

5. ASSESSMENT OF LOCAL LAWS AND PRACTICES

The assessment of local laws in the Honeoye Lake Watershed began with a general land use regulation inventory which focused on the three primary building blocks of land use control in New York State: the comprehensive plan, zoning, and subdivision regulation. After the general land use regulation inventory was complete, a much more detailed assessment was conducted using a “best management practices” (BMP) assessment tool. In some instances, additional local laws and ordinances were found to be present within a number of municipalities and were included within the detailed assessment if and when applicable. Stand-alone laws that pertain to subjects such as onsite wastewater treatment systems, timber harvesting, or erosion and sediment control are notable examples.

5.1 Basic Land Use Law Inventory

Town of	County	Comprehensive Plan?	Date	Zoning?	Date	Subdivision?	Date
Bristol	Ontario	No	--	Yes	2000	Yes	2000
Canadice	Ontario	Yes	1999	No*	1998	Yes	1999
Naples	Ontario	Yes	2002	Yes	1997	Yes	1992
Richmond	Ontario	Yes	2004	Yes	2006	Yes	2000
South Bristol	Ontario	Yes	2000	Yes	2003	Yes	1994
Springwater	Livingston	No	--	No	--	No	--
<i>Average Age of Document (in years since 2007)</i>			5.75		6.2		10

*Site Plan Review in place

The entire assessment process was conducted in order to gain a thorough understanding of existing local laws, ordinances, and practices, many of which impact land use and ultimately water resources. The BMP assessment form lists 151 individual BMPs which are divided into six primary categories and relevant sub-categories:

1. **Development**
 - Existing Development
 - New Development and Substantial Redevelopment
2. **Forestry and Agriculture**
 - Forestry
 - Agriculture
3. **Waterways and Wetlands**
 - Modified Waterways
 - Wetlands and Riparian Area Management and Restoration
4. **Marinas**
 - Existing Marinas
 - New Marinas
 - All Marinas
5. **Roads and Bridges**
 - Existing Roads and Bridges
 - New Roads and Bridges
 - All Roads and Bridges (existing and new)
6. **Onsite Wastewater Treatment Systems (OWTS)**
 - (No sub-categories)

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The existing local laws of the 6 municipalities were reviewed and evaluated according to these 151 best management practices. The following analysis has been prepared based on this assessment, which is separated into two sections. Section 5.2 General Overview of Local Laws and Practices provides a general overview and analysis of local laws within the Honeoye Lake Watershed and addresses the primary gaps that were found to be present throughout most (if not all) of these municipalities. Practical recommendations have been advanced therein. Section 5.3 Assessment of Local Laws and Practices provides major findings and other relevant issues or conditions identified within each of the six individual municipalities. The specific local laws that were reviewed are provided with proper citations. Observations here should be considered *in addition to* those cited within the first section.

5.2 General Overview of Local Laws and Practices

5.2.1 Development

While many of the procedures detailed within the local codes reviewed herein were found to provide basic protections from impacts stemming from erosion and sedimentation, no local code was found to acknowledge recent changes in Federal and state laws with regard to Phase II Stormwater Regulations.¹ Under Phase II Stormwater Regulations, all operators of construction sites disturbing one acre or more of land must file a Notice of Intent (NOI) with the appropriate DEC regional office and prepare a Storm Water Pollution Prevention Plan (SWPPP) that is to be followed by developers throughout the duration of the construction activities. SWPPPs are comprehensive documents addressing all aspects of pre- and post-construction stormwater runoff control practices and procedures. Among the six Honeoye Lake Watershed municipalities reviewed for this study, no local law or construction specification document was found to address all of the components that are contained within a SWPPP.²

Stormwater Phase II represents the latest and most comprehensive system of rules to prevent the discharge of pollutants into area waterways stemming from construction activities. In order to assist municipalities with integrating Stormwater Phase II rules and regulations with local municipal laws, the NYS Department of State (NYS DOS) in conjunction with the NYSDEC developed the NYS Sample Local Law for Stormwater Management and Erosion and Sediment Control (referred heretofore as the NYS Sample Local Law). Local officials are encouraged to consider incorporating certain aspects of the NYS Sample Local Law into current zoning and subdivision language in an effort to promote statewide consistency and to ensure comprehensive protection from erosion and sedimentation emanating from new construction activities.

It is important to note that, while the local laws of municipalities within urbanized areas in NYS are required to prove equivalency with this law by January 8th, 2008, municipalities within the Honeoye Lake Watershed are not currently subject to this requirement. Meeting equivalency with the NYS Sample

¹ Refer to Appendix A: Evaluation of Government Roles, New York State Programs, NYSDEC, Office of Administration, Division of Environmental Permits: “11. Stormwater” for more information on Phase II Stormwater Regulations and permitting requirements.

² SWPPPs contain 16 specific components relevant to construction site erosion and sediment controls, which are listed under §2.2 (“Contents of Stormwater Pollution Prevention Plans”) in the *NYS Sample Local Law for Stormwater Management and Erosion and Sediment Control*.

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Local Law simply reinforces local protection from erosion and sedimentation and encourages statewide consistency.

Thorough information and instruction regarding Stormwater Phase II Regulation implementation in NYS, as well as the text of the NYS Sample Local Law, can be found within the Stormwater Management Guidance Manual for Local Officials, available for download through the NYSDOS Division of Local Government “Publications” webpage.³ Integrating the NYS Sample Local Law into current local law will require significant revisions of current law and should therefore be considered carefully by local officials, with cooperation and oversight from the municipal attorney, code enforcement officials, and zoning and planning board members. If the full sample law is integrated into local law, municipalities will also be responsible for designating a local Stormwater Management Officer to accept and review SWPPPs, forward the plans to the applicable municipal board and inspect stormwater management practices implemented in the field.

In the absence of conducting major revisions to local laws, local officials may want to consider simply referencing the importance of and requirements associated with the Statewide Phase II Construction Permit (GP-02-01) within their local zoning, site plan approval and subdivision regulations, thereby requiring developers to provide proof of compliance with the Phase II Construction Permit in advance of the commencement of land-disturbing activities. As stated in the Stormwater Management Guidance Manual for Local Officials, “State law does not presently provide for the review of SWPPPs in the building permit process, but a municipality may direct the Building Inspector [or CEO] to require a SWPPP when application is made for another land use permit (site plan, subdivision, zoning change, special use permit).”⁴ This approach, therefore, provides an amenable alternative to adopting the full NYS Sample Local Law. Enforcement of the SWPPP and other Phase II-related procedures would then fall to the regional DEC office in the absence of a local law stating otherwise. Given the limitations of DEC resources, a municipality may choose to designate their county SWCD as an appropriate reviewing agent; however, SWCD offices should be consulted before such an approach is pursued. The negotiation of a contract will likely be necessary in order to ensure that the SWCD office has the resources to commit to inspections.

