PROPOSED LOCAL LAW U - 2025

A Proposed Local Law to Amend Chapter 342 of the Code of the Village of Mamaroneck (Zoning); Repealing, Revoking and Rescinding Chapter 294 of the Code of the Village of Mamaroneck (Stormwater Management and Erosion and Sediment Control); and to Amend Chapter 282 of the Code of the Village of Mamaroneck (Definitions).

BE IT ENACTED by the Board of Trustees of the Village of Mamaroneck as follows:

Section 1.

Chapter 294 of the Code of the Village of Mamaroneck is repealed, revoked and rescinded.

Section 2.

Chapter 342, Article XIV of the Code of the Village of Mamaroneck is amended, as follows:

Article XIV Stormwater Management and Erosion and Sediment Control

§ 342-95. Findings; Purpose; Statutory Authority.

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1. Due to its location, the Village of Mamaroneck is faced with great challenges relative to the management of stormwater and the prevention of flooding and there is a pressing need for additional and innovative stormwater management. It has been determined by the New York State Department of Environmental Conservation that uncontrolled drainage and runoff associated with land development has a significant impact upon the health, safety and welfare of the community, specifically that:

   A. Improperly managed stormwater can increase the incidence of flooding and the levels of floods which occur, endangering property and human life;

   B. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, affect drainage patterns, increase flooding, stream channel erosion, or sediment transport and deposition;

   C. This stormwater runoff contributes to increased quantities of waterborne pollutants, including siltation of aquatic habitat for fish and other desirable species;

   D. Sediment from soil erosion can negatively affect catch basins, storm sewers, and ditches, while contributing to the degradation of streams, rivers, lakes, reservoirs, and harbors.

   E. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;

   F. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing stream bank erosion and sedimentation;

   G. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;

H. Substantial economic losses can result from these adverse impacts on the waters of the municipality;

I. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint-source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety;

J. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development;

K. The Village of Mamaroneck, as the community at the bottom of the watershed, is faced with additional challenges relative to the management of stormwater runoff in that the floodway and overall floodplain receives significant contributions from the upstream communities. For this reason, certain unique approaches to the management of stormwater, especially within the one-hundred-year floodplain, as well as carefully regulated management practices outside of the floodplain, need to be implemented; and

L. The Village recognizes the increased intensity and frequency of storm events as documented in NOAA Atlas 14, and the prevalence of low-infiltration Type D soils within the municipality as documented in the Town of Mamaroneck Comprehensive Drainage Study (2024). Stormwater management must account for worst-case hydrologic soil groups and updated precipitation frequency data.

2. The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in § 342-95 (1) hereof. This chapter incorporates the most current NOAA Atlas 14, Volume 10, Version 3 precipitation frequency estimates, retrieved via the NOAA Precipitation Frequency Data Server (PFDS) at the time of application, for all hydrologic and hydraulic design. Where applicable, designs shall address the 1-, 2-, 10-, 25-, and 100-year, 24-hour events, at minimum, and include the 90% rainfall event for WQv calculations per NYS DEC Stormwater Management Design Manual (2024). This chapter seeks to meet those purposes by achieving the following objectives:

   A. Meet the requirements of Minimum Measures 4 and 5 of the State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-0-24-001, or as amended or revised;

   B. Require all land development activities to conform to the substantive requirements of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-0-25-001, or as amended or revised;

   C. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;

D. Require calculation for stormwater detention and retention on existing properties with proposed improvements/modifications by a licensed engineer to upgrade the stormwater management practices on these properties, by requiring property owners to upgrade stormwater management systems in accordance with the requirements of this chapter and subject to the approval of the Village Engineer/Stormwater Management Officer (SMO), in connection with the construction of an addition to an existing structure or other land-disturbing activity so that stormwater management practices for the entire site (including retention, detention, runoff and discharge into a public storm drain) are in full compliance with this chapter;

E. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;

F. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable;

G. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint-source pollution from land development or land-disturbing activities, and ensure that these management practices are properly maintained and eliminate threats to public safety wherever possible, through stormwater management practices;

H. Control erosion and sedimentation from land development or land-disturbing activities so as to prevent it from being deposited in streams, brooks, rivers, watercourses and other receiving water bodies;

I. Facilitate the removal of pollutants in stormwater runoff so as to perpetuate the natural biological and recreational functions of streams, rivers, water bodies and wetlands;

J. Regulate discharge of pollutants to the MS4 and promote public awareness of the hazards of the improper discharge of pollutants into the MS4.

3. In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the Board of Trustees of the Village of Mamaroneck has the authority to enact and amend local laws for the purpose of promoting the health, safety or general welfare of the Village of Mamaroneck and for the protection and enhancement of its physical environment. The Board of Trustees of the Village of Mamaroneck may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer, and enforce such local law.

§ 342-96. Applicability; Exemptions; Definitions.

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1. This chapter shall be applicable to all land development activities as defined in § 342-96 (2) which are not otherwise exempt pursuant to § 342-96 (3). Refer to § 342-97 (4) for required post-construction requirements based on project type and disturbance area.
   (a) All land development activities resulting in land disturbance of 200-999 square feet shall be required to submit a stormwater pollution prevention plan (SWPPP) with erosion and sediment controls only.

   (b) All land development activities resulting in land disturbance of 1,000 square feet or more shall be required to submit a stormwater pollution prevention plan (SWPPP), including post-construction stormwater management practices (SMPS) and meet all the requirements of this chapter.

(c) All land development activities that directly discharge to one of the 303(d) segments listed in Appendix D of the SPDES General Permit for Stormwater Discharges (GP-0-25-001) shall submit a stormwater pollution prevention plan (SWPPP), including post-construction stormwater management practices (SMPS), and meet all the requirements of this chapter.

(d) All projects that increase the building coverage or the area of impervious surface on the site and are anticipated to cost 25% or more of the value of the improvements on the property at the time of the application shall submit a stormwater pollution prevention plan (SWPPP), including post-construction stormwater management practices (SMPS), and meet all the requirements of this chapter.

