

**VILLAGE OF GREENWOOD LAKE**

**LOCAL LAW NO. \_\_\_ OF 2024**

**A LOCAL LAW TO REPEAL AND REPLACE CHAPTER 96 OF THE VILLAGE CODE  
(STORMWATER MANAGEMENT)**

BE IT ENACTED by the Village Board of the Village of Greenwood Lake, County of Orange, New York ("Village Board") as follows:

**§ 96-1. Title.**

This chapter shall be known as the "Stormwater Management and Erosion Control Law."

**§ 96-2. Findings of fact.**

The Village of Greenwood Lake finds that uncontrolled drainage and runoff associated with land use and development has a significant impact upon the health, safety and welfare of the community. Specifically:

- A. Stormwater runoff can carry pollutants into receiving water bodies, degrading water quality.
- B. The increase in nutrients in stormwater runoff, such as phosphorous and nitrogen, accelerates eutrophication of receiving waters.
- C. Improper design and construction of drainage facilities can increase the velocity of runoff thereby increasing stream-bank erosion and sedimentation.
- D. Excavation of soil and construction requiring land clearing and the alteration of natural topography tends to increase erosion.
- E. Siltation of water bodies resulting from increased erosion decreases their capacity to hold and transport water, interferes with navigation and harms flora and fauna.
- F. Impervious surfaces increase the volume and rate of stormwater runoff and allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow.
- G. Improperly managed stormwater runoff can increase the incidence of flooding and the level of floods which occur, endangering property and human life.
- H. Substantial economic losses can result from these adverse impacts on community waters.
- I. Many future problems can be avoided if land is developed with sound stormwater management and erosion control practices.

**§ 96-3. Purposes and objectives.**

The purpose of this chapter, and related stormwater management provisions in the Village Code 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 § 96-2 hereof. This chapter, and related stormwater management provisions in the Village Code seeks to meet those purposes by achieving the following objectives:

- A. It is the purpose of these regulations to establish minimum acceptable standards for

stormwater management within the Village of Greenwood Lake. These minimum acceptable standards must be met and paid for by the person or firm proposing the subdivision, development and/or site plan where the facilities will be used; The limitations on construction of stormwater management facilities imposed herein specifically do not apply to mapped subdivisions, developments and site lands which have been finally approved by the Village of Greenwood Lake Planning Board or other authorized authority for which a final map has been filed in the office of the Orange County Clerk;

- B. Meet the applicable requirements of the SPDES general permit for stormwater discharges from municipal separate stormwater sewer systems (MS4s), Permit No. GP-0-24-001 or as amended or revised;
- C. Require land development activities to conform to the substantive requirements of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) general permit for construction activities GP-0-20-001 or as amended or revised;
- D. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and stream bank 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;
- 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. To enhance the quality of the waters of Greenwood Lake, its tributaries and sources.
- I. To check the rate of and reverse the process of the eutrophication of the waters of Greenwood Lake.
- J. Prevent increases in the magnitude and frequency of stormwater runoff so as to prevent an increase in flood flows and in the hazards and costs associated with flooding.
- K. Prevent decreases in groundwater recharge and stream base flow so as to maintain aquatic life, assimilative capacity and potential water supplies.
- L. Maintain the integrity of stream geometry so as to sustain the hydrologic functions of streams.
- M. Control erosion and sedimentation so as to prevent its deposition in streams and other receiving water bodies.
- N. Facilitate the removal of pollutants in stormwater runoff so as to perpetuate the natural biological functions of streams.
- O. To the extent practical, secure multiple community benefits, such as groundwater replenishment, open space protection and increased recreational and economic opportunity, through integrated land use/stormwater management planning.

- P. It is the purpose of these regulations to establish minimum acceptable standards for stormwater management within the Village of Greenwood Lake. These minimum acceptable standards must be met and paid for by the person or firm proposing the subdivision, development and/or site plan where the facilities will be used.
- Q. Meet the requirements of the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4's) Permit #GP-0-24-001 or as amended or revised.
- R. Require land development activities to conform to the substantive requirements of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-0-20-001 or as amended or revised.

#### **§ 96-4. Authority.**

- A. In accordance with Article 10 of the Municipal Home Rule Law, Article 4 and Article 20 of the Village Law of the State of New York, the Village of Greenwood Lake has the authority to enact this chapter for the purpose of promoting the health, safety or general welfare of the citizens of the Village of Greenwood Lake and the general public.
- B. Upon the approval of this chapter, the Board of Trustees of the Village of Greenwood Lake does hereby appoint and authorize the Planning Board and the Building Inspector or Code Enforcement Officer to effectuate and administer the provisions and requirements of this chapter in accordance with the duties and authorities of the Planning Board and the Building Inspector or Code Enforcement Officer, respectively, as set forth in Chapter 120, Zoning, of the Code of the Village of Greenwood Lake.

#### **§ 96-5. Jurisdiction.**

Upon the approval of this chapter by the Village of Greenwood Lake, all development, as herein defined, all site preparation and all construction activities requiring approval under this chapter shall be in conformance with the requirements and provisions set forth herein.

#### **§ 96-6. Definitions and word usage.**

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

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

**ADVERSE IMPACTS** — Any modifications, alterations or effects on a feature or characteristic of public waters, wetlands or adjacent lands, including their quality, quantity, hydrology, surface area, species composition, living resources, aesthetics or usefulness for human or natural uses, which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

**AGRICULTURAL ACTIVITY** — The activity of an active farm, including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or

similar operation, or the construction of new structures associated with agricultural activities.

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

**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** — Any activity that removes the vegetative surface cover.

**CRITICAL ENVIRONMENTAL AREA** — A specific geographic area designated by state or local agency having exceptional or unique characteristics that make the area environmentally important.

**DEDICATION** — The deliberate appropriation of property by its owner for general public use. **DEPARTMENT** — The New York State Department of Environmental Conservation.

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

**DETENTION STRUCTURE** — A permanent structure for the temporary storage of runoff, designed so as not to create a permanent pool of water, which gradually releases water over 24 hours at a rate not exceeding the predevelopment rate of runoff. This structure is used to control the peak discharge rates of stormwater and provide gravity settling of pollutants.

