

**TOWN OF DANBY, TOMPKINS COUNTY, NEW YORK**  
**LOCAL LAW NUMBER 3 OF 2010**

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

**Stormwater Amendments to Subdivision and Land Division Regulations**

**SECTION 1:** This Local Law shall be known as “Local Law Number 3 of 2010”. Local Law Number 3 of 2010 applies only within the Town of Danby, Tompkins County, New York. The purpose of this Local Law is to update the Subdivision and Land Division Regulations of the Town of Danby, New York, Town of Danby Local Law Number 4 of 2007, as amended by Local Law Number 3 of 2009, to ensure that the requirements of the Town of Danby Stormwater Local Law are incorporated into said Subdivision and Land Division Regulations, or appropriately referenced therein, so as to ensure that the goals of subdivision and stormwater management and control are mutually achieved.

**SECTION 2:** Town of Danby Local Law Number 4 of 2007 as amended by Local Law Number 3 of 2009, the Subdivision and Land Division Regulations of the Town of Danby, is hereby amended at Article I, Section 102, by adding a new subdivision IV as follows:

IV. The requirements of Town of Danby Local Law Number 1 of 2010, entitled “Town of Danby Stormwater Management, Erosion and Sediment Control Law” (herein the “Stormwater Local Law”) be and hereby are incorporated into this Subdivision and Land Division Regulations Local Law of the Town of Danby (herein, the “Subdivision Local Law”) to the extent required by such Stormwater Local Law relative to Land Development Activities and subdivisions and land divisions, including, but not limited to, the preparation and approval of SWPPPs, the obtaining of Stormwater Permits, and the design, planning, installation, construction, maintenance, and improvement of temporary and permanent Stormwater Management Practices, as each and all of such capitalized terms are defined and used within such Stormwater Local Law. Regardless of the language of this Subdivision Local Law, no waivers pertaining to stormwater requirements may be granted by any person, body, board, or other entity unless such waiver is granted pursuant to the authority of Article 16 of such Stormwater Local Law.

**SECTION 3:** Town of Danby Local Law Number 4 of 2007 as amended by Local Law Number 3 of 2009, the Subdivision and Land Division Regulations of the Town of Danby, is hereby amended at Article I, Section 104, by amending subdivision IV as follows:

IV. With respect to Standard Subdivisions, as hereinafter defined, until (i) the Planning Board has given final approval of such Standard Subdivision, and (ii) the Subdivision Map has been filed in the offices of the Tompkins County Clerk and the Town of Danby Town Clerk bearing the approval of the Town Planning Board and all other required endorsements in compliance with these regulations and all requirements of

New York State law, and (iii) compliance with the Stormwater Local Law has been demonstrated, including, but not limited to, the preparation and approval of SWPPPs, the obtaining of Stormwater Permits, and the design, planning, installation, construction, maintenance, and improvement of temporary and permanent Stormwater Management Practices, as each and all of such capitalized terms are defined and used within such Stormwater Local Law, no building permit for construction or other work on the property shall be issued, nor shall such permit be valid if erroneously issued, and no lot in the subdivision shall be sold, except as this condition may be modified as further provided in these regulations. Any such action or any work done on or with respect to the lands in the subdivision or any expenses incurred prior to final approval shall be at the peril of the owner of the land or the applicant and shall not give rise to any claim for damages by the landowner or applicant.

**SECTION 4:** Town of Danby Local Law Number 4 of 2007 as amended by Local Law Number 3 of 2009, the Subdivision and Land Division Regulations of the Town of Danby, is hereby amended at Article II, Section 201, as follows:

A. By adding a new subdivision (d) to subdivision (B)(1) of Section 201 as follows:

d. Compliance with the Stormwater Local Law, if applicable, has been demonstrated, including, but not limited to, the preparation and approval of SWPPPs, the obtaining of Stormwater Permits, and the design, planning, installation, construction, maintenance, and improvement of temporary and permanent Stormwater Management Practices, as each and all of such capitalized terms are defined and used within such Stormwater Local Law.

B. By adding a new subdivision (f) to subdivision (B)(2) of Section 201 as follows:

f. Compliance with the Stormwater Local Law, if applicable, has been demonstrated, including, but not limited to, the preparation and approval of SWPPPs, the obtaining of Stormwater Permits, and the design, planning, installation, construction, maintenance, and improvement of temporary and permanent Stormwater Management Practices, as each and all of such capitalized terms are defined and used within such Stormwater Local Law.

