

Appendix T
Municipal Land Use Regulation & Control Relating to Non-Point
Source Pollution

Municipal Regulatory Management

The following information is available in this portion of this appendix:

- Overview of Municipal Land Use Regulation and Control in the Cayuga Lake Watershed
- Zoning
- Comprehensive Plan
- Subdivision
- Site Plan Review
- Flood Plain Management

Municipal Land Use Regulation and Control in the Cayuga Lake Watershed

						Sediment & Erosion Control Laws							Other Municipal Boards and Committees
		Comp Plan	Subdiv Ordinance	Drainage Plan	Vegetation Retention Laws		Other Plans	Other Ordinances	Planning Board	Board of Appeals	Municipal Board	Conservation Board	
	Zoning												
Cayuga County													
Town of Aurelius	Yes	No	No	No	No	No	No	No	Yes	Yes	Yes	No	No
Village of Aurora	Yes	Yes	Yes	No	Yes*	No	No	Yes	Yes	Yes	Yes	No	Yes
Village of Cayuga	Yes	No	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes	No	No
Town of Fleming	Yes	No	Yes	No	No	No	No	No	Yes	Yes	Yes	No	
Town of Genoa	No	No	No	No	Yes*	No	Yes	Yes	No	Yes	Yes	No	No
Town of Ledyard	Yes	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No	Yes
Town of Locke	Did not return survey												
Town of Scipio	Yes	No	No	No	No	No	No	No	Yes	Yes	Yes	No	No
Town of Sempronius	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No	Yes
Town of Springport	Yes	No	No	No	No	No	No	No	Yes	Yes	Yes	No	No
Town of Summer Hill	No	No	Yes	No	No	No	Yes	Yes	Yes	Yes (Variance Board)	Yes	No	Yes
Village of Union Springs	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes	No	No
Town of Venice	No	No	No	No	No	No	No	No	No	No	Yes	No	No
Cortland County													

Town of Cortlandville	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes	No	
Town of Harford	Yes	Do not Know	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No	No
Town of Homer	Yes	Yes	Yes	No	No	No	Yes	No	Yes	Yes	Yes	No	Yes
Town of Scott	Yes	No	Yes	No	No	No	Yes	No	Yes	Yes	Yes	No	Yes
Town of Virgil	Yes	No	Yes	No	No	No	No	Yes	Yes	Yes	Yes	No	Yes
Schuyler County													
Town of Catharine	Yes	No	Yes	No	No	No	No	No	Yes	Yes	Yes	No	No
Town of Hector	No	No	No	No	No	No	No	Yes	No	No	Yes	No	Yes
Seneca County													
Town of Covert	No	No	Yes	No	No	No	No	Yes	Yes	No	Yes	No	No
Town of Fayette	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes	No	No
Village of Interlaken	No	No	No	No	No	No	No	Yes	No	No	Yes	Yes	No
Town of Lodi	No	No	No	No	No	No	No	No	Yes	No	No	No	No
Town of Ovid	No	No	No	No	No	No	No	No	No	No	Yes	No	No
Town of Romulus	No	Yes	No	No	No	No	No	Yes	Yes	No	No	No	No
Town of Seneca Falls	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes	Yes	No	No
Town of Varick	Yes	No	Yes	No	No	No	No	Yes	Yes	Yes	Yes	No	No
Tioga County													
Town of Spencer	No	No	Yes	No	No	No	No	No	Yes	No	Yes	No	No
Tompkins County													

V of Cayuga Heights	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes	No	No	Yes
Town of Caroline	No	No	Yes	No	No	No	No	Yes	Yes	No	Yes	No	Yes
Town of Danby	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes	No	No
Town of Dryden	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes	No	No
Village of Dryden	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes	No	No
Town of Enfield	No	No	Yes	No	No	No	No	Yes	Yes	No	Yes	No	No
Village of Freeville	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes	Yes	No	No
Town of Groton	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes	Yes	No	No
City of Ithaca	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes(Commo n Council)	No	Yes
Town of Ithaca	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Town of Lansing	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes	Yes	No	Yes
Village of Lansing	Yes	Yes	Yes	Yes*	Yes*	Yes*	Yes	Yes	Yes	Yes	No	No	Yes
Town of Newfield	No	No	Yes	Yes	No	No	No	No	No	No	Yes	No	No
Village of Trumansburg	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Town of Ulysses	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes	No	Yes

- Part of zoning ordinance

Source: Genesee/Finger Lakes Regional Planning Council Land Use Regulation & Control Inventory (2001)

COMPREHENSIVE PLAN

A Comprehensive Plan—sometimes also known as Master or General Plan—outlines the physical development of the community. The future-oriented Plan covers the entire geographic area of the community and includes all physical elements that will determine future community development. Ideally, municipalities should possess a Comprehensive Plan before enacting other land-use controls, such as a Zoning Ordinance or Subdivision Review. A Plan that reflects general municipal land-use objectives based on projected needs provides a better base for making sound and just land-use decisions. A municipality that decides to adopt a Comprehensive Plan has the option to follow the New York State enabling statutes as explained in the General City Law §28-a (for more information see <http://www.dos.state.ny.us/lgss/gcl.html>), Town Law §272-a (for more information see <http://www.dos.state.ny.us/lgss/townlaw.html>), and Village Law §7-722 (for more information see <http://www.dos.state.ny.us/lgss/villaw.html>) or to proceed through the planning process using case law.

The State enabling statutes give the local governing body (e.g. Town or Village Board) the power to prepare a Comprehensive Plan itself or to delegate the responsibility to a board or council (e.g. Planning Board). Many municipalities work with the planning staff or hire a consultant for preparing a draft plan. An important part of the planning process is public participation. At hearings and workshops residents have the opportunity to raise questions, discuss problems, and make suggestions. Typical elements of Comprehensive Plans are:

- general statements of goals, objectives, and principles
- consideration of local and regional needs
- existing and proposed land-uses
- existing and proposed educational, historical, cultural resources, etc.
- demographic and socio-economic trends and projections
- existing and proposed transportation facilities, utilities, and infrastructure
- housing resources and future needs, including affordable housing
- instruments and programs to implement the goals, objectives, and principles

In addition to ensuring the orderly and sound development of municipalities, Comprehensive Plans give communities the tools to effectively manage local water resources and to preserve and improve water quality. Most Comprehensive Plans throughout the Cayuga Watershed region recommend consideration of development impact on erosion, sedimentation, drainage, flooding, water and sewer systems. To implement these general goals and objectives, however, municipalities must adopt such land-use controls as a Zoning Ordinance, Subdivision Review, and Site Plan Review that define adequate designs and measures.

Municipal Comparisons (see Municipal Zoning Comparisons in this Appendix)

Exceptional Comprehensive Plans (only plans with water quality related recommendations are included - see following pages for description by municipality)

- Town of Cortlandville
- Town of Danby
- Town of Groton
- Town of Homer
- Town of Ithaca
- Town of Lansing
- Town of Romulus
- Town of Ulysses
- Village of Lansing
- Village of Trumansburg

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment Town of Cortlandville: Comprehensive Plan Adopted (Amended): 1976	
Issue	
1) Agricultural Practices	encourage preservation of farm land: transfer of development rights, ag zoning, ag districts, cluster development
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	
open land and parks	preserve open space, wetlands, streams: cluster development
setbacks	
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	
impervious surfaces	
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment Town of Danby: Comprehensive Plan Adopted (Amended): 1989	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	
open land and parks	priority: to retain rural character
	through: development along existing roads or new short roads, max. and min set back requirements
	lower assessed value for set-aside land (conservation, recreation, ag...)
setbacks	
steep slope restrictions	appropriate topography for development
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	approval for development
impervious surfaces	
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	approval for development
	connection to existing systems preferred
on-site sewage systems (septic)	appropriate for development
	connection to existing systems preferred
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Groton: Comprehensive Plan	
Adopted (Amended): 1993	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	careful development if at all in natural habitats
open land and parks	create less intensity areas for areas of less development suitability,
	encourage residential cluster development to max. ag land, open space, rural character, and min services
setbacks	
steep slope restrictions	avoid development on steep slopes to min effects on soil stability and water quality
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	
impervious surfaces	
flood management	flood prone areas should be left open and used for forestry, recreation., ag or, otherwise employ adequate flood protection measures
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	control development to min negative impact on (detergents, paints, etc. from laundromats, car washes etc.)
	make development dependent on soil types (permeability, depth to seasonal high water table, and to bedrock): esp. in regards to septic tanks
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Homer: Comprehensive Plan	
Adopted (Amended): 1972	
Issue	
1) Agricultural Practices	
	farmers encouraged to establish ag districts
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	encourage to preserve
vegetation retention & enhancement	
open land and parks	encourage to preservation and cluster development
setbacks	
steep slope restrictions	
grading & excavation	
mining	no more valley bottom mines for sand and gravel
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	
impervious surfaces	sufficient to let water penetrate ground
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	public systems preferred,
on-site sewage systems (septic)	public systems preferred,
	when public system not feasible: prevent pollution of groundwater
	avoid private systems in area w/ high water tables
water quality	
groundwater protection	min practices that min water percolating through soil to recharge aquifers
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment Town of Ithaca: Comprehensive Plan Adopted (Amended): 1993	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	encourages planting trees
	retention in conjunction w/ development
open land and parks	should require clustering; use incentive zoning; dedication of land; limit use of environmental sensitive areas (wetlands, steep slope, soil prone to erosion)
	park system
	[these recommendations discussed in greater detail in "Town of Ithaca Park, Recreation, and Open Space Plan," 1997]
setbacks	
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	should have Watershed Management Plan: stormwater mgt., control of soil erosion and sedimentation, groundwater mgt.
impervious surfaces	
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	should encourage min waste production (re-use and recycle, composting)
	should identify HazMat sites
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Lansing: Comprehensive Plan	
Adopted (Amended): 1994	
Issue	
1) Agricultural Practices	
	should support ag to minimize negative impacts on sensitive environmental areas
right-to-farm	should enact
	should support clustering of residential homes
2) Erosion & Sedimentation Control	should reduce negative impacts on Cayuga Lake and its tributaries from erosion, sedimentation, drainage
riparian buffers & wetlands	
vegetation retention & enhancement	should encourage a max. amount of natural vegetation in development projects and planting of appropriate new trees along roads and parking lots
open land and parks	should set aside land for interconnecting system
	should consider Capital Improvement budget
	should support clustering of residential homes
setbacks	
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	
impervious surfaces	
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	encourage public sewer in all areas that have public water
	should have intermunicipal sewer systems
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	should increase lake access for picnicking, fishing, hunting, swimming, boating