Further information and instruction on integrating stormwater management into existing municipal programs can be found within the Stormwater Management Guidance Manual for Local Officials.

In addition to making considerations regarding Phase II Stormwater Regulations, local officials should assess the training, knowledge, and capability of Planning and Zoning Board members and the CEO and his or her staff and seek additional or supplemental training as necessary. Town officials should evaluate the preparedness and capability of the CEO, ensuring that adequate training and resources are made available. Given that Planning Board members are responsible for reviewing and approving development proposals, they should also be familiar with local stormwater management goals and the intent and mechanisms currently within local regulations.

³ NYS DOS Division of Local Government Publications, *Stormwater Guidance Manual for Local Officials*. Last viewed 6/06/07 at <http://www.dec.ny.gov/chemical/9007.html>

⁴ NYS DOS Division of Local Government Publications, *Stormwater Guidance Manual for Local Officials*. p 14.

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5.2.2 Agriculture and Forestry

5.2.2.1 Agriculture

Given the nature of agricultural protection laws in NYS, an assessment of local municipal laws will rarely identify local ordinances pertaining to agricultural activities. Many agricultural issues are regulated at the State level by the Department of Agriculture and Markets and the Department of Environmental Conservation. It is important to note, however, that local municipal knowledge and encouragement of good agricultural practices can greatly assist water quality efforts. Local government is the level of government that the agricultural community is closest to, and often feels the most comfortable with. A municipality's position on good farming practice can therefore help to further water quality efforts. Furthermore, watershed organizations and local boards should strive to include members of the local agricultural community in land use and water quality planning initiatives in order to gain insight and knowledge regarding their attitudes and concerns related to the challenges associated with implementing agricultural environmental BMPs.

Agriculture Environmental Management (AEM) is New York State's voluntary, incentive-based program for addressing the environmental impacts associated with all types of agricultural activities. Within the Honeoye Lake Watershed, AEM programs are administered by the Soil and Water Conservation Districts (SWCDs) in Livingston and Ontario Counties. AEM Five-Year Strategic Plans for those counties should be consulted in order to assess local AEM priorities and the implementation status within individual watersheds.

5.2.2.2 Forestry

Considerations for timber harvesting practices contained within the Local Timber Harvesting Law enacted by the Town of Bristol in 2005 were among the most comprehensive of those reviewed within this study. The local law applies to all individuals or businesses harvesting timber, with the exception of timber intended for personal use (i.e. fewer than twenty-five standard cords within a twelve-month period for firewood or fewer than 20,000 board feet within a twelve month period for lumber). As stated in Article V of the law, "No person, firm, partnership, corporation or other entity...shall engage in commercial timber harvesting as defined in this Law without a permit issued in accordance with Part VI herein." Permits are issued by the Town Code Enforcement Officer and must comply with six specific "standard operating procedures." Among those include: the installation of necessary or appropriate best management practices recommended in the NYS Forestry BMP Field Guide; no skidding within stream channels; maintaining fifteen-foot stream buffers; clear, well designated skid landings outside of the public right of way; and the implementation of appropriate site-reclamation procedures.

The Law makes distinctions between "basic" and "full" timber harvesting permit applications depending on the sensitivity of site conditions. Article VIII of the Law ("Violations and Enforcement") provide local officials with appropriate mechanisms to enforce the law, including provisions for site inspections, stop-work orders, and fines up to \$250 or imprisonment for each separate violation.

Municipalities that identify timber harvesting to be a potential threat to water quality within their jurisdiction are recommended to review and adopt this local law, portions thereof, or the equivalent thereof, to ensure the adequate protection of local water resources from erosion and sedimentation.

5.2.3 Waterways and Wetlands

Practical recommendations with regard to waterways and wetlands that the municipalities within the Honeoye Lake Watershed might want to consider include: the use of mandatory setbacks from streambanks and shorelines in order to minimize disturbance of land within such areas; recognition of the NYS Wetlands Preservation Act (Article 24 of the NYS Environmental Conservation Law) directly within local law and the importance of upholding that law; and the identification and mapping of wetlands smaller than 12.4 acres and special zoning considerations that protect those areas. In a variety of instances cited below, adequate stream setback rules have already been implemented by several municipalities.

In addition, other environmentally-sensitive aquatic areas may also warrant further consideration. Municipalities can protect sensitive areas through several means. These include adoption of environmental protection overlay districts (EPODs) as part of their zoning law. Riparian protection can be implemented through setback requirements in the zoning code, the site plan review process (for individual sites), and subdivision regulations (for larger developments). Refer to the individual approaches used by local municipalities that have been cited in Section Two below. Alternatively, municipalities can also protect wetlands and riparian areas through provisions within their sediment and erosion control laws. Finally, careful administration of a flood prevention ordinance can restrict development within flood hazard areas, which also happen to be environmentally sensitive and/or riparian areas.

5.2.4 Marinas (applicable to the Towns of Richmond and Canadice only)

Boating activities on Honeoye Lake are generally limited to smaller recreational vessels. Considering that the lake is landlocked, unlike other Finger Lakes which are connected to the NYS Canal System, the environmental impacts stemming from recreational boating activities – while not insignificant – are likely to be limited.

The two primary environmental risks associated with recreational boating activities pertain to vessel waste and invasive species from transient vessels. Local regulations that address vessel waste and other sources of pollution related to boating should be considered if local residents and officials recognize a specific threat therein. Vessel pump-outs at marinas and other public facilities is a key provision in this regard. Grants are available for pump-out facilities at public and private marinas from the New York State Environmental Facilities Corporation through the Federal Clean Vessel Act.

Invasive species can begin to be addressed through the implementation of basic BMPs at public launch sites. Signage identifying species of concern as well as procedures that should be taken as vessels are launched and removed from the water (hull washing and scraping, for example) are among those recommended. All practices must be implemented in a uniform manner in both Richmond and Canadice, however, if they are to be effective.

Other areas for consideration may include standards for dock construction (including materials for construction), steep-slope construction provisions, and standards for dry-storage facilities. Provisions should designate an enforcement entity, such as a harbor master or local code enforcement officer.

Further instruction and guidance regarding docks and moorings and other harbor management issues can be found in the NYS DOS publication entitled Guidelines for the Preparation of Harbor Management Plans.⁵

5.2.5 Highways

While highway departments within most municipalities typically practice basic best management practices on an unofficial, voluntary basis, it is rare to see specific practices and procedures written directly into local code. The Town of Canadice Code (§106, “Streets and Sidewalks”) presents a clear framework for addressing a variety of best management practices that pertain to highway maintenance. This section of the Code can be used as a valuable model for neighboring municipalities in the watershed as well as for rural towns throughout the region, as it sets clear priorities and expectations regarding the local roads and facilities therein.

