

APPENDICES

A. PRELIMINARY LOCAL CODES ASSESSMENT WORKSHEETS

The following text has been taken from the *Stormwater Management Gap Analysis Workbook for Local Officials*, a publication of the NYS DEC. The tables that follow are also within this workbook, but data entered has been researched and compiled by G/FLRPC staff.

COMPLYING WITH MINIMUM CONTROL MEASURES 4 AND 5 THROUGH A STORMWATER MANAGEMENT LOCAL LAW

The easiest way for a regulated MS4 municipality to ensure that it satisfies Minimum Measures 4 and 5 is to adopt the Sample Stormwater Management Local Law as amendments to existing local land use laws (see *Stormwater Guide for Local Officials*, Chapter 3 and Appendix 1).

In New York State, local land use law is the framework for carrying out the construction/post-construction stormwater management program. The Sample Stormwater Management Local Law, which was prepared by the New York State Department of State and Department of Environmental Conservation (DOS and DEC), contains all the provisions needed to comply with Minimum Measures 4 and 5. It is designed to be used with any existing configuration of local land use regulatory provisions.

Because New York State expects that local stormwater management programs will be integrated with other local regulatory programs, the Sample Local Law is set up as amendments to local land use laws that are already in existence in most regulated MS4 communities. Localities that adopt the sample law as amendments to their existing land use laws will not need to conduct Gap Analysis.

USING THE GAP ANALYSIS WORKBOOK TO ASSESS COMPLIANCE

The MS4 permit stipulates that regulated MS4 municipalities can comply with Minimum Measures 4 and 5 by developing programs that are equivalent to GP 02-01. This Gap Analysis Workbook is designed to evaluate the equivalence of local laws that are not identical to the *Sample Stormwater Management Local Law*, and will be used by New York State in reviewing local programs for compliance.

What Local Governments Will Get From Using the Workbook

Assessment of the municipality's current stormwater management compliance status

A way to document the equivalence of existing provisions to Minimum Control Measures 4 and 5

A list of changes needed to bring local laws into compliance with stormwater management requirements

A framework for annual reports of the community's progress in building the local stormwater management program

DETERMINING EQUIVALENCE OF LOCAL REGULATORY MECHANISMS

To meet the equivalence standard, a local law should accomplish the same thing as the requirements under Minimum Control Measures 4 and 5 of GP 02-01. Of course, some localities prefer to exceed these requirements, and will design provisions of their local laws to do so.

The *Sample Stormwater Management Local Law* is designed to amend local land use laws and regulations so that they will accomplish the intent of GP 02-01. If the locality prefers legislative language that is different from the Sample Local Law, the resulting local code must still meet the full intent of the Sample

Law. The municipality must demonstrate that its local code contains all the technical and land use requirements outlined in the two General Permits and detailed in New York State's technical standards.

Basic Provisions That Must be Present in Local Law

To comply with state and federal law, local law must contain all of the following provisions:

- Apply to all construction activities disturbing one acre or more
- Require construction site operators to prepare Stormwater Pollution Prevention Plans (SWPPPs) before construction begins
- Require stormwater controls consistent with state technical standards (adopt the state technical standards for stormwater management facilities and practices or equivalent)
- Provide for local review and approval of SW PPPs by the planning board, code enforcement officer or other designated officials, for local land use decisions including (but not limited to) subdivisions, site plans and special permits
- Require management of waste on construction sites
- Establish responsibility for ongoing maintenance of stormwater management facilities
- Provide technical standards and access for ongoing maintenance
- Specify requirements for inspections, penalties and enforcement that apply to the stormwater management program

Technical Standards Required in Local Law

As a general principle, to be equivalent to the *Sample Storm water Management Local Law*, a municipality's local laws or ordinances must require at a minimum technical standards as described in *New York Standards and Specifications for Erosion and Sediment Control* (updated in 2005) and the *New York State Storm water Management Design Manual* (updated in 2003). Key provisions include:

- **Updated sizing and material specifications** for erosion and sediment control practices used during construction, maintenance criteria and requirements for preparing and implementing Stormwater Pollution Prevention Plans (SWPPPs), as detailed in the 2005 *NY Standards and Specifications for Erosion & Sediment Control*.
- **Design of stormwater management practices** based on the criteria contained in the 2003 *Storm water Design Manual* for water quality volume, channel protection volume, overbank flood control, and extreme storm flood control.

The New York State technical guidance documents may be obtained from DEC or DOS. An order form and downloadable files are available on the Internet at

<http://www.dec.state.ny.us/website/dow/Workbookbox/escstandards/index.html> and

<http://www.dos.state.ny.us/lgss/stormwaterpub/index.html>

Applicability Requirements

The local law must apply the technical standards to the following C P-02-01 categories:

- **All projects disturbing more than one acre of soil** must prepare an erosion and sediment control plan
- **For multi-family, commercial, industrial, institutional and highway projects of more than one acre of soil disturbance, single family home subdivisions of more than five acres of soil disturbance, and projects draining to a 303(4) listed waterbody or located in a TMDL watershed**, the SWPPP must also include water quantity and water quality controls (post-construction stormwater management controls).

**Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5**

Town of Barrington

Sample Local Law Provision <i>See the referenced section of the full Sample Local Law for complete legislative language.</i>	Local Code Where Provision is Found (Enter Citation) <i>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</i>					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
Sample Local Law, Article 1						
Section 4.1 Applicability. Applicable to all construction activity ... that results in land disturbance equal to or greater than one acre, or activities disturbing less than one acre...that is part of a larger common plan of development or sale....	Not Present	Not Present	Not Present	Not Present	Not Present	Sec. 4.2515 of Zoning Law, Flood Hazard Reduction Standards: Construction standards for flood areas. [nothing specific to E&SC]
4.2 SWPPP Review Procedure. The municipality ... shall accept and review all stormwater pollution prevention plans (SWPPPs). [The stormwater management local law must define the procedure by which the SWPPP is distributed to all land use review boards.]	Not Present	Not Present	Not Present	Not Present	Not Present	

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
4.3 SWPPP Review Requirement. All land development activities subject to review and approval by the (applicable board) under (subdivision, site plan, and/or special permit) regulations shall be reviewed subject to the standards contained in this local law	Not Present	Not Present	Not Present	Not Present	Not Present	
4.4 SWPPP Review Requirement. All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP)...	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

Sample Local Law, Article 2						
<p>Section 2.1 Stormwater Pollution Prevention Plan (SWPPP) Requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in this local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.2.1 Contents of Stormwater Pollution Prevention Plans. [To comply, the local law must require all 16 items in the SWPPP, 2.2.1.1-16: Project scope; site map/construction drawings; soils description; construction phasing plan; pollution prevention measures; waste controls; soil stabilization, runoff control and sedimentation control measures location and size; specifications; temporary practices to be converted to permanent control measures; implementation schedule; maintenance schedule; receiving waters; implementation responsibilities; description of structural practices; existing runoff data.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.2 Definition of Land Development Activities Requiring Post-construction Stormwater Controls, must be as stated in sample local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 3.1, Technical Standards. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law: 3.11 The New York State Stormwater Management Design Manual and 3.12 New York Standards and Specifications for Erosion and Sediment Control.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 4. Maintenance and Repair of Stormwater Facilities During Construction 4.1.1 The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control. 4.1.2 Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

Sample Local Law, Articles 3, 4 and 5

To be in compliance with the Stormwater Management General Permit for MS4s (GP-02-02), localities that have Subdivision Regulations, Site Plan Review Regulations or Erosion and Sediment Control Laws must amend these laws.

<p>Article 3. Subdivision Regulation Amendment - Requires Stormwater Pollution Prevention Plans for subdivision approval per requirements in Articles 1 and 2 of the Sample Local Law.</p>		<p>Not Present</p>				
<p>Article 4. Site Plan Review Regulation Amendment - Requires Stormwater Pollution Prevention Plans for site plan approval per requirements in Articles 1 and 2.</p>			<p>Not Present</p>			
<p>Article 5. Erosion and Sediment Control (E&SC) Law Amendment - Updates an existing law to require Stormwater Pollution Prevention Plans per requirements in Article 2. (Alternatively the E&SC law may be repealed and all stormwater management provisions placed in Zoning and other local land use controls.)</p>				<p>Not Present</p>		

Sample Local Law, Article 6

<p>Section 1. Construction Inspection 1.1 Erosion and Sediment Control Inspection. [The MS4 permit requires localities to have procedures for inspecting control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency Article VI, Administration and Enforcement, § 6.11 Entry and Inspection</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>Section 3.1, 3.2, 3.3 Enforcement Procedures. [The MS4 permit requires localities to have procedures for enforcing control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency Article VI, Administration and Enforcement § 6.12 Service of notice of violation</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>3.4, 3.5, 3.6 Penalties. [The MS4 permit requires municipalities to enact sanctions (penalties) to ensure compliance to the extent allowed by state or local law. Indicate where these penalties are found in local law.]</p>	<p>✓ Equivalency Article VI, Administration and Enforcement § 6.17 Penalties for offenses</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

How to Use the Preliminary Local Codes Assessment

The left-hand column lists key provisions of the Sample Stormwater Management Local Law. In the column headed by the type of ordinance where the provision appears in the local code, write the section of your law or regulation that contains the required provision.

How to Interpret the Preliminary Local Codes Assessment

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

*If none of the provisions listed in the Preliminary Assessment worksheet appears in the local code, the municipality will need to make extensive amendments to existing laws and should consider amending local land use laws as given in the Sample Stormwater Management Local Law. **If a regulated MS4 municipality adopts the Sample Local Law, Gap Analysis will not be needed.***

If a few of the provisions in the worksheet appear in local code, significant amendments will be necessary and adopting the Sample Local Law may be an attractive alternative. Gap Analysis will identify which amendments the MS4 must make and how they should be worded.

