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**State:** New York  
**Jurisdiction Type:** Municipal  
**Municipality:** Town of New Windsor  
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**Community Type - applicable to:** Suburban; Rural  
**Title:** Town of New Windsor Stormwater Management & Stormwater Pollution Prevention  
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### ***Abstract***

This law adopts minimally acceptable stormwater management standards which must be met for subdivisions, site plans, and construction projects which impact more than one acre of property within the bounds of the Town.

### ***Resource***

Town of New Windsor NY Stormwater Code of the Town of New Windsor NY Chapter 249: Stormwater Management and Stormwater Pollution Prevention General Code  
[HISTORY: Adopted by the Town Board of the Town of New Windsor 8-4-2004 by L.L. No. 2-2004. Amendments noted where applicable.]

### **§ 249-1. Purpose.**

The New York State Department of Environmental Conservation has promulgated regulations requiring municipal separate storm sewer systems (MS4) to obtain coverage under NYSDEC General Permit 02-02. The Town of New Windsor has implemented a stormwater management plan which requires an enactment of a local law requiring stormwater management for various activities within the Town. It is the purpose of this chapter to adopt minimal acceptable standards which must be met for subdivisions, site plans, and construction projects which impact more than one acre of property within the municipal boundaries. The Town has noted that changes in watershed hydrology can occur due to land development, site grading, roadway construction and other construction activities. The Town wishes to protect the general public from impacts associated with increase runoff from developed properties as well as protecting the water quality of receiving stream waters within the Town. The purpose of this chapter is to set forth

standards for development of property within the Town in order to obtain compliance with regulatory stormwater management requirements and sound engineering practices.

**§ 249-2. Objectives.**

The Town has in the past experienced problems regarding stormwater management in that uncontrolled runoff can increase the amount of flooding and sediment pollution which in turn adversely effect water quality that can impact human life, water quality, receiving stream biodiversity, and the general heath and safety of the public. Therefore the Town of New Windsor:

- A. Set forth standards which comply with the requirements of the NYSDEC General Permit for Stormwater Discharges;
- B. Protect the public and prevent damage from flooding.
- C. Implement a program to detect, enforce, and eliminate illicit discharges to the Town stormwater collection system.
- D. Encourage the protection of natural drainage systems, such as streams, lakes, state and federal wetlands in order to preserve the beneficial functions and values of those resources.
- E. Require the implementation of sound stormwater management and soil erosion and sediment control practices to be implemented on subdivisions, site plans, and construction sites.
- F. Provide for the intro-fitting of current engineering practices on redeveloped sites.

**§ 249-3. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ADVERSE IMPACTS** — Any modifications, alterations, or effects on a feature or characteristic of public waters, wetlands, or adjacent lands, including their quality, quantity, hydrology, surface area, species composition, living resources, aesthetics, or usefulness for human or natural uses which are potentially harmful or injurious to human health, welfare, safety or property, biological productivity, diversity, or stability, or which unreasonably interfere with the enjoyment of life or property including outdoor recreation.

**DETENTION STRUCTURE** — A permanent structure for the temporary storage of runoff,

designed so as not to create a permanent pool of water, which gradually releases water over 24 hours at a rate not exceeding the predevelopment rate of runoff. This structure is used to control the peak discharge rates of stormwater and provide gravity settling of pollutants.

**DEVELOPER** — Any person or corporation who engages in development either as the owner or the agent of the owner of property.

#### DEVELOPMENT OR DEVELOPMENT ACTIVITY

- A. Construction, installation, alteration, demolition, or removal of a structure, impervious surface, or drainage facility; or
- B. Clearing, scraping, grubbing, or otherwise removing or killing the vegetation of a site; or
- C. Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise significantly disturbing the soil, mud, sand or rock of a site.

**DRAINAGE FACILITY** — Any component of the drainage system.

**DRAINAGE SYSTEM** — The system through which the water flows from the land, including stormwater, watercourses, waterbodies, groundwater and wetlands.

