
Appendix G

Local Law Review Chart

Local Laws to Protect Finger Lakes Water Quality (LLPFLWQ) Project
Municipal Law Review Chart

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

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| 8 Impervious Surfaces | <p>Impervious surfaces such as roofs and parking lots allow stormwater to run off much more quickly and without the benefit of filtering impurities through vegetation and soil. Watersheds can begin to degrade with as little as 10% impervious cover. Impervious surfaces are regulated by the municipality when it promulgates zoning ordinances and issues building permits.</p> | <p>Adoption of appropriate language in zoning regulations and subsequent enforcement through Zoning Officer and Site Plan Review. There is also the possibility of adopting a Water Protection Overlay district, which covers all zoning areas but more strictly regulates activities near streams and lakes.</p> | <p>Zoning language models; Water Protection Overlay model (Skaneateles)</p> |
| 9 Intermunicipal Cooperation | <p>Promotes dialogue, cooperation and sharing of services among municipalities on an issue (water resources) that are multi-jurisdictional in nature (watershed-wide). See NYSDOS guidebook - Intergovernmental Cooperation</p> | <p>Article 12-C of the General Municipal Law authorizes formation of joint survey committees for this purpose</p> | <p>Intermunicipal Agreement (IA), several models available</p> |
| 10 Junkyards | <p>In addition to aesthetic reasons, junkyards can have significant impacts on water quality; junkyards undergo local permitting processes; Abandoned vehicles and appliances might leak oil or other hazardous and toxic liquids into the soil. After first contaminating the soil, liquid waste will eventually reach the groundwater level and pollute local water resources.</p> | <p>Revising zoning to limit junk yards to certain areas that will not impact water quality as much as other areas. A municipality may (and should) expand the state definition of "junk" to encompass such things as old appliances, household waste, or uninhabitable mobile homes. Such an action helps to regulate aspects of junk not covered by state law and to ensure greater compatibility with surrounding land-uses.</p> | <p>Model zoning language</p> |
| 11 Lake Access | <p>Public access to lakeshores is important as a community amenity and tourism benefit. If all citizens have access to the lake, they are more apt to care about water quality issues and see the lake as a community amenity, not just an amenity for those who own property along it. Lake access also helps maintain at least a small portion of the lakefront as greenspace</p> | <p>Open space plan or include an assessment of lakefront open space resources as part of the comprehensive plan. Categorize open space resources, examine their use and function within the community, set priorities for their protection, and consider the best way to use and protect open spaces</p> | <p>It is important to ensure that the open space policies of the comprehensive plan are implemented through the municipality's land use controls. General Municipal Law Section 247 authorizes acquisition of open land in fee (purchase) or by easement for public purposes</p> |

