

Topic:	Aquifer Protection
Resource Type:	Regulations
State:	New York
Jurisdiction Type:	Municipal
Municipality:	Town of Bedford
Year (adopted, written, etc.):	1986-2003
Community Type – applicable to:	Suburban; Rural
Title:	Town of Bedford Aquifer Protection Zone
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Abstract

In order to protect groundwater quality, this ordinance gives specific allowances for the amount of sewage flow a specific type of dwelling can produce, and restricts certain activities in the aquifer zone, such as dry-cleaning, photo processing, auto service, and hazardous waste and septic sludge storage and disposal. Activities such as using road salt and deicing material require a special permit.

Resource

CODE OF THE TOWN OF BEDFORD, NEW YORK Updated 4-25-2003, v24
PART II GENERAL LEGISLATION
Chapter 125, ZONING
ARTICLE III, Applicability; General Regulations
§ 125-29.4, § 125-29.5

§ 125-29.4. Aquifer Protection Zone. [Added 1-28-1986]

A.Findings. The Town of Bedford finds that:

(1)The groundwater underlying the town is a major source of its existing and future water supply, including drinking water.

(2)The groundwater aquifers are integrally connected with and flow into the surface waters, lakes and streams, which constitute a major source of drinking water for New York City or for parts of the State of Connecticut.

(3)Accidental spills and discharges of toxic and hazardous materials have threatened the quality of such groundwater supplies and related water resources in the town, posing potential public health and safety hazards.

(4)Unless preventive measures are adopted to control the discharge and storage of toxic and hazardous materials within the town, further spills and discharges of such materials will predictably occur and with greater frequency and degree of hazard by reason of

increasing construction, commercial and industrial development, population and vehicular traffic in the town.

(5)The foregoing conclusions are confirmed by findings set forth in the Water Quality Management Plan of Westchester County, prepared pursuant to Section 208 of the Federal Clean Water Act, and by town-commissioned studies.

(6)There is also a growing concern for control of nitrate-nitrogen in the aquifer within tolerable amounts.

B.Purpose. The purpose of this section is to protect the public health, safety and welfare through the preservation of the town's major groundwater resources to ensure a future supply of safe and healthful drinking water for the Town of Bedford, local residents and employees and the general public. The designation of Aquifer Protection Zones and careful regulation of development activities within these zones can reduce the potential for groundwater contamination. The purpose of this section is to protect areas having a high potential for use as a water supply and thereby to maintain the existing quality and improve the future quality of the groundwaters of the Town of Bedford.

C.Aquifer Protection Zone: location; applicability.

(1)These regulations shall apply to all land and uses encompassed within the Aquifer Protection Zone as designated on a map entitled "Town of Bedford, New York Aquifer Map," dated December 5, 1985, which map is hereby made a part of these regulations. EN

(2)These regulations shall be in addition to other requirements for the zoning districts designated on the Zoning Map of the Town of Bedford and shall apply irrespective of other sections of this code.EN

D.Use regulations for Aquifer Protection Zones.

(1)Permitted principal and accessory uses. All uses which are permitted under the existing zoning regulations are permitted in the Aquifer Protection Zone unless otherwise identified in Subsection D(2), (3) and (4) below, including the following:

(a)On-site sewage disposal systems, provided that no such system shall discharge more than 300 gallons of wastewater per acre per day, as determined by the following schedule:

Wastewater
Equivalent*
Use (gallons per day)

Single-family dwelling 300

Efficiency apartments and hotel/motel units 100 per unit, plus food service

Efficiency apartments and hotel/motel units 150, plus food service over 400 square feet in area

1-bedroom apartments/condominiums 150
2-bedroom apartments/condominiums 225
3-bedroom apartments/condominiums 300
1-bedroom planned retirement apartments/100 condominiums
Seasonal cottages 100 per bedroom
Tourist camps 60 per site
Trailer parks 150 per trailer
Theaters 1.5 per occupant
Drive-in theaters 5 per parking space
Bowling alleys and racquetball or tennis 100 per court or alley courts
Day schools 5 per occupant, plus food service
Boarding schools or boarding homes 75 per occupant
Office space 12 per occupant
Industrial storage/warehouses 0.04 per square foot of building area
Spas, beaches or country clubs 15 per occupant, plus food service
Medical arts 225 per suite
Hospitals 300 per bed
Nursing homes 150 per bed
Proprietary homes 110 per bed
Public gathering places 15 per occupant
Eating places 30 per occupant
Bars 15 per occupant, plus food service
Catering halls 7.5 per occupant
Markets and wet stores 0.05 per square foot of building floor area
Delicatessen and food processing 0.15 per square foot of building floor area
Dry stores 0.03 per square foot of building floor area
Take-out eating 1.5 per square foot of building floor area
Churches 1.5 per occupant

Bathhouses 5 per occupant
Laundry facilities 400 per washing machine
Light industrial uses 0.03 per square foot of building floor area

*NOTE: These figures are to be used only for the purposes of the Aquifer Protection Zone; they are not the standards of the Westchester County Department of Health.