2. Review of stormwater pollution prevention plans.

(a) The Village Engineer or other individual designated by the Village Manager shall be designated as the local Stormwater Management Officer (SMO) who shall accept and review all stormwater pollution prevention plans (SWPPP) and forward such plans to the applicable local land use board. The Stormwater Management Officer may:

i. Review the plans;

ii. Engage the services of a consulting engineer to review the plans, specifications and related documents at a cost to be reimbursed to the Village for such services.

(b) In either case, said SWPPP shall be certified by a licensed professional under the employ of the applicant.

3. All land development activities subject to review and approval by any Village board of the Village of Mamaroneck under the Village's Code shall be reviewed subject to the standards contained in this chapter. The Village Engineer/SMO shall carry out such review.

4. All land development activities not subject to review as stated in Subsection 3 shall be required to submit a stormwater pollution prevention plan (SWPPP) as required to the Stormwater Management Officer who shall approve the SWPPP or plan if it complies with the requirements of this chapter.

5. Waivers. Upon written request from an applicant, and upon recommendation of the Village Engineer or SMO specifically identifying the reasons therefor, the Village Manager may grant a waiver, in writing, from any requirements of this chapter. The Village Manager may utilize the services of a consulting engineer to review such requests. Waivers may only be granted where the application meets the following criteria, based upon information submitted by the applicant and reviewed by the Village Engineer or SMO:

(a) Special circumstances applicable to the subject property, its intended use, or the scope of the project. Examples of special circumstances may include site constraints such as rock and/or groundwater, the potential for disturbing contaminated areas of the site, or the potential for exposing aged Village infrastructure where same can be unsafe and/or detrimental to the Village.

(b) Where the retention requirements of § 342-96 (4) cannot be achieved, or where detention is demonstrated to be infeasible due to site-specific constraints, the applicant shall

demonstrate that peak flow attenuation has been reduced to the maximum extent practicable through the use of Green Infrastructure practices.

(c) A waiver may only be granted where the applicant has demonstrated to the satisfaction of the designated reviewer(s) that by granting the waiver:

(a) Proposed measures improve runoff reduction;

(b) No feasible additional retention or detention opportunities exist on the site;

(c) There are no adverse impacts on a wetland, watercourse or water body;

(d) Proposed action does not result in degradation of water quality; or

(f) Otherwise impair the attainment of the objectives of this chapter.

6. The following activities may be exempt from review under this chapter:

(a) Repairs or routine maintenance to any stormwater management practice or facility deemed necessary by the Village Engineer, Code Enforcement Official, Stormwater Management Officer, or designee.

(b) Land development activities for which a building permit has been approved on or before the effective date of this chapter.

(c) Cemetery graves.

(d) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.

(e) Emergency activity immediately necessary to protect life, property or natural resources as determined by the Village Engineer/SMO.

(f) Activities of an individual engaging in home gardening by growing flowers, vegetables and other plants primarily for use by that person and his or her family.

(g) Landscaping and horticultural activities in connection with an existing structure. Alteration of the interior of a building and alteration of the exterior of a building, provided that such exterior alteration does not increase coverage by the building or pavement or the alteration does not involve the demolition of a part or all of the exterior of an existing building.

7. The terms used in this chapter or in documents prepared or reviewed under this chapter shall have the meanings as set forth in this section. Certain definitions set forth herein are taken from the Design Manual and/or Erosion Control Manual and are technical in nature and intended for use by engineers and other professionals who are engaged in the design of stormwater facilities.

ADDITION — Any work on an existing structure that changes the external dimensions of such structure.

ADJOINING PROPERTY — Any property facing a work site across any right-of-way, street or highway shall be deemed adjoining property, as well as any property contiguous on any side.

ALTER HYDROLOGY FROM PRE- TO POST- DEVELOPMENT CONDITIONS — The post-development peak flow rate(s) have increased by more than 5% of the pre-developed condition for the NOAA Atlas 14 PFDS-derived precipitation frequency estimates for the site location of interest (e.g., 25 years and 100 years). Hydrologic soil group designations used for design shall be

established via site-specific subsurface investigation performed in conformance with Appendix D of the NYS Stormwater Management Design Manual. NRCS Web Soil Survey data may be cited for background information but shall not be used to size structural practices.

ALTERNATIVE SIZING CRITERIA — The sizing criteria that can be achieved in redevelopment projects through a variety of approaches as outlined in Chapter 9 of the New York State Stormwater Management Design Manual.

ALTERNATIVE STORMWATER PRACTICES — Stormwater management practices that are outlined in this chapter for potential application in redevelopment scenarios and are designed and implemented in accordance with the recommendations in this chapter.

APPEAL — A request for a review of the local administrator's interpretation of any provision of this article or a request for a variance.

APPLICANT — A property owner or agent of a property owner who has filed an application for a land development activity.

AUTHORIZED ENFORCEMENT AGENCY — Employees or a designee of the municipal agency designated to enforce this chapter.

BEST MANAGEMENT PRACTICES (BMPs) — Schedule of activities, prohibitions, general housekeeping practices, pollution prevention and educational practices, maintenance procedures and other practices to prevent or reduce the discharge of other pollutants directly or indirectly to stormwater, receiving waters or stormwater conveyance systems; procedures and methods pertaining to construction activities which are intended to minimize water pollution, retain valuable topsoil and prevent erosion and sedimentation and include, but are not limited to, those practices contained in the most recent versions of the New York State Stormwater Management Design Manual and the New York Standards and Specifications for Erosion and Sediment Control. BMPs are to be complied with on all plans submitted with an application for a stormwater management and erosion and sediment control permit regardless of the size of the land disturbance.

BEST MANAGEMENT PRACTICES MANUALS — The most recent editions of a series of manuals published by the State of New York, consisting of various volumes on best management practices for certain described activities and, specifically, the publications titled "New York State Stormwater Management Design Manual" dated July 31, 2024 as may be amended or revised (the "Design Manual"), and the "New York Standards and Specifications for Erosion and Sediment Control" dated November 2016, or as may be amended or revised (the "Erosion Control Manual").

