



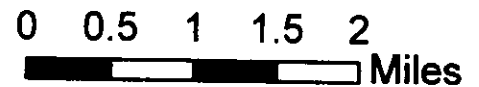




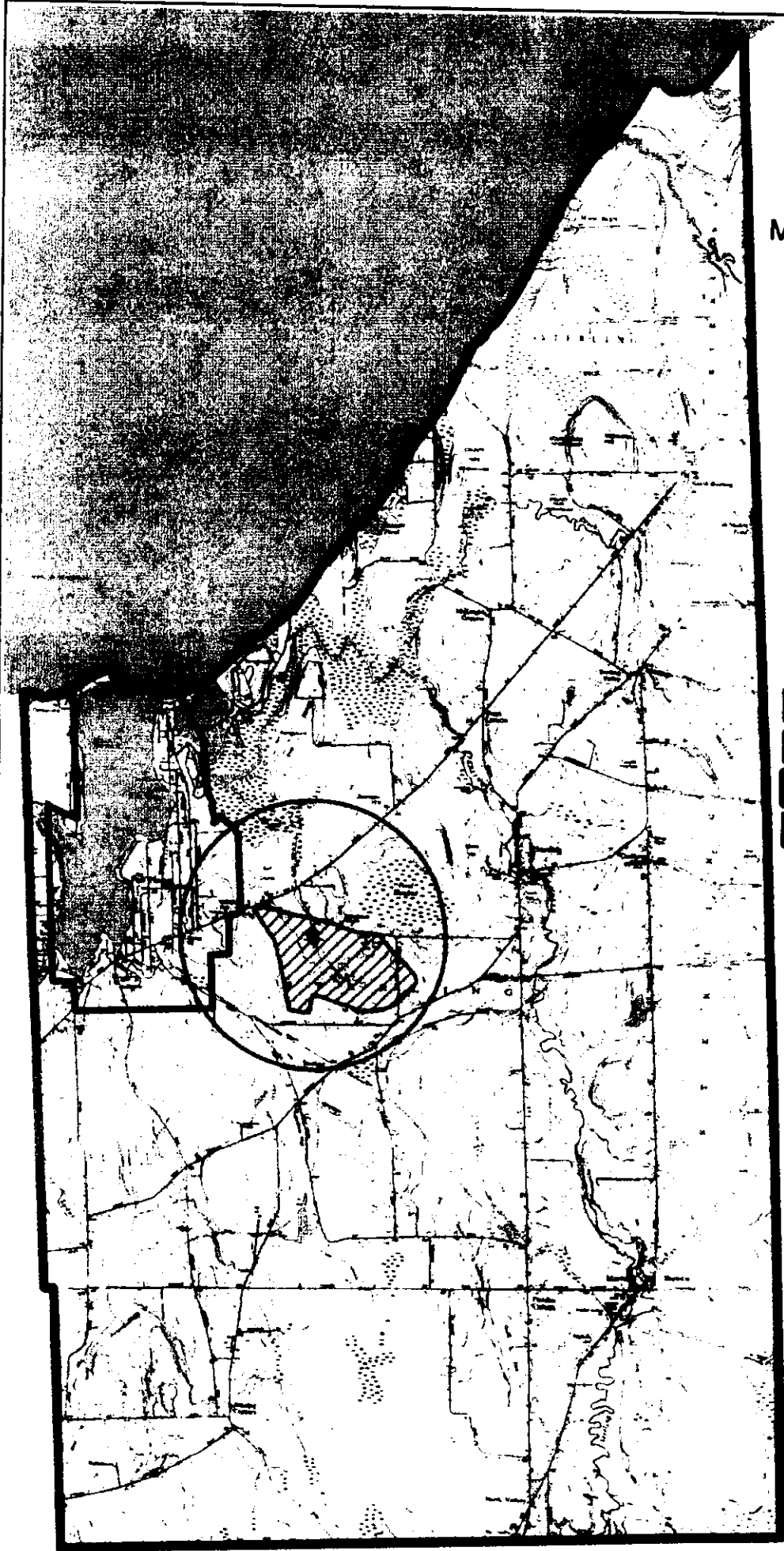
Map prepared by Steven Winkley
May 6, 2015

Legend

- ◆ Village of Fair Haven Supply Well
-  1990 Wellhead Protection Area
-  1-Mile Radius of Supply Wells
-  Town of Sterling
-  Village of Fair Haven



