ACKNOWLEDGEMENT OF RECEIPT OF REFERRAL

To: Robert Wood, Town Supervisor  
   Town of Oneonta  
   Town Hall, 3966 St. Hwy. 23  
   West Oneonta, NY 13861

FILE NO: 21-15-05

OFFICIAL DATE OF RECEIPT: 07/16/2015

DUE DATE FOR COUNTY’S RECOMMENDATIONS: 08/16/2015

Ec:  
   Paul Neske, ZEO  
   Janet Hurley-Quackenbush, Board Rep.

This is to formally acknowledge delivery on 07/16/2015 your referral of the below identified application pursuant to Sections 239-m or 239-n of Article 12-B of the General Municipal Law:

   Town of Oneonta Watershed Protection District- Resubmitted Referral  
   # 21-12-05

In accordance with the General Municipal Law, the County Planning Agency must act upon this referral within 30 days of the Official Date of Receipt.

The County Planning Department’s review will be based on regional considerations and will be advisory. The Department’s review will not include the validity or enforceability of the proposed action.

The County Planning Department acknowledges receipt of the following documents as submitted and shall consider the submittal as a FULL STATEMENT as defined under GML 239-m(c) unless otherwise stated by the referring body.

- Referral Cover Sheet
- Map showing proposed watershed protection area
- Proposed well head protection maps
- SEQRA review from previous submittal
- Proposed regulation
NOTICE OF COUNTY PLANNING DEPARTMENT'S RECOMMENDATION

To: Robert Wood, Supervisor
   Town of Oneonta
   Town Hall, 3966 St. Hwy. 23
   West Oneonta, NY 13861

FILE NO: 21-15-05

Cc. Paul Neske, CEO
   Janet Hurley Quackenbush,

OFFICIAL DATE OF RECEIPT: 7/16/2015
OFFICIAL DATE OF NOTICE OF RECOMMENDATION: 7/29/2015

Pursuant to your request and under the authority of Section 239-m or 239-n of Article 12-B of the General Municipal Law, the Otsego County Planning Department reviewed the following referral:

Town of Oneonta Watershed Protection District- Resubmitted Referral
   # 21-15-05

Please be advised that the Otsego County Planning Department makes the following recommendation.

☐ Approval
☐ Approval with modification
☐ Disapproval
☐ Returned for local action: No significant county-wide or inter-community impacts

Comments:

The County Planning Department’s recommendation is based on regional considerations and is advisory. Action taken by the local board that is contrary to the County Planning Agency’s recommendation can only be adopted by a majority plus one vote. This recommendation is not a determination of the validity or enforceability of the proposed action.
Section 239-m of the General Municipal Law requires that within thirty days after final action by the municipality is taken, a report of the final action shall be filed with the County Planning Department. A form is attached for your use.

Date

Karen Sullivan, Director
Otsego County Planning Department
Pursuant to GML 239-I review and recommendation by the County Planning Agency includes consideration of “pertinent inter-community and county-wide planning, zoning, site plan, and subdivision considerations” with respect to:

1. Compatibility of land uses
   The proposed Watershed Protection Overlay District identifies a watershed protection area for Wilber Lake and Lower Reservoir, along with 200-foot buffers areas surrounding wellheads located at the existing wells on County Highway 8 – Country Club Road and Woodland Drive in the Town of Oneonta. The proposal aims to protect water resources in the overlay districts. The proposal has regulations that extend municipal boundaries into the Town of Laurens and Town of Milford.

   Traffic generating characteristics and the adequacy of thoroughfares
   The proposal will not generate traffic, therefore thoroughfares are adequate.

2. Impact on county or state institutional or other uses
   An impact on County or State Institutional uses is not anticipated through the proposal.