If most of the provisions in the worksheet appear in local code, minor amendments will probably bring the code into compliance. Gap Analysis will identify required revisions.

Entry Headings Prepared by G/FLRPC

One of the following three headings will be entered within each cell of the Worksheet:

Not Present: *no portion of the local law or code has been found that meets equivalency of the Sample Stormwater Management Local Law*

No Equivalency: *the cited local law was found to be similar in structure or spirit to the Sample Stormwater Management Local Law. However, the law does not meet the requirements for equivalency*

✓Equivalency: *the cited portion of local law is equivalent to the Sample Stormwater Management Local Law*

Town of Barrington Documents:

Zoning, 1996

Comprehensive Plan, 1975-76; New Comprehensive Plan Under Development

Local Law No. 1 of the year 1993, "Wastewater Management"

Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5

Town of Benton

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) <small>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</small>					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
Sample Local Law, Article 1						
Section 4.1 Applicability. Applicable to all construction activity ... that results in land disturbance equal to or greater than one acre, or activities disturbing less than one acre...that is part of a larger common plan of development or sale....	Not Present	Not Present	Not Present	Not Present	Not Present	
4.2 SWPPP Review Procedure. The municipality ... shall accept and review all stormwater pollution prevention plans (SWPPPs). [The stormwater management local law must define the procedure by which the SWPPP is distributed to all land use review boards.]	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
4.3 SWPPP Review Requirement. All land development activities subject to review and approval by the (applicable board) under (subdivision, site plan, and/or special permit) regulations shall be reviewed subject to the standards contained in this local law	Not Present	Not Present	No Equivalency Article IX Development Standards for Site Plan Review, Sec. 110-46 General provisions A: The Planning Board...shall be guided by the standards presented in this article. In the review, they shall...require improvements be designed to such standards as are consistent with reasonable protection of the public health, safety or welfare...	Not Present	Not Present	
4.4 SWPPP Review Requirement. All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP)...	Not Present	Not Present	Not Present	Not Present	Not Present	
Sample Local Law, Article 2						

<p>Section 2.1 Stormwater Pollution Prevention Plan (SWPPP) Requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in this local law.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>No Equivalency Article IX Development Standards for Site Plan Review Sec. 110-53 Drainage and erosion control. B Erosion Control. In order to ensure that land development will occur with minimum soil erosion, the Planning Board may require the developer to consult with the SWCS shall determine whether or not to require that the following procedure be put into practice... Note: These sections include items related to E&SC; however, a SWPPP is not required, therefore equivalency cannot be granted</p>	<p>Not Present</p>	<p>Not Present</p>	
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Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>2.2.2.1 Contents of Stormwater Pollution Prevention Plans. [To comply, the local law must require all 16 items in the SWPPP, 2.2.1.1-16: Project scope; site map/construction drawings; soils description; construction phasing plan; pollution prevention measures; waste controls; soil stabilization, runoff control and sedimentation control measures location and size; specifications; temporary practices to be converted to permanent control measures; implementation schedule; maintenance schedule; receiving waters; implementation responsibilities; description of structural practices; existing runoff data.]</p>	<p>Not Present</p>	<p>Not Present</p>	<p>No Equivalency Sec. 110-40 B. Application shall include the information listed below...(17) Grading and erosion control measures...(18) Location and design for stormwater management facilities...(19) A drainage report including supporting design data and copies of the engineering computations used to determine design capacities....</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>2.2.2 Definition of Land Development Activities Requiring Post-construction Stormwater Controls, must be as stated in sample local law.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

<p>Section 3.1, Technical Standards. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law: 3.11 The New York State Stormwater Management Design Manual and 3.12 New York Standards and Specifications for Erosion and Sediment Control.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 4. Maintenance and Repair of Stormwater Facilities During Construction 4.1.1 The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control. 4.1.2 Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Sample Local Law, Articles 3, 4 and 5 <i>To be in compliance with the Stormwater Management General Permit for MS4s (GP-02-02), localities that have Subdivision Regulations, Site Plan Review Regulations or Erosion and Sediment Control Laws must amend these laws.</i></p>						
<p>Article 3. Subdivision Regulation Amendment - Requires Stormwater Pollution Prevention Plans for subdivision approval per requirements in Articles 1 and 2 of the Sample Local Law.</p>		Not Present				

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>Article 4. Site Plan Review Regulation Amendment - Requires Stormwater Pollution Prevention Plans for site plan approval per requirements in Articles 1 and 2.</p>			<p>Not Present</p>			
<p>Article 5. Erosion and Sediment Control (E&SC) Law Amendment - Updates an existing law to require Stormwater Pollution Prevention Plans per requirements in Article 2. (Alternatively the E&SC law may be repealed and all stormwater management provisions placed in Zoning and other local land use controls.)</p>				<p>Not Present</p>		
<p>Sample Local Law, Article 6</p>						
<p>Section 1. Construction Inspection 1.1 Erosion and Sediment Control Inspection. [The MS4 permit requires localities to have procedures for inspecting control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency Article XIV Sec.110-82,83: Zoning (Sediment and Erosion Control part of Zoning) to be inspected and enforced by the Code Enforcement Officer.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

<p>Section 3.1, 3.2, 3.3 Enforcement Procedures. [The MS4 permit requires localities to have procedures for enforcing control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency Article XIV Sec.110-82: (Sediment and Erosion Control part of Zoning) to be inspected and enforced by the Code Enforcement Officer. Article XIV Sec.110-53-B: In order to ensure that the land development will occur with minimum soil erosion the developer may require consulting with the Soil Conservation Service.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>3.4, 3.5, 3.6 Penalties. [The MS4 permit requires municipalities to enact sanctions (penalties) to ensure compliance to the extent allowed by state or local law. Indicate where these penalties are found in local law.]</p>	<p>✓ Equivalency Article XIV Sec.110-94-C: Fine up to \$250 or imprisonment for violation of Zoning (Sediment and Erosion Control part of Zoning). Article XIV Sec.110-82,83: No building permits to be issued where construction violates the provision of Zoning Ordinance.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

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Town of Benton Documents

Zoning (Update 2004)

Site Plan Review (Part of Zoning Ordinance, Article XIII, IX)

Comprehensive Plan (2001)

Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5

Town of Italy

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Section 4.1 Applicability. Applicable to all construction activity ... that results in land disturbance equal to or greater than one acre, or activities disturbing less than one acre...that is part of a larger common plan of development or sale....	Not Present	Not Present	Not Present	Not Present	No Equivalency Flood Damage Prevention, Sec.6.2-1: Variance to be issued to new construction or substantial improvements to be erected on a lot of one-half acre or less.	
4.2 SWPPP Review Procedure. The municipality ... shall accept and review all stormwater pollution prevention plans (SWPPPs). [The stormwater management local law must define the procedure by which the SWPPP is distributed to all land use review boards.]	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

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<p>2.2.2 Definition of Land Development Activities Requiring Post-construction Stormwater Controls, must be as stated in sample local law.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

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<p>Article 3. Subdivision Regulation Amendment - Requires Stormwater Pollution Prevention Plans for subdivision approval per requirements in Articles 1 and 2 of the Sample Local Law.</p>		Not Present				

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<p>Sample Local Law, Article 6</p>						
<p>Section 1. Construction Inspection 1.1 Erosion and Sediment Control Inspection. [The MS4 permit requires localities to have procedures for inspecting control measures. Indicate where these procedures are found in local law.]</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>Section 3.1, 3.2, 3.3 Enforcement Procedures. [The MS4 permit requires localities to have procedures for enforcing control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency Article 14 – Non Conformance</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>3.4, 3.5, 3.6 Penalties. [The MS4 permit requires municipalities to enact sanctions (penalties) to ensure compliance to the extent allowed by state or local law. Indicate where these penalties are found in local law.]</p>	<p>✓ Equivalency Article XI Administration § 11.4 Penalties and Revocation of Permit</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
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How to Use the Preliminary Local Codes Assessment

The left-hand column lists key provisions of the Sample Stormwater Management Local Law. In the column headed by the type of ordinance where the provision appears in the local code, write the section of your law or regulation that contains the required provision.

How to Interpret the Preliminary Local Codes Assessment

If none of the provisions listed in the Preliminary Assessment worksheet appears in the local code, the municipality will need to make extensive amendments to existing laws and should consider amending local land use laws as given in the Sample Stormwater Management Local Law. **If a regulated MS4 municipality adopts the Sample Local Law, Gap Analysis will not be needed.**

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Entry Headings Prepared by G/FLRPC

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✓ **Equivalency:** the cited portion of local law is equivalent to the Sample Stormwater Management Local Law

Town of Italy Documents

Zoning (Under Development)

Comprehensive Plan, 2005 (Adopted 2004)

Flood Ordinance, 1992

Disaster Response Plan, 2002 (Adopted 1993)

Hazardous Materials Emergency Response Plan

Canandaigua Lake Uniform Docking and Mooring Law, 2003

Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5

Town of Jerusalem

Sample Local Law Provision <i>See the referenced section of the full Sample Local Law for complete legislative language.</i>	Local Code Where Provision is Found (Enter Citation) <small>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</small>					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
Sample Local Law, Article 1						
Section 4.1 Applicability. Applicable to all construction activity ... that results in land disturbance equal to or greater than one acre, or activities disturbing less than one acre...that is part of a larger common plan of development or sale....	Not Present	Not Present	Not Present	Not Present	Not Present	
4.2 SWPPP Review Procedure. The municipality ... shall accept and review all stormwater pollution prevention plans (SWPPPs). [The stormwater management local law must define the procedure by which the SWPPP is distributed to all land use review boards.]	Not Present	Not Present	Not Present	Not Present	Not Present	