**DEVELOPER** — Any person who engages in development either as the owner or the agent of the owner of property.

**DEVELOPMENT or DEVELOPMENT ACTIVITY** —

- A. Construction, installation, alteration, demolition or removal of a structure, impervious surface or drainage facility.
- B. Clearing, scraping, grubbing or otherwise removing or killing the vegetation of a site; or
- C. Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging or otherwise significantly disturbing the soil, mud, sand or rock of a site.
- D. Providing utilities and their services, such as parking facilities, stormwater management and erosion control systems and sewage disposal systems, altering landforms, creating impervious surfaces or construction of a structure on the land.

**DRAINAGE FACILITY** — Any component of the drainage system.

**DRAINAGE SYSTEM** — The system through which the water flows from the land. In includes stormwater, watercourses, water bodies, groundwater and wetlands.

**DRY WELL** — Similar to an infiltration trench, but smaller with inflow from a pipe; commonly covered with soil and used for drainage areas of less than one acre, such as roadside inlets and rooftop runoff.

**EROSION** — The removal of soil particles by the action of water, wind, ice or other geological agents.

**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."

**EXFILTRATION** — The downward movement of runoff through the bottom of an infiltration system into the soil.

**EXTENDED DETENTION** — A practice to store stormwater runoff by collection as a temporary pool of water and provide for its gradual (attenuated) release over 24 hours or more; a practice which is used to control peak discharge rates and which provides gravity-settling of pollutants.

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

**FLOOD** — The temporary rise in the level of any water body, watercourse or wetland which results in the inundation of areas not ordinarily covered by water.

**FLOODPLAIN** — For a given flood event, that area of land temporarily covered by water which adjoins a watercourse.

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

**GRADING** — Excavation or fill of material, including the resulting conditions thereof.

**IMPERVIOUS AREA** — Impermeable surfaces, such as pavement or rooftops, which prevent the percolation of water into the soil.

**IMPERVIOUS COVER** — Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, gravel areas, etc.).

**IMPERVIOUS SURFACE** — A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes semi-impervious areas such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

**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 pollution control strategies.

**INFILTRATION** — The process of percolating stormwater into the subsoil. to promote the recharge of groundwater by containment and concentration of stormwater in porous soils.

**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."

**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.

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

**NATURAL SYSTEMS** — Systems which predominately consist of or use those communities of plants, animals, bacteria and other flora and fauna which occur indigenously on the land, in the soil or in the water.

**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.

**OUTFALL** — The terminus of a storm drain where the contents are released.

**OWNER** — The person in whom is vested the fee ownership, dominion or title of property, i.e., the proprietor. This term may also include a tenant, if chargeable under his lease for the maintenance of the property, and any agent of the owner or tenant, including a developer.

**PEAK FLOW** — The maximum rate of flow of water at a given point and time resulting from a storm event.

**PEAK FLOW ATTENUATION** — The reduction of the peak discharge of storm runoff by storage and gradual release of that storage.

**PERSON** — Any and all persons, natural or artificial, and includes any individual, firm, corporation, government agency, business trust, partnership, association, two or more persons having a joint or common interest or any other legal entity.

**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.

**RECEIVING BODIES OF WATER** — Any water bodies, watercourses or wetlands into which surface waters flow either naturally, in man-made ditches or in closed conduit systems.

**RECHARGE** — The replenishment of underground water reserves.

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

**RETENTION STRUCTURE** — A permanent structure which provides for the storage of runoff by means of a permanent pool of water without release except by means of evaporation, infiltration or attenuated release when runoff volume exceeds the permanent storage capacity.

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

**RISER** — A vertical pipe that is used to control the discharge rate from a pond for a specified design storm.

**SEDIMENT** — The fine particulate material, whether mineral or organic, that is in suspension or has settled in a water body.

**SEDIMENT CONTROL** — Measures that prevent eroded sediment from leaving the site.

**SEDIMENT FACILITY** — Any structure or area which is designed to hold runoff water until suspended particles have settled.

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

**SITE** — Any tract, lot or parcel of land, or combination of tracts, lots or parcels of land, which are in one ownership or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision or project.

**SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-0-20-001, AS AMENDED OR REVISED** — 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 GP-0-24-001 AS AMENDED OR REVISED** — 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 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 nonstructural 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 and inspect stormwater management practices. Plan reviews and site inspections may be delegated to a consulting engineer and/or a consultant paid for through the applicant's escrow account; however, a municipal employee or board

member must make the final approval.

**STORMWATER MANAGEMENT PRACTICES (SMP)** — 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.

**STORMWATER RUNOFF** — Flow on the surface of the ground, resulting from precipitation.

**STREAM** — A watercourse or body of water, either man-made or natural, whether perennial, ephemeral/intermittent or continual.

**STREAM CORRIDOR** — The landscape features on both sides of a stream, including soils, slope and vegetation, whose alteration can directly impact the stream's physical characteristics and biological properties.

**STRUCTURE** — That which is built or constructed, an edifice or building or any piece of work artificially built or composed of parts joined together in some definite manner, but shall not include fences or signs.

**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.

**SWALE** — A natural depression or wide shallow ditch used to temporarily route and/or filter runoff.

**VEGETATION** — All plant growth, including trees, shrubs, herbs, vines, ferns, mosses and grasses.

**WATER BODY** — Any natural or artificial pond, lake, reservoir or other area which ordinarily or intermittently contains water and which has a discernible shoreline.

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

**WATERSHED** — A drainage area or basin contributing to the flow of water in a receiving body of water.

**WATERS OR PUBLIC WATERS** — Any and all water on or beneath the surface of the ground. It includes the water in any watercourse, water body or drainage system. It also includes diffused surface water and water standing, percolating or flowing beneath the surface of the ground.

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



WETLANDS — Any area meeting the requirements of the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" (latest edition), and/or any area identified by the New York State Department of Environmental Conservation (NYSDEC) as being a state-protected wetland.