**EROSION** — The wearing away or washing away of soil by the action of wind or water.

**EXTREME FLOOD CONTROL CRITERIA (QF)** — Requires storage to attenuate the postdevelopment one-hundred-year twenty-four-hour peak discharge to predevelopment rates, 7.8 inches of rainfall in 24 hours.

**FIRST FLUSH** — The first 1/2 inch of runoff or the runoff generated from a one-year storm event, whichever is greater, from all land areas that have been made more impervious than predevelopment conditions through land clearing, grading, construction, development activities.

**FLOOD** — The temporary rise in the level of any waterbody, watercourse, or wetland which results in the inundation of areas not ordinarily covered by water.

**ILLICIT DISCHARGES** — Any discharge to the storm system other than naturally occurring surface water runoff or runoff which is exempted by NYSDEC MS4 regulations. Illicit discharges can also include stormwater with any ad-mixtures including regulation

chemicals and substances. Illicit discharges shall include discharges from sanitary sewer systems, and floor drains, with the exception of uncontaminated condensate water.

**IMPERVIOUS SURFACE** — A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes semi-impervious areas, such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, and parking lots.

**INFILTRATION BASIN** — A permanent structure designed to recharge stormwater runoff to groundwater.

**MS4 — MUNICIPAL SEPARATE STORM SEWER SYSTEMS** — As defined by NYSDEC construction activity; any process or technique which involves the regrading or altering of existing topography, installation of pipes, bridges, structures, water systems, sewer systems.

**NATURAL SYSTEMS** — Systems which predominantly consist of or use those communities of plants, animals, bacteria and other flora and fauna which occur indigenously on the land, in the soil, or in the water.

**ONE-YEAR DESIGN STORM** — Three inches of rainfall in 24 hours.

**OVERBANK FLOOD CONTROL CRITERIA** — Requires storage to attenuate the postdevelopment ten-year twenty-four-hour peak discharge rate to predevelopment flow rates. Ten-year design storm: five inches for 24 hours.

**OWNER** — The person in whom is vested the fee ownership, dominion, or title of property, i.e., the proprietor. This term may also include a tenant, if chargeable under his lease for the maintenance of the property, and any agent of the owner or tenant, including a developer.

**RECEIVING BODIES OF WATER** — Any waterbodies, watercourses, or wetlands into which surface waters flow either naturally in man-made ditches or in closed conduit systems.

**RETENTION STRUCTURE** — A permanent structure which provides for the storage of runoff by means of a permanent pool of water without release except by means of evaporation, infiltration, or attenuated release when runoff volume exceeds the permanent storage capacity.

**SEDIMENT** — Fine particulate material, whether mineral or organic, that is in suspension

or has settled in a waterbody.

**SEDIMENT FACILITY** — Any structure or area which is designed to hold runoff water until suspended particles have settled.

**SITE** — Any lot or parcel of land or combination of tracts, lots or parcels of land or combination of lots or parcels of land which are in one ownership, or are contiguous and in diverse ownership, where development is to be performed as part of a unit, subdivision, or project.

**STORMWATER HOTSPOTS** — A land use or activity that generates higher concentrations of hydrocarbons, trace metals, or toxicants that are found in typical stormwater runoff. NYSDEC has published a list of activities that are considered stormwater hotspots.

**STORMWATER MANAGEMENT PLAN** — The detailed analysis of stormwater and drainage as described in and required by these regulations.

**STREAM CHANNEL PROTECTION CRITERIA (CPV)** — The volume of water calculated in a one-year twenty-four-hour storm event.

**STRUCTURE** — That which is built or constructed, an edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, not including fences or signs.

**TWO-YEAR DESIGN STORM** — 3.75 inches, twenty-four-hour rainfall.

**VEGETATION** — All plant growth, including trees, shrubs, herbs, vines, ferns, mosses, and grasses.

**WATERS OR PUBLIC WATERS** — Any water on or beneath the surface of the ground including the water in any watercourse, waterbody, or drainage system; also includes diffused surface water and water standing, percolating, or flowing beneath the surface of the ground.