**Town of Sterling
Potential Fair Haven
Supply Well
Protection Areas**





Map prepared by Steven Winkley
May 6, 2015

Legend

 Village of Fair Haven Supply Well

 Village of Fair Haven

 Town of Sterling

Surficial Geologic Material

 Alluvium

 Estuarine deposits

 Glacial deltaic deposits

 Glaciofluvial deposits


 Glaciolacustrine deposits

 Lacustrine beach


 Made land

 Organic material

 Till

 Water

A = Aquifer

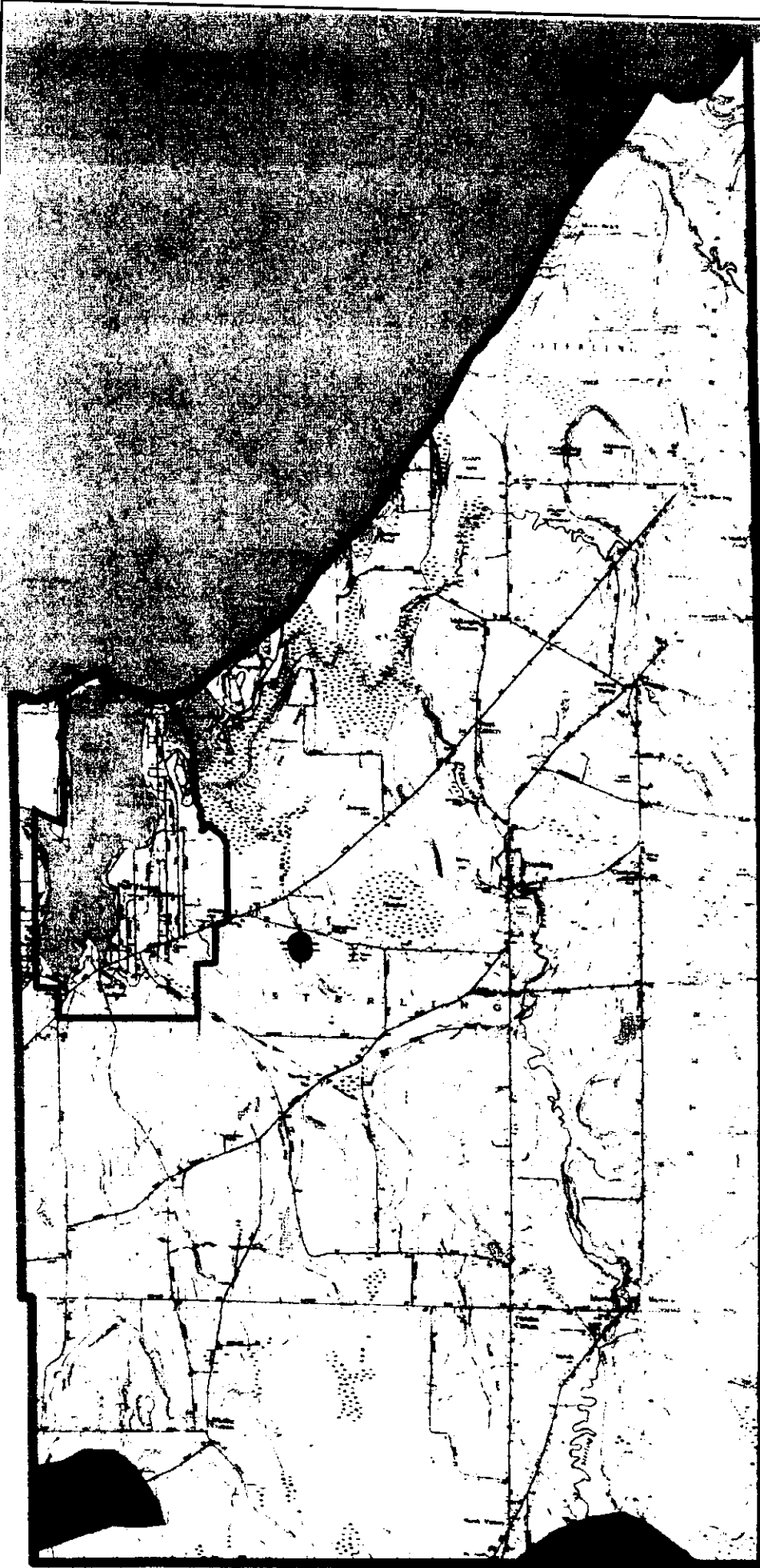
0 0.5 1 1.5 2
 Miles







**Town of Sterling
Surficial Geologic
Materials Based
Upon Soil Types**

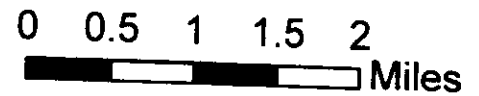


Map prepared by Steven Winkley
May 6, 2015



Legend

-  Village of Fair Haven Supply Well
-  Town of Sterling
-  Village of Fair Haven
-  1:250,000-Scale Aquifer



