

**A LOCAL LAW AMENDING THE LAND USE REGULATIONS OF THE
TOWN OF STERLING TO ENACT A WELLHEAD PROTECTION
OVERLAY DISTRICT
TOWN OF STERLING, CAYUGA COUNTY, STATE OF NEW YORK
LOCAL LAW NUMBER _ OF THE YEAR 2022
Passed _____**

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

SECTION 1: TITLE.

The Town of Sterling hereby amends its existing Land Use Regulations and adopts this local law, to be known as Local Law No. _ of 2022, the “Town of Sterling Wellhead Protection Overlay District Law”.

SECTION 2: LEGISLATIVE FINDINGS.

The Town Board of the Town of Sterling finds that:

- A. The unconsolidated (sand and gravel) aquifer that supplies the public water supply of the Village of Fair Haven extends from the vicinity of New York State Route 104A southeastward towards Simmons Road in the Town of Sterling. This water supply and aquifer not only supplies residents and businesses in Fair Haven, but also approximately 80 Town residents within Water District No. 3, 114 residents in the Ingersoll Water District within the Town of Wolcott, and the average 273,000 annual visitors to Fair Haven Beach State Park. In addition, the Village of Fair Haven water supply may serve as the source of supply for the Town of Sterling Water District No. 2 and the Town of Wolcott’s proposed Blind Sodus Bay Water District.
- B. The portion of this highly productive sand and gravel aquifer where groundwater recharge and flow are directed toward the public supply wells is known as the zone of contribution. The zone of contribution is shown in Appendix A11a which is attached and hereby adopted by reference and declared to be part of the Town of Sterling Land Use Regulations. The adjacent area outside of the aquifer where surface water directly runs off into the zone of contribution is referred to as the direct runoff zone. This area is also shown on Appendix A11a. Collectively these two zones comprise the Fair Haven Wellhead Protection Area.
- C. The depth of the sand and gravel aquifer underlying the Wellhead Protection Area is relatively shallow, in the range of only 20 to 50 feet from the land surface. In some areas, the highly permeable sand and gravel deposits are at or near the land surface. Chemical spills, discharges of toxic and hazardous materials, certain land uses, and high-volume water withdrawals could threaten the quality and or quantity of water resources that are available to recharge the aquifer. Once a groundwater supply is depleted or contaminated, it is very expensive, and sometimes not feasible, to replace.

The loss of these clean and ample groundwater resources would have grave and long-term consequences for public health, the environment, and the economy of the Town.

- D. The protection of the public water supply of the Village of Fair Haven and the Town of Sterling is consistent with goals stated in the joint Town of Sterling and Village of Fair Haven comprehensive plan updated and approved in 2018. These goals include “to support and regularly update laws, policies, regulations and enforcement activities that protect the shoreline, farmlands, forests, local drinking water supply, aquifers and wells” (page 60 of the comprehensive plan) and to “ensure that drinking water infrastructure is appropriately protected and maintained to guarantee an adequate long-term quantity of locally controlled, safe & high quality drinking water” (found on page 64 of the comprehensive plan).

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. Consistent with the joint Town of Sterling and Village of Fair Haven comprehensive plan, this Local Law has been formulated to protect groundwater resources that serve as the source of drinking water for properties in Sterling, including the Village of Fair Haven’s public water supply source, and is adopted pursuant to authority of Article 2 of the Municipal Home Rule Law; and Article 16 of the Town Law.

SECTION 4. AMENDMENTS TO ARTICLE I – GENERAL PROVISIONS

Article I, Section 1-4 of the Town of Sterling Land Use Regulations entitled Definitions, shall be amended by the addition of the following terms:

Commercial equine operation

An enterprise that includes, but is not limited to riding lessons, trail riding activities, training of horses, and/or the production for sale of crops, livestock, and livestock products.

Commercial horse boarding operation

An enterprise involving the collection of fees generated through the boarding of horses and/or the production for sale of crops, livestock, and livestock products.

Farm operation

The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock, and livestock products as a commercial enterprise.

Farm stand

A building or structure located on a farm operation in which agricultural products are primarily sold by producers, growers, or farmers of such agricultural products

to the public.

Greenhouse or horticultural nursery

A commercial enterprise specifically designed, constructed, and used for the culture and propagation of horticultural commodities including nursery stock, ornamental shrubs, ornamental trees, flowers, and vegetables.

Landscaping business

A business concern which may operate to construct, install, and/or maintain lawns, trees, yards, shrubs, gardens, patios, driveways, parking lots, related grounds and other outdoor areas which are owned by others. Such businesses may also sell trees, shrubs, sod, seed, loam, mulch, fertilizer, manure, stone, stone dust, gravel, pavers, timbers, and related material.

SECTION 5. AMENDMENTS TO ARTICLE VIII - USE REGULATIONS

Article VIII, Section 8-2 of the Town of Sterling Land Use Regulations shall be amended to read as follows:

8-2 Uses by Right, Special Use Permits, and Uses Not Permitted

The following describes the categories of uses as outlined in Table 3:

- A. Uses permitted by right with building permit as required. (Denoted by “P” in Table 3). Uses denoted by “P#” in Table 3 are permitted by right with a building permit within the Wellhead Protection Overlay District (WHPD) and in an agricultural district created pursuant to New York State Agriculture and Markets Law.
- B. Uses permitted by right, but subject to Special Conditions, as defined in Article IX. CEO Review is required before permit will be issued. (Denoted by “SC” in Table 3)
- C. Uses permitted upon issuance of a Special Use Permit. The Planning Board reviews the issuance of Special Use Permits subject to the requirements of Article X and such further restrictions that said Board may require. (Denoted as “SP” in Table 3). Uses denoted by “SP*” in Table 3 located in the Wellhead Protection Overlay District (WHPD) require a Special Use Permit (Planning Board Action) and connection to a public water system and sewer system if there will be at least 1,000 gallons per day of water consumption or wastewater generation. Data on estimated daily water use for various land uses is contained in Appendix A12 and is declared to be an appurtenant part of this Local Law and may be amended in the same manner as any other part of this Local Law.
- D. Uses that require a site plan review as part of the approval process are denoted by “X” in Table 3. Note that a site plan review is required for all uses requiring Special Use Permits. Uses denoted by “X*” in Table 3 require site plan review within the Wellhead Protection Overlay District (WHPD) only.
- E. A use not permitted in a Waterfront, Hamlet, Agricultural/Residential District, or the Wellhead Protection Overlay District (WHPD) is denoted by the letter "N"

in Table 3 (but such use may be allowable in an approved Planned Development District where that particular use has been approved by the Planning Board).

Article XVIII, Section 8-7 of the Town of Sterling Land Use Regulations shall be amended to read as follows:

8-7 **Permitted Uses**

P = Permitted by Right

P[#] = Permitted within the areas of the WHPOD that are in an agricultural district created pursuant to New York State Agriculture and Markets Law (a map showing agricultural district boundaries within the WHPOD is hereby adopted as Appendix A11d of the Town of Sterling Land Use Regulations and is declared to be an appurtenant part of this Local Law.