**WATER QUALITY VOLUMES (WQv)** — The volume of water equating to 90% of the average annual stormwater runoff volume. WQv is established as 1.2 inches of runoff breaker.

**WATERCOURSE** — Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite direction, either continuously or intermittently, and which has a

definite channel, bed or banks.

**WATERBODY** — Any natural or artificial pond, lake, reservoir or other area which ordinarily or intermittently contains water and which has a discernible shoreline.

**WATERSHED** — A drainage area or basin contributing to the flow of water in a receiving body of water.

**WETLANDS** — Any area meeting the requirements of the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (latest edition), and/or any area identified by the NYSDEC as being a state protected wetland.

#### **§ 249-4. Prohibited discharges.**

- A. No person, owner, contractor or site operator shall cause to be discharged to any stormwater collection or conveyance system, natural watercourse or water body within the Town of New Windsor, any substance other than naturally occurring surface water discharges, melted snow, uncontaminated groundwater discharges from foundation footing drains, air conditioning condensate, irrigation waters, springs, water from crawl space and basement sump pumps, lawn watering, individual residential car washing, declorinated swimming pool discharges, street wash water and fire-fighting water.
- B. The above discharges must be free from any hazardous or toxic chemicals or substances, petroleum products, sanitary sewage, pesticides, herbicides or other noxious chemicals.
- C. With the exception of the discharges identified above, no discharge piping from any floor drain, sanitary drains or process piping shall be connected to any Town-maintained stormwater collection and conveyance system.

#### **§ 249-5. Development of plan; submission for review and acceptability.**

An individual stormwater management plan and stormwater pollution prevention plan developed in compliance with the New York State Stormwater Management Design Manual, dated latest revision, must be submitted for review and acceptability to the Town official having jurisdiction over approval of a project including:

- A. Subdivision of land;
- B. Approval of a site plan;

- C. Issuance of a building permit where greater than one acre of property will be impacted;
- D. Construction or extension of an existing Town or private roadway;
- E. Alteration of an existing drainage system or watercourse;
- F. Redevelopment of existing sites.

#### **§ 249-6. Exemption from plan requirements.**

The following development activities are exempt from the stormwater management and stormwater pollution prevention plan requirements.

- A. Developments which disturb less than one acre of land;
- B. Agricultural land management activities;
- C. Alteration or maintenance of an existing structure which will not have an impact on the quantity or quality of surface water discharge from the site.

#### **§ 249-7. Contents plan.**

The stormwater management and stormwater pollution prevention plan shall fully document compliance with the requirements of the NYSDEC construction SPDES permit and New York State Stormwater Management Design Manual. All sites requiring a stormwater management plan and a stormwater pollution prevention plan to be implemented must document a no-increase-in-peak-discharge from the predevelopment versus postdevelopment conditions.

#### **§ 249-8. Components of plan.**

Stormwater management plans and stormwater pollution prevention plans shall be prepared by professionals licensed by the State of New York to prepare such documents. Plans shall consist of an analysis of the predevelopment runoff rates, versus postdevelopment runoff rates with engineering controls implemented to assure that predevelopment peak discharge at property lines, streams or watercourses are not exceeded in the postdevelopment conditions for each design storm event and return frequency. Stormwater management plans shall take into account existing soils, vegetation and cover types, and topography in the analysis. Plans shall identify engineering computations and variables utilized in all calculations. Any assumptions utilized in the calculations shall be clearly identified. Stormwater management plans shall comply with the requirements of the New York State Stormwater Management Design Manual, (year of

latest revision), and appropriate regulatory guidelines and standards. Additional information shall be provided if requested by the Town Engineer. Stormwater management plans will address both water quantity control as well as water quality control including storage requirements for water quality volume, stream protection, ten-year peak runoff control and a one-hundred-year flood control, in addition, detention ponds shall also be analyzed for a twenty-five-year storm event for a pre- and post-development runoff analysis. This chapter by reference will utilize the New York State Stormwater Management Design Manual as a basis for stormwater management and design guidelines for stormwater management practices.