3. Protection of community character as regards predominate land uses, population density, and the relation between residential and nonresidential areas
   The proposal creates an overlay district on the Wilber Lake and Lower Reservoir catchment area that extends into the Towns of Milford and Laurens from the Town of Oneonta. The proposal is for a minimum lot size of 5 acres for development within the watershed overlay, which is in excess of the minimum 2 acres lot size requirement in the Town of Laurens and 1-acre minimum in the Town of Milford. The three municipalities should consider adopting a memorandum of understanding or inter-municipal agreement to address proposals that fall within the watershed district and another Town’s boundaries.

4. Drainage
   The proposed Watershed Protection Overlay District does not have a perceived impact on drainage at the County-wide or inter-municipal level.

5. Community facilities
   The proposal is in support of protecting the major water supply to the City and Town of Oneonta.
Matters of public convenience, govt efficiency, and to achieving and maintaining of a satisfactory community environment.

The proposal does not have an anticipated negative impact on matters of public convenience, government efficiency, and achieving and maintaining of a satisfactory community environment. Goals of the proposal work toward maintaining the community environment and protecting water resources. The Town should consider an inter-municipal agreement and/or memorandum of understanding to address proposals that fall within the watershed district areas that are not geographically within the Town of Oneonta’s boundaries. A MOU or IGA would improve the efficiency of processing an application that falls within the watershed district.

6. Official municipal and county development policies: comprehensive plans, capital programs, regulatory measures. Official plans are those that have been adopted by resolution by the legislative body.

A review of official regulatory measures follow:

Town of Oneonta

The Town of Oneonta Comprehensive Plan (1998) identifies water resources in the Town and makes Public Water Recommendations to regulate and protect water resources in Oneonta (pp. 20-23).

Further, Section 103-72 of the Town of Oneonta Zoning Regulations discusses measures to control the contamination of water:

L. Pollution of water.
1. It shall be unlawful for any person to permit the pollution of surface water drainage or of groundwater in any manner that renders it less usable in quality and quantity for irrigation, swimming, drinking, visual attractiveness or whatever lawful uses may be made of water resources to persons downstream.

2. The specifications and standards of the New York Department of Environmental Conservation with respect to floating solids, settleable solids, oil, sludge deposits, taste- or odor-producing substances, sewage or wastes effluent, pH, dissolved oxygen, toxic wastes deleterious substances and colored or other wastes or heated liquids (by stream classification) shall govern the contaminant levels within which any and all uses must perform.

Town of Milford and Town of Laurens

The watershed catchment area of Wilber Lake and Lower Reservoir extend into the Town of Milford and the Town of Laurens. Under General Objectives of the Town of Milford Comprehensive Plan, Item 3 discusses
the protection of existing population concentrations from future uncontrolled growth, and the removal of any potential water pollution (p. 45).

The Town of Laurens Comprehensive Plan (2005), Section 6.5 Water Resources states: ‘Ground water, streams, ponds, bogs, marshes, swamps and other wetlands be protected’. Further, the Town of Laurens Site Plan Review Regulations (1990) Article E, Design Standards, item b. Environmental Considerations states: ‘Sites to be developed shall avoid areas where the following are present: 3. Areas of high groundwater; 7. Fringes of water bodies or water courses.

Public water considerations regarding provisions and regulations, including development in the City of Oneonta are discussed in Chapters 290 and 291 of the code (City of Oneonta Code).

Currently, Otsego County does not have official development policies. Validity or enforceability of the proposed action is not included in GML 239-l and so are not reviewed here.

Other Items Noted:

General Municipal Law 239-nn discusses rights and duties of neighboring municipalities regarding planning and zoning matters. Consideration should be taken to develop an official agreement between municipalities intersecting this watershed. Goals of 239-nn follow:

§ 239-nn. Rights and duties of neighboring municipalities in planning and zoning matters.

1. Legislative intent and purpose. It is the intent and purpose of this section to encourage the coordination of land use development and regulation among adjacent municipalities in order that each adjacent municipality may recognize the goals and objectives of neighboring municipalities, and as a result development occurs in a manner which is supportive of the goals and objectives of the general area.