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| 12 Mining | Mining operations can have significant impacts on surface and groundwater resources. Improper practices can lead to contamination of these resources. | Enforcement of NYS Environmental Conservation Law. Local municipalities also have the option of prohibited mining outright through zoning. | Code enforcement officer training on NYS Law; model zoning language |
| 13 Onsite Wastewater | Onsite wastewater (septic) systems are regulated by county and state health laws, but localities can offer an additional level of regulation of these crucial pieces of the community's infrastructure. Septic systems are the number one source of nonpoint source pollution within New York State. A high percentage of private wells are contaminated by improperly functioning septic systems. This poses not only a threat to water quality but also an immediate public health hazard. | A locality can amend their existing laws to include the provisions of a on-site waste water system model ordinance. They can also customize a model ordinance to address situations that may be unique to their community. County Health Departments, Soil and Water Conservation Districts, and Cornell Cooperation Extensions can be valuable partners on this issue. | Uniform onsite wastewater management model law (Seneca Lake Watershed) |
| 14 Open Space Preservation | Open space, i.e. vacant land and land without significant structural development, is often valued by community residents for its aesthetic qualities. In addition, open space can serve important water quality and natural resource goals (open space should not be confused with farmland) | Open space plan or include an assessment of open space resources as part of the comprehensive plan. Categorize open space resources, examine their use and function within the community, set priorities for their protection, and consider the best way to use and protect open spaces | It is important to ensure that the open space policies of the comprehensive plan are implemented through the municipality's land use controls. General Municipal Law Section 247 authorizes acquisition of open land in fee (purchase) or by easement for public purposes |
| 15 Purchase of Development Rights | The PDR system, which has been used extensively in Dutchess and Suffolk Counties to preserve farmland, can also protect ecologically important lands or scenic parcels essential to rural character of the community. This is a form of open space preservation without the municipality having purchase the property outright. | Involves the purchase by a municipal or county government of development rights from private landowners whose land it seeks to preserve in its current state without further development. | There are local, state, and federal programs. Non-profit organizations such as the Finger Lakes Land Trust (Ithaca and Canandaigua) and the Trust for Public Land (New York City) can offer assistance with models that have worked in communities across New York State |
| 15 Riparian Buffers | Prevents encroachment of new development upon water resources; natural buffer areas improve water quality, in part by limiting the effects of erosion and sediment transport | Adoption of appropriate language in zoning regulations and subsequent enforcement through Zoning Officer and Site Plan Review. There is also the possibility of adapting a Water Protection Overlay district, which covers all zoning areas but more strictly regulates activities near streams and lakes. | Zoning language models; Water Protection Overlay model (Skaneateles) |
| 17 Road Ditching | Roadside ditches collect water from the public road but also abutting private properties. There are many ways the locality can improve the construction, operation and maintenance of these drainage structures, which in turn leads to less damage to both private and public (roads, bridges, etc) property and improved water quality | Make certain that the local highway department follows best management practices; regulate new road ditches through Subdivision Regulations and Site Plan Review | Road and Water Quality Handbook (G/FLRPC), many other options for best management practices. Typically ensuring the use of these practices is the greatest challenge. |

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| 18 Sewer and Water Infrastructure | This infrastructure is usually approved by and/or built by the municipality. Careful review of all such infrastructure is important since new sewers can significantly improve water quality in an area with failing septic systems, but also lead to increased development and potential water quality problems that are associated with development | Participate as a community in dialogue/planning with regional entities on sewer and water provision such as water authorities and watershed councils. Specifically state in comprehensive plans where the community would like to see such infrastructure and areas where it should be kept out of | Dialogue, outreach, involvement. Having an up to date Comprehensive Plan that is consulted and enforced is very important. |
| 19 Steep Slopes | Disturbance of steep slopes for construction or other purposes can significantly increase erosion; many of these disturbances must undergo the local permitting process | Zoning and/or site plan review. There is also the option of adopting a specific steep slopes ordinance. | Model zoning language and model ordinance (Canandaigua Lake, Livonia) |
| 20 Stormwater Management and Drainage | Once water runs off of private property, it tends to become the problem of the local municipality. There are many ways the locality can improve drainage, which in turn leads to less damage to both private and public (roads, bridges, etc) property and improved water quality | Knowledge and enforcement of Stormwater Phase II Regulations. Drainage districts. Using wetlands, detention and retention facilities, regional drainage, and other stormwater best management practices (BMPs) | Local law (NYS DOS revision language); Regional or municipal-wide drainage district models (Town of Ogden) |
| 21 Transfer of Development Rights | The 'transfer' of development rights is similar to the 'purchase' of development rights (see # 15). Transferring development rights can protect ecologically important lands or scenic parcels essential to rural character of the community. This is a form of open space preservation without the municipality having to purchase the property outright. | Under the state zoning enabling statutes, areas of the municipality which have been identified through the planning process as in need of preservation (e.g., agricultural land) or in which development should be avoided (e.g., municipal drinking water supply protection areas) are established as "sending districts." Development of land in such districts may be heavily restricted, but owners are granted rights under the TDR regulations to sell the rights to develop their lands. Those development rights may thereby be transferred to lands located in designated "receiving districts." Transferable development rights usually take the form of a number of units per acre, or gross square footage of floor space, or an increase in height. The rights are used to increase the density of development in a receiving district. | Development of local program with local, state, and/or federal funds. There are several community models in New York State. |

