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~~**County**~~
~~**City**~~
Town of New Paltz
~~**Village**~~

Local Law No. of the year 2016

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

Be it enacted by the Town Board of the
~~**County**~~
~~**City**~~
Town of New Paltz as follow:
~~**Village**~~

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

Section 1. Amendment.

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

Article 1. General Provisions

§ 135-1. 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 water-borne

pollutants, including siltation of aquatic habitat and an increase in the water temperature[DBC1] which are detrimental to~~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 habitat;

D. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;

E. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;

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. Proper design, construction and maintenance of stormwater management practices can greatly increase their effectiveness in water quality treatment and water quantity control.

I. Green infrastructure is an effective and desirable method to reduce impacts from stormwater runoff and should be implemented in order to restore natural hydrologic regimes, increase infiltration, slow water, and protect communities from the risks associated with stormwater runoff and soil erosion.

J. Stormwater management practices involving Infiltration recharge the groundwater table and provide a high degree of water quality treatment.

K. **S**tormwater practices involving Bioretention provide a high degree of water quality treatment.

L. 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.

M. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development more 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.

N. Climate change and the increased risk of severe storms with the capacity to increase stormwater runoff and soil erosion pose a significant threat to a community's sustainability[DBC2] and the safety of its citizens through potential increases in pollution of its waterways and damage to infrastructure, economic assets, and natural resources;

O. Stream buffers and vegetated floodplains treats stormwater, improve water quality, reduce[DBC3] floodwater velocity, and provide a right-of-way for flood events; and

P. Fitting the development design to the terrain and avoiding steep slopes, floodplains, and wetlands helps to preserve the natural hydrology and drainage

ways[DBC4] of a site, reduces the need for grading and land disturbance, and provides a framework for site design and layout.

~~M.~~Q.

§ 135-2. Purpose

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

A. Meet the requirements of minimum measures 4 and 5 of current version of the New York State Department of Environmental Conservation State Pollutant Discharge[DBC5] Elimination System ~~the~~ (SPDES) General Permit for Stormwater Discharges from Municipal Separate Sewer Systems (MS4s)~~, Permit No. GP-0-015-03, as that permit may be amended from time to time~~.

B. Require regulated land development activities to conform to the substantive requirements of the ~~NYS~~ most current version of the New York State Department of[DBC6]~~of~~ Environmental Conservation ~~State Pollutant Discharge Elimination System~~ ~~(~~SPDES~~)~~ General Permit for Construction Activities ~~GP-0-015-02, as that permit may be amended from time to time~~.

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

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

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

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

G. 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;

H. Adapt to current and projected climate change impacts, decrease risk of storm - related flooding, and increased resilience to severe storm surge; and[DBC7]

I. Reduce the impact on the environment, protect water quality, reduce the potential for erosion and protect sensitive habitats by locating development away from

floodplains[DBC8], ecologically sensitive areas, and permeable soils, to the extent practicable, and limiting the amount of clearing and grading.

§ 135-3. Statutory Authority

This Chapter is enacted pursuant to Article 10 of the Municipal Home Rule Law of the State of New York**,** which gives the Town Board of New Paltz 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 New Paltz and for the protection and enhancement of its physical environment. The Town Board of New Paltz may appoint municipal officers, employees, or independent contractors to effectuate, administer and enforce such local law.

§ 135-4. Applicability

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

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

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

D. All land development activities subject to review and approval by the Planning Board of the Town of New Paltz under subdivision and site plan regulations shall be reviewed subject to the standards contained in this local law.

E. All land development activities not subject to review as stated in Section 135-4 D. and not included as an exempt activity as listed in Section 135-5 herein shall be required to submit a SWPPP to the Stormwater Management Officer, who will then engage the services of the designated Town Engineer to review the submitted SWPPP. After considering the review and recommendations of the Town Engineer, the SMO shall approve the SWPPP if it complies with the requirements of this law.

§ 135-5. Exemptions

The following activities are exempt from review under this local law:

A. Agricultural activity, as defined in this local law;

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

C. Routine maintenance activities that disturb less than one acre[DBC9] ~~five acres~~ of land 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, after consultation with the Town Engineer, to accomplish the purposes of this Chapter;

E. Any construction on a lot shown on a plat of subdivision or a site plan which has received final approval by the Town of New Paltz and on which construction has commenced or a duly issued building permit that has been properly approved and is[DBC10] remains valid on or before the effective date of this local law. However, site plans and subdivisions, or any part thereof, that have received final approval by the Town of New Paltz and construction has not commenced on or before the effective date of this law shall comply to the maximum extent practicable with the applicable requirements of this local law, as directed by the Stormwater Management Officer and the Town Engineer;

F. Land development activities being conducted on land not incorporated within an approved subdivision, but for which a building permit has been approved on or before the effective date of this local law.