BUILDING — Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

CHANNEL — A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEAN WATER ACT — The Clean Water Act of 1977 (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CLEARING — Any activity that removes the vegetative surface cover.

CONNECTION PERMIT — An authorization for the connection as well as the discharge permitted under this chapter, as well as a discharge permitted under an SPDES permit, waiver, or waste discharge order issued by the NYSDEC. This permit is subject to special terms and conditions set by the Village or its designated consultant. This permit expires on or before the expiration of the NYSDEC SPDES permit, waiver or order or upon changes of ownership or use of the property.

CONSTRUCTION ACTIVITY — Includes activities subject to NYSDEC permits and SPDES permits or activities covered by erosion and sediment control and pollution prevention laws. These activities include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

DEPARTMENT — The New York State Department of Environmental Conservation (NYSDEC).

DESIGN MANUAL — The New York State Department of Environmental Conservation (NYSDEC) Stormwater Management Design Manual, most recent version including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

DETENTION — A practice to store stormwater runoff by collection as a temporary pool of water and provide for its gradual (attenuated) release; a practice which is used to control peak discharge rates and which provides gravity settling of pollutants.

DEVELOPER — A person who undertakes land development activities.

DEVELOPMENT — To make a site or area available for use by physical alteration. Development includes but is not limited to providing access to a site, the clearing of vegetation, grading, earth moving, providing utilities and other services such as parking facilities, stormwater management and erosion control systems, altering landforms or construction of a structure on the land.

DISCHARGER — Any person or entity, permitted by law or not, that is releasing, emptying, conveying or unloading fluids and materials, including but not limited to hazardous materials and illicit discharges, as defined by this chapter, into the municipal storm sewer system.

EMERGENCY RESPONSE AGENCY — Any governmental agencies, including but not limited to the New York State Department of Environmental Conservation, the Westchester County Department of Health and the Village of Mamaroneck Police and Fire and other appropriate Village departments.

EROSION — The removal of soil particles by the action of water, wind, ice or other meteorological or geological agents.

EROSION CONTROL MANUAL — The most recent version of the New York Standards and Specifications for Erosion and Sediment Control Manual, commonly known as the "Blue Book."

EXISTING GRADE — The vertical location of the existing ground surface prior to excavation or filling.

FINAL GRADE — The vertical location of the ground or pavement surface after the grading work is completed in accordance with the site development plan.

FLOODPLAIN — For a given flood event, that area of land temporarily covered by water which adjoins a watercourse. Land within the floodplain is property within the one-hundred-year flood boundary as shown on Flood Insurance Rate Map (FIRM) dated September 28, 2007, for the Village of Mamaroneck, as issued by the Federal Emergency Management Agency (FEMA), as amended from time to time.

FOREBAY — An extra storage area or treatment area, such as a sediment pond or created wetland, near an inlet of a stormwater management facility to trap incoming sediments or take up nutrients before they reach a retention or extended detention pond.

GRADING — Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

GRAVEL — Poorly/open graded angular crushed stone used for stormwater storage and/or infiltration practices, including: A) aggregate consisting of mixed sizes of one-fourth-inch to three-inch particles which normally occur in or near old streambeds and have been worn smooth by the action of water; and B) a soil having particle sizes, according to the Unified Soil Classification System, ranging from the No. 4 sieve size angular in shape as produced by mechanical crushing. NYSDOT road subbase material shall

be considered impervious. The Village Engineer shall provide technical guidance related to hydrologic modeling (e.g., curve numbers) for gravel surfaces, trenches, beds, reservoirs, etc. This includes subsurface gravel installed beneath pervious pavers, porous pavement and other similar green infrastructure and standard stormwater management practices.

GREEN INFRASTRUCTURE — In the context of stormwater management, the term "green infrastructure" includes a wide array of practices at multiple scales to manage and treat stormwater, maintain and restore natural hydrology and ecological function by infiltration, evapotranspiration, capture and reuse of stormwater, and establishment of natural vegetative features. On a regional scale, green infrastructure is the preservation and restoration of natural landscape features, such as forests, floodplains and wetlands, coupled with policies such as infill and redevelopment that reduce overall imperviousness in a watershed or ecoregion. On the local scale green infrastructure consists of site- and neighborhood-specific practices and runoff reduction techniques. Such practices essentially result in runoff reduction and/or establishment of habitat areas with significant utilization of soils, vegetation, and engineered media rather than traditional hardscape collection, conveyance and storage structures. Some examples include green roofs, trees and tree boxes, pervious pavement, rain gardens, vegetated swales, planters, reforestation, and protection and enhancement of riparian buffers and floodplains. (See current.Design Manual for reference).

HAZARDOUS MATERIALS — Any material, including any substance, waste, or combination thereof, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

ILLEGAL CONNECTION — An illegal connection is defined as any of the following:

A. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm sewer system, including, but not limited to, any conveyances which allow any nonstormwater discharge, including treated or untreated sewage, process wastewater and wash water, to enter the storm sewer system;

B. Any connections to the storm sewer system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency;

C. Any drain or conveyance connected from a commercial or industrial land use to the storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE — Any discharge through an unauthorized connection, including a direct or indirect nonstormwater discharge to the storm sewer system, except as exempted in this chapter.IMPAIRED WATERBODIES — Waterbodies impaired by pollutants related to construction activity, including turbidity, silt/sediment, and nutrients (e.g. nitrogen, phosphorus). The list is provided in Appendix D of the SPDES General Permit for Construction Activities (GP 0-25-001) and is a subset of “The Final New York State 2018 Section 303(d) List of Impaired Waters Requiring a TMDL” dated June 2020.