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment Village of Lansing: Comprehensive Plan Adopted (Amended): 1999	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	
open land and parks	encourage cluster development for residential design
	proposes new recreational areas
setbacks	
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	
impervious surfaces	
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Romulus: Comprehensive Plan	
Adopted (Amended): 1998	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	least possible development on wetlands
vegetation retention & enhancement	
open land and parks	no development on dedicated land for recreational uses
setbacks	
steep slope restrictions	least possible development
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	
impervious surfaces	
flood management	least possible development
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	least possible development over aquifers
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment Village of Trumansburg: Comprehensive Plan Adopted (Amended): 1992	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	protection of wetlands from destructive development
vegetation retention & enhancement	
open land and parks	enlarge, improve, increase outdoor recreational facilities
setbacks	
steep slope restrictions	protection from destructive development
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	
impervious surfaces	
flood management	protection from destructive development
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Ulysses: Comprehensive Plan	
Adopted (Amended): 1999	
Issue	
1) Agricultural Practices	
	promote viability of ag as a way to protect open space
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	
open land and parks	encourage commercial cluster development
	encourage privately held open space
	consider joint Conservation Advisory Council (Town and Village)
setbacks	
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	
impervious surfaces	
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	consider appropriate areas for water district
on-site sewage systems (septic)	consider expanding systems into new development areas in cooperation with neighboring municipalities
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

ZONING ORDINANCE

Zoning ordinances are the most commonly and extensively used local tools for regulating land-uses help to accomplish municipal development objectives. The regulations are designed to secure safety from fire, flood and other dangers, promote public health and welfare, and protect and improve property values.

Zoning regulates the use of land, the density of land-use, and the siting of development. Zoning ordinances typically consists of two components: the zoning map and zoning regulations. The zoning map divides a municipality into various land-use districts, such as residential, commercial, and industrial districts. The zoning regulations, on the other hand, describe the permissible land-uses in each of the various zoning districts identified on the zoning map. They also include dimensional and design standards for each district, such as the height of structures, minimum setbacks from building to property lines, and specify density requirements. Municipalities that decide to introduce zoning must follow the New York State enabling statutes as explained in the General City Law §20 (for more information see <http://www.dos.state.ny.us/lgss/gcl.html>), Town Law §16, and Village Law §7.

Most municipalities establish the following or variations of the following zoning districts:

- Agricultural - municipalities may designate districts for exclusively agricultural activities under the Agriculture and Markets Law (§25AA)
- Residential
- Commercial
- Industrial
- Planned Unit (District) Development - municipalities may designate development districts that allow a planned mix of uses, building types, and densities

The State enabling statutes allow municipalities to provide relief from the strict application of zoning regulations. Use and area variances relax zoning regulations in terms of use and dimensional requirements. The standards for variances are set forth in the General City Law §81-b (for more information see <http://www.dos.state.ny.us/lgss/planzone.html#20>), Town Law §267-b (for more information see <http://www.dos.state.ny.us/lgss/townlaw.html>) and Village Law §7-71 (for more information see <http://www.dos.state.ny.us/lgss/villaw.html>).

The State enabling statutes require municipal governments to comply with the State Environmental Quality Review Act (SEQRA) (for more information see <http://www.dec.state.ny.us/website/dcs/seqr/index.html>) before approving projects proposed by private owners. The statutes do not require, but recommend that the municipal zoning ordinance complies with the municipal Comprehensive Plan (Master or General Plan) (see Comprehensive Plan information in this Appendix).

The State enabling statutes grant municipalities the power to mandate specific design standards

for proposed constructions. Most zoning ordinances throughout the Cayuga Watershed region require Planning Boards to consider development impact on erosion, sedimentation, drainage, flooding, water and sewer systems. Developers are often required to adopt adequate designs and measures to mitigate development impact. However, adequacy is very often not specified. Depending on how strict they are, mitigation measures and design standards can help to preserve and improve water quality.

Adequate erosion and sedimentation control measures, for example, might help to reduce the contamination of run-off water, thus keeping local watercourses clean. Decreasing the amount of impervious surfaces (e.g. parking lots) or increasing the use of pervious materials (e.g. crushed stones) might lead to less run-off water and cleaner ground water. Another measure to protection water quality is to regulate the location and practices of junkyards (for more information see Junk Yard Ordinance in this Appendix).

Municipal Zoning Ordinance Comparisons (see Municipal Zoning Comparisons in this Appendix)

Exceptional Zoning Ordinances (only ordinances with water quality related provisions are included - see following pages for description by municipality)

- City of Ithaca
- Town of Aurelius
- Town of Catherine
- Town of Cortlandville
- Town of Danby
- Town of Dryden
- Town of Fayette
- Town of Fleming
- Town of Groton
- Town of Homer
- Town of Ithaca
- Town of Lansing
- Town of Seneca Falls
- Town of Springport

- Town of Ulysses
- Town of Virgil
- Village of Aurora
- Village of Cayuga
- Village of Dryden
- Village of Freeville
- Village of Lansing
- Village of Trumansburg

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment
Zoning Ordinance: Existing Measures Matrix

Issue	Measure	Village of Dryden	Village of Freeville	Village of Interlaken	Village of Lansing	Village of Trumansburg	Village of Union Springs
1) Agricultural Practices	agricultural district						
	restrictions on use of human and animal waste, pesticides etc.						
right-to-farm	local law						
2) Erosion & Sediment Control	according to <u>NYS DEC Guidelines for Urban Erosion and Sediment Control</u>						
riparian buffers & wetlands	requires buffers, bank stabilization along streams and Wcourses construction shall be in acc with NYS EnvConsL, Art 24, Clean Water Act and US Army Corps of Eng and EPA requirements restrictions for development on wetlands: prohibited and restricted uses (in all or specified zones)						
vegetation retention & enhancement	vegetation replacement where soil or vegetation had been moved or damaged (in all or specified zones) no removal of larger trees without approval (in all or specified zones) preservation of larger trees whenever possible (in all or specified zones)						
open land and parks	requires the dedication of open and recreational space (in all or specific zones) requires cluster development						
setbacks	minimum setbacks of structures from high water line (other than Lake)						
steep slope restrictions	restrictions for development on slopes						
grading & excavation	no unnecessary soil removal not without approval mitigation and recovery measures during and/or after construction (mulching, restoration of normal grade, seeding, etc.)						
mining	no mining or drilling without approval						
3) Drainage & Stormwater Management	according to NYS DEC <u>Reducing the Impacts of Storm Water Runoff from New Development</u> according to NYS DEC State Pollution Discharge Elimination System (SPDES)						
drainage & storm water facilities & easements	approved drainage and storm water facilities for road construction and new development (Subdivision, Site Plan, and PUD) no more storm water runoff than before construction (general, Subdivision, and Site Plan)						
impervious surfaces	avoid changes to existing water courses, instead use pipes, culverts etc. maximum building cover on lot (in all or specified zones) specified road surface material (other than mobile home parks)						
flood management	follows FEMA guidelines restrictions for development in flood plains no development approval on uninhabitable land subject to flood						
4) Ground- and Drinking Water/ Sewage							
private water systems (wells)	connection to exist systems preferred (other than mobile home parks)						
on-site sewage systems (septic)	approval depends on soil permeability required percolation tests connection to exist systems preferred (other than mobile home parks)						
water quality	regulates the storage and use of fertilizers, pesticides etc near wells, streams, drain ditches						
groundwater protection	aquifer protection district with prohibited and restricted uses						
5) Solid Waste Management	minimum distance between storage of waste and haz material and water course, well etc						
6) Recreation	regulates the construction of docks and marinas						

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment
Town of Aurelius: Zoning Ordinance
Adopted (Amended): 1993

Issue	
1) Agricultural Practices	ag district: sale or repair, assembly, fabrication of farm machinery and equipment
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	
open land and parks	
setbacks	
steep slope restrictions	
grading & excavation	
mining	drill for oil and gas subject to NYSDEC regs
	mining and extraction of sand, gravel, and rock subject to NYSDEC regs and in compliance with local law: no mining in R, C or PDD zones; in other zones only with permit
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	well-drained parking
impervious surfaces	accessory structures >200 sq. ft need building permit
	max. building cover: A, AR, FH 10%; R; and C 30%; I 35%
	off-street parking and loading facilities: all weather surface, may be gravel, crushed stone, concrete, black top
flood management	follows FEMA guidelines
	separate Flood Prevention Law
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	no refuse dump within 200 ft of any stream, except with Town Board approval
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment
Village of Aurora: Zoning Ordinance
Adopted (Amended): 1993

Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	NYSDEC guidelines (1991)
riparian buffers & wetlands	
vegetation retention & enhancement	subdivision: where vegetation has been removed or damaged
open land and parks	
setbacks	
steep slope restrictions	
grading & excavation	road construction: removed topsoil shall be uniformly spread again to support vegetation
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	subdivision: systems must be approved by SWCD
	subdivision design: roadway ditches 5yrs; storm sewers 5yrs; culvert under roadway 25yrs; water courses 10yrs
	subdivision ditch easement for maintenance (min width of 12ft); open ditches must have side slope ratio of 2:1 and a min 2ft bottom width
	subdivision: adequate protection of ditches by enclosing the water course with pipe; sodding or paving w/ brick, concrete, half tile or broken concrete slabs or stone
	stormwater management according to Bureau of Water Quality Management Guidelines (1992)
	subdivision: storm sewers shall be installed when Village Board decides (advise from Village Consulting Engineer or Cayuga Co. SWCD or Co. DOT) according to NYSDEC standards
impervious surfaces	max. building cover: AR 30%; R 30%; C 35%; I 25%
flood management	no development in flood hazard zone, except a very few exceptions that require special permits
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	subdivision: connection where public sewer system, if not private
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment

Town of Catherine: Zoning Ordinance

Adopted (Amended): 1967 (1984, 1991, 1996)

Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	
open land and parks	
setbacks	
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	
impervious surfaces	one-family, ag., business: >20 % of lot covered with structures
	multi-family: >50 % of lot covered with structures
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	sources must be in accordance with requirements of NYSDOH and Schuyler Co. Watershed Dept.
on-site sewage systems (septic)	methods must be in accordance with requirements of NYSDOH and Schuyler Co. Watershed Dept.
	percolation tests can be required by ZBA; conducted by zoning inspector or DOH
water quality	special business use permit must consider impact on water pollution
groundwater protection	
5) Solid Waste Management	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Village of Cayuga: Zoning Ordinance	
Adopted (Amended): 1988	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	
open land and parks	
setbacks	Lake Residential District: building 10ft away from high water line
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	
impervious surfaces	
flood management	
4) Ground- and Drinking Water/ Sewage	mobile homes shall be connected to Village sewer and water systems
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	permits for docks >40ft into Cayuga Lake and >4ft deep

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Cortlandville: Zoning Ordinance	
Adopted (Amended): 1997	
Issue	
1) Agricultural Practices	ag district
	use of human and animal waste so as to minimize environmental hazards
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	
open land and parks	PUD: 25%
	may permit cluster development
setbacks	
steep slope restrictions	
grading & excavation	board approval for excavation every year: considers soil erosion, drainage, presence of farmland, slopes
mining	board approval every year: considers soil erosion, drainage, presence of farmland, slopes
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	stormwater mgmt and erosion and sediment control:
	no net increase in runoff between pre and post development for 2yrs, 10yrs, 50yrs-24hrs storm events
	according to NYSDEC's Reducing the impacts of stormwater Runoff from New Development
	according to NY Guidelines for Urban Erosion and Sediment Control
	according to State Pollution Discharge Elimination System (SPDES), General Permit 93-06
	however, some perform standards more stringent:
	a) flood control: e.g. minimize or avoid land clearing and grading within 200 ft of any water course
	b) water quality management: e.g. stormwater retention to remove pollutants in Areas I and II
	c) e.g. smallest area possible subject to erosion & sediment (max. 2 acre), immediately stabilizing within 3 days and seeding immediately after end of construction
impervious surfaces	
flood management	follows FEMA guidelines
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	aquifer protection district restriction.: storage of toxic and hazardous material; use of septic tanks; mining and excavations; vehicular servicing; use of pesticides
	aquifer protection district: primary (Area I), principal (Area II), tributary watershed (Area III)
	industrial district: discharge of material harmful for groundwater or public health into septic system or ground needs Co. DOH or NYSDEC approval
	aquifer protection district: prohibited within 50 ft in Areas I - III to store and use defined material
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Danby: Zoning Ordinance	
Adopted (Amended): 1991 (2000)	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	
open land and parks	
setbacks	
steep slope restrictions	
grading & excavation	no excavation open for more than a year after work is done
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	
impervious surfaces	low-density area: no more than 25% of lot covered; commercial zone: <30%
	new mobile home park: access drives and walkways paved w/ blacktop, concrete, or other solid mat.; old mobile home park: crusher run stone
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Dryden: Zoning Ordinance	
Adopted (Amended): 1988 (several amendments)	
Issue	
1) Agricultural Practices	
right-to-farm	Zoning Ordinance amendment, Local Law #1 of 1992
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	
open land and parks	
setbacks	
steep slope restrictions	
grading & excavation	
mining	town board may approve special permit for excavation and sale of topsoil, sand, gravel etc. in moderate and higher density area only, other restrictions, Important: consider impact on general welfare, stability of adjacent land, and issues: erosion, drainage, soil fertility
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	
impervious surfaces	<15% of lot covered w/ structures (low density residential, low density residential and ag.); <20% w/ structures and <30% incl. water and sewer facilities (moderate density ag-residential)
	<30% (higher density ag-commercial-residential), <60% (manufacturing and assembly)
	Planned Unit Development District w/ min of 100ac, a min. of 30% in low density residential must remain open
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	water used in washing operation not be discharged into stream or natural drainage channel w/out approval from NYSDEC
groundwater protection	Manufacturing-Assembly zone: for discharge of liquid waste and effluent approval by Co. BOH needed
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment

Village of Dryden: Zoning Ordinance

Adopted (Amended): 1996

Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	construction sites: erosion control measures (anti-erosion mats, straw etc.)
riparian buffers & wetlands	all water courses adjacent to the subdivision must have erosion control
vegetation retention & enhancement	save larger trees
	max. retention
open land and parks	Subdivision: residential cluster development encouraged
setbacks	
steep slope restrictions	
grading & excavation	any disturbed area must be restored w/ 6in cover and appropriately reseeded
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	discharge of stormwater, runoff only into designated approved storm sewer; no discharge of toxic and haz mat at all (very detailed provisions)
	adequate drainage system required where water course separates street from abutting property; and where subdivision is traversed by water course ROW or easement >20ft, approval by town engineer required
	approved adequate drainage system for up- and down-stream runoff (very detailed design provisions)
	board requires to carry away spring or surface water through pipe or ditch, located in street ROW where feasible
impervious surfaces	max. lot coverage: RA 30%, RB 40%, Multiple R 30%,
	specified road construction material: bituminous concrete as surface
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	connection to public system preferred
	no storage of herbicides and pesticides w/in 500ft of well; human waste w/in 100ft; toxic mat w/in 500ft; radioactive mat 500-1000ft, junk yards 250ft; refuse disposal 500ft
on-site sewage systems (septic)	connection to public system preferred
water quality	if board deems necessary: mandatory water conservation
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Fayette: Zoning Ordinance	
Adopted (Amended):	
Issue	
1) Agricultural Practices	ag district
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	
open land and parks	
setbacks	new structures >10ft away from any boundary line (>50ft from ROW)
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	
impervious surfaces	
flood management	follows FEMA guidelines
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	establishment of an Open District: areas w/ soils of poor permeability for on-site sewage systems shall not be developed beyond soil capability to handle wastes
	non-conforming lots, lakefront and canal front property: adequacy approved by Co. DOH and NYS licensed engineer's certificate for new and modified systems
	new and modified systems shall require Co. DOH percolation test approval
	min of 100ft b/w leach lines and the private source of water
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Fleming: Zoning Ordinance	
Adopted (Amended): 1988 (X)	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	
open land and parks	
setbacks	
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	
impervious surfaces	max. building on lot coverage for all zones 35%
flood management	before building permit approval, Zoning officer checks if site is reasonably save from flooding: attachment, materials, drainage, sewer, water systems
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Village of Freeville: Zoning Ordinance	
Adopted (Amended): 1986	
Issue	
1) Agricultural Practices	ag activities only in ag district
right-to-farm	
2) Erosion & Sedimentation Control	local Environmental Quality Review law
riparian buffers & wetlands	
vegetation retention & enhancement	
open land and parks	
setbacks	
steep slope restrictions	
grading & excavation	re-cover disturbed area max. 6mo after end of construction
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	
impervious surfaces	max. lot coverage: residential 15 - 20%; ag 30% (residential), 40% (non-residential); site plan 40% (residential, municipal, educational, business), 50% (religious), 80% (commercial)
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Groton: Zoning Ordinance	
Adopted (Amended): 1995	
Issue	
1) Agricultural Practices	
right-to-farm	Local Law No2. 1997
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	
open land and parks	
setbacks	
steep slope restrictions	
grading & excavation	re-cover disturbed area max. 30 days after end of construction
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	
impervious surfaces	
flood management	local law follows FEMA guidelines
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	Junk Yard Ordinance (1970)
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Homer: Zoning Ordinance	
Adopted (Amended): 1999	
Issue	
1) Agricultural Practices	
right-to-farm	Ag district, but permitted uses no different on farms in Residential Districts
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	
open land and parks	
setbacks	
steep slope restrictions	
grading & excavation	
	reseeding after sod removal and if no building or parking
	covering or refilling of construction sites to normal grade after 1yr
mining	removal of sod, loam, sand, gravel, or quarried stone needs ZBA approval
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	
impervious surfaces	
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	establish of <u>Aquifer Protection District</u> , including Wellhead Protection Area (Area I), Primary Aquifer Area (including Environmental Conservation Law wetlands)(Area II), and Principal Aquifer Area (including Environmental Conservation Law wetlands) (area III), Tributary Watershed Area) (Area IV)
	aquifer protection district is a Critical Environmental Area
	prohibited uses: storage, manufacture of toxic and hazardous mat, gas stations, solid waste disposal facility
	septic tanks for multi family houses, new single-family homes on lots <2ac in Areas I and II and 30,000sqft anywhere else
	septic tanks for new two family homes on lots <2ac in Area I and <40,000sqft anywhere else
	septic tanks (new) w/ daily max. flowrates >1000gal
	pavement/impervious parking w/ area >12,000 sq. ft in Areas I and II
	golf courses in Area I
	restricted uses: storage of toxic, HazMat, oil
	gravel mining and excavation where permitted
	groundwater well monitoring by Co. DOH
	car services allowed in Areas III and IV if no-leak tanks, pans to collect dripping...liquids and disposal of; concrete floors
	use of pesticides, herbicides, fungicides according to manufacturer's recommendations
	conversion of one to two family house using septic system needs Co. DOH approval
	dry wells connection to drains from building must meet requirements of Part C of Fed Safe Drink Water Act and associated regs
5) Solid Waste Management	no illegal dumping outside of Co. landfill and other appropriate places; permit for using it to establish grades
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment

City of Ithaca: Zoning Ordinance

Adopted (Amended): 1975 (X)