SC = Permitted with Special Conditions (CEO Review)

N = Not Permitted in District

SP = Special Use Permit Required (Planning Board Action)

SP* = Special Use Permit Required (Planning Board Action) and if there will be at least 1,000 gallons per day of water consumption or wastewater generation there will be a requirement to connect to a public water system and a sewer system within the WHPOD

X = Site Plan Review Required

X* = Site Plan Review Required within the WHPOD only

W = Waterfront **H** = Hamlet **A/R** = Agricultural/Residential

PDD = Planned Development District

WHPOD = Wellhead Protection Overlay District

USAGE TABLE
Table 3

	Land Use or Activity	W	H	A/R	WHPOD	Reference	Site Plan Required
RESIDENTIAL USES							
1	Dwelling, single family	SC	SC	SC	SC	Article IX §3.A	
2	Dwelling, two family	SC	SC	SC	SC	Article IX §3.B	
3	Dwelling, Residential Designed Manufactured Home	SC	SC	SC	SC	Article IX §3.C	
4	Dwelling, Mobile Home or Standard Manufactured Home	N	N	N	N	Allowable in an approved PDD Article XII §5	
5	Dwelling, Townhouse/Condominium/Apartment	SP	SP	SP	SP*	Article X §5.A	X
6	Manufactured Home Community	N	N	N	N	Allowable in an approved PDD Article XII §5	X
7	Conversion into a multifamily dwelling	SP	SP	SP	SP*	Article X §5.B	X
8	Residential Care Facility	SP	SP	SP	SP*	Article X	X
AGRICULTURAL USES							
9	Tilling soil, raising livestock	N	N	P	P	Article IX §3.D	
10	Customary agricultural activities	N	N	P	P	Article IX	
11	Greenhouse or Horticultural Nursery, Farm Stand	SC	SC	SC	P[#]	Article IX §3.E	X*
12	Commercial Horse Boarding Operation or a Commercial Equine Operation	N	N	SP	SP	Article X §5.C	X
13	Vet Clinic/Animal Hospital/Kennel	N	N	SP	N	Article X §5.D	X
COMMUNITY USES							
14	Community Center/Adult Ed. & Recreation Center	SP	SP	SP	SP*	Article X §5.E	X
15	Day Care Center	SP	SP	SP	SP*	Article X §5.E	X
16	Hospital/Clinic/Nursing Home	SP	SP	SP	N	Article X §5.E	X
17	Library/Museum	SP	SP	SP	SP*	Article X §5.E	X
18	Place of Worship	SP	SP	SP	SP*	Article X §5.E	X
19	Public, Private or Nursery School	SP	SP	SP	SP*	Article X §5.E	X
20	Utility, Public or Private	SP	SP	SP	SP	Article X §5.E	X
21	Wireless Communication Tower	N	SP	SP	SP	Article X §5.G	X

	Land Use or Activity	W	H	A/R	WHPOD	Reference	Site Plan Required
COMMERCIAL USES							
22	Adult Oriented Business	N	N	N	N	Allowable in an approved PDD Article XII §7	
23	Airport/Air Strip	N	N	N	N	Allowable in an approved PDD Article XII	
24	Artist/Photographer Studio	SP	SP	SP	SP*	Article X §5.H	X
25	Auto Sales/Rentals/Garage	N	SP	SP	N	Article X	X
26	Bank	N	SP	SP	SP*	Article X	X
27	Bed & Breakfast/Tourist Home	SP	SP	SP	SP*	Article X	X
28	Boats Sales/Rentals	SP	SP	SP	N	Article X	X
29	Car Wash, self-serve/automatic	N	SP	SP	N	Article X	X
30	Club/Lodge	SP	SP	SP	SP*	Article X	X
31	Funeral Home	N	SP	SP	N	Article X	X
32	Forestry	SC	SC	SC	SC	Article IX §3 F	
33	Gasoline Station	N	SP	SP	N	Article X	X
34	Hotel/Motel	SP	SP	SP	N	Article X	X
35	Junkyard/Recycling Facility	N	N	N	N	Allowable in an approved PDD Article XII	X
36	Landscaping Business	SP	SP	SP	SP*	Article X	X
37	Laundromat	SP	SP	SP	N	Article X	X
38	Marina	SP	N	N	N	Article X	X
39	Medical/Dental/Chiropractic Office	SP	SP	SP	SP*	Article X	X
40	Offices, Business & Professional	SP	SP	SP	SP*	Article X	X
41	Outdoor Firing Range	N	N	SP	N	Article X	X
42	Personal Services such as Barber, Beauty, Tattoo, Massage Therapy and Tailor Shop	SP	SP	SP	SP*	Article X	X
43	Recreational Facility	N	N	SP	SP*	Article X	X
44	Restaurant including Fast Food	SP	SP	SP	SP*	Article X	X
45	Retail Sales	SP	SP	SP	N	Article X	X
46	RV/Camper Trailer Park/Campground	N	N	N	N	Allowable in an approved PDD Article XII §6	
47	Self-Storage Unit Facility	SP	SP	SP	N	Article X	X

48	Small Engine Repair	SP	SP	SP	N	Article X	X
	Land Use or Activity	W	H	A/R	WHPOD	Reference	Site Plan Required
COMMERCIAL USES							
49	Tavern/Bar/Pub	SP	SP	SP	SP*	Article X	X
50	Taxi Service	SP	SP	SP	N	Article X	X
51	Theater, Indoor/Outdoor	SP	SP	SP	N	Article X	X
52	Water Extraction for Bottled Water and/or Bulk Water Sales	SP	SP	SP	N	Article X §5.L	X
53	Wellness Center	SP	SP	SP	SP*	Article X	X
54	Big Box Store	N	N	N	N	Allowable in an approved PDD Article X §5.I	X
INDUSTRIAL USES							
55	Distribution, Storage Warehouse & Delivery Center	N	N	SP	N	Article X §5.I	X
56	Dry Cleaning Plant	N	N	SP	N	Article X §5.I	X
57	Mining (Extraction)	N	N	SP	N	Article X §5.J	X
58	Printing/Publishing Company	N	N	SP	N	Article X §5.I	X
59	Research, Experimental or Testing Laboratory	N	N	SP	N	Article X §5.I	X
60	Production, Processing, Assemblage, Cleaning, Servicing, Testing, Repairing, Storage, or Sales of Materials, Goods, or Services	N	N	SP	N	Article X §5.I	X
ACCESSORY USES							
61	Accessory Uses & Structures	SC	SC	SC	SP*	Article IX §3 G	X*
62	Customary Home Occupation	SC	SC	SC	SP*	Article IX §3 J	X*
63	Landscaping	P	P	P	P	Article IX §3 F	
64	Mass Gathering	SC	SC	SC	N	Article XIX	
65	Off-street Parking	SC	SC	SC	N	Article XVI §6.1	
66	Outdoor Wood Boiler	P	P	P	P		
67	Park Model Recreational Unit	SC	SC	SC	SC	Article IX §3 I	
68	Recreational Vehicle	SC	SC	SC	SC	Article IX §3 H	
69	Sign, Commercial, off-premises	SP	SP	SP	SP	Article XVII	X
70	Sign, On-premises	SC	SC	SC	SC	Article XVII	
71	Wind Power Facility	N	N	SP	SP	Article X §5.K	X
72	Solar Photovoltaic (PV) Systems	SC	SC	SP	SP	Article XXI 21-1	X