Zoning regulations in the Town of Oneonta prohibit certain types of development. The watershed catchment area of Wilber Lake and Lower Reservoir are within RA-40 and R-80 zoning districts. Wellheads protected by a 200-foot buffer within the Town are found within the following districts: West end (near Whitetail Dr. and Winney Hill)—RA-40; Webb Island—HDD; Route 8 (Country Club Rd.)—Industrial District, but buffer may extend into R-20 district; Woodland—R-20.

Comments:
The recommendations addressed in this summary from the County Planning Agency, include the concern that the adjoining municipalities should be contributing and participating in the development of the watershed district. The agency feels it is critical to establish a cooperative effort between the municipalities that could be impacted with this overlay district. Regulations proposed in the Watershed Overlay Protection District are discussed for the entire watershed, however without an official MOA or IGA, how will land development be regulated in the Towns of Laurens or Milford? Regulations proposed in the Watershed Overlay Protection District are not consistent with regulations outside of the Town of Oneonta (e.g. Town of Laurens zoning regulations). Enforcement of the district regulations in other townships may be vulnerable without a process for review. An example of an MOA entitled Seneca Lake Watershed Management Plan, is attached for consideration and reference.

Maps for all Proposed Protection Districts (watershed catchment and wellheads) should be included. Further, a municipal—wide map should be included depicting areas of protection within the Town of Oneonta, and showing extension and adjacency of Protection Districts to other municipalities.

Informal:

In review of other Watershed Overlay Districts in New York State, specific details in prohibitive uses are listed. Article XA—Watershed Protection Overlay District of the Town of Ballston (2009) was used as a reference document. A review of zoning regulations in the Industrial District, along with a comparison of prohibitive uses discussed in the proposal will ensure that any potential land uses that may have a negative impact on water sources be avoided.

References:


Town of Laurens Site Plan Review Regulations. 1990. Article E.


This Memorandum of Understanding is among the five counties (Chemung, Ontario, Schuyler, Seneca and Yates) and municipal governments with jurisdictions that geographically fall within the Seneca Lake Watershed in the Finger Lakes Region of New York.

I. INTRODUCTION & BACKGROUND:
The Seneca Lake Watershed Management Plan was funded by a Local Waterfront Revitalization Grant (LWRP) through New York State Department of State. This plan was written by three partner organizations; Finger Lakes Institute at Hobart and William Smith Colleges, Genesee/Finger Lakes Regional Planning Council and Southern Tier Central Regional Planning and Development Board. The plan is an update of the 1999 report, “Setting a Course for Seneca Lake” in which an intermunicipal organization named Seneca Lake Area Partners of Five Counties (SLAP-5) was formed. The work of the Seneca Lake Watershed Management Plan was overseen by a Project Advisory Committee and coordinated with SLAP-5.

With the culmination of the Seneca Lake Watershed Management Plan, it is in the best interest of the water quality of Seneca Lake to form an intermunicipal organization of the five counties and municipal governments (see appendix) within the Seneca Lake Watershed to implement the recommendations of the Seneca Lake Watershed Management Plan. The intermunicipal group will work with SLAP-5 as outlined within this MOU.

II. RECITALS:
1. Each of the parties of this MOU is a local government or County having jurisdiction over a portion of the watershed of Seneca Lake.

2. The geographic boundaries of the Intermunicipal Organization shall be the entire Seneca Lake Watershed.

3. The parties desire to recognize that an intermunicipal organization can best facilitate partnership across political boundaries to promote the ecological vitality of the Seneca Lake Watershed.

4. It is to the parties’ mutual advantage and benefit to develop and implement cooperative restoration and protection efforts throughout the watershed, and to promote a regional alliance among local governments and county programs.

5. The parties hereto plan to continue exploring joint local, state, federal and other funding opportunities; and to obtain public support for programs that implement the mission and goals of the Seneca Lake Watershed Management Plan.

6. The parties hereto recognize the value of using common resources effectively.

7. The parties hereto desire to be proactive in addressing watershed-based issues which affect areas beyond traditional political boundaries.