Issue	
1) Agricultural Practices	no fresh manure, only mulch, compost or organic fertilizer used in gardening that is confined to the site
right-to-farm	approval from adjacent property owners or other garden users for noxious fertilizer or chemicals
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	wetlands, floodplains, steep slopes or other areas not normally appropriate for building
vegetation retention & enhancement	
open land and parks	no removal of trees from city property without City Engineer approval
setbacks	reduction in the lot area in a cluster subdivision beyond the minimum requires the reservation of an equivalent amount of land as open space, passive recreation area or active recreation area.
steep slope restrictions	construction shall not account for more than 50% of the land area reserved
grading & excavation	dedicated land becomes common land
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	all new or enlarged parking areas, including combined driveways and maneuver areas, need adequate runoff drainage for a 2-yr. storm, connection to public stormwater system
impervious surfaces	
flood management	combine driveways whenever possible
private water systems (wells)	Building Commissioner approval for new and enlarged park lots (four cars or more)
on-site sewage systems (septic)	surface of park areas and driveways according to standards, should minimize erosion and shall support drainage;
water quality	acceptable surface material: crushed stone, brick, concrete, asphalt or similar
groundwater protection	follows FEMA guidelines
4) Ground- and Drinking Water/ Sewage	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment

Town of Ithaca: Zoning Ordinance

Adopted (Amended): 1997

Issue	
1) Agricultural Practices	ag district
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	Six Mile Creek Valley Conservation District: planning board requires adequacy (protection of wetlands, water courses, etc.)
vegetation retention & enhancement	Six Mile Creek Valley Conservation District: replacement
open land and parks	board may require if need exists
	Six Mile Creek Valley Conservation District: preserve existing open spaces by clustering, extra parks not necessary
setbacks	
steep slope restrictions	no construction over 25% w/ min. horizontal slope length of 25 ft
grading & excavation	drainage and erosion management plan approved by town engineer when more than 50cu yards removal or deposit of fill
	one month after end of construction, restore normal grade
mining	deposit and removal of more than 50cu yards of fill, sod, loam, sand, gravel stone or similar needs ZBA approval
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	Six Mile Creek Valley Conservation District: planning board may require plan approved by town engineer
	Six Mile Creek Valley Conservation District: existing drainage ways should be retained
impervious surfaces	multiple family homes: parking lots surfaced w/ black top, compacted gravel or other dust-free mat, graded to drain properly and access and sidewalks covered w/ black-top, concrete, other solid mat.
	business: <30% lot cover; park: black-top, stone, dust-free mat, graded to drain
	light industrial / industrial production / parking: black-top, stone, dust-free mat, graded to drain
	Six Mile Creek Valley Conservation District: no more than 15% of total lot covered
flood management	Six Mile Creek Valley Conservation District: no construction within 100yr flood area (200 ft distance) and 50ft away from centerline of area that carries water 6 months a year
	follows FEMA standards
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Lansing: Zoning Ordinance	
Adopted (Amended):	
Issue	
1) Agricultural Practices	ag district
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	construction and development shall be adequate and in accordance with NYS Environmental Conservation Law, Art 24 and Clean Water Act, and US Army Corps of Engineers and EPA regs
vegetation retention & enhancement	
open land and parks	Lakeshore District: residential and limited non-residential use
setbacks	
steep slope restrictions	site plan review: development on erodible soils and slopes >10% shall include erosion plan
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	site plan review: required that no increase in stormwater amount across adjacent property
impervious surfaces	
flood management	no construction in flood plains that would change the flow of water in the flood area or pick up debris that will damage property
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Village of Lansing: Zoning Ordinance	
Adopted (Amended): 1976 (X)	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	local Environmental Quality Review law
riparian buffers & wetlands	
vegetation retention & enhancement	protection of as many trees as is ecologically sound
	Conservation Combining District: protection of wildlife habitat
open land and parks	
setbacks	
steep slope restrictions	permit for development >25%
grading & excavation	re-cover disturbed area max. 1yr after end of construction
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	Conservation Combining District: protection of lakeshore and natural drainage ways
impervious surfaces	max. lot cover: low density residential, all uses (10%); medium density residential (sewered areas 15%; non-sewered 10%); high density residential (sewered 20%, non-sewered 10%); commercial low density traffic (none); commercial high density traffic (none); business and technology (25%); research (25%)
flood management	Flood Hazard Combining District: development needs special permit and Environmental Quality Review compliance
	follows FEMA standards
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Seneca Falls: Zoning Ordinance	
Adopted (Amended): 1998	
Issue	
1) Agricultural Practices	
	2 Ag district types
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	permitted uses on wetlands: deposit or removal of natural products by recreation or sport fishing, hunting etc., ag practice (crops, livestock), selective development in accordance w/ PUD provisions, preserving it as open space
	special uses on wetlands: drain, dredging, excavation, construction and reconstruction of structures, obstructions for any purpose
vegetation retention & enhancement	for PUD approval: existing trees whenever possible; street trees
open land and parks	
setbacks	no permanent structure within 50ft of the edge of the bank of any water course
steep slope restrictions	
grading & excavation	town board approval of landscaping and drainage plan before topsoil removal
	re-cover disturbed area max. 1yr after end of construction
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	for PUD approval: storm drainage system including adequate protection of surrounding area from stormwater runoff
impervious surfaces	
flood management	floodplain district: allowed - nurseries; special condition - roadside stands; special use permit - essential services, extraction of stone, sand, gravel; parks
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	when mobile home park within 500ft of public water system: connection, if not exists, private system
on-site sewage systems (septic)	when mobile home park within 500ft of public sewer system: connection, if not exists, private system
water quality	
groundwater protection	
5) Solid Waste Management	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Springport: Zoning Ordinance	
Adopted (Amended): 1991	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	for site plan approval: max. retention and adequacy of type and arrangement of trees etc.
open land and parks	
setbacks	
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	
impervious surfaces	
flood management	follows FEMA guidelines
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment Village of Trumansburg: Zoning Ordinance Adopted (Amended): 1971 (X)	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	local Environmental Quality Review law
riparian buffers & wetlands	
vegetation retention & enhancement	
open land and parks	
setbacks	
steep slope restrictions	
grading & excavation	extraction of natural products prohibited, except for construction
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	
impervious surfaces	Industrial district: max. lot cover 50%, rest for parks, sidewalks
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	building in Industrial district not connected to public sewer needs Co. DOH approval for private system
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment Town of Ulysses: Zoning Ordinance Adopted (Amended): 1978	
Issue	
1) Agricultural Practices	
	ag allowed everywhere under Ag Law 25-AA
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	in Development District
open land and parks	
setbacks	
steep slope restrictions	
grading & excavation	
mining	no removal of sod, loam, sand, gravel or quarried stone without ZBA approval, except in connection with construction of building
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	
impervious surfaces	
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Virgil: Zoning Ordinance	
Adopted (Amended): 1979 (many)	
Issue	
1) Agricultural Practices	ag district
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	
open land and parks	preservation through ag district, also larger residential lot sizes to protect groundwater and aquifer
	PUD (35%)
setbacks	
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	
impervious surfaces	max. lot/land coverage: farm and farm uses (AG, AR) 10%; Highway Commercial 30%; PUD 50%; all other 20%
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	in ag district: illegal dumping prohibited
6) Recreation	

SUBDIVISION REVIEW

The subdivision review process is a critical tool in local land-use management for ensuring the orderly development of the municipality. The subdivision process controls the manner by which land is divided into smaller tracts of land. Subdivision regulations require the developer to provide adequately designed streets, lots, open space, and infrastructure and to follow the municipality's land use objectives. A municipality that decides to introduce subdivision review must follow the New York State enabling statutes as explained in the General City Law §32 and §33 (for more information see <http://www.dos.state.ny.us/lgss/gcl.html>), Town Law §276 and §277 (for more information see <http://www.dos.state.ny.us/lgss/townlaw.html>), and Village Law §7-72 and §7-730 (for more information see <http://www.dos.state.ny.us/lgss/villaw.html>).

The State enabling statutes give the local governing body (e.g. Town or Village Board) the power to authorize a board or council (e.g. Planning Board) to conduct subdivision plat review. A "plat" is a map prepared by a professional which shows the subdivision's lots, roads, driveways, water and sewer facilities, and the natural and physical characteristics of the land proposed for subdivision. The Planning Board will determine if the land can be subdivided and developed without danger to public health, safety and welfare or peril from fire, flood, drainage or other threats for neighboring properties. The proposed subdivision has also to comply with the local Zoning Ordinance, the Comprehensive Plan (Master Plan), if one exists, the State Environmental Quality Review Act (SEQRA) (for more information see <http://www.dec.state.ny.us/website/dcs/seqr/index.html>) and individual lots of a proposed subdivision may be subject to a Site Plan Review.

The State enabling statutes specify the procedures for the subdivision review. Most municipalities use the mandatory two-step process of reviewing the preliminary and final plats. By using their home rule power, some municipalities require in addition an informal sketch plan to identify potential problems or concerns even before the formal submittal of the preliminary plat. The statutes also require that a public hearing be held at the preliminary stage to hear the concerns of residents living in the vicinity of the proposed development site. Once the Planning Board approves the preliminary plat, the developer presents the final plat. The final plat should show the subdivision layout, explain the elements contained in the preliminary plat in greater detail, and incorporate those changes required by the Planning Board at the time of the preliminary plat approval. A second public hearing may be held.

The State enabling statutes provide municipalities the tools to effectively protect public health by managing local water resources and preserving and improving water quality. Most Subdivision Review and Zoning Ordinances* throughout the Cayuga Watershed region require Planning Boards to consider development impact on erosion, sedimentation, drainage, flooding, water and sewer systems. Developers are often required to adopt adequate designs and measures to mitigate development impact. However, adequacy is very often not specified. Depending on how strict they are, mitigation measures and design standards can help to preserve and improve water quality.