IMPERMEABLE SURFACE — Those surfaces in the urban landscape that cannot effectively infiltrate rainfall consisting of building rooftops, pavement, sidewalks, driveways. Steep slopes and compact soils are not typically included as impervious cover. This definition includes well/close graded material meeting the specifications for New York State Department of Transportation (NYSDOT) road subbase material (formerly known as "Item 4"). NYSDOT road subbase material shall be considered impervious. Decks constructed above the ground surface that allow one-

hundred-percent pass-through of stormwater to the ground surface below said decks shall be considered to be permeable.

IMPERVIOUS — Surfaces such as, but not limited to, pavement, walks, patios, terraces, decks, rooftops, gravel surfaces, NYSDOT road subbase material (formerly known as "Item 4") and other well/close graded material, tennis courts and swimming pools, which prevent or inhibit the percolation of water into the soil. Porous/pervious hardscape installed to the Design Manual standards shall be considered pervious for WQv sizing; however, in Hydrologic Soil Group D soils or where seasonal high groundwater is within 2 feet of the subbase, such systems shall be considered hydraulically limited and modeled as partially or fully impervious for peak flow calculations unless infiltration feasibility and storage are demonstrated by testing.

INDUSTRIAL STORMWATER PERMIT — A state pollutant discharge elimination system permit issued to a commercial industry or group of industries, which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION — A practice designed to promote the recharge of groundwater by containment and concentration of stormwater into porous soils.

JURISDICTIONAL WETLAND — An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

LAND DEVELOPMENT ACTIVITY — Any construction activity, including clearing, grading, excavating, soil disturbance or placement of fill, that could potentially result in soil erosion and/or any change in movement of stormwater on the site.

LAND-DISTURBING ACTIVITY — Any change to land which may result in soil erosion from water or wind and the movement of soil into water or onto lands, alteration of a drainage system, or increased runoff of waters, including, but not limited to, clearing, grading, excavating, transporting and filling of land.

LANDOWNER — The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

LICENSED/CERTIFIED PROFESSIONAL — An engineer duly licensed by the New York State Department of Education to practice engineering.

MAINTENANCE AGREEMENT — A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

MUNICIPAL PERMIT — Any permit or license issued by the Village of Mamaroneck, including, but not limited to, building, grading, demolition, clearing, topsoil removal, excavation, tree removal, and special use permits, and subdivision and site plan approval.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — A conveyance or system of conveyances and retention and infiltration facilities (including roads with drainage systems, curbs and gutters on municipal streets, manholes, catch basins, ditches, man-made channels, storm drains, stormwater basins, drainage reserve areas, dry wells and/or any other component of a stormwater system) that is owned and/ or operated by the Village or another municipal entity, designed and/or used for collecting, conveying, storing, infiltrating, or managing stormwater, which is not a combined sewer and which is not part of a publicly owned treatment works as defined at 40 CFR 122.2.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER

DISCHARGE PERMIT — A permit issued by the Environmental Protection Agency (EPA) or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NEW DEVELOPMENT — Any construction or disturbance of a parcel of land that is currently undisturbed or unaltered by human activities and in a natural state.

NONPOINT-SOURCE POLLUTION — Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

NONSTORMWATER DISCHARGE — Any discharge to the storm sewer system that is not composed entirely of stormwater.

OUTFALL — The terminus of a storm drain where the contents are released.

OUTFLOW CONTROL STRUCTURE — A permanent structure placed at the discharge point of a stormwater conveyance system designed to control discharge of stormwater from the system.

PEAK DISCHARGE RATE — The maximum instantaneous rate of flow during a storm, usually in reference to The specific NOAA Atlas 14 PFDS-derived precipitation frequency estimates for the site location event. Hydrologic soil group designations used for design shall be based on site-specific testing per Appendix D of the NYS Stormwater Management Design Manual; NRCS Web Soil Survey may be cited for background only and shall not be used to size structural practices. For preliminary screening, unrated areas may assume Group D parameters until testing is completed.

PEAK FLOW — The maximum rate of flow of water at a given point and time resulting from a storm event.

PEAK FLOW ATTENUATION — The reduction of the peak discharge of stormwater runoff by detention and gradual release of that storage.

PERSON — Any corporation, partnership, association, trust, estate, or any other entity recognized by law and acting as either the owner or the owner's agent, including state and local governments and agencies, authorities, or other political subdivisions thereof, and one or more individuals.

PERVIOUS/POROUS HARDSCAPE — Pervious systems (porous asphalt, pervious concrete, permeable interlocking concrete pavers) shall be treated as pervious for water quality (WQv) when designed, constructed, and maintained in accordance with the NYS Stormwater Management Design Manual; for water quantity (peak flow/volume) they may be credited only to the extent supported by site-specific infiltration testing and storage design pursuant to Appendix D of the Design Manual.

PHASING — Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANT — Anything that causes or contributes to pollution. Pollutants that may cause or might reasonably be expected to cause pollution of the waters within New York State may include, but are not limited to, dredged soil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, hazardous materials, heat, wrecked or discarded equipment, rock, sand, industrial and agricultural waste, ballast discharged into water, paints, varnishes and solvents, oil and other automotive fluids, nonhazardous liquid, yard waste, refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations so that same may cause or contribute to pollution, floatables, pesticides, herbicides, particulate metals, animal waste, waste and residue resulting from constructing a building or structure and noxious or offensive matter of any kind.

PREMISES — Any building, lot, parcel of land or portion of land, whether improved or unimproved, including adjacent sidewalks and parking areas wholly within the property boundaries of a particular site.

PRIMARY STRUCTURE(S) — All structures on a premises used for the primary use of said premises, including all garages, workshops, basements, pools, cabanas, but excluding sheds used exclusively for incidental storage.

PROJECT — Any land development activity and/or other construction associated with such land development

RECHARGE — The replenishment of underground water reserves through infiltration.

REDEVELOPMENT — Reconstruction or modification to any existing, previously developed land such as residential, commercial, industrial, institutional or road/highway, which involves soil disturbance. Redevelopment is distinguished from development or new development in that new development refers to construction on land where there had not been previous construction. Redevelopment specifically applies to constructed areas with impervious surface.