The code contains directives and procedures that guide conscientious and consistent maintenance of local facilities. Guidelines are included for surface and roadside facilities such as bridges, drainage, road repair, and slopes. Several aspects of these guidelines appear to have erosion and sedimentation prevention specifically in mind. Given the town’s rural nature, a distinction is made between low-volume roads and those that otherwise receive moderate or high traffic volumes. Article III of §106 states that a major reason for setting such standards is to decrease overall costs by reducing unnecessary maintenance on low-volume roads. Roads designated as “low-volume” are posted with signs intended to advise motorists of the need to exercise due diligence when traveling on such roads.

This feature of local law is generally unique to the region and worthy of mention for several reasons. Codifying highway maintenance procedures adds a degree of transparency to the operation and management of public assets, which lends significant credence to the department and the municipality as a whole. Furthermore, these specific procedures have the *potential* to work in conjunction with environmental best management practices (although it is important to note that this is not the intent of this section of code). Low-volume roads can have the potential to have a low-impact on local water resources. The recommended reduction of salt and sand usage and implied decrease in impervious surface area can have a positive impact on local water resources if done in accordance with other basic roadside provisions (such as check dams, vegetative swales, or other types of low-maintenance stormwater structures). Furthermore, interpretative signage can be designed to accompany low-volume road signs that are already in place, thereby acting as an information tool, notifying the public of the benefits of such areas.

All highway departments should seriously consider the development of a written inspection and maintenance plan intended for use by highway department employees for the efficient management and maintenance of highway-related facilities. Such a plan should incorporate some or all of the following components:

- Map identifying: (1) all structural facilities (catch basins, culverts, sediment retention facilities, etc.) with corresponding maintenance log; and (2) environmentally-sensitive areas or areas that should otherwise be given special consideration when conducting routine operation and

⁵ NYS Department of State, Division of Coastal Resources. “Harbor Management Planning.” Last viewed 4/407 at <http://nyswaterfronts.com/downloads/pdfs/hmpguide.pdf>

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- maintenance activities (rivers and stream crossings, protected and unprotected wetlands, steep slope areas/gullies, near-shore areas, etc.);
- Maintenance log accompanying the facility map which identifies attributes such as: the date of facility installation; inspection and maintenance schedule; overall condition; and an anticipated date of replacement and/or priority replacement list; and
- A “wish list” specifying targeted locations for new facility installation or facility improvement. Such a list should generally not be constrained by local fiduciary limitations; rather, the list should be expansive in the event that support from an outside granting agency arises.

In addition, maintenance procedures pertaining to roadside ditches should be included and given particular emphasis. Roadside ditches provide a direct link between the land and area waterways. During storm and thaw periods, these appurtenances can contribute an immense amount of stormwater and associated runoff into area waterbodies. Ditch shape and design, cleaning procedures, materials and retrofitting approaches are among the subjects that should be covered. Specifically, ditch maintenance guidelines should address the following:

- Avoid performing ditch maintenance during excessively wet periods;
- Perform site stabilization immediately following cleaning, using straw bales, straw mulch, grass-seeding, hydromulch, and other erosion control and revegetation techniques as appropriate;
- Perform ditch retrofitting in steep slope areas or areas prone to erosion, taking ditch shape and contour into account; and
- Retrofits may include the installation of control measures such as check dams and riprap or vegetated swales, turnouts, wing ditches, and dips to disperse runoff and reduce road surface drainage from flowing directly into watercourses or other detention/retention areas.

Other BMPs in highway design and construction can be found in detail through the EPA publication “National Management Measures to Control Nonpoint Source Pollution from Hydromodification,” available online at <http://www.epa.gov/owow/nps/hydromod/index.htm>.

Furthermore, local officials should take deliberate steps to ensure that highway staff is familiar with Stormwater Phase II Regulations and associated permits and procedures. Training is cited as an important component of the Town Streets and Sidewalks Code, §106-10.A in order to “encourage the utilization of innovative and cost-cutting procedures as well as more efficient highway maintenance and consolidation methods.” Employee training should also encompass appropriate practices for stormwater control as part of a comprehensive local stormwater management program. Such training opportunities are available throughout the year in most parts of NYS and can often be done in cooperation with other municipalities.

Local officials and staff should familiarize themselves with key design and guidance documents, in particular, the New York State Stormwater Management Design Manual, which provides design guidance on the most effective stormwater management practices.⁶

⁶ Available online at <http://www.dec.state.ny.us/website/dow/toolbox/swmanual/>

5.2.6 Onsite Wastewater Treatment Systems (OWTS)

In 1999, the Ontario County Planning Department drafted the Model Local Law for On-Site Individual Wastewater Treatment.⁷ In the instance that failing OWTS are recognized as a significant concern within the Honeoye Lake Watershed municipalities, this model ordinance or portions thereof can provide an adequate means of addressing the proper operation, maintenance and inspection of such systems. The law recommends inspections of existing wastewater treatment systems to occur during the following instances: prior to a change of use; prior to conveyance of real property; and when the structure is to be expanded by an area greater than 50%. Each of these requirements may be incorporated into local law in order to ensure that systems are being maintained and functioning properly. Furthermore, local law may require new systems to be subjected to the oversight, examination, and site evaluations deemed necessary in order to ensure that systems are being designed and installed properly (as per Appendix 75-A of the NYS Public Health Law).

In order to guarantee that OWTS are operating properly, inspections of systems should occur on a cyclical basis, roughly every 3 to 5 years. An excellent example of manageable OWTS inspection procedures can be found in Cayuga County. The Sanitary Code of the Cayuga County Health District currently requires property owners within the Owasco Lake and Little Sodus Bay watersheds to have an inspection completed every 3 years; all other properties within the County are required to have inspections every 5 years (performed on a staggered rotational basis depending on location).⁸

Another important aspect of OWTS management is education and outreach. A variety of county and regional organizations conduct education and outreach programs in an attempt to target homeowners, contractors and developers regarding proper installation and maintenance of OWTS. Information pertaining to the basic operation of systems, how failing systems can harm local water resources, recommended frequency for pump-outs to occur, and water conservation are several issues that should be conveyed through education and outreach activities.

