

## Chapter 128 SOIL EROSION

### § 128-1. Purpose.

### § 128-2. Soil erosion standards.

### § 128-3. Standards for erosion protection structures.

### § 128-4. Additional standards for certain uses.

[HISTORY: Adopted by the Board of Trustees of the Village of Manorhaven 3-28-2001 by L.L. No. 3-2001. Amendments noted where applicable.]

### § 128-1. Purpose.

This chapter provides standards for controlling non-point source pollution, erosion and sediment during development, redevelopment or landscaping. The purpose of these standards is to prevent, or minimize to the maximum extent practicable, water run-off from carrying sediment or harmful chemicals into streets and from there into the bay or onto adjacent properties.

### § 128-2. Soil erosion standards.

A. In addition to the regulations set forth herein, the Village Board, the Board of Zoning and Appeals, the Planning Board and the Superintendent of Buildings shall assure that these standards are adhered to in any review. Conformity with the standards set forth in this section should be demonstrated by plans signed and sealed by a licensed architect, landscape architect or civil engineer.

B. Unless the standards in Subsection C below are more restrictive, the applicant shall conform to the best management practices set forth in the most current issue of Guidelines for Erosion and Sediment Control in Urban Areas of New York State, published by the United States Department of Agriculture Natural Resources Conservation Service, copies of which are maintained at each Natural Resources Conservation District office. For the purposes of these standards, the term "watercourse or waterway" shall include wetlands, streams/creeks, drainageways and Manhasset Bay.

### C. Standards.

- (1) When land is exposed during development, redevelopment or landscaping, the exposure shall be kept to the shortest practicable period of time and the smallest amount of land possible.
- (2) Disturbed soils shall be stabilized as soon as possible. Temporary vegetation and/or mulching shall be used to protect exposed land areas during construction, redevelopment or landscaping.

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- (3) Permanent vegetation for erosion control shall be successfully established, and erosion control techniques/structures shall be instituted/installed within a time specified on the building permit. Wherever feasible, natural vegetation shall be retained and protected.
- (4) Grading (including cut-and-fill operations) shall be kept to a minimum and shall conform substantially with the natural features, topography, soils and alignment of watercourses in order to create the least erosion potential.
- (5) Cuts and fills shall not endanger adjoining property nor divert surface water onto the property of others.
- (6) All fill material shall be of a composition suitable for the ultimate use of the fill and shall be compacted sufficiently to prevent problems of erosion.
- (7) Fills shall not encroach on natural watercourses, constructed channels or floodway areas. Fills placed adjacent to or having impact on natural watercourses, constructed channels or floodplains shall have suitable protection against erosion during periods of flooding.
- (8) No development shall be permitted in a floodway if such development shall raise the water surface elevation of the base flood at any point in the community.
- (9) During grading operations, appropriate measures shall be taken for dust control.
- (10) Grading equipment shall not be allowed to enter into or cross any watercourse.
- (11) Control of erosion and sediment shall be a continuous process. Provision shall be made prior to, during and after construction to dispose of increased runoff caused by changed soils and surface conditions, in a manner which minimizes danger of flooding, erosion and pollutants from urban runoff entering coastal waters. Perimeter controls for the prevention of runoff during development, redevelopment or landscaping are required, including but not limited to staked hay bales, silt or erosion fencing and temporary berms or swales.
- (12) The rate of surface runoff shall not be increased by construction activity. Onsite recharge shall be accomplished through the use of drainage basins/leaching pools or other appropriate means. There shall be no discharge of sediment or other material into a watercourse.
- (13) Whenever lawns are established, areas of natural vegetation shall be maintained to filter fertilizers, pesticides or other chemicals before the runoff enters waterways.
- (14) Final grades of at least 1/2% as well as drainage facilities shall be provided to prevent the ponding of water, unless such ponding is proposed within site plans, in which event there shall be sufficient water flow to maintain proposed water levels and avoid stagnation.
- (15) Boat ramps shall be designed to accommodate runoff before it enters the Manhasset Bay/Long Island Sound waters.

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- (16) To discharge or cause the discharge or runoff of soapy and detergent waters or noxious liquids or fluids containing sediments, except marine biodegradable cleansers, into municipal streets, catch basins or waterways is prohibited.

### § 128-3. Standards for erosion protection structures.

A. The use of hard structural erosion protective measures for control of erosion are generally accepted practices in a Maritime Center and are specifically appropriate in the following circumstances: vegetative approaches to controlling erosion are not effective; enhancement of natural protective features would not be practical in providing protection; and construction of a hard structure is the only practical design consideration and is essential to protecting a water-dependent use. When hard structural erosion protective measures are used, they shall be limited to the minimum scale necessary and be based on sound engineering practices. Practical vegetative methods shall be included in the project design and implementation.