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
4.3 SWPPP Review Requirement. All land development activities subject to review and approval by the (applicable board) under (subdivision, site plan, and/or special permit) regulations shall be reviewed subject to the standards contained in this local law	Not Present	Not Present	Not Present	Not Present	Not Present	
4.4 SWPPP Review Requirement. All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP)...	Not Present	Not Present	Not Present	Not Present	Not Present	
Sample Local Law, Article 2						
Section 2.1 Stormwater Pollution Prevention Plan (SWPPP) Requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in this local law.	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>2.2.2.1 Contents of Stormwater Pollution Prevention Plans. [To comply, the local law must require all 16 items in the SWPPP, 2.2.1.1-16: Project scope; site map/construction drawings; soils description; construction phasing plan; pollution prevention measures; waste controls; soil stabilization, runoff control and sedimentation control measures location and size; specifications; temporary practices to be converted to permanent control measures; implementation schedule; maintenance schedule; receiving waters; implementation responsibilities; description of structural practices; existing runoff data.]</p>	<p>No Equivalency Sec.160-84-B: (Highway Plan) Stormwater Management, Erosion and Sedimentation Control Plan to be submitted for use during and after construction. Code Supplement Not Present. 5, Sec.93-4-C (Amendments for Highway Plan): All planned improvements to be shown including storm drainage facilities, grades and drainage profile map.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>2.2.2 Definition of Land Development Activities Requiring Post-construction Stormwater Controls, must be as stated in sample local law.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	<p>No Equivalency Sec.160-84-B: (Highway Plan) Stormwater Management, Erosion and Sedimentation Control Plan to be submitted for use during and after construction.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>Section 3.1, Technical Standards. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law: 3.11 The New York State Stormwater Management Design Manual and 3.12 New York Standards and Specifications for Erosion and Sediment Control.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>Section 4. Maintenance and Repair of Stormwater Facilities During Construction 4.1.1 The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control. 4.1.2 Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Sample Local Law, Articles 3, 4 and 5 <i>To be in compliance with the Stormwater Management General Permit for MS4s (GP-02-02), localities that have Subdivision Regulations, Site Plan Review Regulations or Erosion and Sediment Control Laws must amend these laws.</i></p>						
<p>Article 3. Subdivision Regulation Amendment - Requires Stormwater Pollution Prevention Plans for subdivision approval per requirements in Articles 1 and 2 of the Sample Local Law.</p>		Not Present				
<p>Article 4. Site Plan Review Regulation Amendment - Requires Stormwater Pollution Prevention Plans for site plan approval per requirements in Articles 1 and 2.</p>			Not Present			

<p>Article 5. Erosion and Sediment Control (E&SC) Law Amendment - Updates an existing law to require Stormwater Pollution Prevention Plans per requirements in Article 2. (Alternatively the E&SC law may be repealed and all stormwater management provisions placed in Zoning and other local land use controls.)</p>				<p>Not Present</p>		
<p>Sample Local Law, Article 6</p>						
<p>Section 1. Construction Inspection 1.1 Erosion and Sediment Control Inspection. [The MS4 permit requires localities to have procedures for inspecting control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency Article XIV Administration and Enforcement, § 160-64. Enforcement Officer, A: Zoning Inspector</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>Section 3.1, 3.2, 3.3 Enforcement Procedures. [The MS4 permit requires localities to have procedures for enforcing control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency Article XIV Administration and Enforcement, § 160-64. Enforcement Officer</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>3.4, 3.5, 3.6 Penalties. [The MS4 permit requires municipalities to enact sanctions (penalties) to ensure compliance to the extent allowed by state or local law. Indicate where these penalties are found in local law.]</p>	<p>✓ Equivalency</p> <p>Article XVI, § 160-78. Penalties for offenses</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
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How to Use the Preliminary Local Codes Assessment

The left-hand column lists key provisions of the Sample Stormwater Management Local Law. In the column headed by the type of ordinance where the provision appears in the local code, write the section of your law or regulation that contains the required provision.

How to Interpret the Preliminary Local Codes Assessment

*If none of the provisions listed in the Preliminary Assessment worksheet appears in the local code, the municipality will need to make extensive amendments to existing laws and should consider amending local land use laws as given in the Sample Stormwater Management Local Law. **If a regulated MS4 municipality adopts the Sample Local Law, Gap Analysis will not be needed.***

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✓Equivalency: *the cited portion of local law is equivalent to the Sample Stormwater Management Local Law*

Town of Jerusalem Documents

Zoning, 1995 (And Amendments)

Comprehensive Plan, 1992

Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5

Town of Middlesex

Sample Local Law Provision <i>See the referenced section of the full Sample Local Law for complete legislative language.</i>	Local Code Where Provision is Found (Enter Citation) <i>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</i>					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
Sample Local Law, Article 1						
Section 4.1 Applicability. Applicable to all construction activity ... that results in land disturbance equal to or greater than one acre, or activities disturbing less than one acre...that is part of a larger common plan of development or sale....	✓ Equivalency Sec. 705.0 Stormwater Management and Erosion Control. All construction and development in the Town of Middlesex shall comply with applicable provisions of the Town's Stormwater Management and Erosion Control Ordinance	Not Present	Not Present	✓ Equivalency NSM&ECL, Sec. 7 Applicability: ...no person, corporation, organization...: (1). initiate any land clearing, land grading, earth moving or development activities without first preparing a stormwater management and erosion control plan and obtaining approval of said plan from the Towns; (2) alter any drainage system surface without first preparing a [plan] and obtaining approval; (3) provided, a such activity results in development affecting 10,00 square feet or more of land, b at least 200 cubic yards of material will be disturbed; and the grade is 15% or more....	Not Present	

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
4.2 SWPPP Review Procedure. The municipality ... shall accept and review all stormwater pollution prevention plans (SWPPPs). [The stormwater management local law must define the procedure by which the SWPPP is distributed to all land use review boards.]	Not Present	Not Present	Not Present	No Equivalency SM&ECL Sec. 9: Plan Review Process, Part a: Provisions for stormwater management and erosion control shall be considered in a three-stage process: [Stage 4]. Review and approval of each phase conducted by the Town of Middlesex Planning Board shall be at a public hearing upon 10 days notice in the official town publication <i>Note: The review process must specifically reference a SWPPP in order to meet equivalency</i>	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
4.3 SWPPP Review Requirement. All land development activities subject to review and approval by the (applicable board) under (subdivision, site plan, and/or special permit) regulations shall be reviewed subject to the standards contained in this local law	No Equivalency Sec. 705.0 Stormwater Management and Erosion Control. All construction and development in the Town of Middlesex shall comply with applicable provisions of the Town's Stormwater Management and Erosion Control Ordinance	Not Present	Not Present	No Equivalency SM&ECL Sec. 9: Plan Review Process, Part a: Provisions for stormwater management and erosion control shall be considered in a three-stage process: [Stage 4]. Review and approval of each phase conducted by the Town of Middlesex Planning Board shall be at a public hearing upon 10 days notice in the official town publication	Not Present	
4.4 SWPPP Review Requirement. All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP)...	Not Present	Not Present	Not Present	Not Present	Not Present	
Sample Local Law, Article 2						

<p>Section 2.1 Stormwater Pollution Prevention Plan (SWPPP) Requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in this local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.2.1 Contents of Stormwater Pollution Prevention Plans. [To comply, the local law must require all 16 items in the SWPPP, 2.2.1.1-16: Project scope; site map/construction drawings; soils description; construction phasing plan; pollution prevention measures; waste controls; soil stabilization, runoff control and sedimentation control measures location and size; specifications; temporary practices to be converted to permanent control measures; implementation schedule; maintenance schedule; receiving waters; implementation responsibilities; description of structural practices; existing runoff data.]</p>	Not Present	Not Present	Not Present	<p>No Equivalency Sec. 8 Contents of the Stormwater Management and Erosion Control Plan, (b): ...legal description of the property shall be provided, and its location with reference to such landmarks as major waterbodies, roads, etc...shall be identified on a map [and] Sec. 12 Maintenance</p>	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>2.2.2 Definition of Land Development Activities Requiring Post-construction Stormwater Controls, must be as stated in sample local law.</p>	<p>✓ Equivalency Sec. 705.0 Stormwater Management and Erosion Control. All construction and development in the Town of Middlesex shall comply with applicable provisions of the Town's Stormwater Management and Erosion Control Ordinance</p>	<p>Not Present</p>	<p>✓ Equivalency Sec.700.10 Flood and Erosion: Development on lots with erodible soils or steep slopes shall be designed to minimize erosion during construction and after construction has been completed. Erosion plans shall be submitted with the application for site plan development of such lots and shall comply with applicable provisions of Sec 705 of this law.</p>	<p>✓ Equivalency NSM&ECL, Sec. 7 Applicability: ...no person, corporation, organization...: 1. initiate any land clearing, land grading, earth moving or development activities without first preparing a stormwater management and erosion control plan and obtaining approval of said plan from the Tows; 2 alter any drainage system surface without first preparing a [plan] and obtaining approval; 3 provided, a such activity results in development affecting 10,00 square feet or more of land, b at least 200 cubic yards of material will be distrubed; and the grade is 15% or more....</p>	<p>Not Present</p>	
<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

