed representative from the Ontario-Wayne MS4 Coalition.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties hereto mutually agree as follows:

1. The term of this agreement shall be from February 1, 2013 through January 31, 2018. At such time, this agreement may be renewed, amended, or terminated. Any party may withdraw from this agreement upon 60 days written notice to the other parties.
2. The work of the Ontario-Wayne Stormwater Coalition shall be to work collaboratively to:
  - a. Comply with the Phase II Federal Stormwater Regulations and permit conditions placed on municipal separate storm sewer system operators in 2003.
  - b. Protect and/or improve the water quality of local water ways in accordance with State, County, and local water quality planning documents and policies
  - c. Facilitate the use of existing or future resources, organizations, and programs for the provision of the services necessary to comply with the Phase II regulations
  - d. Research and implement an appropriate funding mechanism to meet the financial needs resulting from compliance with the Phase II Federal Stormwater Regulations
  - e. Report annually to the Ontario County Board of Supervisors, Ontario County Water Resources Council, Wayne County Board of Supervisors, and Wayne County Water Quality Coordinating Committee on the Coalition's progress with compliance and funding issues.
3. Each Coalition member (Municipality or Agency) will pay an annual membership fee to the Coalition to fund the implementation of compliance activities, which are part of each Coalition member's stormwater management plan. This fee will be determined annually by the Stormwater Coalition and approved by the full membership of the Stormwater Coalition. The fee schedule is included in Appendix 'A'.
4. Each Coalition member will designate an official representative to serve on the Stormwater Coalition. The designee shall be responsible to attend and participate in monthly meetings of the Coalition and the task groups created to facilitate compliance with different aspects of the regulations, and to transmit stormwater policy issues to his or her Coalition member. The designee shall also be responsible to obtain opinions on stormwater policy issues from the Coalition member and to share such opinions with the Stormwater Coalition membership. Every Coalition member entitled to vote or attend a meeting of the Stormwater Coalition may authorize another person to act by signed proxy.
5. The officers of the Stormwater Coalition shall be the Chair and Vice-Chair. The officers shall be elected to two-year terms by a majority of the members present at a regularly scheduled meeting. The duties and responsibilities of the Chair shall be to preside at meetings of the Coalition, and function as the official spokesperson for the Coalition. The Vice-Chair shall assist the Chair and subsequently assume the Chair position for a two-year term.
6. Membership fees, which are outlined in Appendix A, should be paid to the Ontario County Soil and Water Conservation District by the date established by the Coalition. If payment is not received within 30 days of this date, then membership will be revoked unless the Coalition has agreed to other payment arrangements.

7. Stormwater Coalition decisions and recommendations are generally made by consensus. Consensus is defined as all members of the Coalition being able to support the decision or recommendation.

When the Coalition can not reach consensus, voting will be used for decision-making. Each Coalition member (municipality or agency), that has paid its Coalition membership fee in-full, shall have one vote. All decisions requiring voting shall be made by the majority of the members (or their officially designated alternates) present at a regularly scheduled meeting. In the case of a tie vote, the Chair shall cast the tie-breaking vote.

8. Staff from the local, regional, and state agencies may provide staffing services to the Ontario-Wayne Stormwater Coalition. This will include coordination of the Coalition, the task groups, management of Coalition projects, applying for grant funding, and coordination of awarded grants. The Coalition or its designated service provider may, with the approval of the Coalition, also manage the implementation of the membership fee and develop a template for the annual reports that must be submitted by each regulated Coalition member. The Ontario-Wayne Stormwater Coalition shall not be the employer of such staff.

9. This Agreement may be modified or amended only in writing duly executed by all parties, which shall be attached to and become a part of this Agreement.

10. Each party shall indemnify and hold harmless the other, its officers, agents and assigns for all liability arising out of its activities under this Agreement.

11. This Agreement constitutes the entire Agreement between the parties and supersedes any and all prior Agreements between the parties hereto for the services herein to be provided. The Agreement shall be governed by and construed in accordance with the laws of New York State without regard or reference to its conflict of laws and principles.

12. Each Coalition Member shall be solely responsible and liable for its own activities under this Agreement, for obtaining its permit coverage under the SPDES General Permit for Stormwater Discharges from MS4s (GP-0-10-002) and for the preparation, implementation, operation and maintenance of its own stormwater management program including, but not limited to, the required minimum control measures.

APPENDIX A

Ontario-Wayne Stormwater Coalition

2013-2018 Membership Fee  
Schedule:

Type of Coalition Member	Membership Fee	Membership In-Kind Match
<ul style="list-style-type: none"><li>• MS4 Towns</li><li>• Ontario County Highway Department</li><li>• Wayne County Highway Department</li></ul>	\$5,000.00	\$9,000.00
MS4 Villages and Non Traditional MS4's to include School Districts	\$2,500.00	\$4,500.00
Non-MS4 Towns, Cities	\$2,500.00	\$4,500.00
Non-MS4 Villages	\$1,250.00	\$2,250.00

Signatories

Town of FARMINGTON Supervisor:

Date:

Town of MACEDON Supervisor:

Date:

Town of ONTARIO Supervisor:

Date:

Town of VICTOR Supervisor:

Date:

Town of WALWORTH Supervisor:

Date:

Village of MACEDON Mayor:

Date:

Village of VICTOR Mayor:

Date:

ONTARIO COUNTY, on behalf on its Department of Public Works

Title:

Signature:

Date:

WAYNE COUNTY, on behalf of its Highway Department

Title: CHAIRMAN OF THE BOARD OF SUPERVISORS

Signature: *James D. Hoffman*

Date: *10/16/12*

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# **APPENDIX G**

## **Outfall Map**

**TO BE ADDED AT A LATER DATE**

**APPENDIX H**

**Illicit Discharge Detection & Elimination  
Complaint Log**



# Illicit Discharge Complaint Log

Contact: Scott Allen for Illicit Discharge Complaints

See reverse side for examples of illicit discharges

DATE	TYPE OF DISCHARGE	ADDRESS	CONTACT INFORMATION FOR FOLLOW UP	INPECTION DATE	FOLLOW UP ACTIONS	COMPLETION DATE OF FOLLOW UP ACTIONS

**Examples of Illicit Discharges includes dumping materials into streets, ditches, catch basins, waterbodies, etc.:**

- Lawn clippings
- Trash, litter and debris
- Pet waste
- Soil and sediment
- *Chlorinated* pool discharges
- Motor vehicle oils
- Antifreeze
- Soapy wash waters (excludes individual residential car washes, see below)
- Paint
- Failed septic systems
- Cooking grease or oil

**Examples of Exempt Discharges Include:**

- Water line flushing or other potable water sources
- Landscape irrigation or lawn watering
- Existing diverted stream flows
- Rising groundwater
- Uncontaminated groundwater infiltration to storm drains
- Uncontaminated pumped groundwater
- Foundation or footing drains
- Crawl space or basement sump pumps
- Air-conditioning condensate
- Irrigation water
- Springs
- Water from individual residential car washing
- Natural riparian habitat or wetland flows
- Dechlorinated swimming pool discharges,
- Residential street wash water
- Water from fire-fighting activities
- Any other water source not containing pollutants

**APPENDIX I**  
**Construction Site Complaint Log**

# Town of Macedon's Construction Site Complaint Log

*Contact: Scott Allen for Construction Site Complaints*

**Common Complaints include but are not limited to:**  
*- Sediment laden runoff from site flowing into street, private property or waterbody*  
*-Trash or debris on adjacent property (including straw)*  
*-Mud in the street*  
*-Fuel or concrete wastes*

DATE	NATURE OF COMPLAINT	SITE LOCATION	CONTACT INFORMATION FOR FOLLOW UP	INPECTION DATE	FOLLOW UP ACTIONS	COMPLETION DATE OF FOLLOW UP ACTIONS

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## **APPENDIX J**

# **Post-Construction Stormwater Management Practice Inventory & Inspection Forms**

**(Inspection Reports Located in Separate Binder)**

Unique_ID	TYPE	SPDES_NUMBER	Which_Permit	Terminated	STABILIZATION	CONT_LAST	CONT_FIRST	CONT_PHONE	CONT_EMAIL	FAC_NAME	FAC_STREET	FAC_CITY	FAC_STATE	FAC_ZIP
1	Inactive	NYR10D103	02-01	TRUE	01-Sep-04					Spoon Exhibits	Research	Macedon	NY	14610
2	Inactive	NYR10A293	02-01	TRUE	01-Oct-11	Leenhouts	Jeff	585-262-6210		Pheasant Run Subdivision -	Hance Road	Macedon	NY	14502
3	Inactive	NYR10G234	02-01	TRUE	30-Dec-04	LeFrois	Richard	585-334-1122		Constellation Energy	Lot R1B	Macedon	NY	14502
4	Inactive	NYR10H200	02-01	TRUE		Borer	Frank	315-446-0125		Macedon Express Mart	123 East	Macedon	NY	14502
5	Inactive	NYR10H488	02-01	TRUE	01-Jan-08	Etzkorn	Michele	479-273-8483	michele.etzkor	Wal-Mart Macedon #3842.00	NYS Route 31	Macedon	NY	14502
6	Inactive	NYR10J019	02-01	TRUE	02-Jun-08	WELKER	MARK	585-223-1500	MWELKER@W	COTTAGES AT PARKWOOD,	PARKWOOD	MACEDON	NY	14502-
7	Inactive	NYR10J920	02-01	TRUE	07-Sep-06	FERGUSON	HAL	315-597-3401	hal.ferguson@	MACEDON ELEMENTARY	4 WEST	MACEDON	NY	14502-
8	Inactive	NYR10K642	02-01	TRUE	01-Sep-08	Brady	James	315-946-5600	jbrady@co.wa	Erie St over Ganargua Creek	Erie Street	Macedon	NY	14502-
9	Inactive	NYR10K670	02-01	TRUE	01-Aug-11	LEENHOUTS	JEFFREY	585-246-4124	jeffle@homele	Pheasant Run Subdivision	0 Hance Road	Macedon	NY	14502-
10	Inactive	NYR10K681	02-01	TRUE	01-Aug-12	Brady	James	315-946-5600	JBrady@co.wa	Alderman Road	Alderman	Macedon	NY	14522-
11	Inactive	NYR10K786	02-01	TRUE	01-Sep-07	Bronstein	Ron	716-941-5766	paradigmdev	Shoppes at Macedon, NY	nw quadrant	Macedon	NY	14502-
12	Inactive	NYR10K926	02-01	TRUE	01-Jun-08	MURPHY	ROBERT	585-223-6421		EAST PARK ROAD EXTENSION	NW	MACEDON	NY	14502-
13	Inactive	NYR10L209	02-01	TRUE	31-Aug-07	Harless	Mike	336-658-4000		Shoppes at Macedon, NY -	nw quadrant	Macedon	NY	14502-
14	Inactive	NYR10L340	02-01	TRUE	30-Sep-07			315-946-4871	TKime@Lyons	LYONS NATIONAL BANK -	PITTSFORD-	MACEDON	NY	14502-
15	Inactive	NYR10L503	02-01	TRUE	01-Jul-09	Hill	Brad	901-685-2300	bhill@spectrag	Macedon Marketplace	NYS Route 31	Macedon	NY	14502-
16	Inactive	NYR10L754	02-01	TRUE	01-Aug-11	LEENHOUTS	JEFFREY	585-246-4124	jeffle@homele	PHEASANT RUN SUB'D	0 HANCE	MACEDON	NY	14502-
17	Inactive	NYR10M852	02-01	TRUE	01-Sep-09	SULLIVAN	LYNN	585-697-5791	lsullivan@abvi-	ABVI-GOODWILL	1635 NORTH	MACEDON	NY	14502-
18	Inactive	NYR10P016	02-01	TRUE	01-Oct-09	ALLEN	SCOTT	315-986-5932	macbldzn@roc	BULLIS PARK GENERAL	CANANDAIG	MACEDON	NY	14502-
19	Inactive	NYR10P139	02-01	TRUE	01-Oct-11	STONE	JON	585-419-7400	jstone@nvrinc	PHEASANT RUN	0 HANCE	MACEDON	NY	14502-
20	Inactive	NYR10P141	02-01	TRUE	01-Apr-12	ROONEY	KEVIN	315-946-5600	KROONEY@CO	ALDERMAN RD OVER	1593	MACEDON	NY	14502-
21	Inactive	NYR10Q399	08-001	TRUE	01-Dec-11	KOMAREK	ANDREW	315-986-8090	akomarek@an	KAIROS LLC	2052 O'NEILL	MACEDON	NY	14502-
22	Inactive	NYR10R061	08-001	TRUE	01-Oct-12	STONE	JON	585-419-7400	JSTONE@NVRI	PHEASANT RUN SUBDIVISION	HANCE RD	MACEDON	NY	14472-
23	Inactive	NYR10R184	08-001	TRUE	01-Nov-12	YOUNG	MICHAEL	315-597-2188	MYOUNG@AE	AEY OFFICE AND	1607	MACEDON	NY	14502-
24	Inactive	NYR10S594	10-001	TRUE	01-Oct-16	BEGLEY	GEOFF	585-272-3366		PIN494099 CANANDAIGUA	CANANDAIG	MACEDON	NY	14502-
25		NYR10T182	10-001			Welker	Mark	585-223-1500		Parkwood Heights Section 3	Woodsview	Macedon	NY	14502
26		NYR10T183	10-001			Morrison	Thomas	315-986-8300		Quaker Rd Industrial Park	Quaker Rd	Macedon	NY	14502
27		NYR10V221	10-001			DEHOLLAND	SCOTT	585-259-9609	DEHOLLANDE	CHESTERWOOD SUBDIVISION	PANNEL	MACEDON	NY	14502-
30		NYR10V957	10-001			HYDE	PATRICK	315-446-0125	pat@express	PROPOSED EXPRESS MART	123 MAIN	MACEDON	NY	14502-
31		NYR10Y337	10-001			HEALD	BARB	315-986-1499	REDSLANDSCA	TWILIGHT ON THE ERIE RV	997 NYS RTE	MACEDON	NY	14502-
32		NYR10Y802	10-001			STARK	NANCY	585-739-9342		CAPITAL HILL SECTION 1	WAYNEPORT	MACEDON	NY	14502-
33	Active	NYR10Z941	15-002			MERRYMAN	HARRY	315-789-5501	hmerryman@l	LAKEVIEW HEALTH SERVICES	NYS ROUTE	MACEDON	NY	14502-
34	Active	NYR11A356	15-002			GEOCA	ERIC	5857337303	EGEOCA@AOL	PHEASANT RUN SUBDIVISION	TANABERRY	MACEDON	NY	14502
35	Active	NYR11B659	15-002			MARTIN	KEVIN	315-986-0000	kevinmartin@i	PREMEMIER PACKAGING	1635	MACEDON	NY	14502-
28		NYR10V235	10-001			CEDRULY	RON	585-359-9903		FAIRPORT - MACEDON MINI	NEW YORK	MACEDON	NY	14502-
29		NYR10V317	10-001			Fabbio	Peter	585-742-2283	pfabbio@roch	Hidden Woods Section 1	Wayneport	Macedon	NY	14502-

**Stormwater Pond/Wetland Operation, Maintenance and Management Inspection Checklist**

Project \_\_\_\_\_  
 Location: \_\_\_\_\_  
 Site Status: \_\_\_\_\_  
  
 Date: \_\_\_\_\_  
 Time: \_\_\_\_\_  
  
 Inspector: \_\_\_\_\_

Maintenance Item	Satisfactory/ Unsatisfactory	Comments
<b>1. Embankment and emergency spillway (Annual, After Major Storms)</b>		
1. Vegetation and ground cover adequate		
2. Embankment erosion		
3. Animal burrows		
4. Unauthorized planting		
5. Cracking, bulging, or sliding of dam		
a. Upstream face		
b. Downstream face		
c. At or beyond toe		
downstream		
upstream		
d. Emergency spillway		
6. Pond, toe & chimney drains clear and functioning		
7. Seeps/leaks on downstream face		
8. Slope protection or riprap failure		
9. Vertical/horizontal alignment of top of dam "As-Built"		



Maintenance Item	Satisfactory/ Unsatisfactory	Comments
10. Emergency spillway clear of obstructions and debris		
11. Other (specify)		
<b>2. Riser and principal spillway (Annual)</b>		
Type: Reinforced concrete _____ Corrugated pipe _____ Masonry _____		
1. Low flow orifice obstructed		
2. Low flow trash rack. a. Debris removal necessary		
b. Corrosion control		
3. Weir trash rack maintenance a. Debris removal necessary		
b. corrosion control		
4. Excessive sediment accumulation insider riser		
5. Concrete/masonry condition riser and barrels a. cracks or displacement		
b. Minor spalling (<1" )		
c. Major spalling (rebars exposed)		
d. Joint failures		
e. Water tightness		
6. Metal pipe condition		
7. Control valve a. Operational/exercised		
b. Chained and locked		
8. Pond drain valve a. Operational/exercised		
b. Chained and locked		
9. Outfall channels functioning		
10. Other (specify)		

Maintenance Item	Satisfactory/ Unsatisfactory	Comments
<b>3. Permanent Pool (Wet Ponds) (monthly)</b>		
1. Undesirable vegetative growth		
2. Floating or floatable debris removal required		
3. Visible pollution		
4. Shoreline problem		
5. Other (specify)		
<b>4. Sediment Forebays</b>		
1. Sedimentation noted		
2. Sediment cleanout when depth < 50% design depth		
<b>5. Dry Pond Areas</b>		
1. Vegetation adequate		
2. Undesirable vegetative growth		
3. Undesirable woody vegetation		
4. Low flow channels clear of obstructions		
5. Standing water or wet spots		
6. Sediment and / or trash accumulation		
7. Other (specify)		
<b>6. Condition of Outfalls (Annual , After Major Storms)</b>		
1. Riprap failures		
2. Slope erosion		
3. Storm drain pipes		
4. Endwalls / Headwalls		
5. Other (specify)		
<b>7. Other (Monthly)</b>		
1. Encroachment on pond, wetland or easement area		

Maintenance Item	Satisfactory/ Unsatisfactory	Comments
2. Complaints from residents		
3. Aesthetics a. Grass growing required		
b. Graffiti removal needed		
c. Other (specify)		
4. Conditions of maintenance access routes.		
5. Signs of hydrocarbon build-up		
6. Any public hazards (specify)		
<b>8. Wetland Vegetation (Annual)</b>		
1. Vegetation healthy and growing Wetland maintaining 50% surface area coverage of wetland plants after the second growing season. (If unsatisfactory, reinforcement plantings needed)		
2. Dominant wetland plants: Survival of desired wetland plant species Distribution according to landscaping plan?		
3. Evidence of invasive species		
4. Maintenance of adequate water depths for desired wetland plant species		
5. Harvesting of emergent plantings needed		
6. Have sediment accumulations reduced pool volume significantly or are plants "choked" with sediment		
7. Eutrophication level of the wetland.		
8. Other (specify)		

**Comments:**

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**Actions to be Taken:**

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## Infiltration Trench Operation, Maintenance, and Management Inspection Checklist

Project:  
 Location:  
 Site Status:

Date:

Time:

Inspector:

MAINTENANCE ITEM	SATISFACTORY / UNSATISFACTORY	COMMENTS
<b>1. Debris Cleanout (Monthly)</b>		
Trench surface clear of debris		
Inflow pipes clear of debris		
Overflow spillway clear of debris		
Inlet area clear of debris		
<b>2. Sediment Traps or Forebays (Annual)</b>		
Obviously trapping sediment		
Greater than 50% of storage volume remaining		
<b>3. Dewatering (Monthly)</b>		
Trench dewateres between storms		
<b>4. Sediment Cleanout of Trench (Annual)</b>		
No evidence of sedimentation in trench		
Sediment accumulation doesn't yet require cleanout		
<b>5. Inlets (Annual)</b>		

MAINTENANCE ITEM	SATISFACTORY / UNSATISFACTORY	COMMENTS
Good condition		
No evidence of erosion		
<b>6. Outlet/Overflow Spillway (Annual)</b>		
Good condition, no need for repair		
No evidence of erosion		
<b>7. Aggregate Repairs (Annual)</b>		
Surface of aggregate clean		
Top layer of stone does not need replacement		
Trench does not need rehabilitation		

**Comments:**

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**Actions to be Taken:**

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## Sand/Organic Filter Operation, Maintenance and Management Inspection Checklist

Project:  
Location:  
Site Status:

Date:

Time:

Inspector:

MAINTENANCE ITEM	SATISFACTORY / UNSATISFACTORY	COMMENTS
<b>1. Debris Cleanout (Monthly)</b>		
Contributing areas clean of debris		
Filtration facility clean of debris		
Inlet and outlets clear of debris		
<b>2. Oil and Grease (Monthly)</b>		
No evidence of filter surface clogging		
Activities in drainage area minimize oil and grease entry		
<b>3. Vegetation (Monthly)</b>		
Contributing drainage area stabilized		
No evidence of erosion		
Area mowed and clipping removed		
<b>4. Water Retention Where Required (Monthly)</b>		
Water holding chambers at normal pool		
No evidence of leakage		
<b>5. Sediment Deposition (Annual)</b>		

MAINTENANCE ITEM	SATISFACTORY / UNSATISFACTORY	COMMENTS
Filter chamber free of sediments		
Sedimentation chamber not more than half full of sediments		
<b>6. Structural Components (Annual)</b>		
No evidence of structural deterioration		
Any grates are in good condition		
No evidence of spalling or cracking of structural parts		
<b>7. Outlet/Overflow Spillway (Annual)</b>		
Good condition, no need for repairs		
No evidence of erosion (if draining into a natural channel)		
<b>8. Overall Function of Facility (Annual)</b>		
Evidence of flow bypassing facility		
No noticeable odors outside of facility		

**Comments:**

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**Actions to be Taken:**

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## Bioretention Operation, Maintenance and Management Inspection Checklist

Project:  
 Location:  
 Site Status:

Date:

Time:

Inspector:

MAINTENANCE ITEM	SATISFACTORY / UNSATISFACTORY	COMMENTS
<b>1. Debris Cleanout (Monthly)</b>		
Bioretention and contributing areas clean of debris		
No dumping of yard wastes into practice		
Litter (branches, etc.) have been removed		
<b>2. Vegetation (Monthly)</b>		
Plant height not less than design water depth		
Fertilized per specifications		
Plant composition according to approved plans		
No placement of inappropriate plants		
Grass height not greater than 6 inches		
No evidence of erosion		
<b>3. Check Dams/Energy Dissipaters/Sumps (Annual, After Major Storms)</b>		
No evidence of sediment buildup		

MAINTENANCE ITEM	SATISFACTORY / UNSATISFACTORY	COMMENTS
Sumps should not be more than 50% full of sediment		
No evidence of erosion at downstream toe of drop structure		
<b>4. Dewatering (Monthly)</b>		
Dewaters between storms		
No evidence of standing water		
<b>5. Sediment Deposition (Annual)</b>		
Swale clean of sediments		
Sediments should not be > 20% of swale design depth		
<b>6. Outlet/Overflow Spillway (Annual, After Major Storms)</b>		
Good condition, no need for repair		
No evidence of erosion		
No evidence of any blockages		
<b>7. Integrity of Filter Bed (Annual)</b>		
Filter bed has not been blocked or filled inappropriately		

**Comments:**

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**Actions to be Taken:**

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## Open Channel Operation, Maintenance, and Management Inspection Checklist

Project:  
 Location:  
 Site Status:

Date:

Time:

Inspector:

MAINTENANCE ITEM	SATISFACTORY/ UNSATISFACTORY	COMMENTS
<b>1. Debris Cleanout (Monthly)</b>		
Contributing areas clean of debris		
<b>2. Check Dams or Energy Dissipators (Annual, After Major Storms)</b>		
No evidence of flow going around structures		
No evidence of erosion at downstream toe		
Soil permeability		
Groundwater / bedrock		
<b>3. Vegetation (Monthly)</b>		
Mowing done when needed		
Minimum mowing depth not exceeded		
No evidence of erosion		
Fertilized per specification		
<b>4. Dewatering (Monthly)</b>		
Dewaterers between storms		

MAINTENANCE ITEM	SATISFACTORY/ UNSATISFACTORY	COMMENTS
<b>5. Sediment deposition (Annual)</b>		
Clean of sediment		
<b>6. Outlet/Overflow Spillway (Annual)</b>		
Good condition, no need for repairs		
No evidence of erosion		

**Comments:**

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**Actions to be Taken:**

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**APPENDIX K**  
**BMP Summary Sheets**

# BMP Summary Sheet

Department Name: Highway Department

Category of Municipal Operations: Municipal Building Maintenance

**BMP Title:** Outdoor Container Storage

**BMP Description:**

- Minimize outdoor container storage.
- Use covered dumpsters for waste containers.
- Place tight fitting lids on all containers.
- Raise containers off the ground with provisions for spill control and secondary containment.
- Contain the material in such a way that if a leak or spill occurs, the contents will not drain to the storm drain or other waters.
- Current outdoor container storage is limited to metals.

**Measurable Goals:**

- Inspect outdoor containers for leaks

**Timeline/Implementation Schedule:**

- 2016-2017 Permit Year

**Specific Components and Notes:**

**Responsible Party for this BMP**

*Indicate who specifically is responsible for the implementation and monitoring of this BMP. This should be the individual who is actively involved with the BMP.*

Name: Chris Countryman - Superintendent of Highways

Department: Highway Department

Phone: 315-986-7852 Ext. 102

E-mail: townofmacedon@yahoo.com

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Municipal Building Maintenance**

**BMP Title: Plaza and Sidewalk Cleaning**

**BMP Description:**

- Use dry cleaning methods whenever practical for surface cleaning activities.
- Regularly broom (dry) sweep sidewalks plaza and parking lot areas to minimize cleaning with water
- Sweep, collect, and dispose of debris and trash before washing
- Block the storm drain or contain runoff when cleaning with water. Discharge wash water to landscaping or collect water and pump to a tank or discharge to the sanitary sewer.
- Block storm drain inlets or contain runoff when washing parking areas, driveways or drive-throughs. Use absorbents to pick up oil; then sweep dry. Clean with or without soap. Collect water and pump to a tank or discharge to the sanitary sewer.

**Measurable Goals:**

- Train municipal employees on proper plaza and sidewalk cleaning

**Timeline/Implementation Schedule:**

- 2016-2017 Permit Year

**Specific Components and Notes:**

**Responsible Party for this BMP**

*Indicate who specifically is responsible for the implementation and monitoring of this BMP. This should be the individual who is actively involved with the BMP.*

Name: Chris Countryman - Superintendent of Highways

Department: Highway Department

Phone: 315-986-7852 Ext. 102

E-mail: townofmacedon@yahoo.com



# BMP Summary Sheet

**Department Name: Highway Department**

**Minimum Control Measure: Municipal Building Maintenance (Also applicable to most operations and facilities)**

**BMP Title: Spill Prevention, Control, & Cleanup**

**BMP Description:**

- Move material handling indoors, under cover, or away from storm drains or sensitive water bodies, if possible.
- Properly label all containers so contents are easily identifiable.
- Berm storage areas so that if a spill or leak occurs, the material is contained.
- Cover outside storage areas either with a permanent structure or a seasonal one so that rain cannot contact materials.
- Check containers often for leaks or spills, and replace deteriorating containers with ones in good condition.
- Store, contain, and transfer liquid materials in such a manner that if the contents spilled, they would not discharge or be washed into the storm drain, surface waters, or groundwater.
- Place drip pans or absorbent materials beneath all mounted taps and all potential drip and spill locations during the filling and unloading of containers.
- For field programs, only transport the minimum amount of material needed for the daily activities and transfer materials between containers at a municipal yard where leaks and spills are easier to control.
- If paved, sweep and clean storage areas monthly. Do not hose down area unless water is being collected and disposed properly.
- Install a spill control device in any catch basins that collect runoff from areas storing materials that separate and float on water.  
Protect catch basins while a conducting field activity so if a spill does occur, the material is contained.
- Utilize Emergency Spill Kit located on the upper level of the Highway Barn

**Measurable Goals:**

- Annually train municipal employees on Spill Prevention, Control, & Cleanup
- Document and report spills as required per the SOP #3

**Timeline/Implementation Schedule:**

- 2016-2017 Permit Year

**Specific Components and Notes:**

**Responsible Party for this BMP**

*Indicate who specifically is responsible for the implementation and monitoring of this BMP. This should be the individual who is actively involved with the BMP.*

Name: Chris Countryman - Superintendent of Highways

Department: Highway Department

Phone: 315-986-7852 Ext. 102

E-mail: townofmacedon@yahoo.com

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Parks and Open Space Maintenance**

**BMP Title: Landscape Maintenance**

**BMP Description:**

- Use mechanical methods of vegetation removal whenever possible.
- Avoid loosening the soil when removing weeds, and use mulch when soils are exposed.
- Collect lawn and grass clippings, pruning waste, tree trimmings and weeds, and compost or dispose of at the facility across from the Highway Barn.
- Consider planting native vegetation where feasible.
- The Town does not use fertilizers or pesticides. Transitions Landscaping may fertilize some areas. If a pesticide is needed, then a third party contractor is utilized (Envirotech).
- Avoid placing landscape waste around storm drain inlets.
- The Town does not irrigate any areas which reduces runoff.

**Measurable Goals:**

- Document fertilizers or pesticides utilized by third party contractors.

**Timeline/Implementation Schedule:**

- 2016-2017 Permit Year

**Specific Components and Notes:**

**Responsible Party for this BMP**

*Indicate who specifically is responsible for the implementation and monitoring of this BMP. This should be the individual who is actively involved with the BMP.*

Name: Chris Countryman - Superintendent of Highways

Department: Highway Department

Phone: 315-986-7852 Ext. 102

E-mail: townofmacedon@yahoo.com

# BMP Summary Sheet

Department Name: NA

Category of Municipal Operations: Parks and Open Space Maintenance

**BMP Title:** Outdoor Storage of Raw Materials

**BMP Description:**

- Store all materials inside. If this is not feasible, then all outside storage areas should be covered with a roof and enclosed to prevent storm water contact.
- Cover and contain stockpiles of raw materials while not in use to prevent storm water from running into the covered piles.
- If stockpiles are too large to be covered and contained, implement erosion control practices at the perimeter of the site.
- Keep liquids in a designated area on a paved impervious surface with secondary containment.
- Keep outdoor storage containers in good condition, and in a clean and dry area.
- Secure drums stored in an area to prevent accidental spillage or stealing.
- Cover wood treated with chromated copper arsenate, ammoniacal copper zinc arsenate, creosote, or pentachlorophenol with tarps store indoors.
- Store chemicals, drums, or bagged materials in secondary containers if applicable.
- Release accumulated stormwater in petroleum storage areas prior to the next storm. Water should at least pass through an oil/water separator and, if allowed, discharged to a sanitary sewer.

**Measurable Goals:**

**Timeline/Implementation Schedule:**

**Specific Components and Notes:**

**Responsible Party for this BMP**

*Indicate who specifically is responsible for the implementation and monitoring of this BMP. This should be the individual who is actively involved with the BMP.*

Name: Chris Countryman - Superintendent of Highways

Department: Highway Department

Phone: 315-986-7852 Ext. 102

E-mail: townofmacedon@yahoo.com

# BMP Summary Sheet

**Department Name:**

**Category of Municipal Operations: Parks and Open Space Maintenance**

**BMP Title: Pet Waste Collection**

**BMP Description:**

- Assess municipal parks and open space areas to determine locations with excessive amounts of pet waste.
- Prioritize problem areas based upon quantity of pet waste and proximity to waterbodies.
- Install pet waste signs or bag stations as necessary.

**Measurable Goals:**

- Inventory number of pet waste signs or bag stations.

**Timeline/Implementation Schedule:**

- 2016-2017 Permit Year

**Specific Components and Notes:**

**Responsible Party for this BMP**

*Indicate who specifically is responsible for the implementation and monitoring of this BMP. This should be the individual who is actively involved with the BMP.*

Name: Chris Countryman - Superintendent of Highways

Department: Highway Department

Phone: 315-986-7852 Ext. 102

E-mail: townofmacedon@yahoo.com

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Septic System Management**

**BMP Title: Septic System Management**

**BMP Description:**

- Divert stormwater runoff from roof drains away from septic system.
- Divert groundwater and/or sump pump discharges away from septic system.
- Prevent growth of vegetation such as woody plants from growing on top of the system.

**Measurable Goals:**

- Document number of septic systems:  
(1) at the Bullis Park Concession  
(1) at the Highway Barn.
- Document service dates for each system:  
Bullis Park: typically once every 3 to 4 years.  
Highway Barn: annually

**Timeline/Implementation Schedule:**

- 2016-2017 Permit Year

**Specific Components and Notes:**

**Responsible Party for this BMP**

*Indicate who specifically is responsible for the implementation and monitoring of this BMP. This should be the individual who is actively involved with the BMP.*

Name: Chris Countryman - Superintendent of Highways  
Department: Highway Department  
Phone: 315-986-7852 Ext. 102  
E-mail: townofmacedon@yahoo.com

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Solid Waste Management**

**BMP Title: Chemical/ Hazardous Waste**

**BMP Description:**

- Store hazardous materials and wastes in covered containers protected from vandalism, and in compliance with fire and hazardous waste codes.
- Place hazardous waste containers in secondary containment as necessary
- Hazardous waste is to be collected, removed, and disposed of only at authorized disposal areas.
- Hazardous materials are recycled with Safety-Kleen including oil filters
- Used oil is incinerated onsite

**Measurable Goals:**

- Train municipal employees

**Timeline/Implementation Schedule:**

- 2016-2017 Permit Year

**Specific Components and Notes:**

**Responsible Party for this BMP**

*Indicate who specifically is responsible for the implementation and monitoring of this BMP. This should be the individual who is actively involved with the BMP.*

Name: Chris Countryman - Superintendent of Highways

Department: Highway Department

Phone: 315-986-7852 Ext. 102

E-mail: townofmacedon@yahoo.com

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Solid Waste Management**

**BMP Title: Illegal Dumping and Litter Control**

**BMP Description:**

- Mobile "No Dumping" signs are posted in areas where dumping has previously occurred.
- Litter receptacles are available in busy, high pedestrian traffic areas of the community at park facilities, and at community events.
- Covered litter receptacles are cleaned out once a week to prevent spillage.
- Illicit discharge tracking spreadsheets are located with the Building & Zoning Clerk and the Highway Department Secretary.

**Measurable Goals:**

- Identify number of sites where illegal dumping occurs.
- Train municipal employees to notify the Building & Zoning Clerk or Highway Secretary in order to track incidents.

**Timeline/Implementation Schedule:**

- 2016-2017 Permit Year

**Specific Components and Notes:**

**Responsible Party for this BMP**

*Indicate who specifically is responsible for the implementation and monitoring of this BMP. This should be the individual who is actively involved with the BMP.*

Name: Chris Countryman - Superintendent of Highways  
Department: Highway Department  
Phone: 315-986-7852 Ext. 102  
E-mail: townofmacedon@yahoo.com

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Solid Waste Management**

**BMP Title: Runon/ Runoff Prevention**

**BMP Description:**

- Prevent stormwater runon from entering the waste management area by building a berm or swale around the area.
- need to research more

**Measurable Goals:**

**Timeline/Implementation Schedule:**

**Specific Components and Notes:**

**Responsible Party for this BMP**

*Indicate who specifically is responsible for the implementation and monitoring of this BMP. This should be the individual who is actively involved with the BMP.*

Name: Chris Countryman - Superintendent of Highways

Department: Highway Department

Phone: 315-986-7852 Ext. 102

E-mail: townofmacedon@yahoo.com



# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Solid Waste Management**

<b>BMP Title:</b>	<b>Waste Collection</b>
<b>BMP Description:</b>	<ul style="list-style-type: none"><li>• Regularly inspect solid waste containers (dumpsters &amp; garbage cans) for structural damage. Damaged containers are to be repaired or replaced as necessary.</li><li>• Containers must be closed tightly when not in use</li><li>• Waste containers should never be filled with washout water or any other liquid</li><li>• Only appropriate solid wastes are to be added to waste containers. Certain wastes such as hazardous wastes, appliances, fluorescent lamps, pesticides, etc. may not be disposed of in solid waste containers.</li><li>• Trash storage bins are covered.</li><li>• e-Waste is covered and stored on a pallet</li></ul>
<b>Measurable Goals:</b>	<ul style="list-style-type: none"><li>• Train municipal employees</li></ul>
<b>Timeline/Implementation Schedule:</b>	<ul style="list-style-type: none"><li>• 2016-2017 Permit Year</li></ul>
<b>Specific Components and Notes:</b>	
<b>Responsible Party for this BMP</b>	<p><i>Indicate who specifically is responsible for the implementation and monitoring of this BMP. This should be the individual who is actively involved with the BMP.</i></p> <p>Name: Chris Countryman - Superintendent of Highways Department: Highway Department Phone: 315-986-7852 Ext. 102 E-mail: townofmacedon@yahoo.com</p>

# BMP Summary Sheet

Department Name: Highway Department/Town Hall

Category of Municipal Operations: Solid Waste Management

**BMP Title:** Waste Reduction and Recycling

**BMP Description:**

- Wastes are recycled whenever possible. Antifreeze (Bob Taylor) , waste oil (burned onsite) and lead acid batteries (Interstate Batteries) are recycled. Materials that can not be reused or recycled should be disposed of properly.
- Recycling bins for newspaper, metal cans, plastic bottles and other recyclable household solid wastes are provided at public facilities.
- The Town Hall utilizes Waste Management for paper product recycling. The Highway Department utilizes K&D Disposal for paper products. Cans and plastic bottles are recycled by employees of both facilities.

**Measurable Goals:**

- Explore implementation of an e-waste program

**Timeline/Implementation Schedule:**

- 2016-2017 Permit Year

**Specific Components and Notes:**

**Responsible Party for this BMP**

*Indicate who specifically is responsible for the implementation and monitoring of this BMP. This should be the individual who is actively involved with the BMP.*

Name: Chris Countryman - Superintendent of Highways

Department: Highway Department

Phone: 315-986-7852 Ext. 102

E-mail: townofmacedon@yahoo.com

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Stormwater System Maintenance**

**BMP Title: Catch Basin/ Inlet Structures**

**BMP Description:**

- Staff regularly inspects the storm drain system when working in an area of concern.
- Any deterioration threatening structural integrity should be immediately repaired.
- Catch basins should be cleaned before exceeding 50% of sump capacity. Cleaning frequently should be scheduled as needed to meet this standard.
- Store any collected waste appropriately away from inlets or streams. If waste is collected by vactor, dump wastes at the bermed facility across from the Highway Barns.

**Measurable Goals:**

- Approximate quantity (tons or cubic yards) of material cleaned from structures
- Document frequency of scheduled cleaning
- Clean catch basins, inlets and other conveyance structures in high pollution load areas before the wet season to remove accumulated sediment and debris.
- Conduct inspections more frequently during wet season for problem areas where sediment or trash accumulates more often.
- Keep accurate logs of the number of catch basins cleaned and record the amount of waste collected.

**Timeline/Implementation Schedule:**

- 2016-2017 Permit Year

**Specific Components and Notes:**

**Responsible Party for this BMP**

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Department: Highway Department

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# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Stormwater System Maintenance**

**BMP Title: Open Channel, Ditch Maintenance**

**BMP Description:**

- Consider modification of storm channel characteristics to improve channel hydraulics, to increase pollutant removals, and to enhance channel/creek aesthetic and habitat value.
- If ditch scraping is necessary do it in patches with vegetated strips left down slope to capture sediments.
- Use hydroseeding immediately after scraping.
- Hydroseed early in the season to allow sufficient growing time
- Do not hydroseed immediately before a rain

**Measurable Goals:**

- Approximate length of open drainage ditches maintained with enhanced implementation of erosion control practices in ditch (e.g. hydroseeding)

**Timeline/Implementation Schedule:**

- 2016-2017 Permit Year

**Specific Components and Notes:**

**Responsible Party for this BMP**

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Department: Highway Department

Phone: 315-986-7852 Ext. 102

E-mail: townofmacedon@yahoo.com

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Stormwater System Maintenance**

**BMP Title:**

## Storm Sewer Conveyance System

**BMP Description:**

- Locate reaches of storm sewers with deposit problems and develop a flushing schedule that keeps the pipe clear of excessive buildup.
- Collect flushed effluent by vacuor or pump to the sanitary sewer
- During routine maintenance field staff should look for evidence of illegal discharges or illicit connections. Any signs of spills, dumping or illicit connections should be followed up according to the illicit discharge program.

**Measurable Goals:**

- Length of storm drain pipe cleaned or repaired
- Number of outfalls cleaned
- Upgrades or technology improvements implemented in overall system
- Staff training or continuing education activities

**Timeline/Implementation Schedule:**

- 2016-2017 Permit Year

**Specific Components and Notes:**

**Responsible Party for this BMP**

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Department: Highway Department

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E-mail: townofmacedon@yahoo.com

# BMP Summary Sheet

**Department Name:** Highway Department

**Category of Municipal Operations:** Street Maintenance

**BMP Title:** **Graffiti Removal**

**BMP Description:**

- Graffiti removal activities are to be scheduled during dry weather.
- Nearby storm inlets are to be protected prior to removing graffiti. Runoff from sand blasting and high pressure washing should be directed into a landscaped or dirt area. If such an area is not available filter runoff through an appropriate filtering device (e.g. filter fabric) to keep sand, particles and debris out of storm sewers.
- Graffiti is typically removed with a gas powered steam jenny without the use of chemicals.
- If graffiti is found in roadways and cannot be removed using the steam jenny, then a driveway sealer is utilized.