**Town of Sterling
Unconsolidated
Aquifers mapped
at 1:250,000-scale**

Resolution _____

Participate in municipal NYRWA's water source and groundwater study

Whereas, The New York Rural Water Association's federally-funded Source Water Protection Program provides technical assistance at no charge to rural and small communities for the development and implementation of local source water protection plans designed to prevent deterioration of water resources used for drinking water; and

Whereas the Town seeks to further develop its water resources planning and management strategies in order to protect drinking water resources for the Town of Sterling and the Village of Fair Haven; and

Whereas the Source Water Protection Committee chaired by Zoning Commissioner Lezli Parsons has met with Steven Winkley, NYRWA's Source Water Protection Specialist, and determined that he has the expertise required to guide the Town through the technical aspects of finalizing the text and aquifer map for the Aquifer Protection Overlay and the Wellhead Protection Overlay as well as a town-wide study of water resources meant to reduce threats to drinking water resources, including the planning for the future and water supply threats; and

Whereas Mr. Winkley had indicated interest in working with the Town of Sterling and the Village of Fair Haven, and will be available to do so, and expects that he can complete a Groundwater and Source Water Study within one year, including identifying additional aquifer resources in the Town, as well as to help prepare the Aquifer Map and associated text for the Aquifer Protection Overlay and the Wellhead Protection Overlay to protect that aquifer that provides the Village of Fair Haven municipal water system, thereof be it

Resolved, that the Town of Sterling shall participate in the municipal NYRWA's source water and groundwater study, and accept the assistance of Mr. Steven Winkley in the matters heretofore mentioned; and be it further

Resolved that this resolution shall take effect immediately.

Town of Sterling

Local Law No. 2 of the year 2015

A local law imposing a nine (9) month moratorium on accepting applications for certain land use activities related to water extraction for the purposes of bottling or bulk water sales in the Town of Sterling pursuant To New York State Constitution Article IX, Municipal Home Rule Law §§10, 20, and 22 and Town Law §§ Article 16.

Be it enacted by the Town Board of the Town of Sterling as follows:

Section One (1). TITLE

This local law shall be known as Local Law No. 2 of 2015, the "Temporary Moratorium upon the Processing of Applications for Development Activities Related Water Extraction For the Purpose of Bottled or Bulk Water Sales and related activities in the Town of Sterling".

Section Two (2). PURPOSE

Pursuant to the statutory powers vested in the Town of Sterling to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board declares a Nine (9) month moratorium on the processing of applications by the Town of Sterling Planning Board, Zoning Board of Appeals or Town Board for development activities related to the practice, processes and methods known as water extraction for the purposes of bottled and bulk water sales and the moratorium imposed hereby shall be in effect in relation to and shall cover and include any substantially similar or alternative practice(s), process(es) and methods, and /or variants thereof, to the extent such similar or alternative practices, processes, methods and/or variants thereof involve actions from which the same concerns and issues may arise as described herein in support of the moratorium. Accordingly, for the purposes hereof the term "Water Extraction" shall be broadly interpreted such as to also include any such similar or alternative practices, methods and/or processes or variants thereof (the "processes"), as well as any activities associated therewith or in support of such Processes the establishment, implementation, placement, installation or construction and operation in the Town of Sterling. The foregoing provisions notwithstanding, it is the intent of this local law to, by this moratorium, prohibit only new land use development activities and practices related to water extraction for the purpose of bottling and bulk water sales and the regulation thereof are with legal authority of local government to regulate.

The moratorium will allow time for the development and implementation of a Source Water Protection Plan, which shall adequately identify aquifer resources, delineate aquifer boundaries, as well as identify potential threats to the quality and quantity of drinking water resources, as well as an in-depth review of the Town of Sterling/Village of Fair Haven Comprehensive Plan to identify where such land uses fit into the Plan, and for the possible amendment of the Town of Sterling Land Use Regulations to regulate such land uses and address potential adverse effects on drinking water resulting from the same.