<p>Section 3.1, Technical Standards. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:</p> <p>3.11 The New York State Stormwater Management Design Manual and</p> <p>3.12 New York Standards and Specifications for Erosion and Sediment Control.</p>	<p>Not Present</p> <p>Not Present</p>	<p>Not Present</p> <p>Not Present</p>	<p>Not Present</p> <p>Not Present</p>	<p>Not Present</p> <p>No Equivalency NSM&ECL, Sec. 10: Performance Standards. <u>NY Guidelines for Urban Erosion and Sediment Control</u> <i>Note: The document referenced above is now referred to as the "NY Standards and Specifications for Erosion and Sediment Control." For equivalency, the law must make a statement regarding "successor documents" so that it may pass judicial scrutiny</i></p>	<p>Not Present</p>	
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Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>Section 4. Maintenance and Repair of Stormwater Facilities During Construction 4.1.1 The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control. 4.1.2 Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>No Equivalency Sec. 9-c Inspections: CEO shall inspect the work and either approve it or notify the applicant...in what respects there has been a failure to comply...Any portion of the work which does not comply shall be corrected...or the applicant will be subject to the bonding provisions of Sec. 13 and 14. CEO may conduct random inspections to ensure effective control during all phases of construction.</p>	<p>Not Present</p>	
<p>Sample Local Law, Articles 3, 4 and 5 <i>To be in compliance with the Stormwater Management General Permit for MS4s (GP-02-02), localities that have Subdivision Regulations, Site Plan Review Regulations or Erosion and Sediment Control Laws must amend these laws.</i></p>						
<p>Article 3. Subdivision Regulation Amendment - Requires Stormwater Pollution Prevention Plans for subdivision approval per requirements in Articles 1 and 2 of the Sample Local Law.</p>		<p>Not Present</p>				
<p>Article 4. Site Plan Review Regulation Amendment - Requires Stormwater Pollution Prevention Plans for site plan approval per requirements in Articles 1 and 2.</p>			<p>Not Present</p>			

<p>Article 5. Erosion and Sediment Control (E&SC) Law Amendment - Updates an existing law to require Stormwater Pollution Prevention Plans per requirements in Article 2. (Alternatively the E&SC law may be repealed and all stormwater management provisions placed in Zoning and other local land use controls.)</p>				<p>Not Present</p>		
<p>Sample Local Law, Article 6</p>						
<p>Section 1. Construction Inspection 1.1 Erosion and Sediment Control Inspection. [The MS4 permit requires localities to have procedures for inspecting control measures. Indicate where these procedures are found in local law.]</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>✓ Equivalency Sec.9-c, 1-4; ... Erosion control inspection by Code Enforcement Officer to ensure erosion control practice is according to plan during all phases of construction.</p>	<p>Not Present</p>	
<p>Section 3.1, 3.2, 3.3 Enforcement Procedures. [The MS4 permit requires localities to have procedures for enforcing control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency Article X Enforcement</p>	<p>Not Present</p>	<p>Not Present</p>	<p>✓ Equivalency Sec.14 Enforcement</p>	<p>Not Present</p>	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>3.4, 3.5, 3.6 Penalties. [The MS4 permit requires municipalities to enact sanctions (penalties) to ensure compliance to the extent allowed by state or local law. Indicate where these penalties are found in local law.]</p>	<p>✓ Equivalency Article XII, Sec. 1200 Penalties: A violation of this local law is an offense punishable by a fine not exceeding \$350, or imprisonment for a period not exceeding 90 days...</p>	<p>Not Present</p>	<p>Not Present</p>	<p>✓ Equivalency Sec.14-b: Penalties for the violation of this law is from \$100-\$1000 or imprisonment up to 60 days.</p>	<p>Not Present</p>	
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How to Use the Preliminary Local Codes Assessment

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✓ Equivalency: the cited portion of local law is equivalent to the Sample Stormwater Management Local Law

Town of Middlesex Documents

Zoning, 2004

Site Plan Review (Part of Zoning)

Stormwater Management and Erosion Control Law

Others

Canandaigua Lake Uniform Docking and Mooring Law

Repair and Removal of Unsafe Buildings and Collapsed Structures

Removal of Fire and Health Hazards and Weeds

Regulations for Telecommunication Towers

Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5

Town of Milo

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) <small>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</small>					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
Sample Local Law, Article 1						
Section 4.1 Applicability. Applicable to all construction activity ... that results in land disturbance equal to or greater than one acre, or activities disturbing less than one acre...that is part of a larger common plan of development or sale....	Not Present	Not Present	Not Present	Not Present	Not Present	
4.2 SWPPP Review Procedure. The municipality ... shall accept and review all stormwater pollution prevention plans (SWPPPs). [The stormwater management local law must define the procedure by which the SWPPP is distributed to all land use review boards.]	Not Present	Not Present	Not Present	Not Present	Not Present	

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
4.3 SWPPP Review Requirement. All land development activities subject to review and approval by the (applicable board) under (subdivision, site plan, and/or special permit) regulations shall be reviewed subject to the standards contained in this local law	Not Present	Not Present	Not Present	Not Present	Not Present	
4.4 SWPPP Review Requirement. All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP)...	Not Present	Not Present	Not Present	Not Present	Not Present	
Sample Local Law, Article 2						
Section 2.1 Stormwater Pollution Prevention Plan (SWPPP) Requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in this local law.	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>2.2.2.1 Contents of Stormwater Pollution Prevention Plans. [To comply, the local law must require all 16 items in the SWPPP, 2.2.1.1-16: Project scope; site map/construction drawings; soils description; construction phasing plan; pollution prevention measures; waste controls; soil stabilization, runoff control and sedimentation control measures location and size; specifications; temporary practices to be converted to permanent control measures; implementation schedule; maintenance schedule; receiving waters; implementation responsibilities; description of structural practices; existing runoff data.]</p>	<p>Not Present</p>	<p>No Equivalency Sec.120-7-A-2: Water and sewer facility proposal to be included in the subdivision plat. Sec.120-8, Major subdivision plat requirements and accompanying data: Drawing showing sewer lines, storm drainage plan, schedule of construction stages.....</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>2.2.2 Definition of Land Development Activities Requiring Post-construction Stormwater Controls, must be as stated in sample local law.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 3.1, Technical Standards. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law: 3.11 The New York State Stormwater Management Design Manual and 3.12 New York Standards and Specifications for Erosion and Sediment Control.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 4. Maintenance and Repair of Stormwater Facilities During Construction 4.1.1 The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control. 4.1.2 Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

Sample Local Law, Articles 3, 4 and 5

To be in compliance with the Stormwater Management General Permit for MS4s (GP-02-02), localities that have Subdivision Regulations, Site Plan Review Regulations or Erosion and Sediment Control Laws must amend these laws.

<p>Article 3. Subdivision Regulation Amendment - Requires Stormwater Pollution Prevention Plans for subdivision approval per requirements in Articles 1 and 2 of the Sample Local Law.</p>		<p>Not Present</p>				
<p>Article 4. Site Plan Review Regulation Amendment - Requires Stormwater Pollution Prevention Plans for site plan approval per requirements in Articles 1 and 2.</p>			<p>Not Present</p>			
<p>Article 5. Erosion and Sediment Control (E&SC) Law Amendment - Updates an existing law to require Stormwater Pollution Prevention Plans per requirements in Article 2. (Alternatively the E&SC law may be repealed and all stormwater management provisions placed in Zoning and other local land use controls.)</p>				<p>Not Present</p>		

Sample Local Law, Article 6

<p>Section 1. Construction Inspection 1.1 Erosion and Sediment Control Inspection. [The MS4 permit requires localities to have procedures for inspecting control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency Article IX §140-37. General Procedure.</p>	<p>✓ Equivalency Article V §120-18. Inspection of improvements</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
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<p>Section 3.1, 3.2, 3.3 Enforcement Procedures. [The MS4 permit requires localities to have procedures for enforcing control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency Article IX §140-38. Code Enforcement Officer.</p>	<p>✓ Equivalency Article VI Enforcement</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>3.4, 3.5, 3.6 Penalties. [The MS4 permit requires municipalities to enact sanctions (penalties) to ensure compliance to the extent allowed by state or local law. Indicate where these penalties are found in local law.]</p>	<p>✓ Equivalency Article IX §140-40. Violation; penalties for offenses.</p>	<p>✓ Equivalency Article VI §120-26. Penalties for offenses</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

How to Use the Preliminary Local Codes Assessment

The left-hand column lists key provisions of the Sample Stormwater Management Local Law. In the column headed by the type of ordinance where the provision appears in the local code, write the section of your law or regulation that contains the required provision.

How to Interpret the Preliminary Local Codes Assessment

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Entry Headings Prepared by G/FLRPC

One of the following three headings will be entered within each cell of the Worksheet:

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

Not Present: *no portion of the local law or code has been found that meets equivalency of the Sample Stormwater Management Local Law*

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✓ Equivalency: *the cited portion of local law is equivalent to the Sample Stormwater Management Local Law*

Town of Milo Documents

Subdivision and Zoning, 2000 (Subdivision adopted 1978; Zoning adopted 1974)

Site Plan Review (Part of Zoning)

Comprehensive Plan, 1997

Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5

Town of Potter

<p align="center">Sample Local Law Provision</p> <p><i>See the referenced section of the full Sample Local Law for complete legislative language.</i></p>	<p>Local Code Where Provision is Found (Enter Citation)</p> <p><i>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</i></p>					<p>Notes</p>
	<p><i>Zoning Law</i></p>	<p><i>Subdivision Regulation</i></p>	<p><i>Site Plan Review</i></p>	<p><i>E&SC Law</i></p>	<p><i>Other</i></p>	
	<p>Sample Local Law, Article 1</p>					

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.</p>	<p>Local Code Where Provision is Found (Enter Citation) To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</p>					<p>Notes</p>
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
<p>Section 4.1 Applicability. Applicable to all construction activity ... that results in land disturbance equal to or greater than one acre, or activities disturbing less than one acre...that is part of a larger common plan of development or sale....</p>	<p>No Equivalency Sec. 5.81- Regulations Applicable to All Districts: No construction, grading, excavation or other development is permitted on any land with a slope of 50% or greater...Sec. A: Application for construction activity in areas of greater than 15% slope shall include following information: drainage courses, features for controlling drainage, erosion and water. Landscaping plan indicating storm drainage.....</p>	<p>No Equivalency Sec. 6.5 A: Major Subdivision [defined as any subdivision more than four lots] Plats shall be accompanied by separate Construction Detail Sheets...</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

