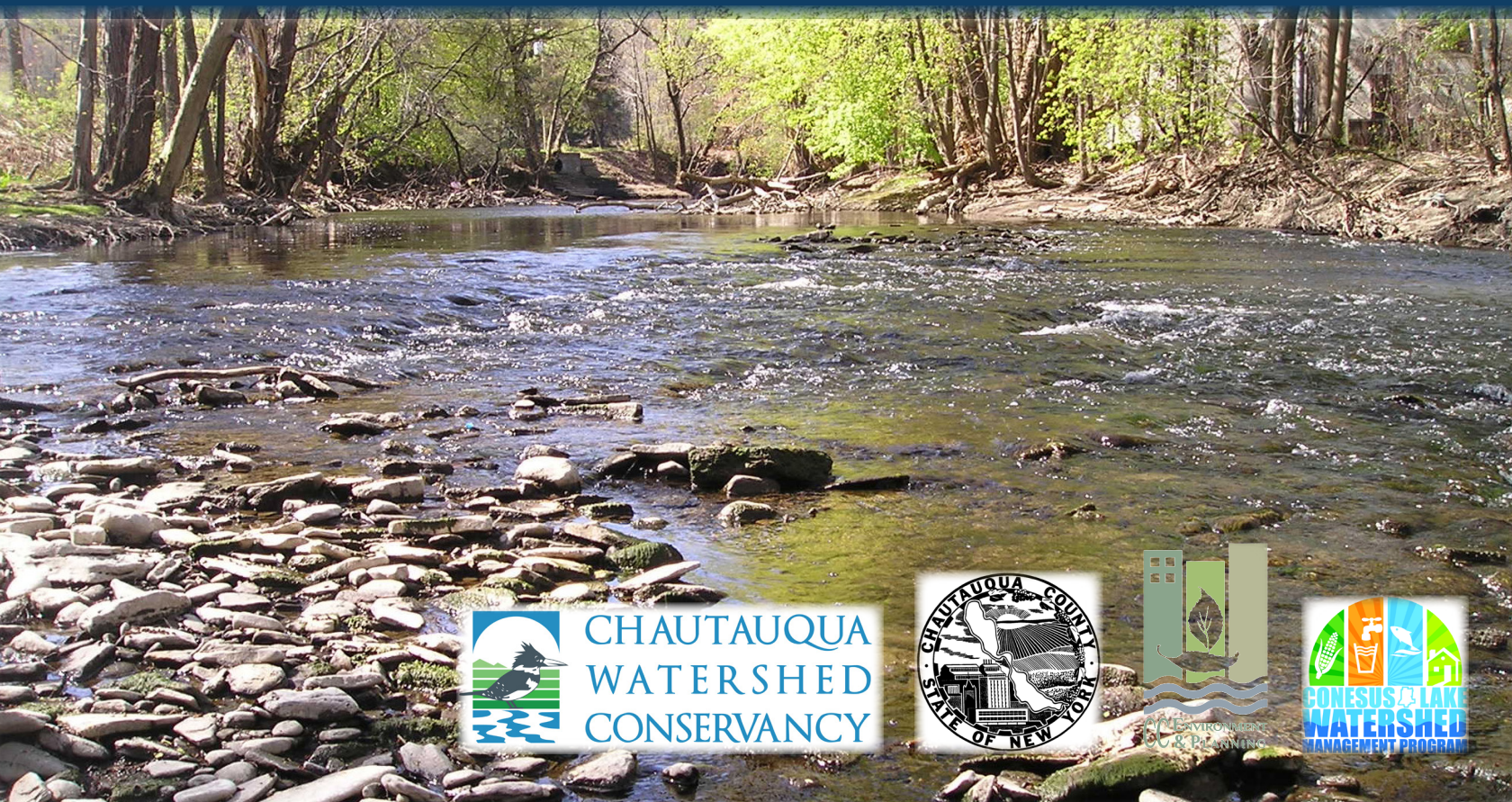




# Chautauqua Lake Watershed Municipal Stormwater Regulations



CHAUTAUQUA  
WATERSHED  
CONSERVANCY





The Chautauqua Lake Watershed Municipal Stormwater Regulation guidebook complements the Chautauqua Lake Watershed Stormwater Toolkit and provides an organized list of the specific stormwater management, erosion and/or sediment control regulations followed by each of the 14 towns and villages within the watershed. Policies at local, state, and federal levels have been adopted to protect water quality, limit erosion, conserve wildlife habitat, and preserve the beauty and quality of life in our region.



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# Department of Environmental Conservation (DEC)

## Stormwater Regulations

The following regulations are followed by the Village of Bemus Point, Town of Busti, Town of Ellicott, Town of Harmony, Village of Panama, Town of Portland, Town of Sherman, and the Town of Stockton. A digital copy of these regulations can be found at:

[https://www.dec.ny.gov/docs/water\\_pdf/constgp020001.pdf](https://www.dec.ny.gov/docs/water_pdf/constgp020001.pdf)

A **State Permit Application** is required and applies when:

1. Construction activities involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a larger common plan of development or sale that will ultimately disturb one or more acres of land; excluding routine maintenance activity that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility;
2. Construction activities involving soil disturbances of less than one (1) acre where the Department has determined that a SPDES permit is required for stormwater discharges based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to surface waters of the State.
3. Construction activities located in the watershed(s) identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

**Construction Activities** means any clearing, grading, excavation, filling, demolition or stockpiling activities that result in soil disturbance. Clearing activities can include, but are not limited to, logging equipment operation, the cutting and skidding of trees, stump removal and/or brush root removal. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

**Stormwater Pollution Prevention Plan (SWPPP)** – means a project specific report, including construction drawings, that among other things: describes the construction activity(ies), identifies the potential sources of pollution at the construction site; describes and shows the stormwater controls that will be used to control the pollutants (i.e. erosion and sediment controls; for many projects, includes post-construction stormwater management controls); and identifies procedures the owner or operator will implement to comply with the terms and conditions of the permit. See Part III of the permit for a complete description of the information that must be included in the SWPPP.

### STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

#### **A. General SWPPP Requirements:**

1. A SWPPP shall be prepared and implemented by the owner or operator of each construction activity covered by this permit. The SWPPP must document the selection, design, installation, implementation and maintenance of the control measures and practices that will be used to meet the effluent limitations in Part I.B. of this permit and where applicable, the post-construction stormwater management practice requirements in Part I.C. of this permit. The SWPPP shall be prepared prior to the submittal of the NOI. The NOI shall be submitted to the Department prior to the commencement of construction activity. A copy of the completed, final NOI shall be included in the SWPPP.
2. The SWPPP shall describe the erosion and sediment control practices and where required, post-construction stormwater management practices that will be used and/or constructed to reduce the pollutants in stormwater discharges and to assure compliance with the terms and conditions of this permit. In addition, the SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges.

3. All SWPPPs that require the post-construction stormwater management practice component shall be prepared by a qualified professional that is knowledgeable in the principles and practices of stormwater management and treatment.
4. The owner or operator must keep the SWPPP current so that it at all times accurately documents the erosion and sediment controls practices that are being used or will be used during construction, and all post-construction stormwater management practices that will be constructed on the site. At a minimum, the owner or operator shall amend the SWPPP, including construction drawings:
- a. whenever the current provisions prove to be ineffective in minimizing pollutants in stormwater discharges from the site;
  - b. whenever there is a change in design, construction, or operation at the construction site that has or could have an effect on the discharge of pollutants;
  - c. to address issues or deficiencies identified during an inspection by the qualified inspector, the Department or other regulatory authority; and
  - d. to document the final construction conditions.
5. The Department may notify the owner or operator at any time that the SWPPP does not meet one or more of the minimum requirements of this permit. The notification shall be in writing and identify the provisions of the SWPPP that require modification. Within fourteen (14) calendar days of such notification, or as otherwise indicated by the Department, the owner or operator shall make the required changes to the SWPPP and submit written notification to the Department that the changes have been made. If the owner or operator does not respond to the Department's comments in the specified time frame, the Department may suspend the owner's or operator's coverage under this permit or require the owner or operator to obtain coverage under an individual SPDES permit in accordance with Part II.D.4. of this permit.

The owner or operator shall have each of the contractors and subcontractors identified above sign a copy of the following certification statement below before they commence any construction activity:

"I hereby certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the qualified inspector during a site inspection. I also understand that the owner or operator must comply with the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards. Furthermore, I am aware that there are significant penalties for submitting false information, that I do not believe to be true, including the possibility of fine and imprisonment for knowing violations"

6. Prior to the commencement of construction activity, the owner or operator must identify the contractor(s) and subcontractor(s) that will be responsible for installing, constructing, repairing, replacing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP; and the contractor(s) and subcontractor(s) that will be responsible for constructing the post-construction stormwater management practices included in the SWPPP. The owner or operator shall have each of the contractors and subcontractors identify at least one person from their company that will be responsible for implementation of the SWPPP. This person shall be known as the trained contractor. The owner or operator shall ensure that at least one trained contractor is on site on a daily basis when soil disturbance activities are being performed.



In addition to providing the certification statement above, the certification page must also identify the specific elements of the SWPPP that each contractor and subcontractor will be responsible for and include the name and title of the person providing the signature; the name and title of the trained contractor responsible for SWPPP implementation; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification statement is signed. The owner or operator shall attach the certification statement(s) to the copy of the SWPPP that is maintained at the construction site. If new or additional contractors are hired to implement measures identified in the SWPPP after construction has commenced, they must also sign the certification statement and provide the information listed above.

7. For projects where the Department requests a copy of the SWPPP or inspection reports, the owner or operator shall submit the documents in both electronic (PDF only) and paper format within five (5) business days, unless otherwise notified by the Department.

## **B. Required SWPPP Contents:**

1. Erosion and sediment control component - All SWPPPs prepared pursuant to this permit shall include erosion and sediment control practices designed in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Where erosion and sediment control practices are not designed in conformance with the design criteria included in the technical standard, the owner or operator must demonstrate equivalence to the technical standard. At a minimum, the erosion and sediment control component of the SWPPP shall include the following:

- a. Background information about the scope of the project, including the location, type and size of project;
- b. A site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map shall show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); floodplain/floodway boundaries; wetlands and drainage patterns that could be affected by the construction activity; existing and final contours; locations of different soil types with boundaries; material, waste, borrow or equipment storage areas located on adjacent properties; and location(s) of the stormwater discharge(s);
- c. A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);
- d. A construction phasing plan and sequence of operations describing the intended order 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;
- e. A description of the minimum erosion and sediment control practices to be installed or implemented for each construction activity that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented;
- f. A temporary and permanent soil stabilization plan that meets the requirements of this general permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of final stabilization;
- g. A site map/construction drawing(s) showing the specific location(s), size(s), and length(s) of each erosion and sediment control practice;

- h. The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils;
- i. A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016;
- j. A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges;
- k. A description and location of any stormwater discharges associated with industrial activity other than construction at the site, including, but not limited to, stormwater discharges from asphalt plants and concrete plants located on the construction site; and
- l. Identification of any elements of the design that are not in conformance with the design criteria in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standard.