### § 96-7. Applicability.

- A. It has been established that land clearing, land grading, earth moving, excavation, land filling or development activities can have a significant effect on the environment. Therefore, no person, corporation, organization or public agency shall, on or after the effective date of this chapter:
- (1) Initiate any removal of vegetation, land clearing, land grading, earth moving, excavation, land filling or development activities without first:
    - (a) Preparing a SWPPP for any disturbances greater than one (1) acre. Additionally, the SWPPP must be reviewed and approved by the Village Planning Board Engineer, accepted by the MS4 and submitted to the NYSDEC to obtain coverage under the SPDES General Permit for Construction Activities (GP-0-20-001) as amended or revised.
    - (b) Preparing a basic stormwater management and erosion control plan and obtaining approval of said plan from the Village of Greenwood Lake, for residential projects that disturb less than less than one (1) acre but greater than 10,000 sf.
    - (c) Preparing a basic stormwater management and erosion control plan that also includes a drainage study showing existing and proposed conditions and obtaining approval of said plan from the Village of Greenwood Lake, for commercial/industrial projects that disturb less than less than one (1) acre but greater than 20,000 sf.
    - (d) Installing and implementing erosion control measures and devices at the direction of and after inspection by and upon the written approval of the Building Inspector or Code Enforcement Officer.
  - (2) Alter any drainage system, watercourse, stream or stream corridor or any portion thereof, without first preparing a comprehensive stormwater management and erosion control plan and obtaining approval of said plan from the Village of Greenwood Lake.
- B. The following activities are exempt from the basic stormwater management and erosion control plan requirements:
- (1) Household gardening activities where less than 1,000 square feet of soil is exposed or vegetation is removed and where the exposed soil area is not contiguous with an impervious surface, such as a driveway or street.
  - (2) The removal of diseased or dead trees and shrubbery, where the limit of disturbance is less than 10,000 square feet.
  - (3) Any maintenance, alteration, use or improvement to an existing structure which will not change the quality, rate, volume or location of surface water discharge or contribute to erosion and sedimentation, so long as such disturbance is less than 10,000 square feet. Such determination shall be made by the Building Inspector or Code Enforcement

Officer.

**§ 96-8. Applicability; Stormwater Management Officer.**

- A. This chapter, and related stormwater management provisions in the Village shall be applicable to all land development activities as defined and regulated in the Village Code.
- B. The Village 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 Village Board of the Village of Greenwood Lake, 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 this chapter and related stormwater management provisions in the Village Code.
- C. All land development activities subject to review and approval by the Planning Board of the Village of Greenwood Lake under subdivision, site plan, and/or special permit regulations shall be reviewed subject to the standards contained in this chapter and related stormwater management provisions in the Village Code.
- 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 this chapter and related stormwater management provisions in the Village Code.
- E. Unless exempted pursuant to § 96-22, soil erosion and sediment control flow and/or an SWPPP must be submitted and approved before:
  - (1) A plat is recorded or land is subdivided;
  - (2) An existing drainage system is altered, rerouted, deepened, widened, enlarged, decreased or obstructed; or
  - (3) The issuance of a building permit;
  - (4) Site plan or special use permit granted by Planning Board;
  - (5) Approval of a plan which proposes construction of a Village or private road.

**§ 96-9. Exemptions.**

The following activities shall be exempt from review under this chapter and related stormwater management provisions in the Village Code.

- A. Developments which do not disturb more than one acre (43,560 square feet). For projects which disturb between 10,000 square feet and 43,559 square feet, an erosion and sediment control plan shall be implemented and maintained as directed by the Stormwater Management Officer, and a grading and filling permit must be obtained from the Village

Building Department. Additionally, for Commercial/Industrial projects that disturb between 20,000 sq. ft. and 43,559 a drainage study must be performed showing existing and proposed conditions.

- B. For projects involving agricultural structures disturbing between 10,000 square feet and 43,560 square feet, a soil erosion and sediment control plan shall be implemented and maintained as directed by the Stormwater Management Officer.
- C. Any maintenance, alteration, use or improvement to an existing structure not changing or affecting quality, rate or location of surface water discharge.
- D. Silvicultural activity.
- E. Routine maintenance activities that disturb less than one acre and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- F. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer or Village's consultant.
- G. Land development activities for which a building permit has been approved on or before the effective date of this chapter.
- H. Cemetery graves.
- I. Installation of fences, signs, telephone, and electric poles and other kinds of posts or poles.
- J. Emergency activity immediately necessary to protect life, property or natural resources.
- K. 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.
- L. Landscaping and horticultural activities in connection with an existing structure.

## ARTICLE II

### **Administration and Enforcement**

#### **§ 96-10. Contents of SWPPP.**

- A. It is the responsibility of an applicant to include in the SWPPP sufficient information for the Village Engineer or his designee to evaluate the environmental characteristics of the affected areas, the potential and predicted impacts of the proposed activity on public waters and adjacent lands and the effectiveness and acceptability of those measures proposed by the applicant for reducing adverse impacts. The SWPPP shall contain all material necessary to communicate the information required by this section.
  - (1) All calculations, assumptions, criteria and references used in the design of new facilities, examination of existing facilities and comparison of pre- to post-development discharges shall be included with the plan.
  - (2) All stormwater management data must be prepared and sealed by individuals registered in New York State to perform such duties.
- B. The SWPPP shall contain the name, address and telephone number of the owner and the developer. In addition, the legal description of the property shall be provided, and its location with reference to such landmarks as major water bodies, adjoining roads, railroads,

subdivisions or other municipalities shall be clearly identified by a map.

C. The existing environmental and hydrologic conditions of the site and of receiving waters and wetlands shall be described in detail, including the following:

- (1) A plan showing the predevelopment conditions of the site at a scale of at least one inch equals 50 feet and a map at a scale of at least one inch equals 500 feet which shows all contributory drainage areas to the study point.
- (2) The flow rate of stormwater runoff under existing conditions.
- (3) A description of all watercourses, water bodies and wetlands on or adjacent to the site or into which the stormwater flows. Information regarding the existing water quality, if any, and the receiving water quality classification as determined by the NYSDEC shall be included.
- (4) Groundwater levels from readily available data sources.
- (5) The location of floodplains.
- (6) Land cover.
- (7) Topography at two-foot contour intervals.
- (8) Soils, including erodibility, percolation rate, depth to groundwater and depth to bedrock, etc.

