

**Controlling Sediment in the Black Oatka Creek Watersheds Project
Municipal Law Review Chart**

	Water Related Issue	Why address at the local level? (benefits)	How to address it? (practices)	How to implement? (models)
1	Agricultural Practices	Ag can have significant impacts on water quality; while many ag issues are regulated at the State level (Ag & Mkts, DEC), local knowledge and support of good ag practices can greatly assist water quality efforts	Agricultural Districts, Right to Farm Laws, Agriculture Environmental Management (AEM) I, Conservation Reserve Enrollment Program (CREP), Conservation Plan, Ag Preservation Plan (stand alone or part of Comprehensive Plan), Farmland Protection Plan	AEM II-VIII, Buffer Strips, Environmental Quality Incentive Program (EQIP)
2	Boating/Docks/Access	Boating can have significant impacts on water quality; some boating infrastructure (launches, docks) undergo local permitting processes	Adoption and rigorous enforcement of a comprehensive Dockings and Moorings Law	Dockings and Moorings model and state and federal permits
3	Erosion and Sediment Control	Activities that are regulated by the municipality, such as construction of roads or buildings, can create significant erosion and sedimentation issues	Adoption and rigorous enforcement of Sediment and Erosion Control Law and enforcement of federal and state Stormwater Phase II regulations	Erosion and Sediment Control model law
4	Fill	Substantial filling and grading not associated with landscaping can create significant erosion and sedimentation issues	Adoption and rigorous enforcement of Sediment and Erosion Control Law	Erosion and Sediment Control model law
5	Flood Prevention	Required by NYS Environmental Law; allows participation in National Flood Insurance Program (NFIP); benefits property owners	Adoption and rigorous enforcement of Flood Prevention Ordinance (FPO)	Flood Prevention Ordinance model (DEC)
6	Flood Plain Management	Improves public safety and property protection. Increases participation in NFIP and Community Rating System. Property owners receive lower Flood Insurance Premiums	Most municipalities have their floodplains mapped. Most municipalities do not have a detailed base flood elevation mapped. Therefore, all communities should be mapped so that there is a defined base flood elevation (A Zone). If there is no defined base flood elevation an engineer should be used, along with design standards for siting of every new development in the floodplain.	Municipality should designate and publicize a Flood Plain Administrator (as required by the FPO). The Flood Plain Administrator should attend training sessions provided by NYSDEC, FEMA, and other agencies.
7	Forest Management	Municipalities can and do regulate timber harvesting since it, like any land disturbance, can create water quality problems.	There are several ways to address this issue, from property owner education, to registration of large timber harvests, to enforcement of existing public highway laws. There is also the possibility of adopting a well thought out Timber Harvesting Law	Timber Harvesting model law (Canandaigua Lake); enforcement of existing public highway laws; education and outreach through County Soil and Water Conservation Districts and/or Cornell Cooperative Extensions. Oversight of timber harvesting BMPs can also promote Wildlife and Fisheries Habitat Protection.