#### **§ 249-9. Design standards.**

- A. Stormwater management facilities shall be provided with the appropriate easements encompassing the stormwater management facilities and a reasonable area surrounding them for operation and maintenance of the stormwater management device.
- B. Stormwater management appurtenances shall not be located within state or federally designated wetlands.

#### **§ 249-10. Maintenance.**

- A. Stormwater management and stormwater pollution prevention plans shall address maintenance of all stormwater related improvements on subdivisions and site plans. Maintenance activity shall be the responsibility of the owner of the site. Erosion control plans, in compliance with NYSDEC standards and as approved by the Planning Board, shall be implemented prior to construction activities commencing on a site. Soil erosion control methods and techniques shown on the approved plans and any additional controls required by the Building Inspector and Town Engineer shall be implemented and maintained throughout the project construction phase. Erosion and sediment control devices shall remain properly maintained on the site until the site has been stabilized. Maintenance of stormwater management appurtenances on site plans shall continue to be the responsibility of the site owner. Periodic maintenance of stormwater management control is required to assure their functions. Maintenance shall be performed in accordance with the Stormwater Pollution Prevention Plan and sound environmental practices. Maintenance activities shall include, but not limited to, mowing of vegetation, removal of debris, removal of sediment, cleaning of catch basins and pipes, repair and replacement of defective structures, equipment, or devices.
- B. Postdevelopment maintenance of stormwater management facilities designed and constructed on a residential subdivision shall be performed by a homeowners association or a drainage district established by the Town Board in order to provide for required maintenance activities. Appropriate easements shall be provided for access and maintenance to all stormwater management facilities. Costs for maintenance shall be borne either by a homeowners association or a drainage district. Cost associated with

maintenance within a district shall be assessed to each individual property annually on an ad valorem basis.

#### **§ 249-11. Maintenance bonds.**

The Planning Board may require that a maintenance bond be posted to meet the maintenance obligations for stormwater management facilities. Maintenance bonds shall cover the estimated cost of maintaining the system for five years after substantial completion of construction. Owners shall execute necessary agreements, deed restrictions, covenants, or easements, and such documents shall be submitted in acceptable form prior to final approval by the Town Planning Board.

#### **§ 249-12. Postconstruction stormwater management.**

- A. It is the intent to require the continued operation and maintenance of stormwater management facilities on construction sites, site plans and subdivisions. The Town of New Windsor has determined to reduce impacts associated with construction activities, including reducing impacts to receiving water quality as well as flood control from developed sites. All temporary soil erosion and sediment control devices and appurtenances required during the construction phase shall be maintained until sites become stabilized either through impervious surfaces or the establishment of vigorous vegetative growth. All areas disturbed during construction shall be revegetated sufficiently to control erosion from all disturbed areas.
- B. Prior to issuance of a certificate of occupancy for a site plan for the first residential structure in a subdivision, the applicant's engineer shall certify to the Town of New Windsor Building Department that all stormwater management prevention plan elements of the stormwater pollution prevention plan shall become part of any approved site plan or subdivision and shall be enforceable by the Code Enforcement Officer.
- C. All site plans and subdivisions which are subject to this stormwater management chapter shall contain appropriate notes requiring ongoing maintenance of all stormwater management facilities and devices during construction and thereafter.

#### **§ 249-13. Enforcement.**

- A. It shall be the duty of the Code Enforcement Officer to assure compliance with this chapter.
- B. Any person, firm or corporation who or which violates any of the provisions of this chapter shall be guilty of a violation, punishable by a fine of not less than \$100 nor more

than \$250 or imprisonment for a period not to exceed 15 days, or both. Each day that the violation exists shall be a separate offense.