D. Proposed alterations of the site shall be described in detail and shown on plans at a scale of at least one inch equals 50 feet, including:

- (1) Changes in topography, with all grading shown with two-foot contour intervals or less;
- (2) Limits of proposed disturbed area;
- (3) Proposed ground coverage, i.e. pavement, gravel, houses, buildings, lawns, etc. and their areas;
- (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 drawing(s) specifying the location(s), size(s) and length(s) 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 tagging 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) Name(s) of the receiving water(s);
  - (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 pollutant from exposed areas of the site to the degree attainable; and
  - (16) Any existing data that describes the stormwater runoff at the site.
- E. All components of the drainage system and any measures for the detention, retention or infiltration of water or for the protection of water quality shall be described in detail, including:
- (1) The channel, direction, flow rate and quality of stormwater that will be conveyed from and/or through the site, with a comparison to the existing conditions. (In no case will any facility or construction be allowed that raises the existing water surface elevation on upstream or downstream properties, unless specifically agreed to by those property owners.)
  - (2) Detention, retention and/or infiltration structures, including plans for the discharge of contained waters, maintenance plans.
  - (3) A tabulation of water quality volumes and storage, discharge curves with corresponding water surface elevations, inflow hydrographs, outflow hydrographs and dewatering/infiltration times will be required to be submitted with all detention, retention and infiltration facilities.
  - (4) All plans, with defined subcatchment areas, and profiles of the proposed drainage facilities, including the size and type of material.
  - (5) Erosion control plans for all development activities.
  - (6) All calculations and design information in accordance with the design section of these regulations.
  - (7) General specifications for the construction of all components of the drainage system.
  - (8) Any other information which the Village Engineer or his designated representative believes is reasonably necessary for evaluation of the plans.

## § 96-11. Design standards.

To ensure attainment of the objectives of these regulations and to ensure that performance standards will be met, the design, construction and maintenance of drainage systems shall be consistent with the following standards:

- A. In the interest of reducing the total area of impervious surface, preserving existing features, which are critical to stormwater management, and reducing the concentration of stormwater flow, maximum use shall be made of existing on-site natural and man-made stormwater management facilities.
- B. Innovative stormwater management facilities may be proposed (e.g., rooftop storage, underground storage structures and infiltration systems), provided that they are accompanied by detailed engineering plans and demonstrate performance capabilities that are acceptable to the Village Engineer.
- C. Considering that Greenwood Lake is a Phosphorus Impaired Watershed, all SWPPP's are to include specific measures to mitigate phosphorus containing materials and runoff. Such measures are to be clearly presented in the SWPPP.
- D. Stormwater management facilities shall be provided so the peak discharge of the calculated post- development runoff to an adjacent property, watercourse or water body does not exceed the peak discharge of the pre-development runoff. Point discharge of stormwater runoff to an adjacent property, watercourse or water body will not be allowed in the post-development design if one did not exist in the predevelopment condition. Point discharge is required to be returned to sheet flow, or an easement will be required to be obtained from the adjoining property owner if this condition cannot be met.
- E. Runoff calculations for the pre-development and post-development comparison shall consider the one-year, ten-year, twenty-five-year, and one-hundred-year storm frequencies.
- F. For pre-development computations, all runoff coefficients within the study area shall be based on actual (present) land use conditions.
- G. Retention and detention basins in compliance with NYSDEC standards and guidelines and other approved alternatives shall be used to retain and detain the increased and accelerated runoff and reduce pollutants in runoff which the development generates. Water shall be released from these areas at a rate equal to or less than the pre-development conditions of the storm event. Measures shall be taken to protect the outfall area from erosion. Water quality volume shall be addressed by any proposed post-development design.
- H. Retention/detention basins shall be designed to safely discharge the peak discharge from the post-development one-hundred-year storm frequency event through an emergency spillway with principal spillway not accessible in a manner which will not damage the integrity of the basin or cause damage to adjoining properties.
- I. Retention/detention basins shall be landscaped in accordance with current engineering practices and in accordance with the New York Standards and Specifications for Erosion and Sediment Control, year of latest revisions.
- J. Retention/detention basins which may be used to collect sediment during construction operations must have all sediment removed at any time that it is at 60% of its original capacity. Upon completion of all construction, any sediment in the basin must be removed, and the basin shall be reshaped to the design dimensions and stabilized. A maintenance schedule

must be provided that indicates how often the basin is to be cleaned thereafter and who is responsible for cleaning it.

K. Retention/detention basins which are designed with a dam shall incorporate the following minimum standards:

- (1) The maximum water depth shall not exceed 10 feet unless approved by waiver of the Village Board.
- (2) The minimum top width of dams shall be eight feet.
- (3) The side slopes of earth fill dams shall not be steeper than three feet horizontal to one foot vertical on the downstream side of the embankment.
- (4) Basins without restricted access shall have impoundment areas with side slopes no greater than five feet horizontal on one foot vertical.
- (5) A cutoff trench of impervious material shall be provided under all dams.
- (6) All pipes and culverts through dams shall have properly spaced cutoff collars or factory welded antiseep collars.
- (7) A minimum of one foot freeboard, computed from the maximum water surface elevation during the one-hundred-year storm event, shall be provided in all basins.
- (8) The minimum floor elevation of all structures that would be affected by a basin or other water impoundments or open conveyance systems where ponding may occur shall be two feet above the one-hundred-year water surface elevation.

L. Runoff calculations for stormwater management facilities shall be based upon the following methods:

- (1) SCS TR-20 (latest revision) is the recommended and preferred method for the study of watersheds with a drainage area greater than 100 acres. SCS TR-20 or SCS TR-55 Tabular Hydrograph Method (latest revision) may be used for the study of watersheds with a drainage area greater than 200 acres.
- (2) SCS TR-55 Graphical Peak Method (latest revision) may be used in lieu of the Tabular Hydrograph Method for sizing conveyance systems or checking peak flows only. It shall not be used for basin routing or subarea routing as it does not provide an adequate hydrograph.
- (3) Other standard engineering models with approval of the Village Engineer.
- (4) Stormwater runoff shall be based on the following twenty-four-hour storm events with a distribution curve in compliance with NYSDEC SPDES Permit # GP-0-20-001 or as amended and revised:
  - a) NYSDEC 2015 Stormwater Design Manual or as amended and revised.
  - b) Cornell Education Extreme Participation
  - c) National Oceanic and Atmospheric Administration (NOAA) precipitation data.
- (5) Use of other criteria, assumptions, references, calculation methods and computer programs may be utilized, provided that detailed design information and programming, with references, are submitted to and found acceptable by the Village Engineer prior to

submission of the SWPPP.