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8	Impervious Surfaces	Impervious surfaces such as roofs and parking lots allow stormwater to run off much more quickly and without the benefit of filtering impurities through vegetation and soil. Watersheds can begin to degrade with as little as 10% impervious cover. Impervious surfaces are regulated by the municipality when it promulgates zoning ordinances and issues building permits.	Adoption of appropriate language in zoning regulations and subsequent enforcement through Zoning Officer and Site Plan Review. There is also the possibility of adopting a Water Protection Overlay district, which covers all zoning areas but more strictly regulates activities near streams and lakes.	Zoning language models; Water Protection Overlay model (Skaneateles); Stream setback requirements for parking lots; Filtering of runoff from parking lots and roads prior to entering a waterway; adequate culvert installation, sizing, and maintenance.
9	Road Deicing and Snow Removal Practices	Local governments perform activities to maintain road safety in the winter. Salt and other deicing chemicals can concentrate in runoff, which enters surface water and ground water.	Adoption of best management practices through highway department, Department of Public Works, Department of Transportation. Winter driving training.	Snow Removal - under local government's SPDES storm water permit. Road Deicing and Storage - institute USEPA guidelines for Managing Highway Deicing to Prevent Contamination of Drinking Water
10	Intermunicipal Cooperation	Promotes dialogue, cooperation and sharing of services among municipalities on an issue (water resources) that are multi-jurisdictional in nature (watershed-wide). See NYSDOS guidebook - Intergovernmental Cooperation	Article 12-C of the General Municipal Law authorizes formation of joint survey committees for this purpose	Intermunicipal Agreement (IA), several models available
11	Junkyards	In addition to aesthetic reasons, junkyards can have significant impacts on water quality; junkyards undergo local permitting processes; Abandoned vehicles and appliances might leak oil or other hazardous and toxic liquids into the soil. After first contaminating the soil, liquid waste will eventually reach the groundwater level and pollute local water resources.	Revising zoning to limit junk yards to certain areas that will not impact water quality as much as other areas. A municipality may (and should) expand the state definition of "junk" to encompass such things as old appliances, household waste, or uninhabitable mobile homes. Such an action helps to regulate aspects of junk not covered by state law and to ensure greater compatibility with surrounding land-uses.	Model zoning language
12	Stream and Waterway Access	Public access to streams is important as a community amenity and tourism benefit. If all citizens have access to waterways, they are more apt to care about water quality issues and see the waterway as a community amenity, not just an amenity for those who own property along it. Properly constructed stream access also helps maintain at least a small portion of the streambank as greenspace	Open space plan or include an assessment of stream-buffer open space resources as part of the comprehensive plan. Categorize open space resources, examine their use and function within the community, set priorities for their protection, and consider the best way to use and protect open spaces	It is important to ensure that the open space policies of the comprehensive plan are implemented through the municipality's land use controls. General Municipal Law Section 247 authorizes acquisition of open land in fee (purchase) or by easement for public purposes
13	Recreation Uses (e.g. Parklands, Fishing, Golf Courses)	Parklands, public access sites, and fishing access should consider streambank and stream maintenance. Golf courses engage in irrigation, mowing, fertilization and pesticide application.	Published best management practices for type of use.	Public lands - through education and enforcement of regulations. Private lands - through education and permitted uses.
14	Mining	Mining operations can have significant impacts on surface and groundwater resources. Improper practices can lead to contamination of these resources.	Enforcement of NYS Environmental Conservation Law. Local municipalities also have the option of prohibited mining outright through zoning.	Code enforcement officer training on NYS Law; model zoning language

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15	Onsite Wastewater	Onsite wastewater (septic) systems are regulated by county and state health laws, but localities can offer an additional level of regulation of these crucial pieces of the community's infrastructure. Septic systems are the number one source of nonpoint source pollution within New York State. A high percentage of private wells are contaminated by improperly functioning septic systems. This poses not only a threat to water quality but also an immediate public health hazard.	A locality can amend their existing laws to include the provisions of a on-site waste water system model ordinance. They can also customize a model ordinance to address situations that may be unique to their community. County Health Departments, Soil and Water Conservation Districts, and Cornell Cooperation Extensions can be valuable partners on this issue.	Uniform onsite wastewater management model law (Seneca Lake Watershed); Steam-septic setback requirement based on DHEC guidelines.
16	Open Space Preservation	Open space, i.e. vacant land and land without significant structural development, is often valued by community residents for its aesthetic qualities. In addition, open space can serve important water quality and natural resource goals (open space should not be confused with farmland)	Open space plan or include an assessment of open space resources as part of the comprehensive plan. Categorize open space resources, examine their use and function within the community, set priorities for their protection, and consider the best way to use and protect open spaces	It is important to ensure that the open space policies of the comprehensive plan are implemented through the municipality's land use controls. General Municipal Law Section 247 authorizes acquisition of open land in fee (purchase) or by easement for public purposes
17	Wildlife and Fisheries Habitat Protection	Diverse communities of plant and animals contribute to the overall health of an ecosystem and are important for protection of aesthetic values, increase in property values.	Maintain riparian corridors of naturally occurring vegetation of at least 100-300 feet from the ordinary high water mark	Education and permitted uses within the buffer.
18	Purchase of Development Rights	The PDR system, which has been used extensively in Dutchess and Suffolk Counties to preserve farmland, can also protect ecologically important lands or scenic parcels essential to rural character of the community. This is a form of open space preservation without the municipality having to purchase the property outright.	Involves the purchase by a municipal or county government of development rights from private landowners whose land it seeks to preserve in its current state without further development.	There are local, state, and federal programs. Non-profit organizations such as the Finger Lakes Land Trust (Ithaca and Canandaigua) and the Trust for Public Land (New York City) can offer assistance with models that have worked in communities across New York State
19	Riparian Buffers	Prevents encroachment of new development upon water resources; natural buffer areas improve water quality, in part by limiting the effects of erosion and sediment transport	Adoption of appropriate language in zoning regulations and subsequent enforcement through Zoning Officer and Site Plan Review. There is also the possibility of adopting a Water Protection Overlay district, which covers all zoning areas but more strictly regulates activities near streams and lakes.	Zoning language models; Water Protection Overlay model (Skaneateles); Establish minimum buffer; New homes - setback requirement from stream.
20	Road Ditching	Roadside ditches collect water from the public road but also abutting private properties. There are many ways the locality can improve the construction, operation and maintenance of these drainage structures, which in turn leads to less damage to both private and public (roads, bridges, etc) property and improved water quality	Make certain that the local highway department follows best management practices; regulate new road ditches through Subdivision Regulations and Site Plan Review	Road and Water Quality Handbook (G/FLRPC), many other options for best management practices. Typically ensuring the use of these practices is the greatest challenge.