2. Post-construction stormwater management practice component – The owner or operator of any construction project identified in Table 2 of Appendix B as needing post-construction stormwater management practices shall prepare a SWPPP that includes practices designed in conformance with the applicable sizing criteria in Part I.C.2.a., c. or d. of this permit and the performance criteria in the technical standard, New York State Stormwater Management Design Manual dated January 2015.

Where post-construction stormwater management practices are not designed in conformance with the performance criteria in the technical standard, the owner or operator must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standard.

The post-construction stormwater management practice component of the SWPPP shall include the following:

- a. Identification of all post-construction stormwater management practices to be constructed as part of the project. Include the dimensions, material specifications and installation details for each post-construction stormwater management practice;
- b. A site map/construction drawing(s) showing the specific location and size of each post-construction stormwater management practice;
- c. A Stormwater Modeling and Analysis Report that includes:
  - (i) Map(s) showing pre-development conditions, including watershed/subcatchments boundaries, flow paths/routing, and design points;
  - (ii) Map(s) showing post-development conditions, including watershed/subcatchments boundaries, flow paths/routing, design points and post-construction stormwater management practices;
  - (iii) Results of stormwater modeling (i.e. hydrology and hydraulic analysis) for the required storm events. Include supporting calculations (model runs), methodology, and a summary table that compares pre and postdevelopment runoff rates and volumes for the different storm events;

(iv) Summary table, with supporting calculations, which demonstrates that each post-construction stormwater management practice has been designed in conformance with the sizing criteria included in the Design Manual;

(v) Identification of any sizing criteria that is not required based on the requirements included in Part I.C. of this permit; and

(vi) Identification of any elements of the design that are not in conformance with the performance criteria in the Design Manual. Include the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the Design Manual;

d. Soil testing results and locations (test pits, borings);

e. Infiltration test results, when required; and

f. An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice. The plan shall identify the entity that will be responsible for the long term operation and maintenance of each practice.

3. Enhanced Phosphorus Removal Standards - All construction projects identified in Table 2 of Appendix B that are located in the watersheds identified in Appendix C shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the applicable sizing criteria in Part I.C.2. b., c. or d. of this permit and the performance criteria, Enhanced Phosphorus Removal Standards included in the Design Manual. At a minimum, the post-construction stormwater management practice component of the SWPPP shall include items 2.a - 2.f. above.

**C. Required SWPPP Components by Project Type:** Unless otherwise notified by the Department, owners or operators of construction activities identified in Table 1 of Appendix B are required to prepare a SWPPP that only includes erosion and sediment control practices designed in conformance with Part III.B.1 of this permit. Owners or operators of the construction activities identified in Table 2 of Appendix B shall prepare a SWPPP that also includes post-construction stormwater management practices designed in conformance with Part III.B.2 or 3 of this permit.

# Village of Celoron, Town of Chautauqua, Village of Mayville, and the Town of North Harmony

The digital copies of these Stormwater Management, Erosion and Sediment Control regulations can be found at:

**Celoron:** <https://ecode360.com/27449501#27449501>

**Chautauqua:** <https://ecode360.com/27466834#27466834>

**Mayville:** [https://drive.google.com/file/d/1vyQ6S6NtFQl2tJzyNqdpt99aC\\_4uUKVU/view?usp=drive\\_web](https://drive.google.com/file/d/1vyQ6S6NtFQl2tJzyNqdpt99aC_4uUKVU/view?usp=drive_web)

**North Harmony:** <http://townofnorthharmony.com/wp-content/uploads/2015/03/north-harmony-zoning-law.pdf>

## **A. Purpose:**

The purpose of this section is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within the Village/Town. This section seeks to meet those purposes by achieving the following objectives:

- (1) Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-0-10-001 or as amended or revised.
- (2) Minimize increases in the magnitude, rate, and frequency of stormwater runoff between predevelopment and post-development conditions from land use activities so as to prevent an increase in flooding, siltation and streambank erosion.
- (3) Prevent accelerated soil erosion and sedimentation so as to avoid its deposit in streams and other receiving water bodies.
- (4) Reduce detrimental impacts of stormwater flows on adjacent properties and downstream communities.
- (5) Minimize the accumulation, and facilitate the removal of pollutants in stormwater runoff so as to perpetuate the natural biological and recreational functions of streams, water bodies, and wetlands.
- (6) Reduce the need for costly maintenance and repairs to roads, embankments, ditches, streams, lakes, ponds, wetlands, and stormwater control facilities resulting from inadequate control of soil erosion and stormwater runoff.
- (7) Assure soil erosion control and stormwater runoff control systems are incorporated into site planning at an early stage.

## **B. Applicability:**

- (1) This section applies to all land development activities and/or redevelopment activities that exceed any one of the thresholds below, unless exempt pursuant to Subsection C below. No person may undertake a land development activity without first meeting the requirements of this section.
- (2) This section defines three levels of applicability. Depending on the area of disturbance and other criteria listed below, land development activities will require either:



(a) A full SWPPP (stormwater pollution prevention plan) with both erosion and sediment control and post-construction water quality and quantity controls;

(b) A basic SWPPP with erosion and sediment control; or

(c) A simple SWPPP, with a generic small site erosion and sediment control plan.

(3) Any of the following activities require a full SWPPP, with erosion and sediment control and post-construction water quality and quantity controls, completed in accordance with the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-0-10-001 or as amended or revised:

(a) Any land development activity with an area of disturbance greater than or equal to one acre that is listed in the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-0-10-001, Appendix B, Table 2.

(b) Any single-family home or single-family residential subdivision, with an area of disturbance greater than or equal to one acre, that will directly discharge into Chautauqua Lake.

(4) Any of the following activities require a basic SWPPP, with erosion and sediment controls, completed in accordance with the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-0-10-001 or as amended or revised, unless already subject to a full SWPPP as described above:

(a) Any land development activity with an area of disturbance greater than or equal to one acre that is listed in the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-0-10-001, Appendix B, Table 1.