⁷ Available online at <http://www.co.ontario.ny.us/planning/septic.htm>

⁸ Available online at: <http://www.co.cayuga.ny.us/wqma/projects/sanitarycode.pdf>

5.3 Assessment of Local Laws and Practices⁹

5.3.1 Town of Bristol, NY • Ontario County

Local Laws Reviewed:

- *Town of Bristol Design Criteria and Construction Specifications* (date unknown)
- *Zoning Ordinance of the Town of Bristol* (September 2000)
- *Regulations for Minor Subdivision and Land Development*, Town of Bristol, NY (October 2003)
- *Regulations for Major Subdivision and Land Development*, Town of Bristol, NY (October 2003)
- *Town of Bristol On-Site Wastewater Treatment Law* (June 2003)
- *Local Timber Harvesting Law* (March 2005)

5.3.1.1 Development

While the array of laws and procedures detailed within the Town of Bristol's local laws are adequate to prevent significant impacts to local water resources stemming from erosion and sedimentation, they do not acknowledge recent changes in Federal and state laws with regard to Phase II Stormwater Regulations. An explanation of how to approach Phase II Stormwater Regulations can be found in Section 5.2 General Overview of Local Laws and Practices, above. A primary recommendation is to ensure that local law recognize and act in accordance with these regulations.

Section 1.6 of the Town of Bristol Construction Specifications for Land Development cites specific regulations for preventing siltation or erosion stemming from the development of property within the Town of Bristol. Specifically, the regulations apply to major and minor subdivisions and the construction of multiple dwellings (as cited under Article 15, §1 of the Town Zoning Ordinance). Section 2 of the Bristol Construction Specifications for Land Development goes on to detail further requirements with regard to sediment and dust control, as well as the proper installation of critical stormwater facilities (catch basins and storm drains).

Based on this assessment it is recommended that Town of Bristol officials review Section 1.6 of the Bristol Construction Specifications for Land Development and compare them against Section 2.2.1 [Contents of Stormwater Pollution Prevention Plans] of the Sample Local Law for Stormwater Management and Erosion and Sediment Control. Local officials should strive to establish local equivalency with the 16 components of Stormwater Pollution Prevention Plans listed therein.

5.3.1.2 Agriculture and Forestry

Local actions pertaining to agricultural operations depend entirely upon the degree to which such operations exist. If local farms are suspected of impacting water resources within the Honeoye Lake Watershed, Agricultural Environmental Management (AEM) 5 year strategic plans for those farms should be reviewed. Concerned parties should assess the degree to which individual farm plans are being

⁹ Genesee/Finger Lakes Regional Planning Council maintains a Local Law Library which contains holdings of local laws provided at the discretion of member municipalities. The review of local laws took place in the fall of 2006, utilizing holdings that were present at that point in time. Municipalities within the Honeoye Lake Watershed were contacted prior to the review in an effort to attain any missing or updated laws or sections of code. The analysis herein utilized G/FLRPC's latest holdings as of that point in time.

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created, whether the specific criteria within those plans are being met, and if that criteria is adequate to protect water resources. AEM is a voluntary program; it may therefore be necessary to determine the number of farms participating in the program that are within the watershed as compared to the total number of farms within the watershed. Ontario County SWCD is responsible for administering the AEM program for Ontario County farms.

The Local Timber Harvesting Law enacted by the Town of Bristol in 2005 addresses nearly every BMP listed on the environmental assessment form (the only exception being “Seasonal preferences [considered] for logging operations”). If consistently and properly enforced, this law should adequately serve the purpose of protecting local water resources within the Town from careless or aberrant logging operations. No further revisions are necessary or recommended.

5.3.1.3 Waterways and Wetlands

The local law assessment for the Town of Bristol did not identify any environmental BMPs specific to waterways and wetlands. While the Town’s Design Criteria and Construction Specifications identifies the “preservation of natural watercourses and drainage channels” as a preferable practice, local laws do not specify further protection measures or practices for area waterways and wetlands.

If the protection of natural watercourses within the Town is to be guaranteed, local officials should consider more stringent language than what is currently in place under Section 1.5.1 of the Town’s Design Criteria. Specifically, a law which pertains to the preservation of natural water courses should cover the following: (a) identification of the location of watercourses to be protected on an official map; and (b) establishment of specific measures to be followed regarding activities in such areas (such as appropriate building setbacks, vegetated buffers, etc.¹⁰ Similar measures can also be taken for wetland areas that are not protected under Article 24 of the NYS Environmental Conservation Law, which protects wetland areas of 12.4 acres or more.

5.3.1.4 Marinas

The Town of Bristol does not have any shoreline area or navigable waterways that lie within the Honeoye Lake Watershed. This section of the local law assessment therefore does not apply to this study.

5.3.1.5 Highways

The local law assessment form addresses basic good housekeeping practices and procedures that pertain to activities typically conducted within most local highway departments. Questions addressed three primary areas of concern: right of way maintenance (road right of way and drainage facilities); construction of new facilities (any type of land disturbing activity); and general shop operation (staff training, record keeping, etc.).

Operations conducted by the Town of Bristol Highway Department primarily involve routine right-of-way maintenance and repair. Stormwater management facilities are very limited within the Town; the majority of such infrastructure is confined to roadside ditches and one stormwater detention pond (which is maintained by the department). Roadside ditches have been gradually retrofitted and stabilized with rip-rap in steep-slope areas; failing culverts are also upgraded over time as they are identified and as

¹⁰ See USEPA webpage “Model Ordinances to Protect Local Resources, Aquatic Buffers.” Last viewed online June 18, 2007 at <http://www.epa.gov/owow/nps/ordinance/buffers.htm>

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resources allow. The department uses 100% salt for deicing, which – when applied sensibly and away from environmentally-sensitive areas – is considered to be less harmful to surface water than when mixed with sand or other fine material.¹¹ Superintendent David Parsons indicated that this is indeed the case – salt is used sparingly whenever feasible and is rarely used along gravel roads (which provide adequate traction without salt when plowed). Salt supplies are also stored within a salt shed, preventing loss and runoff.

Basic BMPs were found to be in place with regard to erosion and sediment control, although the department does not typically disturb large areas of land while performing routine operations. Furthermore, the majority of routine highway right-of-way maintenance activities are generally exempt from Stormwater Phase II Regulations.¹² BMPs such as site stabilization and seeding of disturbed areas were identified as routine practices that are conducted after various land disturbance activities take place (ditch cleaning/grading, for example).

5.3.1.6 Onsite Wastewater Treatment Systems (OWTS)

The local law assessment form puts forth seven environmental BMPs that pertain to onsite wastewater treatment systems (OWTS). The two most important BMPs are 6-01 and 6-05 which pertain to system inspection. The Town of Bristol Onsite Wastewater Treatment Law includes a provision which nearly satisfies the language of BMP 6-05. §501 of the code explains the circumstances under which OWTS inspections are warranted – (1) prior to change of use; and (2) [building] expansion greater than 50%. While these are important and valuable provisions to have included in local law, they nonetheless fall short of fully meeting the BMP 6-05 as it is written (“inspection of all OWTS at property transfer or within one year prior to transfer”).