- M. The design plan and construction schedule shall incorporate measures to minimize soil erosion and sedimentation.
- N. Consideration shall be given to the relationship of the subject property to the drainage pattern of the watershed.
- O. Stormwater shall not be transferred from one watershed to another unless one of the following shall apply:
  - (1) The watersheds are subwatersheds of a common watershed which join together within the perimeter of the property.
  - (2) The effect of the transfer does not alter the peak discharge onto adjacent lands, watercourse or water bodies at any point.
  - (3) Easements from the affected landowners are provided.
- P. Technical references. For the purpose of this chapter, 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 chapter:
  - (1) 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").
  - (2) New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2016, most current version or its successor, hereafter referred to as the "Erosion Control Manual").
- Q. Technical standards.
  - (1) For all swales and gutters, the Manning's roughness coefficient "n" factors used to determine capacity and velocity shall be based on accepted engineering practices.
  - (2) Corrugated metal pipe will not be allowed to be used in any drainage system or facility without the approval of the Village Superintendent of Highways and the Village Engineer. If allowed, corrugated metal pipe shall be fully asphalt coated with paved inverts, and the "n" factor shall be 0.022 for annular pipe and 0.017 for helical pipe.
  - (3) The "n" factor for concrete pipe shall be 0.013.
  - (4) The "n" factor for polyethylene pipe shall be 0.010 for smooth interior pipe and 0.019 for corrugated interior pipe.
  - (5) Manufacturer's specifications may be submitted to the Village Engineer for acceptance if other types of pipes or sizes of pipes indicate that another value of "n" should be used.
  - (6) Catch basins shall be designed with a sump of 16 inches.
  - (7) Catch basin inlet capacity shall be based on design data provided by the manufacturer.
  - (8) Any existing drainage structures within 200 feet of the subdivision/site shall be included in the SWPPP. Structures that convey streams shall be checked to determine if they have the capacity to carry the fifty-year storm flows, and all other structures shall



be checked for capacity to carry the twenty-five-year storm flows.

- (9) A tabulation of flows through all drainage systems shall be submitted with the plans.
  - (10) Culvert design shall consider inlet/outlet control at each structure or hydraulic losses shall be calculated through the system. These calculations are to be submitted as part of the plans. At a minimum, when pipe sizes change, the tops of the pipes shall match in elevation.
  - (11) All culverts having diameters of 24 inches to 48 inches shall have a removable inlet grating of five-eighths-inch-diameter (minimum) reinforcing bars spaced approximately six inches on center. All design calculations are to reflect this inlet control condition.
- R. Catch basins shall be located in the swale along open-section roadways. The calculated depth of flow in the swale shall not exceed 1/2 of the total depth of the swale before placing a catch basin. The catch basin shall be capable of accepting 100% of the flow in the swale, based on a twenty-five-year-return- frequency storm event. On closed-section roadways, catch basins shall be located along the curbline and are not permitted along the curb radius at intersections. For the purpose of catch basin placement, the depth of flow along the curb and across intersections shall not exceed two inches.
  - S. Manholes and catch basins shall not be spaced more than 300 feet apart. Structures shall be placed at all points of changes in horizontal or vertical direction.
  - T. Stormwater collection systems shall have a minimum diameter of 15 inches and shall be designed to have a minimum velocity of three feet per second. However, at the terminus of the system, the flow velocity at the discharge point shall not exceed four feet per second prior to the flow entering a natural watercourse, water body or adjacent property.
  - U. The maximum swale, gutter or curb velocity of stormwater runoff shall be maintained at levels which result in a stable condition both during and after construction. Swales shall be designed and stabilized in accordance with New York Standards and Specifications for Erosion Control, year of latest revision. Swales shall be designed to allow for infiltration of stormwater runoff and removal of pollutants from the runoff whenever possible. This can be accomplished by keeping the swale at as flat a slope as possible, stabilizing the swale with a water-tolerant erosion-resistant grass that will not be mowed close to the ground, increasing the percolation ability of the swale by tilling the soil before establishing vegetative cover and installing check dams with riprap on the downstream side to prevent scouring.
  - V. Drainage facilities not located within public rights-of-way shall be located within easements.
  - W. When plan applications are submitted in sections, each section shall control stormwater runoff and sedimentation as though it were a separate entity. If temporary facilities are required for construction of a section, they shall meet all of the requirements of these regulations. A construction or phasing schedule shall be submitted with each plan and shall demonstrate the methods to be used to minimize stormwater runoff and soil erosion and sedimentation.
  - X. Stormwater management facilities shall not be constructed within or discharge to NYDEC-regulated wetland areas, wetland buffer areas or water bodies unless either:
    - (1) The appropriate permits from applicable regulatory agencies have been obtained; or

- (2) A letter from said agencies has been obtained stating that a permit is not required for the proposed work. Copies of the permits or letters shall be submitted to the Village Planning Board for review by the Village Engineer prior to the final approval of the plan.
- Y. Individual lots, buildings and dwellings shall be provided with drainage facilities to assure proper runoff from roofs, driveways, paved areas and footing drains. Footing drains shall discharge to free- flowing outlets. The installation of such facilities shall be in accordance with these regulations and the Village of Greenwood Lake Road Specifications and are required prior to the issuance of a certificate of occupancy.
- Z. 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.
- AA. Stormwater discharges should be consistent with the thermal criteria found in Part 704 of the Water Quality Regulations, Title 6, Chapter X, New York State Codes, Rules and Regulations.

#### **§ 96-12. Performance standards.**

SWPPPs must demonstrate that the proposed development or activity has been planned and designed and will be constructed and maintained to meet each of the following standards:

- A. Ensure that after development, runoff from the site maintains the rate of flow and quality of runoff that would have occurred following the same rainfall under existing conditions.
- B. Maintain the existing hydraulic and characteristics of the watershed.
- C. Protect the quality of ground and surface waters.
- D. Protect groundwater levels.
- E. Protect the beneficial functioning of wetlands as areas for the natural storage of surface waters and the chemical reduction and assimilation of pollutants.
- F. Prevent increased flooding and damage that result from improper location, construction and design of structures in areas which are presently subject to an unacceptable danger of flooding.
- G. Minimize injury to flora and fauna and adverse impacts to fish and wildlife habitat.
- H. Otherwise further the objectives of these regulations.