C. By amending subdivision (C) of Section 201 as follows:

C. STANDARD SUBDIVISION – Any division of land other than a Land Annexation or Land Division by Permit, which such division of land is and remains at all times subject to the requirements and terms of the Stormwater Local Law, if and as applicable.

D. By amending Section 203 as follows:

A Subdivider may request, or the Planning Board may require, the use of a Clustered Subdivision design, in accordance with the provisions of Town Law Section 278, and Article III herein. The use of Clustered Subdivision design is encouraged, and all Clustered Subdivisions are and remain at all times subject to the requirements and terms of the Stormwater Local Law, if and as applicable.

E. By amending Section 204 as follows:

The Planning Board may require the reservation of a portion of a Standard Subdivision for recreational open space, pursuant to the provisions of Article IV. In no circumstances may Stormwater Management Practices be or be deemed open spaces or recreational spaces under the terms and requirements of this Subdivision Local Law.

F. By amending Section 206, subdivision (II) as follows:

II. The Land Division Final Plat shall be submitted to the Code Enforcement Officer, who, upon finding the Land Division Final Plat to be in conformance with these regulations, the applicable zoning requirements as set forth in the Town of Danby Zoning Ordinance, and the requirements of the Stormwater Local Law, shall so certify the Land Division Final Plat and grant a Final Permit for the Land Division. The certified Land Division Final Plat shall be filed by the applicant in the offices of the Town of Danby Clerk with proof of filing of same with the Tompkins County Clerk within one (1) year after the date of issuance of the Final Permit for the Land Division. If the Land Division Final Plat is not so certified and filed within the one-year period, the Permit for the Land Division shall expire.

G. By amending Section 209, subdivision (VII) as follows:

VII. Town Board Approval. If the Preliminary Plat includes any proposed improvements to or extension of an existing, or the creation of a new public road, public utility, or other public facility or area, including any Stormwater Management Practices or facilities, then no Preliminary Plat approval shall be complete until the Subdivider has applied for and obtained preliminary acceptance, from the Town Board, of the proposed location, design, and maintenance of same, and, as applicable, appropriate Maintenance Agreements and/or Dedications by the Subdivider have been approved by the Town Board and executed by the Subdivider in relation to any Stormwater Management Practices or facilities.

H. By amending Section 209, subdivision (IX) as follows:

IX. Subdivider Action Following Preliminary Plat Approval. Following Preliminary Plat approval, the Subdivider may proceed to stake out roads and lots, to prepare final plans and engineering plans showing information and data required by these regulations and other applicable provisions of law, including the Stormwater Local Law and the identification and staking out of the locations of temporary or permanent Stormwater Management Practices. The Subdivider shall also furnish such other information as may be lawfully and reasonably required by the Planning Board.

**SECTION 5:** Town of Danby Local Law Number 4 of 2007 as amended by Local Law Number 3 of 2009, the Subdivision and Land Division Regulations of the Town of Danby, is hereby amended at Article III as follows:

A. By amending Section 301, subdivision (III) as follows:

III. Subsequent to such conceptual approval, the Preliminary and Final Plat application requirements set forth in Articles II and IX shall apply, except that, in addition, a Clustered Site Plan meeting the requirements of Town Law Section 278 shall accompany such application, along with a statement describing proposed modifications or supplementations of Zoning Ordinance requirements, and further along with a proposed or approved SWPPP or SPDES Permit, if required, under the Stormwater Local Law.

B. By amending Section 301, subdivision (IV) as follows:

III. Such Clustered Site Plan shall show areas within which structures may be located, maximum height and minimum spacing of buildings, proposed open spaces and their landscaping, off street open and enclosed parking spaces, streets, driveways, and other physical features as may be required by the Planning Board, including the location, size and function of all Stormwater Management Practices.

C. By amending Section 303, subdivision (I)(D) as follows:

D. That natural surface water drainageways are not adversely affected, and all Surface Waters and Wetlands are not adversely affected by Stormwater Runoff, Sediments, Sedimentation, Erosion, Point Source Pollution, Nonpoint Source Pollution, Pollutants of Concern, and Stormwater Hotspots, as such terms are defined and used in the Town's Stormwater Local Law.

**SECTION 6:** Town of Danby Local Law Number 4 of 2007 as amended by Local Law Number 3 of 2009, the Subdivision and Land Division Regulations of the Town of Danby, is

hereby amended at Article V, Section 501 by amending subdivision II(A) as follows:

A. Plans for all water supply, sanitary sewerage systems, and erosion and sedimentation control shall conform in all respects to applicable Town, County and State standards, including but not limited to the Town's Stormwater Local Law.