G. Cemetery graves;

H. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.

I. Emergency activities determined by the Town Board to[DBC11] be deemed immediately necessary ~~by the Town Board~~ to protect life, property or natural resources;

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

K. Landscaping and horticultural activities in connection with an existing structure and/or existing site improvements.

Article 2. Stormwater Control

§ 135-6. Definitions

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

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

Applicant - A person, property owner or agent of a property owner[DBC12] ~~(as defined herein)~~ who has fileds an application for a permit or approval required for a land development activity regulated by this Chapter, including the owner of the property on which the proposed regulated activity would be located, and any contract vendee, lessee of the land, or person who would actually control and direct the proposed regulated activity, and/or the authorized agent of such person.

Best Management Practices (BMP) - Physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, and have

been approved by the Department of Environmental Conservation.

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

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

Clearing - Destruction and removal of areas of vegetation by manual, mechanical, biological or chemical methods.

Dedication - the deliberate appropriation of property by its owner.

Department - the New York State Department of Environmental Conservation[DBC13]

Design Manual – the current version of the *New York State Stormwater Management Design Manual*, applicable to the proposed SWPPP including applicable updates, which serves as the official reference document for stormwater management principles, methods and practices.

Developer - a person who undertakes land development activities.

Erosion Control – measures that prevent the soil from eroding.

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[DBC14] Book".

Floodplain, 100-year - The area adjoining a river, stream, or watercourses covered by water[DBC15] in the event of a 100-year flood, as shown on current FEMA mapping and as required to be determined when FEMA mapping information is not available. The 100-year flooding event is the flood having a 1 percent chance of being equaled or exceeded in magnitude in any given year.

Floodplain, 500-year - The area adjoining a river, stream, or watercourses covered by water[DBC16] in the event of a 500-year flood, as shown on current FEMA mapping and as required to be determined when FEMA mapping information is not available. The 500-year flooding event is the flood having a 0.2 percent chance of being equaled or exceeded in magnitude in any given year.

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 [DBC17]water surface elevation more than 1 foot, as shown on current FEMA mapping and as required to be determined when FEMA mapping information is not available.

Grading - excavation or fill of material, including the resulting conditions thereof[DBC18].

~~**Grading** - the alteration of surface or subsurface conditions of land, lakes, ponds, or watercourses.~~

Green Infrastructure - Green infrastructure approaches infiltrate, evapotranspire or reuse stormwater, using soils and vegetation rather than 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.

Hydrologic Soil Group (HSG) - A Natural Resource Conservation Service classification[DBC19] system in which soils are categorized into four runoff potential groups.

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

Industrial Stormwater Permit - a State Pollutant Discharge Elimination System (SPDES) 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.

Infiltration - the process of percolating stormwater into the subsoil.

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 (1.0) acre, or activities disturbing less than one (1.0) acre of total land area that are part of a larger common plan of development or sale totaling equal to or greater than one (1.0) acre of land disturbance, even though multiple separate and distinct land development activities may take place at different times on different schedules.

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

Low Impact Development (LID) - A land planning and engineering design approach to manage stormwater runoff which emphasizes conservation and use of on-site natural features to protect water quality. This approach implements engineered small-scale hydrologic controls to replicate, to the extent practicable, the pre-development hydrologic regime of watersheds through infiltrating, filtering, storing, evaporating, and detaining runoff close to its source.

Mean High Water Mark - the average annual high water level[DBC20].

Maintenance Agreement - a legally recorded document that sets forth restrictions on the use of property, in the form of a deed restriction or covenant, and which establishes the legal responsibility of the property owners and others for long-term maintenance of stormwater management practices.

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

NYSDEC - the New York State Department of Environmental Conservation.

Ordinary High Water Mark - that line on the shore established by the fluctuations of[DBC21] water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

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

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

Project - land development activity.