#### **§ 96-13. Easements.**

The applicant shall reserve easements or drainage rights-of-way within the subdivision where stormwater or surface water drainage facilities are existing or proposed, whether man-made or natural. The easement shall conform as closely as possible to the lines of such course and shall also meet the following criteria:

- A. Easements shall have a minimum width of 20 feet and shall be adequately designed to provide area for the collection and discharge of water, the maintenance and repair of the facility and the passage of equipment for such work.
- B. In the case of streams or open-channel drainage, the easement shall encompass the one-

hundred-year storm event or the flood of record, plus one foot freeboard above that elevation. Calculations acceptable to the Village Engineer supporting those elevations shall be submitted with the plans.

- C. When a proposed drainage system carries water onto adjacent lands where no discharge point existed in the pre-developed condition, stormwater will be returned to a sheet flow condition prior to exit from the site or an easement must be obtained from the downstream property owners(s).
- D. The plans shall clearly indicate who has the right of access and the responsibility of maintenance for all facilities.

#### **§ 96-14 Maintenance.**

- A. It is the responsibility of the owner (and subsequent land owner) to maintain all stormwater management devices in accordance with the executed and filed Stormwater Control Facility Maintenance Agreement, and to keep all devices in functional condition at all times, that meets the approved project plans, SWPPP and design intent.

#### **§ 96-15. Performance security.**

- A. Improvements. The estimated costs of the following improvements, associated with the SWPPP are required to be included in the amount of the performance security:
  - (1) Storm drainage systems, including but not limited to catch basins, manholes, pipes, swales, basins, infiltration systems.
  - (2) Erosion and sediment control, including grading and stabilization.
  - (3) As-built or record drawings.
  - (4) Any other items which may be deemed to be required by the Village Engineer. The applicant's engineer is to prepare the estimate and submit it to the Village Engineer for review and recommendation to the Village Board.
- B. Performance security. A performance security (based on an overall site cost estimate prepared by a licensed Design Professional, reviewed by the Village Engineer and approved by the Village Board (with the form to be approved by the Village Attorney) shall be delivered to the Village Clerk to guarantee to the Village that the developer will faithfully cause to be constructed and completed within a reasonable time as determined by the Planning Board the required public improvements. Before the Planning Board grants final approval of the subdivision plat or site plan, the applicant shall follow the procedure set forth below:
  - (1) In an amount approved by the Village Board, the applicant shall either file with the Village Clerk a certified check to cover the full cost of the required public improvements (items to be dedicated to the Village and/or within Village right of way) or private improvements if the cost estimate is in excess of \$500,000 or an adequate and acceptable security issued by a bank or surety company approved by the Village Board to cover the cost of the required improvements, or any combination thereof. and, further, shall be satisfactory to the Village Board and the Village Attorney as to form, sufficiency, manner of execution and surety. The private improvement surety requirement(s) may be adjusted and/or waived with approval of the Village Board. An automatic renewal clause shall

be provided for in the surety to assure that it remains in place until all site improvements have been completed to the satisfaction of the Village. A period of three years shall be set forth in the document of surety within which required improvements must be completed. However, the term of such performance security may be required to be extended and the amount of the security increased by the Village Board if improvements are not completed within the original term of the security.

- (2) The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Village Engineer, Code Enforcement Officer and Highway Superintendent and as-built/record drawings satisfactory to the Village Engineer have been submitted. If the applicant elects to provide a security or certified check for all required improvements as specified in Subsection B(1) above, such security shall not be released until such as-built plans are submitted. The Village shall release the security upon certification of the Village Engineer and the Village Attorney that all requirements of the security have been satisfied.
  - (3) The applicant shall post the required performance security, to the satisfaction of the Village Board, before any obtaining signed site plans and/or the issuance of building permits.
  - (4) If the Planning Board shall decide at any time during the term of performance that the extent of the building development that has taken place is not sufficient to warrant all the improvements covered by such performance security, or that required improvements have been installed as provided in this section and by the Planning Board in sufficient amount to warrant reduction in the face amount of said security, or that the character and extent of such development required additional improvements previously waived for a period stated at the time of fixing the original terms of such security, the Village Board may modify its requirements for any or all such improvements, and the face value of such performance security shall thereupon be reduced or increased by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Planning Board and any security deposited may be reduced or increased proportionately. Reductions or increases in the security will be considered by the Village Board based on submission of a revised site work cost estimate from the Design Professional (reflective of completed work) and approved by the Village Engineer.
- C. Inspection escrow. The owner/developer is responsible for the payment of all inspections, as-built drawings and related costs as required and deemed necessary by the Village and as a requirement of approval by the Planning Board. Initially, an inspection escrow, in the amount of 4% of the approved site work cost estimate, shall be deposited with the Village, prior to the time that the Chairman of the Planning Board signs the final plat or the start of any site improvement work. The escrow percentage may also be reviewed and revised by resolution of the Village Board.

#### **§ 96-16. Procedures, inspections and fees.**

- A. Any person planning a development as defined in these regulations, unless exempted, shall submit a SWPPP to the Village Planning Board. Developers and consultants are urged to discuss stormwater management approaches for specific projects with the Planning Board prior to submittal of preliminary plans.