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| 22 Vegetation Retention | Retaining natural vegetation is an important factor in limiting erosion and sedimentation, especially during construction activities. Local governments have the ability to control the disturbance of vegetation through zoning, site plan review, and the issuance of permits. Good agricultural practices can also limit the amount of disturbed vegetation. | A local law specifically addressing vegetation retention can be adopted and enforced. Alternatively, the issue can be addressed as part of a more comprehensive sediment and erosion control law, zoning revisions, and/or site plan review. | Vegetation retention model or combination with other model laws such as sediment and erosion control. |
| 23 Waste Storage | Storing of waste (hazardous waste, garbage, etc.) can have water quality impacts when rainwater runs-off such materials and into local water bodies. Whether dealing with their own facilities or regulating private property, municipalities can enforce waste storage regulations | Knowledge and enforcement of State and Federal regulations is important. Similar to junk yards, municipalities can enforce stricter requirements at the local level | Appropriate CEO training with the possibility of a new local law that is more stringent than federal and state regulations. |
| 24 Wells | The siting and drilling of gas, oil, brine, and other types of wells can impact water quality. Local knowledge of state regulations in this matter is important. | Knowledge and enforcement of State and Federal regulations is important. | Appropriate CEO training with the possibility of a new local law that is more stringent than federal and state regulations. |
| 25 Wetlands | Wetlands, including temporary wetlands known as vernal ponds, contribute an important natural habitat, are often a scenic amenity, and act as a natural stormwater retention system, often lessening the need for costly man-made systems. | Wetlands are often in flood plains, so limiting flood plain development has the added benefit of protecting wetlands. Local knowledge of appropriate state and federal regulations (especially on the part of the Code Enforcement Officer or whoever issues the building permits) is very important. They can be seen as the "first line of defense" in protecting our resources and can encourage property developers to file for all appropriate permits with the Army Corps of Engineers and the DEC | Knowledge of and effective enforcement of all zoning and building codes, especially the Flood Prevention Ordinance. CEO training is important |

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| Land Use Tools | In New York State, all of the land use tools listed below MUST occur at the local level. Because local municipalities enjoy many rights of "home rule" they also bear many responsibilities | | |
| A Comprehensive Plan | Since comp plans set out the broad goals of a community, and land use decisions ultimately occur at the local level in NYS, good municipal comprehensive plans make the most sense | Well conceived comprehensive plan that is inclusive, concise, well written, frequently consulted, enforced, and periodically reviewed | Department of State and G/FLRPC guidance |
| B Zoning | Zoning is the most commonly and extensively used local technique for regulating use of land as a means of accomplishing municipal goals. According to a 1994 survey by the Legislative Commission on Rural Resources, 100% of cities, 67% of towns and 87% of villages in New York had adopted zoning laws or ordinances. | Concise, easy to understand zoning that is a direct result of goals and objectives expressed in the comprehensive plan and used to enforce these objectives. | Department of State and G/FLRPC guidance |
| C Subdivision Ordinance (this includes the option for 'Conservation Subdivision') | One of the most common forms of land use activity is the subdivision of land. The subdivision process controls the manner by which land is divided into smaller tracts of land. Subdivision regulations ensure that when development does occur, streets, lots, open space and infrastructure are adequately designed and the municipality's land use objectives are met. | Concise, easy to understand subdivision ordinance that is a direct result of goals and objectives expressed in the comprehensive plan and used to enforce these objectives. | Department of State and G/FLRPC guidance, Town of Canandaigua model |
| D Site Plan Review | The site development review process is one of several means of plan implementation that communities may utilize. It is commonly considered supplemental to other land development guidance controls. | Concise, easy to understand site plan review process that is a direct result of goals and objectives expressed in the comprehensive plan and used to enforce these objectives. | Department of State and G/FLRPC guidance |