MISCELLANEOUS USES							
73	Storage Building as Primary Use	SP	SP	SP	SP*	Article X §5.M	X

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SECTION 6 WELLHEAD PROTECTION OVERLAY DISTRICT

Article XVIII of the Town of Sterling Land Use Regulations shall be amended by adding a new Section 18-7 to read as follows:

18-7 Wellhead Protection Overlay District (WHPOD)

1. Definitions

1. Agronomic rate

The rate of nitrogen addition designed to provide the amount of nitrogen needed by the crop or vegetation grown on the land, and to minimize the amount of nitrogen that passes below the root zone of the crop or vegetation grown on the land to ground water.

2. Animal feeding operation

A lot or facility (other than an aquatic animal production facility) where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and the animal confinement areas do not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season.

3. Cemetery

Land, place, structure, facility or building for the disposal or burial of deceased human beings or pets, by cremation or in a grave, mausoleum, vault, columbarium, or other receptacle.

4. Closed loop geothermal system

A geothermal system that continuously circulates water or a mixture of water and non-toxic, food-grade antifreeze through buried or submerged plastic pipes and passes the fluid through a heat exchange system. The loop is filled just once, and the same water mixture is used again and again.

6. Commercial equine operation

An enterprise that includes, but is not limited to riding lessons, trail riding activities, training of horses, and/or the production for sale of crops, livestock, and livestock products.

7. Commercial horse boarding operation

An enterprise involving the collection of fees generated through the boarding of horses and/or the production for sale of crops, livestock, and livestock products.

8. Concentrated animal feeding operation

An animal feeding operation that would be required to obtain a State Pollutant Discharge Elimination System (SPDES) General Permit based upon the numbers and types of animals or would be required to obtain an individual SPDES permit based upon its discharge of wastes to surface water or due to other factors determined by the New York State Department of Environmental Conservation (NYSDEC).

9. Contractor's yard

Any space, whether inside or outside a building, used for the storage or keeping of construction equipment, machinery, or vehicles, or parts thereof, which are in active use by a construction contractor.

10. **Crematory**
A facility or portion of a building in which the remains of deceased animals, including human beings are processed by cremation.
11. **Deicing compounds**
Any bulk quantities of chloride compounds and/or other deicing compounds (e.g., urea or calcium magnesium acetate) intended for application to roads, including mixtures of sand and chloride compounds in any proportion.
12. **Disposal**
Discarding by abandonment, discharge, deposit, injection, dumping, spilling, leaking, or placing by any other means of any solid waste, petroleum, radioactive material, hazardous substance, hazardous waste, or wastewater into or onto land or a surface water body.
13. **Farm stand**
A building or structure located on a farm operation in which agricultural products are primarily sold by producers, growers, or farmers of such agricultural products to the public.
14. **Fertilizer**
Any commercially produced mixture generally containing phosphorous, nitrogen and potassium, which is applied to the ground to increase nutrients from plants.
15. **Greenhouse or horticultural nursery**
A commercial enterprise specifically designed, constructed, and used for the culture and propagation of horticultural commodities including nursery stock, ornamental shrubs, ornamental trees, flowers, and vegetables.
16. **Hazardous substance**
Any substance listed as a hazardous substance in 6 NYCRR Part 597, Hazardous Substance List, or a mixture thereof. In general, a hazardous substance means any substance which: (a) because of its quantity, concentration, or physical, chemical or infectious characteristics, poses a significant hazard to human health or safety if improperly treated, stored, transported, disposed of, or otherwise managed; (b) poses a present or potential hazard to the environment when improperly treated, stored, transported, disposed of, or otherwise managed, (c) because of its toxicity or concentration within biological chains, presents a demonstrated threat to biological life cycles when released into the environment.
17. **Hazardous waste**
A waste, or combination of wastes, which are identified or listed as hazardous pursuant to 6 NYCRR Part 371, Identification and Listing of Hazardous Wastes. Hazardous wastes include, but are not limited to, petroleum products, organic chemical solvents, heavy metal sludges, acids with a pH less than or equal to 2.0, alkalis with a pH greater than or equal to 12.5, radioactive substances, pathological or infectious wastes, or any material exhibiting the characteristics of ignitability, corrosivity, reactivity, or fails the Toxicity Characteristic Leaching Procedure (TCLP).
18. **Herbicides**
Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any plant, being those substances

defined as herbicides pursuant to New York State's Environmental Conservation Law (hereafter, "ECL") Section 33-0101.

19. **Impervious surface**
Any man-made material, such as pavement used in parking lots or driveways or any building or other structure on a lot, that does not allow surface water to penetrate the soil.
20. **Landscaping business**
A business concern which may operate to construct, install, and/or maintain lawns, trees, yards, shrubs, gardens, patios, driveways, parking lots, related grounds and other outdoor areas which are owned by others. Such businesses may also sell trees, shrubs, sod, seed, loam, mulch, fertilizer, manure, stone, stone dust, gravel, pavers, timbers, and related material.
21. **Medical waste**
A solid waste generated in the diagnosis, treatment (e.g., provision of medical services), or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biological products.
21. **On-site petroleum consumption**
The use of petroleum to heat or cool a residential or non-residential structure or to operate machinery necessary for agricultural uses and activities or the safe provision of drinking water for public water systems. On-site consumption does not include the on-site use of petroleum for processing or manufacturing activities or the sale or distribution of petroleum for or into vehicles, except vehicles used for agricultural uses and operations on that site.
22. **Parent parcel**
Any lot of record existing on the effective date of the enactment of this WHPOD Local Law.
23. **Pesticides**
Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, being those substances refined as pesticides pursuant to ECL Section 33-0101 et seq.
24. **Petroleum**
Any petroleum-based oil of any kind which is liquid at 20 degrees Celsius under atmospheric pressure, and has been refined, re-refined, or otherwise processed for the purpose of: (1) being burned to produce heat or energy; (2) being used as a motor fuel or lubricant; or (3) being used in the operation of hydraulic equipment.
25. **Process wastes**
Any waste generated by industrial, commercial, or mining operations.
26. **Primary treatment**
Consists primarily of physical processes (settling or skimming) that remove a significant percentage of the organic and inorganic solids from wastewater.
27. **Radioactive material**