A comprehensive septic system ordinance should require owners of OWTS to have their systems inspected and pumped at a rate that will allow the discovery of a failure within a reasonable period of time (i.e. every 3-5 years, depending on use and location).

5.3.2 Town of Canadice, NY • Ontario County

Local Laws Reviewed:

- *Town of Canadice Code* (1996) With specific emphasis on the following chapters:
 - *Chapter 48: Boats and Boating; Chapter 67: Flood Damage Prevention; Chapter 73: Junk Yards; Chapter 77: Land Use; Chapter 81: Mobile Homes; Chapter 92: Sewers; Chapter 95 Site Plan Review; Chapter 103: Solid Waste; Chapter 106: Streets and Sidewalks; Chapter 108: Subdivision of Land*
- *Town of Canadice Comprehensive Plan, Revision B* (1999)

¹¹ EPA Factsheet. “What You Should Know about Safe Winter Roads and the Environment.” Sept. 2005. Last viewed online 4/02/07 at: <http://www.epa.gov/region1/topics/water/pdfs/winterfacts.pdf>

¹² Operators are strongly urged to contact their regional DEC office to confirm whether specific activities are exempt from review under Stormwater Phase II laws.

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5.3.2.1 Development

Regulations stipulated under Chapter 95: Site Plan Review are comprehensive in scope with regard to the protection of environmentally sensitive areas, drainage, erosion, and sediment control. Site plan review is required for a wide variety of purposes, including: changes of use and structure of buildings; changes within commercial or industrial zones; change in the use of the land; filling or excavations; home occupations; and several other activities. Development, therefore, is clearly subject to stringent local oversight.

With specific regard to erosion and sediment control, Chapter 95 covers many similar items that are required within a Stormwater Pollution Prevention Plan (SWPPP), as required under the General Permit for Construction Activities (GP-02-01). This indicates a high level of reliability and thoroughness. Based on this assessment, however, it is recommended that local officials review Chapter 95 and compare it against Section 2.2.1 [Contents of Stormwater Pollution Prevention Plans] of the Sample Local Law. Local law should strive for equivalency with the 16 components of Stormwater Pollution Prevention Plans listed therein. Furthermore, local law should acknowledge recent changes in Federal and state laws with regard to Phase II Stormwater Regulations in an effort to promote statewide consistency. (Further information on Stormwater Phase II detailed in Section 5.2 General Overview of Local Laws and Practices, above.)

5.3.2.2 Agriculture and Forestry

Considerations for timber harvesting practices are contained within Chapter 95: Site Plan Review (§95-19L). The Site Plan Review process applies to individuals harvesting more than 10,000 board feet, 25 standard cords or the equivalent thereof. Written statements must be submitted by the harvester to the Planning Board with statements which illustrate professional approval from a professional forester. Review of the required information listed in §95-19L(2) covered nearly all BMPs found in the local law assessment form.

While the local law provides adequate protection from erosion and sedimentation when properly enforced, it is recommended that officials consider revising the local law in order to achieve a level of consistency with other municipalities within the Honeoye Lake Watershed. Centralized enforcement and adequate training for enforcement officials are also central components to effective.

5.3.2.3 Waterways and Wetlands

§95-19B of the Canadice Town Code addresses environmentally-sensitive areas, including wetlands, floodplains, watercourses, woodlands and other unique features. No regulations specific to the operation and maintenance of modified waterways were present. §95-19B(3) does provide basic oversight and review for development activities in and around watercourses (lakes, ponds, or streams). Based on this assessment, it is recommended that local officials consider further defining exactly what water bodies are subject to review under this section through written definition and/or an official map (intermittent watercourses or those which otherwise are not watered year-round may come into question).

§95-19B(1) of the code addresses wetlands in particular, citing review requirements for development activities on wetland areas identified on NYSDEC wetlands maps or within 200 feet of an identified wetland area. §24-0701.2 of the NYS Environmental Conservation Law regulations (Freshwater

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Wetlands) apply to activities within *100 feet* of such areas; the local law is therefore more stringent than the state regulations.

Local officials may want to further consider evaluating the need for including mandatory setbacks of structures from stream banks and shorelines in order to minimize disturbance of land within such areas.

5.3.2.4 Marinas

No environmental BMPs specific to marinas (sometimes referred to as “dockings and moorings”) were found within Canadice Town Code. §48 of the local code entitled “Boats and Boating” lists several restrictions pertaining to the operation of vessels; these restrictions are primarily intended to ensure public safety, however, and do not apply to water quality issues.

5.3.2.5 Highways

The local law assessment form addresses basic good housekeeping practices and procedures that pertain to activities typically conducted within most local highway departments. Questions addressed three primary areas of concern: right of way maintenance (road right of way and drainage facilities); construction of new facilities (any type of land disturbing activity); and general shop operation (staff training, record keeping, etc.). Conversation with the Town of Canadice’s Highway Superintendent indicated that due diligence was being practiced with regard to basic BMP implementation in the field.

While highway departments within most municipalities typically practice basic best management practices on an unofficial, voluntary basis, it is rare to see specific practices and procedures written directly into local code. The Town of Canadice Code (§106, “Streets and Sidewalks”) presents a clear framework for addressing a variety of best management practices that pertain to highway maintenance. This section of the Code can be used as a valuable model for neighboring municipalities in the watershed as well as for rural towns throughout the region, as it sets clear priorities and expectations regarding the local roads and facilities therein.

The code contains directives and procedures that guide conscientious and consistent maintenance of local facilities. Guidelines are included for surface and roadside facilities such as bridges, drainage, road repair, and slopes. Several aspects of these guidelines appear to have erosion and sedimentation prevention specifically in mind. Given the town’s rural nature, a distinction is made between low-volume roads and those that otherwise receive moderate or high traffic volumes. Article III of §106 states that a major reason for setting such standards is to decrease overall costs by reducing unnecessary maintenance on low-volume roads. Roads designated as “low-volume” are posted with signs intended to advise motorists of the need to exercise due diligence when traveling on such roads.

This feature of local law is generally unique to the region and worthy of mention for several reasons. Codifying highway maintenance procedures adds a degree of transparency to the operation and management of public assets, which lends significant credence to the department and the Town as a whole. Furthermore, these specific procedures have the *potential* to work in conjunction with environmental best management practices (although it is important to note that this is not the intent of this section of code). Low-volume roads can have the potential to have a low-impact on local water resources. The recommended reduction of salt and sand usage and implied decrease in impervious surface area can have a positive impact on local water resources if done in accordance with other basic roadside provisions (such as check dams, vegetative swales, or other types of low-maintenance

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stormwater structures). Interpretative signage can also be designed to accompany low-volume road signs that are already in place, thereby acting as an information tool, notifying the public of the benefits of such areas.