Section Three (3). LEGISLATIVE FINDINGS

The Town Board has been advised by the U. S. Environmental Protection Agency, New York State Rural Water Association, and the Cayuga County Health Department that in order to adequately protect water supply sources from contamination, disruption, or depletion, a source water protection plan is essential. Whereas, The Village of Fair Haven municipal water source is located in the Town of Sterling, the Town desires to protect said drinking water source from any potential risk of contamination, depletion or disruption as well as local springs, wells and wellheads. This is due, at least in part, to expressions of great concern from the citizens of the Village of Fair Haven and the Town of Sterling, as well as in other jurisdictions where water extraction for commercial bottling and bulk water operations have taken place or are intended to take place in the near future. Whereas, the New York State Rural Water Association in the Central NY District covers a large section of New York State and requires time to secure funding for, and scheduling of, technical assistance to the Town and Village, the Town Board desires ample time to undertake consideration of the same. This board is desirous of utilizing this moratorium period to undertake the steps necessary to organize a committee to develop a source water protection plan with the help of the New York Rural Water Association and in concert with the Village of Fair Haven as well as to review studies of Environmental impacts of water extraction operations in other jurisdictions in order to amend the Town of Sterling Land Use Regulations to adequately provide protective measures in the form of a Wellhead Protection Overlay and an Aquifer Protection Overlay which are currently unaddressed. The Town Board also determines, that while development of a source water protection plan is being undertaken and in consideration of the significant environmental issues surrounding water extraction operations and their potentially permanent and irreversible consequences, a moratorium is appropriate and necessary in order to preserve the status quo until a source water protection plan and any such local land use regulations promulgated thereunder can be considered and, as appropriate adopted.

Section Four (4). DEFINITIONS

In this Local Law:

The term "Extraction" (or "water extraction" or "extraction of water") means withdrawal, removal, diversion, taking, or collection by any means of water from ground water sources, aquifers, springs, wells, pumps or similar.

"Aquifer" means a saturated permeable geologic unit that can transmit significant quantities of water under ordinary hydraulic gradients.

"Bottled Water" shall mean any product, including but not limited to natural spring or well water taken from municipal or private utility systems or other water, distilled water, deionized water, or any of the foregoing to which chemicals may be added, which put into sealed bottles, packages or other containers, to be sold for domestic consumption or culinary use, involving the likelihood of such water being ingested by human beings.

"Bulk Water" shall mean water intended for potable uses which is transported by tank truck.

"Town" when used in this Local Law shall mean Town of Sterling. "Village" when used in this Local Law shall mean Village of Fair Haven.

"Town Board", "Planning Board" and "Zoning Board of Appeals" when used in this Local Law shall refer to the respective boards established in and for the Town of Sterling, and including any joint boards as may be established by and for the Village of Fair Haven and the Town of Sterling for such purposes.

Section Five (5). SCOPE OF CONTROLS

During the effective period of this local law:

1. The Town Board shall not accept, receive, or process any applications for, conduct any review of, nor grant approvals or permits whatsoever that, result in the establishment, implementation, placement, installation or construction of improvements (including fixtures to the land) and/or placement of equipment, operations or relative to the Processes and/or relating to Water Extraction for Bottled or Bulk water sales.

2. The Town Planning Board shall not accept, receive, or process any applications for, conduct any review of, nor grant approvals or permits or grant any preliminary or final approval to a site plan or any other permits or approvals that would have as a result the establishment, implementation, placement, installation or construction or operation or relative to the Processes and/or relating to Water Extraction for the purposes of Bottled or Bulk Water sales.

3. The Town Zoning Board of Appeals shall not accept, receive, or process any applications for, conduct any review of, or grant approvals or permits or approvals that would have as a result the establishment, implementation, placement, installation or construction or operation or relative to the Processes and/or relating to Water Extraction for the purposes of Bottling or Bulk water sales.

4. The Code Enforcement Officer shall not accept, receive, or process any applications for, conduct any review of, or grant approvals or permits or any other approvals that would have as a result the establishment, implementation, placement, installation or construction or operation or relative to the Processes and/or relating to Water Extraction for the purposes of Bottling or Bulk water sales.

Section Six (6). TERM

This moratorium imposed by this Local Law shall be in effect for a period of nine (9) months from the effective date of this local law. This moratorium may be extended for an additional period of not to exceed Three (3) months by duly adopted resolution of the Town Board.

Section Seven (7). VARIATION BASED ON HARDSHIP

Procedure.

Upon submission of an original and ten (10) copies of the written application (articulating the grounds in support of the request and with all applicable legal authority, supporting evidence and documentation relied upon to be submitted with the same) to the Town Clerk by the property owner seeking a variation of this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a public hearing on said application upon not less than seven (7) days of written notice in the official newspaper of the Town. At said public hearing, the applicant and/or property owner and other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within thirty (30) days of said public hearing render its decision either granting or denying the application for a variation for the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary hardship of this Local Law is strictly applied to a particular property, then the Town Board shall vary the

application of this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law and any such variation shall be based upon evidence specific to that particular owner's plight, and as such not in and of itself establish precedent. As a general rule, supporting documentation, evidence or legal authority (verbal or in writing) may be submitted by the applicant or property owner at the public hearing that was not submitted with and at the time of application filing. Upon such occurrence, the Town Board may restrict or prohibit the introduction of same or continue the public hearing to permit the Town an opportunity to review the same.