**Measurable Goals:**

- Train municipal employees

**Timeline/Implementation Schedule:**

- 2016-2017 Permit Year

**Specific Components and Notes:**

**Responsible Party for this BMP**

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Department: Highway Department  
Phone: 315-986-7852 Ext. 102  
E-mail: townofmacedon@yahoo.com

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Street Maintenance**

**BMP Title: Unpaved Roads and Trails**

**BMP Description:**

- Stabilize exposed soils to prevent soil from eroding during rain events. This is particularly important on steep slopes. A Hydroseeder is typically used to spread seed, mulch and tackifier.
- Roadside areas with exposed soils are stabilized with the hydroseeder which contains a mulch or binder that will hold the soils in place while the vegetation is establishing. Native vegetation should be used.
- If vegetation cannot be established immediately, apply temporary erosion control mats/blankets, straw or gravel as appropriate.
- Where steep slopes occur or major erosion issues are noted, the Town may utilize stone rip rap or sand bags for sediment control.

**Measurable Goals:**

- Train municipal employees
- Document persistent areas of concern

**Timeline/Implementation Schedule:**

- 2016-2017 Permit Year

**Specific Components and Notes:**

**Responsible Party for this BMP**

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Department: Highway Department  
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E-mail: townofmacedon@yahoo.com

# BMP Summary Sheet

**Department Name:** Highway Department

**Category of Municipal Operations:** Street Maintenance

**BMP Title:** **Roadway Patching, Resurfacing and Surface Sealing**

**BMP Description:**

- Patching, resurfacing and sealing are to be scheduled for dry weather.
- Material stockpiles are to be kept away from streets, gutter areas, storm drain inlets or waterways
- Preheating, transfer or loading of hot bituminous material is to be done away from drainage systems or waterways. This typically occurs at the plant.
- Excess material is to be prevented from entering streets or storm inlets.
- There shall be a designated area for cleanup and proper disposal of excess material.
- The area worked is typically swept within 48 hours to remove any debris from entering the storm drainage system

**Measurable Goals:**

- Train municipal employees

**Timeline/Implementation Schedule:**

- 2016-2017 Permit Year

**Specific Components and Notes:**

**Responsible Party for this BMP**

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Department: Highway Department

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E-mail: townofmacedon@yahoo.com



# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Street and Bridge Maintenance**

**BMP Title: Street Sweeping and Cleaning**

**BMP Description:**

- A consistent sweeping schedule is to be maintained. The Redbook is followed.
- Street cleaning is only to be performed during dry weather if possible.
- Wet cleaning or flushing of the street is not conducted.
- Sweepers are to be operated at manufacturer requested optimal speed level to increase effectiveness.
- Accurate logs of the number of curb-miles swept and the amount of waste collected are to be kept.
- Do not store swept material along the side of the street or near a storm drain inlet.
- Debris storage is to be kept to a minimum during the wet season. Piles will be contained by a berm or covered.
- Sweeping debris is currently disposed of at the Highway Facility in a bermed area.

**Measurable Goals:**

- Approximate quantity (tons or cubic yards) of debris cleaned from streets, sidewalks and parking lots.
- Staff retraining or continuing education activities related to policies & procedures
- Analyze factors such as traffic volume, land use, sediment accumulation and proximity to water.
- Explore disposing sweeping debris and dirt at the landfill.

**Timeline/Implementation Schedule:**

- 2016-2017 Permit Year

**Specific Components and Notes:**

**Responsible Party for this BMP**

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Phone: 315-986-7852 Ext. 102  
E-mail: townofmacedon@yahoo.com

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Vehicle and Fleet Maintenance**

**BMP Title: Vehicle and Equipment Cleaning**

**BMP Description:**

- Majority of vehicles and equipment are washed inside the building and wash waters are directed to an oil/water separator and then to the septic system.
- Wash areas are designed to properly collect and dispose of wash water when engine cleaning is conducted and when chemical additives, solvents, or degreasers are used.
- If washing must occur outside, use the designated paved wash area.
- Mark the outdoor area clearly as a wash area.

**Measurable Goals:**

- Train fleet maintenance staff on policies, procedures, BMPs and stormwater management.
- Explore using biodegradable, phosphate-free detergents for washing vehicles, as appropriate.
- Explore installing a dry well or leach line to accept outdoor wash area waters to prevent wash waters from entering the storm drain system.

**Timeline/Implementation Schedule:**

- 2016-2017 Permit Year

**Specific Components and Notes:**

**Responsible Party for this BMP**

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Department: Highway Department

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E-mail: townofmacedon@yahoo.com

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Vehicle and Fleet Maintenance**

**BMP Title: Vehicle and Equipment Fueling**

**BMP Description:**

- Vehicle and Equipment Fueling occurs at the Gananda Bus Garage which is not owned or operated by the Town of Macedon.

**Measurable Goals:**

**Timeline/Implementation Schedule:**

**Specific Components and Notes:**

**Responsible Party for this BMP**

*Indicate who specifically is responsible for the implementation and monitoring of this BMP. This should be the individual who is actively involved with the BMP.*

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Department: Highway Department

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E-mail: townofmacedon@yahoo.com

# BMP Summary Sheet

**Department Name:** Highway Department

**Category of Municipal Operations:** Vehicle and Fleet Maintenance

**BMP Title:** Vehicle and Equipment Repair

**BMP Description:**

- Whenever feasible, move maintenance and repair activities indoors.
- Store idle equipment containing fluids under cover.
- Avoid hosing down work areas, but if work areas are washed, collect the water and direct to septic system.
- Post signs to indicate storm drains and sinks are not to receive hazardous wastes.
- Designate a special area, with no connections to the storm drain, to drain motor fluids.
- Collect leaking or dripping fluids in drip pans or containers, and drain all fluids immediately.
- Promptly transfer used fluids to proper waste or recycling drums.
- Keep equipment clean, don't allow excess grease and oil buildup.
- If temporary work is being done outside, use a tarp, ground cloth, or drip pans to capture all spills and drips, and dispose of properly.
- Regularly inspect vehicles and equipment for leaks and repair immediately.

**Measurable Goals:**

- Explore building a bermed area at the Village DPW to prevent wash waters from lawn mowers from entering the storm drain system.

**Timeline/Implementation Schedule:**

- 2016-2017 Permit Year

**Specific Components and Notes:**

**Responsible Party for this BMP**

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Department: Highway Department

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E-mail: townofmacedon@yahoo.com

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Winter Road Maintenance**

**BMP Title: Road Salt Application**

**BMP Description:**

- Calibrate salt spreaders to ensure proper application.
- Only apply the amount of salt/sand mixture needed to get the job done.
- Follow the proper application guidelines.
- Consider temperature when determining volume of salt/sand mix to apply.
- Cleanup 'trackout' after a storm event around the storage area.
- Wash waters from trucks used for salting and sanding drain to an oil/water separator before discharging to an open ditch.
- Salt is stored properly under cover and is located away from areas of flooding.
- Place salt piles in areas not subject to flooding.
- Use diversion berms to minimize water runoff from storage areas.

**Measurable Goals:**

- All deicing materials have been stored under cover.
- Application components have been tested, calibrated, and maintained at regular intervals. Trucks are calibrated in the fall and spot checked throughout the winter season.
- Explore alternative compounds to spread on the roads that have the same effect but are better for the surrounding area. Currently researching magnesium chloride as an alternative to the sand/salt mixture.

**Timeline/Implementation Schedule:**

- 2016-2017 Permit Year

**Specific Components and Notes:**

**Responsible Party for this BMP**

*Indicate who specifically is responsible for the implementation and monitoring of this BMP. This should be the individual who is actively involved with the BMP.*

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Department: Highway Department  
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E-mail: townofmacedon@yahoo.com

# **APPENDIX L**

## **Municipal Facilities Inventory & Inspection Forms**

**(Inspection Reports Located in Separate Binder)**

# MS4 Program Town (and Village) of Macedon

*last updated 3/27/2017 by Kim Boyd*

<u>Priority</u>	<u>Inventory of Municipally owned properties</u>	<u>Address / Location</u>	<u>Tax ID Number</u>	<u>MS4 area?</u>	<u>Acreage</u>	<u>Use / Description</u>
<b><i>Town of Macedon Properties</i></b>						
Low	Town Hall / Library Complex	30 and 32 Main Street	62111-07-674851	Y	6.29	Town Hall and Library Complex
Low	Public Safety Building	1620 North Wayneport Road	61111-00-255825	Y	1.92	Police and Ambulance Base
High	Highway Department	2067 O'Neil Road	62112-00-926356	N	28.8	Town Highway Dept (shared w/ Gananda School)
Low	Bullis Park	1777 Canandaigua Road	62112-00-254043	Y	61.1	Park, including playground, fields, concession/bathrooms, two pavilions, parking lots, etc.
Low	Bullis Park Annex	off the end of Commons Parkway	62111-00-170971	Y	30.65	Designated Walking and Hiking Trail System / Woods (abuts Bullis Park)
Low	Wayneport Road lot	West side just south of Canal	61112-00-226108	Y	0.5	Vacant - donated to town by Fairport Yacht Club - possible future canoe launch or pocket park
Low	Wayneport Road Cemetery	West side just south of Quaker	61112-00-219524	N	0.46	Cemetery (not active)
Low	Macedon Center Cemetery	Between 1208 and 1232 Route 31F	62112-06-357813	N	0.87	Cemetery (not active)
Low	Walworth Road Cemetery	Behind 1565 Walworth Road	63111-00-928756	N	0.48	Cemetery (not active)
Low	Former Gravel Pit Quaker Road	2400 Quaker Road	63111-00-784703	N	20.26	Reclaimed Gravel Pit - discussions underway to allow Pal-Mac Youth Baseball long term lease for ball fields
<b><i>Sanitary Pump Stations</i></b>						
Low	Peacock Circle	3158 Peacock Circle	n/a	N		Maintained by Walworth Sewer Department
Low	East Park Drive	across from 1657 East Park Drive	n/a	Y		Maintained by WCWSA
Low	Cedar Creek	behind 1503 Cananadaigua Road	n/a	N		Maintained by WCWSA
Low	Commons Parkway	behind 1641 Commons Parkway	n/a	Y		Maintained by WCWSA
Low	Marina	1125 Marina Drive	n/a	Y		Maintained by WCWSA
Low	Chase Bank	1900 NYS Route 31	n/a	Y		Maintained by WCWSA
Low	Lakeview	1936 NYS Route 31	n/a	Y		Maintained by WCWSA
<b><i>Water Storage Tanks</i></b>						
Low	Bunker Hill	End of Bunker Hill Drive	61110-07-552907	Y	1.15	Maintained by WCWSA
Low	Macedon Center	adjacent to 1386 NYS Route 31F	62112-00-580777	N	0.96	Maintained by WCWSA
High	Village DPW			Y		To be maintained by Town of Macedon

## Municipal Facility/Operation Assessment Form

Inspections must be conducted by a person with the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by the SPDES MS4 General Permit (GP-0-17-002).

PERMIT # \_\_\_\_\_ MS4 Name \_\_\_\_\_

Facility ID \_\_\_\_\_ Facility Type \_\_\_\_\_ Date \_\_\_\_\_

Weather Conditions \_\_\_\_\_

Is stormwater runoff present during this assessment?     Yes     No

Is this a High Priority Facility?     Yes     No

### SWPPP

a. Is there a completed SWPPP available for this facility?     Yes     No

b. Does the facility have MS4s that discharge to any surface waters?     Yes     No

Comments

### Good Housekeeping

a. Are paved surfaces free of sediment and debris?

b. Date the paved area was last swept or vacuumed.

c. Do outdoor waste receptacles have covers?

d. Are the waste receptacles emptied on a regular basis?

e. Are there signs of leaks, contaminants or overfilling at the waste receptacle area?

f. Are the following facility areas free of accumulated sediment, debris, contaminants and spills?

- Salt storage areas     Yes     No

- Container storage areas     Yes     No

- Maintenance areas     Yes     No

- Staging Areas     Yes     No

- Material Stockpile Areas     Yes     No

Comments



**Vehicle and Equipment Areas**

- a. Are vehicle/equipment parked indoors or under a roof?  Yes  No
- b. Are vehicles/equipment washed in only designated areas?  Yes  No
- c. Are vehicles washed regularly to remove contamination and prevent them from polluting stormwater?  Yes  No
- d. Is all wash water treated in an oil water seperator prior to discharge?  Yes  No
- e. Is all wash water captured and treated in a sanitary system?  Yes  No

Comments

**Vehicle/Equipment Maintenance**

- a. Is equipment stored under shelter or elevated and covered?  Yes  No
- b. Are fluids drained over a drip pan or pad?  Yes  No
- c. Are funnels or pumps used when transferring fluids?  Yes  No
- d. Are waste rags and used absorbent pads disposed of properly?  Yes  No
- e. Are any vehicles and/or equipment leaking fluids?  Yes  No
- f. Are drip pans immediately placed under leaks?  Yes  No
- g. Are materials, equipment, and activities located so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas)?  Yes  No

Comments

**Fueling areas**

- a. Is fueling performed under a canopy or roof?  Yes  No
- b. Are spill cleanup materials available at the fueling area?  Yes  No
- c. Are breakaway valves used on fueling hoses?  Yes  No
- d. Is the fueling handle lock disconnected so the operator must attend the fueling?  Yes  No
- e. Is stormwater runoff from fueling area treated in an oil/water seperator?  Yes  No
- f. Is the fueling automatic stop inspected regularly to ensure it is working properly?  Yes  No
- g. Are all fuel deliveries monitored?  Yes  No

**Salt Storage**

- a. Is salt stored in a salt storage building or under a roof?  Yes  No
- b. Are controls in place to minimize spills while adding or removing material from the pile?  Yes  No
- c. Are salt spills cleaned up promptly?  Yes  No
- d. Is overflow and tracked salt removed promptly from loading areas?  Yes  No
- e. Is stormwater draining away from the salt pile directed to a vegetated filter area?  Yes  No

Comments

**Fluids Management**

- a. Are all drums and containers of fluids stored with proper cover and containment?  Yes  No
- b. Are fluids stored in appropriate containers and/or storage cabinets?  Yes  No
- c. Are all fluids kept in original containers or labeled in a manner that describes the contents adequately?  Yes  No
- d. Are Material Safety Data Sheets (MSDS/SDS) readily available?  Yes  No
- e. Are all containers that are stored free of leaks or deposits?  Yes  No
- f. Are containers of product inspected regularly?  Yes  No
- g. Is used oil and antifreeze stored indoors and/or on spill containment pallets?  Yes  No
- h. Is used oil and antifreeze properly disposed of or recycled?  Yes  No

Comments

**Lead-Acid Batteries**

- a. Are lead-acid batteries stored indoors on spill containment pallets or in bins?  Yes  No
- b. Are intact batteries stored on an acid-resistant rack or tub?  Yes  No
- c. Are cracked or leaking batteries stored in labeled, closed leak-proof containers?  Yes  No
- d. Is the date each battery was placed in storage recorded?  Yes  No
- e. Are batteries stacked more than 5 high?  Yes  No
- f. Are batteries inspected regularly for leaks?  Yes  No

**Lead-Acid Batteries (continued)**

- g. Are acid neutralizing agents, such as baking soda, available in case of leaks?  Yes  No
- h. Are batteries stored longer than 6 months before recycling?  Yes  No
- i. Are lead cable ends left on the batteries to be recycled?  Yes  No

Comments

**Spill Prevention and Control**

- a. Are vehicles inspected daily for leaks?  Yes  No
- b. Is spill control equipment and absorbents readily available?  Yes  No
- c. Are emergency phone numbers posted in conspicuous areas?  Yes  No
- d. Are Material Safety Data Sheets (MSDS/SDS) readily available?  Yes  No
- e. Are spills contained and cleaned up immediately?  Yes  No

Comments

**General Material Storage Areas**

- a. Are leaking or damaged materials stored inside a building or another type of storm resistance shelter?  Yes  No
- b. Are all material stockpiles within containment structures (e.g. concrete barriers, earthen berms) or stored in a manner that does not allow discharge of impacted stormwater?  Yes  No
- c. Are used fuel tanks and other scrap metal and parts drained of fluids and stored under cover?  Yes  No
- d. Are outdoor containers covered?  Yes  No
- e. Are piles of spoils, asphalt, debris, etc stored under a roof or cover?  Yes  No
- f. Are spills of material or debris cleaned up promptly?  Yes  No
- g. Are used tire storage piles placed away from storm drains or conveyances?  Yes  No
- h. Are tires recycled frequently to keep the number of stored tires manageable?  Yes  No

Comments

**Stormwater Management**

- a. Are employees trained annually on the proper procedures, specific control measures and documentation requirements of stormwater management at the facility//operation?  Yes  No
- b. Is uncontaminated stormwater prevented from mixing with process areas?  Yes  No
- c. Are BMPs and treatment structures working as designed?  Yes  No
- d. Are BMPs and treatment structures free from debris buildup or overgrown vegetation that may impair function?  Yes  No
- e. Catch basins should be cleaned when the depth of sediment or debris reaches 50% of the sump depth. Based on this, do any catch basins need to be cleaned?  Yes  No
- f. Are berms, curbing or other methods used to divert and direct discharges adequate and in good condition?  Yes  No
- g. Are rooftop drains directed to areas away from pavement?  Yes  No

Comments

**Erosion and Sediment Controls**

- a. Are soil stabilization measures (e.g. seed and mulch, rolled erosion control products) considered in areas that have the potential for significant soil erosion?  Yes  No
- b. Are natural buffers maintained around surface waters?  Yes  No
- c. Are flow velocity dissipation devices in place at stormwater outfalls and channel outlets (rock riprap, stone check dams, concrete baffles)?  Yes  No
- d. Do controls conform to the NYS Standards and Specifications for Erosion and Sediment Control (2016), or equivalent?  Yes  No

Comments

**Observation of Stormwater Discharges from the site**

- a. Is the discharge free of floating materials, visible oil sheen, discoloration, turbidity, odor, foam or any other signs of contamination? \_ Yes    \_ No
  
- b. Is process water commingling with stormwater or entering storm drains? \_ Yes    \_ No
  
- c. Were any illicit discharges observed during the inspection? Illicit discharges include wastewater, detergents, paint, de-icing materials (in excess of what is applied to control ice at the facility), oil, grease, antifreeze, garbage, chemicals, pesticides, and fertilizers. \_ Yes    \_ No
  
- d. If illicit discharge(s) are discovered, describe below, and initiate procedures to eliminate the illicit discharge.

Comments

**Corrective Actions and Comment**

Describe Inspection findings and if necessary, the corrective actions taken.

Inspector Signature \_\_\_\_\_

Date \_\_\_\_\_

**APPENDIX M**  
**Standard Operating Procedures**



## INDEX

SOP #1 Dry & Wet Weather Outfall Inspections

SOP #2 Catch Basin Inspection and Cleaning

SOP #3 Spill Response and Cleanup Procedures

SOP #4 Fuel and Oil Handling Procedures

SOP #5 Oil/Water Separator Maintenance

SOP #6 Locating Illicit Discharges

SOP #7 Water Quality Screening in the Field

SOP #8 Stormwater Pollution Prevention and Good Housekeeping

SOP #9 Minimizing the Spread of Alien Invasive Species

SOP #10 Construction Site Inspection & Enforcement

SOP #11 Inspecting Post-Construction Controls & Enforcement



*These Standard Operating Procedures have been modified and customized for the Town of Macedon from a template provided by the Ontario-Wayne Stormwater Coalition. Some SOPs have been excluded since they did not pertain to the Town of Macedon's facilities or operations.*

**Introduction:**

Outfalls from an engineered storm drain system can be in the form of pipes or ditches. It is important to inspect and document water quality from these outfalls under both dry weather and wet weather conditions. This SOP discusses both dry and wet weather inspection objectives.

During a dry weather period, it is anticipated that minimal flow from stormwater outfalls will be observed. Therefore, dry weather inspections aim to characterize any/all flow observed during a dry weather period and identify potential source(s) of an illicit discharge through qualitative testing.

Wet weather inspections aim to describe and evaluate the first flush of stormwater discharged from an outfall during a storm, representing the maximum pollutant load managed by receiving water.

**Definition of Dry Weather Inspections**

A dry weather period is a time interval during which less than 0.1 inch of rain is observed across a minimum of 72 hours. Unlike wet weather sampling, dry weather inspections are not intended to capture a “first flush” of stormwater discharge, rather they are intended to identify any/all discharges from a stormwater outfall during a period without recorded rainfall. The objective of inspections during a dry weather period is to characterize observed discharges and facilitate detection of illicit discharges.

**Definition of Wet Weather Inspections**

A storm is considered a representative wet weather event if greater than 0.1 inch of rain falls and occurs at least 72 hours after the previously measurable (greater than 0.1 inch of rainfall) storm event. In some watersheds, based on the amount of impervious surface present, increased discharge from an outfall may not result from 0.1 inch of rain. An understanding of how outfalls respond to different events will develop as the inspection process proceeds over several months, allowing the inspectors to refine an approach for inspections.

Ideally, the evaluation and any samples collected should occur within the first 30 minutes of discharge to reflect the first flush or maximum pollutant load.

Typical practice is to prepare for a wet weather inspection event when weather forecasts show a 40% chance of rain or greater. If the inspector intends to collect analytical samples, coordination with the laboratory for bottleware and for sample drop-off needs to occur in advance.

**Visual Condition Assessment**

The attached Outfall Reconnaissance Inventory/Sample Collection Field Sheet is a tool to assist in documenting observations related to the both quantitative and qualitative characteristics of any/all flows conveyed by the structure during a dry or wet period.

For any visual observation of pollution in a stormwater outfall discharge, an investigation into the pollution source should occur, but the following are often true:

1. Foam: indicator of upstream vehicle washing activities, or an illicit discharge.
2. Oil sheen: result of a leak or spill.



3. Cloudiness: indicator of suspended solids such as dust, ash, powdered chemicals and ground up materials.
4. Color or odor: Indicator of raw materials, chemicals, or sewage.
5. Excessive sediment: indicator of disturbed earth of other unpaved areas lacking adequate erosion control measures.
6. Sanitary waste and optical enhancers (fluorescent dyes added to laundry detergent and some toilet paper): indicators of illicit discharge.
7. Orange staining: indicator of high mineral concentrations.

Many of these observations are indicators of an illicit discharge. Examples of illicit discharges include: cross-connections of sewer services to engineered storm drain systems; leaking septic systems; intentional discharge of pollutants to catch basins; combined sewer overflows; connected floor drains; and sump pumps connected to the system (under some circumstances). Additional guidelines for illicit discharge investigations are included in SOP #6, "Locating Illicit Discharges".

The Outfall Reconnaissance Inventory/Sample Collection Field Sheet includes fields where these and other specific observations can be noted. The inspector shall indicate the presence of a specific water quality indicator or parameter by check marking the appropriate "Yes" in Section 4, if physical Indicators are present in flowing outfalls. If "Yes" is checked then note the "Indicator", "Description" and "Relative Severity Index" (1-3). If "No" is checked, then skip to Section 5.

The inspector shall indicate the presence of a specific water quality indicator or parameter by check marking "Yes" in Section 5, if physical indicators are present that are not related to flow. If "Yes" is checked, then note the "Indicator", "Description", and "Comments". If "No" is checked, then skip to Section 6.

In Section 6, checkmark the overall outfall characterization: "Unlikely", "Potential", "Suspect", or "Obvious". If a sample is required, complete Section 7 (See below under Measuring Water Quality and Analytical Sample Collection).

### **Conditional and Qualitative Considerations**

Although many of the parameters listed above are considered to be indicators of illicit discharge, the presence of a parameter is not absolute evidence of an illicit discharge. Some of these indicators may occur naturally. Orange staining may be the result of naturally occurring iron, and unrelated to pollution. Foam can be formed when the physical characteristics of water are altered by the presence of organic materials. Foam is typically found in waters with high organic content such as bog lakes, streams that originate from bog lakes, productive lakes, wetlands, or woody areas. To determine the difference between natural foam and foam cause by pollution, consider the following:

1. Wind direction or turbulence: natural foam occurrences on the beach coincide with onshore winds. Often, foam can be found along a shoreline and/or on open waters during windy days. Natural occurrences in rivers can be found downstream of a turbulent site.
2. Proximity to a potential pollution source: some entities (e.g. textile industry, paper production facilities, oil industries, and fire-fighting activities) work with materials that cause foaming in water. If these materials are released to a water body in large quantities, they can cause foaming. The presence of silt in water, such as from a construction site, can cause foam.
3. Feeling: natural foam is typically persistent, light, not slimy to the touch.
4. Presence of decomposing plants or organic material in the water.

Some of the indicators can have multiple causes or sources. For example, both bacteria and petroleum can create a sheen on the water surface. The source of the sheen can be differentiated by disturbing it,

such as with a pole. A sheen caused by oil will remain intact and move in a swirl pattern; a sheen caused by bacteria will separate and appear “blocky”. Bacterial or naturally occurring sheens are usually silver or relatively dull in color and will break up into a number of small patches of sheen. The cause may be presence of iron, decomposition of organic material or presence of certain bacteria. Bacterial sheen is not a pollutant but should be noted.

Optical enhancers at high concentrations are sometimes visible to the naked eye as a bluish-purple haze in the water. However, due to physiological variation of the human eye, not all inspectors may be able to identify the presence of these materials, and quantitative testing is the preferred method to confirm the presence of these compounds. Optical enhancers are typically detected through the use of clean, white cotton pads placed within the discharge for several days, dried, and viewed under a fluorometer. If the cotton pad fluoresces, optical enhancers are assumed to be present. The magnitude of the fluorescence, as measured in fluorescent units, can be used to correlate the concentration of optical enhancers in water to other samples collected locally.

### **Measuring Water Quality**

Based on the results of the Physical Indicators in Sections 4 & 5, it may be necessary to collect additional data about water quality. Water quality samples can be in the form of screening using field test kits and instrumentation, or by discrete analytical samples processed by a laboratory. Information on selecting and using field test kits and instrumentation is included in SOP #7, “Water Quality Screening in the Field.” The Inspection Survey also provides values for what can be considered an appropriate benchmark for a variety of parameters that can be evaluated in the field. If the results of screening using field test kits indicate that the outfall’s water quality exceeds the benchmarks provided, collection of discrete analytical samples should be considered.

### **Analytical Sample Collection**

Sample collection methods may vary based on specific outfall limitations, but shall follow accepted test procedures. A discrete manual or grab sample can classify water at a distinct point in time. These samples are easily collected and used primarily when the water quality of the discharge is expected to be homogeneous, or unchanging, in nature. A flow-weighted composite sample will classify water quality over a measured period of time. These samples are used when the water quality of the discharge is expected to be heterogeneous, or fluctuating, in nature. Grab samples are common for both dry and wet weather outfall inspections due to the time-sensitive nature of the process. Protocols for collecting a grab sample shall include:

1. Do not eat, drink or smoke during sample collection and processing.
2. Do not collect or process samples near a running vehicle.
3. Do not park vehicles in the immediate sample collection area, including both running and non-running vehicles.
4. Always wear clean, powder-free nitrile gloves when handling sample containers and lids.
5. Never touch the inside surface of a sample container or lid, even with gloved hands.
6. Never allow the inner surface of a sample container or lid to be contacted by any material other than the sample water.
7. Collect samples while facing upstream and so as not to disturb water or sediments in the outfall pipe or ditch.
8. Do not overfill sample containers, and do not dump out any liquid in them. Liquids are often added to sample containers intentionally by the analytical laboratory as a preservative or for pH adjustment.
9. Slowly lower the bottle into the water to avoid bottom disturbance and stirring up sediment.
10. Do not allow any object or material to fall into or contact the collected water sample.

11. Do not allow rainwater to drip from rain gear or other surfaces into sample containers.
12. Replace and tighten sample container lids immediately after sample collection.
13. Accurately label the sample with the time and location.
14. Document on the Outfall Reconnaissance Inventory/Sample Collection Field Sheet that analytical samples were collected, specify parameters, and note the sample time in the Notes in Section 1. This creates a reference point for samples.

### **Analytical Sample Quality Control and Assurance**

Upon completion of successful sample collection, the samples may be sent or delivered to an appropriate laboratory for analytical testing. Quality control and assurance are important to ensuring accurate analytical test results. Sample preservation is required to prevent contaminate degradation between sampling and analysis, and holding time should be minimized. Prompt laboratory analysis allows the laboratory to review the data and if analytical problems are found, re-analyze the affected samples within the holding times.

Chain of custody forms are designed to provide sample submittal information and document transfers of sample custody. The forms are typically provided by the laboratory and must be completed by the field sampling personnel for each sample submitted to the lab for analysis. The document must be signed by both the person releasing the sample and the person receiving the sample every time the sample changes hands.

The sampling personnel shall keep one copy of the form and send the remaining copies to the laboratory with the samples. Custody seals, which are dated, signed and affixed to the sample container, may be used if the samples are shipped in a cooler via courier or commercial overnight shipping.

### **Attachment**

Outfall Reconnaissance Inventory/Sample Collection Field Sheet

### **Related Standard Operating Procedures**

1. SOP #6, Locating Illicit Discharges
2. SOP #7, Water Quality Screening in the Field

**Introduction:**

Catch basins help minimize flooding and protect water quality by removing trash, sediment, decaying debris, and other solids from stormwater runoff. These materials are retained in a sump below the invert of the outlet pipe. Catch basin cleaning reduces foul odors, prevents clogs in the storm drain system, and reduces the loading of suspended solids, nutrients, and bacteria to receiving waters. During regular cleaning and inspection procedures, data can be gathered related to the condition of the physical basin structure; its frame and grate, and the quality of stormwater conveyed by the structure. Observations such as the following can indicate sources of pollution within the storm drain system:

- Oil sheen
- Discoloration
- Trash and debris

Both bacteria and petroleum can create a sheen on the water surface. The source of the sheen can be differentiated by disturbing it, such as with a pole. A sheen caused by oil will remain intact and move in a swirl pattern; a sheen caused by bacteria will separate and appear “blocky”. Bacterial sheen is not a pollutant but should be noted.

Observations such as the following can indicate a potential connection of a sanitary sewer to the storm drain system, which is an illicit discharge.

- Indications of sanitary sewage, including fecal matter or sewage odors
- Foaming, such as from detergent
- Optical enhancers, fluorescent dye added to laundry detergent

Each catch basin should be cleaned and inspected at least annually. Catch basins in high-use areas may require more frequent cleaning. Performing street sweeping on an appropriate schedule will reduce the amount of sediment, debris, and organic matter entering the catch basins, which will in turn reduce the frequency with which structures need to be cleaned.

**Cleaning Procedure**

Catch basin inspection cleaning procedures should address both the grate opening and the basin’s sump. Document any and all observations about the condition of the catch basin structure and water quality on the Catch Basin Inspection Form (attached).

Catch basin inspection and cleaning procedures include the following:

1. Work upstream to downstream.
2. Clean sediment and trash off grate.
3. Visually inspect the outside of the grate.
4. Visually inspect the inside of the catch basin to determine cleaning needs.
5. Inspect catch basin for structural integrity.

6. Determine the most appropriate equipment and method for cleaning each catch basin.
  - a. Manually use a shovel to remove accumulated sediments, or
  - b. Use a bucket loader to remove accumulated sediments, or
  - c. Use a high pressure washer to clean any remaining material out of catch basin while capturing the slurry with a vacuum.
  - d. If necessary, after the catch basin is clean, use the rodder of the vacuum truck to clean downstream pipe and pull back sediment that might have entered downstream pipe.
7. If contamination is suspected, chemical analysis may be required to determine if the materials are hazardous. Note the identification number of the catch basin on the sample label, and note "Sample Collection" on the Catch Basin Inspection Form.
8. Properly dispose of collected sediments. See following section for guidance.
9. If fluids collected during catch basin cleaning are not being handled and disposed of by a third party, dispose of these fluids to a sanitary sewer system, with permission of the system operator.
10. If illicit discharges are observed or suspected, notify the appropriate Department (see SOP #6, "Locating Illicit Discharges").
11. At the end of each day, document location and number of catch basins cleaned, amount of waste collected, and disposal method for all screenings.
12. Report additional maintenance or repair needs to the Highway Superintendent

### **Disposal of Screenings**

Catch basin cleanings are currently disposed of at the bermed facility across from the Highway Barns.

Catch basin cleanings from stormwater-only drainage systems may be disposed at any landfill that is permitted by NYS DEC to accept solid waste. NYS DEC does not routinely require stormwater-only catch basin cleanings to be tested before disposal, unless there is evidence that they have been contaminated by a spill or some other means.

Screenings may need to be placed in a drying bed to allow water to evaporate before proper disposal. In this case, ensure that the screenings are managed to prevent pollution.

### **Attachments**

Catch Basin Inspection Form

### **Related Standard Operating Procedures**

1. SOP #6, Locating Illicit Discharges
2. SOP #7, Water Quality Screening in the Field

## Catch Basin Inspection Form

Inspector: \_\_\_\_\_ Date \_\_\_\_\_

Street Name/Location \_\_\_\_\_

<b>Catch Basin ID:</b>		<b>Final Discharge from Structure?</b> Yes No <b>If Yes, Discharge to Outfall No.:</b> _____	
<b>Catch Basin Label:</b>	Stencil                      Ground Inset                      Sign                      None                      Other _____		
<b>Basin Material:</b>	Concrete Corrugated metal Stone Brick Other: _____	<b>Catch Basin Condition:</b>	Good                      Poor Fair                      Crumbling
<b>Pipe Material</b>	Concrete HDPE PVC Clay Tile Other _____	<b>Pipe Measurement:</b>	Inlet (in) d= _____  Outlet (in) D= _____
<b>Required Maintenance/Problems (note all that apply)</b> Tree Work Required New Grate Required Pipe is Blocked Frame Maintenance Required Remove Accumulated Sediment Pipe Maintenance is Required Basin Undermined or Bypassed		Cannot Remove Cover Ditch Work Corrosion at Structure Erosion Around Structure Remove Trash & Debris Need Cement around Grate Other _____	
<b>Catch Basin Grate Type</b>	<b>Sediment Buildup Depth:</b>	<b>Description of Flow</b>	<b>GPS Location</b>
Bar Cascade Other _____  Properly Aligned: Yes No	0-6 in                      _____ 6-12 in                      _____ 12-18 in                      _____ 18-24 in                      _____ 24+ in                      _____	Heavy Moderate Slight Trickling	
<b>If the outlet is submerged, circle Yes and indicate approximate height of water above the outlet invert: h above invert = _____ in.</b>			Yes                      No
			<b>Indicate Any Present:</b>
<b>Flow Standing Water</b>	<b>Observations:</b>		Foam Oil Sheen Orange stain Excessive sediment Other: _____  Sanitary waste Bacterial sheen Floatables Pet Waste Optical enhancers
	Color: _____	_____	
Odor: _____	_____		
<b>Weather Conditions:</b> dry >24 hours                      Wet			
<b>Sample of Screenings Collected for Analysis?</b> Yes                      No			
<b>Comments:</b>			

**Introduction:**

Municipalities are responsible for any contaminant spill or release that occurs on property they own or operate. Particular areas of concern include any facilities that use or store chemicals, fuel oil or hazardous waste, including schools, garages, DPW/DOT yards, and landfills.

Implementation of proper spill response and cleanup procedures can help to mitigate the effects of a contaminant release.

**Responding to a Spill**

In the event of a spill, follow these spill response and cleanup procedures:

1. Notify a member of the facility's Pollution Prevention Team, the facility supervisor, and/or the facility safety officer.
2. Assess the contaminant release site for potential safety issues and for direction of flow.
3. With proper training and personal protective equipment, complete the following:
  - a. Stop the contaminant release.
  - b. Contain the contaminant release through the use of spill containment berms or absorbents
  - c. Protect all drains and/or catch basins with the use of absorbents, booms, berms or drain covers.
  - d. Clean up the spill.
  - e. Dispose of all contaminated products in accordance with applicable federal, state and local regulations.
    - i. Products contaminated with petroleum shall be handled and disposed of according to NYS DEC guidelines: <http://www.dec.ny.gov/regulations/30902.html#Hazardous>
    - ii. Waste oil contaminated products:
      1. Perform the "one drop" test to ensure absorbents do not contain enough oil to be considered hazardous. Wring absorbents through a paint filter. If doing so does not generate one drop of oil, the materials are not hazardous.
      2. If absorbents pass the "one drop" test they may be discarded in the trash, unless contaminated with another hazardous waste.
        - a. It is acceptable to mix the following fluids and handle them as waste oil:
          - ii. Waste Motor Oil
          - iii. Hydraulic Fluid
          - iv. Power Steering Fluid
          - v. Transmission Fluid
          - vi. Brake Fluid
          - vii. Gear Oil

- b. Do not mix the following materials with waste oil, store each separately:
  - i. Gasoline
  - ii. Antifreeze
  - iii. Brake and Carburetor Cleaners
  - iv. Cleaning Solvents
  - v. Other Hazardous Wastes
3. If absorbents do not pass the “one drop” test they should be placed in separate metal containers with tight fittings lids, labeled “Oily Waste Absorbents Only”.
4. If you need assistance containing and/or cleaning up the spill, or preventing it from discharging to a surface water (or an engineered storm drain system), contact your local fire department:

Macedon – West Walworth	315-986-2241
Macedon Center	315-986-4736
Macedon Volunteer	315-986-4700

*In the case of an emergency call 911.*

**Region 8 DEC Spill Response Unit must be contacted (585-226-5433) if a hazardous waste spill is detected. All petroleum spills that occur within New York State must be reported to the NYS Spill Hotline (1-800-457-7362) within 2 hours of discovery except spills which meet all of the following criteria:**

1. The quantity is known to be less than 5 gallons.
2. The spill is contained and under the control of the spiller.
3. The spill has not and will not reach the state’s water or any land.
4. The spill is cleaned up within 2 hours of discovery.

A spill is considered to have not impacted land if it occurs on a paved surface such as asphalt or concrete. A spill in dirt or gravel parking lot is considered to have impacted land and is reportable. Consider also whether the spill may have occurred on areas of pervious pavement.

**National Response Center (1-800-424-8802)** The National Response Center is the sole federal point for reporting all hazardous substances releases and oil spills that trigger federal notification requirements under several laws. For information on EPA Discharge of Oil Regulations: <http://www.epa.gov/emergencies/content/lawsregs/sheenovr.htm>

### **Procedures for Reporting Spill Response**

When contacting emergency response personnel or a regulatory agency, or when reporting the contaminant release, be prepared to provide the following information:

- a. Your name and the phone number you are calling from.
- b. The exact address and location of the contaminant release.
- c. Specifics of release, including:
  - a. What was released
  - b. How much was released, which may include:
    - i. Pounds



- ii. Gallons
  - iii. Number of containers.
- d. Where was the release sent/what was contaminated, addressing:
- a. Pavement
  - b. Soil
  - c. Drains
  - d. Catch Basins
  - e. Water Bodies
  - f. Public Street
  - g. Public Sidewalk.
- e. The concentration of the released contaminant.
- f. What/who caused the release.
- g. Is the release being contained and/or cleaned up, or is the response complete?
- h. Type and amount of petroleum stored on site, if any.
- i. Characteristics of contaminant container, including:
- a. Tanks
  - b. Pipes
  - c. Valves.

#### **Maintenance and Prevention Guidance**

Prevention of spills is preferable to even the best response and cleanup. To mitigate the effects of a contaminant release, provide proper maintenance and inspection at each facility.

To protect against contaminant release adhere to the following guidance:

1. Ensure all employees are properly trained to respond in the case of a spill, understand the nature and properties of the contaminant and understand the spill control materials and personnel safety equipment. Maintain training records of current personnel on site and retain training records of former personnel for at least three years from the date last worked at the facility.
2. Provide yearly maintenance and inspection at all municipal facilities, paying particular attention to underground storage tanks. Maintain maintenance and inspection records on site.
3. Implement good management practices where chemicals and hazardous wastes are stored.
  - a. Ensure storage in closed containers inside a building and on an impervious surface.
  - b. If storage cannot be provided inside, ensure secondary containment for 110 percent of the maximum volume of the storage container.
  - c. Locate storage areas near maintenance areas to decrease the distance required for transfer.
  - d. Provide accurate labels, MSDS information and warnings for all stored materials.
  - e. Regularly inspect storage areas for leaks.