8. The parties hereto wish to communicate and coordinate on local, state and federal policies and programs that affect water quality in Seneca Lake.

9. The parties agree to share information and coordinate efforts to comply with regulatory requirements.

10. The parties hereto find that promoting stewardship of the Seneca Lake Watershed resources is in the public interest and for the common benefit of all within the Seneca Lake Watershed. The parties hereto desire to educate the communities in the Seneca Lake Watershed about the importance of watershed stewardship.
III. GENERAL PROVISIONS:

1. Definitions. As used in this MOU, the following words and phrases shall have the meanings set forth below unless the context clearly indicates otherwise.
   a. “MOU” shall mean this memorandum of understanding reconfirming SLAP-5.
   b. “Member” or “members” shall mean the representatives from the local governments and five counties encompassed in the Seneca Lake Watershed.
   c. “Watershed” shall mean the entire Seneca Lake Watershed. A map depicting the boundaries of the watershed is appended hereto.

2. Purpose. This MOU is to affirm each member’s commitment to the mission, goals and objectives of the Seneca Lake Watershed Management Plan.

3. Establishment of the Intermunicipal Organization. There is hereby established the Seneca Lake Intermunicipal Organization. The geographic boundaries of the organization will be the Seneca Lake Watershed.

4. Vision. Watershed stakeholders, municipalities and government agencies will work together through implementation of the Seneca Lake Watershed Management Plan to maintain the common goal of clean water and sustainable watershed management for the future of the Seneca Lake Watershed. Sustainable watershed management must include local involvement in planning and the management of natural resources and be the shared responsibility of all stakeholders and watershed residents.

5. Organization Membership.
   a. Each of the five counties and municipal governments shall appoint one member to participate in regular meetings and report actions to their local government.
   b. One representative from each of the regional planning boards (Genesee / Finger Lakes Regional Planning Council and Southern Tier Central Regional Planning and Development Board), one representative from each county Soil and Water Conservation District and one representative each from such water quality interest groups as Finger Lakes Institute and Seneca Lake Pure Waters Association (SLPWA) may be ex officio members of the organization.
   c. Membership: The total membership of the organization shall be constituted by the members appointed by the parties to this agreement. If a party to this agreement fails to appoint a member, then the count of total membership shall not include such member.

6. Voting Each party to this MOU shall have one member and one vote.

7. Quorum. A majority of the members of the organization shall constitute a quorum for the purposes of transacting business.

8: Officers:
   a. On an annual basis, the organization shall elect by popular vote a chairperson, vice chairperson, and Treasurer, and Secretary.
   b. The Chairperson shall call and preside over meetings.
   c. The Vice Chairperson shall serve in the absence of the Chairperson
   d. The Treasurer shall maintain books tracking all organization funds, if any, and make reports on organization finances at each meeting.
   e. The Secretary shall take and distribute minutes of meetings and be responsible for the organization’s correspondence.


10. Staff: The organization may employ staff as needed and as funding is available. One administration staff, member, or SLAP-5 member may be retained to write a regular newsletter, set-up and provide regular trainings and to provide regular outreach to member communities.
10. An annual plan of work, based on projects and initiatives in accordance with the Seneca Lake Watershed Management Plan, shall be approved by a quorum vote of organization members.

IV. AGREEMENT:
Intermunicipal Organization members agree to:

a. Work together to protect the water quality of Seneca Lake, which in turn protects the quality of life for residents and the economic viability of the region.

b. Participate in regular Intermunicipal Organization meetings.

c. Work to implement recommendations of the Seneca Lake Watershed Management Plan’s goals and objectives.

d. Participate in and provide watershed stakeholders with meaningful training opportunities.

e. Seek funding opportunities to meet the goals and objectives of the Seneca Lake Watershed Management Plan.

f. Strive to update the Seneca Lake Watershed Management Plan at least every 10 years.

V. EFFECTIVE DATE:
This MOU shall become effective on the date of signature below. This MOU is ongoing unless it is terminated by a member upon written notice to the remaining membership of this Intermunicipal Organization. This MOU may be amended at any time by mutual accord.