REDEVELOPMENT PROJECT — A project that undergoes redevelopment. The project area can be entirely under redevelopment or the project area can be a combination of redevelopment and new development.

RETENTION — A practice designed to store stormwater runoff by collection as a permanent pool or tank of water without release except by means of evaporation, infiltration, or attenuated release when runoff volume exceeds the permanent storage capacity of the permanent pool or tank.

SEDIMENT CONTROL — Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS — Cold-water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, and habitats for threatened, endangered or special-concern species.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP 0-25-001 — A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP 0-25-001 — A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

STABILIZATION — The use of practices that prevent exposed soil from eroding.

STANDARD PRACTICE — A standard stormwater management practice that appears in Chapter 3 or 6 of the New York State Department of Environmental Conservation Stormwater Management Design Manual, sized in accordance with Chapter 4 or 10, and designed in accordance with Chapter 6 or 10 of the Design Manual.

START OF CONSTRUCTION — The first land-disturbing activity associated with a development, including land preparation such as clearing, grading and filling; installation of utilities, streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and the installation of temporary or accessory buildings such as construction sheds or trailers and garages.

STOP-WORK ORDER — An order issued which requires that all construction activity on a site be

stopped.

STORM, FIVE-HUNDRED YEAR (QP 500) — A flood event which statistically has a 0.2% chance of being equaled or exceeded in any given year.

STORM, ONE-HUNDRED YEAR (QP 100) — A flood event which statistically has a 1% chance of being equaled or exceeded in any given year.

STORM SEWER CONNECTION PERMIT — An authorization for the connection to the MS4 and the discharge of stormwater, or authorized nonstormwater, under § A348-8B(11), from all properties.

STORMWATER — Any surface flow, runoff, and/or subsurface drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

STORMWATER APPURTENANCES — Structures such as dry wells, catch basins, piping, storm drains and detention/retention basins designed to control and manage the flow of stormwater.

STORMWATER CONVEYANCE SYSTEM (DRAINAGE SYSTEM) — Publicly owned facilities on public land or privately owned facilities on private land by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other stormwater appurtenances to control and manage the flow of stormwater.

STORMWATER HOTSPOT — A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

STORMWATER MANAGEMENT — The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT, EROSION, SEDIMENT AND POLLUTION CONTROL PLAN —

A plan prepared or certified by a New York State licensed engineer. These plans shall indicate the specific measures and sequencing to be used in controlling erosion, sediment and pollution on a development site during and after construction, showing the proposed use of the site and showing the methods, techniques and improvements that will be employed to control erosion, sedimentation and pollution, which shall employ best management practices.

STORMWATER MANAGEMENT FACILITY — One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT OFFICER (SMO) — The Village Engineer of the Village of Mamaroneck, and/or his designated agent(s) or other individual designated by the Village Manager, who will review stormwater pollution prevention plans, forward the plans to the applicable municipal board when necessary and inspect stormwater management practices.

STORMWATER MANAGEMENT PRACTICES (SMPs) — Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point-source or nonpoint-source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) — A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF — Flow on the surface of the ground, resulting from precipitation.

SUBSTANTIAL IMPROVEMENT — Any project or series of projects taken cumulatively for the preceding ten-year period whose cost equals or exceeds 50% of the value of the primary structure(s) on said property at the beginning of the first such project as represented in the Village of Mamaroneck Assessment rolls and/or any such project(s) within the same ten-year period which results in 50% or more of the gross floor area of the primary structure(s) on said property being changed and/or renovated.

SURFACE WATERS OF THE STATE OF NEW YORK — Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons, which also meet the criteria of this definition, are not waters of the state. This exclusion applies only to man-made bodies of water, which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

TOTAL RECONSTRUCTION — Any project or series of projects taken cumulatively for the preceding ten-year period whose cost equals or exceeds 50% of the value of the primary structure(s) on said property at the beginning of the first such project as represented in the Village of Mamaroneck Assessment rolls and/or any such project(s) within the same ten-year period which results in 50% or more of the gross floor area of the primary structure(s) on said property being changed and/or renovated.

TWENTY-FIVE-YEAR STORM (QP 25) — A flood event which statistically has a four-percent chance of being equaled or exceeded in any given year.

VILLAGE ENGINEER — The Village Engineer or consulting engineer appointed by the Board of Trustees to function as the Village Engineer.

WATERCOURSE — Any natural or artificial, intermittent, seasonal or permanent and public or private water body or watercourse. A water body is intermittently, seasonally or permanently inundated with water and contains a discernible shoreline and includes ponds and lakes. A watercourse includes rivulets, brooks, creeks, streams, rivers and other waterways flowing in a definite channel with a bed and banks and usually in a particular direction.

WATERWAY — A channel that directs surface runoff to a watercourse or to the public storm drain.

§ 342-97. Permit required; Stormwater pollution prevention plans (SWPPP); Performance and design criteria for stormwater management and erosion and sediment control.

Commented [KG3]: Combined these chapters

1. No person shall commence or carry out any activity subject to the provisions of this chapter on any lot in the Village of Mamaroneck without first obtaining a stormwater management and erosion and sediment control permit from the Village Engineer/Building Department and complying with the requirements of this chapter.
2. Stormwater pollution prevention plan requirement. No application for approval of any land development activity that results in the disturbance of land greater than 200 square feet shall be reviewed until the Village Engineer/SMO and/or appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter.
3. Contents of stormwater pollution prevention plans.

(1) All SWPPPs shall provide the following background information and erosion and sediment controls:

(a) Applicant information, including name, legal address, and telephone number.