In general, the developer is required to apply certain drainage and storm water management techniques. On-site water and sewer systems on subdivisions containing five or more lots which are five acres or less in size have to be approved by the County Health Department as explained in the Public Health Law (for more information <http://caselaw.lp.findlaw.com/nycodes/law91/art45.html>) and the Environmental Conservation Law (for more information see <http://caselaw.lp.findlaw.com/nycodes/law37/art70.html>). Soils and plants are natural filters that remove contaminants from surface water before it reaches the groundwater. For this reason, to preserve as many trees and vegetative cover as possible is essential for maintaining water quality. The Planning Board, on the basis of existing and anticipated needs, may require that a proposed subdivision containing residential units must provide parks or open land suitably located for playgrounds or other recreational purposes. To preserve the natural and scenic qualities of open lands, the Planning Board may also require cluster development (for more information see Cluster Development section in this Appendix).

* Some municipalities adopted Subdivision Review provisions as part of their Zoning Ordinance.

Municipal Comparisons (see Municipal Zoning Comparisons in this Appendix)

Exceptional Subdivision Review Ordinances (only ordinances with water quality related provisions are included - see following pages for description by municipality)

- City of Ithaca
- Town of Caroline
- Town of Catherine
- Town of Cortlandville
- Town of Covert
- Town of Danby
- Town of Dryden
- Town of Fayette
- Town of Groton
- Town of Homer
- Town of Ithaca
- Town of Lansing
- Town of Seneca Falls
- Town of Spencer
- Town of Ulysses
- Town of Varick
- Town of Virgil
- Village of Cayuga
- Village of Lansing
- Village of Trumansburg