5.3.2.6 Onsite Wastewater Treatment Systems (OWTS)

Adequate local provisions regarding the installation and inspection of onsite wastewater treatment systems can be found in §92 of Canadice Town Code. This section of the Code states that systems located on difficult sites must incorporate “current technology or design methods” in order to ensure the proper operation and functioning of the system. While §92-3F clearly states that systems must be maintained in “good working order,” no specific inspection schedule is included within the code; rather, properties are subject to inspection due to either a change in use or building expansion. The Code further provides the Town with the discretion to require the property owner to retain the services of a design professional when deemed necessary, to retain the services of the Ontario County SWCD for application of the Uniform Inspection Procedures Program, and to allow property access for inspection as deemed necessary.¹³ Each of these provisions is indicative of a conscientious effort to reduce the impacts of failing onsite wastewater treatment systems.

Based on this assessment, however, it is recommended that §92 of Canadice Town Code be amended to allow for system inspection on a more routine basis, preferably either at the time of property transfer or at regular intervals (approximately every 3-5 years).

5.3.3 Town of Naples, NY • Ontario County

Local Laws Reviewed:

- *Zoning, Chapter 132*
- *Subdivision of Land, Chapter 116*
- *Town of Naples Master Plan 2002-2007*

5.3.3.1 Development

Chapters 116 (Subdivision of Land) and 132 (Zoning) of the Town of Naples Code cover a wide variety of activities related to new and existing development which, when taken together and properly enforced, should provide adequate protection to local water resources.

Several important best management practices are contained within the local Subdivision Regulations. Article IV (“Development Standards for Subdivisions”), §116-21 E (“Preservation of natural features”) provides strong assurance that features such as mature trees, lakes, ponds, streams, watercourse boundaries and other “unique physical features” will be maintained to the greatest degree practicable when new development occurs. Similar provisions are contained within the Zoning Code under Article IV (“Provisions Applicable to All Districts”), §132-15 (“Preservation of natural features”). Furthermore, §132-16 (Regulations applicable to all districts”) of the Zoning Code includes specific restrictions on activities in steep-slope areas within the Town. Article VI (“Supplementary Regulations”), §132-30

¹³ For more information on the Ontario County Uniform Inspection Procedures Program, visit the Ontario County Planning Department’s “Uniform Septic System Law” page at <http://www.co.ontario.ny.us/planning/septic.htm>

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(“Steep slopes”) of Zoning reinforces these restrictions with added provisions for any application for construction, excavation or other development on slopes which exceed 15 degrees.

Article VI (“Specifications for Sketch Plans”), §116-40 A(1) (“Final plat specifications for major subdivisions”) of the Subdivision Code requires the submission of construction detail sheets for subdivisions “of four lots or less...”. §116-41 (“Construction detail sheets”), Part E of the Subdivision Regulations addresses plans to be submitted by the developer for addressing erosion and sediment control. While this section of local law contains adequate procedures regarding erosion and sediment control, the section falls short of addressing Phase II Stormwater Regulations. Furthermore, the document referenced in Article VI, §116-41.E(j) (“New York Guidelines for Urban Sediment and Erosion Control”) of the Zoning Code has been updated and renamed the “New York State Standards and Specifications for Erosion and Sediment Control.” This should therefore be amended and updated in order to avoid confusion.

Based on this assessment, it is recommended that local officials review Subdivision Regulations and compare them against Section 2.2.1 [Contents of Stormwater Pollution Prevention Plans] of the Sample Local Law. Local law should strive for equivalency with the 16 components of Stormwater Pollution Prevention Plans listed therein. Furthermore, local law should acknowledge recent changes in Federal and state laws with regard to Phase II Stormwater Regulations in an effort to promote statewide consistency. (Further information on Stormwater Phase II detailed in Section 5.2 General Overview of Local Laws and Practices, above.)

5.3.3.2 Agriculture and Forestry

Only one best management practices specific to Agriculture and Forestry was identified through the local law and practices assessment (BMP 2-11: Use Agricultural Environmental Management).

5.3.3.3 Waterways and Wetlands

Town of Naples Code contains several provisions that directly protect local waterways. Town Subdivision Code, Article IV (“Development Standards for Subdivisions”), §116-20.D states that “The preservation of natural watercourses is preferable to the construction of drainage channels, and wherever practicable such natural watercourses should be preserved.” Town Zoning Code, Article IV (“Provisions Applicable to All Districts”), §132-15 (“Preservation of Natural Features”) disallows structures to be built within 100 feet from the center of the bed of a stream carrying water on average of six months of the year. This mandatory setback rule is a basic provision that can provide several benefits when properly enforced, including protection from flooding, the preservation of the aesthetic value of property, reduction in runoff, and general stream bank protection.

Based on this assessment, it is recommended that detail is added to §116, Article IV of the Town Subdivision Code and §132, Article IV of the Town Zoning Code identifying the location and name (if available) of specific watercourses that are to be protected. This can be accomplished through updating or amending the Official Map for the Town of Naples and providing a reference to the map within the sections of local law cited above.

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5.3.3.4 Marinas

The Town of Naples does not have any shoreline area or navigable waterways that lie within the Honeoye Lake Watershed. This section of the local law assessment therefore does not apply to this study.

5.3.3.5 Highways

The local law assessment form addresses basic good housekeeping practices and procedures that pertain to activities typically conducted within most local highway departments. Questions addressed three primary areas of concern: right of way maintenance (road right of way and drainage facilities); construction of new facilities (any type of land disturbing activity); and general shop operation (staff training, record keeping, etc.).

Operations conducted by the Town of Naples Highway Department primarily involve routine right-of-way maintenance and repair. Stormwater management facilities are very limited within the Town; inspection of such facilities occurs on an annual basis. Roadside ditches have been gradually retrofitted and stabilized with rip-rap in steep-slope areas; failing culverts are also upgraded over time as they are identified and as resources allow.

Basic BMPs were found to be in place with regard to erosion and sediment control, although the department does not typically disturb large areas of land while performing routine operations. Furthermore, the majority of routine highway right-of-way maintenance activities are generally exempt from Stormwater Phase II Regulations.¹⁴ Vegetation is generally maintained on steep slopes and within swale areas; temporary vegetation, mulching and hydroseeding is employed by the department when large ground disturbances occur.

5.3.3.6 Onsite Wastewater Treatment Systems (OWTS)

No specific onsite wastewater treatment system BMPs were found to be in place within the Town of Naples. Based on this assessment, it is recommended that local officials consider adopting all or portions of the Ontario County Model Local Law for On-Site Individual Wastewater Treatment.