Qualified Inspector - a person that is knowledgeable in the principles and practices of

erosion and sediment control, such as a licensed Professional Engineer, a Certified Professional[DBC22] in Erosion and Sediment Control (CPESC), a Certified Professional in Stormwater Quality (CPSWQ), Registered Landscape Architect, or other Department endorsed individual. It can also mean someone working in the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person has received Department-endorsed training in the principles and practices of erosion and sediment control.

Recharge - the replenishment of underground water reserves.

Riparian - Belonging or related to the bank of a water body, including rivers, streams[DBC23], wetlands, lakes, ponds, or impoundments.

Riparian Buffer - A vegetated area, including trees, shrubs, and herbaceous[DBC24] vegetation, adjacent to a water body.

Runoff Reduction Volume (RRv) - Reduction of the total Water Quality[DBC25] Volume (WQv) by application of runoff reduction techniques and standard Stormwater Management Practices (SMPs) with RRv capacity to replicate predevelopment hydrology.

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

Sensitive Areas - Coldwater fisheries, shellfish beds, swimming beaches[DBC26], groundwater recharge areas, water supply reservoirs, wetlands, habitats for threatened, endangered or special concern species, highly erodible soils and/or soils with slopes greater than 15%, 100-and 500-year floodplains, unique geological features, and mature forests.

SPDES General Permit for Stormwater Discharges from[DBC27] **Construction Activities** ~~**GP-0-015-02**~~ - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems [DBC28] ~~**GP-0-015-03**~~ - 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

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

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

Stormwater - rainwater, surface runoff, snowmelt and drainage.

Stormwater Design Plan, Conceptual - A preliminary plan set demonstrating a stormwater management system(s) and water quality controls for a proposed development at a level of detail to demonstrate its compliance with all applicable requirements, which may be incorporated in a Stormwater Pollution Prevention Plan for the proposed development.

Stormwater Design Plan (SDP), Final - A detailed plan set outlining the stormwater management system(s) and water quality controls for the proposed development, including all computations and specifications, and incorporated as appropriate in the final subdivision plan, final site plan or construction plan for the proposed developed.

Stormwater Hotspot - a land use or activity that generates higher concentrations of

hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

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

Stormwater Management Facility - one or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

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 or Town Engineer and inspect stormwater management practices, and to enforce the provisions of this Chapter.

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.

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

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

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

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

Temporarily Ceased - means that an existing disturbed area will not be disturbed again[DBC29] within 14 calendar days of the previous soil disturbance.

Trained Contractor - an employee from the contracting (construction) company that will be responsible for implementing the SWPPP, who has received four (4) hours[DBC30] of Department endorsed training in proper erosion and sediment control principles. After receiving the initial training, the trained contractor shall receive four (4) hours of training every three (3) years. It can also mean an employee from the contracting (construction) company that meets the qualified inspector qualifications.

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

Watercourse - A permanent or intermittent stream[DBC31], river, creek, ~~stream,~~ ditch, or channel in which water flows as listed (classified or unclassified) by the NYS Department of Environmental Conservation in 6 NYCRR Article X.

Wetland – Regulated areas that comprise hydric soils and/or are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions and are regulated under federal, state, and/or town law. Wetlands generally include marshes, bogs, vernal pools, wet meadows, fens and similar areas.

Waterway - a channel that directs surface runoff to a watercourse or to the public storm[DBC32] drain.

§ 135-7. Stormwater Pollution Prevention Plans

A. Stormwater Pollution Prevention Plan Requirement

(1) No application for approval of a land development activity shall be deemed complete until the appropriate board has received a proposed Stormwater Pollution Prevention Plan (SWPPP), prepared in accordance with the NYSDEC General Permit for Stormwater Discharges of Construction Activities that will be applicable to the proposed land development activity, as that permit may be amended from time to time, and the supplemental standards set forth below in[DBC33] Paragraph B.

(2) The applicant shall also provide a copy of the SWPPP prepared in accordance with the specifications of this local law to the engineering department or other designated storm water office of the County of Ulster. The applicant shall also provide GPS (Global Positioning System) reference data in a form suitable to the SMO for stormwater outfalls and permanent structures constructed in accordance with the New York State Stormwater Management Design Manual.