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment

Town of Caroline: Subdivision Ordinance

Adopted (Amended): 2000

Issue	
1) Agricultural Practices	Ag district
right-to-farm	
2) Erosion & Sedimentation Control	
	design goal: min opportunity for soil to be moved by wind, precipitation, runoff and prevent sediment from reaching water body or other lands
riparian buffers & wetlands	establish buffers along streams and water courses
	any disturbance shall be mitigated
vegetation retention & enhancement	
open land and parks	
setbacks	min of 40ft
steep slope restrictions	
grading & excavation	required: no unnecessary soil erosion, approval of erosion control plan by town board and according to the NY Guidelines for Urban Erosion and Sedimentation Control
mining	
3) Drainage & Stormwater Management	required stormwater drainage plan by town board and that complies w/ General SPDES Permit GP-93-06
	drainage plan for 25yr flood
	no more storm water runoff than before
drainage & storm water facilities & easements	avoid cross streams and ditches w/ roads and driveways
	to handle potential future upland runoff and prepare for 100yr flood
	protective measures if subdivision in flood-prone area outside Spec Flood Hazard Area: possible consult w/ Caroline Watershed Committee
	protect and maintain existing systems (perennial and intermittent streams, swales and ditches etc.)
	no construction, alteration or moving w/in drainage course
	consider landscape slope instead of retaining wall
impervious surfaces	avoid construction on hydric soils; impervious surfaces in favor of pervious surfaces
flood management	no new or increased flood hazard because of construction
	comply w/ Town Flood Damage Prevention Law
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	shall comply w/ latest edition of <u>Recommended Standards for Water Works</u> (Great Lakes/ Upper Mississippi River Board of State Public H and Environmental Managers) and <u>Rural Water Supply</u> (NYSDOH)
	subdivision review may require well and pump tests when on-site
on-site sewage systems (septic)	
water quality	impact on water quality identified and mitigation proposed
	areas that raise concerns: large park lots or load areas w/out methods to contain oil and sediment deposited on pavement
	also the use of fertilizers, pesticides etc. near wells, streams, drain ditches
	requires compliance w/ Tompkins Co. Sanitary Code, Environmental Conservation Law, Public H Law (6 and 10 NYCRR) and reviewed by Tompkins Co. DOH
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Catherine: Subdivision Ordinance	
Adopted (Amended): 1978 (1992)	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	Schuyler Co. SWCD soil report: drainage capabilities, sewage disposal system, erosion control
riparian buffers & wetlands	
vegetation retention & enhancement	trees
open land and parks	
setbacks	>100 ft. from normal high Waterline of any stream
steep slope restrictions	planning board may require larger lot sizes when slope >15%
grading & excavation	if top soil removal, other means to prevent runoff and erosion
	planning board might require report if grading, excavating, filling involved
mining	
3) Drainage & Stormwater Management	Schuyler Co. SWCD soil report: drainage capabilities, sewage disposal system, erosion control
drainage & storm water facilities & easements	
	when area subject to periodic overflow
impervious surfaces	pavement approval by Town Hwy Superintend
flood management	in area subject to periodic overflow
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
	well logs to the planning board
	private wells 15ft from prop. lines, 50ft from septic tanks, 100ft from tile disposal field, 25ft from cast iron sewer lines, 50ft from vitrified sewer tile lines
on-site sewage systems (septic)	
	Schuyler Co. SWCD soil report: drainage capabilities, sewage disposal system, erosion control
	if no public system or cooperate system not feasible, report on treatment design, pop., location, receiving stream
	required percolation tests
	standards and requirements of NYSDOH, NYSDEC, and Schuyler Co. Watershed law
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Village of Cayuga: Subdivision Ordinance	
Adopted (Amended): 1988	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	
open land and parks	
setbacks	
steep slope restrictions	no development over 10%
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	adequate drainage easement required where property is traversed by water course
	lots graded to provide positive drainage
	standards specified according to Village standards
	storm sewers to ensure adequacy of drainage if Board deems necessary, advised by Village public work supervisor
impervious surfaces	
flood management	adequate drainage to min effects from flooding
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	board may require tests to determine adequacy according to NYSDOH and/or Co. DOH standards
on-site sewage systems (septic)	board may require tests to determine adequacy according to NYSDOH and/or Co. DOH standards
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Cortlandville: Subdivision Ordinance	
Adopted (Amended): 1997	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	adequate tree planting
open land and parks	board may require no less than 10% of total area
setbacks	
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	installation of approved storm and surface drainage
impervious surfaces	
flood management	no development approval on uninhabitable land subject to flood
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	connection to existing public system preferred
	min lot size for well system: 20,000 sq. ft and 100 ft in width at building line
on-site sewage systems (septic)	connection to existing public system preferred
	min lot size for septic system: 20,000 sq. ft and 100 ft in width at building line
water quality	
groundwater protection	min distance between septic tank tile field and well: 100ft
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Covert: Subdivision Ordinance	
Adopted (Amended): 1981	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	trees of 8in in diameter at 3ft above the trunk base; rock outcrops, wooded area
	removal of trees of 8inch in diameter at 3ft above the trunk base subject to approval by planning board
open land and parks	
setbacks	
steep slope restrictions	
grading & excavation	grading plan if natural contours to be changed more than 2ft (?)
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	culverts or similar structures where watercourse separates a proposed street from abutting property; approval by town engineer
	stormwater easement or drainage ROW not <20ft in width as required by town engineer
	planning board may require to carry away by pipe or open ditch spring or surface water that existed because of or prior to construction
	culvert or drainage system large enough to accommodate potential runoff from its entire upstream drainage area (10 yr. storm) whether inside or outside the subdivision; approved by town engineer.
	study on the effect of subdivision on existing downstream drainage system (overload during ten yr. storm?) reviewed by town engineer and planning board: improvements when necessary
impervious surfaces	
flood management	
	no development approval on uninhabitable land subject to flood
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Danby: Subdivision Ordinance	
Adopted (Amended): 1991 (1996)	
Issue	
1) Agricultural Practices	development on least fertile soils; development on far edges of open fields
	preservation of active and passive (5yrs) ag land
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	wetland preservation
vegetation retention & enhancement	wooded areas, isolated preservable trees (1ft diameter 4.5ft above base)
	where topsoil disturbed, at least 4in shall remain, or Code Enforcement approval
	preservation of trees w/ diameter of 12in at 4.5in above the base
	all other vegetation: save as much as possible
	on new streets, planning board may require one hardwood tree planted w/in 6ft outside of ROW, at intervals of >100ft along both streets sides
open land and parks	development limit in areas of natural importance according. to SEQR or Town Board decision
setbacks	
steep slope restrictions	no development when >15% poses threat to environment or residents
	construction at >15% need Code Enforcement approval for stabilization and revegetation measures
	when land disturbed: no slope steeper than 1ft vertical rise to 3ft horizontal distance, except when slope grade existed before development, even than planning board approval necessary (threats to nature and residents)
	use terraces and diversions on long slopes to min erosion, also sedimentation. basins, traps
grading & excavation	only to necessary extent; start revegetation as soon as practical
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	avoid stormwater rechanneling
	construction consistent w/ surrounding drainage patterns, preference of natural. drainage patterns over rechanneling
	easement when subdivision traversed by water course, creek etc., drainage ROW of sufficient width
	no more runoff from development than before development for a 2yr, 10yr, 100 yr. 24-h storm considered individually
	existing and potential runoff determined: 0.5in per hour
	when >7% grade, detention or retention ponds, check dams etc. required to min runoff velocity
	adequate facilities; 2% grade min on newly regraded land to expedite drainage
impervious surfaces	
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Dryden: Subdivision Ordinance	
Adopted (Amended): 1988	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	planning board may require bank stabilization
vegetation retention & enhancement	preservation of large trees, no removal if 6in at 3ft above base w/out planning board approval
open land and parks	
setbacks	
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	adequate drainage system required where water course separates street from abutting property and where subdivision is traversed by water course ROW or easement >20ft, approval by town engineer required
	planning board may require to carry away spring or surface water through pipe or ditch, located in street ROW where feasible
	drainage system to carry entire potential run-off from upstream from 10yr storm, approved by town engineer
	drainage system to prevent overflow of downstream system in a 5yr storm, approved by town engineer
impervious surfaces	
flood management	no development approval on uninhabitable land subject to flood
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Fayette: Subdivision Ordinance	
Adopted (Amended): 1976	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	wherever possible: retention of large trees, groves, water courses, water falls
	no removal of trees of 8in diameter above 3ft above base w/out planning board approval
open land and parks	board requires >3ac per 100 dwelling units, but no more than 10% of total area
setbacks	
steep slope restrictions	
grading & excavation	moved topsoil redistributed to have at least 6in of cover and shall be stabilized by seeding or planting w/in 90days
	re-cover disturbed area max. 6months after end of construction
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	adequate drainage system required where water course separates street from abutting property; and where subdivision is traversed by water course ROW or easement >20ft, approval by town engineer required
	board may require to carry away spring or surface water through pipe or ditch, located in street ROW where feasible
	drainage system to carry entire potential run-off from upstream from 10yr storm, approved by town engineer
	drainage system to prevent overflow of downstream system in a 5yr storm, approved by town engineer
impervious surfaces	
flood management	no development approval on uninhabitable land subject to flood
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Groton: Subdivision Ordinance	
Adopted (Amended): 1995	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	
open land and parks	
setbacks	
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	adequate drainage system required where water course separates street from abutting property; and where subdivision is traversed by water course ROW or easement >20ft, approval by town engineer required
	culverts be placed in natural waterways, at low spots in grade and other when required; size and length determined and approved by Hwy Superintendent
	adequate ditches be provided by builder
	underdrains be placed in low wet areas where hill seepage is encountered
	board may require to carry away spring or surface water through pipe or ditch, located in street ROW where feasible
	drainage system to carry entire potential run-off from upstream from 10yr storm, approved by town engineer
	drainage system to prevent overflow of downstream system in a 5yr storm, approved by town engineer
impervious surfaces	
flood management	no development approval on uninhabitable land subject to flood
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Homer: Subdivision Ordinance	
Adopted (Amended): 1999	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	save large trees whenever possible
open land and parks	board requires >3ac per 100 dwelling units, but no more than 10% of total area
setbacks	
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	street improvements including storm drain
	adequate drainage system required where water course separates street from abutting property and where subdivision is traversed by water course ROW or easement >20 ft; approval by town engineer required
	drainage system to carry entire potential run-off from upstream from 10yr storm; approved by town engineer
	drainage system to prevent overflow of downstream system in a 5yr storm; approved by town engineer
impervious surfaces	
flood management	no development approval on uninhabitable land subject to flood
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment City of Ithaca: Subdivision Ordinance Adopted (Amended): 1988	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	Planning&Development Board may require planting of trees between pavement and the edge of ROW: type, size, location, method etc. approved by the board in consultation w/ city forester
open land and parks	board may require 10% of total area
setbacks	
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	designed to accommodate runoff from undeveloped land uphill and where to discharge into natural or artificial surface drainage way; should not have greater rate than would under most severe conditions if were undeveloped
impervious surfaces	compacted gravel roadway approved by City Engineer
flood management	no development approval on uninhabitable land subject to flood
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Ithaca: Subdivision Ordinance	
Adopted (Amended): 1993	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	local Environmental Quality Review law
riparian buffers & wetlands	
vegetation retention & enhancement	
open land and parks	planning board may require, but no more than 10% of total area
setbacks	
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	related to surround drainage pattern
	approved by town engineer: min. run-off rate of 0.5in per hour
impervious surfaces	
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	sewer systems according to standards of NYSDOH, NYSDEC; and approval by town engineer, Co. DOH
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Lansing: Subdivision Ordinance	
Adopted (Amended): 1990	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	planning board decides if construction and realignment of wetland
vegetation retention & enhancement	planning board may require landscaping plan
	when possible preservation of all natural features (trees etc.); esp. trees of 4in at 4ft above the base
open land and parks	board requires, but no more than 5% of total area
setbacks	
steep slope restrictions	
grading & excavation	no topsoil removal without planning board approval; after construction redistribution to have 6in of cover
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	engineering plan required to explain proposed stormwater drainage plan (culverts, erosion control measures etc.)
	drainage system to carry entire potential run-off from upstream from 25yr storm; approved by town engineer
	drainage system to prevent overflow of downstream system in a 25yr storm; approved by town engineer
impervious surfaces	
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Village of Lansing: Subdivision Ordinance	
Adopted (Amended): 1975 (1984)	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	planning board may require erosion prevention measures (adequate run-off systems, vegetation retention, seeding and sodding etc)
	effectiveness: 75% of treated area is successfully covered
	preservation of existing trees whenever possible
	planning board approval needed for removal of trees of 6in in diameter at 3ft above the base
open land and parks	board requires >1ac per 30 dwelling units, but no more than 10% of total area
setbacks	
steep slope restrictions	
grading & excavation	expose the least amount of land during construction; prevention measures within 5days except on immediate construction site
	temporary vegetation and/or mulching, seeding and sodding mandated
	temporary sedimentation basins and /or check dams before construction begins
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	adequate drainage system required where water course separates street from abutting property and where subdivision is traversed by water course ROW or easement >20 ft; approval by town engineer required
	approval by village engineer, very detailed design reqs for street gutters, ditches, storm drains and channels, catch basins
	board may require to carry away spring or surface water through pipe or ditch, located in street ROW where feasible
	drainage system, approved by village engineer, to carry entire potential run-off from upstream; natural waterways are preferable to artificial ones
	systems are based on design flow w/ a min. return interval (drainage area 1sqmi/>1sqmi for recurrence level of 25yrs/50yrs); overall run-off coefficient of 0.4 minimum
	no approval if overflow of downstream system in a 25yr storm: mitigation necessary
	in general, new subdivision shall not discharge more stormwater into adjacent culverts and channels than before its construction, but planning board may require add drainage system capability in areas susceptible to flooding
	open drain lines and swales shall be protected against erosion
impervious surfaces	required bituminous concrete street pavement
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Seneca Falls: Subdivision Ordinance	
Adopted (Amended):	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	
open land and parks	board requires >3ac per 100 dwelling units, but no more than 10% of total area
setbacks	
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	adequate drainage system required where water course separates street from abutting property and where subdivision is traversed by water course ROW or easement >20 ft; approval by town engineer required
	board may require to carry away spring or surface water through pipe or ditch, located in street ROW where feasible
	drainage system to carry entire potential run-off from upstream from 10yr storm; approved by town engineer
	drainage system to prevent overflow of downstream system in a 5yr storm; approved by town engineer
impervious surfaces	
flood management	no development approval on uninhabitable land subject to flood
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Spencer: Subdivision Ordinance	
Adopted (Amended): 1991	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	leave wetlands unaltered and protected by easements etc.
vegetation retention & enhancement	tree protection whenever possible; protect large trees w/ barriers; new trees
open land and parks	planning board may require open space or fee, but also sites for water treatment plants or sewage disposal plants
	planning board may require cluster development to: preserve of open spaces, water courses and other environmentally sensible areas
setbacks	
steep slope restrictions	
grading & excavation	ground surface restored and graded 6mo after construction; also original topsoil returned and seeded (to stabilize)
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	leave natural drainage ways unaltered and protected by easements etc.
impervious surfaces	
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	no approval for development that threatens public health, water supplies, including aquifers
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment Village of Trumansburg: Subdivision Ordinance Adopted (Amended): 1990	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	
open land and parks	board requires >3ac per 100 dwelling units, but no more than 10% of total area
setbacks	
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	adequate drainage system required where water course separates street from abutting property and where subdivision is traversed by water course ROW or easement >20 ft; approval by town engineer required
	board may require to carry away spring or surface water through pipe or ditch, located in street ROW where feasible
	drainage system to carry entire potential run-off from upstream from 10yr storm; approved by town engineer
	drainage system to prevent overflow of downstream system in a 5yr storm; approved by town engineer
impervious surfaces	
flood management	no development approval on uninhabitable land subject to flood
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Ulysses: Subdivision Ordinance	
Adopted (Amended): 1986	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	
open land and parks	board requires >3ac per 100 dwelling units, but no more than 10% of total area
setbacks	
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	adequate drainage system required where water course separates street from abutting property and where subdivision is traversed by water course ROW or easement >20 ft; approval by town engineer required
	board may require to carry away spring or surface water through pipe or ditch, located in street ROW where feasible
	drainage system to carry entire potential run-off from upstream from 10yr storm; approved by town engineer
	drainage system to prevent overflow of downstream system in a 5yr storm; approved by town engineer
	roads: adequate ditches approved by town engineer (min ditch grade 0.5%):
	culverts in natural waterways approved by Hwy Superintendent
	underdrains in low wet areas
	top surface from crushed gravel or crusher run stone
impervious surfaces	
flood management	no development approval on uninhabitable land subject to flood
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Varick: Subdivision Ordinance	
Adopted (Amended): 1977	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	wherever possible, no removal of tree with a diameter of 8in at 3ft above the base of the trunk without planning board approval
open land and parks	board requires >3ac per 100 dwelling units, but no more than 10% of total area
setbacks	
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	adequate drainage system required where water course separates street from abutting property and where subdivision is traversed by water course ROW or easement >20 ft; approval by town engineer required
	board may require to carry away spring or surface water through pipe or ditch, located in street ROW where feasible
	drainage system to carry entire potential run-off from upstream from 10yr storm; approved by town engineer
	drainage system to prevent overflow of downstream system in a 5yr storm; approved by town engineer
impervious surfaces	
flood management	no development approval on uninhabitable land subject to flood
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Virgil: Subdivision Ordinance	
Adopted (Amended): 1972 (X)	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	adequate tree planting
	prevent damage to existing trees whenever possible
open land and parks	board may require but no more than 10% of total area
setbacks	
steep slope restrictions	
grading & excavation	re-cover disturbed area max. 6mo after end of construction
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	storm sewers and drainage systems required and approved by town engineer
impervious surfaces	
flood management	no development approval on uninhabitable land subject to flood
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

SITE PLAN REVIEW

The site plan review process is an effective tool in local land-use management for ensuring that the development of a particular parcel follows the municipality's land-use objectives. The review process is concerned with the development of lands intended for non-residential or multi-family housing purposes. The site plan review addresses a wide range of issues including the consistency with surrounding land-uses; the effects on parking and traffic flow; the potential impact of odors and noise on the neighborhood; and the range of public services (e.g. utilities, schools etc.) needed to service the new development. A municipality that decides to introduce site plan review must follow the New York State enabling statutes as explained in the General City Law §27-a (for more information see <http://www.dos.state.ny.us/lgss/gcl.html>), Town Law §274-a (for more information see <http://www.dos.state.ny.us/lgss/townlaw.html>), and Village Law §7-725-a (for more information see <http://www.dos.state.ny.us/lgss/villaw.html>).