- Any material in any form that emits radiation spontaneously.
28. **Secondary treatment**
Depends on biological action to remove fine suspended solids, dispersed solids, and dissolved organics from wastewater by volatilization, biodegradation, and incorporation into sludge.
29. **Septage**
The contents of a septic tank, cesspool, or other individual wastewater treatment work which receives domestic sewage wastes.
30. **Sewage**
The combination of human and household waste with water which is discharged to the home plumbing system.
31. **Sludge**
The solid, semi-solid, or liquid waste generated from a waste processing facility, but does not include the liquid stream of effluent.
32. **Solid waste**
All materials or substances that are discarded, abandoned, or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal, except where exempt from compliance with 6 NYCRR Part 360 as described in 6 NYCRR §360-1.2(a)(4).
33. **Stormwater**
Rainwater, surface runoff, snowmelt, ice-melt, drainage, and related naturally occurring surface water and accumulation(s) of water.
34. **Toxic substance**
Any chemical or mixture that may be harmful to the environment and to human health if inhaled, swallowed, or absorbed through the skin. Toxic substances are listed in the National Institute for Occupational Safety and Health Registry of Toxic Effects of Chemical Substances.
35. **Underground storage**
Storage within a tank or other container, which is completely covered with earth or other backfill material.
36. **Wastewater**
Water (except stormwater) that is contaminated with pollutants and is or will be discarded.

2. **Intent**

The unconsolidated (sand and gravel) aquifer that presently supplies the public water supply of the Village of Fair Haven not only supplies residents and businesses in Fair Haven, but also Town of Sterling users within Water District No. 3, Town of Wolcott in the Ingersoll Water District, and visitors to Fair Haven Beach State Park. In addition, the Village of Fair Haven wellfield may serve as the source of supply for the Town of Sterling Water District No. 2 and the Town of Wolcott's proposed Blind Sodus Bay Water District. The total depth from the land surface of the sand and gravel aquifer supplying the Fair Haven wellfield is

relatively shallow (in the range of 20 to 50 feet deep near the supply wells). In many areas, the highly permeable sand and gravel deposits are at or near the land surfaces. 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 the aquifer. Once a groundwater supply is depleted or contaminated, it is very expensive, and sometimes not feasible, to replace.

The purpose of the Wellhead Protection Overlay District, hereafter referred to as the WHPOD, is to protect the aquifer and adjacent non-aquifer areas that supply recharge water to the public supply wells located off New York State Route 104A in the Town of Sterling. The regulations of the WHPOD seek to protect the wells' recharge area, known as the Wellhead Protection Area, from possible water quality degradation and depletion.

3. **District Boundaries**

The Wellhead Protection Overlay District (WHPOD) shall include areas within the Town of Sterling mapped as overlying the zone of contribution and the direct runoff zone detailed in a report dated May 13, 2022, entitled "Delineation of the Fair Haven Wellhead Protection Area" by Steven Winkley, P.G. of the New York Rural Water Association. This report is available for review at the office of the Town Clerk. The extent of the boundaries of the WHPOD are delineated on official maps titled "Wellhead Protection Overlay District (WHPOD) Map, Town of Sterling," which is hereby adopted as Appendix A11a, Appendix A11b, and Appendix A11c of the Town of Sterling Land Use Regulations and are declared to be an appurtenant part of this Local Law and may be amended in the same manner as any other part of this Local Law. Said official Maps shall be kept up-to-date and shall be maintained in the office of the Town Clerk.

4. **Prohibited Uses and Activities**

Overlay districts do not change the use and dimensional requirements of the underlying land use districts unless specifically so stated. It does impose specific requirements that must be followed. In addition to the uses not permitted in the WHPOD as indicated in Table 3, the following uses and activities are also prohibited in the WHPOD since by their nature they pose a greater threat to the quality or quantity of groundwater resources:

1. Boat service, repair, and/or washing establishments.
2. Contractor's yard.
3. Establishment of new cemeteries.
4. Crematoriums.
5. Furniture strippers and/or refinishers.
6. Wood preserving and/or treating establishment.
7. Metal fabricator, plater and/or finisher.

8. Public utility or transportation use, including garage and maintenance facilities except for electric lines and poles, gas mains and lines, telephone, cable, and data transmission lines and poles, water and sewer mains and lines, and activities associated with the provision of a community drinking water supply.
9. Municipal or industrial sewage treatment facilities with disposal of primary or secondary treatment effluent.
10. Storage of petroleum except for on-site petroleum consumption, including the installation of new or replacement underground storage facilities for petroleum or hazardous substances.
11. Any use or activity that involves the on-site disposal of solid waste, medical waste, petroleum, radioactive material, hazardous or toxic substances, hazardous waste, process wastes, including wastewater (except for the disposal of sewage through an on-site wastewater treatment system, or the agricultural use of animal manure, associated bedding material, and food processing wastes where such wastes are applied at or below agronomic rates).
12. Any solid waste management facility except for land application or composting facilities permitted by NYSDEC for agricultural use within an agricultural district created pursuant to Article 25-AA of the New York State Agriculture and Markets Law.
13. Surface land application of septage, sewage, or sludge except where permitted by NYSDEC for agricultural use within an agricultural district created pursuant to New York State Agriculture and Markets Law.
14. Construction of a concentrated animal feeding operation in portions of the Town located outside of a local agricultural district created pursuant to New York State Agriculture and Markets Law.
15. A facility that receives hazardous or toxic substances, hazardous waste, medical waste, or radioactive material generated off-site for treatment, storage, or disposal.
16. Bulk stockpiling or storage of coal, cinders, deicing compounds, hazardous substances, hazardous wastes, toxic substances, fertilizers, herbicides and/or pesticides except in packaging for individual use or resale or in structures designed to prevent contact with precipitation and constructed on low permeability pads designed to control seepage and runoff.
17. Storage of manure, except for individual household or agricultural use, or at commercial establishments in packaging for individual use or resale.
18. Natural gas and/or petroleum extraction, exploration, production and associated support activities, materials, and wastes.
19. Drilling of wells to be used for: natural gas and/or petroleum exploration, extraction, production, and/or storage; solution salt mining; open-loop

geothermal heating and cooling systems; or disposal of wastes including brine, natural gas exploration and/petroleum production waste, process waste, hazardous wastes, radioactive material, and wastewater.

20. Application of production brine from an oil or gas well source or a liquefied petroleum gas (LPG) storage facility onto roads or other land surfaces.
21. Disposal of snow containing deicing compounds removed from streets, roads, and parking areas.
22. Storage of equipment and containers of fuel, oil, hydraulic fluid, grease, soiled cleaning rags, etc. within 200 feet of water bodies and wetlands before, during and after timber harvesting operations.

5. Maximum Impervious Coverage

1. Within the WHPOD, no more than ten percent (10%) of a single parent parcel or building site may be rendered impervious to infiltration except for the construction of a single-family dwelling or farm operations within an agricultural district within a county adopted, state certified agricultural district. Maximum site impervious coverage calculations shall include all impervious surfaces with a minimum area of over one hundred (100) square feet. A calculation of impervious surface shall be required for CEO review of a permit within the WHPOD for a two-family dwelling, residential designed manufactured home dwelling, accessory uses and structures, or a customary home occupation.