(b) The construction of a single-family home not directly discharging into Chautauqua Lake that involves an area of disturbance greater than or equal to one acre of land, but less than five acres.

(c) The construction of a single-family residential subdivision with 25% or less of impervious surface cover at total site build-out and not directly discharging into Chautauqua Lake that involves an area of disturbance greater than or equal to one acre of land, but less than five acres.

(d) Construction of a barn or other agricultural building, silo, stockyard or pen that involves an area of disturbance greater than or equal to one acre of land, but less than five acres.

(5) Any of the following activities require a simple SWPPP, unless already subject to a basic or full SWPPP as described above:

(a) Any land development activity or redevelopment activity with an area of disturbance greater than or equal to 2,500 square feet but less than one acre;

(b) Any land development activity that involves the excavation or filling, resulting in the movement of 250 cubic yards or more of soil or similar material.

[Town of Chautauqua & Village of Mayville] - (c) Any land development activity, regardless of size, that the Town/Village Code Enforcement Officer determines likely to cause an adverse impact, according to criteria of slope, soil erodibility, proximity to a sensitive area, or proximity to a stormwater structure or facility.

[North Harmony] - (a) Any land development activity or redevelopment activity, located between the shoreline of Chautauqua Lake and the centerline of New York State Route 394, with an area of disturbance greater than or equal to 2,500 square feet but less than one acre;

(b) Any land development activity or redevelopment activity, located upland of the centerline of New York State Route 394, with an area of disturbance greater than or equal to 5,000 square feet but less than one acre;

(c) Any land development activity that involves the excavation or filling, resulting in the movement of 250 cubic yards or more of soil or similar material;

(d) Any land development activity, regardless of size, that the Town Code Enforcement Officer determines likely to cause an adverse impact, according to criteria of slope, soil erodibility, proximity to a sensitive area, or proximity to a stormwater structure or facility.

C. **Exemptions:** The following activities are exempt in part or in whole from review under this section:

- (1) Silvicultural activities as defined, except that landing areas and log haul roads are subject to this chapter.
- (2) Agricultural activity as defined.
- (3) 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.
- (4) Repairs to any stormwater management practice or facility deemed necessary by the Code Enforcement Officer.
- (5) Subdivision plats approved by the Village before the effective date of this chapter, except individual building permits applied for on or after the effective date of this chapter are subject to this chapter.
- (6) Land development activities for which a building permit has been approved before the effective date of this chapter, although the provisions of this chapter may be applied to permit renewals, or substantial modifications to the original proposal if occurring on or after the effective date of this chapter.
- (7) Cemetery graves.
- (8) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- (9) Emergency activity immediately necessary to protect life, property or natural resources.
- (10) Activities of an individual engaging in home gardening by growing flowers, vegetables and other plants primarily for use by that person and his or her family.
- (11) Landscaping and horticultural activities in connection with an existing structure creating less than 2,500 square feet of land disturbance in total.

D. **Stormwater pollution prevention plans (SWPPP):**

- (1) **SWPPP submittal requirements.** Any land development activity and/or redevelopment activity that exceed the thresholds listed in subsection B of this section, and are not exempt pursuant to Subsection C of this section, shall complete and submit a SWPPP as follows:



(a) Simple SWPPP:

[1] Any land development or redevelopment activity required to complete a Type I or II simple SWPPP must complete the simple SWPP in accordance with the requirements of Subsection D(3) and Subsection E of this regulation. Informational requirements that are not relevant or necessary to meet the erosion and stormwater objectives of this section may be waived by the reviewing board or official.

[2] Once completed, the Type I or II simple SWPP shall be submitted to the reviewing board as part of an application, and/or the Code Enforcement Officer, as part of an application for a building or zoning permit.

(b) Basic SWPPP:

[1] Any land development or redevelopment activity required to complete a basic SWPPP must comply with the substantive requirements of the NYS Department of Environmental Conservation (DEC) State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-0-10-001 or as amended or revised. Such activities will be required to undertake and complete all required submittals to the DEC.

[2] Copies of the final SWPPP and notice of intent (NOI); submitted to the DEC; and completed in accordance with the technical standards referenced in Parts III.B.1, 2 or 3 of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-0-10-001 or as amended or revised, and contained in part in Subsection D of this section, shall be submitted to the reviewing board as part of an application, and/or the Code Enforcement Officer, as part of an application for a building or zoning permit.

(c) Full SWPPP:

[1] Any land development or redevelopment activity required to complete a full SWPPP must comply with the substantive requirements of the NYS Department of Environmental Conservation (DEC) State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-0-10-001 or as amended or revised. Such activities will be required to undertake and complete all required submittals to the DEC.

[2] Copies of the final SWPPP and notice of intent; submitted to the DEC; and completed in accordance with the technical standards referenced in Parts III.B.1, 2 or 3 of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-0-10-001 or as amended or revised, and contained in part in Subsection D of this section, shall be submitted to the reviewing board as part of an application, and/or the Code Enforcement Officer, as part of an application for a building or zoning permit.

**(2) Type and content of a simple SWPPP:**

(a) Type I simple SWPPP. A Type I simple SWPPP shall be required for land development activities not requiring a full or basic SWPPP; creating cumulative areas of disturbance totaling between 2,500 and 10,000 square feet; and not exceeding the following thresholds:

[1] Located within 1,000 feet of the shoreline of Chautauqua Lake or 200 feet of a wetland, streambank or watercourse;

[2] Within a one-hundred-year flood hazard area as defined by the Federal Emergency Management Agency (FEMA) and shown on the most current Flood Insurance Rate Maps (FIRM);

[3] Creates a use with impervious surfaces that cumulatively are greater than 15% of the total lot area; or

[4] Contain slopes in excess of 15% within the area of land disturbance.