B. Contents of Stormwater Pollution Prevention Plans

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

   a. At a minimum, the site plan shall be drawn at a scale no smaller than 1 inch equals 100 feet

   b. B[DBC34]uffer (adjacent) areas regulated by the NYS DEC and the Town of New Paltz;

   c. Description of ground cover/vegetation along watercourses;[DBC35][DBC36][DBC37]

d. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP. All silt fences and other applicable erosion and sediment control measures shall be removed from the site after the site has been stabilized.

e. Description of the ground cover conditions throughout the site, as well as any changes to ground cover that have occurred in the previous five (5) years.

f. [DBC38]For all land development activities that requires Site Plan Approval under Town Code, a description of salt usage for control of snow and ice shall be included. The frequency, type, quantity, etc. of salt usage as well as measures to reduce salt usage shall be included.

g. 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;

h. The percent of impervious ground cover should be clearly noted for pre-construction and post-construction conditions;

i. [DBC39][DBC40][DBC41]Temporary practices that will be converted to permanent control measures;

j. [DBC42][DBC43]Name(s) of the receiving water(s);

k. Delineation of SWPPP implementation responsibilities for each part of the site;

l. 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

m. Any existing data that describes the stormwater runoff at the site.

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

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.

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

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

3) General Requirements for the contents of all SWPPPs for land development activities that meet Conditions A, B and/or C shall be the same as is required in the SPDES General Permit for Stormwater Discharges from Construction Activity, most current version, and shall[DBC44] also include the following:

a. All information in Section 135-7 B. 1) of this local law

b. Description of each post-construction stormwater management practice, a Stormwater Modeling and Analysis Report, testing results, operation and maintenance plan and, where required, compliance[DBC45] with the Enhanced Phosphorous Removal Standards;

c. Documentation that the stormwater management planning process using green infrastructure has been followed as required in the Design Manual using the stormwater management practices in Schedules A1, A2 and A3. A detailed description as to why each green infrastructure practice cannot be utilized in the design must be provided. The planning process steps are as follows:

i. Prepare an initial site plan and conceptual design that preserves natural features and reduces impervious cover by incorporating green infrastructure practices listed in Schedule A1 as[DBC46] appropriate to achieve runoff reduction goals and using the evaluation process in the Design Manual;

ii. Determine the Water Quality Volume (WQv) using the sizing criteria in the Design Manual;

iii. Apply runoff reduction techniques to reduce total WQv using the green infrastructure practices in Schedule A2 and standard stormwater management practices with runoff reduction capacity as described in Schedule A3 and using the sizing and performance criteria in the Design Manual;

iv. Determine the minimum runoff reduction volume (RRv) needed using the sizing criteria in the Design Manual;

v. Apply standard stormwater management practices in Schedule A3 to address remaining WQv using the sizing and performance criteria in the Design Manual; and

vi. Apply volume and peak rate control practices only if still needed to meet the requirements in the Design Manual.

[DBC47][DBC48]d. Comparison of post-development stormwater runoff conditions with pre-development conditions

e. Increases in stormwater runoff volume as a result of the land development activity shall be presented. Potential downstream impacts due to increased volume and proposed methods to lessen the volume shall be discussed.

f. [DBC49]Infiltration Practices for water quality treatment are preferred after the use of green infrastructure practices in the design have been exhausted (per the requirements of the Design Manual) if soils and other

physical characteristics are suitable and if the project does not involve a stormwater hot spot (See Section 4.11 of the Design Manual). If Infiltration Practices are not used, a detailed description as to why this cannot be achieved must be provided.

i. Bioretention Practices for water quality treatment are preferred after the use of green infrastructure practices in the design have been exhausted (per the requirements of the Design Manual) if physical characteristics of the site are suitable. If Bioretention Practices are not used, a detailed description as to why this cannot be achieved must be provided.

j. The method of soil compaction should be discussed. During construction, compaction of landscaped or pervious areas should be avoided to allow infiltration of stormwater into the subsoil.

k. [DBC50]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.

m. Inspection and maintenance agreement shall be binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Article 2, Section 4 of this local law.