- f. Ensure secure storage locations, preventing access by untrained or unauthorized persons.
- g. Maintain accurate records of stored materials.
4. Replace traditional hazardous materials such as pesticides and cleansers with non-hazardous products such as bio-lubricants which can reduce response costs in the case of a spill.
5. Maintain an Oil and Grease Spill Response Kit with the following materials, at a minimum, at the Highway Barn and former Village DPW:
  - a. 6.5 gallon bucket with screw top lid and handle
  - b. 10 gallons of sand
  - c. 200 pounds of quick-drying absorbent
  - d. Drain covers
  - e. Spill containment berms
  - f. (4) 3' absorbent socks
  - g. (16) 16" x 18" absorbent pads
  - h. Goggles
  - i. Nitrile gloves
  - j. Disposable bags to dispose of used materials
  - k. Laminated contact list

### **Attachments**

Spill Response and Cleanup Contact List(s)

### **Related Standard Operating Procedures**

SOP #4, Fuel and Oil Handling Procedures

## Spill Response and Cleanup Contact List

### **Facility: Highway Barn**

Chris Countryman (Facility Supervisor/Safety Officer): 315-310-1483

Scott Allen (Stormwater Management Program Coordinator): 315-374-1288

Macedon Volunteer Fire Department: 315-986-4700

NYS Spill Hotline: 800-457-7362

National Response Center: 800-424-8802

EPA Oil Information Hotline: 800-424-9346

EPA Pesticide Hotline: 800-858-7378

## Spill Response and Cleanup Contact List

### **Facility: Former Village DPW**

Chris Countryman (Facility Supervisor/Safety Officer): 315-310-1483

Scott Allen (Stormwater Management Program Coordinator): 315-374-1288

Macedon Volunteer Fire Department: 315-986-4700

NYS Spill Hotline: 800-457-7362

National Response Center: 800-424-8802

EPA Oil Information Hotline: 800-424-9346

EPA Pesticide Hotline: 800-858-7378

**Introduction:**

Spills, leaks, and overfilling can occur during handling of fuels and petroleum-based materials, even in small volumes, representing a potential source of stormwater pollution. This Standard Operating Procedure addresses a variety of ways by which fuels and petroleum-based materials can be delivered, as well as steps to be taken when petroleum products (such as waste oil) are loaded onto vehicles for offsite disposal or recycling. Delivery, unloading, and loading of waste oils are hereafter referred to as “handling”.

For the Town of Macedon, all vehicle and equipment fueling occurs at the Gananda Central School District Bus Garage. At times, personnel may also fill single or multiple 5 gallon gas cans at the garage and then later top off equipment in the field.

Personnel responsible for handling fueling operations at the gas pump or in the field shall ensure that the following procedures are observed:

1. There is no smoking while fuel handling is in process or underway.
2. Sources of flame are kept away while fuel handling is being completed. This includes smoking, lighting matches, carrying any flame, or carrying a lighted cigar, pipe, or cigarette.
3. No tools are to be used that could damage fuel or oil containers
4. Catch basins and drain manholes are adequately protected.
5. No flammable liquid shall be unloaded from any motor vehicle while the engine is operating, unless the engine of the motor vehicle is required to be used for the operation of a pump.
6. Local traffic does not interfere with fuel transfer operations.
7. The attending persons should watch for any leaks or spills
  - a. Any small leaks or spills should be immediately stopped, and spilled materials absorbed and disposed of properly. Refer to SOP #3, “Spill Response and Cleanup Procedures”, for examples of spill cleanup and response materials.
  - b. In the event of a large spill or one that discharges to surface waters or an engineered storm drain system, the facility representative or responsible party shall activate the Stormwater Pollution Prevention Plan (SWPPP) and report the incident as specified within.

**Delivery by Bulk (Tanker) Truck** – not applicable to the Town of Macedon

**Delivery of Drummed Materials** – not applicable to the Town of Macedon

**Removal of Waste Oil from the Facility** – not applicable to the Town of Macedon, waste oil is burned onsite.

**Related Standard Operating Procedures**

1. SOP #3, Spill Response and Cleanup

**Introduction:**

Oil/water separators (OWS), also known as gas/oil separators, are structural devices intended to provide pretreatment of floor drain water from industrial and garage facilities. An OWS allows oils (and substances lighter than water) to be intercepted and removed for disposal before entering the sanitary sewer system. Substances heavier than water settle into sludge at the bottom of the unit. The remaining water passes through the unit into the sanitary sewer system.

OWS units are generally required where petroleum-based products, wastes containing petroleum, or oily and/or flammable materials are used, produced, or stored. OWS units should not be used to manage stormwater or flow from vehicle washing facilities. High flow rates through an OWS will reduce the structure's ability to separate materials. Detergents and solvents can emulsify oil and grease, allowing the particles to enter the sewer, so these should not be disposed of in drains entering the OWS.

The Town of Macedon maintains one oil/water separator located at the Highway Barn. The Town utilizes Safety-Kleen to remove and properly dispose of wastes when necessary.

**General OWS Maintenance Requirements**

1. Each OWS at a facility may receive different materials in different quantities, so the cleanout schedule may not be the same.
2. Employees performing inspections of an OWS must be properly trained and be familiar with the maintenance of that specific structure, since function can vary based on design. Third-party firms may be utilized to perform quarterly inspections.
3. Do not drain petroleum, oil, or lubricants directly to an OWS. The structures are designed to manage these materials at low and medium concentrations in sanitary sewage, not as slug loads.
4. Do not drain antifreeze, degreasers, detergents, fuels, alcohols, solvents, coolant, or paint to the OWS.
5. Separator compartment covers should be tightly sealed to ensure floor drainage only enters the first compartment of the OWS.
6. Drains should be kept free of debris and sediment to the maximum extent practicable.
7. Spill cleanup materials should be maintained in the area served by the OWS. For more information on spill cleanup and response materials, refer to SOP #3, "Spill Response and Cleanup Procedures". Daily inspection of an OWS should include a visual examination of the area served by the OWS for evidence of spills or leaks.

**Weekly inspections of an OWS should include the following:**

1. Visually examine the area served by the OWS for evidence of spills or leaks.
2. Inspect the point of discharge (i.e., sewer manhole) for evidence of petroleum bypassing the OWS.
3. Inspect drains for any signs of unauthorized substances entering the OWS.
4. Examine the OWS for signs of leaks or any malfunction.

**Quarterly inspections of an OWS should include the following:**

1. Complete tasks noted as appropriate for daily and weekly inspection.
2. Complete the Quarterly OWS Inspection Checklist, attached, during the inspection.
3. Take the following measurements to benchmark function of the OWS:
  - a. Distance from rim of access cover to bottom of structure
  - b. Distance from rim of access cover to top of sludge layer
  - c. Depth of sludge layer ( $C = A - B$ )
  - d. Distance from rim of access cover to the oil/water interface
  - e. Distance from rim of access cover to the top of the liquid surface
  - f. Depth of oil layer ( $F = D - E$ )

**OWS Cleaning Procedures**

Cleaning of the OWS is required when there has been a spill to the OWS that exceeds ten gallons of oil, one gallon of detergent or solvent, or any material prohibited by the owner of the sanitary sewer. Cleaning is also required when the levels of accumulated sludge and/or oil meet the manufacturer's recommended levels for cleaning. This will vary based on the manufacturer of the OWS. See attached Manufactures specifications.

If the manufacturer's recommendations are unknown, the following guidelines are appropriate for determining when to clean:

1. When sludge accumulates to 25% of the wetted height of the separator compartment; **or**
2. When oil accumulates to 5% of the wetted height of the separator compartment; **or**
3. When 75% of the retention capacity of the OWS is filled.

Cleaning should be performed a minimum of once per year. The Town of Macedon utilizes Safety-Kleen to remove materials and properly dispose of materials.

**Documentation of Cleaning and Service**

The operator of the premises where the OWS is located shall maintain a log describing the date and type of all inspections, service and maintenance performed in connection with the Separator. Documentation shall include the identity of the inspector (or the identity of the person or entity that performed the service and/or maintenance). Records shall also document the amount of residue removed from the OWS each time it was cleaned, and how removed materials were disposed. This documentation shall be maintained for a minimum of six years.

**Attachments**

Quarterly OWS Inspection Checklist

**Related Standard Operating Procedures**

1. SOP #3, Spill Response and Cleanup Procedures

**OIL/WATER SEPARATOR (OWS)  
QUARTERLY INSPECTION CHECKLIST**

**Highway Barn**

OWS Location: \_\_\_\_\_

Inspected by: \_\_\_\_\_

Date: \_\_\_\_\_

Visual Inspection	Are there any signs of spills or leaks in the general area?	Yes	No
	Is there any evidence of petroleum bypassing the OWS?	Yes	No
	Are there any unauthorized substances entering the OWS?	Yes	No
	Does the OWS exhibit any signs of leaks or malfunctions?	Yes	No

If you answered “yes” to any of the above questions, further inspection, repair, and/or cleaning may be necessary.

Measurements	A	Distance from rim of access cover to bottom of structure	
	B	Distance from rim of access cover to top of sludge layer	
	C = A-B	Depth of sludge layer	
	D	Distance from rim of access cover to the oil/water interface	
	E	Distance from rim of access cover to the top of the liquid surface	
	F = D-E	Depth of oil layer	

If the values for “C” and/or “F” are greater than those in the manufacturer’s recommendations, the OWS must be cleaned by a licensed OWS maintenance company.





### **Introduction:**

An “illicit discharge” is any discharge to an engineered storm drain system that is not composed entirely of stormwater unless the discharge is defined as an allowable non-stormwater discharge under the New York State GP-0-15-003 Municipal Separate Storm Sewer Permit.

Illicit discharges may enter the engineered storm drain system through direct or indirect connections, such as: cross-connections of sewer services to engineered storm drain systems; leaking septic systems; intentional discharge of pollutants to catch basins; combined sewer overflows; connected floor drains; and sump pumps connected to the system (under some circumstances).

Illicit discharges can contribute high levels of pollutants, such as heavy metals, toxics, oil, grease, solvents, nutrients, and pathogens to receiving streams.

Illicit discharges can be located by several methods, including routine dry weather outfall inspections and catch basin inspections, which are described in detail in SOP #1, “Dry & Wet Weather Outfall Inspections” and SOP #2, “Catch Basin Inspection and Cleaning”, respectively, as well as from citizen reports.

The Town of Macedon has the legal authority in place, per the requirements of the NYS MS4 permit, to prohibit the connection of non-stormwater discharges into the storm drain system, see Town Code Chapter 112 Storm Sewers Article I Illicit Discharge Detection and Elimination to prohibit illicit discharges, and implement enforcement procedures and actions as needed. Also see Town Code Chapter 112-14 for Enforcement: penalties for offenses. In the Town of Macedon, the Code Enforcement Officer is responsible for provision under this SOP.

### **Identifying Illicit Discharges**

The following are often indicators of an illicit discharge from a stormwater outfall:

1. Foam: indicator of upstream vehicle washing activities, or an illicit discharge.
2. Oil sheen: result of a leak or spill.
3. Cloudiness: indicator of suspended solids such as dust, ash, powdered chemicals and ground up materials.
4. Color or odor: Indicator of raw materials, chemicals, or sewage.
5. Excessive sediment: indicator of disturbed earth of other unpaved areas lacking adequate erosion control measures.
6. Sanitary waste and optical enhancers (fluorescent dyes added to laundry detergent): indicator of the cross-connection of a sewer service.
7. Orange staining: indicator of high mineral concentrations.

Both bacteria and petroleum can create a sheen on the water surface. The source of the sheen can be differentiated by disturbing it, such as with a pole. A sheen caused by oil will remain intact and move in a swirl pattern; a sheen caused by bacteria will separate and appear “blocky”. Bacterial sheen is not a pollutant but should be noted.

## **Citizen Call in Reports**

Reports by residents and other users of a water body can be effective tools in identifying the presence of illicit discharges. The Town of Macedon has published an illicit discharge “hotline” on their website and Facebook page. The Town Clerk and the Highway Superintendent’s secretary have also received training in how to manage and report these calls.

The Town of Macedon educates municipal employees and the general public through publications such as the Macedon Messenger on how to help identify the signs of illicit discharges and to report such incidents.

When a call is received about a suspected illicit discharge, the attached Illicit Discharge Complaint Log shall be used to document the appropriate information. Subsequent steps for taking action to trace, document, and eliminate the illicit discharge are described in the following sections.

Potential illicit discharges reported by citizens should be reviewed on an annual basis to locate patterns of illicit discharges, identify high-priority catchments, and evaluate the call-in inspection program.

## **Tracking Illicit Discharges**

Whenever an illicit discharge is suspected, regardless of how it was identified, the attached Illicit Discharge Complaint Log should be completed for tracking purposes. The Complaint Log has been provided to the Town Clerk and to the Highway Department Secretary. Complaints logged in by the Town Clerk are given to the Code Enforcement Officer/Stormwater Management Program Coordinator and complaints logged in by the Highway Department Secretary are given to the Highway Superintendent. Complaints shall be promptly investigated.

If the presence of an illicit discharge is confirmed by the authority, but its source is unidentified, then the following procedures should be used to determine the source of the illicit discharge:

1. Review and consider information collected when illicit discharge was initially identified, for example, the time of day and the weather conditions for the previous 72 hours. Also consider and review past reports or investigations of similar illicit discharges in the area.
2. Obtain storm drain mapping for the area of the reported illicit discharge. If possible, use a tracking system that can be linked to your system map, such as GIS.
3. Complete the Illicit Discharge Incident Tracking Sheet, see attached. Document current conditions at the location of the observed illicit discharge point, including odors, water appearance, estimated flow, presence of floatables, and other pertinent information. Photograph relevant evidence.
4. If there continues to be evidence of the illicit discharge, collect water quality data using the methods described in SOP #7, “Water Quality Screening in the Field”. This may include using field test kits or instrumentation, or collecting analytical samples for full laboratory analysis.
5. Move upstream from the point of observation to identify the source of the discharge, using the system mapping to determine infrastructure, tributary pipes, and drainage areas that contribute. At each point, survey the general area and surrounding properties to identify potential sources of the illicit discharge. Document observations at each point on the IDDE Incident Tracking Sheet as well as with photographs.
6. Continue this process until the illicit discharge is no longer observed, which will define the boundaries of the likely source. For example, if the illicit discharge is present in catch basin but not at the next upstream catch basin, the source of the illicit discharge is between these two structures. If the source of the illicit discharge could not be determined by this survey, consider using dye testing, smoke testing, or closed-circuit television inspection (CCTV) to locate the illicit discharge

## **Dye Testing**

Dye testing is used to confirm a suspected illicit connection to a storm drain system. Prior to testing, permission to access the site should be obtained. Dye is discharged into the suspected fixture, and nearby storm drain structures and sanitary sewer manholes observed for presence of the dye. Each fixture, such as sinks, toilets, and sump pumps, should be tested separately. A third-party contractor may be required to perform this testing activity.

## **Smoke Testing**

Smoke testing is a useful method of locating the source of illicit discharges when there is no obvious potential source. Smoke testing is an appropriate tracing technique for short sections of pipe and for pipes with small diameters. Smoke added to the storm drain system will emerge in connected locations. A third-party contractor may be required to perform this testing activity.

## **Closed Circuit Television Inspection (CCTV)**

Televised video inspection can be used to locate illicit connections and infiltration from sanitary sewers. In CCTV, cameras are used to record the interior of the storm drain pipes. They can be manually pushed with a stiff cable or guided remotely on treads or wheels. A third-party contractor may be required to perform this testing activity.

If the source is located, follow steps for removing the illicit discharge. Document repairs, new sanitary sewer connections, and other corrective actions required to accomplish this objective. If the source still cannot be located, add the pipe segment to a future inspection program. This process is demonstrated in a flowchart on the last page of this SOP.

## **Removing Illicit Discharges**

Proper removal of an illicit discharge will ensure it does not recur. Refer to Table 6-1, attached, for examples of the notification process.

In any scenario, conduct a follow up inspection to confirm that the illicit discharge has been removed.

Suspend access to the storm drain system if an “imminent and substantial danger” exists or if there is a threat of serious physical harm to humans or the environment.

**Common Stormwater Pollutants, Sources and Impacts**

Pollutant	Sources	Impacts
Sediment	Construction sites; eroding streambanks and lakeshore; winter sand and salt application; vehicle/boat washing, agricultural practices.	Destruction of plant and fish habitat, transportation of attached oils, nutrients and pollutants; increased maintenance costs.
Nutrients: (Phosphorus, nitrogen)	Fertilizers, malfunctioning septic systems, livestock, bird and pet waste; vehicle/boat washing, grey water, decaying grass and leaves, sewer overflows or leaks, leaking trash containers.	Increased potential for nuisance or toxic algae blooms; increased potential for low levels of dissolved oxygen which can kill aquatic organisms.
Hydrocarbons (Polycyclic Aromatic Hydrocarbons)	Vehicle and equipment leaks, vehicle and equipment emissions, pesticides, fuel spills, equipment cleaning, improper fuel storage and disposal.	Toxic at low levels.
Heavy Metals	Vehicle brake and tire wear; vehicle/equipment exhaust/ batteries; galvanized metal; paint and wood preservatives; batteries' fuels; pesticides; cleaners.	Toxic at low levels; drinking water contamination.
Pathogens	Livestock, bird and pet wastes; malfunctioning septic systems, sewer overflows or leakage.	Risk to human health; closure of beaches and swimming areas, drinking water contamination.
Toxic Chemicals	Heavy metals; PAHs; pesticides, dioxins; PCBs; spills, wear, illegal discharges and leaks.	Toxic at low levels.
Debris/Litter	Improper waste disposal and storage, fishing gear, leaking rubbish containers, cigarette butts; littering.	Potential risk to human and aquatic life.

**Table 6-1**

**Notification and Removal Procedures for Illicit Discharges into the Municipal Separate Storm Sewer System**

<b>Financially Responsible</b>	<b>Source Identified</b>	<b>Enforcement Authority</b>	<b>Procedure to Follow</b>
Private Property Owner	One-time illicit discharge (e.g. spill, dumping, etc.)	Code Enforcement Officer/Stormwater Management Program Coordinator	Contact owner. Issue notice of violation. Issue fine.
Private Property Owner	Intermittent or continuous discharge from legal connection	Code Enforcement Officer/Stormwater Management Program Coordinator	Contact owner. Issue notice of violation. Determine schedule for removal. Confirm removal.
Private Property Owner	Intermittent or continuous illicit discharge from an illegal connection or indirect connection (e.g. infiltration or failed onsite wastewater treatment system)	Code Enforcement Officer/Stormwater Management Program Coordinator	Notify enforcement authority.
Municipal	Intermittent or continuous discharge from an illegal connection or indirect connection (e.g. failed sewer line)	Code Enforcement Officer/Stormwater Management Program Coordinator	Issue work order. Schedule removal. Remove connection. Confirm removal.
Exempt 3 <sup>rd</sup> Party	Any	Code Enforcement Officer/Stormwater Management Program Coordinator, USEPA	Notify exempt 3 <sup>rd</sup> party and USEPA of illicit discharge.

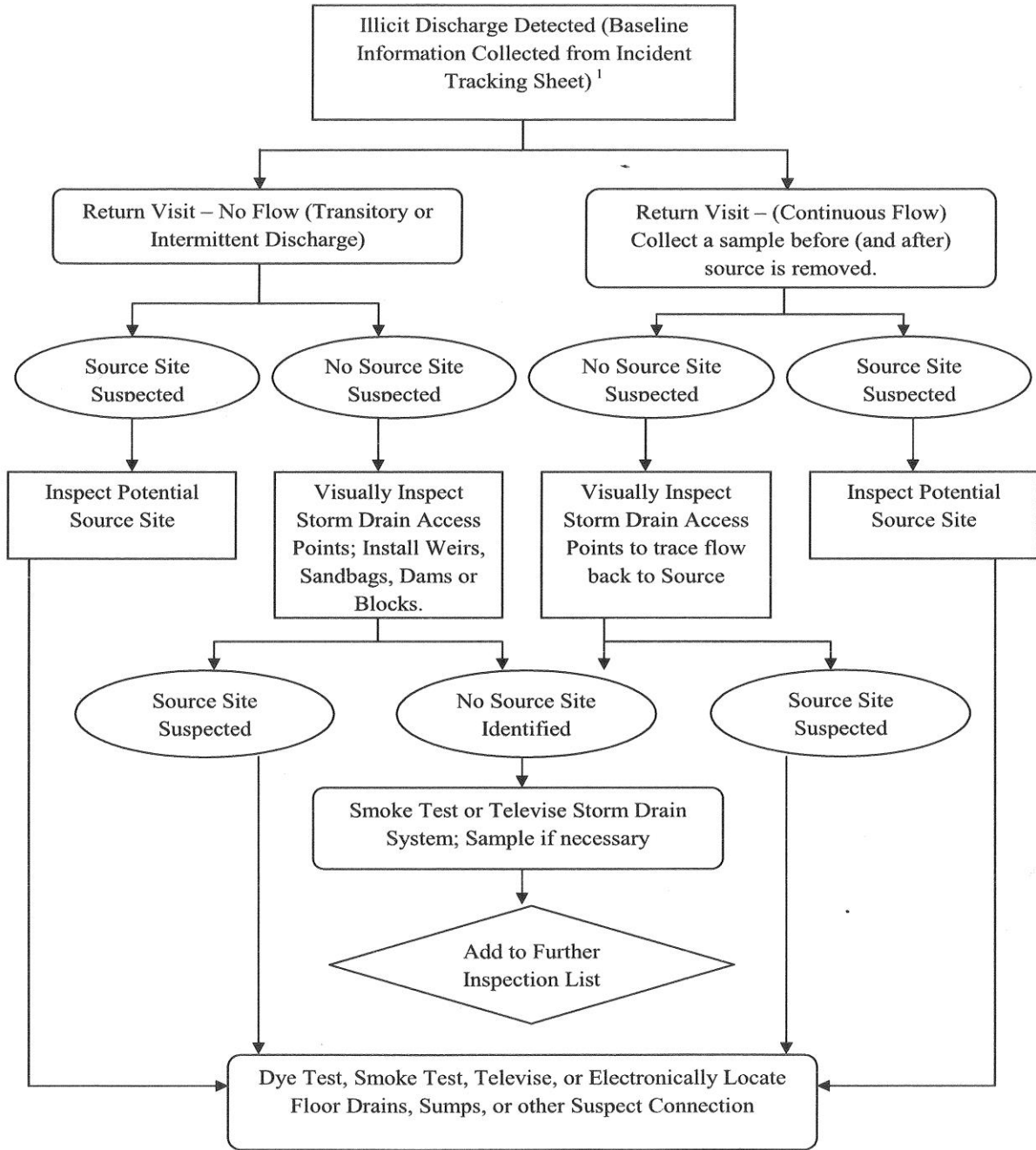
**Attachment**

- IDDE Flowchart
- Illicit Discharge Complaint Log
- Illicit Discharge Incident Tracking Sheet

**Related Standard Operating Procedures**

1. SOP #1, Dry & Wet Weather Outfall Inspection

# IDDE FLOWCHART



# Illicit Discharge Complaint Log

Contact: Scott Allen for Illicit Discharge Complaints

See reverse side for examples of illicit discharges

DATE	TYPE OF DISCHARGE	ADDRESS	CONTACT INFORMATION FOR FOLLOW UP	INPECTION DATE	FOLLOW UP ACTIONS	COMPLETION DATE OF FOLLOW UP ACTIONS

## Illicit Discharge Incident Tracking Sheet

Incident ID:			
Responder Information ( for citizen reported issues)			
Call Taken By:		Call Date:	
Call Time:		Precipitation (inches ) in Past 24-48 hours	
Observer Information			
Date and Time of Observation:		Observed During Regular Maintenance or Inspections?    Yes    No	
Caller Contact Information /Municipal Employee Information:			
Observation Location (complete one or more below)			
Latitude and Longitude:			
Stream Address or Outfall #:			
Closest Street Address:			
Nearby Landmark:			
Primary Location Description		Secondary Location Description	
Stream Corridor (in or adjacent to stream)		Outfall	In-Stream Flow    Along Banks
Upland Area (not adjacent to stream)		Near Storm Drain	Near other water source: stormwater pond, wetland, etc.
Narrative description of location:			
Upland Problem indicator Description			
Dumping	Oil/Solvents/chemicals	Sewage	
Detergent, suds, etc.	Other:		
Stream Corridor Problem Indicator Description			
Odor	None	Sewage	Rancid/Sour    Petroleum
	Sulfide Natural gas	Others: Describe in " Narrative Section"	
Appearance	Normal	Oil Sheen	Cloudy    Foam
	Optical enhancers	Discolored	
	Other: Describe in " Narrative Section"		
Floatables	None	Sewage	Algae    Trash/debris
	Other : Describe in " Narrative Section"		
Narrative description of problem indicators:			
Suspected sources: (Name, personal or vehicle description, license late #, address, etc.)			



**Introduction:**

Outfalls from an engineered storm drain system can be in the form of pipes or ditches. Under current and pending regulations, it is important to inspect and document water quality within the MS4 system under both dry and wet weather conditions. SOP #1, "Dry & Wet Weather Outfall Inspections" cover the objectives of these activities and how water quality parameters can be collected during both types of inspections. SOP #2, "Catch Basin Inspection and Cleaning", describes how this operation and maintenance activity can serve as an additional opportunity to collect water quality data.

SOP #1 included detailed information on how to collect discrete analytical samples to be processed by a laboratory. In contrast, this SOP addresses screening-level measurements that can be collected at outfalls, catch basins, receiving waters, or other water bodies. The measurements can be collected with field test kits or with portable meters.

Water quality screening data collected in this manner can feed into an illicit discharge detection and elimination investigation, like the process described in SOP #6, "Locating Illicit Discharges".

**Visual Condition Assessment**

SOP #1 and SOP #2 describe a Visual Condition Assessment to collect observations related to the quality of stormwater conveyed by an engineered storm drain system. These observations may include such visual evidence and/or potential pollutants as:

- Foaming (detergents)
- Discoloration
- Evidence of sanitary waste
- Optical enhancers (fluorescent dyes added to laundry detergent); and
- Turbidity

If a Visual Condition Assessment indicates the presence of these pollutants, it may be necessary to quantify the extent of each, and gather data on other parameters that cannot be visually observed but can be measured using field kits or meters. These parameters include:

- Ammonia
- Chloride (present in treated drinking water but not groundwater)
- Conductivity
- Fluoride
- Hardness
- pH
- Potassium

**Field Kits and Sampling Methods Available**

In recent drafts of new MS4 Permits, U.S. EPA has identified several test kits that are acceptable for use in the field, and other regulatory agencies have also completed similar reviews. The following table shows field test kits and portable meters that can be used for screening parameters.

**Table 7-1  
Field Measurements Test Kits and Instrumentation**

Analyte or Parameter	Instrumentation (Portable meter)	Field Test Kit
Ammonia	CHEMetrics™ V-2000 Colorimeter Hach™ DR/890 Colorimeter Hach™ Pocket Colorimeter™ II	CHEMetrics™ K-1410 CHEMetrics™ K-1510 (series) Hach™ NI-SA Hach™ Ammonia Test Strips
Bacteria	Bacteria field test kits require 24-hour window	
Boron	N/A	Hanna™ HI 38074 Taylor™ K-1541
Chloride	CHEMetrics™ V-2000 Colorimeter Hach™ Pocket Colorimeter™ II LaMotte™ DC1200 Colorimeter	CHEMetrics™ K-2002 through K-2070 Hach™ CDS-DT Hach™ Chloride QuanTab® Test
Color		Hach™ ColorDisc
Conductivity	CHEMetrics™ I-1200	N/A
Detergents (Surfactants)	CHEMetrics™ I-2017	CHEMetrics™ K-9400 and K-9404 Hach™ DE-2
Fluoride	CHEMetrics™ V-2000 Colorimeter Hach™ Pocket Colorimeter™ II	N/A
Hardness	N/A	CHEMetrics™ K-1705 and K-1710 CHEMetrics™ K-4502 through K-4530 Hach™ HA-DT Hach™ Hardness Test Strips
Optical enhancers	Field tests still under development	
pH	CHEMetrics™ I-1000	Hach™ 17J through 17N Hach™ pH Test Strips
Potassium	Horiba™ Cardy C-131	LaMotte™ 3138 KIW
Turbidity	CHEMetrics™ I-1300	N/A

For US EPA surface water sampling guidance: <http://www.ert.org/products/2013.PDF>

Each field test kit will include instructions specific to that test kit, and most kits are available in configurations that detect different ranges of the parameter. For example, the CHEMetrics™ detergents kit K-9400 shown above detects concentrations of 0 to 3 milligrams per liter (mg/L) while the K-9404 kit detects concentrations of 0 to 1,400 mg/L.

The table below shows values identified by the U.S. EPA and the Center for Watershed Protection as typical screening values for select parameters. These represent the typical concentration (or value) of each parameter expected to be found in stormwater. Screening values that exceed these benchmarks may be indicative of pollution and/or illicit discharges.

**Table 7-2**  
Benchmark Field Measurements for Select Parameters

<b>Analyte or Parameter</b>	<b>Benchmark</b>
Ammonia	>0.5 mg/L
Conductivity	>2,000
Detergents (Surfactants)	> 0.25 mg/L
Fluoride	>0.25 mg/L
pH	<5
Potassium	>20 mg/L

If and when water quality screening samples, whether using field test kits or portable meters, exceed these benchmark concentrations, the inspector should consider collecting analytical samples for laboratory analysis.

### **Advantages and Disadvantages of Field Testing**

Field test kits can be convenient for use as a screening tool, initial purchase costs are low \$5.00 for the kits and the costs are far less than full analyses at a laboratory. However, some disadvantages of this screening method include:

- Limited shelf life
- Labor cost associated with inspector's time
- Generation of wastes, including glass vials and used reagent
- Steps and processes for each kit can vary widely, resulting in errors
- Trained staff are required in order to effectively utilize kits
- Not all kits are accepted by all regulatory agencies
- Limited useful detection range

Portable instrumentation such as the colorimeters shown in Table SOP 8-1 have the benefit of providing accurate readings, measure to low detection limits, and can be purchased pre-programmed to measure concentrations of most parameters required. Disadvantages of portable instrumentation include:

- High initial purchase cost
- Requirement for ongoing calibration and maintenance
- Individual probes require periodic replacement
- Specific storage requirements to maintain calibration
- Trained staff are required in order to effectively utilize meters

### **Related Standard Operating Procedures**

1. SOP #1, Dry & Wet Weather Outfall Inspection
2. SOP #2, Catch Basin Cleaning and Inspection
3. SOP #6, Locating Illicit Discharges

**Attached:**

Water Quality Screening Form

**WATER QUALITY SCREENING FORM**

Outfall Identification			
Outfall Location			
Inspector's Name			
Date of Inspection		Date of Last Inspection	
Start Time		End Time	
Type of Inspection			
Regular		Pre-Storm Event	During Storm Event
			Post-Storm Event
Most Recent Storm Event:			

**FIELD WATER QUALITY SCREENING RESULTS**

Sample Parameter	Field Test Kit or Portable Instrument Meter	Benchmark	Field Screening Result	Full Analytical Required?	
				Yes	No
Ammonia		> 0.5 mg/L		Yes	No
Boron		> 0.35 mg/L		Yes	No
Chloride		230 mg/L		Yes	No
Color		> 500 units		Yes	No
Specific Conductance		> 2,000 µS/cm		Yes	No
Detergents & Surfactants		> 0.25 mg/L		Yes	No
Fluoride		> 0.25 mg/L		Yes	No
Hardness		< 10 mg/L or > 2,000 mg/L		Yes	No
pH		< 5		Yes	No
Potassium		> 20 mg/L		Yes	No
Turbidity		> 1,000 NTU		Yes	No

References: *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments*, Center for Watershed Protection and Robert Pitt of University of Alabama, 2004, p. 134, Table 45.  
 –Env-Ws 1703.21 Water Quality Criteria for Toxic Substances, State of New Hampshire Department Surface Water Quality Regulations.– Appendix I –  
 Field Measurements, Benchmarks and Instrumentation, Draft Massachusetts North Coastal Small MS4

**FULL ANALYTICAL TESTING WATER QUALITY RESULTS**

Sample Parameter	Analytical Test Method	Sample Collection (Time/Date)	Testing Lab	Analytical Test Result
Ammonia	EPA 350.2/SM4500-NH3C			
Bacteria	E coli: 1103.1; 1603 Enterococcus: 1106.1; 1600			
Boron	EPA 212.3			
Chloride	EPA 9251			
Color	EPA 110.2			
Specific Conductance	SM 2510B			
Detergents and Surfactants	EPA 425.1/SM5540C			
Fluoride	EPA 300.0			
Hardness	EPA 130.1/SM 2340B			
Optical Enhancers	N/A *			
pH	EPA 150.1/SM 4500H			
Potassium	EPA 200.7			
Turbidity	SM 2130B			

- There is presently no US EPA Standard Method for analysis of optical enhances. Typically, sample pads are described as with "Present or Not Present" for fluorescing dye when exposed to UV light or a fluorometer.

**Introduction:**

Municipalities conduct numerous activities that can pose a threat to water quality if practices and procedures are not in place to prevent pollutants from entering the Municipal Separate Storm Sewer System (MS4). In-house employee training programs are established to teach employees about stormwater management, potential sources of stormwater contaminants in the workplace and Best Management Practices (BMPs).

**Applicability**

In accordance with the New York State Department of Environmental Conservation's SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) –Permit No. GP-0-15-003, covered entities must *"...include[s] an employee pollution prevention and good housekeeping training program and ensure[s] that staff receive and utilize training."*

**Employee Training**

Municipal employees who are educated about the link between their work and stormwater quality can assist in reducing the amount of stormwater pollution conveyed into receiving waters. In order for municipal pollution prevention and good housekeeping programs to be successful, employees must be trained in measures to incorporate pollution prevention and good housekeeping practices into their everyday activities.

Municipal employees shall be provided with specific information about the actions they can take to prevent or reduce stormwater pollution. The Employee Training Program Table presents a range of training topics that shall be provided to each municipality. If employees are unfamiliar with the requirements of the SPDES Permit, a general training session is a good opportunity for education.

The most effective pollution prevention and good housekeeping training programs provide appropriate information to appropriate employees. For example: employees responsible for maintaining fleet vehicles should be trained in proper management of fuels, and employees responsible for oil/water separators should be trained in inspection and proper waste disposal.

A variety of methods may be used to educate municipal employees about stormwater pollution prevention and good housekeeping practices, including

- Brochures
- Workshops
- Employee meetings
- Training sessions and programs offered through Ontario County Soil and Water Conservation District and Wayne County Soil and Water Conservation District
- Videos
- Walkthroughs with checklists
- Workplace posters
- Field training programs

An effective program ensures that institutional knowledge about pollution prevention and good housekeeping practices is maintained over time. A tracking system such as the attached Employee Training Form identifies the trainings completed on an annual basis, as well as the municipal staff members who have attended the trainings. Tracking this information is critical to ensure the effectiveness of the pollution prevention and good housekeeping employee training program.

**Attachments**

Municipal Employee Training Program Table

Municipal Employee Training Tracking Form



**Municipal Employee Training Program Table**

<b>Municipal Operation</b>	<b>Employees</b>	<b>Topics / Procedures</b>
Municipal Building Maintenance	Stormwater Management Program Coordinator (SMO) Highway Superintendent Department of Public Works Employees	Outdoor Container Storage; Plaza & Sidewalk Cleaning; Spill Prevention Control & Cleanup; Oil/Water Separator Maintenance
Parks & Open Space Maintenance	SMO Highway Superintendent Department of Public Works Employees	Landscape Maintenance Pet Waste Collection
Post-Construction Stormwater Management	Planning Board Officials SMO Highway Superintendent Department of Public Works Employees	Post-Construction Stormwater BMP Maintenance; <i>See "Maintenance Guidance for Stormwater Management Practices"</i>
Septic System Maintenance	SMO Highway Superintendent Department of Public Works Employees	Prevent improperly treated wastewaters from septic systems
Solid Waste Management	SMO Highway Superintendent Department of Public Works Employees	Chemical/Hazardous Waste; Illegal Dumping & Litter Control; Waste Collection; Waste Reduction & Recycling
Stormwater System Maintenance	SMO Highway Superintendent Department of Public Works Employees	Catch Basin Inspection & Cleaning; Spill Response & Cleanup Procedures; Open Channel, Ditch Maintenance; Storm Sewer Conveyance System
Street Maintenance	SMO Highway Superintendent Department of Public Works Employees	Graffiti Removal; Unpaved Roads & Trails; Roadway Patching, Resurfacing and Surface Sealing; Street Sweeping & Cleaning; Winter Road Maintenance; Spill Response & Cleanup Procedures
Vehicle, Equipment Maintenance and Maintenance Facilities Procedures	SMO Highway Superintendent Department of Public Works Employees	Vehicle & Equipment Cleaning; Vehicle & Equipment Fueling; Vehicle & Equipment Repair
Illicit Discharge Detection & Elimination	SMO Highway Superintendent Department of Public Works Employees, Town Clerk	Detecting illicit discharges Reporting illicit discharges
General Stormwater Awareness	Municipal Officials Planning Board Officials SMO Highway Superintendent Department of Public Works Employees	MS4 program requirements including minimum control measures; Goal of MS4 programs; Principles of stormwater management and maintenance

**DATE OF TRAINING:** \_\_\_\_\_

**TRAINER:** \_\_\_\_\_

**DEPARTMENT(S):** \_\_\_\_\_

*Employee training program covers BMPs and SOPs as described in the Municipal Employee Training Program Table. Attach the program sign-in sheet..*

Topic	Check Mark Topic's Covered	Participants (Targeted audience)
Municipal Building Maintenance		
Parks & Open Space Maintenance		
Post-Construction Stormwater Management		
Septic System Maintenance		
Solid Waste Management		
Stormwater System Maintenance		
Street Maintenance		
Vehicle, Equipment Maintenance and Maintenance Facilities Procedures		
Illicit Discharge Detection & Elimination		
General Stormwater Awareness		

**Introduction:**

Regulatory information prohibiting the transportation of invasive aquatic plants, animals, and many weeds can be found on the NYS DEC Regulations website under 6 NYCRR Chapter V - Resource Management Services; Subchapter C: Invasive Species, Part 575: Prohibited and Regulated Invasive Species and Part 576: Aquatic

Invasive Species Spread Prevention. <http://www.dec.ny.gov/regs/2490.html>

Alien Invasive Species (AIS) are non-native species that can cause harm to the environment, the economy or to human health. Invasive species are one of the greatest threats to New York's biodiversity. They cause or contribute to:

- Habitat degradation and loss
- Loss of native fish, wildlife and tree species
- Loss of recreational opportunities and income
- Crop damage and disease in humans and livestock
- Property damage

The goal of this SOP is to minimize the risk of spreading any organisms, within or between field sites as a result of fieldwork, reconnaissance activities or other operations. For a list and photos of common aquatic invasive species in NY, visit the following website:

<http://www.dec.ny.gov/animals/50272.html>

**AQUATIC USE EQUIPMENT CLEANING**

All equipment that contacts water, sediment, plants or the ground during site access, reconnaissance and sample collection should be cleaned after that contact. Equipment includes but is not limited to: wading boots or shoes, samplers, ropes, nets, boats, canoes, kayaks, trailers, vehicles, anchors, chains, water and sediment grab samplers, cables, probes, multi-probes, flow measuring or gaging devices and others. Felt-sole waders – waders with any sort of fibrous surface affixed to the sole – require decontamination because of their ability to trap and hold mud, vegetation and moisture.

The following may be required, depending upon the equipment used in sampling and the decontamination method being used:

- Clean water supply free of mud and debris
- Scrub brushes and bucket
- Hose adapters for flushing outboard boat motors
- Hand tools for attaching hoses or taking apart equipment if necessary

If decontamination is required:

- Treatment chemicals as indicated (See Appendix A);
- Means of containing and transporting and applying chemicals
- Thermometer to monitor temperature if using hot water for decontamination
- Means to monitor treatment times
- Adequate supply of hot water if using for decontamination

**Procedures:**

**Prior to Conducting Field Work and during Field Work**, determine if the activity is located within an area of known invasive species presence. The following website: [www.nyimainvasives.org](http://www.nyimainvasives.org) is a resource that may assist in that determination. Handbooks identifying invasive organisms should be available to all personnel.

Decontamination will be needed for all equipment that contacts aquatic sediment, aquatic vegetation and fish. Use equipment that can be easily inspected and cleaned to both avoid spreading invasive species and reduce time spent cleaning. If possible, bring extra sets of field equipment in case cleaning and decontamination (if required) can't be accomplished before arrival at a new sampling site.

Wading gear has been implicated in the spread of New Zealand mudsnails, *Didymosphenia geminate* (aka. Didymo or "Rock Snot") and fish and amphibian diseases. To the extent possible consider using non-felt soles and boot-foot waders.

**Conduct Field Activities to Minimize Contact between Equipment and Potential Sources of Invasive Species, Particularly Aquatic Plants, Sediment and Fish:**

- Sample from least to most contaminated areas (e.g. upstream to downstream or areas of less weed growth to dense weed growth).
- Minimize wading and avoid running watercraft into sediment.
- Avoid getting plants, sediment and fish inside watercraft or sampling gear.
- Use a catch pan under dredges, etc., to keep potential AIS off boat decks and out of bilges.
- Avoid driving or walking through areas of mud and high weed growth.

**After Field Work**

- Inspect, clean and drain all equipment that contacted (terrestrial or aquatic) soil, vegetation or water.
- Remove any visible vertebrates, invertebrates, plants, algae or sediment.
- If necessary, use a scrub brush to remove debris and rinse with clean water.
- Drain all water in bilges, samplers or other equipment that could hold water from the site.
- Flush areas that can't be seen with clean water until the rinse water is clean.

Complete the initial treatment (scrubbing and rinsing) before leaving the sampling site, if possible. If cleaning after leaving the field site, ensure that no debris will leave the equipment and potentially spread invasive species during transit or cleaning. Acceptable wash sites include DOT facilities, commercial car wash businesses, or other facilities provided with drains that do not lead to surface waters.

Decontaminate felt sole waders and, in areas of concern, equipment that contacted aquatic sediment, aquatic vegetation or fish.

Wipe smooth-surfaced sampling equipment that can be easily and fully wiped down until dry. The equipment must be smooth enough that no cracks or crevices could harbor a sand-grain-sized juvenile New Zealand mudsnail.