- B. The application fee is to be paid at the time the SWPPP or application for waiver is submitted.
- C. Charges for technical review of the SWPPP charged against the escrow review; all charges must be paid by the applicant prior to final approval of the plan.
- D. Within 62 days after submission of the completed SWPPP, the Village Planning Board shall approve, with or without specified conditions or modifications, or reject the plan and notify the applicant accordingly. The Village Engineer or designate shall provide a written evaluation of the applicant's submission. If the Planning Board has not rendered a decision within 62 days after completed plan submittal, it shall inform the applicant of the status of the review process and the anticipated completion date. If the plan is rejected or modified, the Planning Board shall state the reasons.
- E. The SWPPP must meet all of the requirements as specified in these regulations, NYSDEC Design Manual and SPDES General Permit for Construction date of last revision and as amended in order to be approved.
- F. The SWPPP will not be approved unless adequate provisions have been made for inspection of the property before any development activity begins. The applicant shall arrange with the Village Engineer for scheduling the following inspections:
  - (1) Initial inspection prior to approval of the SWPPP (this inspection is at the discretion of the Village Engineer).
  - (2) MS4 Construction inspections to be made monthly during construction until such time as a Notice of Termination is filed. As-built inspection to be made when all work has been completed. Although inspections will be made by the Village Engineer or his designate, it is the responsibility of the applicant to provide certification to the Village, in writing, with the as-built plans, that all work has been completed in accordance with these regulations. The applicant will be notified, in writing, of any deficiencies noted at the site. These items shall be promptly corrected by the applicant, or the applicant will be subject to the penalty provisions of these regulations.
  - (3) GPS coordinates and associated information for all stormwater devices, structures, and conveyance systems, as required by the NYSDEC Municipal Separate Storm Sewer Systems (MS4's) Permit # GP-0-24-001 as revised and amended will be obtained by the Village and/or Village Engineers Office for incorporation into the Village's MS4 mapping. The cost for this will be the responsibility of the owner/applicant/developer and will be charged to the Construction Inspection Escrow established with the Village.
- G. Construction inspections.
  - (1) Erosion and sediment control inspection.
    - (a) The owner/applicant/developer of the approved project will perform construction inspections in accordance with the requirements of the NYSDEC SPDES General Permit for Construction GP-0-20-001 as amended or revised. Electronic copies of these reports will be submitted to the Village within five (5) business days of inspection.
    - (b) The Village of Greenwood Lake Stormwater Management Officer will require minimum monthly MS4 Construction Inspections on active construction sites that have obtained coverage under NYSDEC SPDES General Permit for Construction Activities GP-0-20-001 as revised or amended. More frequent inspections may be

required for projects disturbing greater than 5 acres and/or with projects with violations of the Village's Stormwater Management Code. The cost of these inspections will be the responsibility of the owner/applicant/developer and will be charged to the Construction Inspection Escrow established with the Village to determine compliance with this chapter, and related stormwater management provisions in the Village Code 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 chapter, and related stormwater management provisions in Village Code and the stormwater pollution prevention plan (SWPPP) as approved.

- (c) 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.
- (2) Inspection and subsequent reporting requirements associated with privately owned/maintained stormwater facilities will be the responsibility of the property owner and be in accordance with the executed Stormwater Control Facility Maintenance Agreement associated with the facilities, 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.
- (3) Submission of reports. The Village of Greenwood Lake's Stormwater Management Officer will require submission of reports from entities subject to this chapter in conformance with requirements of the Stormwater Control Facility Maintenance Agreement as well as related stormwater management provisions in the Village Code as are necessary to determine compliance with said provisions.
- (4) 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 Village of Greenwood Lake the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection G(3).

#### H. Maintenance during construction.

- (1) The applicant and/or developer of the land development activity shall at all times comply and properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant and/or developer to achieve compliance with the conditions of this chapter and the latest version of the New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity. Sediment shall be removed from sediment traps

or sediment ponds whenever their design capacity has been reduced by 50%.

- (2) The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall document the effectiveness of all erosion and sediment control practices. Inspection reports shall be completed and submitted in conformance with the requirements of this chapter.
- I. Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this chapter shall be operated and maintained to achieve the goals of this chapter. Proper operation and maintenance also includes, as a minimum, the following:
    - (1) 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 chapter.
    - (2) Written procedures for operation and maintenance and training new maintenance personnel.
    - (3) Discharges from the SMP shall not exceed design criteria or cause or contribute to water quality standard violations.
  - J. Maintenance agreements. The Village of Greenwood Lake has approved 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 Village of Greenwood Lake, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided that such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.
  - K. Notice of violation. When the Village of Greenwood Lake determines that a land development activity is not being carried out in accordance with the requirements of 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 this chapter and a time schedule for the completion of such remedial action;
    - (5) A statement of the penalty or penalties that shall be assessed against the person to whom the notice of violation is directed;
    - (6) A statement that the determination of violation may be appealed to the Village Board by filing a written notice of appeal within 15 days of service of notice of violation.
  - L. Stop-work orders. The Village of Greenwood Lake may issue a stop-work order for violations of 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 Village of Greenwood Lake confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.

- M. Violations. Any land development activity that is commenced or is conducted contrary to this chapter may be restrained by injunction or otherwise abated in a manner provided by law.
- N. Penalties. In addition to any penalty provided herein or by law, any person who violates the provisions of 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 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 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.
- O. Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this chapter, the Stormwater Management Officer may prevent the occupancy of said building or land.
- P. Restoration of land to stabilized condition. Any violator maybe required to restore land to a stabilized condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village of Greenwood Lake may take necessary corrective action, and the violator and landowner, if different, shall be jointly and severally liable for the cost of such corrective action. If the cost of corrective action is not paid within 60 days from the date upon which the corrective action is complete, the Village Board may, at its sole discretion, charge the costs of corrective action, including engineering and inspection costs, against the real property by adding that charge to, and making it a part of, the next annual real property tax assessment roll of the Village. Such charges shall be levied and collected at the same time and in the same manner as Village-assessed taxes and shall be paid to the Village Comptroller, to be applied in reimbursing the fund from which the costs of corrective action were made. Prior to charging such assessments, the owner of the real property shall be provided written notice by certified mail, return receipt requested, at the last known address of record, of an opportunity to be heard and object before the Village Board to the proposed real property assessment, at a date to be designated in the notice, which shall be no less than 30 days after its mailing.
- Q. Fees for services. The Village of Greenwood Lake may require any person undertaking land development activities regulated by this chapter to pay reasonable costs at prevailing rates of SWPPPs, inspections, or SMP maintenance performed by the Village of Greenwood Lake or performed by a third party for the Village of Greenwood Lake.



ARTICLE III  
**Illicit Discharges, Activities and Connections to Separate Storm Sewer  
System**

**§ 96-17. Purpose.**

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the Village of Greenwood Lake 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-24-001 or 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 impose penalties and remedies for noncompliance; 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.

**§ 96-18. 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 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 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 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; and/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 § 96-22 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 authorization under the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.

**MUNICIPALITY** — The Village of Greenwood Lake.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** — 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 Village of Greenwood Lake;
- 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 occupant of premises, or as the owner's or occupant's agent.

**POLLUTANT** — Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, 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, parcels 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 the 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 ADMINISTRATOR (SMA) — The Building Inspector, engineer, or other person designated by the Village Board to enforce this article. The SMA 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. Section 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 (TMDL) — 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.