4) Requirements for post-construction runoff controls shall comply with the standards established in the Design Manual and the New Your Standards and Specifications for Erosion and Sediment Control, most current edition, and including the following standards for land development activities that meet Conditions A, B and/or C:

1. Pond Practices

a. The maximum bottom area of any individual stormwater management pond or series of stormwater management ponds, including the forebay area, shall not exceed 0.5 acres, unless specifically accepted by the Town's reviewing Engineer upon an investigation of the specific site conditions that could justify an increase in stormwater management pond area.

b. The minimum length to width ratio for the pond shall be 2:1, or the pond must be designed so that the flow path within the pond is equal to 2 times the pond width. The pond inlet and outlet shall be located on the opposite sides of the pond.

c. Maintain a long flow path through the system to the greatest extent possible, and design ponds with irregular shape.

d. The Pond shoreline shall be planted with barrier riparian vegetation in accordance with the Design Manual.

e. [DBC51]Sediment removal from the forebay shall occur every 3 years or when it becomes 30% full.

f. Sediment removal from the main basin shall occur every 5 years or when it becomes 30% full (30% of the permanent pool depth),

whichever occurs sooner.

g. [DBC52]All low flow orifices (6-inch diameter or less) shall be adequately designed to prevent clogging.

h. Pond side slopes shall be 3H:1V to allow regular maintenance (e.g. mowing).

i. The principal spillway and large culverts shall not permit access by small children.

j. Pond Practices shall meet all requirements set forth in the Design Manual.

2. Infiltration Practices

a. The infiltration practice shall operate as an offline treatment system, with a bypass overflow to a detention basin or other stable downstream receptacle.

b. [DBC53]Remove sediment/gross solids from the infiltration surface annually, to ensure the maximum surface area for treatment.

c. Rehabilitate/replace at least the top 6 inches of filter media when flow-through rate reduces to <60% design treatment flow rate (replace >6 inches as necessary to restore design treatment flow rate).

d. Infiltration Practices shall meet all requirements set forth in the Design Manual.

3. Bioretention Practices

a. Bioretention Soil Media:

i. The media shall have 0% clay content. Any clay greatly hastens failure, especially in the presence of geotextiles.

ii. The required organic component of the soil media shall be peat.

b. A landscaping plan is required for each Bioretention Practice. To the extent practicable, native plant species shall be used.

c. [DBC54]Remove sediment/gross solids from the bioretention surface annually or when depth exceeds 3 inches.

d. Rehabilitate/replace mulch and bioretention media (top 6 inches minimum) when flowing through rate reduces to <60% design treatment flow rate.

e. Bioretention Practices shall meet all requirements set forth in the Design Manual.

§135-8. Plan Certification and MS4 Acceptance

The SWPPP shall be prepared by a New York State registered landscape architect, an International Erosion Control Association Certified Professional in Erosion and Sediment Control (CPESC), an International Erosion Control Association Certified Professional in Storm Water Quality (CPSWQ) or a New York State licensed professional engineer, and must be signed by the professional preparing the plan, who

shall certify that the design of all stormwater management practices meet the requirements in this local law and any other applicable laws or regulations. All components of the SWPPP that involve the practice of engineering, as [DBC55]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.

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

§135-9. Other Permits

The applicant shall provide the SMO with acceptable evidence that all other applicable environmental and/or other required[DBC56] permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

§135-10. 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 have read, understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan and agree to implement any corrective actions identified by the qualified[DBC57] inspector during a site inspection.. 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 statement(s) shall be filed with the SMO and become part of the SWPPP for the land development activity.

§135-11. SWPPP ~~Copy~~ Copy Retention and Availability

A copy of the SWPPP shall be retained at the site of the land development activity in a prominent place for public viewing during construction, from the date of initiation of construction activities until all disturbed areas have achieved final stabilization, the date the notice of termination is accepted by the town and ~~to~~ the date of the filing of a notice of termination of coverage from the General Permit.

The documents must be maintained in a secure location, such as a job trailer[DBC58], on-site construction office, or mailbox with lock. The secure location must be accessible during normal business hours to an individual performing a compliance inspection.

Article 3. 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:

§135-12. Technical Standards

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

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);

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

B. The New York Standards and Specifications for Erosion and Sediment Control, (New York State[DBC59] Department of Environmental Conservation, most current version, or its successor, hereinafter referred to as the Erosion Control Manual);

C. The standards imposed by this local law are intended to be consistent with DEC SWPPP standards and the standards of the SPDES General Permit for Stormwater Discharges from Construction Activities, most current version[DBC60], unless a supplemental standard is expressly identified in this local law.

D. Technical Standards Equivalents shall additionally provide[DBC61]:

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

b. Where post-construction stormwater management practices are not designed in conformance with the performance criteria in the Design Manual, the applicant or developer must include in the WEB the reason(s) for the deviation or alternative design is equivalent to the technical standard.