(b) Type I simple SWPPP content requirements.

[1] Contact information including owner and developer's name, address, project address, phone numbers, Tax Parcel No.

[2] A brief description of the project, including a sketch, which may be combined with other drawing required for a building permit, specifically showing existing drainage features and vegetation on the site.

[3] The ground area in square feet or acres that will be disturbed for each phase and for all phases of the project. The areas to be measured include but are not limited to: driveways, parking areas, buildings, septic systems, wells, grading and clearing, lawns, ditches, drainage structures, utilities, stockpiles, etc., including the total project area of disturbance, total parcel acreage, area of existing impervious surface, total area of impervious surface expected at completion, and total connected impervious area.

[4] A description of the distance(s) from the areas of ground disturbance on any part of the site to the edge of any stream, pond, lake, or wetland on or in the vicinity of the site.

[5] A generalized plan describing the erosion control measures to be used to minimize the impacts of the land development activity appropriate for the site, based upon the guidelines in the DEC Erosion Control Manual. Measures may include:

- [a] Stabilized construction entrance;
- [b] Stabilization of exposed soil;
- [c] Protection of adjacent properties, waterways, and natural areas;
- [d] Management of concentrated flow areas; and
- [e] Maintenance during construction.

[6] Any additional details requested by the CEO.

(c) Type II simple SWPPP. A Type II simple SWPPP shall be required for land development activities not requiring a full or basic SWPPP; creating cumulative areas of disturbance totaling greater than 10,000 square feet and less than 43,560 square feet; and not exceeding the following thresholds:

[1] Located within 1,000 feet of the shoreline of Chautauqua Lake or 200 feet of a wetland, streambank or watercourse;

[2] Within a one-hundred-year flood hazard area as defined by the Federal Emergency Management Agency (FEMA) and shown on the most current Flood Insurance Rate Maps (FIRM);

[3] Creates a use with impervious surfaces that cumulatively are greater than 15% of the total lot area; or



[4] Contain slopes in excess of 15% within the area of land disturbance.

(d) Type II simple SWPPP content requirements.

[1] A narrative describing.

[a] The proposed development.

[b] The schedule for grading and construction activities, including;

[i] Start and completion dates.

[ii] Sequence of grading and construction activities.

[iii] Sequence for installation and/or application of soil erosion, sediment control and stormwater management measures.

[iv] Sequence for final stabilization and stormwater management on the project site.

[c] The design criteria for proposed soil erosion and stormwater control measures and stormwater management facilities, and computations necessary to demonstrate compliance with these criteria.

[d] The construction details for proposed soil erosion and sediment control measures and stormwater management facilities.

[e] The installation and/or application procedures for proposed soil erosion and sediment control measures and stormwater management facilities.

[f] The operation and maintenance of proposed soil erosion and sediment control measures and stormwater management facilities.

[g] A statement describing all design measures taken to minimize grading and disturbance to land and vegetation.

[2] A site plan, or subdivision plan, prepared in accordance with applicable requirements of this section or the subdivision law which shall include the following additional information.

[a] The proposed alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines.

[b] The location of and design details for all proposed soil erosion and sediment control measures and stormwater management facilities.

[c] The sequence of grading and construction activities.

[d] The sequence for installation and/or application of soil erosion, sediment control and stormwater management measures.

[e] The sequence for stabilization of the development site.

(3) **Contents of a full or basic SWPPP.** Any land development activity and/or redevelopment activity that exceeds the thresholds listed in the NYS Department of Environmental Conservation (DEC) State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-0-10-001 or as amended or revised, shall complete a SWPPP in accordance all requirements of said permit.

**E. Performance and design criteria for stormwater management and erosion and sediment control:** All land development activities or redevelopment activities required to complete a full, basic or simple SWPPP by Subsection B of this section are subject to the following performance and design criteria.

(1) **Technical standards.** For the purpose of this section, 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 of this section:

(a) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual).

(b) New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the Erosion Control Manual).

(2) **Equivalence to technical standards.**

(a) Where stormwater management practices are not in accordance with technical standards, the applicant must demonstrate equivalence to the technical standards set forth in Subsection E(1) for a basic or a full SWPPP. The basic SWPPP developed must be prepared and certified by a licensed or certified professional and the full SWPPP must be prepared by a licensed engineer.

(b) Where stormwater management practices contained within a simple SWPPP are not in accordance with technical standards, the applicant may use alternative principles, methods and procedures with prior approval of the reviewing board, based upon a favorable recommendation from the Chautauqua County Soil and Water Conservation District.

(3) **Water quality standards.**

(a) Any land development activity shall not cause or contribute to a violation of water quality standards in surface waters of the State of New York. The standards are contained in Parts 700 through 705 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

(b) These standards apply whether or not a project is subject to this section, and whether or not a project meets the requirements of this section. These standards are enforceable by the DEC under the Environmental Conservation Law.

**F. SWPPP review:**

(1) The CEO shall accept and review all stormwater pollution prevention plans for completeness and compliance with this section and, when required, forward such plans to the applicable board. The CEO may, if necessary, subject to budget restrictions and Town/Village Board approval, engage the services of the Chautauqua County Soil and Water Conservation District representative, a registered professional engineer or certified professional to review the plans, specifications and related documents submitted in connection with any SWPPP.

(2) All land development activities subject to review and approval by the Town/Village Board, Zoning Planning Board or Planning Board of the Town/Village under site plan, special permit, or subdivision regulations reviewed by such Board must be reviewed subject to the standards contained in this section. No approval by any such Board shall be made unless it determines that the SWPPP complies with the requirements of this section.