### B. Standards.

- (1) Proposed erosion protection structures shall be designed with at least a thirty-year design life and conform to generally accepted engineering principles in both design and construction. All materials used in erosion protective structures shall be durable and capable of withstanding wave impacts, ice movement, weathering and other effects of storm conditions for the anticipated thirty-year life of the structure or be replaced as necessary.
- (2) A long-term maintenance program shall be provided, which includes specifications for normal maintenance of degradable materials and the periodic replacement of removable materials.
- (3) The design and siting of erosion control structures shall be of the minimum scale necessary and shall include sea level rise calculations.
- (4) Erosion protective structures shall be compatible in appearance with erosion protective structures on adjacent lots.
- (5) Erosion protective structures shall not cause measurable increases in erosion at the development site or other locations; and shall minimize and, if possible, prevent adverse effects to natural protective features, existing erosion protection structures and natural resources such as significant fish and wildlife habitats.

### § 128-4. Additional standards for certain uses.

### A. Commercial and industrial uses.

- (1) Access drives of commercial or industrial uses shall be finished with a surface that will minimize stormwater runoff and dust and debris.
- (2) Paving of an existing permeable, semipermeable or porous area (including but not limited to gravel, sand, cement strip and engineered block) with an impermeable material (including but not limited to cement, asphalt, macadam) shall require a

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permit from the Village Building Department. Stormwater runoff must be contained on site and not impact upon municipal streets or waterways. If the proposed paving is within 300 feet of a waterway, the Building Department may require review by the New York State Department of Environmental Conservation and the Planning Board.

### B. Marina and waterside uses.

- (1) These regulations shall apply to any marina and waterside uses, including but not limited to yacht clubs, boat yards, other boating facilities and water-dependent aviation.
  - (a) In all phases of marina/structures in water development (design, construction and operation), best management practices will be implemented to protect and safeguard the natural resources and ensure the environmental integrity of the impacted area.
  - (b) Marinas/structures shall be designed to minimize adverse environmental impact and provide appropriate mitigation for such impacts.
  - (c) All structures shall only be composed of materials which will have minimal adverse effect on the environment or water quality.
- (2) General design criteria.
  - (a) All structures shall be constructed in accordance with generally accepted engineering and design standards and prevent flooding and erosion hazards.
  - (b) Sufficient land area to support the water-based activities shall be provided, i.e., parking, security facilities, storage and related building structures and patron services.
  - (c) Access from uplands through vegetated wetlands to reach open water shall be above the wetlands on piers of sufficient height to allow light penetration to vegetation.
  - (d) In-water or maintenance dredging shall take place at a time designated by the New York State Department of Environmental Conservation to minimize adverse impacts on living marine resources.
  - (e) Any structure within a waterway utilized in connection with an adjacent use shall not exceed the support capacity of the upland facilities.
  - (f) Basins and channels shall be no deeper than the parent body of water.
  - (g) Currents or tidal flow shall not be impeded or restricted to allow for adequate flushing.
- (3) Stormwater runoff/sewage-sanitation.
  - (a) Marinas shall be designed with as much porous land surface and vegetative cover as possible to prevent stormwater runoff and contaminated waters from reaching adjacent coastal waters and wetlands.

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- (b) Buffer zones of natural vegetation shall be established between the proposed development and any waterways and wetlands. Where possible, existing shoreline vegetation shall remain undisturbed and thus available to function as natural shoreline protection.
- (c) Berms and grassed swales shall be made part of the marina design so that there is a gradient slope away (inland) from the edge of the basin. If necessary, stormwater runoff retention basins should be utilized to prevent pollution and contamination of adjacent wetlands and coastal waters.
- (d) All marina development and pump-out facilities shall be tied to a central wastewater treatment facility.
- (e) All marinas serving boats with an inboard sanitation device or a full or semienclosed cabin shall include facilities for the adequate and proper pump out and handling of sanitary wastes, petroleum products, boat maintenance and repair wastes, litter and other refuse, and for efficient treatment of stormwater runoff. A log of sanitary waste pump out and disposal shall be maintained for inspection by the Village Building Department. The village may require dye pellets or similar measures to determine compliance with sanitary waste disposal regulations.
- (4) Docks; piers; bulkheads; shoreline stabilization.
  - (a) In any case where shoreline stabilization is necessary, consideration will first be given to vegetative or other nonstructural means. Any stabilization measure shall be consistent with the soil erosion standards<sup>1</sup> and the standards for erosion protection structures.<sup>2</sup>
  - (b) For marine commercial or marine recreational uses, piers are preferred to dredging as a means of reaching deep waters. Piers and docks shall be extended to 100 feet or minimum navigable waters, four feet at mean low tide, whichever is less to minimize the need for dredging, but not interfere with navigation or public trust rights.
  - (c) Docks and piers shall be designed and constructed such that alterations of the natural productive potential of the shoreline and littoral habitat is minimized.
  - (d) Docks and piers shall be constructed and maintained in a manner that does not degrade the surrounding developed area or conflict with adjacent property interests and shoreline uses.
  - (e) All structures shall be constructed so as to withstand a one-hundred-year flood.

<sup>1</sup> Editor's Note: See § 128-2.

<sup>2</sup> Editor's Note: See § 128-3.