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

**§ 96-19. 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.

**§ 96-20. Responsibility for administration.**

The Stormwater Management Administrator(s) (SMA(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 SMA as may be authorized by the Village Board.

**§ 96-21. 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.

**§ 96-22. Discharge prohibitions; exemptions.**

- A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater, except as provided in Subsection B(1) through (4) below. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:
- (1) The following discharges are exempt from discharge prohibitions established by this article, unless the Department or the Village 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.
  - (2) Discharges approved in writing by the SMA to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMA may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this article.
  - (3) Dye testing in compliance with applicable state and local laws is an allowable discharge but requires a verbal notification to the SMA prior to the time of the test.
  - (4) 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.

**§ 96-23. Failing individual sewage treatment systems prohibited.**

No person 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.

**§ 96-24. Activities contaminating stormwater prohibited; discharge prohibitions.**

- 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 § 96-18, Definitions, of this article.
- B. Such activities include prohibited discharges or connections and failing individual sewage treatment systems as defined in § 96-18, improper management of animal 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 (as determined or approved by the SMA) to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

**§ 96-25. Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.**

- A. Best management practices. Where the SMA has identified illicit discharges as defined in § 96-18 or activities contaminating stormwater as defined in § 96-18, the Village 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 his or her 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 premise, that is, or maybe, the source of an illicit discharge as defined in § 96-18 or an activity contaminating stormwater as defined in § 96-18 may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutants 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 § 96-18 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. Inspection of the tank for cracks, leaks and blockages shall be done by the septage hauler at the time of pumping of the tank contents;
    - (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 area;
      - [2] Installation of a new subsurface treatment system at a new or 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.

C. Fertilizers; Associated with the impaired status of Greenwood Lake is a Phosphorus Impaired Watershed, the use of fertilizers containing phosphorus is prohibited unless specifically approved by the Village Board and permitted by the Village Building Department.

#### **§ 96-26. Suspension of access to MS4.**

- A. The SMA 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 SMA 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 SMA 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 its MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMA will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMA for a reconsideration and hearing. Access may be granted by the SMA 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 SMA 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 SMA.

#### **§ 96-27. Industrial or construction activity discharges; suspension of access to MS4.**

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 or continuance of discharges to the MS4.

#### **§ 96-28. Access; monitoring of discharges.**

- A. Applicability. This section applies to all facilities that the SMA determines necessary to 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 SMA shall be permitted to enter and inspect facilities subject to regulation under the law 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 SMA.

- (2) Facility operators shall allow the SMA 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 SMA 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 (and subject to approval by the SMA) 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 SMA 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 SMA may seek issuance of a search warrant from any court competent jurisdiction.

#### **§ 96-29. 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 Village 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 Village 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.

#### **§ 96-30. Enforcement; penalties for offenses.**

- A. Notice of violation. When the Village's SMA finds that a person has violated a prohibition or failed to meet a requirement of this article or failed to comply with a permit or approval condition related to the subject matter of this article (all deemed a "violation" 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 and the environment;
- (4) The performance of monitoring, analyses, and reporting;
- (5) Payment of a fine and/or civil monetary penalty; and
- (6) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property or the environment 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, and, if unpaid said amount may be assessed and levied as a lien against the violator's premises and collected in the same manner as a real property tax.

B. Penalties.

- (1) In addition to any penalty provided herein or by law, any person who violates this article shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed 15 days, 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 15 days, 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. Each day's continued violation shall constitute a separate additional violation.
- (2) Civil penalties.
  - (a) In addition to and not in lieu of the above, any person who violates this article shall be liable to the Village for a civil penalty in an amount not to exceed \$350 for a first violation; in an amount not less than \$350 nor more than \$700 for a second violation committed within a period of five years of the first violation; and in an amount of not less than \$700 nor more than \$1,000 for a third and each subsequent violation committed within a period of five years of the first violation. Each days continued violation shall constitute a separate additional violation.
  - (b) Civil penalties maybe ordered in any action or proceeding by any court of competent jurisdiction, including but not limited to state and federal courts. All penalties shall be paid to the Village.
  - (c) The judgment amount of any civil penalty ordered pursuant to this section, if not paid, may be assessed and levied against the real property which is the subject of the penalty and collected in the same manner as a real property tax.

- (3) In addition to and not in lieu of the remedies authorized above, the SMA or the Village Board may institute any appropriate action or proceeding to prevent, restrain, enjoin, correct or abate any violation or threatened violation or to enforce any provision of this article.

### **§ 96-31. Appeals**

Any person aggrieved by the action of any official charged with the administration and/or enforcement of this chapter, as the result of disapproval of a stormwater management and erosions control plan, issuance of a written order to remedy violation or an alleged failure to properly enforce this chapter in regard to a specific application shall have the right to appeal the action to the Village of Greenwood Lake.

- A. The Village of Greenwood Lake Zoning Board of Appeals, as established by the Village of Greenwood Lake Board of Trustees, shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Planning Board, Building Inspector or Code Enforcement Officer in the enforcement or administration of this chapter.
- B. The appeal shall be filed in writing within 20 days of the date of the official transmittal of the final decision or determination to the applicant, shall state clearly the grounds upon which the appeal is based and shall be processed in the manner prescribed for hearing administrative appeals as set forth in Chapter 120, Zoning, of the Code of the Village of Greenwood Lake.
- C. Those aggrieved by the decision of the Village of Greenwood Lake Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

### **§ 96-32. Variances.**

The Zoning Board of Appeals may grant a written variance from any requirement of this chapter using the following criteria:

- A. There are special circumstances applicable to the subject property or its intended use; and
- B. The granting of the variance will not result in:
  - (1) An increase or decrease in the rate or volume of surface water runoff;
  - (2) An adverse impact on a wetland, watercourse or water body;
  - (3) Degradation of water quality; or
  - (4) Otherwise impair attainment of the objectives of this chapter.

### **§ 96-33. Interpretation; conflict with other laws.**

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the health, safety and welfare of the citizens of the Village of Greenwood Lake, as well as the general public. Whenever the requirements of this chapter are at a variance with the requirements of any other lawfully adopted rules, regulations or local laws, the most restrictive, or that which imposes the higher standards, shall govern.

**§ 96-34. 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.

**§ 96-35. 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.