E. Performance Standards Required:

a. The applicant or developer shall minimize the discharge of pollutants from

equipment and vehicle washing, wheel wash water, and other wash waters using clean water only. Soaps, detergents and solvents shall not be used.

b. The applicant or developer shall minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of storm water contamination (such as final products and materials intended for outdoor use).

c. The applicant or developer shall prevent the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

§135-13. Water Quality Standards

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

Article 4. Maintenance, Inspection and Repair of Stormwater Facilities

§135-14. Maintenance During Construction

A. When land is disturbed in connection with a regulated land development activity, the owner, applicant or developer shall shall [DBC62]at all times properly operate and maintain~~ensure that a representative of the applicant with appropriate training or expertise properly operates and maintains~~ all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this local law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.

B. The applicant or developer or their representative shall be on site ~~at all times~~ daily when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.

C. Inspection~~s reports~~ by a qualified stormwater inspector shall be completed every 7 calendar days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. The inspection reports shall be delivered to the Stormwater Management Officer and also copied to the site log book.

D. Where soil disturbance activity has temporarily or permanently ceased, the

application of soil stabilization measures must be initiated[DBC63] by the end of the next business day and completed within fourteen (14) calendar days from the date the current soil disturbance activity ceased. If 5 acres or more have been disturbed at one time and ~~In areas where~~ soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven ~~fourteen~~ (~~14~~7) days of ~~from~~ the date the current soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the Erosion Control Manual.

E. The following activities are subject to the requirements in §135-14 A[DBC64][DBC65]. and B., but are exempt from the requirements in §135-14 C. and D. above:

a. Construction on agricultural property that involves the soil disturbance of one (1) or more but less than five (5) acres of land.

b. Construction of a single-family subdivision with 25% or less impervious cover at total site builder-out that involves soil disturbance of one (1) or more but less than five (5) acres of land.

c. Construction of a single family home that involves soil disturbance of one (1) or more but less than five (5) acres of land.

F. Land development activities where the applicant or developer has received[DBC66] authorization from the Department to disturb 5 acres or more at any one time shall be inspected by a qualified inspector twice every 7 days. The two inspections shall be separated by a minimum of two full calendar days.

§135-15. Registration Statement; Maintenance Easement(s)

Prior to the issuance of any permit authorizing construction activities for a Land Development Activity that has an approved ~~approval of any~~ SWPPP that requires ~~has~~ the installation of a permanent stormwater management facility ~~as one of the requirements~~, the applicant or developer shall:

A. complete and file with the SMO a Stormwater Facility Registration Statement, which shall include a copy of any proposed permanent stormwater management facility design, the operations and maintenance plan in the SWPPP for the permanent facility, the entity that will be responsible for implementing each practice in the plan, including contact information for a responsible person, and such fee as required by resolution of the Town Board. The Statement shall be updated within thirty days of a change or modification in the design, operation or maintenance of the facility, the designated entity responsible for implementing any practice or the contact information provided on the Statement, or when the owner or operator of the facility submits a Notice of Termination of coverage to the MS4. The Statement shall be

renewed every three years thereafter.

B. 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 New Paltz to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this local law. The easement shall be recorded by the ~~developer~~ grantor in the office of the Ulster County Clerk within 15 days after approval by the attorney for the Town of New Paltz, and deliver a copy of the recorded easement to the SMO within 15 days of recording it**.** The ~~developer~~ grantor shall also execute Form TP-584 and such other documents as may be required by the Ulster County Clerk in order to record said easement.

§135-16. Maintenance after Construction

The owner or operator of permanent stormwater management practices installed in accordance with this law shall operate and maintain the stormwater management practices to achieve the goals of this law. 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 law.

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 Article 2, section 3.2.~~

§135-17. Maintenance Agreements

The Town of New Paltz 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 of this local law entitled *Sample Stormwater Control Facility Maintenance Agreement*. The Town of New Paltz, in lieu of a maintenance agreement, at its sole discretion may establish a town drainage district in accordance with the Town Law and accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this local law and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Article 5. Administration and Enforcement

§135-18. Construction Inspection

A. Inspection Schedule

1) The Town of New Paltz Stormwater Management Officer may require such inspections as necessary to determine compliance with this law and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this law and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Town of New Paltz 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.
i) Dewatering activities involving the pumping of water.