<p>Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.</p>	<p>Local Code Where Provision is Found (Enter Citation) To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</p>					<p>Notes</p>
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
<p>4.2 SWPPP Review Procedure. The municipality ... shall accept and review all stormwater pollution prevention plans (SWPPPs). [The stormwater management local law must define the procedure by which the SWPPP is distributed to all land use review boards.]</p>	Not Present	<p>No Equivalency Sec. 6.5 All final plats shall contain information as required for a preliminary plat as defined herein, and such other information as may be required by the planning board and as required by the following: A. Major Subdivision Plats shall be accompanied by separate Construction Detail Sheets and both shall be submitted to the planning board for approval, as follows...</p>	Not Present	Not Present	Not Present	
<p>4.3 SWPPP Review Requirement. All land development activities subject to review and approval by the (applicable board) under (subdivision, site plan, and/or special permit) regulations shall be reviewed subject to the standards contained in this local law</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>4.4 SWPPP Review Requirement. All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP)...</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

Sample Local Law, Article 2

<p>Section 2.1 Stormwater Pollution Prevention Plan (SWPPP) Requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in this local law.</p>	<p>Not Present</p>	<p>No Equivalency See 6.6 E-3: The Planning Board or its duly authorized rep. shall make a continuing review and evaluation of the methods used in determining the overall effectiveness of the drainage and erosion and sedimentation control plan and shall enforce compliance of the approved plans...</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
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Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>2.2.2.1 Contents of Stormwater Pollution Prevention Plans. [To comply, the local law must require all 16 items in the SWPPP, 2.2.1.1-16: Project scope; site map/construction drawings; soils description; construction phasing plan; pollution prevention measures; waste controls; soil stabilization, runoff control and sedimentation control measures location and size; specifications; temporary practices to be converted to permanent control measures; implementation schedule; maintenance schedule; receiving waters; implementation responsibilities; description of structural practices; existing runoff data.]</p>	<p>Not Present</p>	<p>No Equivalency See 6.6 E. Plans and profiles showing site drainage, erosion and sedimentation control as herein described (4): The following control measures shall be used for effective control of drainage, erosion and sediment [Items a through k] <u>Also Note the following:</u> Sec.5.1 Improvements Required B: Storm Drains, Culverts, Catch Basins, and other Drainage Structures shall be installed in accordance with the "Specifications for the Design and Construction of Developments" on file in the Town Clerk's Office. <u>According to Town officials, this document does not exist</u></p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>2.2.2 Definition of Land Development Activities Requiring Post-construction Stormwater Controls must be as stated in sample local law.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	<p>Not Present</p>	<p>No Equivalency</p> <p>Sec. 6.6-E-4-f: Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and <i>after construction</i>.</p> <p><i>Note:</i> The statement above [itlcs] alludes to post-construction, although the phrase is rather ambiguous.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
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Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>Section 3.1, Technical Standards. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:</p> <p>3.11 The New York State Stormwater Management Design Manual and</p> <p>3.12 New York Standards and Specifications for Erosion and Sediment Control.</p>	<p>Not Present</p>	<p>No Equivalency</p> <p>Sec.6.6-E-4-k: Use of 'Reducing the Impacts of Stormwater Runoff from New Development' by NYSDEC.</p> <p>[While the above doc is currently available through the DEC website, it should not be confused with the doc referenced under Section 3.11]</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
	<p>Not Present</p>	<p>✓ Equivalency</p> <p>Sec.6.6-E-4-j: Use of 'New York State Guidelines for Urban Sediment and Erosion Control' or any successor document</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>Section 4. Maintenance and Repair of Stormwater Facilities During Construction 4.1.1 The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control.</p> <p>4.1.2 Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more.</p>	<p>Not Present</p> <p>Not Present</p>	<p>Not Present</p> <p>Not Present</p>	<p>Not Present</p> <p>Not Present</p>	<p>Not Present</p> <p>Not Present</p>	<p>Not Present</p> <p>Not Present</p>	
<p>Sample Local Law, Articles 3, 4 and 5 To be in compliance with the Stormwater Management General Permit for MS4s (GP-02-02), localities that have Subdivision Regulations, Site Plan Review Regulations or Erosion and Sediment Control Laws must amend these laws.</p>						
<p>Article 3. Subdivision Regulation Amendment - Requires Stormwater Pollution Prevention Plans for subdivision approval per requirements in Articles 1 and 2 of the Sample Local Law.</p>		<p>Not Present</p>				
<p>Article 4. Site Plan Review Regulation Amendment - Requires Stormwater Pollution Prevention Plans for site plan approval per requirements in Articles 1 and 2.</p>			<p>Not Present</p>			
<p>Article 5. Erosion and Sediment Control (E&SC) Law Amendment - Updates an existing law to require Stormwater Pollution Prevention Plans per requirements in Article 2. (Alternatively the E&SC law may be repealed and all stormwater management provisions placed in Zoning and other local land use controls.)</p>				<p>Not Present</p>		

Sample Local Law, Article 6

<p>Section 1. Construction Inspection 1.1 Erosion and Sediment Control Inspection. [The MS4 permit requires localities to have procedures for inspecting control measures. Indicate where these procedures are found in local law.]</p>	<p>Not Present</p>	<p>✓ Equivalency Sec. 6.6-E-3: The planning board or its duly authorized representative shall make a continuing <u>review and evaluation</u> [emphasis added] of the methods used in determining the overall effectiveness of the drainage and erosion and sedimentation control plan and shall enforce compliance of the approved plans.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>Section 3.1, 3.2, 3.3 Enforcement Procedures. [The MS4 permit requires localities to have procedures for enforcing control measures. Indicate where these procedures are found in local law.]</p>	<p>Not Present</p>	<p>✓ Equivalency Sec. 6.6-E-3: The planning board or its duly authorized representative shall make a continuing review and evaluation of the methods used in determining the overall effectiveness of the drainage and erosion and sedimentation control plan and shall <u>enforce</u> [emphasis added] compliance of the approved plans.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

3.4, 3.5, 3.6 Penalties. [The MS4 permit requires municipalities to enact sanctions (penalties) to ensure compliance to the extent allowed by state or local law. Indicate where these penalties are found in local law.]	Not Present	Not Present	Not Present	Not Present	Not Present	
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How to Use the Preliminary Local Codes Assessment

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How to Interpret the Preliminary Local Codes Assessment

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Town of Potter Documents:

Town of Potter Zoning Law (Revised 2002)

Town of Potter Subdivision Law, 1996

Site Plan Review (Part of Zoning Ordinance, Article5)

Comprehensive Plan for the Town of Potter, 1979

Town of Potter Junk Storage Law, 1995

Town of Potter Disaster Response Plan, Policy Statement

MISSING:

Specifications for Design and Construction of Developments: Not on file according to the Town Clerk

Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5

Town of Starkey

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) <small>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</small>					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
Sample Local Law, Article 1						
Section 4.1 Applicability. Applicable to all construction activity ... that results in land disturbance equal to or greater than one acre, or activities disturbing less than one acre...that is part of a larger common plan of development or sale....	Not Present	Not Present	Not Present	Not Present	Not Present	
4.2 SWPPP Review Procedure. The municipality ... shall accept and review all stormwater pollution prevention plans (SWPPPs). [The stormwater management local law must define the procedure by which the SWPPP is distributed to all land use review boards.]	Not Present	Not Present	Not Present	Not Present	Not Present	

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
4.3 SWPPP Review Requirement. All land development activities subject to review and approval by the (applicable board) under (subdivision, site plan, and/or special permit) regulations shall be reviewed subject to the standards contained in this local law	Not Present	Not Present	Not Present	Not Present	Not Present	
4.4 SWPPP Review Requirement. All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP)...	Not Present	Not Present	Not Present	Not Present	Not Present	
Sample Local Law, Article 2						
Section 2.1 Stormwater Pollution Prevention Plan (SWPPP) Requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in this local law.	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>2.2.2.1 Contents of Stormwater Pollution Prevention Plans. [To comply, the local law must require all 16 items in the SWPPP, 2.2.1.1-16: Project scope; site map/construction drawings; soils description; construction phasing plan; pollution prevention measures; waste controls; soil stabilization, runoff control and sedimentation control measures location and size; specifications; temporary practices to be converted to permanent control measures; implementation schedule; maintenance schedule; receiving waters; implementation responsibilities; description of structural practices; existing runoff data.]</p>	Not Present	Not Present	Not Present	Not Present	<p>No Equivalency Flood Damage Prevention, Sec.1.2: Control filling, grading, and dredging that can increase erosion.</p>	
<p>2.2.2 Definition of Land Development Activities Requiring Post-construction Stormwater Controls, must be as stated in sample local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

<p>Section 3.1, Technical Standards. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law: 3.11 The New York State Stormwater Management Design Manual and 3.12 New York Standards and Specifications for Erosion and Sediment Control.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 4. Maintenance and Repair of Stormwater Facilities During Construction 4.1.1 The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control. 4.1.2 Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Sample Local Law, Articles 3, 4 and 5 <i>To be in compliance with the Stormwater Management General Permit for MS4s (GP-02-02), localities that have Subdivision Regulations, Site Plan Review Regulations or Erosion and Sediment Control Laws must amend these laws.</i></p>						
<p>Article 3. Subdivision Regulation Amendment - Requires Stormwater Pollution Prevention Plans for subdivision approval per requirements in Articles 1 and 2 of the Sample Local Law.</p>		Not Present				