**SECTION 7:** Town of Danby Local Law Number 4 of 2007 as amended by Local Law Number 3 of 2009, the Subdivision and Land Division Regulations of the Town of Danby, is hereby amended at Article VI as follows:

A. By adding a new subdivision (4) to Section 601, subdivision (III), as follows:

4. Locations, sizes, dimension, capacities, and functions of all temporary or permanent Stormwater Management Practices as required by and under the Stormwater Local Law.

B. By adding a new subdivision (2) to Section 602, subdivision (III)(A), as follows:

2. The locations, areas, sizes, and dimensions by bearing, metes and bounds, of all temporary or permanent Stormwater Management Practices as required by and under the Stormwater Local Law.

**SECTION 8:** Town of Danby Local Law Number 4 of 2007 as amended by Local Law Number 3 of 2009, the Subdivision and Land Division Regulations of the Town of Danby, is hereby amended at Article VII, Sections 703 and 704 as follows:

Section 703. Erosion Control.

I. **APPLICABILITY.** Notwithstanding the Conservation Requirements in the Low Density Residential Zone identified in Section 701, the following guidelines apply to all Standard Subdivisions.

II. **STANDARDS.** In addition to any requirements of the Stormwater Local Law all Standard Subdivisions shall adhere to the following additional guidelines:

A. Land grading, earth moving, and vegetation removal shall be limited to that necessary for actual construction.

B. All land which is stripped, cut, filled, or otherwise deprived of protective vegetative cover shall be re-vegetated as soon as is practicable, with such re-vegetation subject to the inspection and approval of the Code Enforcement Officer, which approval shall, where applicable, follow the requirements of any approved SWPPP or SPDES Permit requirements and the recommendation of the

Town's Stormwater Management Officer ("SMO").

C. No removal of soil or vegetation from slopes exceeding fifteen percent (15%) grade shall be permitted except where necessary for construction; in which event, a stabilization and re-vegetation plan shall be submitted to the Code Enforcement Officer for approval prior to the work being commenced, which approval shall, where applicable, follow the requirements of any approved SWPPP or SPDES Permit requirements and the recommendation of the SMO.

D. Where land is disturbed in site development, no slope shall be left with a grade steeper than one foot (1') vertical rise to three feet (3') horizontal distance unless the grade was steeper before disturbance. In such latter event, the final grade shall be approved by the Planning Board only after consultations with appropriate professionals, such as engineers, and shall be approved only after: (i) the Planning Board has determined that such steeper grade is not a risk to the environment, the proposed residents, and the neighboring properties, (ii) professionally engineered plans are approved by the Planning Board, which plans shall show such information required by the Board or its professional consultant, including the final grade and the steps, including vegetation, etc., to be taken to stabilize the slopes and to prevent erosion and drainage problems, and (iii) where applicable and whenever required under the Town's Stormwater Local Law, such grading is in compliance with any approved SWPPP or SPDES Permit. Any construction or alteration shall thereafter be in accordance with such approved plans.

E. Terraces, diversions, and other Stormwater Management Practices shall be used to break up long slopes where the possibility of erosion exists.

F. Sedimentation basins, traps, and other Stormwater Management Practices shall be employed as required by the Code Enforcement Officer or the SMO.

G. Where topsoil is disturbed by development, a minimum of four inches (4") of topsoil shall be maintained to insure proper growth of vegetation, except upon approval of a lesser amount by the Code Enforcement Officer.

H. There must be regular and continued maintenance of erosion and sedimentation control measures, adequate vegetative cover, and all temporary or permanent Stormwater Management Practices.

Section 704. Drainage.

APPLICABILITY. The following guidelines apply to all Standard Subdivisions.

I. STANDARDS.

A. All land development and Land Development Activities (as defined in the Stormwater Local Law) shall be related to the surrounding drainage pattern, with provisions made for proper drainage facilities. Whenever possible, natural drainage patterns shall be employed in preference to rechanneling streams or watercourses. The requirements of the Town's Stormwater Local Law shall apply to all proposed drainage facilities and plans, and where required, an appropriate SWPPP shall be prepared and approved before any final drainage plans are implemented, except as may otherwise be permitted in such Stormwater Local Law for temporary Stormwater Management Practices or site Stabilization.

B. All drainage improvements must be acceptable to the Code Enforcement Officer or other authorized agent, including the SMO. In no case shall work be performed which directly or indirectly affects natural drainage patterns prior to the granting of any necessary approvals by the Town, County, or State agencies having jurisdiction.