(3) All land development activities subject to review under this section, but not subject to review under Subsection F(2) above, require a stormwater pollution prevention plan (SWPPP) to be submitted to the CEO who shall determine completeness of the SWPPP and compliance with this section before issuing any required permits.

(4) No land development activity which requires a full, basic or simple SWPP in accordance with Subsection B, unless exempt pursuant to Subsection C above, shall be commenced until the Code Enforcement Officer (CEO) has either approved a simple SWPPP from the appropriate review board or has received a copy of the final SWPPP and NOI submitted to the DEC and all local reviews have occurred.

#### **G. Implementation:**

(1) The estimated costs of measures required to control soil erosion and sedimentation, as specified in the approved plan, may be covered in a performance bond or other guaranty acceptable to the reviewing board.

(2) Site development shall not begin unless the soil erosion and stormwater control plan is approved and those control measures and facilities in the plan scheduled prior to site development are installed and functional.

(3) Planned soil erosion and stormwater control measures and facilities shall be installed as scheduled according to the approved plan.

(4) All erosion and stormwater control measures and facilities shall be maintained in a condition which ensures compliance with the approved plan and prevents sediment from leaving the site.

#### **H. Inspection:**

(1) Erosion and sediment control inspection.

(a) The CEO may require such inspections as necessary to determine compliance with this chapter and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant must notify the CEO at least 48 hours before any of the activities listed below, as required by the CEO, or the CEO may develop an inspection schedule specific to an individual project including but not limited to:

- [1] Start of construction.
- [2] Installation of sediment and erosion control measures.
- [3] Completion of site clearing.
- [4] Completion of rough grading.
- [5] Completion of final grading.
- [6] Close of the construction season.
- [7] Completion of final landscaping.
- [8] Successful establishment of landscaping in public areas. Additionally, the Town/Village may conduct inspections at any time.

(b) 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 CEO.

(2) 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 must grant to the Town/Village the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection H(1) of this chapter.

(3) Recordkeeping. Persons subject to this chapter are required to maintain records demonstrating compliance with this chapter. Such records must be provided to the CEO upon request.

**I. Fees for services:** The Town/Village may require any person undertaking land development activities subject to this section to pay the reasonable costs of persons hired by the Town/Village to review SWPPPs, perform inspections of stormwater management facilities and certify the completion of the same through application fees and escrow deposits required in connection with an application for a building or zoning permit or for site plan or subdivision approval. The Town/Village Board may by resolution establish a fee schedule SWPPP review and stormwater and erosion inspections.

**J. Maintenance, inspection, and repair of stormwater facilities:**

(1) Maintenance and inspection during construction. The applicant or developer of the land development activity or their representative must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this section. Sediment must be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.

(2) Inspection, maintenance and easement agreement. Prior to the issuance of any approval for a project that has the construction of a stormwater management facility as one of the requirements, the applicant or developer must execute an inspection, maintenance and easement agreement that shall be binding on all subsequent landowners benefited by the stormwater management facility. The agreement must provide for Town/Village access to the facility at all reasonable times for periodic inspection, and possible maintenance by the Town/Village (in the sole discretion of the Town/Village and expense of the owner) to ensure that the facility is maintained in proper working condition and continues to meet design standards and any other requirements of approval and this section. The agreement must be recorded in the office of the County Clerk, and noted on the subdivision plat (if applicable) after approval by the counsel for the Town/Village. The Town/Village reserves the power to require enforcement and charge-back of expense powers in the agreement, and to assign all agreements to any future drainage district.

(3) Dedication of stormwater management facilities maintenance agreement. The Town/Village, in lieu of the agreement required in above, in its sole discretion, may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this section and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance. Prior to accepting a dedicated facility, the Town/Village may require the formation of a drainage district to include all parcels served by the facility, to pay the expenses of ongoing inspection, maintenance, and, if necessary, modification of the facility.

**K. Enforcement:**

(1) Stop-work orders. The CEO may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order are required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order will be in effect until the CEO 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 section.

(2) Violations.

Village of Celoron: Any land development activity that is commenced or is conducted contrary to this section may be restrained by injunction or otherwise abated in the manner provided by Article XI.

Town of Chautauqua: Any land development activity that is commenced or is conducted contrary to this supplemental section, may be restrained by injunction or otherwise abated in the manner provided by Chapter 145 of the Town of Chautauqua Code and as otherwise provided by law.

Village of Mayville: Any land development activity that is commenced or is conducted contrary to this supplemental section, may be restrained by injunction or otherwise abated in the manner provided by Article XII of the Village of Mayville Zoning Law and as otherwise provided by law.

Town of North Harmony: Any land development activity that is commenced or is conducted contrary to this supplemental section, may be restrained by injunction or otherwise abated in the manner provided by Article XII of the Town of North Harmony Zoning Code and as otherwise provided by law.



# Town of Ellery

In order to obtain a separate copy of the The Town of Ellery's Local Law No. 1 for stormwater and erosion control you can contact Bob Samuelson at ellerycode@yahoo.com or 716-386-3465 Ext. 204.

Town of Ellery Local Law No. 1 (2014)

## A LOCAL LAW FOR SEDIMENT AND EROSION CONTROL IN CONNECTION WITH CERTAIN BUILDING PERMIT APPLICATIONS IN THE TOWN OF ELLERY

Be It Enacted by the Town Board of the Town of Ellery, as follows:

### Section I - Purpose

The purpose of this Local Law is to provide regulations governing the applicability, submission requirements and standards for review and design of erosion and sediment control measures as a condition of projects requiring a "building permit and/or a land disturbance project." The intent of this Local Law is to:

A. Insure that the development and use of land within the Town of Ellery does not have an adverse impact on local waterways, adjacent land or upon the character of the community to protect the environment.

