

Lisa Cooper

From: Lezli Parsons <sterlingassessor@twcny.rr.com>
Sent: Thursday, April 14, 2016 10:08 AM
To: tclerk@twcny.rr.com
Subject: FW: Revised Local Law
Attachments: Local Law_edited.pdf; Local Law_edited.docx; _Certification_.htm; _Certification_.htm; _Certification_.htm

Local law for May public meeting

Lezli Parsons
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"Quality is never an accident; it is always the result of high intention, sincere effort, intelligent direction and skillful execution" Will A. Foster

From: Lezli Parsons [mailto:sterlingassessor@twcny.rr.com]
Sent: Monday, April 11, 2016 9:50 AM
To: Vernon Bishop; Brian Soper; Randy; 'Joanie'; 'June'; 'Lezli'; 'Lezli @ work'; 'Sue'; Susan Lemon
Subject: FW: Revised Local Law

From: Steven Winkley (NYRWA) [mailto:winkley@nyruralwater.org]
Sent: Tuesday, April 05, 2016 1:35 PM
To: Lezli Parsons
Subject: Revised Local Law

Lezli,

Attached is a revised version of the local law that is being proposed. It includes a revised aquifer map and some minor changes to the aquifer overlay zone language from the previous. Note that there are more unconsolidated aquifers on this map than the previous. This is because there is very little well data for the aquifer areas and I decided that it was better to include potential aquifers than just include those where there is such data.

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**A LOCAL LAW AMENDING THE LAND USE REGULATIONS OF THE
TOWN OF STERLING TO PROMOTE THE PROTECTION OF
GROUNDWATER RESOURCES
TOWN OF STERLING, CAYUGA COUNTY, STATE OF NEW YORK
LOCAL LAW NUMBER _ OF THE YEAR 2016
Passed _____**

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

SECTION 1: TITLE.

The Town of Sterling hereby adopts this local law, to be known as Local Law No. _ of 2016, the “Town of Sterling Groundwater Protection Law”.

SECTION 2: LEGISLATIVE FINDINGS.

The Town Board of the Town of Sterling finds that:

- A. Most residents in the Town of Sterling (hereinafter the “Town”) derive their drinking water from groundwater, either from private or public water supply wells.
- B. Groundwater discharges to surface water and helps sustain local streams during drier seasons and between rainfall events.
- C. Chemical spills, discharges of toxic and hazardous materials, certain land uses, and high volume water withdrawals can threaten the quality and quantity of water resources that are available to recharge aquifers and sustain surface water. Once a groundwater supply is depleted or contaminated, it is very expensive, and sometimes not feasible, to replace. The loss of clean and ample groundwater resources would have grave and long-term consequences for the public health, environment, economy, and future development potential of the Town.

SECTION 3. LEGISLATIVE INTENT

The Town Board of the Town of Sterling has established this Local Law in the interest of the public health, safety, and general welfare, in order to protect and preserve the quality and quantity of the Town’s groundwater resources. This Local Law has been formulated to protect groundwater resources that serve as the source of drinking water for residents in Sterling, including the Village of Fair Haven’s public water supply source.

SECTION 4. AMENDMENTS TO LAND USAGE TABLE

Article VIII, Table 3, also referred to as the Land Usage Table, shall be amended to read as follows:

USAGE TABLE

Table 3

RESIDENTIAL USES						
1	Dwelling, single family	SC	SC	SC	Article IX §3.A	
2	Dwelling, two family	SC	SC	SC	Article IX §3.B	
3	Dwelling, Residential Designed Manufactured Home	SC	SC	SC	Article IX §3.C	
4	Dwelling, Mobile Home or Standard Manufactured Home	N	N	N	Allowable in an approved PDD Article XII §5	
5	Dwelling, Townhouse/ Condominium/Apartment	SP	SP	SP	Article X §5.A	X
6	Manufactured Home Community	N	N	N	Allowable in an approved PDD Article XII §5	X
7	Conversion into a multifamily dwelling	SP	SP	SP	Article X §5.B	X
8	Residential Care Facility	SP	SP	SP	Article X	X
AGRICULTURAL USES						
9	Tilling soil, raising livestock	N	N	P	Article IX §3.D	
10	Customary agricultural activities	N	N	P	Article IX	
11	Greenhouse, Nursery, Farm Stand	SC	SC	SC	Article IX §3.E	
12	Stables/Riding School	N	N	SP	Article X §5.C	X
13	Vet Clinic/Animal Hospital/Kennel	N	N	SP	Article X §5.D	X
COMMUNITY USES						
14	Community Center/Adult Ed. & Recreation Center	SP	SP	SP	Article X §5.E	X
15	Day Care Center	SP	SP	SP	Article X §5.E	X
16	Hospital/Clinic/Nursing Home	SP	SP	SP	Article X §5.E	X
17	Library/Museum	SP	SP	SP	Article X §5.E	X
18	Place of Worship	SP	SP	SP	Article X §5.E	X
19	Public, Private or Nursery School	SP	SP	SP	Article X §5.E	X
20	Utility, Public or Private	SP	SP	SP	Article X §5.E	X
21	Wireless Communication Tower	N	SP	SP	Article X §5.G	X
COMMERCIAL USES						
22	Adult Oriented Business	N	N	N	Allowable in an approved PDD Article XII §7	

COMMERCIAL USES						
23	Airport/Air Strip	N	N	N	Allowable in an approved PDD Article XII	
24	Artist/Photographer Studio	SP	SP	SP	Article X §5.H	X
25	Auto Sales/Rentals/Garage	N	SP	SP	Article X	X
26	Bank	N	SP	SP	Article X	X
27	Bed & Breakfast/Tourist Home	SP	SP	SP	Article X	X
28	Boats Sales/Rentals	SP	SP	SP	Article X	X
29	Car Wash, self-serve/automatic	N	SP	SP	Article X	X
30	Club/Lodge	SP	SP	SP	Article X	X
31	Funeral Home	N	SP	SP	Article X	X
32	Forestry	SC	SC	SC	Article IX §3 F	
33	Gasoline Station	N	SP	SP	Article X	X
34	Hotel/Motel	SP	SP	SP	Article X	X
35	Junkyard/Recycling Facility	N	N	N	Allowable in an approved PDD Article XII	X
36	Laundromat	SP	SP	SP	Article X	X
37	Marina	SP	N	N	Article X	X
38	Medical/Dental/Chiropractic Office	SP	SP	SP	Article X	X
39	Offices, Business & Professional	SP	SP	SP	Article X	X
40	Outdoor Firing Range	N	N	SP	Article X	X
41	Personal Services such as Barber, Beauty, Tattoo, Massage Therapy and Tailor Shop	SP	SP	SP	Article X	X
42	Recreational Facility	N	N	SP	Article X	X
43	Restaurant including Fast Food	SP	SP	SP	Article X	X
44	Retail Sales	SP	SP	SP	Article X	X
45	RV/Camper Trailer Park/Campground	N	N	N	Allowable in an approved PDD Article XII §6	
46	Self-Storage Unit Facility	SP	SP	SP	Article X	X
47	Small Engine Repair	SP	SP	SP	Article X	X
48	Tavern/Bar/Pub	SP	SP	SP	Article X	X
49	Taxi Service	SP	SP	SP	Article X	X

	Primary Use or Activity	W	F	A/R	Reference	Site Plan Required
COMMERCIAL USES						
50	Theater, Indoor/Outdoor	SP	SP	SP	Article X	X
51	Water Extraction for Bottled Water and/or Bulk Water Sales	SP	SP	SP	Article X §5.L	X
52	Wellness Center	SP	SP	SP	Article X	X
INDUSTRIAL USES						
53	Big Box Store	N	N	N	Allowable in an approved PDD Article X §5.I	X
54	Distribution, Storage Warehouse & Delivery Center	N	N	SP	Article X §5.I	X
55	Dry Cleaning Plant	N	N	SP	Article X §5.I	X
56	Mining (Extraction)	N	N	SP	Article X §5.J	X
57	Printing/Publishing Company	N	N	SP	Article X §5.I	X
58	Research, Experimental or Testing Laboratory	N	N	SP	Article X §5.I	X
59	Production, Processing, Assemblage, Cleaning, Servicing, Testing, Repairing or Storage of Materials, goods or Services	N	N	SP	Article X §5.I	X
ACCESSORY USES						
60	Accessory Uses & Structures	SC	SC	SC	Article IX §3 G	
61	Customary Home Occupation	SC	SC	SC	Article IX §3 J	
62	Landscaping	P	P	P	Article IX §3.6c	
63	Mass Gathering	SC	SC	SC	Article XIX	
64	Off-street Parking	SC	SC	SC	Article XVI §6.1	
65	Outdoor Wood Boiler	P	P	P		
66	Park Model Recreational Unit	SC	SC	SC	Article IX §3 I	
67	Recreational Vehicle	SC	SC	SC	Article IX §3 H	
68	Sign, Commercial, off-premises	SP	SP	SP	Article XVII	X
69	Sign, On-premises	SC	SC	SC	Article XVII	
70	Wind Power Facility	N	N	SC	Article X §5.K	