6. Other Special Conditions Within the WHPOD

The CEO shall issue a Zoning/Building Permit for certain uses within the WHPOD only when these Special Conditions have been complied with as well those set forth in Article IX.

1. Timber harvesting and other vegetative cutting within 100 feet of water bodies and wetlands within the WHPOD shall follow best management practices as established by the New York State Department of Environmental Conservation to reduce the impacts on water quality as indicated in the document entitled “New York State Forestry Voluntary Best Management Practices” or an equivalent updated version.
2. No storage of equipment and containers of fuel, oil, hydraulic fluid, grease, soiled cleaning rags, etc. is to occur within 200 feet of water bodies and wetlands before, during and after timber harvesting operations.

3. Any clearing, grading, excavation, filling, demolition, or stockpiling activities that result in soil disturbances of 1 acre or more within the WHPOD must be conducted in accordance with a Storm Pollution Prevention Plan (SWPPP) as described in Article XX. Note that clearing activities can include, but are not limited to, logging equipment operation, the cutting and skidding of trees, stump removal and/or brush root removal.

7. **Site Plan Submittal Requirements Within the WHPOD**

Site plans are required for uses as indicated in Table 3. In addition to other information required for a site plan submittal as indicated in Article XI of these Land Use Regulations, the following information shall be provided for a proposed use or activity located partially or wholly within the WHPOD:

1. Location of the proposed use or activity in relation to the WHPOD boundaries.
2. Location and extent of existing (pre-development) and post-development impervious surfaces and the method(s) for calculating the percentage of impervious coverage on the lot.
3. Details regarding existing stormwater management facilities, runoff, and recharge volume.
4. 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 process wastes. Include the estimated types and quantities of such materials to be located on-site and the amount of wastewater to be generated.
5. A description of all pollution control measures and activities proposed to prevent on-site disposal and potential contamination of ground water or surface water, including spill response activities.
6. A statement as to the degree of threat to groundwater and surface water quality that could result if the control measures failed.
7. 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).
8. If an on-site water supply is to be utilized, provide a description of the proposed means of water supply, including if applicable an estimate of the total daily water consumption.
9. Other information as necessary to fully explain the project and evaluate its potential impact upon the Village of Fair Haven's public water supply.

8. Planning Board Review of Site Plans in the WHPOD

The Planning Board's review of a site plan within the WHPOD shall include, as appropriate, but is not limited to, the following considerations:

1. Adequacy of the Stormwater Pollution Prevention Plan (SWPPP) and proposed stormwater management facilities, including but not limited to comparison of post-development annual stormwater recharge volume to groundwater to pre-development recharge volume.
2. Adequacy of proposed control measures to prevent the on-site disposal of solid waste, medical waste, petroleum, radioactive material, hazardous substances, hazardous waste, or process waste, including aqueous-carried waste.
3. Adequacy of the provisions for off-site disposal of solid waste, hazardous waste, process wastes, and other wastes generated.
4. The degree of threat to public water supply wells in the event that contamination control measures or devices at the site should fail.
5. Adequacy of spill response and containment plans to minimize groundwater or surface water contamination.
6. Adequacy of plans and resources to properly construct and regularly maintain contamination control devices, including stormwater management facilities.
7. The minimization of impacts on the long-term quantity and quality of ground water available to public water supply wells operated by the Village of Fair Haven and/or Town of Sterling

9. Non-Conforming Uses in the WHPOD

1. The lawful use of any building or the use of any land existing at the time of the adoption of this Article may be continued, although such use or building may not conform to the provisions of this Article. A non-conforming use, however, may not be changed to a more intensive non-conforming use, nor shall a conforming use be changed to a non-conforming use. Any non-conforming use when changed to a conforming use shall not thereafter be changed back to a non-conforming use. A non-conforming use, building, or structure shall not be enlarged, altered, extended, or operated in any way which increases its threat to groundwater quality or otherwise contravenes the purpose an intent of this Article.
2. Whenever a non-conforming use has ceased for a period of one year, any future use shall be in conformity with the provisions of this Article.

10. Change in Use in the WHPOD

1. Where a special permit has been previously issued, a change in use requires application for a new special permit.
2. If there is a change in ownership, the new owner must apply for a special use permit even if there is no change in use. Assuming a mere change of ownership, the permit shall be granted automatically and shall be considered an agreement between the Town and the new owner to adhere to the provisions of this Article.

11. Penalties for Offenses in the WHPOD

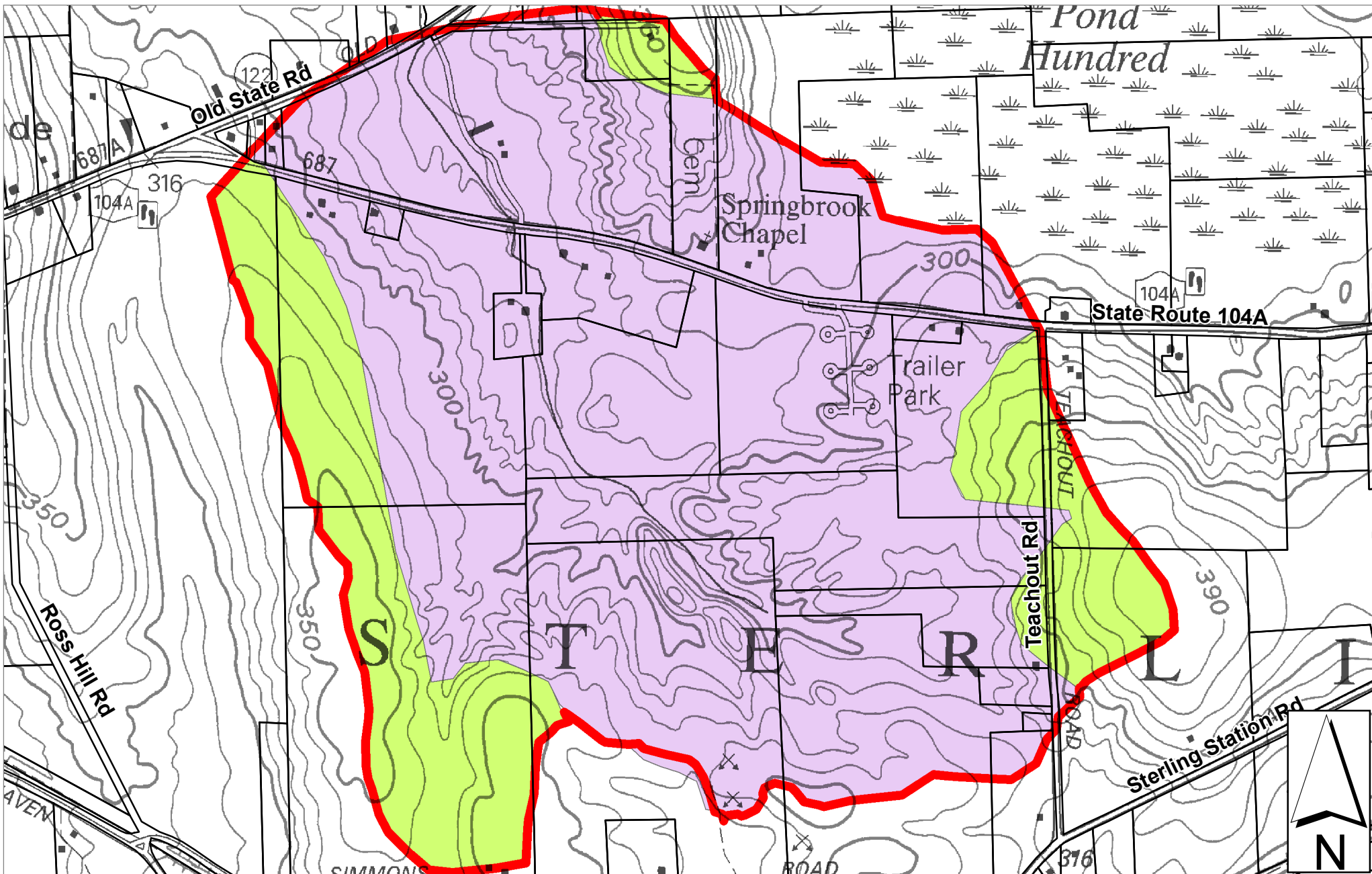
1. Upon conviction, a violation of this Article shall be deemed a misdemeanor and shall be punishable by a fine not exceeding one thousand dollars (\$1,000) for each and every such offense, or imprisonment for a period not to exceed six (6) months, or both. Each day's violation shall constitute a separate and additional violation. In addition to the above-provided penalties and punishment, the Town Board, in its discretion, may immediately revoke any special use permit previously issued or, in the alternative, may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Article.