(b) Background information about the scope of the project, including location, type, and size of project;

(c) Site map/construction drawing(s) at a scale not smaller than one inch equals 50 feet, or as otherwise approved by the Village Engineer/SMO, for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off- site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);

(d) Description of the soil(s) present at the site;

(e) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP;

(f) Identification of preliminary waiver or appeals;

(g) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;

(h) Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;

(i) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project closeout;

(j) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;

(k) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the sitting and sizing of any temporary sediment basins;

(l) Temporary practices that will be converted to permanent control measures;

(m) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;

(n) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;

(o) Name(s) of the receiving water(s);

(p) Delineation of SWPPP implementation responsibilities for each part of the site;

(q) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable;

(r) Any existing data that describes the stormwater runoff at the site; and

(s) Comparison of pre-construction impervious coverage area to post-construction impervious coverage area.

4. Post-Construction Stormwater Quantity and Quality Requirements Based on Project Type and Disturbance Area:

(a) For all projects that will result in an increase in the building coverage or the area of impervious surface on the site and are anticipated to cost 25% or more of the value of the improvements on the property at the time of the application, the stormwater calculation must base the pre-development runoff on the unimproved lot area and the post- development runoff on the area of all existing and proposed improvements unless the Village Engineer and/or SMO find existing conditions more conservative.

(b) All construction activities for new development resulting in a land disturbance greater than 1,000 square feet and less than 2,000 square feet must include stormwater quantity controls as described in the Design Manual, to attenuate the post-development one-hundred-year design storm, twenty-four-hour peak discharge rate (Qf) to predevelopment rates.

(c) All construction activities resulting in a land disturbance greater than 2,000 square feet and less than one acre must include stormwater quality and quantity controls (postconstruction stormwater runoff controls) as set forth in § 342-97 (13) and described in the Design Manual to provide treatment of the water quality volume (WQv) through runoff reduction and to attenuate the post-development one-hundred-year design storm, twenty-four-hour peak discharge rate (Qf) to predevelopment rates.

(d) All construction activities for new development resulting in a land disturbance greater than one acre must include stormwater quality and quantity controls (post-construction stormwater runoff controls) as set forth in § 342-97 (13) and described in the Design Manual to provide treatment of the water quality volume (WQv) through runoff reduction, and to attenuate the post-development one-, ten- and one-hundred-year design storms, twenty- four-hour peak discharge rate (Qf) to predevelopment rates.

(e) Additionally, stormwater runoff from land development and redevelopment activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment must comply with the requirements for post-construction stormwater control as outlined in Subsection (4)(d) above.

5. (f) All construction activities that meet the "redevelopment project" criteria must comply with items in Subsection (4)(a) through (e) above, including "Chapter 9: Redevelopment Projects" of the Design Manual. The sizing criteria described in Chapter 9 cannot be used to address runoff from new development. If a construction project includes both new development and redevelopment, the stormwater management practices for the new development portion of the project must be designed in accordance with the sizing criteria in Chapter 4 of the Design Manual, and the redevelopment portion of the project is subject to the sizing criteria in Section 9.3.2 of the Design Manual. All SWPPPs requiring post-construction stormwater management practices shall include the following:

    (a) All information in § 342-97(3)(1) of this chapter;

    (b) Description of each postconstruction stormwater management practice (practices shall be as approved in Chapter 4 of the New York State DEC Stormwater Design Manual);

    (c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each postconstruction stormwater management practice;

    (d) All hydrologic and hydraulic analysis computations shall use rainfall depths from the most current NOAA Atlas 14 PFDS output for the project location. The applicant shall provide PFDS documentation (PDF or CSV) demonstrating the coordinates, storm durations (1-24 hr), storm frequencies (1-, 2-, 10-, 25-, 100-year), and rainfall depth in inches;

    (e) Site-specific subsurface investigation and soil testing shall be performed in conformance with Appendix D of the NYS Stormwater Management Design Manual (July 31, 2024) to establish hydrologic soil group and infiltration feasibility; NRCS Web Soil Survey may be cited for background but shall not be used to size structural practices;

    (f) Comparison of post development stormwater runoff conditions with pre development conditions;

    (g) Dimensions, material specifications and installation details for each postconstruction stormwater management practice;

    (h) Maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater management practice;

    (i) Maintenance easements, if applicable, to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;

(j) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management practices in accordance with § 342-97 (13) of this chapter;

(k) Operation & Maintenance plan for all stormwater management practices;

(l) WQv calculation worksheets using NOAA Atlas 14 rainfall values at the time of the application;

(m) Peak flow calculations for each required storm event;

(n) Soil classification map and supporting NRCS Web Soil Survey data for the project site;

(o) Narrative on how soil infiltration constraints were addressed in design; and

(p) Report of site-specific subsurface investigation (borings/test pits, seasonal high groundwater, infiltration/percolation tests) performed in conformance with Appendix D of the NYS Stormwater Management Design Manual (July 31, 2024).

6. Construction activities which include the installation of underground, linear utilities, such as gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains, and water mains, require the preparation of a SWPPP that only includes erosion and sediment controls, as defined in Appendix B of the NYSDEC SPDES GP 0-25-001. The provisions of this section shall only apply to projects that do not result in the addition of impervious surfaces and/or do not alter hydrology.

7. All SWPPPs shall be prepared by a New York State licensed professional engineer, certified professional in erosion and sediment control (CPESC), or licensed landscape architect and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meets the requirements in this chapter.

8. Exceptions. Construction and development activities as annotated above may be excepted from the on-site stormwater quantity requirements only, if they meet any of the following criteria:

    a. The site discharges directly to tidal waters or fifth order (fifth downstream) or larger streams as defined in the Design Manual.
    b. Peak flow rates increase by less than 5% (i.e. do not alter hydrology) of the predeveloped condition for the NOAA Atlas 14 PFDS-derived precipitation frequency estimates for the site location (e.g. ten-year, twenty-five-year or one-hundred-year), and no downstream structures or buildings are impacted. Where hydrologic soil group is rated as D, or unrated soils are present, calculations shall use Group D parameters unless site-specific geotechnical testing demonstrates otherwise. Refer to § 342-97(8)(d) below.
    c. In the opinion of the Village Engineer/SMO, the detention and/or retention of stormwater on such site would exacerbate flooding on the property and/or contribute to an increase in the one-hundred-year floodplain.
    d. If the applicant can show by the results of a downstream analysis, to the satisfaction of the Village Engineer/SMO, that the release of stormwater from the site, without said detention and/or retention, will not have an adverse effect on any downstream

properties. The Village Engineer shall require a hydrologic and hydraulic watershed analysis in accordance with the NYSDEC Stormwater Management Design Manual.