**SECTION 5. AMENDMENTS TO GENERAL REQUIREMENTS AND STANDARDS
APPLICABLE TO ALL SPECIAL USE PERMITS**

Article X, Section 10-4 B of the Town of Sterling Land Use Regulations shall be amended to read as follows:

- B. In granting a Special Use Permit, the Planning Board may impose whatever conditions regarding layout, circulation, and performance it deems necessary to insure that any proposed development will secure substantially the objectives of these Regulations. These conditions may include but are not limited to the following:
1. Increasing the required lot size or yard dimension.
 2. Limiting the height, size or location of buildings.
 3. Controlling the location and number of vehicle access points.
 4. Increasing the number of required off-street parking spaces.
 5. Limiting the number, size, location and lighting of signs.
 6. Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
 7. Designating sites for open space.
 8. Requiring testing to ensure that neighboring water supplies and water resources will be not be adversely impacted.

**SECTION 6. AMENDMENTS TO CONDITIONS APPLICABLE TO SPECIAL USE
PERMITS FOR WATER EXTRACTION**

Article X, Section 10-5 of the Town of Sterling Land Use Regulations shall be amended by adding a new subsection L. that reads as follows:

- L. **Water Extraction for Bottled and/or Bulk Water Sales**
1. Definitions. As used in this section the following terms have the meanings hereinafter designated.
 - a. Aquifer.
A saturated permeable geologic unit that can supply usable quantities of water to wells or springs.
 - b. Bottled Water.
Any product, including but not limited to natural spring or well water taken from municipal or private 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.

- c. **Bulk Water.**
Water intended for potable uses which is transported by tank truck.
 - d. **Extraction (or water extraction or extraction of water).**
The withdrawal, removal, diversion, taking, or collection by any means of water from groundwater sources, aquifers, springs, wells, pumps or similar.
 - e. **Extraction Point.**
The physical location where water is extracted, whether by well, pump, pipeline, catchment, or other similar method.
 - f. **Piezometer.**
A pipe set vertically in the ground with a lower section consisting of a slotted well screen or a section of perforated pipe in order to determine the depth of shallow groundwater.
 - g. **Staff Gauge.**
A ruler or pole placed semi-permanently in a surface water in order to directly read water depth. It can be driven into the ground, or affixed to a stable structure.
 - h. **Stilling Well.**
A device used to measure surface water level consisting of a pipe or chamber connected by small openings to the main water surface.
 - i. **Surface Water(s).**
Lakes, ponds, rivers, streams, wetlands, or similar.
 - j. **Zone of Contribution.**
The area contributing water to a well or spring.
 - k. **Zone of Influence.**
The area surrounding a pumping well within which groundwater levels have been lowered due to pumping.
2. All applications for a special use permit for water extraction for bottled and/or bulk water sales shall include submittal of the following:
- a. A description of the total maximum daily quantity of water to be extracted from all extraction points operated by the applicant; the

method(s) of water extraction; and the number of extraction points.