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 and As-built Survey

1) The Town of New Paltz Stormwater Management Officer, or at the Town Board's discretion, a New York State licensed professional engineer, ~~or~~ certified professional in erosion and sediment control (CPESC), or certified professional in storm water[DBC67] quality (CPSWQ), shall be responsible for conducting inspections of stormwater management practices (SMPs).

2) The Stormwater Management Officer, or at the Town Board's discretion, a New York State licensed professional engineer, ~~or~~ certified professional in erosion and sediment control, or certified professional in storm water quality may also conduct random inspections during construction, clearing and grading or site disturbance as necessary to determine compliance with this law. If deficiencies or violations are found, the SMO shall notify the applicant and/or developer in writing of the nature of the deficiency or violation and any required corrective actions[DBC68]

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

4) 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

After filing of a NOT or completion of the regulated activities, 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 SMO may require monitoring and reporting from entities subject to this law as are necessary to determine compliance with this law.

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 storm water system, the owner or operator shall allow the SMO or another duly authorized representative of the MS4 receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to: Enter upon the owner's or operator's premises where a regulated facility or activity is located or conducted or where records must be kept pursuant to the requirements of this Chapter or the conditions of coverage of any SPDES permit; Have access to and copy at reasonable times, any records that must be kept pursuant to this Chapter or the conditions of a SPDES permit; and Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices or operations regulated or required by this Chapter; Sample or monitor at reasonable times, for purposes of assuring compliance with this Chapter, any substances or parameters at any location.

§135-19. Performance Guarantee

A. Construction Completion Guarantee

In order to ensure the full and faithful completion of those aspects of land development activities that are related to compliance with all conditions set forth by the Town of New Paltz in its approval of the Stormwater Pollution Prevention Plan, the Town of New Paltz may require the applicant or developer to provide, prior to construction, a cash escrow, or irrevocable letter of credit from an appropriate financial institution which guarantees satisfactory completion and maintenance of the stormwater water management and water quality facilities and names the Town of New Paltz as the beneficiary. Security shall be in an amount determined by the Town of New Paltz based on submission of final design plans, with reference to actual construction and landscaping costs, and in form acceptable to the attorney for the Town of New Paltz. The performance guarantee shall remain in force until the applicant is released from liability by the Town of New Paltz provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) 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 New Paltz**.** Per annum interest on cash escrow deposits shall be reinvested in the account until the applicant 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 as a condition of approval of the SWPPP to provide Town of New Paltz with an irrevocable letter of credit from an approved financial institution or other security acceptable to the Town in an amount and in a form satisfactory to the Town 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, Town of New Paltz may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

C. Recordkeeping

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

§135-20. Enforcement and Penalties

A. This Chapter may be enforced by the Stormwater Management Officer (herein referred to as the "SMO") or any other official or representative of the Town of New Paltz duly designated by the Town Board (hereinafter referred to alternatively as the "Enforcement Official").

B. The Enforcement Official is authorized to issue a Notice and Order to Remedy Violation for any violation of any provision of this Chapter and to commence in any court of competent jurisdiction a prosecution for such violation and arrange for the issuance of process pursuant to the Criminal Procedure Law to secure the attendance of the accused.

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

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

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

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

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

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

§135-21. Penalties for offenses.

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

B In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars ($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 three hundred fifty dollars nor more than seven hundred dollars ($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 seven hundred dollars nor more than one thousand dollars ($1000) 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 local law 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. In addition, in the event that the Town of New Paltz incurs any monetary fines or penalties due to acts or omissions of the persons or entities who violated this law, said individual or entity shall be liable to the Town of New Paltz for payment of all such fines or penalties imposed upon or paid by the Town of New Paltz.

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

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

§135-22 Inspections.

A. The Enforcement Official shall make or cause to be made inspection(s) after proper notice has been provided or as requested to determine the conditions of dwellings, buildings, dwelling units, and premises in order to safeguard the safety, health and welfare of the public under the provisions of this Code.

B. Upon reasonable advance notice to the Owner and to the Applicant under the circumstances prevailing at the time that such notice is given, the Enforcement Official and any other consultants reasonably required to assist the Enforcement Official in the performance of the Enforcement Official's duties is hereby authorized to enter upon any site or premises upon which any land development activity under this local law is being conducted at any reasonable time for the purpose of performing his or her duties under this local law.