Signed: ________________________________ Dates __________________

Witness: ________________________________
617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

Part 1: Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.

Part 2: Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.

Part 3: If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project:

☐ Part 1  ☐ Part 2  ☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

☐ A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared.

☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a CONDITIONED negative declaration will be prepared.*

☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a positive declaration will be prepared.

* A Conditioned Negative Declaration is only valid for Unlisted Actions
Local Law to Protect Water Supplies for residents of Oneonta

______________________________
Name of Action

______________________________
Town of Oneonta

______________________________
Name of Lead Agency

______________________________
Robert T. Wood
Print or Type Name of Responsible Officer in Lead Agency

______________________________
Title of Responsible Officer

______________________________
Signature of Responsible Officer in Lead Agency

______________________________
Signature of Preparer (If different from responsible officer)

______________________________
11/28/12
Date

Page 1 of 21
PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Watershed Protection Overlay District

Location of Action (include Street Address, Municipality and County)
Town of Oneonta, Otsego County

Name of Applicant/Sponsor Town of Oneonta, Town Board

Address 3966 State Highway 23

City / PO West Oneonta State NY Zip Code 13861

Business Telephone 607-432-2900

Name of Owner (if different) N/A

Address 

City / PO State Zip Code

Business Telephone 

Description of Action:

Introduce regulations to ensure the protection of public water supply sources including reservoirs, and municipal wells. Law will affect new development, existing uses are grandfathered.
Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION
Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☑ Urban  ☑ Industrial  ☑ Commercial  ☑ Residential (suburban)  ☑ Rural (non-farm)
   ☑ Forest  ☑ Agriculture  ☑ Other

2. Total acreage of project area: __21,504__ acres.

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<tr>
<th>APPROXIMATE ACREAGE</th>
<th>PRESENTLY</th>
<th>AFTER COMPLETION</th>
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<tbody>
<tr>
<td>Meadow or Brushland (Non-agricultural)</td>
<td>N/A acres</td>
<td>______ acres</td>
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<tr>
<td>Forested</td>
<td>______ acres</td>
<td>______ acres</td>
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<tr>
<td>Agricultural (includes orchards, cropland, pasture, etc.)</td>
<td>______ acres</td>
<td>______ acres</td>
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<tr>
<td>Wetland (Freshwater or tidal as per Articles 24, 25 of ECL)</td>
<td>______ acres</td>
<td>______ acres</td>
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<tr>
<td>Water Surface Area</td>
<td>______ acres</td>
<td>______ acres</td>
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<tr>
<td>Unvegetated (Rock, earth or fill)</td>
<td>______ acres</td>
<td>______ acres</td>
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<tr>
<td>Roads, buildings and other paved surfaces</td>
<td>______ acres</td>
<td>______ acres</td>
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<tr>
<td>Other (Indicate type)</td>
<td>______ acres</td>
<td>______ acres</td>
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3. What is predominant soil type(s) on project site? A local law is not site specific
   a. Soil drainage: [ ] Well drained ____% of site [ ] Moderately well drained ____% of site.
      [ ] Poorly drained ____% of site
   b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? ______ acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? [ ] Yes  [ ] No
   a. What is depth to bedrock _______ (in feet)

5. Approximate percentage of proposed project site with slopes:
   [ ] 0-10% ____%  [ ] 10-15% ____%  [ ] 15% or greater ____%

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? [ ] Yes  [ ] No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? [ ] Yes  [ ] No

8. What is the depth of the water table? ______ 0-10 (in feet)

9. Is site located over a primary, principal, or sole source aquifer? [ ] Yes  [ ] No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? [ ] Yes  [ ] No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? □ Yes □ No

According to:

New York Natural Heritage Program

Identify each species:

see attached

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?) □ Yes □ No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area? □ Yes □ No

If yes, explain:

The Town of Oneonta maintains parks and open spaces

14. Does the present site include scenic views known to be important to the community? □ Yes □ No

Scenic views of the Susquehanna River and surrounding hills and valleys

15. Streams within or contiguous to project area:

Susquehanna River, Oneonta Creek, Otego Creek, Swart Hollow Creek, Charlotte Creek

a. Name of Stream and name of River to which it is tributary

16. Lakes, ponds, wetland areas within or contiguous to project area:

Freshwater forested / shrub wetland
Freshwater pond wetland
Riverine wetland

b. Size (in acres):
17. Is the site served by existing public utilities?  □ Yes  □ No
   a. If YES, does sufficient capacity exist to allow connection?  □ Yes  □ No
   b. If YES, will improvements be necessary to allow connection?  □ Yes  □ No

18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  □ Yes  □ No

19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?  □ Yes  □ No

20. Has the site ever been used for the disposal of solid or hazardous wastes?  □ Yes  □ No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).
   a. Total contiguous acreage owned or controlled by project sponsor: ________ acres.
   b. Project acreage to be developed: ________ acres initially; ________ acres ultimately.
   c. Project acreage to remain undeveloped: ________ acres.
   d. Length of project, in miles: ________ (if appropriate)
   e. If the project is an expansion, indicate percent of expansion proposed. ________ %
   f. Number of off-street parking spaces existing ________; proposed ________
   g. Maximum vehicular trips generated per hour: ________ (upon completion of project)?
   h. If residential: Number and type of housing units:

      | One Family | Two Family | Multiple Family | Condominium |
      |------------|------------|-----------------|-------------|
      | Initially  |            |                 |             |
      |            |            |                 |             |
      | Ultimately |            |                 |             |
      |            |            |                 |             |
   i. Dimensions (in feet) of largest proposed structure: ________ height; ________ width; ________ length.
   j. Linear feet of frontage along a public thoroughfare project will occupy is? ________ ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? N/A ________ tons/cubic yards.

3. Will disturbed areas be reclaimed  □ Yes  □ No  □ N/A
   a. If yes, for what intended purpose is the site being reclaimed?

   b. Will topsoil be stockpiled for reclamation?  □ Yes  □ No
   c. Will upper subsoil be stockpiled for reclamation?  □ Yes  □ No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? N/A ________ acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?  
   □ Yes  □ No

6. If single phase project: Anticipated period of construction: N/A months, (including demolition)

7. If multi-phased:
   a. Total number of phases anticipated N/A (number)
   b. Anticipated date of commencement phase 1: N/A month _____ year, (including demolition)
   c. Approximate completion date of final phase: N/A month _____ year.
   d. Is phase 1 functionally dependent on subsequent phases?  □ Yes  □ No

8. Will blasting occur during construction?  □ Yes  □ No

9. Number of jobs generated: during construction N/A ; after project is complete ______

10. Number of jobs eliminated by this project N/A.

11. Will project require relocation of any projects or facilities?  □ Yes  □ No

   If yes, explain:
   
   

12. Is surface liquid waste disposal involved?  □ Yes  □ No

   a. If yes, indicate type of waste (sewage, industrial, etc) and amount ____________________________

   b. Name of water body into which effluent will be discharged ____________________________

13. Is subsurface liquid waste disposal involved?  □ Yes  □ No  Type ____________________________

14. Will surface area of an existing water body increase or decrease by proposal?  □ Yes  □ No

   If yes, explain:
   
   

15. Is project or any portion of project located in a 100 year flood plain?  □ Yes  □ No

16. Will the project generate solid waste?  □ Yes  □ No

   a. If yes, what is the amount per month? ______ tons

   b. If yes, will an existing solid waste facility be used?  □ Yes  □ No

   c. If yes, give name ________________________________ ; location ________________________________

   d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?  □ Yes  □ No
e. If yes, explain:

17. Will the project involve the disposal of solid waste?  □ Yes  □ No
   
a. If yes, what is the anticipated rate of disposal? ______ tons/month.
   
b. If yes, what is the anticipated site life? ______ years.