- b. Copies of any other application and reports for such extraction filed or to be filed with any other government or agency.
- c. An inventory of all public water supply sources and private water supply wells and springs within the vicinity of the extraction points. The inventory shall include where available: the location of water supply sources on a topographic map, and a listing of the wells and springs with the following data: the approximate depth of the supply; the name of owner; the type of aquifer intersected; the depth of casing, the screened interval, the diameter, and the depth of pump intake (if applicable); the yield; any issues with the supply; and any other relevant data. Sources of the inventory data can include government databases, local water well contractors, and local property owners.
- d. An inventory and map of known and potential contaminant sources as well as areas of poor natural water quality within the vicinity of the extraction points.
- e. An inventory and map of all surface waters within the vicinity of the extraction points.
- f. A scaled site plan showing the location and elevations (if applicable) of all: on-site surface waters, springs, and wells; proposed extraction points and extraction facilities; wells used to monitor groundwater levels; staff gauges and piezometers used to monitor surface water levels; pumping test discharge piping and discharge point locations; property lines; roads; land uses; and structures.
- g. Construction details of all extraction points, including aquifer source, depths, casing depths, screened intervals, diameters, static water levels, depths of pump intakes, and safe withdrawal rates. If applicable, geologic logs and/or well completion reports shall be included.
- h. Data from supervised pumping tests conducted at each extraction point. A pumping test shall be conducted on each extraction point for a minimum of 48 hours at a constant pumping rate. In addition to water level and pumping rate data collected during the pumping test period, water levels shall be monitored for a 24 hour period before and after pumping. All on-site wells, springs, and surface waters must be monitored, as well as a representative number of neighboring public water supply sources and private water supply wells and springs.

- i. The applicant must document that adequate attempts were made to monitor water levels within neighboring wells, including public water supply wells. If landowners refuse access for monitoring, the Planning Board may waive this requirement for the Applicant if satisfactory evidence is demonstrated. A minimum of three on-site wells in the same water-bearing formation must be monitored during each pumping test in order to establish the zone of influence of each pumping well to be used as an extraction point.
- j. Pumping tests must be conducted during a time of average or below average seasonal stream flow conditions. This period is generally from June through February. Excessive rainfall prior to or during a pumping test may require extension or rescheduling of the test.
- k. At least seven (7) days prior to initiation of a pumping test, the Code Enforcement Officer of the Town of Sterling must be notified in writing. This notification shall include a description of the impending test(s), including the well(s) to be pumped, the wells to be monitored, the anticipated duration of the test(s), and the contact information for the person supervising the test(s). The Code Enforcement Officer or other appointed designee of the Town of Sterling shall have the right at any reasonable time to enter the premises and observe the pumping tests.
- l. All extraction points are to be monitored during each pumping test. If multiple extraction points have to be operated simultaneously in order to meet the total desired quantity of water, the test(s) must be designed to be representative of these conditions.
- m. A written analysis and report of pumping tests by a licensed professional geologist or a licensed professional engineer with hydrogeologic training. This report shall contain time-drawdown graphs, recovery water level graphs, and distance-drawdown graphs. The report must include a calculation of maximum safe withdrawal rates for each extraction point and for all of the extraction points combined, as well as a delineation of the zones of influence and contribution for each extraction point and for all of the extraction points combined. The magnitude and potential impacts of drawdown on off-site wells and surface waters must be addressed. Finally, the likelihood of affecting the extent of any groundwater contamination and/or groundwater of poor quality shall be assessed.

3. The Planning Board shall grant a special use permit for the extraction of water for bottled and/or bulk water sales if it finds adequate evidence that the proposed use will meet all of the following requirements and standards:
 - a. The withdrawal from the proposed extraction points will not adversely affect the use of existing off-site wells in the area.
 - b. The proposed extraction will not adversely affect the sustainability of the aquifer.
 - c. The proposed withdrawal of water will not cause undesirable changes in groundwater quality due to changes in groundwater flow patterns.
 - d. The proposed extraction of water will not negatively impact, diminish, or alter surface waters or water dependent natural resources in the area, including aquatic life.
 - e. The analysis of the impacts of water withdrawals take into account potential drought conditions and climatic changes.

SECTION 7. AMENDMENTS TO REQUIRED DOCUMENTATION FOR SUBDIVISIONS

Article XIII, Section 13-5 C. of the Town of Sterling Land Use Regulations shall be amended to read as follows:

C. Additional Plat Requirements for Major Subdivision (Preliminary Plat)

1. The location and size of all proposed waterlines, hydrants, and sewer lines;
2. Width, location, grade, and road profile of any road or public way proposed;
3. Plans and cross-sections showing sidewalks, lighting, trees, curbs, water mains, storm drains, and any underground cables;
4. Permanent reference markers shall be shown and constructed in accordance to Planning Board specifications;
5. Approval by the Cayuga County Health Department of any sewage or water supply systems;
6. All parcels of land proposed to be dedicated to public use and the conditions for such use and maintenance agreements; and

7. A *Storm Water Pollution Prevention Plan (SWPPP)* in accordance with the most current version of the NYS Storm Water Management Design Manual, if required by the Planning Board.
8. A description of practices to be implemented that reduce runoff through the preservation of natural features of the site and reduction of proposed impervious cover, if required by the Planning Board for areas overlain by an unconsolidated aquifer.