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>Article 4. Site Plan Review Regulation Amendment - Requires Stormwater Pollution Prevention Plans for site plan approval per requirements in Articles 1 and 2.</p>			<p>Not Present</p>			
<p>Article 5. Erosion and Sediment Control (E&SC) Law Amendment - Updates an existing law to require Stormwater Pollution Prevention Plans per requirements in Article 2. (Alternatively the E&SC law may be repealed and all stormwater management provisions placed in Zoning and other local land use controls.)</p>				<p>Not Present</p>		
<p>Sample Local Law, Article 6</p>						
<p>Section 1. Construction Inspection 1.1 Erosion and Sediment Control Inspection. [The MS4 permit requires localities to have procedures for inspecting control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency Article 7 Administration and Enforcement §7.10 General Procedure</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>Section 3.1, 3.2, 3.3 Enforcement Procedures. [The MS4 permit requires localities to have procedures for enforcing control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency Article 7 Administration and Enforcement §7.20 Zoning Officer</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

<p>3.4, 3.5, 3.6 Penalties. [The MS4 permit requires municipalities to enact sanctions (penalties) to ensure compliance to the extent allowed by state or local law. Indicate where these penalties are found in local law.]</p>	<p>✓ Equivalency Article 7 Administration and Enforcement §7.50 Violations</p>	<p>✓ Equivalency Article 7 Violations and Penalties 7.100</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
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✓Equivalency: *the cited portion of local law is equivalent to the Sample Stormwater Management Local Law*

Town of Starkey Documents

Zoning, 1993 (Adopted 1970); Updated Under Development

Subdivision Regulation, 1969

Comprehensive Plan, 1969-70; Updated Under Development

Flood Damage Prevention, 2003

Watershed Ordinance, 2002

Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5

Town of Torrey

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) <small>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</small>					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
Sample Local Law, Article 1						
Section 4.1 Applicability. Applicable to all construction activity ... that results in land disturbance equal to or greater than one acre, or activities disturbing less than one acre...that is part of a larger common plan of development or sale....	Not Present	Not Present	Not Present	Not Present	Not Present	
4.2 SWPPP Review Procedure. The municipality ... shall accept and review all stormwater pollution prevention plans (SWPPPs). [The stormwater management local law must define the procedure by which the SWPPP is distributed to all land use review boards.]	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-					Notes
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4.3 SWPPP Review Requirement. All land development activities subject to review and approval by the (applicable board) under (subdivision, site plan, and/or special permit) regulations shall be reviewed subject to the standards contained in this local law	Not Present	Not Present	Not Present	Not Present	Not Present	
4.4 SWPPP Review Requirement. All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP)...	Not Present	Not Present	Not Present	Not Present	Not Present	
Sample Local Law, Article 2						
Section 2.1 Stormwater Pollution Prevention Plan (SWPPP) Requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in this local law.	Not Present	Not Present	Not Present	Not Present	Not Present	

<p>2.2.2.1 Contents of Stormwater Pollution Prevention Plans. [To comply, the local law must require all 16 items in the SWPPP, 2.2.1.1-16: Project scope; site map/construction drawings; soils description; construction phasing plan; pollution prevention measures; waste controls; soil stabilization, runoff control and sedimentation control measures location and size; specifications; temporary practices to be converted to permanent control measures; implementation schedule; maintenance schedule; receiving waters; implementation responsibilities; description of structural practices; existing runoff data.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.2 Definition of Land Development Activities Requiring Post-construction Stormwater Controls, must be as stated in sample local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>Section 3.1, Technical Standards. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law: 3.11 The New York State Stormwater Management Design Manual and 3.12 New York Standards and Specifications for Erosion and Sediment Control.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 4. Maintenance and Repair of Stormwater Facilities During Construction 4.1.1 The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control. 4.1.2 Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Sample Local Law, Articles 3, 4 and 5 <i>To be in compliance with the Stormwater Management General Permit for MS4s (GP-02-02), localities that have Subdivision Regulations, Site Plan Review Regulations or Erosion and Sediment Control Laws must amend these laws.</i></p>						
<p>Article 3. Subdivision Regulation Amendment - Requires Stormwater Pollution Prevention Plans for subdivision approval per requirements in Articles 1 and 2 of the Sample Local Law.</p>		Not Present				

<p>Article 4. Site Plan Review Regulation Amendment - Requires Stormwater Pollution Prevention Plans for site plan approval per requirements in Articles 1 and 2.</p>			<p>Not Present</p>			
<p>Article 5. Erosion and Sediment Control (E&SC) Law Amendment - Updates an existing law to require Stormwater Pollution Prevention Plans per requirements in Article 2. (Alternatively the E&SC law may be repealed and all stormwater management provisions placed in Zoning and other local land use controls.)</p>				<p>Not Present</p>		
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<p>Section 1. Construction Inspection 1.1 Erosion and Sediment Control Inspection. [The MS4 permit requires localities to have procedures for inspecting control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency Article 9 Administration and Enforcement §9.10 General Procedure</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>Section 3.1, 3.2, 3.3 Enforcement Procedures. [The MS4 permit requires localities to have procedures for enforcing control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency Article 9 Administration and Enforcement §9.20 Zoning Officer</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>3.4, 3.5, 3.6 Penalties. [The MS4 permit requires municipalities to enact sanctions (penalties) to ensure compliance to the extent allowed by state or local law. Indicate where these penalties are found in local law.]</p>	<p>✓ Equivalency Article 9 Administration and Enforcement §9.40 Violations</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
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How to Use the Preliminary Local Codes Assessment

The left-hand column lists key provisions of the Sample Stormwater Management Local Law. In the column headed by the type of ordinance where the provision appears in the local code, write the section of your law or regulation that contains the required provision.

How to Interpret the Preliminary Local Codes Assessment

*If none of the provisions listed in the Preliminary Assessment worksheet appears in the local code, the municipality will need to make extensive amendments to existing laws and should consider amending local land use laws as given in the Sample Stormwater Management Local Law. **If a regulated MS4 municipality adopts the Sample Local Law, Gap Analysis will not be needed.***

If a few of the provisions in the worksheet appear in local code, significant amendments will be necessary and adopting the Sample Local Law may be an attractive alternative. Gap Analysis will identify which amendments the MS4 must make and how they should be worded.

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Entry Headings Prepared by G/FLRPC

One of the following three headings will be entered within each cell of the Worksheet:

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✓Equivalency: *the cited portion of local law is equivalent to the Sample Stormwater Management Local Law*

Town of Torrey Documents

Zoning, 1977; Amendments 1981

Comprehensive Plan, 1976

Subdivision Regulation, Under Development

Site Plan Review, Under Development

Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5

Village of Dresden

Sample Local Law Provision <i>See the referenced section of the full Sample Local Law for complete legislative language.</i>	Local Code Where Provision is Found (Enter Citation) <small>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</small>					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
Sample Local Law, Article 1						
Section 4.1 Applicability. Applicable to all construction activity ... that results in land disturbance equal to or greater than one acre, or activities disturbing less than one acre...that is part of a larger common plan of development or sale....	Not Present	Not Present	Not Present	Not Present	Not Present	
4.2 SWPPP Review Procedure. The municipality ... shall accept and review all stormwater pollution prevention plans (SWPPPs). [The stormwater management local law must define the procedure by which the SWPPP is distributed to all land use review boards.]	Not Present	Not Present	Not Present	Not Present	Not Present	

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
4.3 SWPPP Review Requirement. All land development activities subject to review and approval by the (applicable board) under (subdivision, site plan, and/or special permit) regulations shall be reviewed subject to the standards contained in this local law	Not Present	Not Present	Not Present	Not Present	Not Present	
4.4 SWPPP Review Requirement. All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP)...	Not Present	Not Present	Not Present	Not Present	Not Present	
Sample Local Law, Article 2						
Section 2.1 Stormwater Pollution Prevention Plan (SWPPP) Requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in this local law.	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>2.2.2.1 Contents of Stormwater Pollution Prevention Plans. [To comply, the local law must require all 16 items in the SWPPP, 2.2.1.1-16: Project scope; site map/construction drawings; soils description; construction phasing plan; pollution prevention measures; waste controls; soil stabilization, runoff control and sedimentation control measures location and size; specifications; temporary practices to be converted to permanent control measures; implementation schedule; maintenance schedule; receiving waters; implementation responsibilities; description of structural practices; existing runoff data.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.2 Definition of Land Development Activities Requiring Post-construction Stormwater Controls, must be as stated in sample local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

<p>Section 3.1, Technical Standards. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law: 3.11 The New York State Stormwater Management Design Manual and 3.12 New York Standards and Specifications for Erosion and Sediment Control.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 4. Maintenance and Repair of Stormwater Facilities During Construction 4.1.1 The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control. 4.1.2 Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Sample Local Law, Articles 3, 4 and 5 <i>To be in compliance with the Stormwater Management General Permit for MS4s (GP-02-02), localities that have Subdivision Regulations, Site Plan Review Regulations or Erosion and Sediment Control Laws must amend these laws.</i></p>						
<p>Article 3. Subdivision Regulation Amendment - Requires Stormwater Pollution Prevention Plans for subdivision approval per requirements in Articles 1 and 2 of the Sample Local Law.</p>		Not Present				

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>Article 4. Site Plan Review Regulation Amendment - Requires Stormwater Pollution Prevention Plans for site plan approval per requirements in Articles 1 and 2.</p>			<p>Not Present</p>			
<p>Article 5. Erosion and Sediment Control (E&SC) Law Amendment - Updates an existing law to require Stormwater Pollution Prevention Plans per requirements in Article 2. (Alternatively the E&SC law may be repealed and all stormwater management provisions placed in Zoning and other local land use controls.)</p>				<p>Not Present</p>		
<p>Sample Local Law, Article 6</p>						
<p>Section 1. Construction Inspection 1.1 Erosion and Sediment Control Inspection. [The MS4 permit requires localities to have procedures for inspecting control measures. Indicate where these procedures are found in local law.]</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>Section 3.1, 3.2, 3.3 Enforcement Procedures. [The MS4 permit requires localities to have procedures for enforcing control measures. Indicate where these procedures are found in local law.]</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