The Town will also consider in any application the reasonable rate of return for the property, unique hardship, the essential character of the neighborhood and any self-created hardship.

Section Eight (8). SEVERABILITY/VALIDITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstances is adjudged or determined to be invalid or unconstitutional by any court or other governmental agency of competent jurisdiction, such determination, order or judgement shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application directly involved in the controversy in which such determination, order or judgement shall have been rendered and shall not affect nor impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances. Further, in adjudging such invalid provision, the court or governmental agency shall modify same to a provision which is legally bending and enforceable, and accordingly, not invalid or unconstitutional, and which best achieves the intent of the invalid or constitutional provision, or part thereof, as expressed or inferred herein.

Section Nine (9). EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.

**Cayuga County GML §239 l, m & n Review Committee
Referral Form**

To: Cayuga County Department of Planning
and Economic Development
160 Genesee Street; 5th Floor
Auburn, New York 13021

From: Municipal Board: **Town of Sterling Town Board**
Primary Contact: Lisa Cooper, Town Clerk
Address: 1290 State Route 104A, Sterling, NY 13156

Phone: (315) 253-1276
Email: planning@cayugacounty.us

Phone: **315-947-5666**
Email: **tclerk@twcny.rr.com**

Applicant: **Sterling Town Board**
Site Address: **Town of Sterling**
Tax Map Number: _____ **Acres:** _____
Current Zoning: _____ **Current Land Use:** _____
Project Description: **Town -wide moratorium on accepting applications for certain**
land use activities related to water extraction for the purposes of
bottling or bulk water sales in the Town of Sterling .

(attach additional pages if necessary)

Proposed Action(s)

Please complete the section below that pertains to the proposed action being submitted for review.

Local Law or Regulation **New** **Amendment**

Comprehensive Plan **Local Law** **Zoning Law / Ordinance** **Other**

Site Plan

Proposed Improvements: **NA**

Intended Use(s): _____

Will the proposed project require a variance? Yes No Specify: _____

Is a State or County DOT work permit required? Yes No Specify: _____

Special Use Permit

List the section(s) of the local zoning law/ordinance that requires a special use permit for the proposed use: **NA**

Required conditions: _____

Will the proposed use require a variance? Yes No Specify: _____

Subdivision

Name: NA

Number of Lots: _____ Type: Residential

Is Public Water available? Yes No

Is a State or County DOT work permit required? Yes

Will the proposed project require a variance? Yes

Preliminary Final

Single/Multi-Family Commercial/Industrial

Is Public Sewer available? Yes No

No Specify: _____

No Specify: _____

Variance

Type: Area Use

List the section(s) of the local zoning law/ordinance requirements that the variance is being sought for, **and** the specific details of the variance request: NA

SEQR Determination

Please provide the State Environmental Quality Review (SEQR) information below regarding the type of SEQR action and, if the SEQR process is completed note the SEQR finding. The GML §239 l, m & n Committee does not require full completion of the SEQR process and a local determination prior to reviewing and acting on a referral, however a complete referral package must include a completed and signed Part I of the SEQR forms.

- Action: Type I
- Type II
- Unlisted Action
- Exempt

- Finding: Positive Declaration- Draft EIS
- Conditional Negative Declaration
- Negative Declaration
- No Finding (Type II Only)

SEQR Determination Made by (Lead Agency): Town of Sterling Source Water Protection Committee Date: May 6, 2015

Attachments

- Local Application Form
- SEQR Forms
- Text Amendment
- Other Local Law
- Site Plan
- Survey
- Subdivision Plat (map)

To my knowledge, this referral request, as required by NYS GML §239 l, m & n, is complete and includes copies of all documents/applications required of and submitted by the applicant to the local municipality, and supporting materials to assist the Cayuga County GML §239 l, m, & n Review Committee ("Committee") in its review. I understand that if no formal action is taken by the Committee within 30 days of receipt of this referral, then the referring board identified on this form may proceed without the Committee's recommendation, unless an extension of time is agreed upon or unless the Committee's recommendation is received at least 2 days prior to local municipal action.

Lezlianne Parsons, Chairman of the Source Water Protection Committee

June 1, 2015

Name and Title of Person Completing this Form

Transmittal Date