Use one of the decontamination treatments from Table 9-1 for all other equipment.

Decontamination treatments should take place where the procedure can be carried out effectively and safely. Wash and rinse water must not drain to surface water and all chemicals must be disposed of to a sanitary sewer.

### **Equipment Storage**

Store gear in a manner to facilitate drying. Store boots and waders on a drying rack. Open hatches and leave out drain plugs on watercraft.

### **Watercraft Check Points**

- Clean and remove all visible plants, animals, fish and mud from the watercraft, trailer or equipment. Dispose of removed material in a trash container on land.
- Drain water from bilge, live wells, ballast tanks and any other location with water before leaving launch.
- Dry anything that comes into contact with water. A drying time of at least five days is recommended.
- Never release plants, fish or other animals into a waterway unless they came from that waterway.

### **CONSTRUCTION AND RESTORATION PROJECTS AIS AVOIDANCE AND EQUIPMENT CLEANING**

Prevention is the least expensive and most effective way to halt the spread of invasive weeds. Preventing the establishment or spread of weeds relies upon:

- Educating workers about the importance of managing weeds on an on-going basis
- Properly identifying weed species
- Avoiding or treating existing weed populations
- Incorporating measures into projects that prevent weed seeds or plant parts from establishing new or larger populations

### **Procedures**

1. Provide training to staff on identification of AIS, the importance of weed control and measures to minimize their spread.
2. Remind staff that weed seeds readily spread via clothing and boots (and could infest their own home property by that means.)
3. Road maintenance programs should include monitoring and treatment for AIS.
4. Minimize ground disturbing activities.
5. Identify and remove existing AIS in project areas prior to activities to avoid contaminating construction/earth moving equipment.
6. Avoid moving weed-infested gravel, rock and other fill material to relatively weed-free locations.
7. Gravel and fill should come from weed-free locations. Inspect gravel pits and fill sources to identify weed-free sources.
8. Use only certified weed-free straw and mulch for erosion control. Consider the use of weed-free fiber roll barriers or sediment logs in sensitive areas
9. Clean off-road equipment (power or high-pressure cleaning) of all mud, soil and plant parts before moving into relatively weed-free areas.
10. Keep active road construction/maintenance sites that are in relatively weed-free areas closed to vehicles not involved with construction/ maintenance.

11. Wash, or using an air compressor, blow clean all vehicles (including tires and undercarriage) that may have entered weed-infested areas prior to entering un-infested areas of a job site.
12. Quickly treat individual plants or small infestations before they become established, produce seed or are able to spread.

**After project is complete:**

1. Revegetate or otherwise prevent the establishment of weeds in project area through monitoring and post-activity weed treatment.
2. Revegetate using soil components and mulches obtained from non-weed infested sources.
3. Revegetate using plant materials that have a high likelihood of survival.
4. Utilize seed and other plant materials that have been certified as AIS-free and have a weed content of 0.05 % or less.

**Attachment:**

Table 9-1 Decontamination Treatment Options, Aquatic AIS

**Table 9-1 – Decontamination Treatment Options, Aquatic AIS:**

Decontamination employs chemicals, freezing, drying, or hot water. While chemical treatments can be used, they are not generally recommended for most equipment, boats, and trailers. The effects of chemical treatments on some equipment have yet to be researched. Several of the chemicals contain ammonia compounds that could contaminate ammonia samples. Also, chemical treatments need to address safe and environmentally sound storage, handling, and disposal of the chemicals.

The treatment options listed in this table utilize temperature (heat or cold) or chemicals to ensure that contaminants such as New Zealand mudsnails that may have been missed during the initial treatment will be killed. At this time, hot water or drying are the recommended treatments for large equipment such as boats and boat trailers.

Treatment	Concentration or temperature	Exposure Time	Comments
Hot water wash or soak	140° F (60° C)	5 minutes for felt soled boots and nets, 5 seconds for all other	Ensure all parts of the equipment reach temperature for the full exposure time
Hot water wash or soak	120°F (49° C)	10 minutes for felt soled boots and nets, 5 minutes for all other equipment	Ensure all parts of the equipment reach temperature for the full exposure time
Cold	24° F (-4°C)	4 hours minimum	Time starts after equipment reaches indicated temperature
Drying	Low humidity, in sunlight is best	48 hours	Time starts after equipment is thoroughly dry
Formula 409 All-Purpose	100% (full strength)	10 minutes	Follow proper procedures for storage and handling.
Sparquat 256 <sup>2</sup>	3.1% or higher	10 minutes	Follow proper procedures for storage and handling
Quat 128	4.60%	10 minutes	Follow proper procedures for storage and handling
Hydrogen Peroxide	30,000 ppm (3%)	15 minutes	Spray on until soaked, keep damp for contact time (cover or place gear in a dry bag)
Virkon Aquatic®	2%	20 minutes	Must soak (not spray on). Follow proper procedures for storage and handling. Rinse gear after soak to prolong life. Solution degrades, lasts up to 7 days, best if mixed fresh.

**Introduction:**

Construction sites that lack adequate stormwater controls can contribute a significant amount of sediment to nearby bodies of water. The 2015 New York State MS4 Permit requires that permittees develop, implement and enforce a program to “reduce pollutants in any storm water runoff to the MS4” from construction activities of a certain size. The MS4 Permit established that permittees must implement this requirement for proposed construction activities involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a larger common plan of development or sale that will ultimately disturb one or more acres of land.

This Standard Operating Procedure (SOP) describes the Town of Macedon’s procedures for SWPPP review, pre-construction oversight, construction site inspections, and the Enforcement Response Plan.

**SWPPP Review:**

The Town of Macedon contracts SWPPP reviews to third party contractors, who are identified in the SWMP. The third party contractors must:

1. Review the SWPPP for the conformance with the requirements of the most current SPDES General Permit for Stormwater Associated with Construction Activities;
2. Prioritize projects as a high priority if the proposed project (all other projects will be considered low priority):
  - a. directly discharges to an impaired waterbody as listed in Appendix E of the GP
  - b. will disturb >5 acres of earth at any one time
  - c. directly discharges to State or Federal designated wetlands
3. Prioritize projects as low priority if the proposed project does not meet the requirements of #2;
4. Document the SWPPP review using a SWPPP review checklist and provide the checklist to the Town of Macedon;
5. Sign the MS4 SWPPP Acceptance Form and forward the signed form to the Stormwater Management Program Coordinator (SMPC). The SMPC will then sign the MS4 Acceptance Form and forward the document to the owner/operator or their designated Engineer.

The SMPC will request at least two copies of the SWPPP. One copy will be forwarded to the third party contractor responsible for reviewing the document and one will be placed at the Public Library for public access and review. After receiving the SWPPP, the SMPC will announce the receipt and location of the SWPPP at the following Town Board meeting to allow for the public to review and make comments. Notification of the SWPPP will also be made on Facebook and the Town of Macedon’s MS4 website page.

**Pre-Construction Oversight:**

Prior to site disturbances, the SMPC or representative will meet with the owner/operator and general contractor to review the Pre-Construction Oversight Checklist, see attached checklist. During this meeting, the SMPC will verify contractors and subcontractors selected by the owner/operator of the construction activity have identified at least one individual that has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District or other endorsed entity. The SMPC will also review the MS4 oversight inspection process and expectations for compliance.



**Construction Site Inspections:**

The construction site stormwater control program applies to proposed construction activities involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a larger common plan of development or sale that will ultimately disturb one or more acres of land. The construction site stormwater control program applies to the owners/operators who are listed on the Notice of Intent and to the contractors and subcontractors working onsite.

The Town of Macedon contracts construction site inspections to third party contractors, who are identified in the SWMP. The third party contractors should:

1. Inspect high priority sites at least once a week during active earthwork disturbances;
2. Inspect low priority sites at least once a month during active earthwork disturbances;
3. Document all inspections using an inspection form to include digital photos that clearly show the condition of all practices that have been identified as needing corrective actions and where applicable digital photos that clearly show the condition of the practice(s) after the corrective action has been completed'
4. Forward inspection reports to the SMPC, owner/operator, and general contractor.

**Enforcement Response Plan (ERP) for Construction Site Inspections:**

The ERP provides guidance to staff following a complaint or construction site inspection. It is critical that the inspector maintain complete and accurate records of inspections and correspondence and communicate with the property owner or representative to support future enforcement.

If determined during the review of a construction site inspection or in response to a complaint that a construction site is non-compliant with the Town of Macedon's Town Code Chapters 113 & 135, the inspector or SMPC may begin enforcement procedures. Upon observing or becoming aware of a deficiency, the inspector or SMPC will follow a procedure of progressive actions to ensure compliance by the property owner. The actions are as follows:

1. The inspector/SMPC will verbally notify the property owner of the observed deficiency and will ask for corrective action. The inspector/SMPC will also notify the property owner that a follow-up inspection will occur within 7 days for high priority sites and within 30 days for low priority sites.
2. If the corrective action has not been corrected or sufficiently initiated within the abovementioned timeframes, the inspector/SMPC may issue a written notice of violation stating that the verbal notification was not acted upon. As per §113-8, the Notice of Violation shall contain:
  - a. The name and address of the landowner, developer or applicant;
  - b. The address, when available, or a description of the building, structure or land upon which the violation is occurring;
  - c. A statement specifying the nature of the violation;
  - d. A description of the remedial measures necessary to bring the land development activity into compliance with §135-43 and a time schedule for the completion of such remedial action;
  - e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;

- f. A statement that the determination of the violation may be appealed to the municipality by filing a written notice of appeal within 15 days of service of notice of violation.
3. Stop-work orders. The Town of Macedon may issue a stop-work order for violations of §113 & 135-43. 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 Macedon confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failures 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 §135-43 and §113.
4. Penalties. See §113-8 (D) for penalty amounts.
5. Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of §135-43 or §113, the SMPC may prevent the occupancy of said building or land.
6. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Macedon may take necessary corrective action, the cost of which shall become a lien upon the property until paid.
7. The Town of Macedon may require any person undertaking land development activities regulated by §135-43 and §113 to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or Stormwater Management Practice maintenance performed by the Town of Macedon or performed by a third party for the Town of Macedon.

## **Attachments**

Pre-Construction Oversight Checklist



# PRE-CONSTRUCTION OVERSIGHT CHECKLIST

## FOR CONSTRUCTION SITE OWNERS/OPERATORS & CONTRACTORS

Date: \_\_\_\_\_ Site: \_\_\_\_\_

Owner's Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Owner's Email: \_\_\_\_\_ Owner's Telephone #: \_\_\_\_\_

General Contractor's Name: \_\_\_\_\_ Signature: \_\_\_\_\_

GC's Address: \_\_\_\_\_

GC's Email: \_\_\_\_\_ GC's Telephone #: \_\_\_\_\_

1. SWPPP and SWPPP Qualified Inspection reports to be posted onsite and accessible Note Location of SWPPP: _____	
2. Obtain Signed Contractor Certifications	
3. Obtain Copies of 4 – Hour DEC Endorsed 4 Hour ESC Training Card	
4. Once a week inspections by a Qualified Inspector are required if soil disturbances areas are < 5 acres	
5. Twice a week inspections by a Qualified Inspector are required if soil disturbances are > 5 acres	
6. Twice a week inspections are required by a Qualified Inspector are required if site discharges to a 303(d)	
7. Install and maintain stabilized construction entrance(s)	
8. Remove sediment from streets and paved areas as needed	
9. Install perimeter controls	
10. Install interior erosion and sediment controls as per plan (as grading permits)	
11. Maintain erosion and sediment controls	
12. Install a designated concrete truck washout area with liner. Install a minimum of 100 feet from drainage swales, storm drain inlets, wetlands, streams and other surface waters.	
13. Utilize dust control as needed	
14. Stabilize soils not worked in 7 days (>5 acres) or 14 days (<5 acres). Seeding should occur within 24 hours of final grading to minimize the need for scarification	
15. Stabilize inactive stockpiles, install silt fence at downslope perimeter	
16. Utilize winter stabilization as needed (2 tons per acre of straw with seed, 4 tons of straw if seed is not applied)	
17. Submit for approval a written Notice of Inspection Frequency Reduction to the Town's Code Enforcement Officer prior to reducing inspections.	
18. Other:	



**Introduction:** Best Management Practices (BMPs) are policies, procedures and structures designed to reduce stormwater pollution, prevent contaminant discharges to natural water bodies, and reduce stormwater facility maintenance costs. Constructed BMPs are permanent site features designed to treat stormwater before infiltration to the subsurface or discharge to a surface water body.

Post-Construction Controls are to be inspected annually either in the Spring or in the Fall. This Standard Operating Procedure provides a general summary of inspection procedures for five common constructed BMPs, including:

1. Stormwater Ponds/Wetlands
2. Infiltration Trenches
3. Sand/Organic Filters
4. Bioretention Areas
5. Open Channels

For inspection forms see Appendix G of the New York State Stormwater Management Design Manual (January, 2015).

**1. Stormwater Ponds/Wetlands** – Stormwater Ponds are intended to treat stormwater quality through the removal of sediments and soluble pollutants. A permanent pool of water allows sediments to settle and removes the soluble pollutants, including some metals and nutrients. Additional dry storage is required to control peak discharges during large storm events. If properly designed and maintained, stormwater ponds can add fire protection, wildlife habitat and aesthetic values to a property. Stormwater wetlands maximize the pollutant removal from stormwater through the use of wetland vegetation uptake, retention and settling. Stormwater wetlands must be used in conjunction with other BMPs, such as sediment forebays.

*General Inspection and Maintenance* - Regular inspection and maintenance are important to prevent premature failure of Stormwater Ponds/Wetlands. To insure proper operation, stormwater pond outfalls should be inspected for evidence of clogging or excessive outfall releases. Potential problems to investigate include erosion within the basin and banks, damage to the emergency spillway, tree growth on the embankment, sediment accumulation around the outlet and the emergence of invasive species. Should any of these problems be encountered, perform repairs immediately.

**2. Infiltration Trenches** - Infiltration trenches are designed to contain stormwater quantity and provide groundwater recharge. Pollution prevention and pretreatment are required to ensure that contaminated stormwater is not infiltrated. Infiltration trenches reduce local flooding and preserve the natural water balance of the site; however, high failure rates often occur due to improper siting, inadequate pretreatment, poor design and lack of maintenance.

*General Inspection and Maintenance* - Regular inspection and maintenance are important to prevent premature failure of infiltration trenches. To insure proper operation, infiltration inflow and outflow pipes should be inspected for evidence of clogging or excessive debris. Sediment traps and forebays should be inspected for excessive sediment accumulation. Potential problems to investigate include erosion within the trench and banks, damage to the emergency spillway, tree growth on the embankment, sediment accumulation in the trench, and the emergence of invasive species. Should any of these problems be encountered, perform repairs immediately.

- 3. Sand/Organic Filters** – Sand and organic filters, also known as filtration basins, are intended for quality control rather than quantity control. These filters improve water quality by removing pollutants through a filtering media and settling pollutants on top of the sand bed and/or in a pretreatment basin. Pretreatment is required to prevent filter media from clogging. Runoff from the filters is typically discharged to another BMP for additional treatment.

*General Inspection and Maintenance* - If properly maintained, sand and organic filters have a long design life. Maintenance requirements include raking the sand and removing sediment, trash and debris from the surface of the BMP. Over time, fine sediments will penetrate deep into the sand, requirement replacement of several inches or the entire sand layer. Discolored sand is an indicator of the presence of fine sediments, suggesting that replacement of the sand should occur.

- 4. Bioretention Areas** – Bioretention areas are shallow depressions filled with permeable soil, topped with a layer of mulch and planted with dense native vegetation. There are two types of bioretention cells:

1. Filtering bioretention area: areas that are designed solely as an organic filter.
2. Exfiltration bioretention area: areas that are configured to recharge groundwater in addition to acting as a filter.

*General Inspection and Maintenance* - Regular inspection and maintenance are important to prevent premature failure of bioretention areas. Regular inspection and maintenance of pretreatment devices and bioretention cells for sediment buildup, structural damage and standing water can extend the life of the soil media.

- 5. Open Channels** – Dry swales are explicitly designed to detain and promote the filtration of stormwater runoff into the soil media. Wet swales are designed to retain water or intercept groundwater for quality treatment.

*General Inspection and Maintenance* - Regular inspection and maintenance are important to prevent premature failure of open channels. Se Sediment build-up within the bottom of the channel or filter strip is removed when 25% of the original water quality volume has been exceeded. Vegetation in dry swales is mowed as required during the growing season to maintain grass heights in the 4 to 6 inch range.

### **Inspection Procedures for MS4 owned Post-Construction Facilities:**

Prior to conducting any inspections refer to (for guidance purposes) the applicable chapter for both Level 1 and Level 2 Inspections of the Maintenance Guidance Stormwater Management Practices developed by the NYSDEC (currently in Draft form). Until the Inspection forms within the document are finalized, utilize the appropriate inspection checklist found in Appendix G of the Design Manual.

Utilizing the Appendix G Inspection Checklist, input the following information: Project, Location, Site Status, Date, Time and Inspector information. Note whether or not a particular maintenance items is

“Satisfactory”, “Unsatisfactory” or “Not Applicable”. If a condition is noted as “Unsatisfactory”, complete the Comments column next to the maintenance item and fully describe the condition in the “Comments” section at the end of the report. The inspector will also photograph the deficiency and attach photos to the inspection report with written descriptions of deficiency. If actions are needed to correct any unsatisfactory condition, complete the “Actions to be Taken” section. The inspector will forward all reports to the Stormwater Management Program Coordinator (SMPC).

**Follow Up:**

If any “Actions to be Taken” are noted, the SMPC will initiate a deadline within which such corrective action must be completed and schedule a follow-up inspection within 30 days. If repairs are excessive and cannot be completed within 30 days, the SMPC will create a schedule to include acquisition of funding or materials for repairs. The schedule *should* not exceed one calendar year.

**Inspection Procedures for Privately Owned Post-Construction Facilities:**

The Town of Macedon intends to explore issuing written notification to private owners of post-construction facilities requiring property owners to obtain an Engineer Certified Inspection report including photos of facilities and recommend maintenance.

**Enforcement Response Plan (ERP) for Privately Owned Post-Construction Facilities:**

The ERP provides guidance to staff following a complaint or post-construction facility inspection. It is critical that the inspector maintain complete and accurate records of inspections and correspondence and communicate with the property owner or representative to support future enforcement.

If determined during the review of an Engineer’s Certified Inspection report or in response to a complaint that a post-construction facility is non-compliant with the Town of Macedon’s Town Code Chapters 113 & 135, the inspector or SMPC may begin enforcement procedures. Upon observing or becoming aware of a deficiency, the inspector or SMPC will follow a procedure of progressive actions to ensure compliance by the property owner. The actions are as follows:

1. The inspector/SMPC will verbally notify the property owner of the observed deficiency and will ask for corrective action. The Inspector/SMPC will also notify the property owner that a follow-up inspection will occur within 30 days.
2. If the corrective action has not been corrected or sufficiently initiated within 30 days, the inspector/SMPC may issue a written notice of violation stating that the verbal notification was not acted upon. The written notice shall also set forth a deadline within which such corrective action must be completed. The notice will also advise that, should the violator fail to conduct the corrective action within the established deadline, the work will be done by a designated governmental agency or a contractor, and the expense thereof shall be charged to the violator.
3. Any person receiving a notice of violation may appeal the determination of the inspector/SMPC to the Macedon Town Board within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision.

## **APPENDIX N**

# **NYS DEC SPDES General Permit for Stormwater Discharges From Municipal Separate Storm Sewer Systems (MS4s)**





**PREFACE**

Pursuant to Section 402 of the Clean Water Act ("CWA"), operators of *small municipal separate storm sewer systems* ("small MS4s"), located in *urbanized areas* ("UA") and those *additionally designated* by New York State are unlawful unless they are authorized by a *National Pollutant Discharge Elimination System* ("NPDES") permit or by a state permit program. New York's *State Pollutant Discharge Elimination System* ("SPDES") is an NPDES-approved program with permits issued in accordance with the *Environmental Conservation Law* ("ECL").

Only those *small MS4 operators* who *develop and implement a stormwater management program* (SWMP) and obtain permit coverage in accordance with Part II of this *SPDES general permit* are authorized to *discharge stormwater* from their *small MS4* under this *SPDES general permit*.

A *covered entity* authorized under GP-0-10-002 as of the effective date of GP-0-15-003, shall be permitted to discharge in accordance with the renewed permit, GP-0-15-003, upon the submission of their Annual Report, unless otherwise notified by the *Department*.

An *operator* not authorized under GP-0-15-003 may<sup>1</sup> obtain coverage under this *SPDES general permit* by submitting a Notice of Intent (NOI) to the address provided on the NOI form. For newly regulated MS4s, authorization under this *SPDES general permit* is effective upon written notification from the *Department* of the receipt of a complete NOI. Copies of this *SPDES general permit* and the NOI for New York are available by calling (518) 402 - 8109 or at any *Department* of Environmental Conservation (*Department*) regional office (Appendix A). They are also available on the *Department's* website:

**<http://www.dec.ny.gov/permits/6045.html>**

Submitting an NOI is an affirmation that an initial *SWMP* has been *developed* and will be *implemented* in accordance with the terms of this *SPDES general permit*.

**\* Note: all italicized words within this *SPDES general permit* are defined in Part X. Acronyms and Definitions.**

<sup>1</sup> The term "may" is used to recognize that there are circumstances under which the operator is ineligible for coverage under this *SPDES general permit* because of exclusionary provisions of this permit. Operators that are excluded from coverage under this *SPDES general permit* as provided for in Part I, for example, are not authorized to *discharge* under this permit. This clarification also applies to situations in which an NOI has been submitted; submission of an NOI by an entity excluded from *SPDES general permit* coverage does not authorize the *small MS4* to *discharge stormwater* under the authority of this *SPDES general permit*.

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
SPDES GENERAL PERMIT FOR DISCHARGES FROM  
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)**

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## Part I. PERMIT COVERAGE AND LIMITATIONS

### A. Permit Application

1. This *SPDES general permit* authorizes *discharges of stormwater from small municipal separate storm sewer systems* ("MS4's) as defined in 40 CFR 122.26(b)(16), provided all of the eligibility provisions of this *SPDES general permit* are met.
2. Exempt Non-Stormwater Discharges. The following non-stormwater *discharges* are exempt from the need for *SPDES general permit* coverage unless the *Department* has determined them to be substantial contributors of pollutants to a particular *small MS4* applying for coverage under this *SPDES general permit*. If the *Department* determines that one or more of the *discharges* listed below is a substantial contributor of pollutants to a *small MS4*, the identified *discharges* will be considered *illicit*. In that event, the *covered entity* must eliminate such *discharges* by following the *illicit discharge* minimum control measure ("MCM") requirements (See Part VII.A.3 or VIII.A.3, and Part IX.A.3, B.3, C.3, and D.3 where applicable).

- a. water line flushing
- b. landscape irrigation
- c. diverted stream flows
- d. rising ground waters
- e. uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20))
- f. uncontaminated ground water
- g. discharges from potable water sources
- h. foundation drains
- i. air conditioning condensate
- j. irrigation water
- k. springs
- l. water from crawl space and basement sump pumps
- m. footing drains
- n. lawn and landscape watering runoff provided that all pesticides and fertilizers have been applied in accordance with the manufacturer's product label;
- o. water from individual residential car washing
- p. flows from riparian habitats and wetlands
- q. dechlorinated swimming pool discharges
- r. residual street wash water
- s. discharges or flows from firefighting activities

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003

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### (Part I.A.2.)

- t. dechlorinated water reservoir discharges
- u. any *SPDES* permitted discharge.

Even if the non-stormwater discharges are determined not to be substantial contributors of pollutants, the *Department* recommends that the *covered entity's stormwater management program* ("SWMP") include public education and outreach activities directed at reducing pollution from these discharges.

### B. Limitations on Coverage

The following are not authorized by this *SPDES general permit*:

1. *Stormwater discharges* whose unmitigated, direct, indirect, interrelated, interconnected, or interdependent impacts would jeopardize a listed endangered or threatened species or adversely modify designated critical habitat;
2. *Stormwater discharges* or *implementation* of a *covered entity's SWMP*, which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless the covered entity is in compliance with requirements of the National Historic Preservation Act and has coordinated with the appropriate State Historic Preservation Office any activities necessary to avoid or minimize impacts;
3. *Stormwater discharges* to territorial seas not of the State of New York, the contiguous zone, and the oceans unless such *discharges* are in compliance with the ocean *discharge* criteria of 40 CFR 125 subpart M;
4. *Stormwater discharges*, the permitting of which is prohibited under 40 CFR 122.4 and/ or the *ECL*;

### C. Exemption Criteria

For *stormwater discharges* from a designated *small MS4* that are mixed with non-stormwater or *stormwater* associated with *industrial activity*, the *Department* may determine them to be exempt from the requirements of this *SPDES general permit* if the *discharges* are:

1. Effectively addressed by and in compliance with a different *SPDES general permit* or an *individual SPDES permit*; or
2. Identified by and in compliance with Part I.A.2 of this *SPDES general permit*.

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003

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## Part II. OBTAINING PERMIT COVERAGE

- A. Permit coverage is obtained by submission of a complete and accurate Notice of Intent.**
- B. Permit coverage is public noticed by the Department.**  
NOIs will be public noticed and an opportunity for public comment provided on the contents of submitted NOIs.  
a. NOIs and the location of the SWMPs and Annual Reports for existing MS4s will be posted in the Environmental Notice Bulletin (ENB).  
b. A deadline of 28 calendar days from the posting in the ENB will be provided for receiving comments.  
c. After the public comment period has expired, the *Department* may extend the public comment period, require submission of an application for an individual SPDES permit or alternative *SPDES general permit*, or accept the NOI or SWMP as complete.

- C. Continuance of Permit Coverage for Covered Entities Authorized by GP-0-10-002 (Continuing Covered Entities)**  
As of May 1, 2015, entities with coverage under GP-0-10-002 will continue to have authorization to discharge on an interim basis for up to 180 days from the effective date of this *SPDES general permit*. Covered entities may gain coverage under this *SPDES general permit* by submission of their 2014 Annual Report due in June 2015. For public participation purposes, the updated Annual Report will be considered equivalent to submission of an NOI.

When the operator changes, a new operator is added, or the individual responsible for the SWMP changes, these changes must be indicated on the MCC form submitted in accordance with Part V.D. It is not necessary to submit a revised Notice of Intent (NOI).

- D. Permit Coverage for Covered Entities Newly Designated Under GP-0-15-003 (Small MS4s not Previously Authorized by GP-0-10-002)**

Certain *small MS4s* designated by 40CFR Section 122.32(a)(1) were not authorized by GP-0-10-002, but are now required to gain coverage under this *SPDES general permit*. The *small MS4s* were not previously authorized because they were either:

- required to gain coverage under GP-0-10-002, but were granted a waiver from that requirement;
- were not required to gain coverage under GP-0-10-002 based on the designation criteria, but they are now within an *Additionally Designated Area*; or

## (Part II.D.)

- were otherwise not permitted under GP-0-10-002.
- 1. In order for *stormwater discharges* from *small MS4s* to be newly authorized under this *SPDES general permit*, an *operator* must:
  - a. within 180 days of receiving written notification from the *Department* that a permit for discharges from MS4s is required, prepare an NOI using the form provided by the *Department* (or a photocopy thereof); and
  - b. submit the NOI, signed in accordance with Part VI.J of this *SPDES general permit*, to:

**NOTICE OF INTENT**  
**NYS DEC, Bureau of Water Permits**  
**625 Broadway, 4<sup>th</sup> Floor**  
**Albany, NY 12233-3505**

2. *Operators* who submit a complete NOI in accordance with the requirements of this *SPDES general permit* are authorized to *discharge stormwater* from *small MS4s*, under the terms and conditions of this *SPDES general permit*, upon written notification from the *Department* that a complete NOI has been received.

## E. Small MS4s Not Required to Gain Coverage

*Operators* of unregulated *small MS4s* may apply for coverage under this *SPDES general permit* at any time, per Part II.B.

## F. Extension of Permit Coverage to Covered Entity's Full Jurisdiction

*Operators* of traditional land use control MS4s must extend the implementation of minimum control measures (MCMs) 4 and 5 in accordance with *Criterion 3* of the Designation Criteria or apply for a waiver, if eligible.

*Operators* of all regulated *small MS4s* may also extend the implementation of any of the six MCMs to areas under their control, but outside of the existing area covered by this *SPDES general permit*. This may be done by describing the program components (MCMs) being extended and the geographic extent to which they are being extended in the annual report (Part V.C.) and indicating in the Municipal Compliance Certification (MCC) form (Part V.D.) that the program was extended to the covered *entity's* full jurisdiction.

(Part II.)

**G. Single Entity to Cover the MS4**

A single entity may gain coverage for, and on behalf of, one or more regulated MS4s to implement a part of an MCM, one, or all the MCMs. A single entity shall be defined by watershed, municipal boundaries, special district boundaries, or other specifically defined boundaries. The single entity must demonstrate to the Department that it was formed in accordance with applicable state and/or local legislation, and that it has the legal authority and capacity (financial, resources, etc.) to meet the requirements of this SPDES general permit. Depending on the MCM(s) implemented, the single entity shall demonstrate that it has the following capacities, as applicable for each MCM that the single entity is seeking coverage under this SPDES general permit:

1. Initiate and administer appropriate enforcement procedures;
2. Collect, finance, bond or otherwise borrow money for capital projects;
3. Control the management and operation of the storm sewer system;
4. Implement best management practices at all municipal facilities discharging to the MS4; and
5. Obtain access to property that may be necessary for siting stormwater management facilities and/or practices.

The single entity must submit a complete NOI form to the Department, detailing which of the regulated MS4s it will gain coverage for and which of the MCMs, or parts of MCMs, it will implement for each particular regulated MS4. A copy of the document forming the single entity, and detailing the legal authority and capacity of the single entity, must be attached to the NOI. Prior to the single entity gaining coverage under this SPDES general permit, each regulated MS4, for which the single entity will implementing one or more MCM must submit a complete notice of termination (NOT). This notice shall specify which of the minimum control measures the single entity will implement for the MS4 and which of the minimum control measures the MS4 will implement.

**Part III. SPECIAL CONDITIONS**

**A. Discharge Compliance with Water Quality Standards**

Where a discharge is already authorized under this SPDES general permit and is later determined to directly or indirectly cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, the Department will notify the covered entity of such violation(s) and may take enforcement actions for such violations. The covered entity must take all necessary actions to ensure future discharges do not directly or indirectly cause or contribute to the violation of a water quality standard, and the covered entity must document these actions in the SWMP.

(Part III.A.)

Compliance with this requirement does not preclude, limit, or eliminate any enforcement activity as provided by the Federal and / or State law for the underlying violation. Additionally, if violations of applicable water quality standards occur, then coverage under this SPDES general permit may be terminated by the Department in accordance with 750-1.21(e), and the Department may require an application for an alternative SPDES general permit or individual SPDES permit may be issued.

**B. Impaired Waters**

1. **Impaired Waters Without Watershed Improvement Strategies or Future TMDLs**  
If a small MS4 discharges a stormwater pollutant of concern (POC) to an impaired water listed in Appendix 2, the covered entity must ensure no net increase in its discharge of the listed POC to that water.

By January 8, 2013, covered entities must assess potential sources of discharge of stormwater POC(s), identify potential stormwater pollutant reduction measures, and evaluate their progress in addressing the POC(S). Newly authorized covered entities must perform the above tasks within 5 years after gaining coverage under this SPDES general permit. Covered entities must evaluate their SWMP with respect to the MS4's effectiveness in ensuring there is no net increase discharge of stormwater POC(s) to the impaired waters for storm sewersheds that have undergone non-negligible changes such as changes to land use and impervious cover greater than one acre, or stormwater management practices during the time the MS4 has been covered by this SPDES general permit. This assessment shall be conducted for the portions of the small MS4 storm sewershed that discharge to the listed waters (see Appendix 2). The assessment shall be done using Department supported modeling of pollutant loading.

If the modeling shows increases in loading of the POC, the SWMP must be modified to reduce the loading to meet the no net increase requirement. The subsequent annual reports must contain an assessment of priority stormwater problems, potential management practices that are effective for reduction of stormwater POC(s), and document a gross estimate of the extent and cost of the potential improvements.

2. **Watershed Improvement Strategies**

The SWMPs for covered entities in the watersheds listed below must be modified to comply with the following requirements and the watershed improvement strategies. Covered entities implementing the pollutant-specific BMPs in addition to the BMPs required of all covered entities will be taking satisfactory steps towards achieving compliance with TMDL requirements. Covered entities under the MS4 SPDES general

(Part III.B.2.)

permit are required to make best efforts to participate in locally based watershed planning efforts that involve the NYSDEC, other covered entities, stakeholders and other interested parties for implementation of load reduction BMPs. Covered entities may form a Regional Stormwater Entity (RSE) to implement stormwater retrofits collectively. The covered entities must ensure that discharges of the POC to the TMDL waterbody are reduced through these or additional changes to the SWMP so that the waste load allocation is met.

MS4s are required to meet the reduction of the POC defined by the TMDL program defined in Part IX of this SPDES general permit. By the deadlines defined in Part IX of the general permit, covered entities must assess their progress and evaluate their SWMP to determine the MS4's effectiveness in reducing their discharges of TMDL POC(s) to TMDL water bodies. Newly designated watershed improvement strategy areas must perform the assessment within 5 years from authorization under this SPDES general permit. This assessment shall be conducted for the portions of the small MS4 storm sewer that are within the TMDL watershed. The assessment shall be done using Department supported modeling of pollutant loading from the storm sewer. The covered entities or an RSE must prepare and implement, participate in or utilize the results of existing or ongoing ambient water quality monitoring programs to validate the accuracy of models and evaluate the effectiveness of the additional BMPs for watershed improvement strategies.

If the modeling shows that loading of the POC is not being reduced to meet the waste load allocation, the SWMP must be modified to reduce the pollutant loading to meet the waste load allocation.

Each regulated MS4 is responsible for an individual load reduction, which is a fraction of the total required load reduction in the TMDL. If MS4s form an RSE and stormwater retrofits are approached collectively, the Department would allow compliance with this condition of the SPDES general permit to be achieved on a regional basis.

In this case the load reduction requirement for each participating MS4 will be aggregated, to create an RSE load reduction, to allow design and installation of retrofits where they are most feasible, without restricting MS4s to site retrofit projects within their municipal boundaries.

Each member of an RSE is in compliance if the aggregate reduction number associated with the retrofit plans is met. If the aggregate number is not met, each of the participating MS4s would be deemed non-compliant until such time as they had met their individual load reduction requirements.

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003

(Part III.B.2.)

a. **New York City Watershed East of the Hudson River**  
Covered entities shall modify their SWMP to meet the additional requirements as set forth in Part IX.A to address phosphorus as the POC for the portion of their storm sewer in the watershed. A map of the watershed is shown in Appendix 3.

b. **Other Phosphorus Watersheds**  
Covered entities shall modify their SWMP to meet the additional requirements as set forth in Part IX.B to address phosphorus as the POC for the portion of their storm sewer in the watershed. Maps of the watersheds are shown in Appendices 4, 5, and 10.

c. **Pathogen Watersheds**  
Covered entities shall modify their SWMP to meet the additional requirements as set forth in Part IX.C to address pathogens as the POC for the portion of their storm sewer in any of the watersheds. Maps of the watersheds are shown in Appendices 6, 7, and 9.

d. **Nitrogen Watersheds**  
Covered entities shall modify their SWMP to meet the additional requirements as set forth in Part IX.D to address nitrogen as the POC for the portion of their storm sewer in the watershed. Maps of the watersheds are shown in Appendix 8.

3. **Future TMDL Areas**

If a TMDL is approved in the future by EPA for any waterbody or watershed into which a small MS4 discharges, the covered entity must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If a covered entity is not meeting the TMDL wasteload allocations, it must, within 180 days of written notification from the Department, modify its SWMP to ensure that the reduction of the POC specified in the TMDL is achieved. It will be the MS4's obligation to meet the waste load allocations specified in the TMDL through modification of its SWMP plan according to the schedule of Part IX of this SPDES general permit.

Modifications must be considered for each of the six MCMs. Refer to assistance documents or enhanced requirements for specific pollutants in documents on the Department's website for modifications specific to the TMDL. Revised SWMPs must include updated schedules for implementation.

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003

**(Part III.B.3.)**

Within three years of having modified its SWMP to ensure that reduction of the POC specified in the TMDL is achieved, covered entities in future TMDL areas must assess their progress and evaluate their SWMP to determine the MS4's effectiveness in reducing their discharges of TMDL POC(s) to TMDL water bodies. This assessment shall be conducted for the portions of the *small MS4 storm sewershed* that are within the TMDL watershed. The assessment shall be done using *Department* supported modeling of pollutant loading from the *storm sewershed*.

**Part IV. Stormwater Management Program (SWMP) Requirements**

**A. SWMP Background**

*Covered entities* must *develop (for newly authorized MS4s, implement), and enforce a SWMP* designed to reduce the *discharge* of pollutants from *small MS4s* to the *maximum extent practicable* ("MEP") in order to protect water quality and to satisfy the appropriate water quality requirements of the ECL and the CWA. The objective of the permit is for MS4s to assure achievement of the applicable water quality standards. *Covered entities* under GP-0-10-002 must have prepared a *SWMP plan* documenting modifications to their *SWMP*. See Part X.B. (Definitions) for more information about the *SWMP* and *SWMP plan*.

The *SWMP* and *SWMP plan* may be created by an individual *covered entity*, by a shared effort through a group or coalition of individual *covered entities*, or by a third party entity. The *SWMP plan* shall be made readily available to covered entity's staff, to the public and to *Department* and EPA staff.

**B. Cooperation Between Covered Entities Encouraged**

The *Department* encourages *covered entities* to cooperate when *developing* and *implementing* their *SWMP*<sup>2</sup>. However, each *covered entity* is responsible for obtaining its own permit coverage and for filing its own NOI. Irrespective of any agreements between *covered entities*, each individual *covered entity* remains legally responsible for satisfying all GP-0-15-003 requirements and for its own *discharges*. If one *covered entity* is relying on another *covered entity* to satisfy one or more of its permit obligations, that fact must be noted on the *covered entity's* MCC form. The other entity must, in fact,

<sup>2</sup> For example, villages are encouraged to cooperate with towns, towns with counties, and adjacent counties with each other. In addition, municipal governments are encouraged to coordinate and cooperate with non-traditional MS4s such as DOT, school and fire districts, Federal and State facilities located within and adjacent to their jurisdictions. Sewer boards, water boards, or other non-traditional entities are encouraged to partner with the municipality (municipalities) that they serve.

**(Part IV.B.)**

*implement* the MCM(s) and must agree to *implement* the MCM(s) on the first *covered entity's* behalf. This agreement between the two or more parties must be documented in writing and signed by both (all) parties. Part IV.G. below may apply if such an agreement is not already in place. The agreement must be included in the *SWMP plan*, and be retained by the *covered entity* for the duration of this *SPDES general permit*, including any administrative extensions of the permit term.

*Covered entities* that are working together to *develop (for newly authorized MS4s) or implement* their *SWMPs* are encouraged to complete shared annual reports. *Covered entities* may also hold a group meeting to present their annual reports to the public and to receive comments on their annual reports. These options are discussed in more detail in Part V.C.2.

**C. SWMP Coverage Area**

At a minimum, *covered entities* are required to *develop (for newly authorized MS4s) and implement SWMPs* in the automatically designated *urbanized areas* ("UA") and *additionally designated areas* (40CFR Section 122.32(a)(1) or 122.32(a)(2)) under their jurisdiction<sup>3</sup>.

*SWMP* coverage shall include all UA or additionally designated areas within the *covered entity's* jurisdiction that drain into their *small MS4* and subsequently *discharge* to *surface waters of the State* directly or through other *small MS4s*.

Operators of *small MS4s* whose jurisdiction includes regulated and unregulated areas are encouraged to include their entire jurisdiction in their *SWMP* (refer to Part II.D).

**D. SWMP Development and Implementation for Covered entities Authorized by GP-0-10-002(Continuing Covered entities)**

*Covered entities* authorized under GP-0-10-002 shall continue to fully *implement* their *SWMP*, unless otherwise stated in this *SPDES general permit*. A *covered entity* may modify its *SWMP* if it determines changes are needed to improve *implementation* of its *SWMP*. Any changes to a *SWMP* shall be reported to the *Department* in the MS4's

<sup>3</sup> The purpose of this section is to minimize conflicts between adjacent *small MS4s*. For the purposes of this *SPDES general permit*, areas under the *covered entity's* jurisdiction shall mean areas where the legal authority exists for the subject *covered entity* to *develop and implement* an *SWMP* including the six MCMs. It is not a permit requirement for *covered entities* to *implement* and enforce any portion of their *SWMP* in any area that is under the jurisdiction of another *covered entity*. For example, if a portion of a town drains directly into a stormwater system owned and operated by the State DOT, and this area of the town is regulated, the DOT will not be required to implement and enforce any portion of a *SWMP* in the area lying outside of its right of way. In this case, the town would be required to implement the program in the subject area in accordance with this *SPDES general permit*, this despite the fact that the subject drainage does not directly enter the town's system.

**(Part IV.D)**

annual report and Municipal Compliance Certification (MCC) form (See Part V.C and V.D).