C. If Stormwater is to be diverted from its natural course, a construction plan shall be submitted to the Code Enforcement Officer containing, at a minimum, the following information:

1. A sketch showing in plan and in profile the existing waterway and the proposed channel change;
2. Provisions to prevent soil erosion and silting; and
3. Verification of compliance with the Town's Stormwater Local Law, including, where required, the presentation of any approved SWPPP or SPDES Permit.

D. The release, control, and management of Stormwater Runoff from development and Land Development Activities shall comply with the requirements of the Town's Stormwater Local Law and, generally, shall not exceed pre-development conditions. Provisions shall be made for adequate storm drainage and drainage structures, including both temporary and permanent Stormwater Management Practices, to prevent water from standing on any portion of a street and to otherwise control and manage Stormwater Runoff, Sedimentation, Erosion, Pollutants of Concern, and other deleterious effects of unregulated Stormwater.

**SECTION 9:** Town of Danby Local Law Number 4 of 2007 as amended by Local Law Number 3 of 2009, the Subdivision and Land Division Regulations of the Town of Danby, is

hereby amended at Article VIII as follows:

A. By adding a new subdivision (H) to Section 800, subdivision (II) as follows:

H. All Standard Subdivisions and any related Land Development Activities (as defined in the Stormwater Local Law) shall be required to comply with the Town's Stormwater Management Local Law, including, where applicable, the preparation and approval of one or more SWPPPS and SPDES Permits, and including the provision for the construction and maintenance (both short and long-term) of Stormwater Management Practices, including any related or required Maintenance Agreements or Dedications related to the same.

B. By amending Section 802 to renumber subdivision (III) as subdivision (I) and to renumber subdivision (IV) as subdivision (II).

**SECTION 10:** Town of Danby Local Law Number 4 of 2007 as amended by Local Law Number 3 of 2009, the Subdivision and Land Division Regulations of the Town of Danby, is hereby amended at Article IX, as follows:

A. By adding a new subdivision (4) to Section 901, subsection (III)(A), as follows:

4. Locations, sizes, dimension, capacities, and functions of all temporary or permanent Stormwater Management Practices as required by and under the Stormwater Local Law.

B. By adding a new subdivision (p) to Section 901, subsection (III)(B), as follows:

p. Locations, sizes, dimension, capacities, and functions of all temporary or permanent Stormwater Management Practices as required by and under the Stormwater Local Law.

C. By adding a new subdivision (5) to Section 901, subsection (III)(C), as follows:

5. Locations, sizes, dimension, capacities, and functions of all temporary or permanent Stormwater Management Practices as required by and under the Stormwater Local Law.

D. By adding a new subdivision (vii) to Section 902, subsection (III)(C)(1)(a), as follows:

4. The locations, areas, sizes, and dimensions by bearing, metes and bounds, of all temporary or permanent Stormwater Management Practices as required by and under the Stormwater Local Law.



E. By adding a new subdivision (i) to Section 902, subsection (III)(D)(3), as follows:

i. The locations, areas, sizes, and dimensions by bearing, metes and bounds, of all temporary or permanent Stormwater Management Practices as required by and under the Stormwater Local Law.

F. By adding a new subdivision (b) to Section 903, subsection (III)(A)(1), as follows:

i. The locations, areas, sizes, and dimensions by bearing, metes and bounds, of all temporary or permanent Stormwater Management Practices as required by and under the Stormwater Local Law.

G. By amending subdivision (e) of Section 903, subsection (III)(B)(2), as follows:

e. A plan approved by the SMO showing the proposed Sediment and Erosion control plans, temporary or permanent, including, but not limited to Erosion Control Facilities, Sediment Containment Facilities, and Stormwater Control Facilities, as each term is used and defined in the Town's Stormwater Local Law. This requirement may be met by providing an approved SWPPP, and, if applicable, approved SPDES Permit(s) showing the same.

H. By amending subdivision (f) of Section 903, subsection (III)(B)(2), as follows:

f. An approved SWPPP, and, if applicable, approved SPDES Permit(s) showing the location, area, size, and dimensions by bearing, metes and bounds, of all temporary or permanent Stormwater Management Practices as required by and under the Stormwater Local Law.

I. By amending subdivision (ii) of Section 903, subsection (III)(B)(2)(h), as follows:

ii. All temporary and permanent Stormwater Management Practices, together with proposed short-term and long-term maintenance costs for the same.