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21	Sewer and Water Infrastructure	This infrastructure is usually approved by and/or built by the municipality. Careful review of all such infrastructure is important since new sewers can significantly improve water quality in an area with failing septic systems, but also lead to increased development and potential water quality problems that are associated with development	Participate as a community in dialogue/planning with regional entities on sewer and water provision such as water authorities and watershed councils. Specifically state in comprehensive plans where the community would like to see such infrastructure and areas where it should be kept out of	Dialogue, outreach, involvement. Having an up to date Comprehensive Plan that is consulted and enforced is very important.
22	Special Districts	Special Districts are used for many reasons across New York State. Schools, libraries, fire protection, sewer, and lighting are several examples of services that are paid for by a special taxing district. Drainage districts are becoming more and more important as municipalities seek stable funding sources for the improvement, construction, operation, and maintenance of drainage structures, basins, streams, and culverts.	Drainage Districts can cover a single neighborhood or subdivision, the entire municipality, or several municipalities. Charges are typically levied on a per parcel basis to fund drainage work and maintenance. This fund is usually administered by the Highway Department or Department of Public Works, but is separate from, for instance, the road maintenance budget. By utilizing technology, such as GIS, the per parcel charge can be levied based on the amount of impervious surface, which is what ultimately leads to drainage issues. "The more you pave the more you pay."	The NYS DOS is currently researching the legal and legislative background of drainage districts, particularly town-wide examples. However, several municipalities across NYS have used drainage districts very successfully to address drainage issues. The Town of Ogden in Monroe County is one example.
23	Steep Slopes	Disturbance of steep slopes for construction or other purposes can significantly increase erosion; many of these disturbances must undergo the local permitting process	Zoning and/or site plan review. There is also the option of adopting a specific steep slopes ordinance.	Model zoning language and model ordinance (Canandaigua Lake, Livonia)
24	Stormwater Management and Drainage	Once water runs off of private property, it tends to become the problem of the local municipality. There are many ways the locality can improve drainage, which in turn leads to less damage to both private and public (roads, bridges, etc) property and improved water quality	Knowledge and enforcement of Stormwater Phase II Regulations. Drainage districts. Using wetlands, detention and retention facilities, regional drainage, and other stormwater best management practices (BMPs)	Local law (NYS DOS revision language); Regional or municipal-wide drainage district models (Town of Ogden)
25	Transfer of Development Rights	The 'transfer' of development rights is similar to the 'purchase' of development rights (see #18). Transferring development rights can protect ecologically important lands or scenic parcels essential to rural character of the community. This is a form of open space preservation without the municipality having to purchase the property outright.	Under the state zoning enabling statutes, areas of the municipality which have been identified through the planning process as in need of preservation (e.g., agricultural land) or in which development should be avoided (e.g., municipal drinking water supply protection areas) are established as "sending districts." Development of land in such districts may be heavily restricted, but owners are granted rights under the TDR regulations to sell the rights to develop their lands. Those development rights may thereby be transferred to lands located in designated "receiving districts." Transferable development rights usually take the form of a number of units per acre, or gross square footage of floor space, or an increase in height. The rights are used to increase the density of development in a receiving district.	Development of local program with local, state, and/or federal funds. There are several community models in New York State.