18. Will project use herbicides or pesticides?  □ Yes  □ No

19. Will project routinely produce odors (more than one hour per day)?  □ Yes  □ No

20. Will project produce operating noise exceeding the local ambient noise levels?  □ Yes  □ No

21. Will project result in an increase in energy use?  □ Yes  □ No
   
   If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity ______ N/A gallons/minute.

23. Total anticipated water usage per day ______ N/A gallons/day.

24. Does project involve Local, State or Federal funding?  □ Yes  □ No
   
   If yes, explain:

   Yes the project is funded by the Town of Oneonta
25. Approvals Required:

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<th>No</th>
<th>Type</th>
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C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? □ Yes ☐ No

   If Yes, indicate decision required:
   □ Zoning amendment   □ Zoning variance   □ New/revision of master plan   □ Subdivision
   □ Site plan          □ Special use permit □ Resource management plan   □ Other
2. What is the zoning classification(s) of the site?

R-0, RA-40, R-20, R-10, B1, B2, ID, ID-2, HDD, PDD-R, PDD-C, PDD-ID

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

N/A

4. What is the proposed zoning of the site?

N/A

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?  
   - Yes  - No

7. What are the predominant land use(s) and zoning classifications within a 1/4 mile radius of proposed action?

N/A

8. Is the proposed action compatible with adjoining/surrounding land uses with a 1/4 mile?  
   - Yes  - No

9. If the proposed action is the subdivision of land, how many lots are proposed?  
   - Unknown

   a. What is the minimum lot size proposed?  
      - dependant on district lot requirements
10. Will proposed action require any authorization(s) for the formation of sewer or water districts?  □ Yes  □ No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?  □ Yes  □ No
   a. If yes, is existing capacity sufficient to handle projected demand?  □ Yes  □ No

12. Will the proposed action result in the generation of traffic significantly above present levels?  □ Yes  □ No
   a. If yes, is the existing road network adequate to handle the additional traffic.  □ Yes  □ No

D. Informational Details
   Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification
   I certify that the information provided above is true to the best of my knowledge.
   Applicant/Sponsor Name  Robert T. Wood  Date  11/28/12
   Signature
   Title  Town Supervisor

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.
Town of Oneonta- Local Law to protect public water supplies.

SEQR Full Environmental Assessment Form- Supplemental Narrative

A. 11 Does the project contain any species of plant or animal life that is identified as endangered or threatened?

The New York Natural Heritage Program maintains a database of threatened and endangered plant and animal species for each county in New York State. A preliminary review of the database listed the following plants and animals as endangered or threatened within Otsego County. It is possible that several of these species may also be located in the Town of Oneonta.

Endangered or Threatened Animal Species:

Bald Eagle, Bog Turtle, Brook Floater, Henslow’s Sparrow, Least Bittern, Northern Harrier, Peregrine Falcon, Pied-billed Grebe, Timber Rattlesnake, Upland Sandpiper.

Endangered or Threatened Plant Species:

Carey’s Smartweed, Golden Club, Handsome Sedge, Hooker’s Orchid, Marsh Valerian, Michaux’s Blue-eyed grass, Nodding Pogonia, Northern Bog Aster, Northern Bog Violet, Pink Wintergreen, Ram’s-head Ladyslipper, Southern Twayblade.

B. Project Description

Please note that the action listed in this SEQRA form does not involve a site specific project, but applies a local law affecting the entire town. As a result this local law itself will have no direct impact on the environment excepting that it will encourage development of solar collectors by easing the process for the home owner. Therefore the section B has been considered not applicable.
CHAPTER 101

WATERSHED PROTECTION OVERLAY DISTRICT

[History: Adopted by the Town Board of the Town of Oneonta xx-xx-xxxx By L.L. No x-2015. Amendments noted where applicable.]

GENERAL REFERENCES

Building Code Administration and Enforcement – See Ch. 16
Mining Operations – See Ch. 55
Subdivision of Land — See Ch. 88.
Zoning — See Ch. 103.