The State enabling statutes give the local governing body (e.g. Town or Village Board) the power to authorize a board or council (e.g. Planning Board) to conduct site plan review. A "site plan" is a drawing that shows the arrangement, layout, and design of the proposed use of a single parcel of land. The required site plan elements include, where appropriate, parking, means of access, screening, signs, landscaping, architectural features, the dimension of buildings, adjacent land-uses and additional elements specified by local laws. Although not required by the State enabling statutes, municipalities should possess a Zoning Ordinance before enacting site development review regulations. Zoning regulations that reflect general municipal land-use objectives provide a better base for making sound and just land-use decisions. A local site plan review requirement may be incorporated into the Zoning Ordinance, or may be passed as a separate law or ordinance. A site development plan must also comply with the State Environmental Quality Review Act (SEQRA) (for more information see <http://www.dec.state.ny.us/website/dcs/seqr/index.html>).

The State enabling statutes require a single-phase approval procedure. Many municipalities, however, have chosen the two-phase procedure: the pre-submission and final submission phases. Although not required by state law, the two-phase procedure is an appropriate choice because it provides a means for ensuring adequate safeguards for the community and also protects the developer from excessive money and time investments prior to the site plan approval. Once submitted, the Planning Board approves or disapproves the site plan or imposes reasonable conditions and restrictions that are directly related to the development plan. On the base of existing or future need, the Planning Board may also require the developer to set aside land suitable for playground or other recreational purposes. A public hearing may be held at the discretion of the Planning Board or if local laws require it.

The State enabling statutes provide municipalities the tools to effectively protect public health by managing local water resources and preserving and improving water quality. Most Site Plan Review and Zoning Ordinances* throughout the Cayuga Watershed region require Planning Boards to consider development impact on erosion,

sedimentation, drainage, flooding, water and sewer systems. Developers are often required to adopt adequate designs and measures to mitigate development impact. However, adequacy is very often not specified. Depending on how strict they are, mitigation measures and design standards can help to preserve and improve water quality.

The provision that Planning Boards may require open space preservation is perhaps is the most effective means to filter surface water before it reaches the groundwater level, thus preserving and improving local water quality. In addition, municipalities must follow SEQRA provisions which affect water quality through drainage and storm water management. But individual municipalities may adopt site development criteria more stringent than those outlined in the State enabling statutes.

* Some municipalities adopted Site Plan Review provisions as part of their Zoning Ordinance.

Municipal Comparisons (see Municipal Zoning Comparisons in this Appendix)

Exceptional Site Plan Review Ordinances (only ordinances with water quality related provisions are included - see following pages for description by municipality)

- City of Ithaca
- Town of Summer Hill
- Town of Ulysses

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment
City of Ithaca: Other Plans and Ordinances
Type: Site Plan Review
Adopted (Amended): 1989

Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	trees >8-12in in diameter breast height; general replacement
	in parking areas a min of 12% of interior ground area shall be planted incl. trees w/ at least 50ft mature height and 2 1/2in at time of planting
open land and parks	
setbacks	
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	adequacy required; numbers on existing and expected increased loads on the system may be required
impervious surfaces	
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	numbers on existing and expected increased loads on public system may be required
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment
Town of Summer Hill: Other Plans and Ordinances
Type: Site Plan Review
Adopted (Amended): 1991

Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	max. retention and adequacy, type and arrangement of trees, shrubs (noise, visibility)
open land and parks	
setbacks	shoreline standards: on-site sewage tile system >100ft and septic systems >50ft away from shore line (high water mark)
	boat service facilities including oil tanks within 100ft of shoreline must prevent leaks, spills (raised earthen or paved berm or dike)
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	shoreline standards: development w/ min. interference w/ natural course to min. erosion, runoff into waterway, max. vegetation retention
impervious surfaces	
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

Cayuga Lake Watershed Protection & Restoration Plan: Programmatic Environment	
Town of Ulysses: Other Plans and Ordinances	
Type: Site Plan Review	
Adopted (Amended): 1998	
Issue	
1) Agricultural Practices	
right-to-farm	
2) Erosion & Sedimentation Control	
riparian buffers & wetlands	
vegetation retention & enhancement	min removal, replanting
open land and parks	
setbacks	
steep slope restrictions	
grading & excavation	
mining	
3) Drainage & Stormwater Management	
drainage & storm water facilities & easements	environmentally sound design to min runoff, min erosion, and protect buildings in flood prone areas
impervious surfaces	
flood management	
4) Ground- and Drinking Water/ Sewage	
private water systems (wells)	
on-site sewage systems (septic)	
water quality	
groundwater protection	
5) Solid Waste Management	
6) Recreation	

JUNK YARD ORDINANCE

If a municipality does not have its own junk yard law or zoning ordinance addressing the location of junk yards, it must apply the standards set forth in General Municipal Law §136 for automobile junk yards. This state law regulates the collection of junk automobiles, including the licensing of junk yards and regulation of certain aesthetic aspects. The law, however, is limited in its application to sites storing two or more unregistered motor vehicles.

A municipality may expand the state definition of "junk yard" to encompass other types of junk, such as old appliances, household waste, or uninhabitable mobile homes. Such an action helps to regulate aspects of junk not covered by state law and to ensure greater compatibility with surrounding land-uses.

By adopting a Zoning Ordinance a municipality can limit junk yards to specific areas of the community. If properly drafted, such zoning regulations may even phase out existing junk yards in inappropriate locations.

In addition to eliminating unsightly sites, a Junk Yard Ordinance or related provisions in the Zoning Ordinance also help to protect public health by preserving water resources. Abandoned vehicles and appliances might leak oil or other hazardous and toxic liquids into the soil. After first contaminating the soil, liquid waste will eventually reach the groundwater level and pollute local water resources.

Throughout the Cayuga Watershed region most municipalities have included junk yard provisions in their Zoning Ordinances, but only the Towns of Groton and Ledyard have adopted Junk Yard Ordinances.

FLOODPLAIN MANAGEMENT

Flood plain management is a land-use control tool that governs the amount, type, and location of development within defined flood-prone areas. Flooding in developed areas can result in costly damage and destruction, as well as loss of life. The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP) that helps communities to overcome the consequences of flooding. Individual landowners in municipalities that do not participate in the NFIP do not receive any flood insurance compensation. Municipalities that want to participate in the National Flood Insurance Program must comply with the floodplain management criteria for flood-plain areas (Section 60.3) (for more information see http://www.access.gpo.gov/nara/cfr/waisidx_99/44cfr60_99.html).

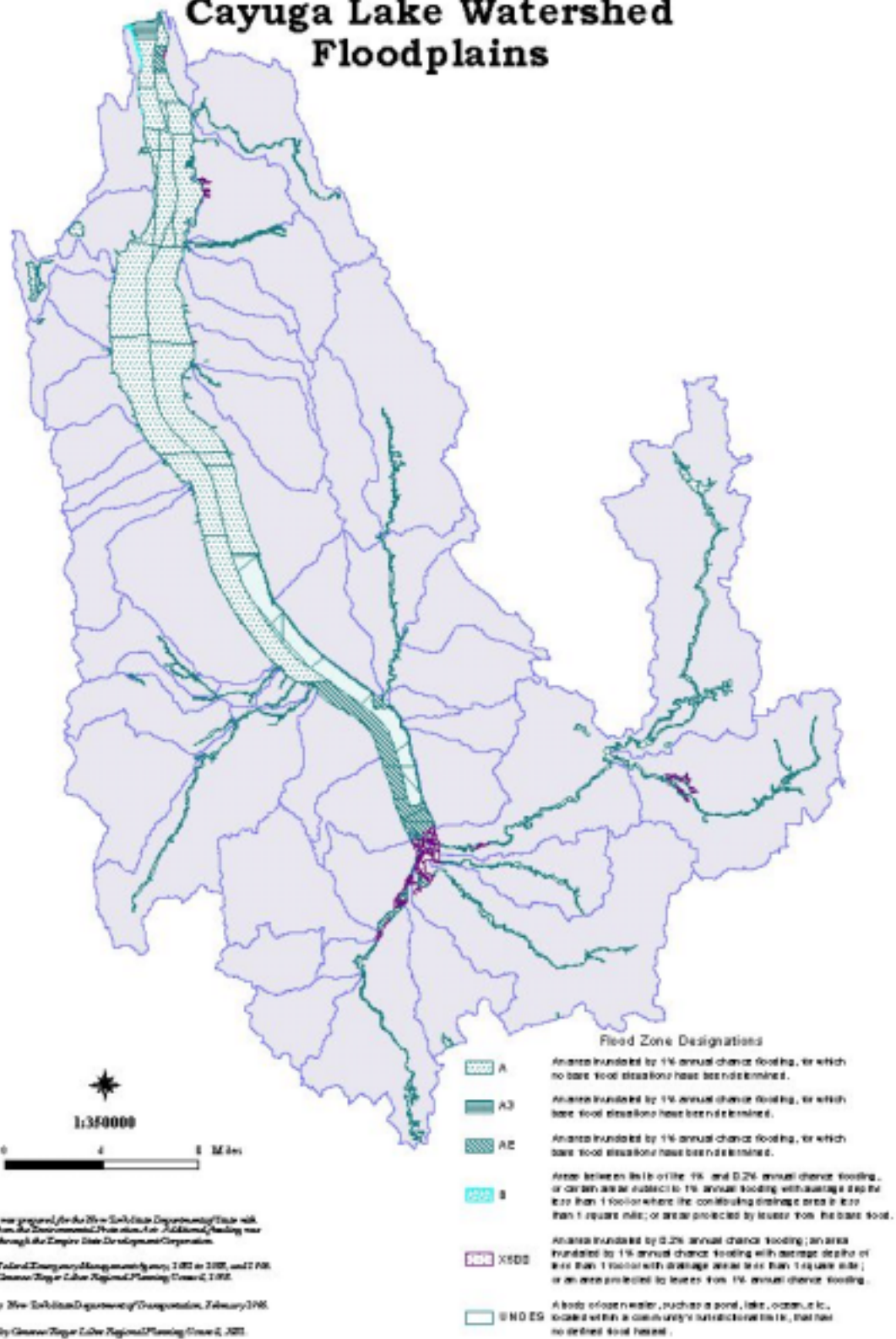
The NFIP defines the criteria of floodplain management that include the identification of primary flood-prone areas. A flood-prone area is usually defined as being within the 100-year floodplain (see Flood Plain Map). Within flood-prone areas, certain restrictions are placed on development activities. The restrictions include, among others:

- that all new construction and substantial improvements of structures have the lowest floor (including basement) elevated to or above the base flood level
- that all new construction and substantial improvements of structures must follow guidelines to minimize flood damage, for example, to minimize damage to such facilities and utilities as sewer, gas, electrical and water systems and to provide adequate drainage
- that all new construction and substantial improvements of structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure and be constructed with materials resistant to flood damage
- that any encroachment, including fill, new construction, substantial improvements, and other development is prohibited within the adopted regulatory floodway (e.g. a river or watercourse including the adjacent land area) unless it has been demonstrated that there is no increase in flood levels within the municipality during a 100-year flood discharge

In addition to minimize destruction of buildings and loss of lives, floodplain management also enables municipalities to effectively protect public health in an event of flooding. By preventing flood water from entering the local water and sewer system, for example, local floodplain management can preserve drinking water quality and protect water treatment plants from exceeding their capacity.

Municipalities can adopt their own criteria of floodplain management which must be as stringent or more stringent than the National Flood Insurance Program criteria. Local floodplain management criteria, for example, can identify a larger flood-prone area (e.g. a 500-year floodplain) and may also prohibit certain types of construction within flood-prone areas. Municipalities that decide to participate in the NFIP may also consult its information website for state and local officials (for more information see <http://www.fema.gov/nfip/infosl.htm>).

Cayuga Lake Watershed Floodplains



CLUSTER DEVELOPMENT

Cluster development is a subdivision control technique. It concentrates the overall maximum density allowed on a property onto the most appropriate portion of the property. Clustering a new subdivision helps to achieve certain municipal planning objectives. For example, natural features of significance (e.g. large trees, wetlands) can be protected, steep slope areas can be avoided, and open space can be preserved. Cluster development can result in reduced development expenses in terms of roads, sewer lines, and other infrastructure, as well as lower maintenance costs. A municipality that decides to enact subdivision cluster development provisions must follow the New York State enabling statutes as explained in the General City Law §37 (for more information see <http://www.dos.state.ny.us/lgss/gcl.html>), Town Law §278 (for more information <http://www.dos.state.ny.us/lgss/townlaw.html>), and Village Law §7-738 (for more information see <http://www.dos.state.ny.us/lgss/villaw.html>).

The State enabling statutes give the local governing body (e.g. Town or Village Board) the power to authorize a board or council (e.g. Planning Board) to oversee cluster development as part of the subdivision plat review. The governing body may require cluster development even before the filing of a plat. A "plat" is a map prepared by a professional and may include areas within which structures may be located, the height and spacing of buildings, open spaces and their landscaping, off-street open and enclosed parking spaces, streets, driveways, and any other features required by the Planning Board. However, the maximum number of units allowed on a parcel must be no greater than the number allowed under a conventional subdivision layout. In order to allow an increase in density, the municipality must adopt a zoning change in its Zoning Ordinance.

The State enabling statutes provide municipalities with the tools to effectively preserve local water resources and improve water quality. Cluster development may provide for more open space and recreational land, thus helping to better filter larger quantities of surface water before it reaches the groundwater level.

Regulatory Management of Open Space

	Comprehensive Plan	Zoning	Subdivision
City of Ithaca		Reduction in the lot area in a cluster subdivision beyond the minimum requires the reservation of an equivalent amount of land as open space, passive recreation area or active recreation area. Construction shall not account for more than 50% of the land area reserved	Board may require 10% of total area
Town of Cortlandville	Preserve open space, wetlands, streams: cluster development	PUD: 25%	Board may require no less than 10% of total area
Town of Danby	Priority: to retain rural character through development along existing roads or new short roads, maximum and minimum set back requirements and lower assessed value for set-aside land (conservation, recreation, ag.)		Development on least fertile soils; development on far edges of open fields. Preservation of active and passive (5yrs) ag land. Development limit in areas of natural importance according to SEQR or Town Board decision
Town of Fayette			Board requires >3 acres per 100 dwell units, but no more than 10% of total area
Town of Groton	Create less intensity areas for areas of less development suitability. Encourage residential cluster development to maximize ag land, open space, rural character, and minimize services. Careful development if at all in natural habitats		
Town of Homer	Encourage to preserve and use cluster development		Board requirement >3 acres per 100 dwell units, but no more than 10% of total area

Town of Ithaca	Should require clustering; use incentive zoning; dedication of land; limit use of environmentally sensitive areas (wetlands, steep slope, soil prone to erosion). Develop park system. Recommendations discussed in greater detail in "Town of Ithaca Park, Recreation, and Open Space Plan," 1997	Six Mile Creek Valley Conservation District: preserve exist open spaces by clustering, extra parks not necessary	Planning Board may require but no more than 10% of total area
Town of Lansing	Should support clustering of residential homes. Should set aside land; interconnect system; should consider Capital Improvement budget	Lakeshore District: residential and limited non-residential use	Board requires, but no more than 5% of total area
Town of Romulus	No development on dedicated land for recreation uses		
Town of Seneca Falls			Board requires >3ac per 100 dwell units, but no more than 10% of total area
Town of Spencer			Planning Board may require open space or fee, but also sites for water treatment plants or sewage disposal plants. Planning Board may require cluster development to: preservation of open spaces, water courses and other environmentally sensible areas
Town of Ulysses	Promote viability of agriculture as a way to protect open space. Encourage cluster development. Encourage private held open space. Consider joint Conservation Advisory Council (Town and Village)		Board requires >3ac per 100 dwell units, but no more than 10% of total area. No development approval on uninhabitable land subject to flood
Town of Varick			Board requires >3ac per 100 dwell units, but no

			more than 10% of total area
Town of Virgil		Preserved through ag district, also larger residential lot sizes to protect groundwater and aquifer. PUD (35%)	Board may require but no more than 10% of total area. No development approval on uninhabitable land subject to flood
Village of Dryden		Subdivision: residential cluster development encouraged	
Village of Lansing	Encourage cluster development for residential design	Conservation Combining District: protection of wildlife habitat	Board requires >1ac per 30 dwell units, but no more than 10% of total area
Village of Trumansburg			Board requires >3 acres per 100 dwell units, but no more than 10% of total area

Model
Intermunicipal Agreement
Regarding

The Cayuga Lake Watershed Restoration and Protection Plan

THIS AGREEMENT, made _____ by and between the City of _____ and the Towns of _____ and the Villages of _____.

WITNESSETH THAT:

WHEREAS, each of the parties to this agreement has formally adopted the Cayuga Lake Watershed Restoration and Protection Plan, hereafter referred to as the Plan, which will provide for the long term protection of waters of Cayuga Lake Watershed; and

WHEREAS, the parties of this agreement, desire to form and send representatives to an organization call the Cayuga Lake Watershed Intermunicipal Organization, hereinafter referred to as the IO, that will administer and oversee the continuation of the planning process and the implementation of the Plan; and

WHEREAS, the parties to this agreement desire to provide for the day to day coordination of the Plan; and

WHEREAS, the Council will have ultimate authority over all municipal contributions and the dispersal of those funds; and

WHEREAS, under Article 5-G Section 119-o of the General Municipal Law of the State of New York, municipalities have the authority to enter into intermunicipal agreements and jointly perform services regarding subjects each separately has the power to perform; and

WHEREAS, this intermunicipal agreement is voluntary and will not be construed so as to interfere with or diminish any municipal powers, authority, or regulatory authority of any of the participating municipalities.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the parties to this agreement do hereby agree as follows:

FIRST: This agreement supersedes all previous IO Cooperative Agreements

SECOND: The participating municipalities will work together cooperatively in the decision-making process and share the leadership and ownership in continuing the planning process and implementing the Plan.

THIRD: Employees or contractors hired for the performance of the work under the Plan will be hired with no discrimination by reason of race, creed, color, sex, age, physical disability, or national origin.

FOURTH: The participating municipalities will provide the necessary funding based on a formula attached in Addendum _____, by _____ date of each year to assist in continuing the planning process and implement the Plan.

FIFTH: If the IO should cease to exist the funds still available will be returned to the parties to this agreement under the same formula originally gained.

SIXTH: Through the continuation of the planning process and the implementation of the Plan the various benefits conveyed by Cayuga Lake and its watershed will be maintained or enhanced.

SEVENTH: That any party to this agreement may terminate its participation within the IO at any time but must do so by notifying within thirty (30) days all other parties in writing of the determination, reasons for the termination,

and the effective date thereof. Withdrawal from the agreement by one party shall not operate to terminate the agreement, which shall continue in full force and effect with respect to all other parties.

EIGHTH: That the Bylaws of the IO may only be modified upon the consent of the IO (Addendum ____)

NINTH: This agreement shall be for a ____ year period commencing on _____ and ending on _____.

TENTH: This agreement authorizes the IO to enter into contracts within the limits of, and subject to, the appropriations provided by the participating municipalities and other available secured funding sources.

ELEVENTH: If any term or provision of this agreement or the application thereof shall, to any extent, be invalidated or unenforceable, the remainder of this agreement or the application of such term or provision, other than those to which it is held invalid or unenforceable, shall be unaffected thereby, and each term and provision of the agreement shall be valid and enforceable to the fullest extent permitted by law.

IN WITNESS WHEREOF, the following parties through their Chief Elected Officials have executed this agreement.

Adopted from the Canandigua Lake Watershed Intermunicipal Agreement