**E. SWMP Development and Implementation for Newly Regulated Covered entities (Small MS4s not Previously Authorized by GP-0-10-002)**

Certain *small MS4s* designated by 40CFR Section 122.32(a)(1) were not authorized by GP-0-10-002, but are now required to gain coverage under this *SPDES general permit*. The *small MS4s* were not previously authorized because they were either:

- required to gain coverage under GP-0-10-002, but were granted a waiver from that requirement;
- were not required to gain coverage under GP-0-10-002 based on the designation criteria, but they now meet the additional designation criteria in NYS DEC "Designation Criteria for Identifying Regulated Municipal Separate Storm Sewer Systems"; or
- were otherwise not permitted under GP-0-10-002.

*Operators of small MS4s* newly regulated under this *SPDES general permit* must develop an initial *SWMP* and provide adequate resources to fully implement the *SWMP* no later than three years from the date of the individual *MS4's* authorization.

A newly regulated *covered entity* may modify its *SWMP* to comply with the terms and conditions of this *SPDES general permit* if it determines changes are needed to improve implementation of its *SWMP*. Any changes to a *SWMP* shall be documented in the *SWMP plan* and reported to the *Department* in the annual report (See Part V.C).

*Covered entities* are required to make steady progress toward full implementation in the first three years after the date of authorization. Full implementation of *SWMPs* for newly regulated *small MS4s* is expected no later than three years from the date of coverage under this *SPDES general permit*.

**F. Minimum Control Measures**

Each *covered entity* is required to develop (for newly authorized *MS4s*) and implement a *SWMP* that satisfies the requirements for each of six required program components, known as minimum control measures (MCMs).

The MCMs for traditional land use control *MS4s* are listed in Part VII. The MCMs for traditional non-land use control *MS4s* and non-traditional *MS4s* are listed in Part VIII. Additional MCMs that *covered entities* in watersheds with improvement strategies must address, referred to in Part III.B.2, are described in Part IX.

**(Part IV.)**

**G. Reliance Upon Third Parties**

This section applies when a *covered entity* relies upon any third party entity to develop or implement any portion of its *SWMP*. Examples of such entities include, but are not

limited to a non-government, commercial entity that receives payment from the *covered entity* for services provided (for example businesses that create policies or procedures for *covered entities*, perform illicit discharge identification and track down, maintain roads, remove snow, clean storm sewer system, sweep streets, etc. as contracted by the *covered entity*).

The *covered entity* must, through a signed certification statement, contract or agreement provide adequate assurance that the third parties will comply with permit requirements applicable to the work performed by the third party. The certification statement, contract or other agreement must:

- provide adequate assurance that the third party will comply with permit requirements;
- identify the activities that the third party entity will be responsible for and include the name and title of the person providing the signature;
- the name, address and telephone number of the third party entity;
- an identifying description of the location of the work performed; and
- the date the certification statement, contract or other agreement is signed.

Example certification language is provided below:

**Contracted Entity Certification Statement:**

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the (covered entity's name) stormwater management program and agree to implement any corrective actions identified by the (covered entity's name) or a representative. I also understand that the (covered entity's name) must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater discharges from the Municipal Separate Storm Sewer Systems ("MS4s") and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any non-compliance by (covered entity's name) will not diminish, eliminate, or lessen my own liability."



## Part V. PROGRAM ASSESSMENT, RECORD KEEPING, REPORTING AND CERTIFICATION REQUIREMENTS

### A. Assessment

Covered entities are required to collect and report information about the development and implementation of their SWMPs. Specific information the small MS4s are required to collect is identified in Parts VII or VIII, depending on the type of small MS4. The small MS4s are encouraged to collect additional information that will help them evaluate their SWMP. Collection of information over time will facilitate the evaluation of the covered entity's SWMP by allowing the examination of trends in the information collected.

The covered entity must conduct an annual evaluation of its program compliance, the appropriateness of its identified BMPs, meeting new permit requirements, and progress towards achieving its identified measurable goals, which must include reducing the discharge of pollutants to the MEP.

Where the evaluation shows that the SWMP is not reducing discharges to the MEP, the SWMP shall be revised to reduce discharges to the MEP. Update to the SWMP and the SWMP plan must be completed within a year from the annual evaluation of their SWMP with an implementation schedule no later than 3 years from the annual evaluation.

### B. Recordkeeping

The covered entity must keep records required by this SPDES general permit (records that document SWMP, records included in SWMP plan, other records that verify reporting required by the permit, NOI, past annual reports, and comments from the public and the Department, etc.) for at least five (5) years after they are generated. Records must be submitted to the Department within 5 business days of receipt of a Department request for such information. The covered entity shall keep duplicate records (either hard copy or electronic), to have one copy for public observation and a separate working copy where the covered entity's staff, other individuals responsible for the SWMP and regulators, such as Department and EPA staff can access them. Records, including the NOI and the SWMP plan, must be available to the public at reasonable times during regular business hours.

### C. Annual Reporting

#### 1. Annual Report Submittal

The annual reporting period ends March 9 of each year. The annual report must be received in the Department's Central Office, electronic or hard copy, no later than June 1 of each reporting year. If electronic, submit in accordance with procedures set forth by the Department. If mailed, send to the address below:

(Part V.C.1.)

NYS DEC "MS4 Coordinator"  
Bureau of Water Permits  
625 Broadway, 4<sup>th</sup> Floor  
Albany, NY 12233-3505

Failure to submit a complete annual report and a complete MCC form (Part V.D) shall constitute a permit violation.

#### a. Annual Report Submittal for Newly Regulated Covered entities (Small MS4s not Previously Authorized by GP-0-10-002)

Newly regulated covered entities developing their SWMP are to submit their Annual Report in a format provided by the Department. They will provide, at a minimum, the information on the annual report form and the information required by Parts VII or VIII.

Newly regulated covered entities are required to submit their first annual report the year that authorization is granted if authorization is granted on or before December 31 of that reporting year.

#### b. Annual Report Submittal for Covered entities Authorized by GP-0-10-002 (Continuing Covered entities)

Beginning with annual reports due in 2010 covered entities implementing their SWMP shall submit, at a minimum, information specified by the Department in Part VII or VIII in a format provided by the Department.

#### 2. Shared Annual Reporting and Submittal

Covered entities working together to develop (for newly authorized MS4s) and/or implement their SWMPs may complete a shared annual report. The shared annual report is an annual report that outlines and explains group activities, but also includes the tasks performed by individual covered entities (BMPs, measurable goals, schedules of planned activities, etc.) To facilitate the submission of one annual report for the entire group of covered entities, individual covered entity's activities may be incorporated into the report by either:

- providing the details specific to their small MS4(s) to a person(s) who incorporates that information into the group report. That one group report is submitted to the Department for all participating small MS4s; or
- providing the details specific to their small MS4(s) on a separate sheet(s) that will be attached with the one group report.

(Part V.C.2.)

**Regardless of the method chosen, each covered entity must, by June 1 of the annual reporting year:**

- a. Provide their individual MCC form (see Part V.D) to be submitted with the shared annual report. Each covered entity must sign and submit an MCC form to take responsibility for all of the information in the annual report, which includes specific endorsement or acceptance of the shared annual report on behalf of the individual covered entity;
- b. Present their draft annual report at a meeting (see Part VII.A.2.d or Part VIII.A.2.d for more information). For completed shared annual reports, the report may be presented by each participating individual covered entity at an existing municipal meeting or may be made available for comments on the internet. Additionally, covered entities participating in shared annual reporting may combine meetings to have a group or regional meeting. While the group meeting is allowable, each covered entity shall ensure that local public officials and members of the public are informed about the program, activities and progress made; and
- c. Submit a summary of any comments received and (intended) responses on the individual covered entity's information or the shared annual report information, as applicable. This information should be included with the annual report submission. Changes made to the SWMP in response to comments should be described in the annual report.

**3. Annual Report Content**

- The annual report shall summarize the activities performed throughout the reporting period (March 10 to March 9) and must include at a minimum:
- a. The status of compliance with permit conditions, including Watershed Improvement Strategy conditions;
  - b. An assessment/evaluation of:
    - i. the appropriateness of the identified BMPs;
    - ii. progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP; and
    - iii. the identified measurable goals for each of the MCMs.
  - c. Results of information collected and analyzed, monitoring data, and an assessment of the small MS4's SWMP progress toward the statutory goal of reducing the discharge of pollutants to the MEP during the reporting period. This could include results from required SWMP reporting, estimates of pollutant loading (from parameters such as identified illicit discharges, physically interconnected small MS4s that may contribute substantially to pollutant

loadings from the small MS4) and pollutant load reductions (such as illicit discharges removed). This assessment may be submitted as an attachment;

- d. When required to be completed, results of assessments of effectiveness in meeting no net increase requirements or TMDL loadings as required by III. B.1 and 2. These results must be submitted in evaluation forms and as an attachment;
- e. A summary of the stormwater activities planned to be undertaken during the next reporting cycle (including an implementation schedule);
- f. Any change in identified BMPs or measurable goals and justification for those changes;
- g. Notice that a small MS4 is relying on another entity to satisfy some or all of its permit obligations (if applicable);
- h. A summary of the public comments received on this annual report at the public presentation required in Part VII.A.2. or VIII.A.2. And, as appropriate, how the small MS4 will respond to comments and modify the program in response to the comments;
- i. A statement that the final report and, beginning in 2009, the SWMP plan are available for public review and the location where they are available; and
- j. The information specified under the reporting requirements for each MCM (Part VII or VIII).

**D. Interim Progress Reporting**

In accordance with 6 NYCRR Part 750-1.14, covered entities that own or operate MS4s within the watersheds listed in Part IX must submit to the Department interim progress reports no later than December 1 of each year. These interim progress reports will identify the activities that have been performed during the period of March 10 through September 9 of each year, which demonstrates that there is progress being made by the covered entity towards completion of the reduction requirements, prescribed in Part IX. Progress made during the period of September 10 through March 9 shall be reported with the annual report that is due no later than June 1 of each year.

**E. Annual Report Certification**

A signed original hard copy and a photocopy of the MCC form must be submitted to the Department no later than June 1 of each reporting year. If the annual report is mailed (Part V.C. above), the MCC form must be submitted with the annual report.

The MCC form, provided by the *Department*, certifies that all applicable conditions of Parts IV, VII, VIII and IX of this *SPDES general permit* are being *developed, implemented* and complied with. It must be signed by an individual as described in Part VI.J.2. The certification provided by the MCC form does not affect, replace or negate the certification required under Part VI.J.2 (d). If compliance with any requirement cannot be certified to on the MCC form, a complete explanation with a description of corrective measures must be included as requested on the MCC form.

Failure to submit a complete annual report (Part V.C.) and a complete MCC form shall constitute a permit violation.

## Part VI. STANDARD PERMIT CONDITIONS

### A. General Authority to Enforce

Three of the MCMs (illicit discharge detection and elimination, construction site *stormwater* runoff control and post-construction *stormwater* management) require local laws, ordinances or other regulatory mechanisms to ensure successful implementation of the MCMs. Some *covered entities*, however, are not enabled by state law to adopt local laws or ordinances. Those *covered entities* (typically non-traditional MS4s and traditional, non-land use control MS4s) are expected to utilize the authority they do possess to create or modify existing regulatory mechanisms, including but not limited to contracts, bid specifications, requests for proposals, etc. to ensure successful implementation.

### B. Duty To Comply

A *covered entity* must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and the *ECL* and is grounds for enforcement action.

### C. Enforcement

Failure of the *covered entity*, its contractors, subcontractors, agents and/or assigns to strictly adhere to any of the *SPDES general permit* requirements contained herein shall constitute a permit violation. There are substantial criminal, civil, and administrative penalties associated with violating the provisions of this permit. Fines of up to \$37,500 per day for each violation and imprisonment for up to fifteen (15) years may be assessed depending upon the nature and degree of the offense.

### D. Continuation of the Expired SPDES General Permit

This *SPDES general permit* expires five years from the effective date of this permit. However, an administratively extended *SPDES general permit* continues in force and effect until the *Department* issues a new permit, unless a *covered entity* receives written notice from the *Department* to the contrary. *Operators* of the *MS4s* authorized under the administratively extended expiring *SPDES general permit* seeking coverage under the new *SPDES general permit* must refer to the terms within the new *SPDES general permit* to continue coverage.

### E. Technology Standards

*Covered entities*, in accordance with written notification by the *Department*, must comply with all applicable technology-based effluent standards or limitations promulgated by EPA pursuant to Sections 301 and 304 of the CWA. If an effluent standard or limitation more stringent than any effluent limitation in the *SPDES general permit* or controlling a pollutant not limited in the permit is promulgated or approved

**(Part VI.E.)**

after the permit is issued, the *SWMP plan* shall be promptly modified to include that effluent standard or limitation.

**F. Need To Halt or Reduce Activity Not a Defense**

It shall not be a defense for a *covered entity* in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this *SPDES general permit*.

**G. Duty to Mitigate**

The *covered entity* shall take all reasonable steps to minimize or prevent any *discharge* in violation of this *SPDES general permit* which has a reasonable likelihood of adversely affecting human health or the environment.

**H. Duty to Provide Information**

The *covered entity* shall, within five (5) business days, make available for inspection and copying or furnish to the *Department* or an authorized representative of the *Department* any information that is requested to determine compliance with this *SPDES general permit*. Failure to provide information requested shall be a violation of the terms of this *SPDES general permit* and applicable regulation.

**I. Other Information**

*Covered entities* who become aware of a failure to submit any relevant facts or have submitted incorrect information in the NOI or in any other report to the *Department* must promptly submit such facts or information.

**J. Signatory Requirements**

All NOIs, reports, certifications or information submitted to the *Department*, or that this *SPDES general permit* requires be maintained by the *covered entity*, shall be signed as follows:

**1. Notices of intent**

All NOIs shall be signed by either a principal executive officer or ranking elected official. Principal executive officer includes (1) the chief executive officer of the municipal entity agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

**2. Reports Required and Other Information Requested**

All reports required by this *SPDES general permit* and other information requested by the *Department*, including MCC forms (part V.D.), shall be signed by a person

**(Part VI.J.2.)**

described above or by a duly authorized representative of that person<sup>4</sup>. A person is a duly authorized representative only if:

- a. The authorization is made in writing by a person described in VI.J.1 above and submitted to the *Department*; and
- b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the *covered entity* (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and
- c. The written authorization shall include the name, title and signature of the authorized representative and be attached to the MCC form; and
- d. **Changes to authorization.** If an authorization to discharge is no longer accurate because a different *covered entity* has responsibility for the overall operation of another *covered entity's* program, these changes must be indicated on the MCC form submitted to the *Department* per Part V.D.
- e. **Initial signatory authorization or changes to signatory authorization.** The initial signatory authorization must be submitted to the *Department* with any reports to be signed by a signatory representative. If a signatory authorization under VI.J.2 is no longer accurate because a different individual, or position, has responsibility for the overall operation of the facility, a new signatory authorization satisfying the requirements of VI.J.2 must be submitted to the *Department* with any reports to be signed by an authorized representative.
- f. **Certification.** Any person signing documents under paragraph VI.H shall make the following certification:  
  
*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the*

<sup>4</sup>Positions that must be duly authorized include, but are not limited to, Environmental Directors, Deputy Supervisors, Safety and Environmental Managers, Assistant Directors, and Chief Health and Safety Officers.

**(Part VI.J.2.f.)**

*information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information."*

Under Part VI.J. (Signatory Requirements), it shall constitute a permit violation if an incorrect and/or improper signatory authorizes any required forms, and/or reports.

**K. Penalties for Falsification of Reports**

Article 17 of the ECL provides a civil penalty of \$37,500 per day per violation of this permit. Articles 175 and 210 of the New York State Penal Law provide for a criminal penalty of a fine and / or imprisonment for falsifying reports required under this permit..

**L. Oil and Hazardous Substance Liability**

Nothing in this *SPDES general permit* shall be construed to preclude the institution of any legal action or relieve the *covered entity* from any responsibilities, liabilities, or penalties to which it is or may be subject under section 311 of the CWA or section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

**M. Property Rights**

The issuance of this *SPDES general permit* does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations, nor does it limit, diminish and / or stay compliance with any terms of this permit.

**N. Severability**

The provisions of this *SPDES general permit* are severable, and if any provision of this *SPDES general permit*, or the application of any provision of this *SPDES general permit* to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

**O. Requiring an Individual Permit or an Alternative General Permit**

1. In its sole discretion, the *Department* may require any person authorized by this *SPDES general permit* to apply for and/or obtain either an *individual SPDES permit* or an alternative *SPDES general permit*. Where the *Department* requires a *covered entity* to apply for an *individual SPDES permit*, the *Department* will notify such

**(Part VI.O.1.)**

person in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for filing the application, and a deadline not sooner than 180 days from *covered entity's* receipt of the notification letter, whereby the authorization to discharge under this general permit shall be terminated. Applications must be submitted to the appropriate Regional Office. The *Department* may grant additional time to submit the application upon request of the applicant.

2. Any *covered entity* authorized by this *SPDES general permit* may request to be excluded from the coverage of this *SPDES general permit* by applying for an *individual SPDES permit* or an *alternative SPDES general permit*. In such cases, a *covered entity* must submit an individual application or an application for an alternative *SPDES general permit* in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with reasons supporting the request, to the *Department* at the address for the appropriate Regional Office. The request may be granted by issuance of any *individual SPDES permit* or an alternative *SPDES general permit* if the reasons cited by the *covered entity* are adequate to support the request.

3. When an individual *SPDES permit* is issued to a discharger authorized to discharge under a *SPDES general permit* for the same discharge(s), the general permit authorization for outfalls authorized under the individual permit is automatically terminated on the effective date of the individual permit unless termination is earlier in accordance with 6 NYCRR Part 750.

**P. Other State Environmental Laws**

1. Nothing in this *SPDES general permit* shall be construed to preclude the institution of any legal action or relieve a *covered entity* from any responsibilities, liabilities, or penalties established pursuant to any applicable *State law* or regulation under authority preserved by section 510 of the CWA.

2. No condition of this *SPDES general permit* releases the *covered entity* from any responsibility or requirements under other environmental statutes or regulations.

**Q. Proper Operation and Maintenance**

A *covered entity* must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the *covered entity* to achieve compliance with the conditions of this *SPDES general permit*. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems,

**(Part VI.Q.)**

installed by a *covered entity* only when necessary to achieve compliance with the conditions of the *SPDES general permit*.

**R. Inspection and Entry**

The *covered entity* shall allow the Commissioner of NYSDEC, the Regional Administrator of the USEPA, the applicable county health department, or their authorized representatives, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the *covered entity's* premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this *SPDES general permit*;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit, including records required to be maintained for purposes of operation and maintenance; and
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit.

**S. Permit Actions**

At the *Department's* sole discretion, this *SPDES general permit* may be modified, revoked, suspended, or renewed for cause at any time.

**T. Anticipated noncompliance**

The *covered entity* shall give advance notice to the *Department* of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Notification of planned changes or anticipated noncompliance does not limit, diminish and / or stay compliance with any terms of this permit.

**U. Permit Transfers.**

Coverage under this *SPDES general permit* is not transferable to any person except after notice to the *Department*. The *Department* may require modification or revocation and reissuance of this *SPDES general permit* to change the responsible party and incorporate such other requirements as may be necessary.

**Part VII. MINIMUM CONTROL MEASURES - TRADITIONAL LAND USE CONTROL**

**A. Traditional Land-Use Control MS4 Minimum Control Measures (MCMs)**

These MCMs apply to *traditional land use control MS4s* (cities, towns, villages). The SWMP for these *small MS4s* must be comprised of the 6 MCMs below. It is recommended that *covered entities* refer to assistance and guidance documents available from the *State* and EPA.

Continuing *covered entities* were required to develop a SWMP with the MCM requirements below by January 8, 2008 (if authorized by GP-02-02) and within three years of gaining coverage (if authorized by GP-0-10-002). Under this *SPDES general permit*, the continuing *covered entities* are required to implement their SWMP, including the MCM requirements below. Notwithstanding any sooner deadlines contained elsewhere within this permit, newly regulated *covered entities* are required to develop their SWMP, containing the MCM requirements below, within the first 3 years of coverage and then commence implementation.

For each of the elements of the SWMP plan, the *covered entity* must identify (i) the agencies and/or offices that would be responsible for implementing the SWMP plan element and (ii) any protocols for coordination among such agencies and/or offices necessary for the implementation of the plan element.

The *covered entity* may develop (for newly authorized MS4s) and /or implement their SWMP within their jurisdiction on their own. The *covered entity* may also develop (for newly authorized MS4s) and /or implement part or all of their SWMP through an intermunicipal program with another *covered entity(s)* or through other cooperative or contractual agreements with third parties that provide services to the *covered entities*.

**1. Public Education and Outreach - SWMP Development / Implementation**

At a minimum, all *covered entities* must:

- a. Identify *POCs*, waterbodies of concern, geographic areas of concern, target audiences;
- b. Develop (for newly authorized MS4s) and implement an ongoing public education and outreach program designed to describe to the general public and target audiences:
  - i. the impacts of stormwater discharges on waterbodies;
  - ii. *POCs* and their sources;
  - iii. steps that contributors of these pollutants can take to reduce pollutants in stormwater runoff; and

**(Part VII.A.1.b.)**

- iv. steps that contributors of non-stormwater discharges can take to reduce pollutants (non-stormwater discharges are listed in Part IA.2);
- c. *Develop (for newly authorized MS4s), record, periodically assess, and modify as needed, measurable goals; and*
- d. Select and implement appropriate education and outreach activities and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP.

**Required SWMP Reporting**

- e. **Program implementation reporting for continuing covered entities** (MS4s covered for 3 or more years on the reporting date). At a minimum, the covered entity shall report on the items below:
  - i. list education / outreach activities performed for the general public and target audiences and provide any results (for example, number of people attended, amount of materials distributed, etc.);
  - ii. covered entities performing the education and outreach activities required by other MCMs (listed below), may report on those activities in MCM 1 and provide the following information applicable to their program:
    - IDDE education activities planned or completed for public employees, businesses, and the general public, as required by Part VII.A.3;
    - construction site stormwater control training planned or completed, as required by Part VII.A.4; and
    - employee pollution prevention / good housekeeping training planned or completed, as required by Part VII.A.6; andTo facilitate shared annual reporting, if the education and outreach activities above are implemented by a third party, and the third party is completing the associated portions of the annual report, that third party may report on the education and outreach activities within MCM 1 of the annual report and not within the MCMs that the education and outreach activities are required by,
  - iii. report on effectiveness of program, BMP and measurable goal assessment; and
  - iv. maintain records of all training activities.
- f. Reporting for newly regulated covered entities (MS4s covered for less than 3 years on the reporting date). At a minimum, the covered entity shall report on the items below:
  - i. **program development deadlines and reporting:**

**(Part VII.A.1.f.i.)**

- Complete in Year 1 (report changes in Year 2 and 3 as needed):
- list (and describe if necessary) POCs;
  - development of education and outreach program and activities for the general public and target or priority audiences that address POCs, geographic areas of concern, and / or discharges to 303(d) / TMDL waterbodies;
  - covered entities developing education and outreach programs required by other MCMs (listed below), may report on development (and implementation of those activities, if occurring during the three year development period) in MCM 1 and provide the following information applicable to their program:
    - IDDE education activities planned or completed for public employees, businesses, and the general public for IDDE, as required by Part VII.A.3;
    - Construction site stormwater control training planned or completed, as required by Part VII.A.4; and
    - employee pollution prevention / good housekeeping training planned or completed, as required by Part VII.A.6;To facilitate shared annual reporting, if the education and outreach activities above are developed by a third party, and the third party is completing the associated portions of the annual report, that third party may report on the education and outreach activities within MCM 1 of the annual report and not within the MCMs that the education and outreach activities are required by.
- ii. **program implementation reporting** as set forth in Part VII.A.1(e) above. Commence implementation reporting after three year development period. Implementation reporting may begin earlier if implementation begins during development period.
2. **Public Involvement / Participation - SWMP Development / Implementation**  
At a minimum, all covered entities must:
- a. Comply with the State Open Meetings Law and local public notice requirements, such as Open Meetings Law, when implementing a public involvement / participation program;
  - b. *Develop (for newly authorized MS4s) and implement a public involvement/participation program that:*
    - i. identifies key individuals and groups, public and private, who are interested in or affected by the SWMP ;

(Part VII.A.2.b.)

- ii. identifies types of input the *covered entity* will seek from the key individuals and groups, public and private, to support *development* and *implementation* of the SWMP program and how the input will be used; and
- iii. describes the public involvement / participation activities the *covered entity* will undertake to provide program access to those who want it and to gather the needed input. The activities included, but are not limited to a water quality hotline (report spills, dumping, construction sites of concern, etc.), stewardship activities like stream cleanups, storm drain marking, and volunteer water quality monitoring;
- iv. provide the opportunity for the public to participate in the *development*, *implementation*, review, and revision of the SWMP.

c. **Local stormwater public contact.**

Identify a local point of contact for public concerns regarding *stormwater* management and compliance with this *SPDES general permit*. The name or title of this contact and the telephone number must be published in public outreach and public participation materials and kept updated with the *Department* on the MCC form;

d. **Annual report presentation.**

Below are the requirements for the annual report presentation:

- i. prior to submitting the final annual report to the *Department*, by June 1 of each reporting year (see Part V.C.), present the draft annual report in a format that is open to the public, where the public can ask questions about and make comments on the report. This can be done:
  - at a meeting that is open to the public, where the public attendees are able to ask questions about and make comments on the report. This may be a regular meeting of an existing board, such as planning, zoning or the town board. It may also be a separate meeting, specifically for *stormwater*. If multiple *covered entities* are working together, they may have a group meeting (refer to Part V.C.2), or
  - on the internet by:
    - making the annual report available to the public on a website;
    - providing the public the opportunity to provide comments on the internet or otherwise; and

(Part VII.A.2.d.i.)

- making available the opportunity for the public to request an open meeting to ask questions about and make comments on the report. If a public meeting is requested by 2 or more persons, the covered entity must hold such a meeting. However, the covered entity need only hold a public meeting once to satisfy this requirement.
- ii. provide public notice about the presentation, making public the following information when noticing the presentation in accordance with the local public notice requirements:
  - the placement of the annual report on the agenda of this meeting or location on the internet;
  - the opportunity for public comment. This *SPDES general permit* does not require a specified time frame for public comments, although it is recommended that *covered entities* do provide the public an opportunity to comment for a period after the meeting. Comments received after the final annual report is submitted shall be reported with the following year's annual report. *Covered entities* must take into account those comments in the following year;
  - the date and time of the meeting or the date the annual report becomes available on the internet; and
  - the availability of the draft report for prior review prior to the public meeting or duration of availability of annual report on the internet;
- iii. the *Department* recommends that announcements be sent directly to individuals (public and private) known to have a specific interest in the *covered entity's SWMP*;
- iv. include a summary of comments and (intended) responses with the final annual report. Changes made to the SWMP in response to comments should be described in the annual report; and
- v. ensure that a copy of the final report and, beginning in 2009, the SWMP plan are available for public inspection;
- e. *Develop (for newly authorized MS4s)*, record, periodically assess and modify as needed *measurable goals*; and



(Part VII.A.2.)

- f. Select and implement appropriate public involvement / participation activities and measurable goals to ensure the reduction of POCs in stormwater discharges to the MEP.

**Required SWMP Reporting**

- g. **Program implementation reporting for continuing covered entities** (MS4s covered for 3 or more years on the reporting date). At a minimum, the covered entity shall report on the items below:

- i. annual report presentation information (date, time, attendees) or information about how the annual report was made available for comment;
- ii. comments received and intended responses (as an attachment);
- iii. public involvement / participation activities (for example stream cleanups including the number of people participating, the number of calls to a water quality hotline, the number and extent of storm drain stenciling); and
- iv. report on effectiveness of program, BMP and measurable goal assessment.

- h. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the reporting date). At a minimum, the covered entity shall report on the items below:

- i. **program development deadlines and reporting:**

- annual report presentation information (date, time, attendees);
  - comments received and intended responses (as an attachment);
- Complete by end of Year 2 (report changes by end of Year 3 as needed):
- key stake holders identified;
  - development of public involvement / participation plan based on the covered entity's needs, POCs, target audiences, geographic areas of concern, discharges to 303(d) / TMDL waterbodies; and
  - development of public involvement / participation activities (for example stream cleanups including the number of people participating, the number of calls to a dumping / water quality hotline, the number or percent of storm drains stenciled);

- ii. **program implementation reporting**, as set forth in Part VII.A.2(g) above. Commence implementation reporting after three year development period. Implementation reporting may begin earlier if implementation begins during development period.

(Part VII.A.)

3. **Illicit Discharge Detection and Elimination (IDDE) - SWMP Development / Implementation**

At a minimum, all covered entities must:

- a. Develop (for newly authorized MS4s), implement and enforce a program to detect and eliminate illicit discharges (as defined at 40CFR 122.26(b)(2)) into the small MS4;
- b. Develop (for newly authorized MS4s) and maintain a map, at a minimum within the covered entity's jurisdiction in the urbanized area and additionally designated area, showing:
  - i. the location of all outfalls and the names and location of all surface waters of the State that receive discharges from those outfalls;
  - ii. by March 9, 2010, the preliminary boundaries of the covered entity's storm sewersheds have been determined using GIS or other tools, even if they extend outside of the urbanized area (to facilitate track down), and additionally designated area within the covered entity's jurisdiction; and
  - iii. when grant funds are made available or for sewer lines surveyed during an illicit discharge track down, the covered entity's storm sewer system in accordance with available State and EPA guidance;
- c. Field verify outfall locations;
- d. Conduct an outfall reconnaissance inventory, as described in the EPA publication entitled Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment, addressing every outfall within the urbanized area and additionally designated area within the covered entity's jurisdiction at least once every five years, with reasonable progress each year;
- e. Map new outfalls as they are constructed or newly discovered within the urbanized area and additionally designated area;
- f. Prohibit, through a law, ordinance, or other regulatory mechanism, illicit discharges into the small MS4 and implement appropriate enforcement procedures and actions. This mechanism must be equivalent to the State's model IDDE local law "NYSDEC Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems". The mechanism must be certified by the attorney representing the small MS4 as being equivalent to the State's model illicit discharge local law. Laws adopted during the GP-02-02 permit cycle must also be attorney-certified as effectively assuring implementation of the State's model IDDE law;

**(Part VII.A.3.)**

- g. *Develop (for newly authorized MS4s) and implement* a program to detect and address non-stormwater *discharges*, including illegal dumping, to the *small MS4* in accordance with current assistance and guidance documents from the State and EPA. The program must include: procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for the IDDE program; description of priority areas of concern, available equipment; staff, funding, etc.; procedures for identifying and locating *illicit discharges* (trackdown); procedures for eliminating *illicit discharges*; and procedures for documenting actions;
- h. Inform public employees, businesses, and the general public of the hazards associated with illegal *discharges* and improper disposal of waste, and maintain records of notifications;
- i. Address the categories of non-stormwater *discharges* or flows listed in Part I.A.2 as necessary;
- j. *Develop (for newly authorized MS4s)*, record, periodically assess, and modify as needed, *measurable goals*; and
- k. Select and implement appropriate IDDE *BMPs* and *measurable goals* to ensure the reduction of all POCs in *stormwater discharges* to the *MEP*.

**Required SWMP Reporting**

- i. **Program implementation reporting for continuing covered entities** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
  - i. number and percent of *outfalls* mapped;
  - ii. number of *illicit discharges* detected and eliminated;
  - iii. percent of *outfalls* for which an outfall reconnaissance inventory has been performed. ;
  - iv. status of system mapping;
  - v. activities in and results from informing public employees, businesses, and the general public of hazards associated with illegal *discharges* and improper disposal of waste;
  - vi. regulatory mechanism status – certification that law is equivalent to the *State’s* model IDDE law (if not already completed and submitted with an earlier annual report); and
  - vii. report on effectiveness of program, *BMP* and *measurable goal* assessment.

**(Part VII.A.3.)**

- m. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
    - i. **program development deadlines and reporting:**
      - Complete in Year 1 (revise in Year 2 and 3 if changes are made):
        - describe procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for IDDE program;
        - describe priority areas of concern, available equipment, staff, funding, etc.;
      - Initiate by end of Year 1; complete by end of Year 2 (revise in Year 3 if changes are made):
        - describe procedures for identifying and locating *illicit discharges* (trackdown);
        - describe procedures for eliminating *illicit discharges*;
        - describe procedures for enforcing against *illicit dischargers*;
        - describe procedures for documenting actions;
        - describe the program being developed for informing public employees, businesses, and the general public of hazards associated with illegal *discharges* and improper disposal of waste;
    - Initiate by end of Year 1; complete by end of Year 3:
      - regulatory mechanism status development and adoption - by end of Year 3
    - certify that regulatory mechanism is equivalent to the *State’s* model IDDE law (if not already completed and submitted with an earlier report);
  - Initiate by end of Year 2; complete by end of Year 3:
    - number and percent of *outfalls* mapped; and
    - Complete by Year 3:
      - *outfall* map.
  - ii. **program implementation reporting** as set forth in Part VIII.A.3(i) above.
    - Commence *implementation* reporting after three year *development* period.
    - *Implementation* reporting may begin earlier if *implementation* begins during development period.
- 4. Construction Site Stormwater Runoff Control - SWMP Development / Implementation**
- At a minimum, all *covered entities* must:
- a. *Develop (for newly authorized MS4s)*, *implement*, and enforce a program that:

(Part VII.A.4.a.)

- i. provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (either GP-02-01, GP-0-08-001 or GP-0-15-002), unless more stringent requirements are contained within this *SPDES general permit*;
- ii. addresses *stormwater* runoff to the *small MS4* from *construction activities* that result in a land disturbance of greater than or equal to one acre. Control of *stormwater discharges* from *construction activity* disturbing less than one acre must be included in the program if:
  - that *construction activity* is part of a *larger common plan of development or sale* that would disturb one acre or more; or
  - if controlling such activities in a particular watershed is required by the *Department*;
- iii. includes a law, ordinance or other regulatory mechanism to require a *SWPPP* for each applicable land disturbing activity that includes erosion and sediment controls that meet the *State's* most current technical standards:
  - this mechanism must be equivalent to one of the versions of the "NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control"; and
  - equivalence must be documented
    - by adoption of one of the sample local laws without changes;
    - by using the NYSDEC Gap Analysis Workbook; or
    - by adoption of a modified version of the sample law, or an alternative law, and, in either scenario, certification by the attorney representing the small MS4 that the adopted law is equivalent to one of the sample local laws.
- iv. contains requirements for construction site operators to implement erosion and sediment control management practices;
- v. allows for sanctions to ensure compliance to the extent allowable by State law;
- vi. contains requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality, pursuant to the requirement of construction permit;
- vii. describes procedures for *SWPPP* review with consideration of potential water quality impacts and review of individual *SWPPPs* to ensure consistency with *State* and local sediment and erosion control requirements;

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003

(Part VII.A.4.a.vii.)

- ensure that the individuals performing the reviews are adequately trained and understand the *State* and local sediment and erosion control requirements;
  - all *SWPPPs* must be reviewed for sites where the disturbance is one acre or greater; and
  - after review of *SWPPPs*, the *covered entity* must utilize the "MS4 SWPPP Acceptance Form" created by the *Department* and required by the *SPDES* General Permit for Stormwater Discharges from Construction Activity when notifying construction site owner / operators that their plans have been accepted by the *covered entity*;
- viii. describes procedures for receipt and follow up on complaints or other information submitted by the public regarding construction site storm water runoff;
- ix. describes procedures for site inspections and enforcement of erosion and sediment control measures including steps to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and receiving water:
- the *covered entity* must ensure that the individual(s) performing the inspections are adequately trained and understand the *State* and local sediment and erosion control requirements. Adequately trained means receiving inspector training by a *Department* sponsored or approved training;
  - all sites must be inspected where the disturbance is one acre or greater;
  - *covered entities* must determine that it is acceptable for the owner or operator of a construction project to submit the Notice of Termination (NOT) to the *Department* by performing a final site inspection themselves or by accepting the Qualified Inspector's final inspection certification(s) required by the *SPDES* General Permit for Stormwater Discharges from Construction Activity. The principal executive officer, ranking elected official, or duly authorized representative (see Part VI.J.) shall document their determination by signing the "MS4 Acceptance" statement on the NOT.
- x. educates construction site owner / operators, design engineers, *municipal* staff and other individuals to whom these regulations apply about the *municipality's* construction *stormwater* requirements, when construction *stormwater* requirements apply, to whom they apply, the procedures for submission of *SWPPPs*, construction site inspections, and other procedures associated with control of construction stormwater;

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(Part VII.A.4.a.)

- xii. ensures that construction site operators have received erosion and sediment control training before they do work within the *covered entity's* jurisdiction and maintain records of that training. Small home site construction (construction where the Erosion and Sediment Control Plan is developed in accordance with Appendix E of the "New York Standards and Specifications for Erosion and Sediment Control") is exempt from the requirements below:
  - training may be provided by the *Department* or other qualified entities (such as Soil and Water Conservation Districts);
  - the *covered entity* is not expected to perform such training, but they may co-sponsor training for construction site operators in their area;
  - the *covered entity* may ask for a certificate of completion or other such proof of training; and
  - the *covered entity* may provide notice of upcoming sediment and erosion control training by posting in the building department or distribute with building permit application;
- xiii. establishes and maintains an inventory of active construction sites, including the location of the site, owner / operator contact information;
- xiii. *develop (for newly authorized MS4s)*, record, periodically assess and modify as needed *measurable goals*; and
- xiv. select and appropriate construction *stormwater BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.

**Required SWMP Reporting**

- b. **Program implementation reporting for continuing covered entities (MS4s covered for 3 or more years on the reporting date).** At a minimum, the *covered entity* shall report on the items below:
  - i. number of SWPPPs reviewed;
  - ii. number and type of enforcement actions;
  - iii. percent of active construction sites inspected once;
  - iv. percent of active construction sites inspected more than once;
  - v. number of construction sites authorized for disturbances of one acre or more; and
  - vi. report on effectiveness of program, *BMP* and *measurable goal* assessment.
- c. Reporting for **newly regulated covered entities (MS4s covered for less than 3 years on the reporting date).** At a minimum, the *covered entity* shall report on the items below:

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(Part VII.A.4.c.)

- i. **program development deadlines and reporting:**
    - Initiate by end of Year 1:
      - procedures, activities and identify personnel to educate and train construction site operators about requirements to develop and implement a SWPPP and any other requirements that must be met within the MS4's jurisdiction;
    - Complete in Year 1 (revise in Year 2 and 3 if changes are made):
      - describe procedures for the receipt and consideration of information submitted by the public. Identify the responsible personnel;
    - Initiate by end of Year 1; complete by end of Year 3:
      - regulatory mechanism development and adoption status - by end of Year 3 certify that regulatory mechanism is equivalent to one of the NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control (if not already completed and submitted with an earlier report);
    - Initiate by end of Year 2; complete by end of Year 3:
      - describe procedures for SWPPP review that incorporate consideration of potential water quality impacts and ensure consistency with local sediment and erosion control requirements;
      - describe procedures for construction site inspections; and
      - describe procedures for enforcement of control measures and sanctions to ensure compliance.
  - ii. **program implementation reporting** as set forth in Part VII.A.4(b) above.
    - Commence *implementation* reporting after three year *development* period. *Implementation* reporting may begin earlier if *implementation* begins during development period.
- 5. Post-Construction Stormwater Management - SWMP Development/Implementation**
- At a minimum, all *covered entities* must:
- a. *Develop (for newly authorized MS4s), implement, and enforce* a program that:
    - i. provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (either GP-02-01, GP-0-08-001, or GP-0-15-002), unless more stringent requirements are contained within this *SPDES general permit*;
    - ii. addresses *stormwater* runoff from new development and redevelopment projects to the *small MS4* from projects that result in a land disturbance of greater than or

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(Part VII.A.5.a.ii.)

- equal to one acre. Control of *stormwater discharges* from projects of less than one acre must be included in the program if:
  - that project is part of a *larger common plan of development or sale*; or
  - if controlling such activities in a particular watershed is required by the *Department*;
- iii. includes a law, ordinance or other regulatory mechanism to require post construction runoff controls from new development and re-development projects to the extent allowable under *State* law that meet the *State's* most current technical standards:
  - the mechanism must be equivalent to one of the versions of the "NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control"; and
  - equivalence must be documented
    - by adoption of one of the sample local laws without changes;
    - by using the NYSDEC Gap Analysis Workbook; or
    - by adoption of a modified version of the sample law, or an alternative law, and, in either scenario and certification by the attorney representing the small MSA that the adopted law is equivalent to one of the sample local laws;
- iv. includes a combination of structural or non-structural management practices (according to standards defined in the most current version of the NYS Stormwater management Design Manual) that will reduce the *discharge* of pollutants to the MEP. In the development of the watershed plans, municipal comprehensive plans, open space preservation programs, local law, ordinances and land use regulations, covered entities must consider principles of *Low Impact Development* (LID), *Better Site Design* (BSD), and other *Green Infrastructure* practices to the MEP. In the development of the watershed plans, municipal comprehensive plans, open space preservation programs, local law, ordinances and land use regulations, covered entities must consider smart growth principles, natural resource protection, impervious area reduction, maintaining natural hydrologic conditions in developments, riparian buffers or set back distances for protection of environmentally sensitive areas such as streams, wetlands, and erodible soils.
  - covered entities are required to review according to the *Green Infrastructure* practices defined in the Design Manual at a site level, and are encouraged to review, and revise where appropriate, local codes and laws that include provisions that preclude green infrastructure or construction techniques that minimize or reduce pollutant loadings.