SECTION 7. 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.

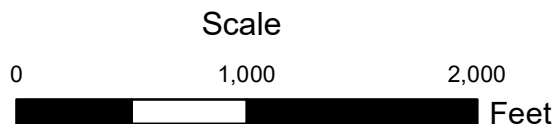
SECTION 8: EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with New York State Secretary of State and the Town Clerk is directed to immediately file a copy of this Local Law therewith.



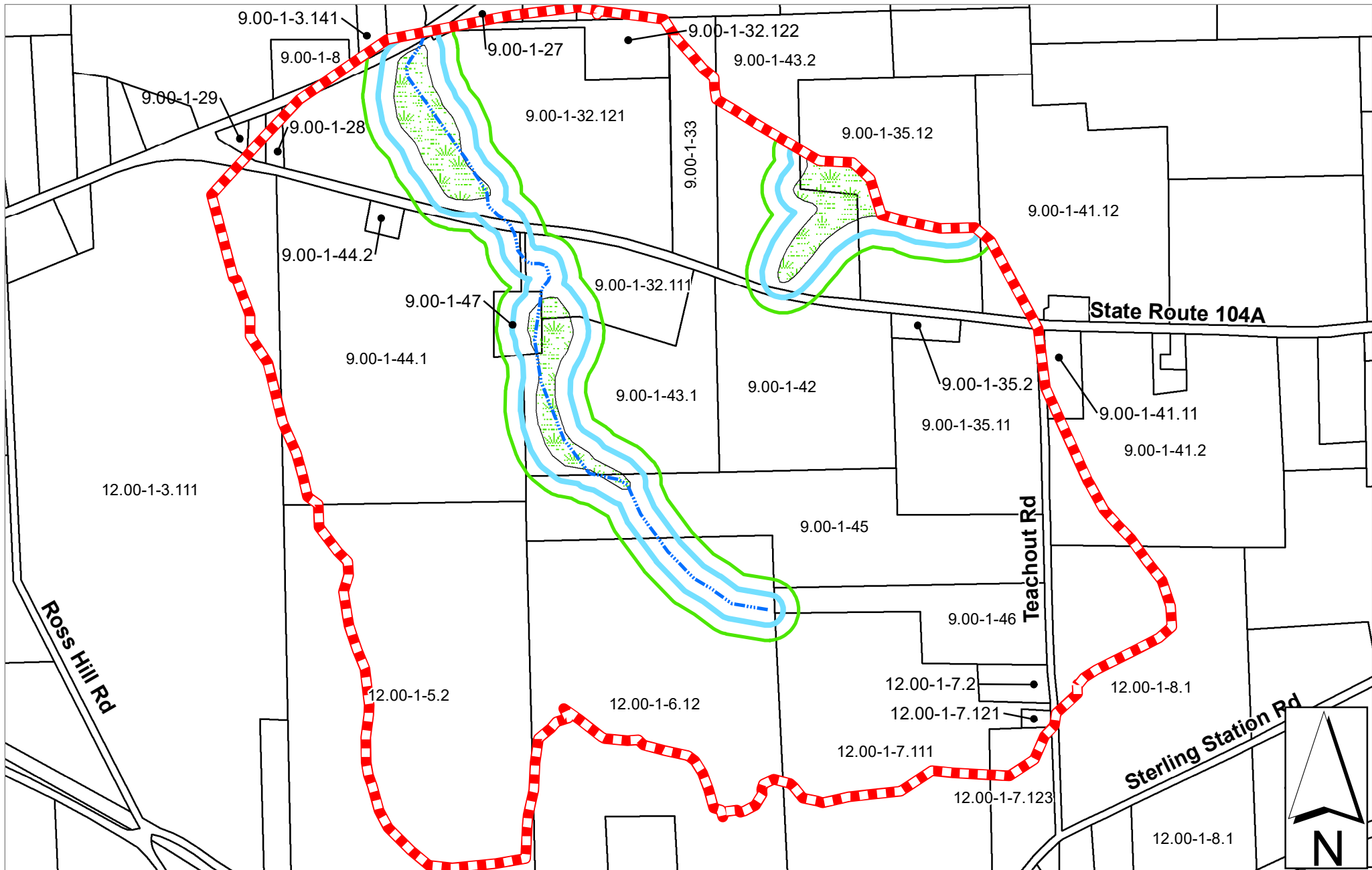
Legend

-  Wellhead Protection Area
-  Zone of Contribution
-  Direct Runoff Zone
-  Parcel Boundary