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26	Vegetation Retention	Retaining natural vegetation is an important factor in limiting erosion and sedimentation, especially during construction activities. Local governments have the ability to control the disturbance of vegetation through zoning, site plan review, and the issuance of permits. Good agricultural practices can also limit the amount of disturbed vegetation.	A local law specifically addressing vegetation retention can be adopted and enforced. Alternatively, the issue can be addressed as part of a more comprehensive sediment and erosion control law, zoning revisions, and/or site plan review.	Vegetation retention model or combination with other model laws such as sediment and erosion control.
27	Waste Storage	Storing of waste (hazardous waste, garbage, etc.) can have water quality impacts when rainwater runs-off such materials and into local water bodies. Whether dealing with their own facilities or regulating private property, municipalities can enforce waste storage regulations	Knowledge and enforcement of State and Federal regulations is important. Similar to junk yards, municipalities can enforce stricter requirements at the local level	Appropriate Code Enforcement Officers (CEO) training with the possibility of a new local law that is more stringent than federal and state regulations.
28	Extraction Wells	The siting and drilling of gas, oil, brine, and other types of wells can impact water quality. Local knowledge of state regulations in this matter is important.	Knowledge and enforcement of State and Federal regulations is important.	Appropriate CEO training with the possibility of a new local law that is more stringent than federal and state regulations.
28	Wetlands	Wetlands, including temporary wetlands known as 'vernal ponds' contribute an important natural habitat, are often a scenic amenity, and act as a natural stormwater retention system, often lessening the need for costly man-made systems.	Wetlands are often in flood plains, so limiting flood plain development has the added benefit of protecting wetlands. Local knowledge of appropriate state and federal regulations (especially on the part of the Code Enforcement Officer or whoever issues the building permits) is very important. They can be seen as the "first line of defense" in protecting our resources and can encourage property developers to file for all appropriate permits with the Army Corps of Engineers and the DEC	Knowledge of and effective enforcement of all zoning and building codes, especially the Flood Prevention Ordinance. CEO training is important

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	Land Use Tools	<i>In New York State, all of the land use tools listed below MUST occur at the local level. Because local municipalities enjoy many rights of "home rule" they also bear many responsibilities</i>		
A	Comprehensive Plan	Since comp plans set out the broad goals of a community, and land use decisions ultimately occur at the local level in NYS, good municipal comprehensive plans make the most sense	Well conceived comprehensive plan that is inclusive, concise, well written, frequently consulted, enforced, and periodically reviewed	Department of State and G/FLRPC guidance
B	Zoning	Zoning is the most commonly and extensively used local technique for regulating use of land as a means of accomplishing municipal goals. According to a 2003 survey by the Legislative Commission on Rural Resources, 100% of cities, 70% of towns and 88% of villages in New York had adopted zoning laws or ordinances.	Concise, easy to understand zoning that is a direct result of goals and objectives expressed in the comprehensive plan and used to enforce these objectives.	Department of State and G/FLRPC guidance
C	Environmental Protection Overlay Districts (EPODs)	EPODs can be considered a sub-area of zoning. EPODs are designated areas within a municipality that have been identified as being particularly sensitive to development. Examples include steep slopes, wetlands, floodplains, bluffs or shorelines, and woodlots. Since the local municipality is responsible for development review and approval, creating an extra level of local oversight for these sensitive areas is beneficial.	The first step to creating an EPOD is consulting a municipality's comprehensive plan to see what areas of the town are particularly sensitive to development. Agencies such as the NYSDEC can also assist a community in recognizing important areas. Actually creating the EPODs is done through zoning revision or amendment to codify the actual overlay district geography and regulations as part of the zoning law.	Many communities have used EPODs to improve their development review process and benefit their environment. Examples include the Town of Irondequoit in Monroe County and the Town of Ulysses (pending) in Tompkins County. G/FLRPC can provide EPOD models.
D	Subdivision Ordinance (this includes the option for 'Conservation Subdivision')	One of the most common forms of land use activity is the subdivision of land. The subdivision process controls the manner by which land is divided into smaller tracts of land. Subdivision regulations ensure that when development does occur, streets, lots, open space and infrastructure are adequately designed and the municipality's land use objectives are met.	Concise, easy to understand subdivision ordinance that is a direct result of goals and objectives expressed in the comprehensive plan and used to enforce these objectives.	Department of State and G/FLRPC guidance, Town of Canandaigua model
E	Site Plan Review	The site development review process is one of several means of plan implementation that communities may utilize. It is commonly considered supplemental to other land development guidance controls.	Concise, easy to understand site plan review process that is a direct result of goals and objectives expressed in the comprehensive plan and used to enforce these objectives. Municipalities should review Stormwater Pollution Protection Plan (SWPPP)	Department of State and G/FLRPC guidance