### Section II - Applicability

Prior to the issuance of a building permit in any zoning district, the applicant must receive approval by either the Code Enforcement Officer or, if applicable as stated below, the Town of Ellery Board, of the applicant's sediment and erosion control plan in accordance with the provisions of this subsection. All new building permit applications involving a site less than one acre shall require a sediment and erosion control plan approval, including new structures, new uses, expansions of existing structures, excavation operations and legal conversions of existing buildings to other uses, except those specifically exempted below.

The Town of Ellery Code Enforcement Officer shall refer any application required by this Local Law to the Town of Ellery Town Board for its review and approval when and if such project may directly impact a body of water, stream, creek, wetland and/or waterway and additionally, to any project (including the structure on the project premises) exceeding 20,000 square feet of soil disturbance.

### Section III - Exempted Uses

The following land use activities are exempted from the requirements of this Local Law, unless otherwise required as a condition of a separate Town approval:

1. Development creating less than 2,500 square feet of land disturbance in total.
2. Normal building maintenance, including the repair or maintenance of structural members.
3. Agricultural land uses and structures, with the exception of roadside stands for the sale of agricultural products from a permanent structure, on farms with an approved Agricultural Environmental Management (AEM) Plan and/or an approved Comprehensive Nutrient Management Plan (CNMP) created in partnership with, and approved by, the Chautauqua County Soil & Water Conservation District.

4. Incidental landscaping or grading (less than 2,500 square feet).
5. Interior alterations that do not substantially change the nature or use of a residential, commercial or industrial structure.
6. Exterior alterations or additions to an existing residential or commercial structure, which do not substantially change its nature or use, and will not increase the gross floor area of the existing structure by more than 15% in total within any five year period.
7. Any change of use where no change to the building footprint or site is proposed.
8. Projects involving less than 2,500 square feet of land disturbance shall not be exempt from the provisions of this Local Law if any water course flows through or is adjacent to the project or the project contains wetlands or is adjacent to a designated wetland area.

#### Section IV - Conditions of Approval

Prior to the approval of a building permit governed by this Local Law, the Code Enforcement Officer for the Town of Ellery Board, if applicable, shall determine if the applicant's plan will sufficiently address the following requirements:

- A. There shall be no soil particles exiting any construction site by any means (including wind or water) as a result of the evacuation or construction activities.
- B. Water runoff resulting from activities both during and after construction shall not flow into any neighboring and/or adjacent properties, water bodies, waterways, wetlands or allowed to pool or cause erosion.
- C. At a minimum, all construction sites shall install and maintain sufficient erosion control measures and install and stabilize a single access entrance as per the erosion control plan. On steep sites (slopes of 12% or greater whether prior to, during or after construction) or where storm water runoff or sediment may directly impact the waterway, the Town of Ellery may require the applicant to provide a sediment and erosion control plan designed by a certified licensed professional engineer, registered landscape architect, registered architect or licensed design professional. The responsibility for the submission and the cost of such plan shall be the applicant's.
- D. In the review of the applicant's plan, the Town of Ellery shall use as a guide line for analyzing and either approving or disapproving the plan the New York Standards and Specifications for Erosion and Sediment Control Manual.

#### Section V - Inspection

Prior to, during and subsequent to construction under this plan, the applicant shall allow the Town of Ellery Code Enforcement Officer to inspect the site to determine if the applicant has sufficiently undertaken the measures to meet the requirements set forth in Section IV above.

#### Section VI - New York State Permits

In the event the applicant's project requires either a SPDES permit from New York State or a New York State DEC Storm Water Pollution Prevention Plan for sites disturbing one or more acres of soil, copies of said permit or permits shall be supplied to the Town of Ellery.

## Section VII - Enforcement and Stop Work Orders

The town of Ellery Code Enforcement Officer may issue a stop work order for violations of this Local Law. The persons receiving a stop work order are required to halt all land development activities and address the violations leading to the stop work order. The stop work order will be in effect until the Code Enforcement Officer confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address the stop work order in a timely manner may result in civil, criminal or monetary penalties in accordance with Section VIII below.

## Section VIII - Penalties

Any person or entity in violation of this Local Law shall be subject to a monetary fine of \$1,000.00. Each weeks continued violation shall constitute a separate additional violation.

## Section IX - Separability

The invalidity of any provisions of this Local Law shall not invalidate any other parts thereof.

## Section X - Effective Date

This Local Law shall become effective the date it is filed with the New York Secretary of State.



# Village of Lakewood

The Village of Lakewood code and zoning laws can be found digitally at:

<http://lakewoodny.com/government/municipal-code-and-zoning-code/> and  
<http://lakewoodny.com/wp-content/uploads/2020/06/Zoning-Code-25-2.doc>

## 1. Excavation:

During the construction of a foundation, general landscaping or any other extensive excavating project, a person, firm, corporation, etc., shall not strip, excavate or otherwise remove soil/gravel unless the following conditions are met:

- A. Topsoil, within one (1) year from the day the permit is issued, topsoil shall be replenished or left with sufficient amounts to support future development needs.
- B. Groundwater runoff. Runoff will not be caused to flow into neighboring properties, to pool or cause erosion.

## 2. Sediment Control:

A. Purpose: The purpose of this Code is to provide regulations governing the applicability, submission requirements and standards for review and design of erosion and sediment control measures as a condition of projects requiring a “building permit and/or a land disturbance project”, the intent of this Code is to:

- (1) Insure that the development and use of land within the Village of Lakewood does not have an adverse impact on local waterways, wetlands, adjacent land or upon the character of the community to protect the environment.