**Zone of Contribution & Direct Runoff Zone
Wellhead Protection Area
Village of Fair Haven Water Supply**

Appendix A11a



Legend

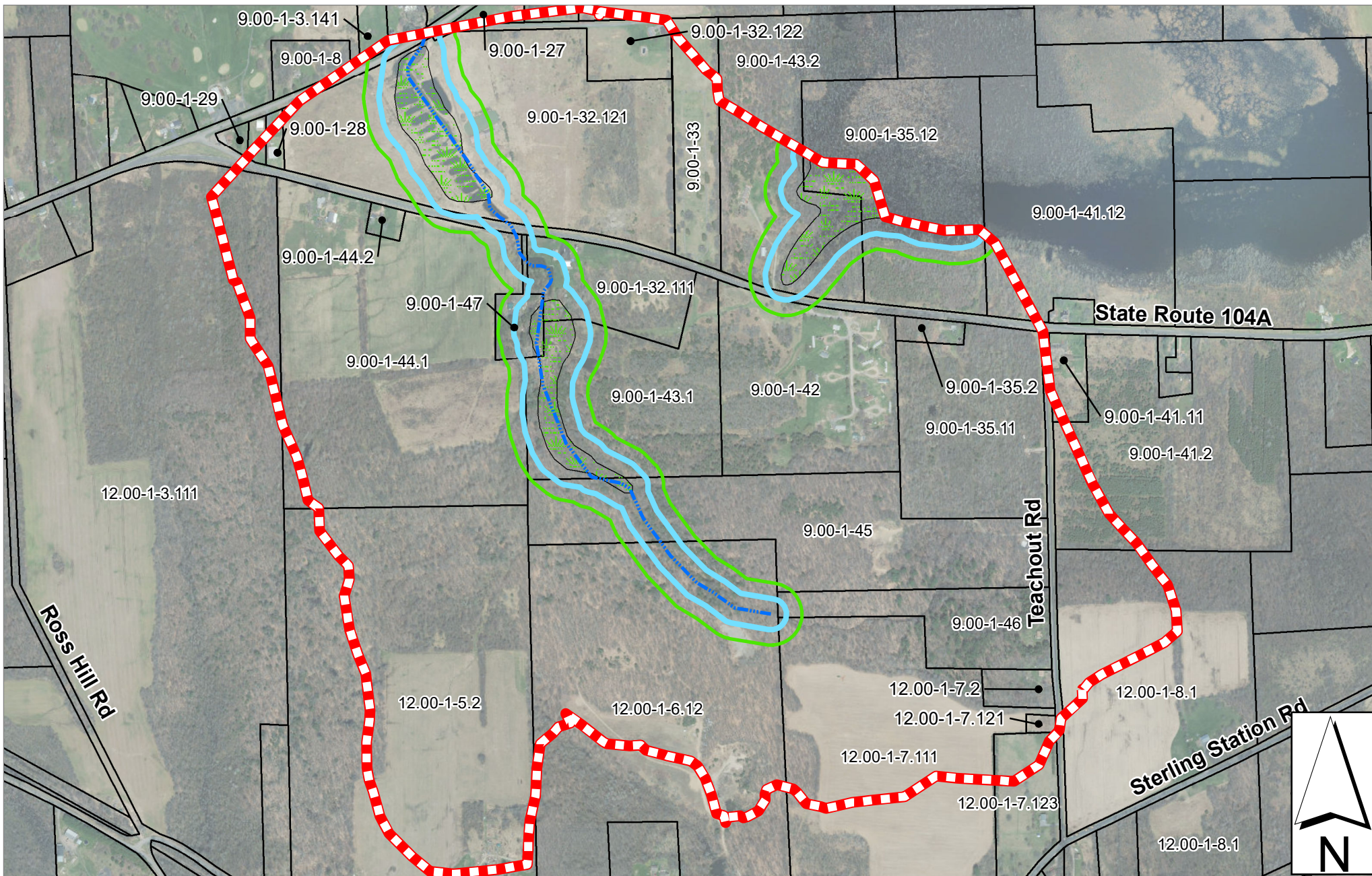
-  Wellhead Protection Overlay District
-  100-ft. Stream/Wetland Buffer
-  200-ft. Stream/Wetland Buffer
-  Stream
-  Wetland
-  Parcel Boundary

Parcel boundaries from the dataset:
NYS Statewide 2021 Parcels for Public Use.









Streams from the USGS National Hydrography Dataset.
NYSDEC digital wetlands data from Cornell University
Geospatial Information Repository. Other wetland data
from the National Wetlands Inventory (NWI).

**Wellhead Protection Overlay District
(WHPOD) Map, Town of Sterling
Appendix A11b**



Legend

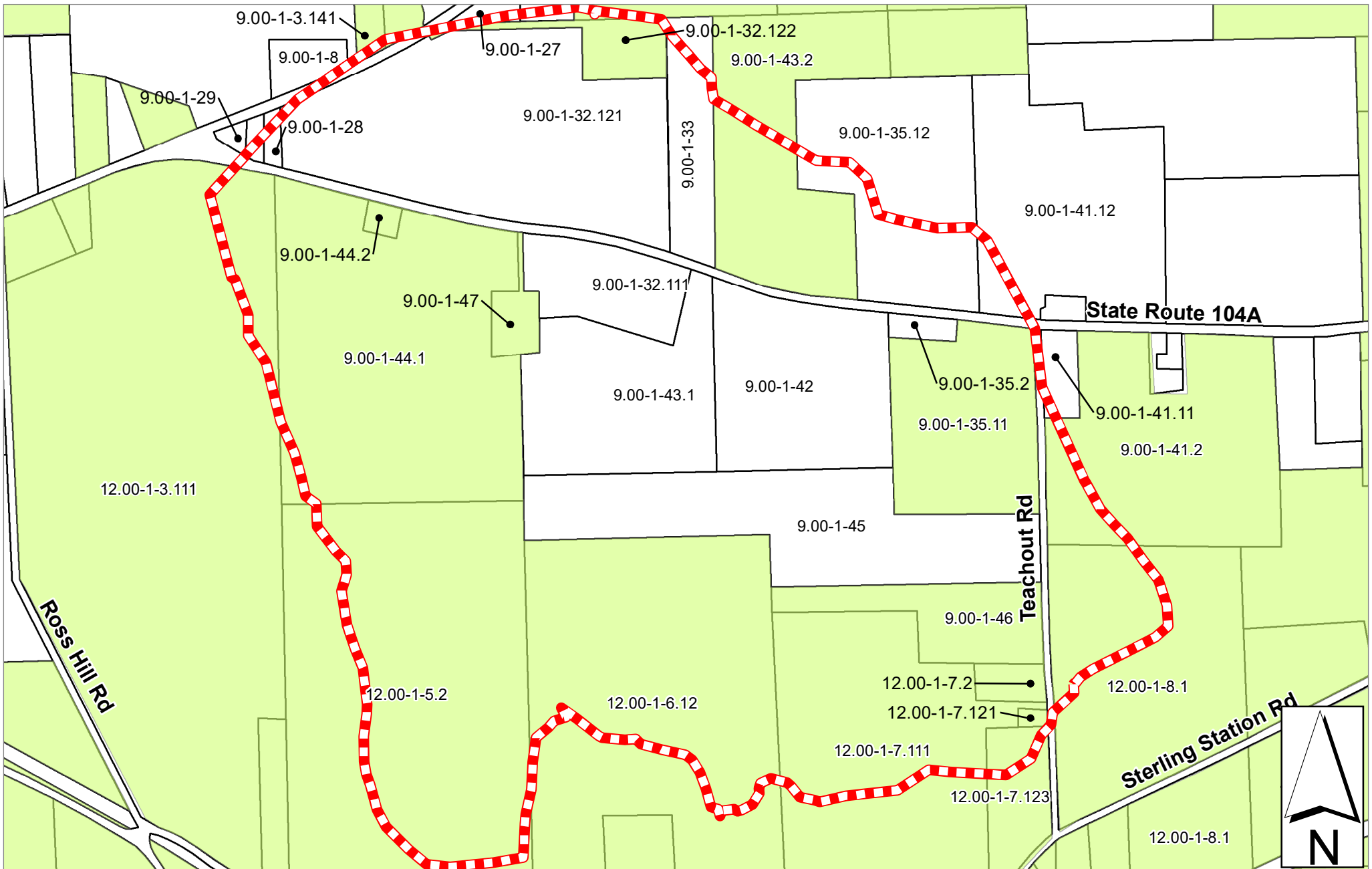
	Wellhead Protection Overlay District		Wetland
	100-ft. Stream/Wetland Buffer		Parcel Boundary
	200-ft. Stream/Wetland Buffer		
	Stream		