C. Every owner and applicant undertaking any land development activities which are the subject of this local law shall be deemed to have given their respective consents to the Enforcement Official and to any consultants or other representatives of the Town

reasonably required to assist the Enforcement Official in the performance of the Enforcement Official's duties to access any part of the site or premises upon which any land development activity under this local law is being conducted at any reasonable time for the purpose of performing his or her duties under this local law.

(1) Application for search warrant. Should an owner or applicant revoke its consent to inspection(s) believed to be necessary by the Enforcement Official for the purpose of performing his or her duties under this local law and the Enforcement Official has reasonable cause to believe that a violation of this chapter has occurred, the Enforcement Official is hereby authorized to apply to the Town Justice Court, or any other court of competent jurisdiction, for an administrative search warrant (pursuant to such legal requirements as may apply) to permit such inspection(s). The application for a search warrant shall in all respects comply with the applicable laws of the State of New York.

(2) Upon the issuance of said warrant the Enforcement Official and any other consultants reasonably required to assist the Enforcement Official in the performance of the Enforcement Official's duties shall execute the warrant and shall conduct the inspection as per the conduct and procedures provided for by applicable laws of the State of New York.

(3) Coordination of enforcement. Inspection of premises and the issuing of orders in connection therewith under the provisions of this Code shall be the exclusive responsibility of the town officials charged with responsibility of enforcing this Chapter.

§135-23. Restoration of lands

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

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

§135-24. Fees for Services

The Town of New Paltz may require any person undertaking land development activities regulated by this law to pay reasonable costs at prevailing qualified professional fee rates for review of SWPPPs, inspections, or SMP maintenance performed by the Town of New Paltz or performed by a third party for the Town of New Paltz.

Schedule A1

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

Schedule A2

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

Schedule A3

Stormwater Management Practices Acceptable for Water Quality (*From: New York State Stormwater Management Design Manual, Table 3.3*)		
Group	**Practice**	**Description**
Pond	Micropool Extended Detention Pond (P-1)	Pond that treats the majority of the water quality volume through extended detention, and incorporates a micropool at the outlet of the pond to prevent sediment resuspension.
	Wet Pond (P-2)	Pond that provides storage for the entire water quality volume in the permanent pool.
	Wet Extended Detention Pond (P-3)	Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time.
	Multiple Pond System (P-4)	A group of ponds that collectively treat the water quality volume.
	Pocket Pond (P-5)	A stormwater wetland design adapted for the treatment of runoff from small drainage areas that has little or no baseflow available to maintain water elevations and relies on groundwater to maintain a permanent pool.
Wetland	Shallow Wetland (W-1)	A wetland that provides water quality treatment entirely in a wet shallow marsh.
	Extended Detention Wetland (W-2)	A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface.
	Pond/Wetland System (W-3)	A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.
	Pocket Wetland (W-4)	A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.
Infiltration	Infiltration Trench (I-1) (Runoff Reduction Capacity)	An infiltration practice that stores the water quality volume in the void spaces of a gravel trench before it is infiltrated into the ground.
	Infiltration Basin (I-2) (Runoff Reduction Capacity)	An infiltration practice that stores the water quality volume in a shallow depression before it is infiltrated into the ground.
	Dry Well (I-3) (Runoff Reduction Capacity)	An infiltration practice similar in design to the infiltration trench, and best suited for treatment of rooftop runoff.
Filtering Practices	Surface Sand Filter (F-1)	A filtering practice that treats stormwater by settling out larger particles in a sediment chamber, and then filtering stormwater through a sand matrix.
	Underground Sand Filter (F2)	A filtering practice that treats stormwater as it flows through underground settling and filtering chambers.
	Perimeter Sand Filter (F-3)	A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot.
	Organic Filter (F-4)	A filtering practice that uses an organic medium such as compost in the filter in place of sand.
	Bioretention (F-5) (Runoff Reduction Capacity)	A shallow depression that treats stormwater as it flows through a soil matrix, and is returned to the storm drain system.
Open Channels	Dry Swale (O-1) (Runoff Reduction Capacity)	An open drainage channel or depression explicitly designed to detain and promote the filtration of stormwater runoff into the soil media.

	Wet Swale (O-2)	An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.

Schedule B
TOWN OF NEW PALTZ

SAMPLE STORMWATER CONTROL FACILITY
MAINTENANCE AGREEMENT

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

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

1. This agreement binds the Municipality and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.

2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.

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

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

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

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

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

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

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

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

10. This agreement is effective _____ .

Section 2. Severability.

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

Section 3. Effective date.

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