(b) On-site storage of heating oil in tanks of less than 1,100 gallons installed below ground, provided that such tanks are designed and constructed in accordance with the standards of the New York State Department of Environmental Conservation rules and regulations for bulk storage (6 NYCRR 614). Replacement tanks must meet the requirements of this section.

(2) Special permit uses.

(a) Within the Aquifer Protection Zone, each use below requires the issuance of a special permit by the Planning Board pursuant to the requirements of §§ 125-57 through 125-65:

[1]On-site sewage disposal systems that discharge more than 300 gallons of wastewater per acre per day as measured by the criteria of § 125-29.4D(1)(a).

[2]The use of common septic fields or sewage treatment plants for residential development under the provisions of §§ 125-51 through 125-56 (conservation development) and § 107-22B and C (conservation subdivision) of this Code.

[3]The handling and storage of road salt and deicing materials, provided that structural and nonstructural measures are implemented to prevent leachate contamination. Such measures may include, but are not limited to, building enclosures, impervious pads and pavements, self-contained drainage systems, detention basins, filters, separators or other devices and other management practices.

[4]Groundwater heat pumps supplying heating and cooling for other than a one-family detached dwelling unit, provided that such systems are designed to treat, if necessary, and return discharged water to the groundwater.

(b)As stated in § 125-61, the Planning Board may at each such conditions and safeguards to any special permit as are, in its opinion, necessary to ensure initial and continued conformance to all applicable standards and requirements. Such conditions may include, but are not limited to, monitoring wells and the requirement of additional setbacks from sewage disposal systems to downgradient property lines.

(3)Prohibited uses. The following uses are prohibited uses within the Aquifer Protection Zone:

(a)The disposal of hazardous materials or solid waste.

(b)The treatment of hazardous materials, but not including rehabilitation programs authorized by a government agency for treating existing hazardous materials.

(c)The storage of hazardous materials, except in sealed or unopened containers for resale or in containers normal for household use.

(d)The creation of hazardous materials.

(e)Dry-cleaning and dyeing establishments and laundries that utilize cleaning solvents.

(f)Printing and photo processing establishments.

(g)Furniture and finish stripping establishments.

(h)The storage of hydrocarbon products except for heating oil and vehicle fuel stored in vehicle tanks.

(i) Oil, gasoline or hazardous material pipelines.

(j) Disposal of septic sludge.

(k) Uses otherwise allowed in the zone which may discharge hazardous materials into the groundwater.

(l) Automotive service stations; public garages.

(4) Nonconforming uses or structures. Any lawful use of a structure or of land, existing as of the effective date of this section, shall be deemed nonconforming and may be continued subject to the provisions of § 125-11.

E. Aquifer impact assessment. All applications for a special permit pursuant to § 125-29.4D(2) shall include an aquifer impact assessment. The purpose of this assessment shall be to demonstrate that no activities will be conducted upon the property that will result in groundwater infiltration into a designated aquifer such that, at a confidence level of 90%, the New York State Drinking Water Standards (10 NYCRR 5) will not be violated at the property line. Said assessment shall be prepared by a qualified hydrogeologist at the expense of the applicant. The cost to the town of hydrogeologic review of such assessment shall be paid by the applicant. The aquifer impact assessment shall include, insofar as is pertinent to the application:

(1) Aquifer flow characteristics, including a delineation of the primary recharge area, distribution of transmissivity and details of the hydrologic budget, including natural and man-induced sources of recharge and withdrawal. Existing data from town studies on the aquifer areas may be used in the aquifer impact assessment.

(2) Details of the proposed aquifer usage, including static conditions of the potentiometric surface, range of withdrawals anticipated and the potentiometric surface at critical points in that range. An estimate of the quantity of induced surface flows at each critical point in the range shall also be detailed.

(3) Potential impacts resulting from the planned discharges or withdrawals, including impacts to other users of the aquifer (wells, surface expressions of groundwater, etc.) in terms of levels, quantity of water available and induced quality changes. The impacts resulting from induced infiltration, including quantity implication to both the groundwater and surface water systems, shall be addressed.

(4) Proposed measures to mitigate any adverse impacts, the system for monitoring quantity, quality or any other aspect deemed important, including monitoring wells, and a reporting schedule, shall be specified.

§ 125-29.5. Child day care. [Added 7-16-1996]

- A. Subject to the regulations of the Department of Social Services under Social Services Law, § 390, and its implementing regulations and § 125-3, child day care is a permitted use.
- B. The provisions of the foregoing section notwithstanding, any building or structure to be erected, constructed, enlarged, altered, structurally altered or moved in connection with any child day-care use shall be subject to the building permit requirements of §§ 125-125A, B, E, F and G, the certificate of compliance requirements of § 125-126 and the certificate of occupancy requirements of § 125-127 hereof.

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