<p>3.4, 3.5, 3.6 Penalties. [The MS4 permit requires municipalities to enact sanctions (penalties) to ensure compliance to the extent allowed by state or local law. Indicate where these penalties are found in local law.]</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
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How to Use the Preliminary Local Codes Assessment

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How to Interpret the Preliminary Local Codes Assessment

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Village of Dresden Documents

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

Comprehensive Plan, 2004

Flood Insurance Study, 1980

Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5

Village of Dundee

Sample Local Law Provision <i>See the referenced section of the full Sample Local Law for complete legislative language.</i>	Local Code Where Provision is Found (Enter Citation) <small>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</small>					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
Sample Local Law, Article 1						
Section 4.1 Applicability. Applicable to all construction activity ... that results in land disturbance equal to or greater than one acre, or activities disturbing less than one acre...that is part of a larger common plan of development or sale....	Not Present	Not Present	Not Present	Not Present	Not Present	
4.2 SWPPP Review Procedure. The municipality ... shall accept and review all stormwater pollution prevention plans (SWPPPs). [The stormwater management local law must define the procedure by which the SWPPP is distributed to all land use review boards.]	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

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	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
4.3 SWPPP Review Requirement. All land development activities subject to review and approval by the (applicable board) under (subdivision, site plan, and/or special permit) regulations shall be reviewed subject to the standards contained in this local law	Not Present	Not Present	Not Present	Not Present	Not Present	
4.4 SWPPP Review Requirement. All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP)...	Not Present	Not Present	Not Present	Not Present	Not Present	
Sample Local Law, Article 2						
Section 2.1 Stormwater Pollution Prevention Plan (SWPPP) Requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in this local law.	Not Present	Not Present	Not Present	Not Present	Not Present	

<p>2.2.2.1 Contents of Stormwater Pollution Prevention Plans. [To comply, the local law must require all 16 items in the SWPPP, 2.2.1.1-16: Project scope; site map/construction drawings; soils description; construction phasing plan; pollution prevention measures; waste controls; soil stabilization, runoff control and sedimentation control measures location and size; specifications; temporary practices to be converted to permanent control measures; implementation schedule; maintenance schedule; receiving waters; implementation responsibilities; description of structural practices; existing runoff data.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.2 Definition of Land Development Activities Requiring Post-construction Stormwater Controls, must be as stated in sample local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>Section 3.1, Technical Standards. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law: 3.11 The New York State Stormwater Management Design Manual and 3.12 New York Standards and Specifications for Erosion and Sediment Control.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 4. Maintenance and Repair of Stormwater Facilities During Construction 4.1.1 The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control. 4.1.2 Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Sample Local Law, Articles 3, 4 and 5 <i>To be in compliance with the Stormwater Management General Permit for MS4s (GP-02-02), localities that have Subdivision Regulations, Site Plan Review Regulations or Erosion and Sediment Control Laws must amend these laws.</i></p>						
<p>Article 3. Subdivision Regulation Amendment - Requires Stormwater Pollution Prevention Plans for subdivision approval per requirements in Articles 1 and 2 of the Sample Local Law.</p>		Not Present				

<p>Article 4. Site Plan Review Regulation Amendment - Requires Stormwater Pollution Prevention Plans for site plan approval per requirements in Articles 1 and 2.</p>			<p>Not Present</p>			
<p>Article 5. Erosion and Sediment Control (E&SC) Law Amendment - Updates an existing law to require Stormwater Pollution Prevention Plans per requirements in Article 2. (Alternatively the E&SC law may be repealed and all stormwater management provisions placed in Zoning and other local land use controls.)</p>				<p>Not Present</p>		
<p>Sample Local Law, Article 6</p>						
<p>Section 1. Construction Inspection 1.1 Erosion and Sediment Control Inspection. [The MS4 permit requires localities to have procedures for inspecting control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency Article VII §138-29 General Procedure</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>Section 3.1, 3.2, 3.3 Enforcement Procedures. [The MS4 permit requires localities to have procedures for enforcing control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency Article VII §138-30 Zoning Officer</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

3.4, 3.5, 3.6 Penalties. [The MS4 permit requires municipalities to enact sanctions (penalties) to ensure compliance to the extent allowed by state or local law. Indicate where these penalties are found in local law.]	✓ Equivalency Article VII §138-35 Penalties and Offenses	Not Present	Not Present	Not Present	Not Present	
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Village of Dundee Documents

Zoning, Update 1996 (Adopted 1975)

Subdivision Regulation, 1988 (Adopted 1975)

Site Plan Review (Part of Zoning)

Sign Regulations (Part of Zoning)

Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5

Village of Penn Yan

Sample Local Law Provision <i>See the referenced section of the full Sample Local Law for complete legislative language.</i>	Local Code Where Provision is Found (Enter Citation) <i>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</i>					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	Additional Document: <i>Design and Construction Standards for Land Development for Village of Penn Yan</i>
Sample Local Law, Article 1						
Section 4.1 Applicability. Applicable to all construction activity ... that results in land disturbance equal to or greater than one acre, or activities disturbing less than one acre...that is part of a larger common plan of development or sale....	Not Present	No Equivalency 176-11 Minor Subdivision Review, A-3: The minor subdivision plat shall comply with the requirements set forth in the Design and Construction Standards for Land Development in the Village of Penn Yan. <i>*Equivalency requires explicit reference to the 1 acre threshold</i>	No Equivalency Site Plan Review 202-39. Applies to all new land use activities within the village except: [see items 1-6] <i>*Equivalency requires explicit reference to the 1 acre threshold</i>	Not Present	No Equivalency Flood Damage Prevention, Town of Milo, Sec. 90-8: No structure in Special Flood Hazard Area to be constructed, extended, excavated or filled without compliance with the Flood Ordinance. <i>*Equivalency requires law to apply to all land construction activity, not just activities within Flood Hazard Area</i>	Not Present

<p>Sample Local Law Provision</p> <p><i>See the referenced section of the full Sample Local Law for complete legislative language.</i></p>	<p>Local Code Where Provision is Found (Enter Citation)</p> <p><i>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</i></p>					<p>Notes</p>
	<p>Zoning Law</p>	<p>Subdivision Regulation</p>	<p>Site Plan Review</p>	<p>E&SC Law</p>	<p>Other</p>	<p>Additional Document: <i>Design and Construction Standards for Land Development for Village of Penn Yan</i></p>
<p>4.2 SWPPP Review Procedure. The municipality ... shall accept and review all stormwater pollution prevention plans (SWPPPs). [The stormwater management local law must define the procedure by which the SWPPP is distributed to all land use review boards.]</p>	<p>Not Present</p>	<p>Not Present</p>	<p>No Equivalency</p> <p>Article IX Development Guidelines and General Provisions 202-4 General. The development guidelines and general provisions in this Article are intended to apply to both permitted uses and uses requiring site plan approval. The Planning Board, in reviewing a site plan, shall take into consideration...</p> <p>202-5 Storm drainage, erosion and sediment control and environmental protection [Part A: Design Standards for E&SC]</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>
<p>Genesee/Finger Lakes Regional Planning Council September 2006</p>						<p><i>Appendix - 91</i></p>

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	Additional Document: Design and Construction Standards for Land Development for Village of Penn Yan
4.3 SWPPP Review Requirement. All land development activities subject to review and approval by the (applicable board) under (subdivision, site plan, and/or special permit) regulations shall be reviewed subject to the standards contained in this local law	Not Present	Not Present	No Equivalency Article IX Development Guidelines and General Provisions 202-4 General. The development guidelines and general provisions in this Article are intended to apply to both permitted uses and uses requiring site plan approval. The Planning Board, in reviewing a site plan, shall take into consideration...	Not Present	Not Present	Not Present
4.4 SWPPP Review Requirement. All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP)...	Not Present	Not Present	Not Present	Not Present	Not Present	Not Present
Sample Local Law, Article 2						

<p>Section 2.1 Stormwater Pollution Prevention Plan (SWPPP) Requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in this local law.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>
<p>2.2.2.1 Contents of Stormwater Pollution Prevention Plans. [To comply, the local law must require all 16 items in the SWPPP, 2.2.1.1-16: Project scope; site map/construction drawings; soils description; construction phasing plan; pollution prevention measures; waste controls; soil stabilization, runoff control and sedimentation control measures location and size; specifications; temporary practices to be converted to permanent control measures; implementation schedule; maintenance schedule; receiving waters; implementation responsibilities; description of structural practices; existing runoff data.]</p>	<p>Not Present</p>	<p>Not Present</p>	<p>No Equivalency Sec.202-50: Storm drainage, erosion and sediment control and environmental protection to conform to the 'Design and Construction Standards for Land Development of the Village of Penn Yan.'</p>	<p>Not Present</p>	<p>Not Present</p>	<p>No Equivalency Construction Specifications: 2.7.2 Erosion and Sediment Control Plan: Sec.1.8.4: Drainage plan to have storm sewer, method of stormwater disposal, erosion control plan including run off control measures, design of stormwater detention facilities. Sec. 2.6.1, 2: Storm Drainage System Design Standards. Sec.2.7.2: Erosion Control Plan. Sec.3.7: Construction details and specifications for Storm Drainage System. Standard Detail: Construction Drawings.</p>
<p>2.2.2 Definition of Land Development Activities Requiring Post-construction Stormwater Controls, must be as stated in sample local law.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>
<p>Section 3.1, Technical Standards. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:</p> <p>3.11 The New York State Stormwater Management Design Manual and</p> <p>3.12 New York Standards and Specifications for Erosion and Sediment Control.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>