5.3.4 Town of Richmond, NY • Ontario County

Local Laws Reviewed:

- *Subdivision Regulations (1990)*
- *Code of the Town of Richmond, Chapter 200, Zoning (2006)*
- *Comprehensive Plan (2004)*
- *Design Criteria & Construction Specs. For Land Development in the Town of Richmond*

5.3.4.1 Development

Three specific components of local law within the Town of Richmond cover activities related to development: Zoning, Subdivision and local Design Criteria and Construction Specifications for Land Development in the Town of Richmond.

¹⁴ Operators are strongly urged to contact their regional DEC office to confirm whether specific activities are exempt from review under Stormwater Phase II laws.

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Sections of the Town’s Subdivision Rules and Regulations (see Article VII §1B (“Development Standards for Subdivisions, Treatment of Unique Features” and §2E (“Preservation of Natural Features”)) are specific requirements intended to retain the natural and scenic beauty of new developments within the town. These sections of law, when properly enforced, ensure that features such as mature trees, lakes, ponds, streams, watercourse boundaries and other “unique physical features” will be maintained to the greatest degree practicable when new development occurs. These sections further require developers to retain, redistribute, and stabilize existing soils within a reasonable period of time (6 months), providing some assurance that erosion and sedimentation will be minimized.

§200-35 of the Zoning Code contains similar provisions intended to preserve natural features, including restrictions disallowing the construction of structures within 50 feet of the bed of a stream which carries water an average of six months. While stream setbacks are an important component of preserving aesthetic characteristics and protecting local water resources, a distance of 50 feet may prove to be inadequate in this regard. Future revision to a minimum distance of 100 feet may therefore be warranted. Furthermore, explicit specification of what streams fall under this regulation is recommended. Protected streams should be identified on the town’s Official Map and by name (when applicable).

Specific controls to development and construction practices are contained within the Town’s Design Criteria and Construction Specifications for Land Development.¹⁵ Section I.6.1 entitled “Erosion Control” explains the intended erosion and sediment control design practices that are to be submitted with final subdivision plans (and to be put into place by the developer upon commencement of construction). Among the procedures that may be requested of the developer include the installation of sediment basins, minimal exposure of land, temporary vegetation and/or mulching on exposed areas, retaining natural vegetation when possible, and the installation of other protective measures as is determined necessary by either the Municipal Engineer or the Planning Board. Furthermore, it is clearly stated that the municipality “reserves the right to establish other more restrictive parameters” as deemed necessary and that stormwater discharge rates shall not exceed those which exist under natural conditions.

Section II of the Construction Specifications pertains to actual construction activities. Section II.9 (“Sediment and Dust Control”) details the construction of facilities, intended objectives of those facilities, the conditions under which such facilities should need to be improved due to poor performance, and when they can be terminated. Dust and mud control are included among these objectives, and the document text clearly states the intention of the requirements and the responsible parties. Together, along with supporting text in the Subdivision Rules and Regulations, strong rules of enforcing adequate erosion and sediment control measures are in place.

Based on this assessment, it is recommended that local officials review erosion and sediment control procedures that are currently in place against Section 2.2.1 [Contents of Stormwater Pollution Prevention Plans] of the Sample Local Law. Local law should strive for equivalency with the 16 components of Stormwater Pollution Prevention Plans listed therein. Furthermore, local law should acknowledge recent changes in Federal and state laws with regard to Phase II Stormwater Regulations in an effort to promote statewide consistency. (Further information on Stormwater Phase II detailed in Section 5.2 General Overview of Local Laws and Practices, above.)

¹⁵ Town of Richmond *Design Criteria and Construction Specifications for Land Development*. §I.8.3.

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Basic BMPs were found to be in place with regard to erosion and sediment control, although the department does not typically disturb large areas of land while performing routine operations. Furthermore, the majority of routine highway right-of-way maintenance activities are generally exempt from Stormwater Phase II Regulations.¹⁶ Erosion and sediment control practices are not typically conducted by the department when disturbing small areas of land.

5.3.4.2 Agriculture and Forestry

Only one best management practices specific to Agriculture and Forestry was identified through the local law and practices assessment (BMP 2-11: Use Agricultural Environmental Management).

Special use requirements within the Zoning Law (§200-46.B(3)) pertaining to logging and sawmills requires applicants to include “Provisions for the restoration of the property including how all waste materials will be disposed of during and after the operation has ceased and removal of the equipment.” While this statement provides the Town with some protection regarding site restoration, determining exactly what constitutes adequate restoration is up to the discretion of the Code Enforcement Officer after authorization by the Zoning Board of Appeals and formal site plan approval.

5.3.4.3 Waterways and Wetlands

With regard to waterways, both Town Zoning and Subdivision Rules and Regulations address the preservation of natural features, which includes maintaining the integrity or natural condition of streams, brooks, drainage channels and views. Specifically, §200-35.A of the Zoning Code states that no structure shall be placed within 50 feet of the bed of a stream that carries water an average of 6 months per year. While stream setbacks are an important component of preserving aesthetic characteristics and protecting local water resources, a distance of 50 feet may prove to be inadequate in this regard. Future revision to a minimum distance of 100 feet may therefore be warranted. Streams intended to be protected should be indicated on the town’s Official Map and/or in writing, specifying name and location.

Furthermore, Article VII, §2F(3) of the Subdivision Rules and Regulations stipulates that:

...Particular attention shall be paid to development in the vicinity of Honeoye Creek and its flood plain, and no alteration of the existing characteristics of the areas shall take place without the specific approval of the Town as to the adequacy of the protective measures taken, if any, and the effects of such development on upstream and downstream reaches of the watercourse and adjacent properties...

These specific rules can provide several benefits when properly enforced, including protection from flooding, the preservation of the aesthetic value of property, reduction in runoff, and general stream bank protection.

5.3.4.4 Marinas

Several BMPs specific to marinas (sometimes referred to as “dockings and moorings”) were found within Richmond Town Code under Article VI of the Zoning Code pertaining to Special Use Permits for marinas. This section of code simply states that any applicant seeking to obtain a permit for a marina

¹⁶ Operators are strongly urged to contact their regional DEC office to confirm whether specific activities are exempt from review under Stormwater Phase II laws.

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must first obtain any required permits from the associated state agency responsible for oversight of specified facilities (such as fueling stations, docks, or retaining walls). This section of code provides the Town with minimal assurance that marinas will be operating in accordance with state laws. It does not, however, provide complete assurance that hazardous facilities or activities taking place as a result of those facilities will be maintained over time, installed properly, or operated in a safe manner.

5.3.4.5 Highways

The local law assessment form addresses basic good housekeeping practices and procedures that pertain to activities typically conducted within most local highway departments. Questions addressed three primary areas of concern: right of way maintenance (road right of way and drainage facilities); construction of new facilities (any type of land disturbing activity); and general shop operation (staff training, record keeping, etc.). Conversation with the Town of Richmond’s Highway Superintendent indicated that due diligence was being practiced with regard to basic BMP implementation in the field.