SECTION 8 UNCONSOLIDATED AQUIFER PROTECTION OVERLAY DISTRICT

Article XVIII of the Town of Sterling Land Use Regulations shall be amended by adding a new Section 18-6 to read as follows:

18-6 Unconsolidated Aquifer Protection Overlay District (UAPOD)

A. Intent

Groundwater supplies the vast majority of the homes and businesses in the Town of Sterling, including the Village of Fair Haven. Groundwater contamination and/or depletion can and does occur as a consequence of a variety of land uses and activities. Once ground water is impacted, remediation is time and cost intensive and may not restore the water resource to a quality acceptable for domestic or public supply use. In Sterling, some groundwater resources have the potential to yield significant quantities of water for municipal and other purposes. The purpose of the Unconsolidated Aquifer Protection Overlay District, hereafter referred to as the UAPOD, is to protect these significant groundwater resources from possible degradation and ensure a reliable source of water for residents of the Town.

B. District Boundaries

The UAPOD shall include areas within the Town of Sterling mapped as overlying an unconsolidated aquifer by the New York Rural Water Association. Information used to map aquifer boundaries included data from water wells, test borings, soils maps, and published mapping. The boundaries of the UAPOD are established herein as delineated on a detailed map, entitled "Unconsolidated Aquifers in the Town of Sterling, New York" that is dated _____ and kept on file in the office of the Town Clerk. A smaller scale version of this map attached herein replaces the existing map shown in Appendix A6 of these regulations.

C. Regulations

1. For proposed regulated activities, green infrastructure practices that reduce runoff must be implemented to the maximum extent practicable in the exposed sand and gravel areas of the UAPOD. Green infrastructure planning includes measures for preservation of natural features of the site and reduction of proposed impervious cover. Green infrastructure practices are detailed in the New York State Stormwater Design Manual.
2. Within the UAPOD, applicants for commercial and industrial uses requiring a special use permit must provide:
 - a. Details regarding the proposed conveyance, storage, distribution, generation, handling, use, and/or treatment of any sewage, process wastes, aqueous-carried wastes, petroleum, hazardous substances, hazardous waste, solid waste, radioactive material, and/or incidental wastes.
 - b. A statement as to the degree of threat to groundwater and surface water quality that could result if the control measures identified in a. above failed.
 - c. A description of the provisions for the off-site disposal of any solid waste, petroleum, radioactive material, hazardous substances, hazardous waste, process wastes, and/or aqueous-carried waste (except sewage).
3. For commercial or industrial uses requiring a special use permit, the proposed use is to be located, developed, and maintained in such a manner as to not adversely impact the quantity or quality of groundwater available to private water supply wells and/or public water supply wells.

SECTION 9. SEVERABILITY.



If any clause or provision of this Local Law shall be held invalid or unenforceable by a court or tribunal of competent jurisdiction, such holding shall not affect or invalidate the remainder of this Local Law and any such invalidity or unenforceability shall be confined in its operation to the clause or provision directly involved in the controversy in which such holding shall have been rendered.

SECTION 10: Effective Date.

This Local Law shall take effect immediately, and the Town Clerk is directed to immediately file a copy of this Local Law with the Secretary of State of the State of New York as required by law.

Unconsolidated Aquifers Town of Sterling Cayuga County, New York

Unconsolidated Aquifers

-  Exposed sand and gravel
-  Possible confined sand and gravel

Steven Winkley of the New York Rural Water Association (NYRWA) mapped unconsolidated aquifers at a detailed 1:24,000-scale based upon topographic expression, digital soils data, compiled well and test boring data, responses from a 2013 residential water well survey, comparison to published mapping conducted at 1:125,000- and 1:250,000-scales, and field reconnaissance activities conducted by NYRWA in Sterling.