9. Other environmental permits. The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.
10. Contractor certification.

    (1) Each contractor and subcontractor who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the stormwater pollution prevention plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards." The Village Engineer/SMO shall provide a form for the contractor/ subcontractor certification statement which shall be signed and returned to the Village Engineer/SMO prior to any work taking place.

    (2) The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

    (3) The certification statement(s) shall become part of the SWPPP for the land development activity.

11. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.
12. Applications for any land development activity that results in the disturbance of land greater than 1 acre are required to file a Notice of Intent (NOI) with the NYSDEC. Prior to land disturbance, the NOI and MS4 SWPPP Acceptance Form shall be submitted to the Village for review and approval.
13. All land development activities shall be subject to the following performance and design criteria:

    A. Technical standards. For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this chapter:

    (1) All designs shall meet or exceed the New York State Stormwater Management Design Manual dated July 31, 2024, as amended or revised.

    (2) New York Standards and Specifications for Erosion and Sediment Control dated November 2016, as amended or revised.

    (3) Water Quality Volume (WQv) and Peak Flow shall be computed using the most current NOAA Atlas 14 PDFS data and NRCS Type III distribution.

    (4) For redevelopment, alternative sizing criteria from the Design Manual (Chapter 9)

may be used, provided retention/recharge meets Atlas 14-based standards.

14. Equivalence to technical standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in § 342-97, and the SWPPP shall be prepared by a licensed professional.
15. Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.
16. Retention and Recharge Standards

    (1) Minimum retention: capture and infiltrate runoff from the first 1 inch of rainfall over new impervious surfaces (adjusted for WQv where larger).

    (2) Infiltration feasibility must consider the mapped NRCS soil groups; in Group D or mixed A/D, B/D, C/D soils, infiltration systems shall be designed for reduced percolation rates or alternative green infrastructure.

17. No stormwater management system shall discharge runoff onto adjoining properties or public rights-of-way in a manner that would adversely affect the permitted use or safety of those properties.

§ 342-98. Maintenance, inspection and repair of stormwater facilities; Administration and enforcement of construction inspections; Performance guarantee.

A. Maintenance and inspection during construction.

(1) The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.

(2) For land development activities as defined in § 342-96(3) of this chapter disturbing over 200 SF and meeting the conditions in § 342-97(4)(a), (b) or (c), the applicant shall have a qualified inspector/professional, as defined by the SDPES Construction General Permit to conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in a site logbook.

(3) The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.

(4) The Village may send a representative to perform period inspections throughout the period of construction in order to monitor compliance with the permit conditions and certify, if requested, that development is in compliance with the requirements of all required permits and/or variance provisions.

B. Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a

maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Village of Mamaroneck to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Village of Mamaroneck.

C. Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this chapter shall ensure they are operated and maintained to achieve the goals of this chapter. Proper operation and maintenance also includes, as a minimum, the following:

(1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this chapter.

(2) Written procedures for operation and maintenance and training new maintenance personnel.

(3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 342-97(2).

D. Maintenance agreements. The Village of Mamaroneck shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be in a form acceptable to the Village Attorney. The Village of Mamaroneck, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

(2)

A. Erosion and sediment control inspection.

(1) The Village of Mamaroneck's Stormwater Management Officer (SMO) or Village Engineer may require such inspections as necessary to determine compliance with this chapter and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Village of Mamaroneck enforcement official at least 48 hours before any of the following as required by the Village Engineer/Stormwater Management Officer:

(a) Start of construction.

(b) Installation of sediment and erosion control measures.

(c) Completion of site clearing.

(d) Completion of rough grading.

(e) Completion of final grading.

(f) Close of the construction season.

(g) Completion of final landscaping.

(h) Successful establishment of landscaping in public areas.

(2) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Village Engineer/SMO. The contractor must implement corrective actions within one business day and complete the corrective actions within five business days.

B. Stormwater management practice inspections. The Village of Mamaroneck, Village Engineer, SMO, or designee is responsible for conducting inspections of stormwater management practices (SMPs). The SWPPP, inspection reports, permits, and waivers/variances should be retained on site. Materials should be made accessible to the Village inspector at the time of inspection. All applicants are required to submit as-built plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

C. Inspection of stormwater facilities after project completion. Inspection programs shall be established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher-than-typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher-than-usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices. Inspections may be performed by the SMO(s), Village Engineer, or his designee. The Village Engineer, on consultation with the Village Manager or SMO(s), may designate an inspector required to have a professional engineer's (PE) license or certified professional in erosion and sediment control (CPESC) certificate, as long as the designated inspector is required to submit a report.

D. Submission of inspection reports. The Village of Mamaroneck's Stormwater Management Officer(s) may require monitoring and reporting from entities subject to this chapter as are necessary to determine compliance with this chapter.

E. Right of entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Village of Mamaroneck the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in § 342-98(2)(C).

(3)

A. Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Village of Mamaroneck in its approval of the stormwater pollution prevention plan, the Village of Mamaroneck may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Village of Mamaroneck as the beneficiary. The security shall be in an amount to be determined by the Village of Mamaroneck based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Village of Mamaroneck, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) has (have) been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Village of Mamaroneck. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

B. Maintenance guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Village of Mamaroneck with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Village of Mamaroneck may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

C. Recordkeeping. The Village of Mamaroneck may require entities subject to this chapter to maintain records demonstrating compliance with this chapter.

§ 342-99. Enforcement; penalties for offenses; Fees for services.