(Part VII.A.5.a.iv.)

- if a *stormwater* management practice is designed and installed in accordance with the New York State Stormwater Management Design Manual or has been demonstrated to be equivalent and is properly operated and maintained, then *MEP* will be assumed to be met for post-construction *stormwater* discharged by the practice;
- v. describes procedures for *SWPPP* review with consideration of potential water quality impacts and review of individual *SWPPPs* to ensure consistency with state and local post-construction *stormwater* requirements;
  - ensure that the individuals performing the reviews are adequately trained and understand the *State* and local post construction *stormwater* requirements;
  - ensure that the individuals performing the reviews for *SWPPPs* that include post-construction *stormwater* management practices are *qualified professionals* or under the supervision of a *qualified professional*;
  - all *SWPPPs* must be reviewed for sites where the disturbance is one acre or greater;
  - after review of *SWPPPs*, the covered entity must utilize the "MSA *SWPPP* Acceptance Form" created by the *Department* and required by the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) when notifying construction site owner / operators that their plans have been accepted by the covered entity;
  - utilize available training from sources such as Soil and Water Conservation Districts, Planning Councils, The New York State Department of State, USEPA, and/or the *Department* to educate municipal boards and Planning and Zoning Boards on low impact development principles, better site design approach, and green infrastructure applications.
- vi. maintain an inventory of post-construction *stormwater* management practices within the covered entities jurisdiction. At a minimum, include practices discharging to the *small MSA* that have been installed since March 10, 2003, all practices owned by the *small MSA*, and those practices found to cause or contribute to water quality standard violations.
  - the inventory shall include at a minimum: location of practice (street address or coordinates); type of practice; maintenance needed per the NYS Stormwater Management Design Manual, *SWPPP*, or other provided documentation; and dates and type of maintenance performed; and

(Part VII.A.5.a.)

- vii. ensures adequate long-term operation and maintenance of management practices identified in Part VII.5.a.vi by trained staff, including inspection to ensure that practices are performing properly.
  - The inspection shall include inspection items identified in the maintenance requirements (NYS Stormwater Management Design Manual, SWPPP, or other maintenance information) for the practice. *Covered entities* are not required to collect *stormwater* samples and perform specific chemical analysis;
- viii. Covered entities may include in the SWMP Plan provisions for development of a banking and credit system. MS4s must have an existing watershed plan based on which offsite alternative stormwater management in lieu of or in addition to on-site stormwater management practices are evaluated. Redevelopment projects must be evaluated for pollutant reduction greater than required treatment by the state standards. The individual project must be reviewed and approved by the *Department*. Use of a banking and credit system for new development is only acceptable in the impaired watersheds to achieve the no net increase requirement and watershed improvement strategy areas to achieve pollutant reductions in accordance with watershed plan load reduction goals. A banking and credit system must at minimum include:
  - Ensure that offset exceeds a standard reduction by factor of at least 2
  - Offset is implemented within the same watershed
  - Proposed offset addresses the POC of the watershed
  - Tracking system is established for the watershed
  - Mitigation is applied for retrofit or redevelopment
  - Offset project is completed prior to beginning of the proposed construction
  - A legal mechanism is established to implement the banking and credit system
- b. *Develop (for newly authorized MS4s), implement, and provide adequate resources for a program to inspect development and re-development sites by trained staff and to enforce and penalize violators;*
- c. *Develop (for newly authorized MS4s), record, annually assess and modify as needed measurable goals; and*
- d. Select and implement appropriate post-construction *stormwater BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.

(Part VII.A.5.)

**Required SWMP Reporting**

- e. **Program implementation reporting for continuing covered entities (MS4s covered for 3 or more years on the reporting date).** At a minimum, the *covered entity* shall report on the items below:
    - i. number of *SWPPPs* reviewed;
    - ii. number and type of enforcement actions;
    - iii. number and type of post-construction stormwater management practices inventoried;
    - iv. number and type of post-construction stormwater management practices inspected;
    - v. number and type of post-construction stormwater management practices maintained;
    - vi. regulatory mechanism status - certification that regulatory mechanism is equivalent to one of the "NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control" (if not already done); and
    - vii. report on effectiveness of program, BMP and measurable goal assessment, and implementation of a banking and credit system, if applicable;
  - f. Reporting for **newly regulated covered entities (MS4s covered for less than 3 years on the reporting date).** At a minimum, the *covered entity* shall report on the items below:
    - i. **program development deadlines and reporting:**
      - Initiate by end of Year 1; complete by end of Year 3:
        - regulatory mechanism development and adoption status - by end of Year 3
      - certify that regulatory mechanism is equivalent to one of the NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control (if not already completed and submitted with an earlier report);
    - Initiate by end of Year 2; complete by end of Year 3:
      - procedures for SWPPP review to ensure that post-construction stormwater management practices meet the most current version of the state technical standards;
      - procedures for inspection and maintenance of post-construction management practices;
      - procedures for enforcement and penalization of violators; and
- Complete by the end of year 3:

(Part VII.A.5.f.i.)

- provide resources for the program to inspect new and re-development sites and for the enforcement and penalization of violators.
- ii. **program implementation reporting** as set forth in Part VII.A.5(e) above. Commence *implementation* reporting after three year *development* period. *Implementation* reporting may begin earlier if *implementation* begins during *development* period.

**6. Pollution Prevention/Good Housekeeping For Municipal Operations - SWMP Development / Implementation**

At a minimum, all covered entities must:

- a. *Develop (for newly authorized MS4s) and implement* a pollution prevention / good housekeeping program for *municipal* operations and facilities that:
  - i. addresses *municipal* operations and facilities that contribute or potentially contribute *POCs* to the *small MS4* system. The operations and facilities may include, but are not limited to: street and bridge maintenance; winter road maintenance; stormwater system maintenance; vehicle and fleet maintenance; park and open space maintenance; municipal building maintenance; solid waste management; new construction and land disturbances; right-of-way maintenance; marine operations; hydrologic habitat modification; or other;
  - ii. at a minimum frequency of once every three years, perform and document a self assessment of all municipal operations addressed by the SWMP to:
    - determine the sources of pollutants potentially generated by the covered entity's operations and facilities; and
    - identify the *municipal* operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it is not done already;
  - iii. determines *management practices*, policies, procedures, etc. that will be *developed and implemented* to reduce or prevent the discharge of (potential) pollutants. Refer to management practices identified in the "NYS Pollution Prevention and Good Housekeeping Assistance Document" and other guidance materials available from the EPA, *State*, or other organizations;
  - iv. prioritizes pollution prevention and good housekeeping efforts based on geographic area, potential to improve water quality, facilities or operations most in need of modification or improvement, and covered entity's capabilities;

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(Part VII.A.6.a.)

- v. addresses pollution prevention and good housekeeping priorities;
- vi. includes an employee pollution prevention and good housekeeping training program and ensures that staff receive and utilize training;
- vii. requires third party entities performing contracted services, including but not limited to street sweeping, snow removal, lawn / grounds care, etc, to meet permit requirements as the requirements apply to the activity performed ; and
- viii. requires *municipal* operations and facilities that would otherwise be subject to the NYS Multi-sector General Permit (MSGP, GP-0-12-001) for industrial stormwater discharges to prepare and *implement* provisions in the SWMP that comply with Parts III. A, C, D, J, K and L of the MSGP. The covered entity must also perform monitoring and record keeping in accordance with Part IV. of the MSGP. Discharge monitoring reports must be attached to the MS4 annual report. Those operations or facilities are not required to gain coverage under the MSGP. *Implementation* of the above noted provisions of the SWMP will ensure that MEP is met for discharges from those facilities;
- b. Consider and incorporate cost effective runoff reduction techniques and green infrastructure in the routine upgrade of the existing stormwater conveyance systems and municipal properties to the MEP. Some examples include replacement of closed drainage with grass swales, replacement of existing islands in parking lots with rain gardens, or curb cuts to route the flow through below grade infiltration areas or other low cost improvements that provide runoff treatment or reduction.
- c. *Develop (for newly authorized MS4s)*, record, periodically assess and modify as needed measurable goals; and
- d. Select and implement appropriate pollution prevention and good housekeeping *BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.
- e. Adopt techniques to reduce the use of fertilizers, pesticides, and herbicides, as well as potential impact to surface water.

**Required SWMP Reporting**

- f. **Program implementation reporting for continuing covered entities (MS4s covered for 3 or more years on the reporting date).** Covered entities are required to report on

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(Part VII.A.6.f.)

all *municipal* operations and facilities within their jurisdiction (*urbanized area* and *additionally designated area*) that their program is addressing. The *covered entity* shall report at a minimum on the items below:

- i. indicate the *municipal* operations and facilities that the pollution prevention and good housekeeping program assessed;
- ii. describe, if not done so already, the management practices, policies and procedures that have been developed, modified, and / or implemented and report, at a minimum, on the items below that the *covered entity's* pollution prevention and good housekeeping program addressed during the reporting year:
  - acres of parking lot swept;
  - miles of street swept;
  - number of catch basins inspected and, where necessary, cleaned;
  - post-construction control stormwater management practices inspected and, where necessary, cleaned;
  - pounds of phosphorus applied in chemical fertilizer
  - pounds of nitrogen applied in chemical fertilizer; and
  - acres of pesticides / herbicides applied.

iii. staff training events and number of staff trained; and

iv. report on effectiveness of program, *BMP* and *measurable goal* assessment. If the pollution prevention and good housekeeping program addresses other operations than what is listed above in Part VII.A.6.a(ii), the *covered entity* shall report on items that will demonstrate program effectiveness.

g. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). *Covered entities* are required to report on all *municipal* operations and facilities within their jurisdiction (*urbanized area* and *additionally designated area*) that their program is addressing. The *covered entity* shall report at a minimum on the items below:

- i. **program development deadlines and reporting** (first three years after authorization is granted):
  - Complete by end of Year 1:
    - identify the municipal operations and facilities that will be considered for inclusion in the pollution prevention and good housekeeping program;
    - describe the pollution prevention and good housekeeping program priorities (geographic area, potential to improve water quality; facilities or operations most in need of modification or improvement);

(Part VII.A.6.g.i.)

- describe management practices, policies, procedures, etc. that will be developed or modified;
- identify the staff and equipment available;

Initiate by end of Year 2; complete by end of Year 3:

- describe employee pollution prevention and good housekeeping program training program and begin training, report on number of staff trained; and
- Complete by end of Year 3:
- description of developed management practices.

ii. **program implementation reporting** as set forth in Part VII.A.6.(d) above.

Commence reporting after three year *development* permit. *Implementation* reporting may begin earlier if *implementation* begins during development period.



## PART VIII. MINIMUM CONTROL MEASURES - TRADITIONAL NON-LAND USE CONTROL AND NON-TRADITIONAL MS4s

### A. Traditional Non-Land Use Control and Non-traditional MS4 Minimum Control Measures (MCMs)

These MCMs apply to *traditional non-land use control MS4s* and *non-traditional MS4s*. The SWMP for these *small MS4s* must be comprised of the 6 MCMs below. It is recommended that covered entities refer to assistance and guidance documents available from the *State* and EPA.

Under this *SPDES general permit*, the continuing *covered entities* are required to implement their SWMP, including the MCM requirements below. Newly regulated covered entities are required to develop their SWMP, containing the MCM requirements below, within the first 3 years of coverage and then commence implementation.

The *covered entity* may *develop (for newly authorized MS4s)* and / or *implement their SWMP* within their jurisdiction on their own. The *covered entity* may also *develop (for newly authorized MS4s)* and / or *implement* part or all of their *SWMP* through an intermunicipal program with another *covered entity(s)* or through other cooperative or contractual agreements with third parties that provide services to the *covered entity(s)*.

For each of the elements of the SWMP plan, the *covered entity* must identify (i) the agencies and/or offices that would be responsible for implementing the SWMP plan element and (ii) any protocols for coordination among such agencies and/or offices necessary for the implementation of the plan element.

To comply with the requirements of this *SPDES general permit*, the *traditional non-land use control MS4s* and *non-traditional MS4s* should consider their public to be the employee / user population, visitors, or contractors / developers. Examples of the public include, but are not limited to:

- transportation *covered entities* - general public using or living along transportation systems, staff, contractors;
- educational *covered entities* - faculty, other staff, students, visitors;
- other government *covered entities* - staff, contractors, visitors.

#### 1. Public Education and Outreach on Stormwater Impacts SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. Identify *POCs*, waterbodies of concern, geographic areas of concern, target audiences;

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#### (Part VIII.A.1.)

- b. *Develop (for newly authorized MS4s)* and *implement* an ongoing public education and outreach program designed to describe:
  - i. the impacts of *stormwater discharges* on waterbodies;
  - ii. *POCs* and their sources;
  - iii. steps that contributors of these pollutants can take to reduce pollutants in *stormwater runoff*; and
  - iv. steps that contributors of *non-stormwater discharges* can take to reduce pollutants (non-stormwater discharges are listed in Part I.A.2);
- c. Educational materials may be made available at, locations including, but not limited to:
  - i. at service areas, lobbies, or other locations where information is made available;
  - ii. at staff training;
  - iii. on *covered entity's* website;
  - iv. with pay checks; and
  - v. in employee break rooms;
- d. *Develop (for newly authorized MS4s)*, record, periodically assess and modify as needed *measurable goals*; and
- e. Select and implement appropriate education and outreach *activities* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.

#### Required SWMP Reporting

- f. At a minimum, the *covered entity* shall report on the items below:
  - i. list education / outreach *activities* performed and provide any results (number of people attended, amount of materials distributed, etc.);
  - ii. education of the public about the hazards associated with illegal *discharges* and improper disposal of waste as required by Part VIII.A.3, may be reported in this section;
  - iii. *covered entity's* performing the education and outreach activities required by other MCMs (listed below), may report on those activities in MCM 1 and provide the following information applicable to their program:
    - IDDE education *activities* planned or completed for the public, as required by Part VIII.A.3;
    - construction site *stormwater* control training planned or completed, as required by Part VIII.A.4; and
    - employee pollution prevention / good housekeeping training planned or completed, as required by Part VIII.A.6;To facilitate shared annual reporting, if the education and outreach activities

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**(Part VIII.A.1.f.iii.)**

above are implemented by a third party, and the third party is completing the associated portions of the annual report, that third party may report on the education and outreach activities within MCM 1 of the annual report and not within the MCMs that the education and outreach activities are required by;

iv. report on effectiveness of program, *BMP* and *measurable goal* assessment; and

v. maintain records of all training activities

g. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:

i. **program development deadlines and reporting:**

- Complete in Year 1 (report changes in Year 2 and 3 as needed);
- list (and describe if necessary) POCs;
- *development* of education and outreach program and activities for the public that address *POCs*; geographic areas of concern, and / or *discharges to 303(d)* / *TMDL* waterbodies;
- *covered entities* developing education and outreach programs required by other MCMs (listed below), may report on development (and implementation of

those activities, if occurring during the three year development period) in MCM 1 and provide the following information applicable to their program:

- IDBE education activities planned or completed for the public, as required by Part VIII.A.3;
- construction site *stormwater* control training planned or completed, as required by Part VIII.A.4; and
- employee pollution prevention / good housekeeping training planned or completed, as required by Part VIII.A.6.

To facilitate shared annual reporting, if the education and outreach activities above are implemented by a third party, and the third party is completing the associated portions of the annual report, that third party may report on the education and outreach activities within MCM 1 of the annual report and not within the MCMs that the education and outreach activities are required by.

ii. **Program implementation reporting** as set forth in Part VIII.A.1(f) above. Commence *implementation* reporting after three year *development* period. *Implementation* reporting may begin earlier if *implementation* begins during *development* period.

**2. Public Involvement/Participation - SWMP Development / Implementation**

At a minimum, all *covered entities* must:

**(Part VIII.A.2.)**

a. Comply with *State* and local public notice requirements identified below when implementing a public involvement / participation program:

i. *traditional non-land use control MS4s* shall comply with the *State Open Meetings Law* and local public notice requirements, such as *Open Meetings Law*; and

ii. *traditional non-land use control MS4s* and *non-traditional MS4s* may comply with this requirement by determining who their public is (staff, visitors, contractors, etc.) and posting notifications (as needed) in areas viewable by the public. Such areas include common areas, bulletin boards, agency/office web pages, etc. For *small MS4s* whose public are in multiple locations, notifications shall be made available to the public in all locations within the urbanized or additionally designated areas;

b. Provide the opportunity for the public to participate in the *development, implementation, review, and revision* of the *SWMP*;

**c. Local stormwater public contact.**

Identify a local point of contact for public concerns regarding *stormwater* management and compliance with this *SPDES general permit*. The name or title of this contact and the telephone number must be published in public outreach and public participation materials and kept updated with the *Department* on the *MCC* form;

**d. Annual report presentation.**

Below are the requirements for the annual report presentation:

i. prior to submitting the final annual report to the *Department*, by June 1 of each reporting year (see Part V.C.), present the draft annual report in a format that is open to the public, where the public can ask questions and make comments on the report. This can be done:

- at a meeting that is open to the public, where the public attendees are able to ask questions about and make comments on the report. This may be a regular meeting of an existing board. It may also be a separate meeting, specifically for *stormwater*. If multiple *covered entities* are working together, they may have a group meeting (refer to Part V.C.2); or
- on the internet by:
  - making the annual report available to the public on a website;
  - providing the public the opportunity to provide comments on the internet or otherwise; and

**(Part VIII.A.2.d.i.)**

- making available the opportunity for the public to request an open public meeting to ask questions about and make comments on the report;
- ii. *traditional non-land use control MS4s* must comply with Part VIII.A.2.(d)(i) above. If they choose to present the draft annual report at a meeting, it may be presented at an existing meeting (e.g. a meeting of the Environmental Management Council, Water Quality Coordinating Committee, other agencies, or a meeting specifically for stormwater), or made available for review on the internet. The *covered entity* must make public the following information when noticing the presentation in accordance with *Open Meetings Law* or other local public notice requirements:
  - the placement of the annual report on the agenda of this meeting or location on the internet;
  - the opportunity for public comment. This *SPDES general permit* does not require a specified time frame for public comments, although it is recommended that *covered entities* provide the public an opportunity to comment for a period after the meeting. Comments received after the final annual report is submitted shall be reported with the following year's annual report. *Covered entities* must take into account those comments in the following year;
  - the date and time of the meeting or date annual report becomes available on the internet; and
  - the availability of the draft report for review prior to the public meeting or duration of availability of the annual report on the internet;
- iii. *non-traditional MS4s* typically do not have regular meetings during which a presentation on the annual report can be made. Those *covered entities* may comply with this requirement by either:
  - noticing the availability of the report for public comment by posting a sign, posting on web site, or other methods with information about the availability and location where the public can view it and contact information for those that read the report to submit comments; or
  - following the internet presentation as explained in Part VIII.A.2(d)(i) above;
- iv. the *Department* recommends that announcements be sent directly to individuals (public and private interested parties) known to have a specific interest in the covered entity's *SWMP*;

**(Part VIII.A.2.d.)**

- v. include a summary of comments and intended responses with the final annual report. Changes made to the *SWMP* in response to comments should be described in the annual report; and
- vi. ensure that a copy of the final report and, beginning in 2009, the *SWMP* plan are available for public inspection;
- e. *Develop (for newly authorized MS4s)*, record, periodically assess and modify as needed *measurable goals*; and
- f. Select and implement appropriate public involvement / participation activities and *measurable goals* to ensure the reduction of all of the *POCs* in *stormwater discharges* to the *MEP*.

**Required SWMP Reporting**

- g. **Program implementation reporting for continuing covered entities (MS4s covered for 3 or more years on the reporting date).** At a minimum, the *covered entity* shall report on the items below:
  - i. annual report presentation information (date, time, attendees) or information about how the annual report was made available for comment;
  - ii. comments received and intended responses (as an attachment); and
  - iii. report on effectiveness of program, *BMP* and *measurable goal* assessment;
- h. Reporting for **newly regulated covered entities (MS4s covered for less than 3 years on the reporting date).** At a minimum, the *covered entity* shall report on the items below:
  - i. **program development deadlines and reporting:**
    - Complete for Year 1, 2, and 3;
    - annual report presentation information (date, time, attendees) or information about how the annual report was made available for comment; and
    - comments received and intended responses (as an attachment).
  - ii. **program implementation reporting** as set forth in Part VIII.A.2.g above. Commence *implementation* reporting after three year *development* period. *Implementation* reporting may begin earlier if *implementation* begins during development period.

**3. Illicit Discharge Detection and Elimination (IDDE) - SWMP Development / Implementation**

At a minimum, all *covered entities* must:

**(Part VIII.A.3.)**

- a. *Develop (for newly authorized MS4s), implement and enforce a program to detect and eliminate illicit discharges (as defined at 40CFR 122.26(b)(2)) into the small MS4;*
- b. *Develop (for newly authorized MS4s) and maintain a map, at a minimum within the covered entity's jurisdiction in the urbanized area and additionally designated area, showing:*
  - i. the location of all *outfalls* and the names and location of all *surface waters of the State* that receive *discharges* from those *outfalls*;
  - ii. by March 9, 2010, the preliminary boundaries of the *covered entity's storm sewersheds* determined using GIS or other tools, even if they extend outside of the *urbanized area* (to facilitate trackdown), and *additionally designated area* within the *covered entity's* jurisdiction; and
  - iii. when grant funds are made available or for sewer lines surveyed during an illicit discharge trackdown, the *covered entity's* storm sewer system in accordance with available *State* and EPA guidance;
- c. Field verify *outfall* locations;
- d. Conduct an outfall reconnaissance inventory, as described in the EPA publication entitled *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment*, addressing every *outfall* within the *urbanized area* and *additionally designated area* within the *covered entity's* jurisdiction at least once every five years, with reasonable progress each year;
- e. Map new *outfalls* as they are constructed or discovered within the *urbanized area* or *additionally designated area*;
- f. Prohibit *illicit discharges* into the *small MS4* and *implement* appropriate enforcement procedures and actions below, as applicable:
  - i. for *traditional non-land use control MS4s*:
    - effectively prohibit, through a law, ordinance, or other regulatory mechanism, *illicit discharges* into the *small MS4* and *implement* appropriate enforcement procedures and actions; and
    - *State's* model IDDE local law "NYSDEC Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems" developed by the *State*, as determined and certified to be equivalent by the attorney representing the *small MS4* ; and

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**(Part VIII.A.3.f.)**

- ii. for *non-traditional MS4s*:
  - prohibit and enforce against *illicit discharges* through available mechanisms (i.e. tenant lease agreements, bid specifications, requests for proposals, standard contract provisions, connection permits, maintenance directives / BMPs, access permits, consultant agreements, internal policies);
  - procedures or policies must be developed for implementation and enforcement of the mechanisms;
  - a written directive from the person authorized to sign the NOI stating that updated mechanisms must be used and who (position(s)) is responsible for ensuring compliance with and enforcing the mechanisms for the *covered entity's IDDE* program; and
  - the mechanisms and directive must be equivalent to the *State's* model illicit discharge local law;
- g. *Develop (for newly authorized MS4s) and implement a program to detect and address non-stormwater discharges, including illegal dumping, to the small MS4. The program must include: procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for IDDE program; description of priority areas of concern, available equipment, staff, funding, etc.; procedures for identifying and locating illicit discharges (trackdown); procedures for eliminating illicit discharges; and procedures for documenting actions;*
- h. Inform the public of the hazards associated with illegal *discharges* and the improper disposal of waste;
- i. Address the categories of non-stormwater *discharges* or flows listed in Part I.A.2 as necessary and maintain records of notification;
- j. *Develop (for newly authorized MS4s), record, periodically assess, and modify as needed, measurable goals; and*
- k. Select and implement appropriate IDDE *BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*

**Required SWMP Reporting**

- i. **Program implementation reporting for continuing covered entities (MS4s covered for 3 or more years on the reporting date).** At a minimum, the *covered entity* shall report on the items below:
  - i. number and percent of *outfalls* mapped;

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- ii. number of *illicit discharges* detected and eliminated;
  - iii. percent of outfalls for which an outfall reconnaissance inventory has been performed. ;
  - iv. status of system mapping;
  - v. activities to and results from informing the public of hazards associated with illegal *discharges* and improper disposal of waste;
  - vi. for traditional non-land use control MS4s, regulatory mechanism status - certification that law is equivalent to the State's model *IDDE* local law (if not already completed and submitted with a prior annual report); and
  - vii. report on effectiveness of program, *BMP* and *measurable goal* assessment.
- m. Required reporting for **newly authorized covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
- i. **program development deadlines and reporting:**
    - Initiate by end of Year 1; complete by end of Year 3:
    - regulatory mechanism development and adoption - by end of Year 3 certify that regulatory mechanism is equivalent to the State's model *IDDE* local law (traditional non-land use control MS4s) or certification of equivalence may be accomplished as set forth in Part VIII.A.3(f)(ii).
  - Complete in Year 1 (revise in Year 2 and 3 if changes are made):
    - describe procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for *IDDE* program;
    - describe priority areas of concern, available equipment, staff, funding, etc.;
  - Initiate by end of Year 1; complete by end of Year 2 (revise in Year 3 if changes are made):
    - describe procedures for identifying and locating *illicit discharges* (trackdown);
    - describe procedures for eliminating *illicit discharges*;
    - describe procedures for enforcing against *illicit dischargers*;
    - describe procedures for documenting actions;
    - describe the program being developed for informing the public of hazards associated with *illegal discharges* and improper disposal of waste;
  - Initiate by end of Year 2; complete by end of Year 3:
    - number and percent of *outfalls* mapped;

(Part VIII.A.3.m.i.)

- Complete by Year 3:
- *outfall* map; and
- ii. **program implementation reporting** as set forth in Part VIII.A.3(i) above.
    - Commence *implementation* reporting after three year *development* period.
    - Implementation* reporting may begin earlier if *implementation* begins during development period.
4. **Construction Site Stormwater Runoff Control - SWMP Development / Implementation**  
At a minimum, all *covered entities* must:
- a. *Develop* (for newly authorized *MS4s*), *implement*, and enforce a program that:
    - i. provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities, unless more stringent requirements are contained within this *SPDES general permit*;
    - ii. addresses *stormwater* runoff to the *small MS4* from *construction activities* that result in a land disturbance of greater than or equal to one acre. Control of *stormwater discharges* from *construction activity* disturbing less than one acre must be included in the program if:
      - that *construction activity* is part of a *larger common plan of development or sale* that would disturb one acre or more; or
      - if controlling such activities in a particular watershed is required by the *Department*;
    - iii. incorporates mechanisms for construction runoff requirements from new development and redevelopment projects to the extent allowable under *State* and local law that meet the *State's* most current technical standards:
      - through available mechanisms (i.e. tenant lease agreements; bid specifications, requests for proposals, standard contract provisions, connection permits, maintenance directives / *BMPs*, access permits, consultant agreements, internal policies);
      - procedures or policies must be developed for implementation and enforcement of the mechanisms;
      - a written directive from the person authorized to sign the NOI stating that updated mechanisms must be used and who (position(s)) is responsible for ensuring compliance with and enforcing the mechanisms for construction projects that occur on property owned, under easement to, within the

(Part VIII.A.4.a.iii.)

- right-of-way of, or under the maintenance jurisdiction by the *covered entity* or within the maintenance jurisdiction of the MS4; and
- the mechanisms and directive must be equivalent to the requirements of the NYS SPDES General Permit for Stormwater Discharges from Construction Activities.
- iv. allows for sanctions to ensure compliance to the extent allowable by State law;
- v. describes procedures for receipt and follow up on complaints or other information submitted by the public regarding construction site stormwater runoff;
- vi. educates construction site operators, design engineers, *municipal* staff and other individuals to whom these regulations apply about the construction requirements in the *covered entity's* jurisdiction, including the procedures for submission of SWPPPs, construction site inspections, and other procedures associated with control of construction stormwater;
- vii. Ensures that construction site contractors have received erosion and sediment control training, including the *trained contractors* as defined in the SPDES general permit for construction, before they do work within the *covered entity's* jurisdiction:
  - training may be provided by the *Department* or other qualified entities (such as Soil and Water Conservation Districts);
  - the *covered entity* is not expected to perform such training, but they may co-sponsor training for construction site operators in their area;
  - the *covered entity* may ask for a certificate of completion or other such proof of training; and
  - the *covered entity* may provide notice of upcoming sediment and erosion control training by posting in the building department or distribute with building permit application.
- viii. establishes and maintains an inventory of active construction sites, including the location of the site, owner / operator contact information;
- ix. develop (for newly authorized MS4s), record, periodically assess and modify as needed *measurable goals*; and

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- x. select and implement appropriate construction stormwater BMPs and *measurable goals* to ensure the reduction of all POCs in stormwater discharges to the MEP.

**Required SWMP Reporting**

- b. **Program implementation reporting for continuing covered entities (MS4s covered for 3 or more years on the reporting date).** At a minimum, the *covered entity* shall report on the items below:
  - i. number and type of sanctions employed;
  - ii. status of regulatory mechanism - certify that mechanisms will assure compliance with the NYS SPDES General Permit for Stormwater Discharges from Construction Activities;
  - iii. number of construction sites authorized for disturbances of one acre or more; and
  - iv. report on effectiveness of program, BMP and *measurable goal* assessment.
- c. Reporting for newly regulated covered entities (MS4s covered for less than 3 years on the reporting date). At a minimum, the *covered entity* shall report on the items below:
  - i. **Program development deadlines and reporting:**
    - Initiate by end of Year 1:
      - procedures, activities and identify personnel to educate and train construction site operators about requirements to develop and implement a SWPPP and any other requirements that must be met within the MS4's jurisdiction;
    - Initiate by the end of Year 1; complete by the end of Year 3:
      - status of mechanism for construction runoff requirements - by end of Year 3
      - certify that mechanisms will assure compliance with the NYS SPDES General Permit for Stormwater Discharges from Construction Activities; and
  - Complete in Year 1 (revise in Year 2 and 3 if changes are made):
    - describe procedures for the receipt and consideration of information submitted by the public. Identify the responsible personnel.
- ii. Program implementation reporting as set forth in Part VIII.A.4(b) above. Commence *implementation* reporting after three year development period. *Implementation* reporting may begin earlier if *implementation* begins during development period.

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5. Post-Construction Stormwater Management SWMP Development / Implementation

At a minimum, all covered entities must:

- a. *Develop (for newly authorized MS4s), implement, and enforce a program that:*
  - i. provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities, unless more stringent requirements are contained within this SPDES general permit;
  - ii. addresses stormwater runoff from new development and redevelopment projects to the *small MS4* from projects that result in a land disturbance of greater than or equal to one acre. Control of stormwater discharges from projects of less than one acre must be included in the program if:
    - that project is part of a *larger common plan of development or sale*;
    - if controlling such activities in a particular watershed is required by the *Department*;
  - iii. incorporates enforceable mechanisms for post-construction runoff control from new development and re-development projects to the extent allowable under *State* or local law that meet the *State's* most current technical standards:
    - through available mechanisms (i.e. tenant lease agreements, bid specifications, requests for proposals, standard contract provisions, connection permits, maintenance directives / BMPs, access permits, consultant agreements, internal policies);
    - procedures or policies must be developed for implementation and enforcement of the mechanisms;
    - a written directive from the person authorized to sign the NOI stating that updated mechanisms must be used and who (position(s)) is responsible for ensuring compliance with and enforcing the mechanisms for construction projects that occur on property owned by the covered entity or within the maintenance jurisdiction of the MS4; and
    - the mechanisms and directive must assure compliance with the requirements of the NYS SPDES General Permit for Stormwater Discharges from Construction Activities;
  - iv. includes a combination of structural or non-structural management practices (according to standards defined in the most current version of the NYS Stormwater management Design Manual) that will reduce the discharge of pollutants to the MEP. In the development of environmental plans such as watershed plans, open space preservation programs, local laws, and ordinances covered entities must incorporate principles of *Low Impact Development (LID)*, *Better Site Design (BSD)* and other *Green Infrastructure* practices to the MEP.

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(Part VIII.A.5.a.iv.)

Covered entities must consider natural resource protection, impervious area reduction, maintaining natural hydrologic condition in developments, buffers or set back distances for protection of environmentally sensitive areas such as streams, wetlands, and erodible soils in the development of environmental plans.

- if a stormwater management practice is designed and installed in accordance with the New York State Stormwater Management Design Manual or has been demonstrated to be equivalent and is properly operated and maintained, then MEP will be assumed to be met for the post construction stormwater discharged by the practice;
- v. establish and maintain an inventory of post-construction stormwater management practices to include at a minimum practices discharging to the *small MS4* that have been installed since March 10, 2003, those owned by the *small MS4*, and those found to cause water quality standard violations.
  - the inventory shall include, at a minimum: location of practice (street address or coordinates); type of practice; maintenance needed per the NYS Stormwater Management Design Manual, SWPPP, or other provided documentation; and dates and type of maintenance performed; and
- vi. ensures adequate long-term operation and maintenance of management practices by trained staff, including assessment to ensure that the practices are performing properly.
  - The assessment shall include the inspection items identified in the maintenance requirements (NYS Stormwater Management Design Manual, SWPPP, or other maintenance information) for the practice. Covered entities are not required to collect stormwater samples and perform specific chemical analysis;
- vii. Covered entities may include in the SWMP Plan provisions for development of a banking and credit system. MS4s must have an existing watershed plan based on which offsite alternative stormwater management in lieu of or in addition to on-site stormwater management practices are evaluated. Redevelopment projects must be evaluated for pollutant reduction greater than required treatment by the state standards. The individual project must be reviewed and approved by the *Department*. Use of a banking and credit system for new development is only acceptable in the impaired watersheds to achieve the no net increase requirements and watershed improvement strategy areas to achieve pollutant reductions in accordance with watershed plan load reduction goals. A banking and credit system must at minimum include:

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- Ensures offset exceeds standard reduction by factor of at least 2
  - Offset is implemented within the same watershed
  - Proposed offset addresses the POC of the watershed
  - Tracking system is established for the watershed
  - Mitigation is applied for retrofit or redevelopment
  - Offset project is completed prior to beginning the proposed construction
  - A legal mechanism is established to implement the banking and credit system
- b. *Develop (for newly authorized MS4s), implement, and provide adequate resources for a program to inspect development and re-development sites by trained staff and to enforce and employ sanctions;*
- c. *Develop (for newly authorized MS4s), record, annually assess and modify as needed measurable goals; and*
- d. *Select and implement appropriate post-construction stormwater BMPs and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP.*

**Required SWMP Reporting**

- e. *Program implementation reporting for continuing covered entities (MS4s covered for 3 or more years on the reporting date). At a minimum, the covered entity shall report on the items below:*
- i. number and type of sanctions;
  - ii. number and type of post-construction stormwater management practices;
  - iii. number and type of post-construction stormwater management practices inspected;
  - iv. number and type of post-construction stormwater management practices maintained;
  - v. status of regulatory mechanism, equivalent mechanism, that regulatory mechanism is equivalent; and
  - vi. report on effectiveness of program, BMP and measurable goal assessment, and implementation of a banking and credit system, if applicable.
- f. *Program reporting for newly regulated covered entities (MS4s covered for less than 3 years on the reporting date). At a minimum, the covered entity shall report on the items below:*

(Part VIII.A.5.f.)

- i. **program development deadlines and reporting:**
- Initiate by end of Year 1; complete by end of Year 3:
  - mechanism of post-construction stormwater management - by end of Year 3
  - certify that mechanisms will assure compliance with the NYS Construction General Permit (GP-0-15-002);
- Initiate by end of Year 2; complete by end of Year 3:
- procedures for inspection and maintenance of post-construction management practices; and
  - procedures for enforcement and penalization of violators;
- ii. **program implementation reporting** as set forth in Part VIII.A.5(e). Commence *implementation* reporting after three year development period. *Implementation* reporting may begin earlier if *implementation* begins during *development* period.

**6. Pollution Prevention/Good Housekeeping For Municipal Operations SWMP Development / Implementation**

At a minimum, all covered entities must:

- a. *Develop (for newly authorized MS4s) and implement a pollution prevention / good housekeeping program for municipal operations and facilities that:*
  - i. addresses *municipal* operations and facilities that contribute or potentially contribute *POCs* to the *small MS4* system. The operations and facilities may include, but are not limited to: street and bridge maintenance; winter road maintenance; stormwater system maintenance; vehicle and fleet maintenance; park and open space maintenance; municipal building maintenance; solid waste management; new construction and land disturbances; right-of-way maintenance; marine operations; hydrologic habitat modification, or other;
  - ii. includes the performance and documentation of a self assessment of all municipal operations to:
    - determine the sources of pollutants potentially generated by the covered entity's operations and facilities; and
    - identify the *municipal* operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it is not done already;
- iii. determines *management practices*, policies, procedures, etc. that will be developed and implemented to reduce or prevent the discharge of (potential)



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- pollutants. Refer to *management practices* identified in the "NYS Pollution Prevention and Good Housekeeping Assistance Document" or other guidance materials available from the EPA, the State, or other organizations;
- iv. prioritizes pollution prevention and good housekeeping efforts based on geographic area, potential to improve water quality, facilities or operations most in need of modification or improvement, and *covered entity's* capabilities;
- v. addresses pollution prevention and good housekeeping priorities;
- vi. includes an employee pollution prevention and good housekeeping training program and ensure that staff receive and utilize training;
- vii. requires third party entities performing contracted services, including but not limited to, street sweeping, snow removal, lawn / grounds care, etc., to make the necessary certification in Part IV.G; and
- viii. requires *municipal* operations and facilities that would otherwise be subject to the NYS Multisector General Permit (MSGP, GP-0-12-001) for industrial stormwater discharges to prepare and *implement* provisions in the SWMP that comply with Parts III. A, C, D, J, K and L of the MSGP. The covered entity must also perform monitoring and record keeping in accordance with Part IV. of the MSGP. Discharge monitoring reports must be attached to MS4 annual report. Those operations or facilities are not required to gain coverage under the MSGP. *Implementation* the above noted provisions of the SWMP will ensure that MEP is met for discharges from those facilities;
- b. Consider and incorporate cost effective runoff reduction techniques and green infrastructure in the routine upgrade of the existing stormwater conveyance systems and municipal properties to the MEP. Some examples include replacement of closed drainage with grass swales, replacement of the existing islands in parking lots with rain garden, or curb cuts to route the flow through below grade infiltration areas or other low cost improvements that provide runoff treatment or reduction.
- c. *Develop (for newly authorized MS4s)*, record, periodically assess and modify as needed *measurable goals*; and

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- d. Select and implement appropriate pollution prevention and good housekeeping *BMPs* and *measurable goals* to ensure the reduction of all POCs in *stormwater discharges* to the *MEP*.
- e. Adopt techniques to reduce the use of fertilizers, pesticides, and herbicides, as well as potential impact to surface water.

**Required SWMP Reporting**

- f. **Program *implementation* reporting for continuing covered entities (MS4s covered for 3 or more years on the reporting date).** Covered entities are required to report on all *municipal* operations and facilities within their jurisdiction (*urbanized area* and *additionally designated area*) that their program is addressing. The *covered entity* shall report at a minimum on the items below:
  - i. indicate the *municipal* operations and facilities that the pollution prevention and good housekeeping program assessed;
  - ii. describe, if not done so already, the management practices, policies and procedures that have been developed, modified, and / or implemented and report, at a minimum, on the items below that the *covered entity's* pollution prevention and good housekeeping program addresses during the reporting year:
    - acres of parking lot swept;
    - miles of street swept;
    - number of catch basins inspected and, where necessary, cleaned;
    - post-construction control stormwater management practices inspected and, where necessary, cleaned;
    - pounds of phosphorus applied in chemical fertilizer
    - pounds of nitrogen applied in chemical fertilizer; and
    - acres of pesticides / herbicides applied.
  - iii. staff training events and number of staff trained; and
  - iv. report on effectiveness of program, *BMP* and *measurable goal* assessment. If the pollution prevention and good housekeeping program addresses other operations than what is listed above in Part VIII.A.6.a(ii), the *covered entity* shall report on items that will demonstrate program effectiveness.
- g. Reporting for **newly regulated covered entities (MS4s covered for less than 3 years on the reporting date).** Covered entities are required to report on all *municipal* operations and facilities within their jurisdiction (*urbanized area* and *additionally*

(Part VIII.A.6.g.)

*designated area*) that their program is addressing. The *covered entity* shall report at a minimum on the items below:

i. **program development deadlines and reporting:**

- Complete by end of Year 1:
  - identify the municipal operations and facilities that will be considered for inclusion in the pollution prevention and good housekeeping program;
  - describe the pollution prevention and good housekeeping program priorities (geographic area, potential to improve water quality, facilities or operations most in need of modification or improvement);
  - describe management practices, policies, procedures, etc. that will be developed or modified;
  - identify the staff and equipment available;

Initiate by Year 2; complete Year 3:

- describe employee pollution prevention and good housekeeping program training program and begin training, report on number of staff trained;

Complete by end of Year 3:

- description of developed management practices.

ii. **program implementation reporting** as set forth in Part VIII.A.6(d) above.

Commence *implementation* reporting after three year *development* permit. *Implementation* reporting may begin earlier if *implementation* begins during *development* period.