### B. Applicability:

(1) Prior to the issuance of a building permit in any zoning district, the applicant must receive approval by either the Code Enforcement Officer or, if applicable as stated below, the Village of Lakewood Board of Trustees, of the applicant’s sediment and erosion control plan in accordance with the provisions of this subsection. All new building permit applications involving a site less than one acre shall require a sediment and erosion control plan approval, including new structures, new uses, expansions of existing structures, excavation operations and legal conversions of existing buildings to other uses, except those specifically exempted below.

(2) The Village of Lakewood Code Enforcement Officer shall refer any application required by this Code to the Village of Lakewood Board of Trustees for its review and approval when and if such project may directly impact a body of water, stream, creek, wetland and/or waterway and additionally, to any project (including the structure on the project premises) exceeding 20,000 square feet of soil disturbance.

### C. Exempt Uses:

The following land use activities are exempt from the requirements of this Code, unless otherwise required as a condition of a separate village approval:

- (2) Normal building maintenance, including the repair or maintenance of structural members.
- (3) Incidental landscaping or grading (less than 2,500 square feet).
- (4) Interior alterations that do not substantially change the nature or use of a residential, commercial or industrial structure.
- (5) Exterior alterations or additions to an existing residential or commercial structure, which do not substantially change its nature or use, and will not increase the gross floor area of the existing structure by more than 15% in total within any five year period.
- (6) Any change of use where no change to the building footprint or site is proposed.
- (7) Projects involving less than 2,500 square feet of land disturbance shall not be exempt from the provisions of this Code if any water course flows through or is adjacent to the project or the project contains wetlands or is adjacent to a designated wetland area.

D. Conditions of Approval:

Prior to the approval of a building permit governed by this Code, the Code Enforcement Officer shall determine if the applicant's plan will sufficiently address the following requirements:

- (1) There shall be no soil particles exiting any construction site by any means; including wind, water and vehicles exiting the property as a result of the excavation or construction.
- (2) Compacted gravel or stone driveways shall be completed before any other work commences. Soil particles on public roadways from vehicles exiting the work site shall be cleaned up every 4 hours or as necessary.
- (3) Water runoff resulting from activities both during and after construction shall not flow into any neighboring and/or adjacent properties, water bodies, waterways, wetlands or allowed to pool or cause erosion.
- (4) At a minimum, all construction sites shall install and maintain sufficient erosion control measures and install and stabilize a single access entrance as per the erosion control plan. On steep sites (slope of 12% or greater whether prior to, during or after construction) or where storm water runoff or sediment may directly impact the waterway, the Village of Lakewood may require the applicant to provide a sediment and erosion control plan designed by a certified licensed professional engineer, registered landscape architect, registered architect or licensed design professional. The responsibility for the submission and the cost of such plan shall be the applicant's.
- (5) In the review of the applicant's plan, the Village of Lakewood shall use a guide line for analyzing and either approving or disapproving the plan the New York State Standards and Specifications for erosion and Sediment Control Manual.

E. Inspection:

Prior to, during and subsequent to construction under this plan, the applicant shall allow the Village of Lakewood Code Enforcement Officer to inspect the site to determine if the applicant has sufficiently undertaken the measures to meet the requirements set forth in Section IV above.

F. New York State Permits:

In the event the applicant's project requires either a SPDES permit from New York State or a New York State DEC Storm Water Pollution Prevention Plan for sites disturbing one or more acres of soil, copies of said permit or permits shall be supplied to the Village of Lakewood.

G. Enforcement and Stop Work Orders:

The Village of Lakewood Code Enforcement Officer may issue a stop work order for violations of this Code. The persons receiving a stop work order are required to halt all land development activities and address the violations leading to the stop work order. The stop work order will be in effect until the Code Enforcement Officer confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address the stop work order in a timely manner may result in civil, criminal or monetary penalties in accordance with Section VIII.

H. Penalties:

Any person or entity in violation of this code shall be subject to a monetary fine as prescribed in Village Law §20-2006.

I. Separability / Invalidity:

The invalidity of any provisions of the code shall not invalidate any other parts thereof.

J. Effective Date:

This Code shall become effective the date it is filed with the New York Secretary of State.



# Contact Information

**NYS Department of  
Environmental Conservation**  
Region 9 - Regional Permit Administrator  
(716) 372-0645  
FAX (716) 372-2133

**U.S. Army Corps of Engineers**  
Buffalo District Office - Regulatory Branch  
(716) 879-4330

**Chautauqua County Department of  
Environmental Health Services**  
(716) 753-4481

**Chautauqua County Planning and  
Community Development**  
Jamestown 716-661-8900  
Dunkirk 716-363-3672

**Natural Resource Conservation Services  
(USDA - NRCS)**  
(716) 664-2351 Ext.114

**Chautauqua County  
Soil & Water Conservation District**  
District Manager  
(716) 664-2351 Ext. 117

**Chautauqua Watershed Conservancy**  
PO Box 45, Lakewood, NY 14750  
(716) 664-2166

**Towns and Villages**  
Municipal Code Enforcement:  
Bemus Point (716) 485-3910  
Busti (716) 763-8561  
Celoron (716) 487-4175  
Chautauqua (716) 753-7342 Opt. 5  
Ellery (716) 386-3465 Ext. 204  
Ellicott (716) 665-5317 Ext. 209  
Harmony (716) 621-4024  
Lakewood (716) 763-8557  
Mayville (716) 753-2125  
North Harmony (716) 789-3445 Ext. 3  
Panama (716) 621-4024  
Portland (716) 792-9614 Ext. 4  
Sherman (716) 484-3173  
Stockton (716) 595-3192



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**CHAUTAUQUA  
WATERSHED  
CONSERVANCY**