(1)

A. Notice of violation. When the Village of Mamaroneck determines that a land development activity is not being carried out in accordance with the requirements of this chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

(1) The name and address of the landowner, developer or applicant;

(2) The address when available or a description of the building, structure or land upon which the violation is occurring;

(3) A statement specifying the nature of the violation;

(4) a description of the remedial measures necessary to bring the land development activity into compliance with this chapter and a time schedule for the completion of such remedial action;

(5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;

(6) A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within 15 days of service of notice of violation.

B. Stop-work orders. The Village of Mamaroneck may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Village of Mamaroneck confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.

C. Violations. Any land development activity that is commenced or is conducted contrary to this chapter may be restrained by injunction or otherwise abated in a manner provided by law.

D. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding $350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than $350 nor more than $700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than $700 nor more than $1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

E. Withholding of certificate of occupancy or completion. If any building or land development activity is installed or conducted in violation of this chapter the Stormwater Management Officer(s) may prevent the occupancy of said building or land.

F. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village of Mamaroneck may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

(2) Applicants undertaking land development activities regulated by this chapter must pay the stormwater pollution prevention plan application fee established by Appendix A347 (Fees) of this Code and the reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Village of Mamaroneck or performed by a third party for the Village of Mamaroneck.

§ 342-100. Variance Procedure.

A. Appeals Board.

(1) The Zoning Board, as established by the Village, shall hear and decide appeals and requests for variances from the requirements of this chapter upon payment of the fee established in Appendix A347 (Fees).

(2) The Zoning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the local administrator in the enforcement or administration of this article.

(3) Those aggrieved by a decision of the Zoning Board may appeal such decision pursuant to Article 78 of the Civil Practice Law and Rules.

(4) In passing upon variance applications, the Zoning Board shall consider all technical evaluations, relevant factors, and standards within this chapter, including but not limited to:

i. The potential for increased stormwater runoff, peak flow, or volume that may adversely affect adjacent or downstream properties.

ii. The danger to public health, safety, or property resulting from inadequate stormwater control.

iii. The susceptibility of the proposed development to stormwater damage and the effect of such damage on the property owner.

iv. The importance of the services or land use provided by the proposed development to the community.

v. The availability of alternative locations or designs that would reduce stormwater impacts or improve compliance with required retention/detention standards.

vi. The compatibility of the proposed development with existing and anticipated surrounding development.

vii. The relationship of the proposed development to the Village's stormwater management

program, the MS4 requirements, and watershed-based planning objectives.

viii. The ability of the applicant to incorporate green infrastructure or runoff-reduction practices to minimize deviations from technical standards.

ix. The potential costs to the Village associated with inspection, maintenance, or mitigation of stormwater impacts.

x. The anticipated effects of altered peak discharge, runoff volume, pollutant loading, or flow timing based on NOAA Atlas 14 precipitation frequency data.

(5) The Zoning Board may attach conditions to the granting of variances as necessary to further the purposes of this chapter, including enhanced monitoring, maintenance requirements, green infrastructure retrofits, or limitations on site disturbance.

(6) The Building Department and Village Engineer/SMO shall maintain records of all appeals and variance actions, including technical data and justification, and shall make such records available upon request.

B. Conditions for Variances.

(1) Variances shall be granted only where compliance with the provisions of this chapter is demonstrated to cause exceptional practical difficulty or undue hardship due to unique site constraints such as shallow groundwater, bedrock, contaminated soils, or existing critical infrastructure.

(2) Variances shall only be issued upon a determination that the variance requested is the minimum necessary to afford relief while still achieving the objectives of stormwater management, including runoff reduction and water quality protection.

(3) Variances from retention or detention standards shall only be considered after the applicant demonstrates that green infrastructure practices and runoff-reduction measures were evaluated and incorporated to the maximum extent practicable.

(4) No variance shall be issued unless the applicant demonstrates, through hydrologic and hydraulic analysis using NOAA Atlas 14 rainfall data and site-specific soil testing (Appendix D Design Manual methods), that granting the variance will not:

i. Increase peak flow or runoff volume beyond acceptable limits;

ii. Result in adverse downstream impacts;

iii. Impair water quality or increase pollutant loading;

iv. Create public safety hazards; or

v. Conflict with the objectives of this chapter or applicable SPDES permit requirements.

(5) Variances may be issued only upon receiving written justification including:

i. A showing of good and sufficient cause based on site constraints;

ii. A determination that failure to grant the variance would result in exceptional hardship;

iii. Proof that the variance will not create nuisances, cause environmental degradation, or thwart Village stormwater policy.

(6) A variance shall not be issued where:

i. The proposed activity would result in an increase in stormwater discharge that cannot be mitigated;

ii. The variance would exempt the applicant from preparing or implementing a SWPPP with erosion and sediment controls;

iii. The variance would create or exacerbate known flooding or drainage issues.

C. Notice to Applicant. Any applicant granted a variance that allows reduced stormwater retention, reduced infiltration, or diminished application of green infrastructure shall receive written notice that the project may experience increased runoff or require additional long-term maintenance obligations, and that the Village may require enhanced inspection/monitoring as a condition of approval.

§ 342-102. Severability

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If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such adjudication shall have been rendered.

Section 3.

Chapter 282, Article XV, § 282-17 of the Code of the Village of Mamaroneck is amended, with the definition listed below to read as follows:

STORMWATER MANAGEMENT OFFICER (SMO)

~~The Building Inspector of the Village of Mamaroneck and/or his designated agent(s) who will review stormwater pollution prevention plans, forward the plans to the applicable municipal board when necessary and inspect stormwater management practices.~~ **The Village Engineer of the Village of Mamaroneck, and/or his designated agent(s) or other individual designated by the Village Manager, who will review stormwater pollution prevention plans, forward the plans to the applicable municipal board when necessary and inspect stormwater management practices.**

Section 4.

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

Section 5.

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3). It supersedes the provisions of the Village Law, including those provisions which provide for the approval of a land use application on the basis of the passage of time, and the Code of the Village of Mamaroneck, including those provisions which authorize or require the approval of a land use application, to the extent that they are inconsistent with this local law.

Section 6.

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.