Parcel boundaries from the dataset:
NYS Statewide 2021 Parcels for Public Use.




Streams from the USGS National Hydrography Dataset.
NYSDEC digital wetlands data from Cornell University
Geospatial Information Repository. Other wetland data
from the National Wetlands Inventory (NWI). 2018 ortho-
imagery from the New York State GIS Clearinghouse.

**Wellhead Protection Overlay District
(WHPOD) Map, Town of Sterling
Appendix A11c**

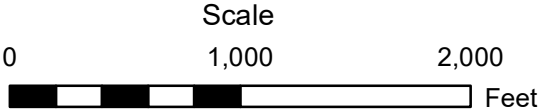
Scale
0 1,000 2,000
Feet



Legend

-  Wellhead Protection Overlay District
-  Agricultural District
-  Parcel Boundary

Parcel boundaries from the dataset:
 NYS Statewide 2021 Parcels for Public Use.



2020 agricultural district dataset created by the Cornell Institute for Resource Information Sciences and the NYS Department of Agriculture and Markets (NYSDAM). These are areas that are under the protection of NYS Agricultural District Law.

Wellhead Protection Overlay District (WHPOD) Map, Town of Sterling Appendix A11d



Appendix A12 - Water Use Data

Type of Establishment	Units	Average Daily Use*
Airport / bus / rail terminal ³	Gal/passenger Gal /toilet	5 400
Assisted living facility ³	Gal/person	110 Add 10 gpd for each in room kitchen Add 15 gpd per employee/shift
Barber shop / beauty salon ³	Gal/station without/ and with hair care sink	50 / 200
Bed & breakfast ³	Gal/room	110
Bowling alley ³	Gal/alley	75 Add 15 gpd per employee/shift
Campground per unsewered site (includes showers) ³	Gal/site	55
Campground per sewered site – without water hookups ³	Gal/site	55
Campground per sewered site – with water hookups ³	Gal/site	100
Campground day use ³	Gal/person	5
Dumping Station ³	Gal/site	5 gpd/site for sewered site 10 gpd/site for unsewered site
Car wash (frictionless conveyor system) ²	Gal/vehicle	85
Car wash (in-bay, automatic) ²	Gal/vehicle	55
Car wash (self-service) ²	Gal/vehicle	15
Church ³	Gal/seat	3 Add 15 gpd per employee/shift
Church hall / fire hall ³	Gal/seat	10
Concert hall / arena / assembly hall / theater / stadium / skating rink ³	Gal/seat	5 Add 15 gpd per employee/shift
Country clubs / golf courses ³	Gal/round of golf	20 Add 15 gpd per employee/shift
Day camp/care ³	Gal/child	15 Add 5 gpd per camper for showers Add 5 gpd per camper for lunch
Dentist ³	Gal/chair	250
Doctors office ³	Gal/doctor	250

Appendix A12 - Water Use Data

Type of Establishment	Units	Average Daily Use*
Dog / pet grooming ³	Gal/station	500
Factory / distribution warehouse ³	Gal/employee/shift	15 Add 10 gpd per employee/shift for showers
Group home ³	Gal/bed	110 add 150 gpd per house for garbage grinder Add 15 gpd per employee/shift
Health club ³	Gal/patron	20
Hospital ³	Gal/bed	175 Add 15 gpd per employee/shift
	Gal/outpatient	30
Kennel ³	Gal/kennel/run/cage	50
Laundromat ³	Gal/machine	580
Library / museum ³	Gal/patron	5 Add 15 gpd per employee/shift
Migrant worker housing ³	Gal/person	50
Motels / hotels ³	Gal/room	110 Add 10 gpd for each in-room kitchen Add 20 gpd for each jacuzzi/spa Add for banquet hall, night club, pool/spa, theatre, etc.
Nursing home ³	Gal/bed	175 Add 15 gpd per employee/shift
Office building ³	Gal/employee	15 Add 5 gpd for each shower
Prison / jail ³	Gal/inmate	150 Add 15 gpd per employee/shift
Public park ³ (toilet only)	Gal/person	5
Residential:		
Apartments ³	Gal/bedroom	110
Single-family home ³	Gal/bedroom	110

Appendix A12 - Water Use Data

Type of Establishment	Units	Average Daily Use*
Single-wide mobile home ³	Gal/home	220
Double-wide mobile home ³	Gal/home	330
Restaurant (sit down) ³	Gal/seat	35
Restaurant (24-hour sit down) ³	Gal/seat	50
Fast food restaurant ³	Gal/seat	25
	Gal/drive-up window	500
Lounge / bar ³	Gal/seat	20
Banquet hall ³	Gal/seat	10
School, boarding or residential college ³	Gal/person	75
		Add 15 gpd per employee/shift
School, elementary or day-care ³	Gal/person	7
		Add 15 gpd per employee/shift
School, middle or high ³	Gal/person	12
		Add 15 gpd per employee/shift
Service station/convenience store ³	Gal/toilet	400
Shopping center / grocery store / department store ³	Gal/sq. ft.	0.1
		Add 15 gpd per employee/shift Add for deli, bakery, butcher
Swimming pool ³	Gal/swimmer	10
Veterinary office ³	Gal/veterinarian	200
Youth & recreational camp ¹	Gal/person	50

gpd = gallons per day

*Assumes post 1994 plumbing code fixtures

Sources of Water Usage Data:

¹Suggested Water Usage Guide in Guidelines for Design of Small Public Ground Water Systems, OhioEPA

²Water Conservation in the Professional Car Wash Industry, 2000, International Carwash Association

³New York State Design Standards for Intermediate Sized Wastewater Treatment Systems