J. By adding a new subdivision (d) to Section 903, subsection (III)(C)(3), as follows:

d. Verification of approved SWPPP(s) and, as applicable or required, an approved SPDES Permit(s).

K. By amending subdivision Section 904 as follows:

**Section 904. Waiver of Requirements.**

I. Where the Planning Board finds that, due to the special circumstances of a

particular case, a waiver of certain requirements or procedures is justified, a waiver may be granted. In all cases, no waiver shall be granted unless the Planning Board finds and records in its minutes that: (1) granting the waiver would be keeping with the intent and spirit of this Local Law and is in the best interests of the community; (2) there is no adverse effect upon the character, appearance, or welfare of any neighborhood or the environment; (3) there are special circumstances involved in the particular case; (4) denying the waiver would result in undue hardship, provided that such hardship has not been self-imposed; and (5) the waiver is the minimum necessary degree of variation from the requirements of this Local Law.

II. When the Planning Board finds that due to the special circumstances of a particular area the provision of certain required improvements is not necessary in the interest of public health, safety, and general welfare, or is inappropriate due to the inadequacy or lack of existing or proposed connecting facilities in the area of a proposed subdivision or land division, the Planning Board may waive such requirements subject to appropriate conditions as it may wish to impose.

III. It is not the intent of this Local Law to effect uniformity or standardization in the development of subdivisions and land divisions within the Town of Danby. When imaginative and beneficial design concepts are proposed by a subdivider the Planning Board may grant a variance to permit the accomplishment of such concepts as long as such variances do not violate any other applicable laws or regulations.

IV. In limitation of each of the foregoing, however, no waiver of any Stormwater requirements is permitted except pursuant to Article 16 of the Town's Stormwater Law.

**SECTION 10:** Town of Danby Local Law Number 4 of 2007 as amended by Local Law Number 3 of 2009, the Subdivision and Land Division Regulations of the Town of Danby, is hereby amended at Appendix A to add the following definitions:

**STORMWATER LOCAL LAW** – means the Town of Danby Local Law Number 1 of 2010, entitled “Town of Danby Stormwater Management, Erosion and Sediment Control Law.” All capitalized terms used in relation to the term “Stormwater Local Law”, such as, but not limited to, SWPPP, SWPPPS, Stormwater Permits, Stormwater Management Practices, Maintenance Agreement(s), Dedication(s), SPDES Permit(s), Stabilization, Stormwater Runoff, Sediment(s), Sedimentation, Erosion, Point Source Pollution, Nonpoint Source Pollution, Pollutants of Concern, SMO, and Stormwater Hotspots, shall have the meaning and definitions applied as set forth in and by the said Stormwater Local Law, each and all of which definitions are expressly incorporated into this Subdivision Local Law.

**STORMWATER MANAGEMENT PRACTICES** - any Erosion Control Facility, Stormwater Control Facility, Stormwater Control, Sedimentation Containment Facility, Watercourses, Waterways, Surface Waters, Channels, ditches, drains, culverts, ponds, retaining facilities, plantings, berms, swales, pipes, and other structures and appurtenances built, used, or intended to be utilized to protect and/or control Stormwater, Stormwater Hotspots, Sediments, Sedimentation, Erosion, Stormwater Runoff, Infiltration, Recharges, Sensitive Areas, Point Source Pollution, Nonpoint Source Pollution, Pollutants of Concern, Impaired Waters, Stabilization, Surface Waters, Channels, Waterways, and Watercourses, including, but not limited to, buildings, facilities, plantings, controls, protocols, designs, practices, methodologies, measures, acts, and devices, whether structural or nonstructural, or any combination thereof. The definitions of each capitalized term as used in this definition is as set forth in Town of Danby Local Law Number 1 of 2010, entitled “Town of Danby Stormwater Management, Erosion and Sediment Control Law,” and each such definition is expressly incorporated into this definition and this Subdivision Local Law.

**SECTION 11:** Severability: If any clause or provision of this Local Law shall be held invalid or unenforceable by a court or tribunal of competent jurisdiction, such holding shall not affect or invalidate the remainder of this Local Law and any such invalidity or unenforceability shall be confined in its operation to the clause or provision directly involved in the controversy in which such holding shall have been rendered.

**SECTION 12:** This Local Law shall take effect immediately, and the Town Clerk is directed to immediately file a copy of this Local Law with the NYS Secretary of State as required by law.

**Adopted by the Danby Town Board on February 8, 2010**