**Part IX. WATERSHED IMPROVEMENT STRATEGY REQUIREMENTS**

The covered entities in the watershed improvement strategy areas must develop or modify their SWMP to address the additional watershed specific requirements to achieve the pollutant load reduction by the deadlines specified in Tables IX.A through D. The requirements contained in this Part are in addition to the applicable requirements in Part VII or VIII, depending on the type of MSA. The Pollutant Load Reductions are the reductions necessary from the discharge loads associated with MSAs that, when combined with reductions in the discharge loads from non-MSAs to the waterbody, will meet water quality standards. The calculated reductions are based on TMDL models and may be recalculated according to 40CFR Part 130.

The MS4 portion of the pollutant load reduction shall be achieved by implementation of BMPs required of all MSAs, reductions from implementation of additional BMPs for watershed improvement strategy areas including any retrofits required by this permit. These reductions are intended to be targeted and credited using models, loading factors and load reductions predicted based on the best scientific information available. In accordance with NYCRR Part 750-1.14, all covered entities that own or operate MSAs in the watershed improvement strategy areas shall submit to the Department progress reports, described in Part V.D, identifying the activities that have been performed during the period of March 10 through September 9 of each year, and demonstrating that progress is being made towards completion of the reduction requirements, as required by this Part.

The Pollutant Load Reduction Deadlines are deadlines by which the MS4 portion of the pollutant load reduction must be met. Watershed Improvement Strategy Deadlines are the deadlines by which the watershed improvement strategy requirements for addressing the POC are to be completed and implemented. Retrofit Plan Submission Deadlines are the deadlines by which the retrofit plan component of the watershed improvement strategies are submitted to the *Department* for review and approval.

Ultimately, the effectiveness of the load reductions in meeting water quality standards will be verified by ambient monitoring of the affected waterbody. Where ambient monitoring demonstrates consistent compliance with water quality standards, the covered entity may request that the *Department* suspend the additional BMP requirements to install stormwater retrofits.

(Part IX.)

A. New York City East of Hudson Watershed MS4s - (Mapped in Appendix 3)

Table IX.A - Pollutant Load Reduction and Timetable for New York City East of Hudson Phosphorus Watershed Improvement Strategy Area

Watershed	Watershed Improvement Strategy Deadline	Retrofit Plan Submission Deadline	Pollutant Load Reduction (Load Allocation)	Pollutant Load Reduction Deadline
New York City East of Hudson Watershed	05/01/2011	03/09/ 2009 (single) and 12/ 31/2009 (RSE)	In accordance with the TMDL Implementation Plan	03/09/2019 (single) 12/31/2019 (RSE)

By the deadlines specified in Table IX.A, covered entities that own or operate MS4s within the listed watershed shall develop and implement the following pollutant specific BMPs. Covered entities that own or operate MS4s in these watersheds shall also submit to the Department, progress reports as specified in Part V.D.

**1. Public Education and Outreach on Stormwater Impacts**- applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s*.

- a. Plan and conduct an ongoing public education and outreach program designed to describe the impacts of phosphorus (the POC) on waterbodies. The program must identify potential sources of phosphorus in *stormwater runoff* and describe steps that contributors can take to reduce the concentration of this POC in *stormwater runoff*. The program must also describe steps that contributors of non-*stormwater* discharges (Part I.A.2) can take to reduce phosphorus.
- b. Develop, or acquire if currently available, specific educational material dealing with sources of phosphorus in *stormwater* and pollutant reduction practices. At a minimum, the educational material should address the following topics:
  - i. understanding the phosphorus issue;
  - ii. septic systems as a source of phosphorus;
  - iii. phosphorus concerns with fertilizer use;
  - iv. phosphorus concerns with grass clippings and leaves entering streets and storm sewers;
  - v. construction sites as a source of phosphorus; and

- vi. phosphorus concerns with detergent use.

**2. Public Involvement/ Participation**

No additional requirements proposed for this permit term.

**3. Illicit Discharge Detection and Elimination**

- a. Mapping - applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s*. Develop and maintain a map showing the entire *small MS4* conveyance system. The covered entity shall complete the mapping of approximately 20% of the system every year, with the entire system being mapped by January 8, 2013.

At a minimum, the map and/or supportive documentation for the conveyance system should include the following information:

- i. type of conveyance system - closed pipe or open drainage;
  - ii. for closed pipe systems - pipe material, shape, and size;
  - iii. for open drainage systems - channel/ditch lining material, shape, and dimensions; location and dimensions of any culvert crossings;
  - iv. drop inlet, catch basin, and manhole locations; and
  - v. number and size of connections (inlets/outlets) to catch basins and manholes, direction of flow.
- All information shall be prepared in digital format suitable for use in GIS software and in accordance with the Department's guidance on Illicit Discharge Detection and Elimination. The scale shall be 1:24,000 or better.
- b. On-site wastewater systems - applicable to *traditional land use control and traditional non-land use control MS4s*.
    - Develop, implement and enforce a program that ensures that on-site sanitary systems designed for less than 1000 gallons per day (septic systems, cesspools, including any installed absorption fields) are inspected at a minimum frequency of once every five years and, where necessary, maintained or rehabilitated. Regular field investigations/inspections should be done in accordance with the most current

version of the EPA publication entitled Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment, to detect the presence of ongoing and/or intermittent on-site sanitary discharges to the storm sewer system. An advanced system inspection requiring completion by a certified professional is not required by this permit, but may be used where site specific conditions warrant. Program development shall include the establishment of the necessary legal authority to implement the program.

**4. Construction Site Stormwater Runoff Control**- applicable to *traditional land use control* MS4s.

- a. *Develop, implement and enforce a program to reduce pollutants in stormwater runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to five thousand (5000) square feet. At a minimum, the program must provide equivalent protection to the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activity and must include the development and implementation of:*

- i. *by December 31, 2009, an ordinance or other regulatory mechanism that requires erosion and sediment controls designed in accordance with the most current version of the technical standard New York State Standards and Specifications for Erosion and Sediment Control for all construction activities that disturb between five thousand (5000) square feet and one acre of land. For construction activities that disturb between five thousand (5000) square feet and one (1) acre of land, one of the standard erosion and sediment control plans included in Appendix E (Erosion & Sediment Control Plan For Small Homesite Construction) of the New York Standards and Specifications for Erosion and Sediment Control may be used as the Stormwater Pollution Prevention Plan (SWPPP);*

- ii. *policy and procedures for the covered entity to perform, or cause to be performed, compliance inspections at all sites with a disturbance of one (1) or more acres. By December 31, 2009, the covered entity shall have started performing, or cause to be performed, compliance inspections at all sites with a disturbance between five thousand (5000) square feet and one (1) acre of land;*

**5. Post-Construction Stormwater Management**

- a. *Construction stormwater program - applicable to traditional land use control, traditional non-land use control and non-traditional MS4s.*

**(Part IX.A.5.a.)**

*Develop, implement and enforce a program to address post-construction stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one (1) acre. This includes projects of less than one acre that are part of a larger common plan of development or sale. At a minimum, the program must provide equivalent protection to the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activity and must include the development and implementation of:*

- i. *a law or other mechanism that requires post-construction stormwater management controls designed in accordance with the most current version of the technical standards the New York State Stormwater Management Design Manual including the Enhanced Phosphorus Removal Design Standards. An MS4 must ensure that their ordinance or other mechanism requires post-construction stormwater management controls to be designed in accordance with the final version of the Enhanced Phosphorus Removal Design Standards by September 30, 2008.*

- b. *Retrofit program - applicable to traditional land use control, traditional non-land use control and non-traditional MS4s.*

*Develop and commence implementation of a Retrofit Program that addresses runoff from sites to correct or reduce existing erosion and/or pollutant loading problems, with a particular emphasis placed on the pollutant phosphorus. At a minimum, the MS4 shall:*

- i. *establish procedures to identify sites with erosion and/or pollutant loading problems;*
- ii. *establish policy and procedures for project selection. Project selection should be based on the phosphorus reduction potential of the specific retrofit being constructed/installed; the ability to use standard, proven technologies; and the economic feasibility of constructing/installing the retrofit. As part of the project selection process, the covered entity should participate in locally based watershed planning efforts which involve the Department, other covered entities, stakeholders and other interested parties;*
- iii. *establish policy and procedures for project permitting, design, funding, construction and maintenance.*

**(Part IX.A.5.b.)**

- iv. for covered entities that develop their own retrofit program, by March 9, 2009 develop and submit approvable plans with schedules for completing retrofit projects, including identification of funding sources. Upon DEC approval of those schedules, the plans and schedules shall become enforceable requirements of this permit.
- v. pursuant to Part IV. B (Cooperation Between Covered Entities Encouraged), retrofit projects can be completed in cooperation with other covered entities in the East of Hudson Watershed through the formation of a cooperative entity with other MS4s. Participating MS4s shall work with the Department and other members of the cooperative entity in implementing the requirements of i, ii and iii above. In addition, each covered entity that becomes a member of the cooperative entity shall work closely with the Department and other members of the cooperative entity to, by December 31, 2009, develop and submit approvable plans and schedules for completing retrofit projects, including identification of funding sources. Upon DEC approval of those plans and schedules, the plans and schedules shall become enforceable requirements of this permit.

**6. Pollution Prevention/Good Housekeeping For Municipal Operations-** applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s.*

- a. By December 31, 2009, develop and implement a Stormwater Conveyance System inspection and maintenance program. At a minimum, the program shall include the following:
  - i. policy and procedures for the inspection and maintenance of catch basin and manhole sumps. Catch basin and manhole sumps should be inspected in the early spring and late fall for sediment and debris build-up. If sediment and debris fills greater than 50% of the sump volume, the sump should be cleaned. All sediment and debris removed from the catch basins and manholes shall be properly disposed of;
  - ii. policy and procedures for the inspection, maintenance and repair of conveyance system *outfalls*. Beginning June 30, 2008, the MS4 must inspect 20% of their *outfalls* each year and make repairs as necessary. All outfall protection and/or bank stability problems identified during the inspection shall be corrected in accordance with the New York Standards and Specifications for Erosion and Sediment Control;

**(Part IX.A.6.a.)**

- iii. policy and procedures for the inspection, maintenance and repair of a *covered entity's* stormwater management practices. The inspection and maintenance schedule for all stormwater management practices shall assure continued operation of stormwater management practices; and
- iv. develop a Corrective Action Plan for each Stormwater Conveyance System component that has been identified as needing repair. A file of all corrective actions implemented and *illicit discharges* detected and repaired should be maintained for a period of not less than five years.
- b. By December 31, 2010, develop and implement a turf management practices and procedures policy. The policy shall address the following:
  - i. procedures for proper fertilizer application on municipally-owned lands. The application of any phosphorus-containing fertilizer (as labeled) shall only be allowed following a proper soil test and analysis documenting that soil phosphorus concentrations are inadequate;
  - ii. procedures for the proper disposal of grass clippings from municipally-owned lawns where grass clipping collection equipment is used. Grass clippings shall be disposed of in a compost pile or a proper containment device so that they cannot enter the *small MS4* or surface waters;
  - iii. procedures for the proper disposal of leaves from municipally-owned lands where leaves are collected. Leaves shall be disposed of in a compost pile or a proper containment device so that they cannot enter *small MS4s* or surface waters;
  - iv. for municipalities with lawn waste collection programs, the development of a curbside lawn waste management policy which ensures that lawn waste does not decay and release phosphorus to the storm sewer system; and
  - v. the planting of wildflowers and other native plant material to lessen the frequency of mowing and the use of chemicals to control vegetation.

**(Part IX.)**

**B. Other Phosphorus Watershed MS4s (Mapped in Appendices 4, 5, and 10)**

Table IX.B - Pollutant Load Reduction and Timetable for Other Phosphorus Watershed Improvement Strategy Areas

Watershed	Watershed Improvement Strategy Deadline	Retrofit Plan Submission Deadline	Pollutant Load Reduction (Waste Load Allocation %*)	Pollutant Load Reduction Deadline
Greenwood Lake	05/01/2011	03/09/2011	43* (load allocation)	03/09/2011
Onondaga Lake	TMDL approval + 3 years	TMDL approval + 3 years	TBD	TMDL approval + 13 years
Oscawana Lake	05/01/2013	Not Applicable	18	2020

By the deadlines specified in Table IX.B, covered entities that own or operate MS4s within the listed watersheds shall develop and implement the following pollutant specific BMPs for MS4 watersheds discharging to the listed waterbody. Covered entities that own or operate MS4s in these watersheds shall also submit to the Department, progress reports as specified in Part V.D.

**1. Public Education and Outreach on Stormwater Impacts-** applicable to *traditional land use control*, *traditional non-land use control* and *non-traditional MS4s*.

- a. Plan and conduct an ongoing public education and outreach program designed to describe the impacts of phosphorus (the POC) on waterbodies. The program must identify potential sources of Phosphorus in stormwater runoff and describe steps that contributors can take to reduce Phosphorus in stormwater runoff.
  - b. develop, or acquire if currently available, specific educational material dealing with sources of Phosphorus in stormwater and pollutant reduction practices. At a minimum, the educational material should address the following topics:
    - i. understanding the phosphorus issue;
    - ii. septic systems as a source of phosphorus; and
    - iii. phosphorus concerns with fertilizer use.

**2. Public Involvement/ Participation**

No additional requirements proposed for at this time.

**3. Illicit Discharge Detection and Elimination** applicable to *traditional land use control* and *traditional non-land use control/MS4s*, except within the Onondaga Lake Watershed.

- a. *Develop, implement and enforce* a program that ensures that on-site sanitary systems designed for less than 1000 gallons per day (septic systems, cesspools, including any installed absorption fields) are inspected at a minimum frequency of once every five

years and, where necessary, maintained or rehabilitated. Conduct of regular field investigations/inspections should be done in accordance with the most current version of the EPA publication entitled Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment. To detect the presence of ongoing and/or intermittent on-site sanitary discharges to the storm sewer system. An advanced system inspection requiring completion by a certified professional is not required by this permit, but may be used where site specific conditions warrant. Program development shall include the establishment of the necessary legal authority to implement the program.

**4. Construction Site Stormwater Runoff Control**

No additional requirements at this time.

**5. Post-Construction Stormwater Management**, - applicable to *traditional land use, traditional non-land use control* and *non-traditional MS4s*.

- a. The *covered entity* must require the use of the "Enhanced Phosphorus Removal Design Standards" in accordance with NYS Stormwater Design Manual;
- b. *Develop* and commence implementation of a Retrofit Program that addresses runoff from sites to correct or reduce existing erosion and/or pollutant loading problems, with a particular emphasis placed on the pollutant Phosphorus. At a minimum, the MS4 shall:
  - i. establish procedures to identify sites with erosion and/or pollutant loading problems;
  - ii. establish policy and procedures for project selection. Project selection should be based on the Phosphorus reduction potential of the specific retrofit being constructed/installed; the ability to use standard, proven technologies; and the economic feasibility of constructing/installing the retrofit. As part of the project selection process, the *covered entity* should participate in locally based watershed planning efforts which involve the *Department*, other *covered entities*, stakeholders and other interested parties;
  - iii. establish policy and procedures for project permitting, design, funding, construction and maintenance
  - iv. by the date specified for each watershed in the appropriate Watershed Improvement Strategy Requirement Table develop and submit approvable plans and schedules for completing retrofit projects, including identification of funding

sources. Upon DEC approval of those plans and schedules, the plans and schedules shall become enforceable requirements of this permit.

**6. Pollution Prevention/Good Housekeeping For Municipal Operations** applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s.*

- a. Develop a turf management practices and procedures policy. The policy should address the following:
  - i. procedures for proper fertilizer application on municipally-owned lands. The application of any phosphorus-containing fertilizer (as labeled) shall only be allowed following a proper soil test and analysis documenting that soil phosphorus concentrations are inadequate; and
  - ii. the planting of native plant material to lessen the frequency of mowing and the use of chemicals to control vegetation.

**(Part IX.)**

**C. Pathogen Impaired Watershed MS4s (Mapped in Appendix 6, 7 and 9)**

Table IX.C - Pollutant Load Reduction and Timetable for Pathogen Impaired Watershed Improvement Strategy Areas

Watershed	Watershed Improvement Strategy Deadline	Retrofit Plan Submission Deadline	Pollutant Load Reduction (Waste Load Allocation %)	Pollutant Load Reduction Deadline
Budds Pond*	05/01/2013	09/30/2012	61	09/30/2022
Stirling Creek*	05/01/2013	09/30/2012	28	09/30/2022
Town & Jockey Creeks*	05/01/2013	09/30/2012	76	09/30/2022
Goose Creek*	05/01/2013	09/30/2012	70	09/30/2022
Hashamomuck Pond, Zone HP-1*	05/01/2013	09/30/2012	77	09/30/2022
Hashamomuck Pond, Zone HP-2*	05/01/2013	09/30/2012	43	09/30/2022
Richmond Creek*	05/01/2013	09/30/2012	71	09/30/2022
Deep Hole Creek*	05/01/2013	09/30/2012	29	09/30/2022
James Creek*	05/01/2013	09/30/2012	51	09/30/2022
Flanders Bay	05/01/2012	03/09/2012	98	03/09/2021
Reeves Bay	05/01/2012	03/09/2012	97	03/09/2021
Sebonac Creek	05/01/2012	03/09/2012	58	03/09/2021
North Sea Harbor, Zone NSH-1	05/01/2012	03/09/2012	97	03/09/2021
North Sea Harbor, Zone NSH-2	05/01/2012	03/09/2012	62	03/09/2021
North Sea Harbor, Zone NSH-3	05/01/2012	03/09/2012	99	03/09/2021
North Sea Harbor, Zone NSH-5	05/01/2012	03/09/2012	74	03/09/2021
Wooley Pond	05/01/2012	03/09/2012	97	03/09/2021
Noyac Creek, Zone NC-1	05/01/2012	03/09/2012	64	03/09/2021
Sag Harbor, Zone SH-2*	05/01/2013	09/30/2012	50	09/30/2022
Northwest Creek*	05/01/2013	09/30/2012	76	09/30/2022
Acabonac Harbor, Zone AH-2*	05/01/2013	09/30/2012	42	09/30/2022
Acabonac Harbor, Zone AH-3*	05/01/2013	09/30/2012	85	09/30/2022
Acabonac Harbor, Zone AH-4*	05/01/2013	09/30/2012	81	09/30/2022
Acabonac Harbor, Zone AH-5*	05/01/2013	09/30/2012	87	09/30/2022
Montauk Lake, Zone LM-1*	05/01/2013	09/30/2012	52	09/30/2022
Montauk Lake, Zone LM-2*	05/01/2013	09/30/2012	52	09/30/2022
Montauk Lake, Zone LM-3*	05/01/2013	09/30/2012	48	09/30/2022
Little Sebonac Creek	05/01/2012	03/09/2012	70	03/09/2021
Oyster Bay (Harbor 2)	05/01/2012	03/09/2012	20	03/09/2021
Oyster Bay (Harbor 3)	05/01/2012	03/09/2012	90	03/09/2021

\*Additionally Designated Area

Watershed	Watershed Improvement Strategy Deadline	First Retrofit Plan Submission Deadline	Pollutant Reduction (Waste Load Allocation %)	Pollutant Load Reduction Deadline
Hempstead Harbor, north, and tidal tributaries	05/01/2013	09/30/2012	95	09/30/2022
Cold Spring Harbor, and tidal tributaries, Inner	05/01/2013	09/30/2012	95	09/30/2022
Cold Spring Harbor, Eel Creek	05/01/2013	09/30/2012	90	09/30/2022
Huntington Harbor	05/01/2013	09/30/2012	89	09/30/2022
Centerport Harbor	05/01/2013	09/30/2012	91	09/30/2022
Northport Harbor	05/01/2013	09/30/2012	92	09/30/2022
Stony Brook Harbor and West Meadow Creek	05/01/2013	09/30/2012	99	09/30/2022
Stony Brook Creek	05/01/2013	09/30/2012	99	09/30/2022
Stony Brook Yacht Club	05/01/2013	09/30/2012	48	09/30/2022
Port Jefferson Harbor, North and tribs	05/01/2013	09/30/2012	94	09/30/2022
Conscience Bay and tidal tribs	05/01/2013	09/30/2012	99	09/30/2022
Setauket Harbor, Little Bay	05/01/2013	09/30/2012	84	09/30/2022
Setauket Harbor, East	05/01/2013	09/30/2012	79	09/30/2022
Setauket	05/01/2013	09/30/2012	100	09/30/2022
Setauket Harbor, Poquot	05/01/2013	09/30/2012	88	09/30/2022
Mt. Sinai Harbor, Crystal Brook	05/01/2013	09/30/2012		
Mt. Sinai Harbor, Inner Harbor	05/01/2013	09/30/2012	96	09/30/2022
Mt. Sinai Harbor, Pipe	05/01/2013	09/30/2012	93	09/30/2022
Slave Hollow	05/01/2013	09/30/2012		
Mattituck Inlet/Creek, Low, and tidal tributaries	05/01/2013	09/30/2012	64	09/30/2022
Goldsmith Inlet	05/01/2013	09/30/2012	91	09/30/2022
West Harbor - Darby Cove	05/01/2013	09/30/2012	41	09/30/2022
Georgica Pond, Upper	05/01/2013	09/30/2012	93	09/30/2022

Georgica Pond, Lower	05/01/2013	09/30/2012	93	09/30/2022
Georgica Pond Cove	05/01/2013	09/30/2012	92	09/30/2022
Sagaponack Pond	05/01/2013	09/30/2012	88	09/30/2022
Mecox Bay and tributaries	05/01/2013	09/30/2012	89	09/30/2022
Heady Creek and tributaries	05/01/2013	09/30/2012	88	09/30/2022
Taylor Creek and tributaries	05/01/2013	09/30/2012	52	09/30/2022
Penny Pond	05/01/2013	09/30/2012	31	09/30/2022
Weesuck Creek and tidal tributaries	05/01/2013	09/30/2012	37	09/30/2022
Penniman Creek and tidal tributaries	05/01/2013	09/30/2012	32	09/30/2022
Ogden Pond	05/01/2013	09/30/2012	28	09/30/2022
Quantuck Bay-Quantuck Creek	05/01/2013	09/30/2012	91	09/30/2022
Canal/Moneybogues Bay	05/01/2013	09/30/2012	62	09/30/2022
Seatuck Cove	05/01/2013	09/30/2012	94	09/30/2022
Harts Cove	05/01/2013	09/30/2012	12	09/30/2022
Narrow Bay	05/01/2013	09/30/2012	16	09/30/2022
Bellport Bay, Beaver Dam Creek	05/01/2013	09/30/2012	94	09/30/2022
Bellport Bay, West Cove	05/01/2013	09/30/2012	94	09/30/2022
Patchogue Bay, Swan River	05/01/2013	09/30/2012	90	09/30/2022
Patchogue Bay, Mud Creek	05/01/2013	09/30/2012	71	09/30/2022

By the deadlines specified in Table IX.C, covered entities that own or operate MS4s within the listed watersheds shall develop and implement the following pollutant specific BMPs in MS4 sewersheds discharging to the listed waters. Covered entities who own or operate MS4s within these watersheds shall also submit to the Department, progress reports as specified in Part V.D.



**(Part IX.C)**

**1. Public Education and Outreach on Stormwater Impacts-** applicable to *traditional land use control, traditional non-land use control* and *non-traditional MS4s*

a. Plan and conduct an ongoing public education and outreach program designed to describe the impacts of Pathogens (the *POC*) on waterbodies. The program must identify potential sources of Pathogens in *stormwater runoff* and describe steps that contributors can take to reduce the Pathogens in *stormwater runoff*. The program must also describe steps that contributors of *non-stormwater discharges* can take to reduce Pathogens.

b. *Develop*, or acquire if currently available, specific educational material dealing with sources of Pathogens in *stormwater* and pollutant reduction practices. At a minimum, the educational material should address the following topics:

- i. where, why, and how Pathogens pose threats to the environment and to the community;
- ii. septic systems, geese and pets as a source of pathogens;
- iii. dissemination of educational materials / surveys to households/businesses in proximity to Pathogen *TMDL* waterbodies; and
- iv. education for livestock / horse boarders regarding manure *BMPs*.

**2. Public Involvement / Participation**

No additional requirements proposed at this time.

**3. Illicit Discharge Detection and Elimination, SWMP Development / Implementation-** Mapping applicable to *traditional land use control* and *traditional non-land use control MS4s*.

a. Develop, implement, and enforce a program to detect and eliminate discharges to the municipal separate storm sewer system from on-site sanitary systems in areas where factors such as shallow groundwater, low infiltrative soils, historical on-site sanitary system failures, or proximity to pathogen-impaired waterbodies, indicate a reasonable likelihood of system discharge.

In such areas, ensure that on-site sanitary systems designed for less than 1000 gallons per day (septic systems, cesspools, including any installed absorption fields) are inspected at a minimum frequency of once every five years and, where necessary, maintained or rehabilitated. Conduct regular field investigations/inspections in accordance with the most current version of the EPA publication entitled Illicit Discharge

**(Part IX.C.3.a)**

Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment, to detect the presence of ongoing and/or intermittent on-site sanitary discharges to the storm sewer system. An advanced system inspection requiring completion by a certified professional is not required by this permit, but may be used where site specific conditions warrant.

On-site sanitary system IDDE program development shall include the establishment of the necessary legal authority (such as new or revised local laws) for implementation and enforcement.

b. Develop and maintain a map showing the entire *small MS4* conveyance system. The *covered entity* shall complete the mapping of approximately 20% of the system every year, with the entire system being mapped by May 1, 2015. At a minimum, the map and/or supportive documentation for the conveyance system shall include the following information:

- i. type of conveyance system - closed pipe or open drainage;
- ii. for closed pipe systems - pipe material, shape, and size;
- iii. for open drainage systems - channel/ditch lining material, shape, and dimensions; location and dimensions of any culvert crossings;
- iv. drop inlet, catch basin, and manhole locations; and
- v. number and size of connections (inlets/outlets) to catch basins and manholes, direction of flow.

All information shall be prepared in digital format suitable for use in GIS software and in accordance with the *Department's* guidance on Illicit Discharge Detection and Elimination. The scale shall be 1:24000 or better.

**4. Construction Site Stormwater Runoff Control**

No additional requirements at this time.

**5. Post-Construction Stormwater Management-** applicable to *traditional land use control, traditional non-land use control* and *non-traditional MS4s*.

Develop and commence implementation of a Retrofit Program that addresses runoff from sites to correct or reduce pollutant loading problems, with a particular emphasis placed on the pollutant Pathogens. At a minimum, the MS4 shall:

- a. establish procedures to identify sites with erosion and/or pollutant loading problems;

**(Part IX.C.5.)**

- b. establish policy and procedures for project selection. Project selection should be based on the Pathogen reduction potential of the specific retrofit being constructed/installed; the ability to use standard, proven technologies; and the economic feasibility of constructing/installing the retrofit. As part of the project selection process, the covered entity should participate in locally based watershed planning efforts which involve the Department, other covered entities, stakeholders and other interested parties;
- c. establish policy and procedures for project permitting, design, funding, construction and maintenance
- d. by March 9, 2011, develop and submit approvable plans and schedules for completing retrofit projects. Upon DEC approval of those plans and schedules and identification of funding sources, the plans and schedules shall become enforceable requirements of this permit.

**6. Pollution Prevention/Good Housekeeping For Municipal Operations**, - applicable to traditional land use control and traditional non-land use control MS4s.

- a. Develop, enact and enforce a local law prohibiting pet waste on municipal properties and prohibiting goose feeding.
- b. Develop and implement a pet waste bag program for collection and proper disposal of pet waste.
- c. Develop a program to manage goose populations.

**(Part IX.)**

**D. Nitrogen Watershed MS4s (Mapped in Appendix 8)**

Table IX.D - Pollutant Load Reduction and Timetable for Nitrogen Watershed Improvement Strategy Area

Watershed	Watershed Improvement Strategy Deadline	Retrofit Plan Submission Deadline	Pollutant Reduction (Load Allocation %)	Pollutant Load Reduction Deadline
Lower Peconic River & Tidal Tributaries	05/01/2011	03/09/2011	15	03/09/2021
Western Flanders Bay & Lower Sawmill Creek				
Meetinghouse Creek				
Terrys Creek & Tributaries				

By the deadlines specified in Table IX.D, covered entities that own or operate MS4s within the listed watersheds shall develop and implement the following pollutant specific BMPs for MS4 sewersheds discharging to the listed waterbodies. Covered entities that own or operate MS4s within these watersheds shall also submit to the Department, progress reports as specified in Part V.D.

**1. Public Education and Outreach on Stormwater Impacts** - applicable to traditional land use control, traditional non-land use control and non-traditional MS4s.

- a. Plan and conduct an ongoing public education and outreach program designed to describe the impacts of Nitrogen (the POC) on waterbodies. The program must identify potential sources of Nitrogen in stormwater runoff and describe steps that contributors can take to reduce the Nitrogen in stormwater runoff.
- b. develop, or acquire if currently available, specific educational material dealing with sources of Nitrogen in stormwater and pollutant reduction practices. At a minimum, the educational material should address the following topics:
  - i. understanding the Nitrogen issue;
  - ii. septic systems as a source of Nitrogen; and

**(Part IX.D.1.b)**

- iii. Nitrogen concerns with fertilizer use.

**2. Public Involvement/ Participation**

No additional requirements proposed for at this time.

**3. Illicit Discharge Detection and Elimination** - applicable to *traditional land use control* and *traditional non-land use control/ MS4s*

a. Develop and maintain a map showing the entire small MS4 conveyance system. The covered entity shall complete the mapping of approximately 20% of the system every year, with the entire system being mapped by May 1, 2015. At a minimum, the map and/or supportive documentation for the conveyance system shall include the following information:

- i. type of conveyance system - closed pipe or open drainage;
- ii. for closed pipe systems - pipe material, shape, and size;
- iii. for open drainage systems - channel/ditch lining material, shape, and dimensions; location and dimensions of any culvert crossings;
- iv. drop inlet, catch basin, and manhole locations; and
- v. number and size of connections (inlets/outlets) to catch basins and manholes, direction of flow.

All information shall be prepared in digital format suitable for use in GIS software and in accordance with the *Department's* guidance on Illicit Discharge Detection and Elimination. The scale shall be 1:24000 or better.

**4. Construction Site Stormwater Runoff Control**

No additional requirements at this time.

**5. Post-Construction Stormwater Management** - applicable to *traditional land use control*, *traditional non-land use control* and *non-traditional MS4s*.

*Develop* and commence implementation of a Retrofit Program that addresses runoff from sites to correct or reduce existing erosion and/or pollutant loading problems, with a particular emphasis placed on the pollutant Nitrogen. At a minimum, the MS4 shall:

- a. establish procedures to identify sites with erosion and/or pollutant loading problems;

**(Part IX.D.5)**

- b. establish policy and procedures for project selection. Project selection should be based on the Nitrogen reduction potential of the specific retrofit being constructed/installed; the ability to use standard, proven technologies; and the economic feasibility of constructing/installing the retrofit. As part of the project selection process, the *covered entity* should participate in locally based watershed planning efforts which involve the *Department*, other *covered entities*, stakeholders and other interested parties;
- c. establish policy and procedures for project permitting, design, funding, construction and maintenance; and
- d. by March 9, 2011, develop and submit approvable plans and schedules for completing retrofit projects, including identification of funding sources. Upon DEC approval of those plans and schedules, the plans and schedules shall become enforceable requirements of this permit.

**6. Pollution Prevention/Good Housekeeping For Municipal Operations** - applicable to *traditional land use control*, *traditional non-land use control* and *non-traditional MS4s*.

- a. Develop a turf management practices and procedures policy. The policy should address the following:
  - i. procedures for proper fertilizer application on municipally-owned lands. The application of any Nitrogen-containing fertilizer shall only be allowed under the supervision of a Certified Crop Advisor or Certified Landscape Architect; and
  - ii. the planting of native plant material to lessen the frequency of mowing and reduce the use of chemicals to control vegetation.

## Part X. ACRONYMS AND DEFINITIONS

### A. Acronym List

BMP - Best Management Practice  
CFR - Code of Federal Regulations  
CWA - Clean Water Act  
ECL - Environmental Conservation Law  
MCC - Municipal Compliance Certification  
MCM - Minimum Control Measure  
MEP - Maximum Extent Practicable  
MS4 - Municipal Separate Storm Sewer System  
NPDES - National Pollutant Discharge Elimination System  
POC - Pollutant of Concern  
SPDES - State Pollutant Discharge Elimination System  
SWMP - Stormwater Management Program  
SWMP Plan - Stormwater Management Program Plan  
SWPPP - Stormwater Pollution Prevention Plan  
TMDL - Total Maximum Daily Load  
UA - Urbanized Area

### B. Definitions

**Activities** - See best management practice

**Additionally Designated Areas** - EPA required the Department to develop a set of criteria for designating additional MS4 areas as subject to these regulations. The following criteria have been adopted to designate additional MS4s in New York State:

Criteria 1: MS4s discharging to waters for which and EPA-approved TMDL required reduction of a pollutant associated with stormwater beyond what can be achieved with existing programs (and the area is not already covered under automatic designation as UA).

Criteria 2: MS4s contiguous to automatically designated urbanized areas (town lines) that discharge to sensitive waters classified as AA Special (fresh surface waters), AA (fresh surface waters) with filtration avoidance determination or SA (saline surface waters).

Criterion 3: Automatically designated MS4 areas are extended to Town, Village or City boundaries, but only for Town, Village or City implementation of Minimum Control Measures (4) Construction Site Stormwater Runoff Control and (5) Post Construction Stormwater Management in Development and Redevelopment. This additional designation may be waived, by written request to the Department, where the automatically designated area is a small portion of the total area of the Town, Village or City (less than 15 %) and where there is

little or no construction activity in the area outside of the automatically designated area (less than 5 disturbed acres per year).

**Best Management Practice** - means schedules activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements (if determined necessary by the covered entity), operating procedures, and practices to control runoff, spillage and leaks, sludge or waste disposal, or drainage from areas that could contribute pollutants to stormwater discharges. BMP is referred to in EPA's fact sheets and other materials. BMPs are also referred to as "activities" or "management practices" throughout this *SPDES general permit*.

**Better Site Design (BSD)** - Better Site Design incorporates non-structural and natural approaches to new and redevelopment projects to reduce impacts on watersheds by conserving natural areas, reducing impervious cover and better integrating stormwater treatment. Better site design is a form of Green Infrastructure and is similar to Low Impact Development (LID). See also Green Infrastructure and Low Impact Development.

**Construction Activity(ies)** - means any clearing, grading, excavation, demolition or stockpiling activities that result in soil disturbance. Clearing activities can include but are not limited to logging equipment operation, the cutting and skidding of trees, stump removal and/or brush root removal. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

**Covered entity** - means the holder of this *SPDES general permit* or an entity required to gain coverage under this *SPDES general permit*. The owner / operator of the small MS4.

**Department** - means the New York State Department of Environmental Conservation as well as meaning the Department's designated agent.

**Development** - period after initial authorization under this *SPDES general permit* when the covered entity creates, designs or develops activities, BMPs, tasks or other measures to include in their SWMP

**Discharge(s)** - any addition of any pollutant to waters of the State through an outlet or point source.

**Discharge Authorized by a SPDES Permit** - means discharges of wastewater or stormwater from sources listed in the permit, that do not violate ECL Section 17-0501, that are through outfalls listed in the permit, and that are:

1. discharges within permit limitations of pollutants limited in the *SPDES permit*;

2. discharges within permit limitations of pollutants limited by an indicator limit in the SPDES permit;
3. discharges of pollutants subject to action level requirements in the SPDES permit;
4. discharges of pollutants not explicitly listed in the SPDES permit, but reported in the SPDES permit application record as detected in the discharge or as something the covered entity knows or has reason to believe to be present in the discharge, provided the special conditions section of the applicable SPDES permit does not otherwise forbid such a discharge and provided that such discharge does not exceed, by an amount in excess of normal effluent variability, the level of discharge that may reasonably be expected for that pollutant from information provided in the SPDES permit application record;
5. discharges of pollutants not required to be reported on the appropriate and current New York State SPDES permit application; provided the special conditions section of the permit does not otherwise forbid such a discharge. The Department may, in accordance with law and regulation, modify the permit to include limits for any pollutant even if that pollutant is not required to be reported on the SPDES permit application; or
6. discharges from fire fighting activities; fire hydrant flushings; testing of fire fighting equipment, provided that such equipment is for water only fire suppression; potable water sources including waterline flushings; irrigation drainage; lawn watering; uncontaminated infiltration and inflow; leakage from raw water conveyance systems; routine external building washdown and vehicle washing which does not use detergents or other compounds; pavement washwaters where spills or leaks of toxic or hazardous materials, other than minor and routine releases from motor vehicles, have not occurred (unless such material has been removed) and where detergents are not used; air conditioning and steam condensate; springs; uncontaminated groundwater; and foundation or footing drains where flows are not contaminated with process materials such as solvents provided that the covered entity has implemented an effective plan for minimizing the discharge of pollutants from all of the sources listed in this subparagraph.

Environmental Conservation Law - means chapter 43-B of the Consolidated Laws of the State of New York, entitled the Environmental Conservation Law.

**Green Infrastructure** - Green infrastructure approaches essentially infiltrate, evapotranspire or reuse stormwater, with significant utilization of soils and vegetation rather than traditional hardscape collection, conveyance and storage structures. Common green infrastructure approaches include green roofs, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, vegetated median strips, reforestation, and protection and enhancement of riparian buffers and floodplains. See also Low Impact Development and Better Site Design.

**Groundwater** - means waters in the saturated zone. The saturated zone is a subsurface zone in which all the interstices are filled with water under pressure greater than that of the

atmosphere. Although the zone may contain gas-filled interstices or interstices filled with fluids other than water, it is still considered saturated.

**Illicit Discharges** - discharges not entirely composed of stormwater into the small MS4, except those identified in Part I.A.2. Examples of illicit discharges are non-permitted sanitary sewage, garage drain effluent, and waste motor oil. However, an illicit discharge could be any other non-permitted discharge which the covered entity or Department has determined to be a substantial contributor of pollutants to the small MS4.

**Impaired Water** - a water is impaired if it does not meet its designated use(s). For purposes of this permit 'impaired' refers to impaired waters for which TMDLs have been established, for which existing controls such as permits are expected to resolve the impairment, and those needing a TMDL. Impaired waters compilations are also sometimes referred to as 303(d) lists; 303(d) lists generally include only waters for which TMDLs have not yet been developed. States will generally have associated, but separate lists of impaired waters for which TMDLs have already been established.

**Implementation** - period after development of SWMP, where the covered entity puts into effect the practices, tasks and other activities in their SWMP.

**Individual SPDES Permit** - means a SPDES permit issued to a single facility in one location in accordance with this Part (as distinguished from a *SPDES general permit*).

**Industrial Activity** - as defined by the SPDES Multi-Sector General Permit (GP-0-12-001).

**Larger Common Plan of Development or Sale** - means a contiguous area where multiple separate and distinct construction activities are occurring, or will occur, under one plan. The term "plan" in "larger common plan of development or sale" is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, State Environmental Quality Review Act Application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that construction activities may occur on a specific plot.

For discrete construction projects that are located within a larger common plan of development or sale that are at least 1/4 mile apart, each project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same "common plan" is not concurrently being disturbed.

**Low Impact Development** - is a site design strategy with a goal of maintaining or replicating the predevelopment hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic landscape. Hydrologic functions of storage, infiltration,

atmosphere. Although the zone may contain gas-filled interstices or interstices filled with fluids other than water, it is still considered saturated.

**Illicit Discharges** - discharges not entirely composed of stormwater into the small MS4, except those identified in Part I.A.2. Examples of illicit discharges are non-permitted sanitary sewage, garage drain effluent, and waste motor oil. However, an illicit discharge could be any other non-permitted discharge which the covered entity or Department has determined to be a substantial contributor of pollutants to the small MS4.

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**Low Impact Development** - is a site design strategy with a goal of maintaining or replicating the predevelopment hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic landscape. Hydrologic functions of storage, infiltration,

and ground water recharge, as well as the volume and frequency of discharges are maintained through the use of integrated and distributed micro scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of flow paths and runoff time. Other strategies include the preservation/protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable (mature) trees, flood plains, woodlands and highly permeable soils. LID principles are based on controlling stormwater at the source by the use of micro scale controls that are distributed throughout the site. This is unlike conventional approaches that typically convey and manage runoff in large facilities located at the base of drainage areas. See also Green Infrastructure and Better Site Design.

**Management Practices** - See best management practices

**Maximum Extent Practicable** - is a technology-based standard established by Congress in the Clean Water Act 402(p)(3)(B)(iii). Since no precise definition of MEP exists, it allows for maximum flexibility on the part of MS4 operators as they develop their programs. (40CFR 122.2 See also: Stormwater Phase II Compliance Assistance Guide EPA 833-R-00-002, March 2000). When trying to reduce pollutants to the MEP, there must be a serious attempt to comply, and practical solutions may not be lightly rejected. If a covered entity chooses only a few of the least expensive methods, it is likely that MEP has not been met. On the other hand, if a covered entity employs all applicable BMPs except those where it can be shown that they are not technically feasible in the locality, or whose cost would exceed any benefit to be derived, it would have met the standard. MEP required covered entities to choose effective BMPs, and to reject applicable BMPs only where other effective BMPs will serve the same purpose, the BMPs would not be technically feasible, or the cost would be prohibitive.