<p>Section 4. Maintenance and Repair of Stormwater Facilities During Construction 4.1.1 The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control. 4.1.2 Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more.</p>	<p>Not Present</p> <p>Not Present</p>	<p>Not Present</p> <p>Not Present</p>	<p>Not Present</p> <p>Not Present</p>	<p>Not Present</p> <p>Not Present</p>	<p>Not Present</p> <p>Not Present</p>	<p>Not Present</p> <p>Not Present</p>
<p>Sample Local Law, Articles 3, 4 and 5 <i>To be in compliance with the Stormwater Management General Permit for MS4s (GP-02-02), localities that have Subdivision Regulations, Site Plan Review Regulations or Erosion and Sediment Control Laws must amend these laws.</i></p>						
<p>Article 3. Subdivision Regulation Amendment - Requires Stormwater Pollution Prevention Plans for subdivision approval per requirements in Articles 1 and 2 of the Sample Local Law.</p>		<p>Not Present</p>				
<p>Article 4. Site Plan Review Regulation Amendment - Requires Stormwater Pollution Prevention Plans for site plan approval per requirements in Articles 1 and 2.</p>			<p>Not Present</p>			

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

Article 5. Erosion and Sediment Control (E&SC) Law Amendment - Updates an existing law to require Stormwater Pollution Prevention Plans per requirements in Article 2. (Alternatively the E&SC law may be repealed and all stormwater management provisions placed in Zoning and other local land use controls.)				Not Present		
Sample Local Law, Article 6						

<p>Section 1. Construction Inspection 1.1 Erosion and Sediment Control Inspection. [The MS4 permit requires localities to have procedures for inspecting control measures. Indicate where these procedures are found in local law.]</p>	<p>Not Present</p>	<p>✓ Equivalency Sec.176-15-C-1-a: Proper erosion control measures shall be in place prior to any area being disturbed. Sec.176-15-B-5: Installation of improvements shall be subject to inspection at all stages by representatives of the Village of Penn Yan. Sec.176-15-C-1-a-3: Removal of any topsoil from the site must be approved by the Planning Board.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>No Equivalency Note: Flood Damage Prevention, Town of Milo, Sec.90-12-E: Local Administrator/Engineer to inspect to monitor compliance with the Flood Plain Development Permit.</p>	<p>Notes Sec.2.7: Erosion and Sediment Control measures. Sec3.1.3: All construction subject to inspection by the representatives of the Village. ...All Cost related to engineering and inspection to be paid by the Developer.</p>
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Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

<p>Section 3.1, 3.2, 3.3 Enforcement Procedures. [The MS4 permit requires localities to have procedures for enforcing control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency</p> <p>Article XIII Administration Sec. 202-77. Enforcement A. This chapter shall be enforced by the CEO...</p>	<p>✓ Equivalency</p> <p>Sec.176-7 A. General Enforcement: (1) It shall be the duty of the CEO to enforce these regulations and to bring to the attention of the Village Board any violations or lack of compliance herewith.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p> <p>Note: Flood Damage Prevention, Town of Milo, Sec.90-13: General Standards for development in the Flood Area.</p> <p>Flood Damage Prevention, Town of Milo, Sec.90-12: Inspection, Stop Work Orders, Certificate of Compliance.</p>	<p>Notes</p> <p>Sec.3.2.5: Sediment and Erosion Control measures. Sec.1.8.7: Final Drainage Report to have Sediment and Erosion Control measures during construction.</p>
<p>3.4, 3.5, 3.6 Penalties. [The MS4 permit requires municipalities to enact sanctions (penalties) to ensure compliance to the extent allowed by state or local law. Indicate where these penalties are found in local law.]</p>	<p>✓ Equivalency</p> <p>Article XV, Remedies Sec. 202-89 Penalties for offenses..</p>	<p>✓ Equivalency</p> <p>Sec.176-7 B. Violations and Penalties.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>

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How to Interpret the Preliminary Local Codes Assessment

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Village of Penn Yan Documents:

Zoning, Revised 2000, Adopted 1991

Subdivision of Land, 1992, Adopted 1990

Site Plan Review, (Part of Zoning Ordinance, Sec.202-39)

Village of Penn Yan Comprehensive Master Plan, 2000

Flood Damage Prevention for the Town of Milo, 1987

Design and Construction Standards for Land Development, 1993

Regulations to preserve and protect the quality of Keuka Lake and surface and ground water for the Town of Milo.

Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5

Village of Rushville

Sample Local Law Provision <i>See the referenced section of the full Sample Local Law for complete legislative language.</i>	Local Code Where Provision is Found (Enter Citation) <i>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</i>					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	Additional Comments:
Sample Local Law, Article 1						
Section 4.1 Applicability. Applicable to all construction activity ... that results in land disturbance equal to or greater than one acre, or activities disturbing less than one acre...that is part of a larger common plan of development or sale....	No Equivalency Zoning, Article 5, General Regulations, §5.6, Excavations: Any excavations for the removal of topsoil, gravel or mineral deposits of any kind, must be enclosed by a fence located at least ten feet from the side or perimeter of the excavation. All such excavations must be adequately drained to prevent the formation of...water...	Not Present	Not Present	Not Present	Not Present	While subdivision regulations include important provisions relative to stormwater management and associated facilities, these do not meet equivalency with Stormwater Phase II requirements.

Sample Local Law Provision <i>See the referenced section of the full Sample Local Law for complete legislative language.</i>	Local Code Where Provision is Found (Enter Citation) <i>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</i>					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	Additional Comments:
4.2 SWPPP Review Procedure. The municipality ... shall accept and review all stormwater pollution prevention plans (SWPPPs). [The stormwater management local law must define the procedure by which the SWPPP is distributed to all land use review boards.]	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	Additional Comments:
4.3 SWPPP Review Requirement. All land development activities subject to review and approval by the (applicable board) under (subdivision, site plan, and/or special permit) regulations shall be reviewed subject to the standards contained in this local law	Not Present	Not Present	Not Present	Not Present	Not Present	
4.4 SWPPP Review Requirement. All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP)...	Not Present	Not Present	Not Present	Not Present	Not Present	
Sample Local Law, Article 2						
Section 2.1 Stormwater Pollution Prevention Plan (SWPPP) Requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in this local law.	Not Present	Not Present	Not Present	Not Present	Not Present	

Sample Local Law Provision <i>See the referenced section of the full Sample Local Law for complete legislative language.</i>	Local Code Where Provision is Found (Enter Citation) <i>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</i>					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	Additional Comments:
2.2.2.1 Contents of Stormwater Pollution Prevention Plans. [To comply, the local law must require all 16 items in the SWPPP, 2.2.1.1-16: Project scope; site map/construction drawings; soils description; construction phasing plan; pollution prevention measures; waste controls; soil stabilization, runoff control and sedimentation control measures location and size; specifications; temporary practices to be converted to permanent control measures; implementation schedule; maintenance schedule; receiving waters; implementation responsibilities; description of structural practices; existing runoff data.]	Not Present	Not Present	Not Present	Not Present	Not Present	
2.2.2 Definition of Land Development Activities Requiring Post-construction Stormwater Controls, must be as stated in sample local law.	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

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	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	Additional Comments:
2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]	Not Present	Not Present	Not Present	Not Present	Not Present	
Section 3.1, Technical Standards. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:						
3.11 The New York State Stormwater Management Design Manual and	Not Present	Not Present	Not Present	Not Present	Not Present	Not Present
3.12 New York Standards and Specifications for Erosion and Sediment Control.	Not Present	Not Present	Not Present	Not Present	Not Present	Not Present

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	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	Additional Comments:
Section 4. Maintenance and Repair of Stormwater Facilities During Construction 4.1.1 The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control. 4.1.2 Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more.	Not Present	Not Present	Not Present	Not Present	Not Present	Not Present
	Not Present	Not Present	Not Present	Not Present	Not Present	Not Present
Sample Local Law, Articles 3, 4 and 5 To be in compliance with the Stormwater Management General Permit for MS4s (GP-02-02), localities that have Subdivision Regulations, Site Plan Review Regulations or Erosion and Sediment Control Laws must amend these laws.						
Article 3. Subdivision Regulation Amendment - Requires Stormwater Pollution Prevention Plans for subdivision approval per requirements in Articles 1 and 2 of the Sample Local Law.		Not Present				

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

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	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	Additional Comments:
Article 4. Site Plan Review Regulation Amendment - Requires Stormwater Pollution Prevention Plans for site plan approval per requirements in Articles 1 and 2.			Not Present			
Article 5. Erosion and Sediment Control (E&SC) Law Amendment - Updates an existing law to require Stormwater Pollution Prevention Plans per requirements in Article 2. (Alternatively the E&SC law may be repealed and all stormwater management provisions placed in Zoning and other local land use controls.)				Not Present		
Sample Local Law, Article 6						
Section 1. Construction Inspection 1.1 Erosion and Sediment Control Inspection. [The MS4 permit requires localities to have procedures for inspecting control measures. Indicate where these procedures are found in local law.]	Not Present	Not Present	Not Present	Not Present	Not Present	Notes

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	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	Additional Comments:
Section 3.1, 3.2, 3.3 Enforcement Procedures. [The MS4 permit requires localities to have procedures for enforcing control measures. Indicate where these procedures are found in local law.]	✓ Equivalency Zoning, Article 7 Administration and Enforcement, § 7.2, Zoning Officer: This ordinance shall be enforced by the Zoning Officer...	Not Present	Not Present	Not Present	Not Present	
3.4, 3.5, 3.6 Penalties. [The MS4 permit requires municipalities to enact sanctions (penalties) to ensure compliance to the extent allowed by state or local law. Indicate where these penalties are found in local law.]	✓ Equivalency Zoning, Article 7 Administration and Enforcement, § 7.602, Violations and Penalties: A violation of this ordinance is an offense punishable by fine...	Not Present	Not Present	Not Present	Not Present	

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How to Interpret the Preliminary Local Codes Assessment

Gap Analysis of Local and State Stormwater Management Requirements

Yates County, New York State

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Village of Rushville Documents:

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Subdivision Regulations, Village of Rushville, NY. 1964

Comprehensive Plan for the Village of Rushville, NY. 1965