Operations conducted by the Town of Richmond Highway Department primarily involve routine right-of-way maintenance and repair. Stormwater management facilities are very limited within the town; currently the town has one detention pond, which is maintained by the highway department. Such facilities are likely to continue to be installed within Richmond with oversight from the highway department and assistance from the SWCD as necessary. Erosion-prone areas, such as steep roadside ditches and gullies, have been gradually addressed as resources have allowed. General practices in this regard involve the use of geo-fabrics with rip-rap; culverts have also been upgraded after significant failures have occurred (East Lake Road, for example). Other culverts that have questionable performance are known by the department and are targeted for upgrades – once again, as resources allow.

5.3.4.6 Onsite Wastewater Treatment Systems (OWTS)

BMP 6-06 (“Require all properties within 500’ of municipal service to connect”) was clearly stated within several sections of local law (Subdivision, Article VIII §1 Streets, F and G; Subdivision, Article VI §2 Preliminary Plat [requirements] E; and Construction Specs for Land Development, Sanitary Sewage Facilities I.11.1). Furthermore, local law requires percolation tests to be performed in order to determine the adequacy of local soils to perform properly if an OWTS is installed. No other BMPs specific to OWTS were identified within the Town of Richmond.

Based on this assessment, it is recommended that local officials consider adopting all or portions of the Ontario County Model Local Law for On-Site Individual Wastewater Treatment. Provisions to allow for routine inspection of onsite wastewater treatment systems should be included within local code, such as at time of property transfer or at specified increments (every 3 or 5 years, for example).

5.3.5 Town of South Bristol, NY • Ontario County

Local Laws Reviewed:

- *Town of South Bristol Comprehensive Plan*
- *Chapter 149, Subdivision of Land*
- *Chapter 170 Zoning*

5.3.5.1 Development

Town of South Bristol local law contains several components designed to maintain the natural integrity of natural features. Article VI (“Supplementary District Regulations”) §170-63 (“Preservation of natural features”) of the Zoning Code specifies that no structure shall be constructed within 50 feet of the bed of a stream carrying water an average of six months. This section of code also states that “Existing natural features, such as trees, brooks, drainage channels and views, shall be maintained” to the greatest degree practicable. Local Subdivision regulations contain similar provisions under Article 1, §§149-6 and 149-27-E. Furthermore, §§149-27-E(1) and (2) state that topsoil must be redistributed within the disturbed area within a reasonable period of time and, to the fullest extent possible, existing trees and shrubs must be preserved.

These regulations represent the most basic forms of protection that a municipality should enact in order to protect the health and maintain general welfare of the community. While stream setbacks are an important component of preserving aesthetic characteristics and protecting local water resources, a distance of 50 feet may prove to be inadequate in this regard. Future revision to a minimum distance of 100 feet may therefore be warranted. Furthermore, explicit specification of what streams fall under this regulation is recommended. Protected streams should be identified on the town’s Official Map and by name (when applicable).

Based on this assessment, it is recommended that local officials review erosion and sediment control procedures that are currently in place Article 1, §§149-6 and 149-27-E of the Subdivision Law against Section 2.2.1 [Contents of Stormwater Pollution Prevention Plans] of the Sample Local Law. Local law should strive for equivalency with the 16 components of Stormwater Pollution Prevention Plans listed therein. Furthermore, local law should acknowledge recent changes in Federal and state laws with regard to Phase II Stormwater Regulations in an effort to promote statewide consistency. (Further information on Stormwater Phase II detailed in Section 5.2 General Overview of Local Laws and Practices, above.)

5.3.5.2 Agriculture and Forestry

Only one best management practice specific to Agriculture and Forestry was identified through the local law and practices assessment (BMP 2-11: Use Agricultural Environmental Management).

5.3.5.3 Waterways and Wetlands

As stated in Section 5.3.5.1 Development, above, Town of South Bristol local law contains several components designed to maintain the integrity of natural features, which in this case includes streams, brooks, and other drainage channels. Article VI (“Supplementary District Regulations”) §170-63 (“Preservation of natural features”) specifies that no structure shall be constructed within 50 feet of the bed of a stream carrying water an average of six months. This mandatory setback rule is a basic provision that can provide several benefits when properly enforced, including protection from flooding, the preservation of the aesthetic value of property, reduction in runoff, and general stream bank protection. In the event of future local law revision, local officials may want to consider expanding this minimum setback distance, perhaps only in identified environmentally-sensitive, pristine, or otherwise aesthetically pleasing areas. Furthermore, explicit specification of what streams fall under this regulation is strongly recommended. Protected streams should be identified on the town’s Official Map and by name (when applicable).

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5.3.5.4 Marinas

The Town of South Bristol does not have any shoreline area or navigable waterways that lie within the Honeoye Lake Watershed. This section of the local law assessment therefore does not apply to this study.

5.3.5.5 Highways

The local law assessment form addresses basic good housekeeping practices and procedures that pertain to activities typically conducted within most local highway departments. Questions addressed three primary areas of concern: right of way maintenance (road right of way and drainage facilities); construction of new facilities (any type of land disturbing activity); and general shop operation (staff training, record keeping, etc.). Correspondence with the Town of South Bristol's Highway Superintendent provided some indication that due diligence was being practiced with regard to basic BMP implementation in the field.

Operations conducted by the Town of South Bristol Highway Department primarily involve routine right-of-way maintenance and repair. Stormwater management facilities are very limited within the town; identifying and eliminating erosion problem areas within the town is not a specific priority of the department. Erosion and sediment control plans are devised when necessary with oversight and assistance from the SWCD as necessary.

5.3.5.6 Onsite Wastewater Treatment Systems (OWTS)

BMP 6-06 ("Require all properties within 500' of municipal service to connect") was clearly stated within local law. No other BMPs specific OWTS were identified within the Town of South Bristol.

Based on this assessment, it is recommended that local officials consider adopting all or portions of the Ontario County Model Local Law for On-Site Individual Wastewater Treatment. Provisions to allow for routine inspection of onsite wastewater treatment systems should be included within local code, such as at time of property transfer or at specified increments (every 3 or 5 years, for example).

5.3.6 Town of Springwater, NY • Livingston County

Local Laws Reviewed:

- *No local laws found to be in effect*

With the exception of basic uniform practices covered by regional entities (including the County Soil and Water Conservation District, County Department of Health, Finger Lakes/Lake Ontario Watershed Protection Alliance, and Cornell Cooperative Extension, and G/FLRPC) there were no local laws found to be in place within the Town of Springwater which would have a beneficial or protective effect on local water resources.