**Measurable Goals** - are the goals of the SWMP that should reflect the needs and characteristics of the covered entity and the areas served by its small MS4. Furthermore, the goals should be chosen using an integrated approach that fully addresses the requirements and intent of the MCM. The assumption is that the program schedules would be created over a 5 year period and goals would be integrated into that time frame. For example, a larger MS4 could do an outfall reconnaissance inventory for 20% of the collection system every year so that every outfall is inspected once within the permit cycle

**Municipal / Municipalities** - referred to in the federal rule that describes the Phase II stormwater program includes not only the State's municipal governments (cities, towns, villages and counties), but any publicly funded entity that owns or operates a separate storm sewer system. Examples of other public entities that are included in this program include the State Department of Transportation, State University Campuses, Federal and State prisons, State and federal hospitals, Thruway and Dormitory Authorities, public housing authorities, school and other special districts.

**Municipal Separate Storm Sewer System** - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

1. owned or operated by a State, city, town, village, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA, that discharges to surface waters of the State;
2. designed or used for collecting or conveying stormwater;
3. which is not a combined sewer; and
4. which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

**National Pollutant Discharge Elimination System** - means the national system for the issuance of wastewater and stormwater permits under the Federal Water Pollution Control Act (Clean Water Act).

**Non-traditional MS4s** - state and federal prisons, office complexes, hospitals; state: transportation agencies; university campuses, public housing authorities, schools, other special districts.

**Open Meetings Law** - per Public Officers Law, Article 7, Open Meetings Law, Section 104, Public notice:

1. Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given to the news media and shall be conspicuously posted in one or more designated public locations at least seventy two hours before such meeting.
2. Public notice of the time and place of every other meeting shall be given, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto.
3. The public notice provided for by this section shall not be construed to require publication as a legal notice.
4. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

**Operator** - the person, persons or legal entity that is responsible for the small MS4, as indicated by signing the NOI to gain coverage for the MS4 under this *SPDES general permit*.

**Outfall** - is defined as any point where a municipally owned and operated separate storm sewer system discharges to either surface waters of the State or to another MS4. Outfalls

include discharges from pipes, ditches, swales, and other points of concentrated flow. However, areas of non-concentrated (sheet) flow which drain to surface waters of the State or to another MS4's system are not considered outfalls and should not be identified as such on the system map.

**Pollutants of Concern** - there are POCs that are primary (comprise the majority) sources of stormwater pollutants and others that are secondary (less likely).

- The POCs that are primarily of concern are: nitrogen, phosphorus, silt and sediment, pathogens, flow, and floatables impacting impaired waterbodies listed on the Priority Waterbody List known to come in contact with stormwater that could be discharged to that water body.
- The POCs that are secondarily of concern include but are not limited to petroleum hydrocarbons, heavy metals, and polycyclic aromatic hydrocarbons (PAHs), where stormwater or runoff is listed as the source of this impairment.
- The primary and secondary POCs can also impair waters not on the 303(d) list. Thus, it is important for the covered entity to assess known and potential POCs within the area served by their small MS4. This will allow the covered entity to address POCs appropriate to their MS4.

**Qualified Professional** - means a person that is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed Professional Engineer, Registered Landscape Architect or other Department endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics in order to prepare a SWPPP that conforms to the Department's technical standard. 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.

**Reporting Date** - means the end of the annual reporting period, March 9, as indicated in Part V.C.1.

**Retrofit** - means modifying or adding to existing infrastructure for the purpose of reducing pollutant loadings. Examples, some of which may not be effective for all pollutants, include:

Better site design approaches such as roof top disconnection, diversion of runoff to infiltration areas, soil de-compaction, riparian buffers, rain gardens, cisterns

Rehabilitation of existing storm sewer system by installation of standard stormwater treatment systems (ponds, wetlands, filtering, infiltration) or proprietary practices

Stabilize dirt roads (gravel, stone, water bar, check dam, diversion)

Conversion of dirt parking lots to pervious pavement, grassed or stone cover

Conversion of dry detention ponds to extended detention or wetland treatment systems

Retrofit by converting abandoned buildings to stormwater treatment systems

Retrofit of abandoned building to open space

Retrofit road ditches to enhance open channel design

Control the downstream effects of runoff from existing paved surfaces resulting in flooding and erosion in receiving waters

Control stream erosion by plunge pool, velocity dissipaters, and flow control devices for discharges from conveyance systems

Upgrade of an existing conveyance system to provide water quality and /or quantity control within the drainage structure

**Section 303(d) Listed Waters** - Section 303(d) is part of the federal CWA that requires the Department to periodically to prepare a list of all surface waters in the State for which beneficial uses of the water - such as for drinking, recreation, aquatic habitat, and industrial use - are impaired by pollutants. These are water quality-limited estuaries, lakes, and streams that fall short of state surface water quality standards, and are not expected to improve within the next two years. Refer to impaired waters for more information.

**Single entity** - An entity, formed in accordance with the applicable state and/or local legislation, with a legal authority and capacity (financial, resources, etc...) that gains coverage under the MS4 general permit to implement all or parts of the MS4 program within a jurisdiction on behalf of multiple MS4s in that geographic area.

**Small MS4** - MS4 system within an urbanized area or other areas designated by the State.

**SPDES general permit** - means a SPDES permit issued pursuant to 6 NYCRR Part 750-1.21 authorizing a category of discharges.

**Staff** - actual employees of the covered entity or contracted entity.

**State** - means the State of New York.

**State Pollutant Discharge Elimination System** - means the system established pursuant to Article 17 of the ECL and 6 NYCRR Part 750 for issuance of permits authorizing discharges to the waters of the state.

**Stormwater** - means that portion of precipitation that, once having fallen to the ground, is in excess of the evaporative or infiltrative capacity of soils, or the retentive capacity of surface features, which flows or will flow off the land by surface runoff to waters of the state.

**Stormwater Management Program** - the program implemented by the covered entity. Covered entities are required at a minimum to develop, implement and enforce a SWMP designed to address POCs and reduce the discharge of pollutants from the small MS4 to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements of the ECL and Clean Water Act. The SWMP must address the MCM described in Part VIII.

The SWMP needs to include *measurable goals* for each of the BMPs. The measurable goals will help the covered entities assess the status and progress of their program. The SWMP should:

1. describe the BMP / measurable goal;
2. identify time lines / schedules and milestones for development and implementation;
3. include quantifiable goals to assess progress over time; and
4. describe how the covered entity will address POCs.

Guidance on developing SWMPs is available from the Department on its website. Examples of successful SWMPs and suggested measurable goals are also provided in EPA's Menu of BMPs available from its website. Note that this information is for guidance purposes only. An MS4 may choose to develop or implement equivalent methods equivalent to those made available by the Department and EPA to demonstrate compliance with the MCMs.

When creating the SWMP, the covered entities should assess activities already being performed that could help meet, or be modified to meet, permit requirements and be included in the SWMP. Covered entities can create their SWMP individually, with a group of other individual covered entities or a coalition of covered entities, or through the work of a third party entity.

**Stormwater Management Program Plan**- used by the covered entity to document developed, planned and implemented SWMP elements. The SWMP plan must describe how pollutants in stormwater runoff will be controlled. For previously unauthorized small MS4s seeking coverage, information included in the NOI should be obtained from the SWMP plan.

The SWMP plan is a separate document from the NOI and should not be submitted with the NOI or any annual reports unless requested.

The SWMP plan should include a detailed written explanation of all management practices, activities and other techniques the covered entity has developed, planned and implemented for their SWMP to address POCs and reduce pollutant discharges from their small MS4 to the MEP. The SWMP plan shall be revised to incorporate any new or modified BMPs or measurable goals.

Covered entities can create their SWMP plan individually, with a group of other individual covered entities or a coalition of covered entities, or through the work of a third party entity.

Documents to include are: applicable local laws, inter-municipal agreements and other legal authorities; staffing and staff development programs and organization charts; program budget; policy, procedures, and materials for each minimum measure; outfall and small MS4 system maps; stormwater management practice selection and measurable goals; operation and maintenance schedules; documentation of public outreach efforts and public comments; submitted construction site SWPPPs and review letters and construction site inspection reports.

The SWMP plan shall be made readily available to the covered entity's staff and to the public and regulators, such as Department and EPA staff. Portions of the SWMP plan, primarily policies and procedures, must be available to the management and staff of a covered entity that will be called upon to use them. For example, the technical standards and associated technical assistance documents and manuals for stormwater controls should be available to code enforcement officers, review engineers and planning boards. The local laws should be readily available to the town board and planning board. An integrated pest management program would have to be available to the parks department and the stormwater outfall and available sewer system mapping and catch basin cleaning schedule would have to be available to the department of public works.

**Storm sewershed** - the catchment area that drains into the storm sewer system based on the surface topography in the area served by the stormsewer. Adjacent catchment areas that drain to adjacent outfalls are not separate storm sewersheds.

**Surface Waters of the State** - shall be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Waters of the state are further defined in 6 NYCRR Parts 800 to 941.



Storm sewers are not waters of the state unless they are classified in 6 NYCRR Parts 800 to 941. Nonetheless, a discharge to a storm sewer shall be regulated as a discharge at the point where the storm sewer discharges to waters of the state. Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Act and Environmental Conservation Law (other than cooling ponds as defined in 40 CFR 423.11(m)) (see section 750 - 1.24) which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the State (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

**SWPPP** - as defined per the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activity or NYS DEC SPDES Multi-Sector General Permit for Stormwater Associated with Industrial Activity .

**Total Maximum Daily Load** - A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. It is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL stipulates wasteload allocations for point source discharges, load allocations for nonpoint sources, and a margin of safety.

**Traditional Land Use Control MS4s** - means a city, town or village with land use control authority.

**Traditional Non-land Use Control MS4s** - means any county agency without land use control.

**Urbanized Area** - is a land area comprising one or more places (central place(s)) and the adjacent densely settled surrounding area (urban fringe) that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile, as defined by the US Bureau of Census. Outlines the extent of automatically regulated areas, often do not extend to the political boundaries of a city, town, or village. SWMPs are only required within the UA. However, the Department encourages covered entities to voluntarily extend their SWMP programs at least to the extent of the storm watershed that flows into the UA or extend further to their entire jurisdiction. For ease of creation and administration of local laws, ordinances or other regulatory mechanisms, these should be created to apply to the full jurisdictional boundary of municipalities.

**Water Quality Standard** - means such measures of purity or quality for any waters in relation to their reasonable and necessary use as promulgated in 6 NYCRR Part 700 et seq.

## Part XI. RE-OPENER CLAUSE

If there is evidence indicating that the stormwater discharges authorized by this permit cause or have the reasonable potential to cause or contribute to a violation of a water quality standard, the covered entity may be required at the Department's sole discretion to obtain an individual SPDES permit or an alternative *SPDES general permit* or the permit may be modified. In addition, coverage under this permit could terminate, meaning the discharge must cease.

**APPENDICES**

**APPENDIX 1. LIST OF NYS DEC REGIONAL OFFICES**

Region	Covering the following Counties:	Division of Environmental Permits (DEP) Permit Administrators	Division of Water (DOW) WATER (SPDES) PROGRAM
1	NASSAU AND SUFFOLK	50 CIRCLE ROAD STONY BROOK, NY 11790 TEL: (631) 444-0865	50 CIRCLE ROAD STONY BROOK, NY 11790-3409 TEL: (631) 444-0405
2	BROOK, KINGS, NEW YORK, QUEENS AND RICHMOND	1 HUNTERS POINT PLAZA, 47-40 21ST ST, LONG ISLAND CITY, NY 11101-5407 TEL: (718) 482-4997	1 HUNTERS POINT PLAZA, 47-40 21ST ST, LONG ISLAND CITY, NY 11101-5407 TEL: (718) 482-4933
3	DUTCHESS, ORANGE, PUTNAM, ROCKLAND, SULLIVAN, ULSTER AND WESTCHESTER	21 SOUTH PUTT CORNERS ROAD NEW PALTZ, NY 12561-1696 TEL: (845) 256-3059	100 HILLSIDE AVENUE, SUITE 1W WHITE PLAINS, NY 10603 TEL: (914) 428-2505
4	ALBANY, COLUMBIA, DELAWARE, GREENE, MONTGOMERY, ORSEGO, REHNSLAER, SCHENECTADY AND SCHWARZ	1150 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL: (518) 357-2069	1130 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL: (518) 357-2045
5	CLINTON, ESSEX, FRANKLIN, FULTON, HAMILTON, SARATOGA, WARREN AND WASHINGTON	1115 STATE ROUTE 86, PO BOX 296 RAY BROOK, NY 12977-0296 TEL: (518) 897-1234	232 GOLF COURSE ROAD, PO BOX 220 WARRENSBURG, NY 12885-0220 TEL: (518) 623-4200
6	HERKIMER, JEFFERSON, LEWIS, ONEIDA AND ST. LAWRENCE	STATE OFFICE BUILDING 317 WASHINGTON STREET WATERTOWN, NY 13601-3787 TEL: (315) 785-2245	STATE OFFICE BUILDING 207 GENESEE STREET UTICA, NY 13501-2885 TEL: (315) 793-2554
7	BROOME, CAYUGA, CHERANGO, CORTLAND, MADISON, ONONDAGA, OSWEGO, TIOGA AND TOMPKINS	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL: (315) 426-7438	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL: (315) 426-7500
8	CHEMUNG, GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, SCHUTLER, SENECA, STEUBEN, WAYNE AND YATES	6274 EAST AVON-LIMA ROAD AVON, NY 14414-9519 TEL: (585) 226-2466	6274 EAST AVON-LIMA RD. AVON, NY 14414-9519 TEL: (585) 226-2466
9	ALLEGANY, CATTARAUGUS, CHAUTAUGUA, ERIE, NIAGARA AND WYOMING	270 MICHIGAN AVENUE BUFFALO, NY 14203-2999 TEL: (716) 851-7165	270 MICHIGAN AVE. BUFFALO, NY 14203-2999 TEL: (716) 851-7070

**APPENDIX 2. IMPAIRED SEGMENTS AND PRIMARY POLLUTANTS OF CONCERN**

**APPENDIX 2 (CONTINUED)**

**IMPAIRED SEGMENTS AND SECONDARY POLLUTANTS OF CONCERN**

COUNTY	WATERBODY NAME	POLLUTANT
Albany	Ann Lee (Shakers) Pond, Slump Pond	phosphorus
Albany	Basic Creek Reservoir	phosphorus
Bronx	Van Cortlandt Lake	phosphorus
Bronx	Bronx River, Lower	phosphorus
Bronx	Bronx River, Lower	floatables
Bronx	Bronx River, Middle, and tribs	pathogens
Bronx	Bronx River, Middle, and tribs	floatables
Bronx	Westchester Creek	floatables
Bronx	Hutchinson River, Lower, and tribs	Floatables
Broome	Susquehanna River, Lower, Main Stem	Pathogens
Broome	Whitney Point Lake/Reservoir	phosphorus
Broome	Park Creek and tribs	phosphorus
Broome	Beaver Lake	phosphorus
Broome	White Birch Lake	phosphorus
Cayuga	Little Sodus Bay	phosphorus
Cayuga	Owasco Lake	pathogens
Cayuga, Tompkins	Owasco Inlet, Upper, and tribs	phosphorus
Chautauqua	Lake Erie (Dunkirk Harbor)	pathogens
Chautauqua	Chadokoin River and tribs	phosphorus
Chautauqua	Chautauqua Lake, South	phosphorus
Chautauqua	Chautauqua Lake, North	phosphorus
Chautauqua	Bear Lake	phosphorus
Chautauqua	Lower Cassadaga Lake	phosphorus
Chautauqua	Middle Cassadaga Lake	phosphorus
Chautauqua	Findley Lake	phosphorus
Chenango	Unadilla River, Lower, Main Stem	pathogens
Clinton	Lake Champlain, Main Lake, North	phosphorus
Clinton	Lake Champlain, Main Lake, Middle	phosphorus
Clinton	Great Chazy River, Lower, Main Stem	sil/sediment
Columbia	Robinson Pond	phosphorus
Columbia	Kinderhook Lake	phosphorus
Delaware	Cannonsville Reservoir	phosphorus
Delaware	Hillside Lake	phosphorus
Dutchess	Wappinger Lakes	phosphorus
Dutchess	Wappinger Lakes	sil/sediment
Dutchess	Fall Kill and tribs	phosphorus
Dutchess	Rudd Pond	phosphorus

COUNTY	WATERBODY NAME	POLLUTANT
Erie	Ellicott Creek, Lower, and tribs	phosphorus
Erie	Ellicott Creek, Lower, and tribs	silt/sediment
Erie	Ransom Creek, Lower, and tribs	pathogens
Erie	Ransom Creek, Upper, and tribs	pathogens
Erie	Beeman Creek and tribs	phosphorus
Erie	Beeman Creek and tribs	pathogens
Erie	Murder Creek, Lower, and tribs	phosphorus
Erie	Murder Creek, Lower, and tribs	pathogens
Erie	Two Mile Creek and tribs	pathogens
Erie	Two Mile Creek and tribs	floatables
Erie	Scajaquada Creek, Lower, and tribs	floatables
Erie	Scajaquada Creek, Lower, and tribs	pathogens
Erie	South Branch Smoke Cr, Lower, and tribs	phosphorus
Erie	South Branch Smoke Cr, Lower, and tribs	silt/sediment
Erie	Rush Creek and tribs	pathogens
Erie	Rush Creek and tribs	phosphorus
Erie	Little Sister Creek, Lower, and tribs	phosphorus
Erie	Little Sister Creek, Lower, and tribs	pathogens
Essex	Lake Champlain, Main Lake, South	phosphorus
Essex	Lake Champlain, South Lake	phosphorus
Genesee	Tonawanda Creek, Middle, Main Stem	phosphorus
Genesee	Tonawanda Creek, Middle, Main Stem	silt/sediment
Genesee	Tonawanda Creek, Upper, and minor tribs	silt/sediment
Genesee	Bowen Brook and tribs	phosphorus
Genesee	Little Tonawanda Creek, Lower, and tribs	silt/sediment
Genesee	Oak Orchard Cr, Upper, and tribs	phosphorus
Genesee	Black Creek, Upper, and minor tribs	phosphorus
Genesee	Bigelow Creek and tribs	phosphorus
Greene	Schoharie Reservoir	silt/sediment
Greene	Shingle Kill and tribs	pathogens
Greene	Sleepy Hollow Lake	silt/sediment
Herkimer	Unadilla River, Middle, and minor tribs	pathogens
Herkimer	Mohawk River, Main Stem	pathogens
Herkimer	Mohawk River, Main Stem	floatables
Herkimer	Steele Creek tribs	phosphorus
Herkimer	Steele Creek tribs	silt/sediment
Jefferson	Moon Lake	phosphorus
Kings	Coney Island Creek	pathogens
Kings	Coney Island Creek	floatables
Kings	Gowanus Canal	floatables
Kings	Hendrix Creek	nitrogen
Kings	Hendrix Creek	pathogens

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COUNTY	WATERBODY NAME	POLLUTANT
Kings	Hendrix Creek	floatables
Kings	Paerdegat Basin	floatables
Kings	Mill Basin and tidal tribs	floatables
Lewis	Beaver River, Lower, and tribs	pathogens
Lewis	Beaver River, Lower, and tribs	floatables
Lewis	Mill Creek/South Branch, and tribs	phosphorus
Lewis	Mill Creek/South Branch, and tribs	pathogens
Livingston	Conesus Lake	phosphorus
Livingston	Jaycox Creek and tribs	phosphorus
Livingston	Jaycox Creek and tribs	silt/sediment
Livingston	Mill Creek and minor tribs	silt/sediment
Madison	Canastota Creek, Lower, and tribs	pathogens
Monroe	Rochester Embayment - West	pathogens
Monroe	Mill Creek and tribs	phosphorus
Monroe	Mill Creek and tribs	pathogens
Monroe	Shipbuilders Creek and tribs	phosphorus
Monroe	Shipbuilders Creek and tribs	pathogens
Monroe	Minor Tribs to Irondequoit Bay	phosphorus
Monroe	Minor Tribs to Irondequoit Bay	pathogens
Monroe	Thomas Creek/White Brook and tribs	phosphorus
Monroe	Buck Pond	phosphorus
Monroe	Long Pond	phosphorus
Monroe	Cranberry Pond	phosphorus
Monroe	Genesee River, Lower, Main Stem	phosphorus
Monroe	Genesee River, Lower, Main Stem	pathogens
Monroe	Genesee River, Lower, Main Stem	silt/sediment
Monroe	Genesee River, Middle, Main Stem	phosphorus
Monroe	Black Creek, Lower, and minor tribs	phosphorus
Nassau	Long Island Sound, Nassau County	pathogens
Nassau	Long Island Sound, Nassau County	nitrogen
Nassau	Manhasset Bay, and tidal tribs	pathogens
Nassau	Manhasset Bay, and tidal tribs	pathogens
Nassau	Hempstead Harbor, south, and tidal tribs	pathogens
Nassau	Glen Cove Creek, Lower, and tribs	pathogens
Nassau	Glen Cove Creek, Lower, and tribs	silt/sediment
Nassau	Dosoris Pond	pathogens
Nassau	Mill Neck Creek and tidal tribs	pathogens
Nassau	South Oyster Bay	pathogens
Nassau	East Bay	pathogens
Nassau	LJ Tribs (fresh) to East Bay	phosphorus
Nassau	LJ Tribs (fresh) to East Bay	silt/sediment
Nassau	Middle Bay	pathogens

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COUNTY	WATERBODY NAME	POLLUTANT
Nassau	East Rockaway Inlet	pathogens
Nassau	Reynolds Channel, east	pathogens
Nassau	East Meadow Brook, Upper, and tribs	silt/sediment
Nassau	Hempstead Bay	Nitrogen
Nassau	Hempstead Bay	Pathogens
Nassau	Hempstead Lake	Phosphorus
Nassau	Grant Park Pond	Phosphorus
Nassau	Woodmere Channel	Pathogens
New York	East River, Lower	Floatables
New York	Harlem River	Floatables
Niagara	Bergholtz Creek and tribs	Phosphorus
Niagara	Bergholtz Creek and tribs	Pathogens
Oneida	Ulrica Harbor	Pathogens
Oneida	Ulrica Harbor	Floatables
Oneida	Mohawk River, Main Stem	Pathogens
Oneida	Mohawk River, Main Stem	Floatables
Oneida	Mohawk River, Main Stem	Pathogens
Oneida	Mohawk River, Main Stem	Floatables
Oneida	Ballou, Nail Creeks and tribs	Phosphorus
Oneida	Ninemile Creek, Lower, and tribs	Pathogens
Onondaga	Limestone Creek, Lower, and minor tribs	Pathogens
Onondaga	Seneca River, Lower, Main Stem	Pathogens
Onondaga	Onondaga Lake, northern end	Phosphorus
Onondaga	Onondaga Lake, southern end	pathogens
Onondaga	Onondaga Lake, southern end	phosphorus
Onondaga	Minor Tribs to Onondaga Lake	phosphorus
Onondaga	Minor Tribs to Onondaga Lake	pathogens
Onondaga	Bloody Brook and tribs	pathogens
Onondaga	Ley Creek and tribs	pathogens
Onondaga	Ley Creek and tribs	phosphorus
Onondaga	Onondaga Creek, Lower, and tribs	phosphorus
Onondaga	Onondaga Creek, Lower, and tribs	pathogens
Onondaga	Onondaga Creek, Middle, and tribs	silt/sediment
Onondaga	Onondaga Creek, Middle, and tribs	phosphorus
Onondaga	Onondaga Creek, Middle, and tribs	pathogens
Onondaga	Onondaga Creek, Upper, and minor tribs	silt/sediment
Onondaga	Onondaga Creek, Upper, and tribs	phosphorus
Onondaga	Harbor Brook, Lower, and tribs	pathogens
Onondaga	Harbor Brook, Lower, and tribs	phosphorus
Onondaga	Ninemile Creek, Lower, and tribs	phosphorus
Onondaga	Ninemile Creek, Lower, and tribs	pathogens
Ontario	Hemlock Lake Outlet and minor tribs	phosphorus
Ontario	Hemlock Lake Outlet and minor tribs	pathogens

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COUNTY	WATERBODY NAME	POLLUTANT
Ontario	Honeye Lake	phosphorus
Ontario	Great Brook and minor tribs	phosphorus
Ontario	Great Brook and minor tribs	silt/sediment
Orange	Greenwood Lake	phosphorus
Oswego	Lake Neatahwanta	phosphorus
Ossego	Susquehanna River, Main Stem	pathogens
Pulnam	Croton Falls Reservoir	phosphorus
Pulnam	West Branch Reservoir	phosphorus
Pulnam	Boyd Corners Reservoir	phosphorus
Pulnam	Middle Branch Reservoir	phosphorus
Pulnam	Lake Carmel	phosphorus
Pulnam	Diverting Reservoir	phosphorus
Pulnam	East Branch Reservoir	phosphorus
Pulnam	Bog Brook Reservoir	phosphorus
Pulnam	Oscawana Lake	phosphorus
Queens	Newtown Creek and tidal tribs	floatables
Queens	East River, Upper	floatables
Queens	East River, Upper	floatables
Queens	Flushing Creek/Bay	nitrogen
Queens	Flushing Creek/Bay	floatables
Queens	Little Neck Bay	pathogens
Queens	Alley Creek/Little Neck Bay Trib	floatables
Queens	Jamaica Bay, Eastern, and tribs	nitrogen
Queens	Jamaica Bay, Eastern, and tribs	pathogens
Queens	Jamaica Bay, Eastern, and tribs	floatables
Queens	Thurston Basin	floatables
Queens	Bergen Basin	Nitrogen
Queens	Bergen Basin	pathogens
Queens	Bergen Basin	floatables
Queens	Shellbank Basin	nitrogen
Queens	Spring Creek and tribs	pathogens
Queens	Spring Creek and tribs	floatables
Rensselaer	Snyders Lake	phosphorus
Richmond	Raritan Bay (Class SA)	pathogens
Richmond	Arthur Kill (Class I) and minor tribs	floatables
Richmond	Newark Bay	floatables
Richmond	Kill Van Kull	floatables
Richmond	Grasmer, Arbutus and Wolfes Lakes	phosphorus
Saratoga	Dwaas Kill and tribs	Phosphorus
Saratoga	Dwaas Kill and tribs	silt/sediment
Saratoga	Schuyler Creek and tribs	phosphorus
Saratoga	Schuyler Creek and tribs	pathogens

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COUNTY	WATERBODY NAME	POLLUTANT
Saratoga	Lake Lonely	phosphorus
Saratoga	Tribes to Lake Lonely	Phosphorus
Saratoga	Tribes to Lake Lonely	pathogens
Schenectady	Collins Lake	phosphorus
Schoharie	Cobleskill Creek, Lower, and tribs	pathogens
Schoharie	Engleville Pond	phosphorus
Schoharie	Summit Lake	phosphorus
St.Lawrence	Black Lake Outlet/Black Lake	phosphorus
Steuben	Lake Salubria	phosphorus
Steuben	Smith Pond	phosphorus
Suffolk	Millers Pond	phosphorus
Suffolk	Beach/Island Ponds, Fishers Island	pathogens
Suffolk	Dering Harbor	pathogens
Suffolk	Tidal Tribes to Gr Peconic Bay, Northstr	pathogens
Suffolk	Mattituck (Marratooka) Pond	phosphorus
Suffolk	Mattituck (Marratooka) Pond	phosphorus
Suffolk	Flanders Bay, West/Lower Sawmill	nitrogen
Suffolk	Meetinghouse/Terrys Creeks and tribs	nitrogen
Suffolk	Meetinghouse/Terrys Creeks and tribs	pathogens
Suffolk	Peconic River, Lower, and tidal tribs	nitrogen
Suffolk	Peconic River, Lower, and tidal tribs	pathogens
Suffolk	Scalloped Pond	pathogens
Suffolk	Oyster Pond/Lake Munchogue	pathogens
Suffolk	Phillips Creek, Lower, and tidal tribs	pathogens
Suffolk	Quogue Canal	pathogens
Suffolk	Forge River, Lower and Cove	pathogens
Suffolk	Tidal tribs to West Moriches Bay	Nitrogen
Suffolk	Tidal tribs to West Moriches Bay	pathogens
Suffolk	Canaan Lake	silt/sediment
Suffolk	Nicoll Bay	phosphorus
Suffolk	Lake Ronkonkoma	phosphorus
Suffolk	Lake Ronkonkoma	pathogens
Suffolk	Great Cove	pathogens
Tompkins	Cayuga Lake, Southern End	phosphorus
Tompkins	Cayuga Lake, Southern End	silt/sediment
Tompkins	Cayuga Lake, Southern End	pathogens
Ulster	Ashokan Reservoir	silt/sediment
Ulster	Esopus Creek, Upper, and minor tribs	silt/sediment
Warren	Lake George	silt/sediment
Warren	Tribes to L. George, Village of L. George	silt/sediment
Warren	Huddle/Finkle Brooks and tribs	silt/sediment

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COUNTY	WATERBODY NAME	POLLUTANT
Warren	Indian Brook and tribs	silt/sediment
Warren	Hague Brook and tribs	silt/sediment
Washington	Lake Champlain, South Bay	phosphorus
Washington	Tribes to L. George, East Shore	silt/sediment
Wayne	Cossayuna Lake	phosphorus
Wayne	Blind Sodus Bay	phosphorus
Wayne	Port Bay	phosphorus
Westchester	Saw Mill River, Lower, and tribs	floatables
Westchester	New Croton Reservoir	phosphorus
Westchester	Upper New Croton/Muscoot Reservoir	phosphorus
Westchester	Amawalk Reservoir	phosphorus
Westchester	Lake Lincolndale	phosphorus
Westchester	Peach Lake	pathogens
Westchester	Peach Lake	phosphorus
Westchester	Titicus Reservoir	phosphorus
Westchester	Cross River Reservoir	phosphorus
Westchester	Lake Meahaugh	phosphorus
Westchester	Bronx River, Upper, and tribs	pathogens
Westchester	New Rochelle Harbor	pathogens
Westchester	New Rochelle Harbor	floatables
Westchester	Long Island Sound, Westchester Co	pathogens
Westchester	Long Island Sound, Westchester Co	nitrogen
Westchester	Larchmont Harbor	pathogens
Westchester	Larchmont Harbor	floatables
Westchester	Hutchinson River, Middle, and tribs	pathogens
Westchester	Mamaroneck Harbor	pathogens
Westchester	Mamaroneck Harbor	floatables
Westchester	Mamaroneck River, Lower	silt/sediment
Westchester	Mamaroneck River, Upper, and minor	silt/sediment
Westchester	Sheldrake River and tribs	phosphorus
Westchester	Sheldrake River and tribs	silt/sediment
Westchester	Milton Harbor	pathogens
Westchester	Milton Harbor	floatables
Westchester	Blind Brook, Lower	silt/sediment
Westchester	Blind Brook, Upper, and tribs	silt/sediment
Westchester	Port Chester Harbor	pathogens
Westchester	Port Chester Harbor	floatables
Westchester	Byram River, Lower	pathogens
Wyoming	Java Lake	phosphorus
Wyoming	Silver Lake	phosphorus
Oneida	Mohawk River, Main Stem	Copper
Westchester	Hutchinson River, Middle, and tribs	Oil and Grease

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**APPENDIX 3. NEW YORK CITY WATERSHED EAST OF THE HUDSON RIVER WATERSHED MAP**

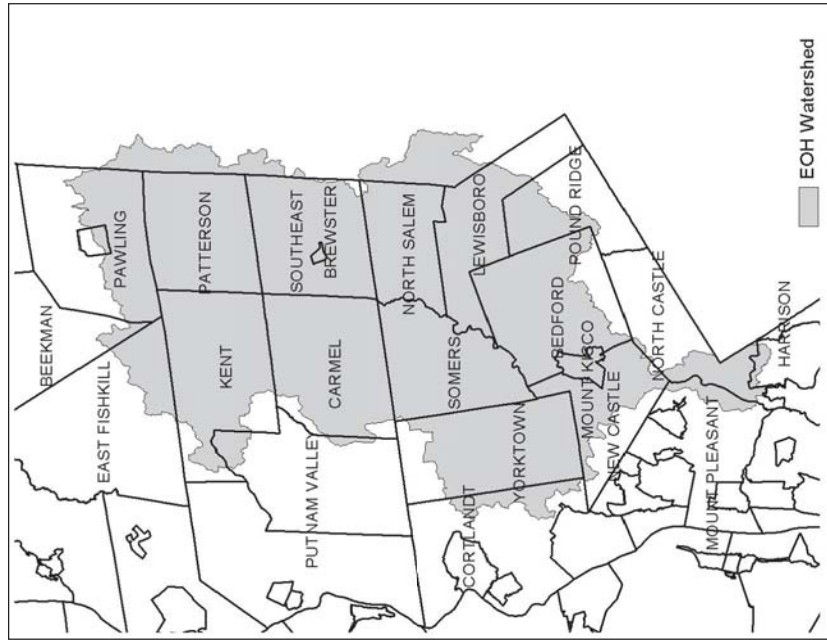


Figure 1. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

**APPENDIX 4. ONONDAGA LAKE WATERSHED MAP**

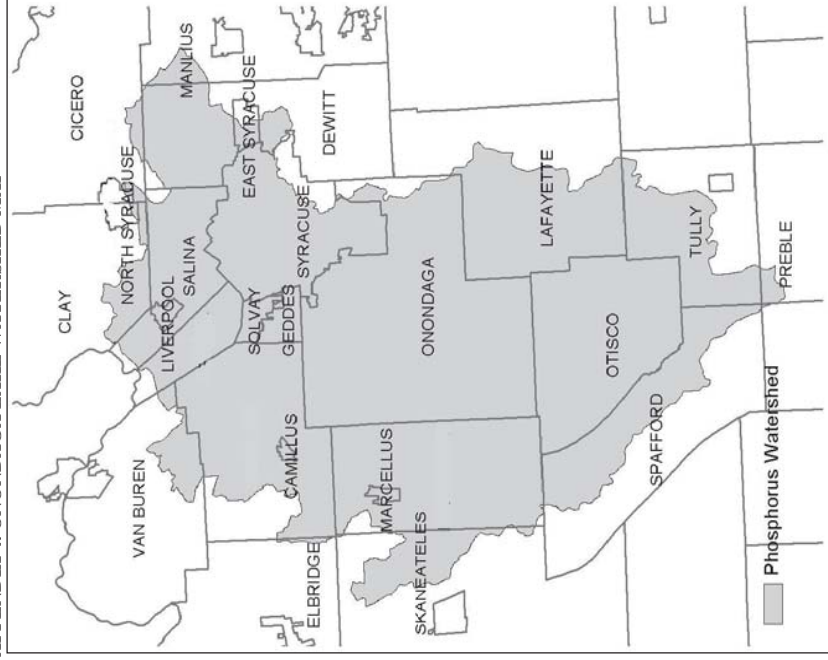


Figure 2. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 5. GREENWOOD LAKE WATERSHED MAP

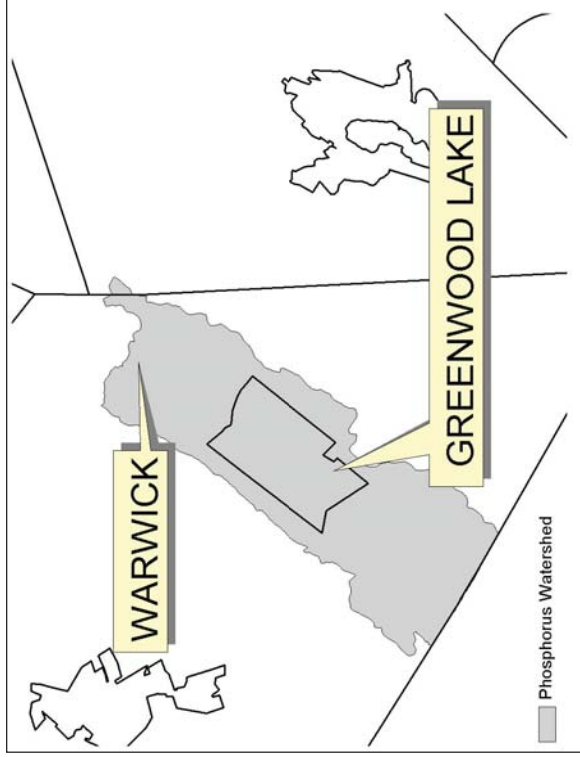


Figure 3. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 6. OYSTER BAY WATERSHED MAP

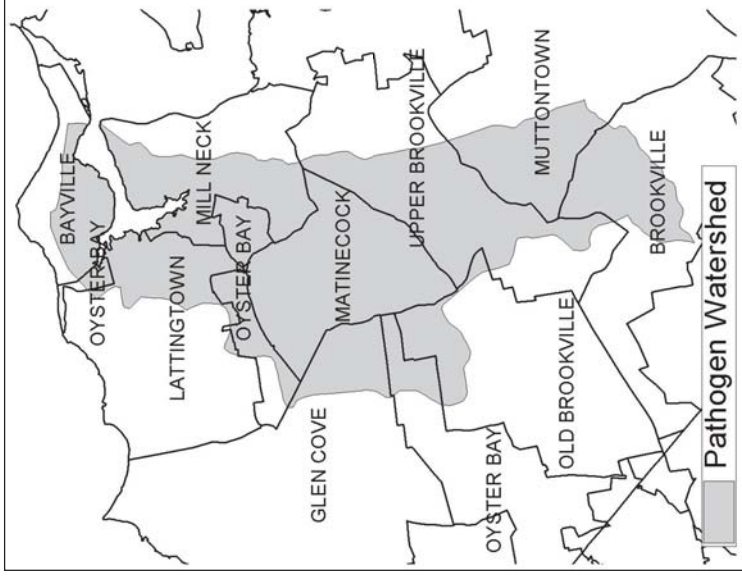


Figure 4. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 8. PECONIC ESTUARY NITROGEN WATERSHED MAP

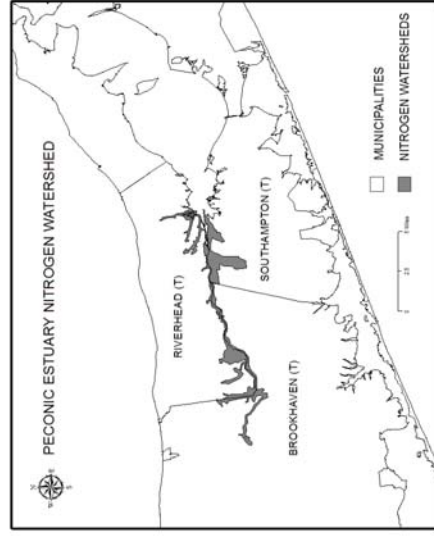


Figure 6. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

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APPENDIX 7. PECONIC ESTUARY PATHOGEN WATERSHED MAP

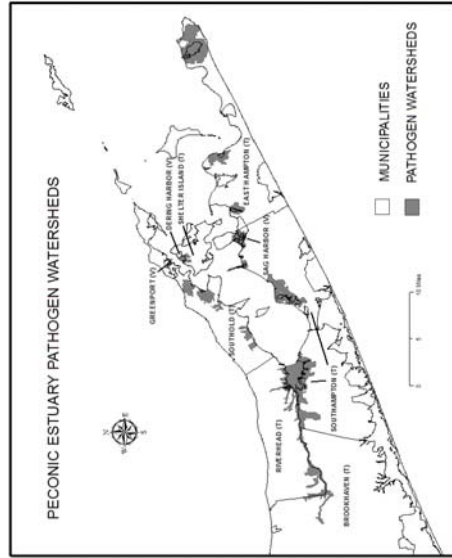


Figure 5. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

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APPENDIX 10. LAKE OSCAWANA WATERSHED MAP

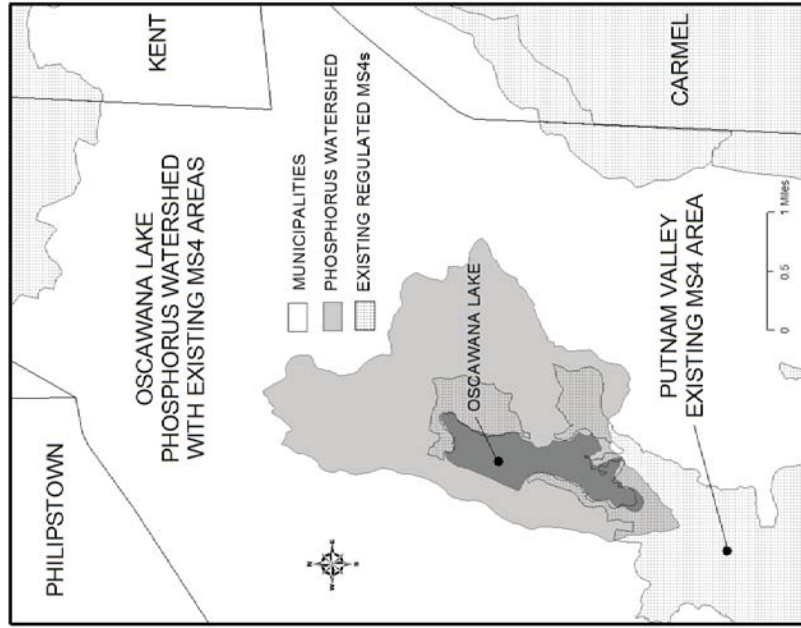


Figure 8. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 9. THE 27 LONG ISLAND SHELLFISHING IMPAIRED EMBAYMENT MAP



Figure 7. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.