§101-1. Purpose and legislative intent.

The purpose of the Watershed Protection Overlay District ("Watershed District") is to promote health, safety, and general welfare of the community. The Watershed District will preserve and protect existing publicly owned sources of municipal drinking water systems. Protection of municipal water supplies preserves important community resources and reduces the future financial impacts related to water treatment. The overlay sets forth standards and principles designed to protect water quality and quantity from impacts of various activities in the watershed areas and aquifers contributing to these water supplies. All proposed development within the designated overlay Watershed District must be demonstrated to result in no harm to reservoir or well water quality.

§101-2. Scope

The goal of the Watershed Protection Overlay District is to maintain and improve the safety, reliability, and adequacy of water sources utilized by municipal water systems. The regulations are intended to accomplish this through the following measures and principles.

A. Prohibition or restriction of any activity, situation, structure, or land use (within the Watershed District) which poses a potential threat to municipal water supplies, including inadequate on-site sewage disposal systems, inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse; the absence or improper implementation of a spill containment plan for toxic or hazardous materials; the improper management of storm water runoff; or any other situation found to pose a threat to water quality.

B. Reduction of the amount of nutrients, sediment, organic matter, pesticides, and other pollutants that reach watercourses or aquifers by requiring applications for new activities and construction:
   a. to demonstrate compliance with all applicable Federal, State, and local regulations and standards relating to such materials and activities, and
   b. to utilize best management practices to minimize flooding and concentrated flows of storm water, sustain diverse populations of native aquatic flora and fauna, and retain wetlands and floodplains in their natural state to the maximum extent possible to preserve water quality, and water retention, flow, and other natural functions.
C. The provisions of this section shall be applicable to all new land use, construction, or subdivision. Existing land use, construction, improvements and subdivisions initiated or completed prior to the effective date of adoption of this chapter are not subject to the requirements herein.

D. These prohibitions, restrictions, and principles shall be applied within the Watershed District through existing Town of Oneonta building permit, site plan review, and code enforcement procedures, by its officers and boards.

§101-3. Severability

If any word, phrase, sentence, part, section, subsection, or other portion of this chapter or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this chapter, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

§101-4. Definitions

AQUIFER – A consolidated or unconsolidated geologic formation, group of formations or part of a formation capable of yielding a significant or economically useful amount of groundwater to wells, springs, or infiltration galleries.

CHLORIDE SALT – Any bulk quantities of chloride compounds and other deicing compounds intended for application to roads, including mixes of sand and chloride compounds in any proportion where the chloride compounds constitute over 8% of the mixture. A bulk quantity of chloride compounds means a quantity of 1,000 pounds or more but does not include and chloride compounds in a solid form, including granules, which are packaged in waterproof bags or containers which do not exceed 100 pounds each.

CODE ENFORCEMENT OFFICER - The individual appointed pursuant to § 16-3B of the Building Code Administration and Enforcement Chapter 16 of the Code of the Town of Oneonta.

DISCHARGE – Any intentional or unintentional action or omission in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping into the waters of the Town or onto lands from which the discharged substances or material might flow or drain into said waters, or into waters outside the jurisdiction of the Town, when damage may result to the lands, waters, or natural resources within the jurisdiction of the Town.

FERTILIZER – Any commercially produced mixture generally containing phosphorous, nitrogen and potassium which is applied to the ground to increase nutrients to plants.

GROUNDWATER – Water contained in interconnected pores and fractures located below the water table in an unconfined aquifer or in a confined aquifer.

HERBICIDE – Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed, and being those substances defined as herbicides pursuant to Environmental Conservation Law §33-0101.
MANURE – Animal feces and urine.

MINING - Any operation which involves the breaking of the earth's surface for the purpose of extracting and removing raw natural materials (such as topsoil) from the premises for the purpose of sale or off-premises use.

OWNER – Any person or entity who, alone or with others, has legal or equitable title.

PEST – Any insect, rodent, fungus or weed; or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism (except viruses, bacteria or other microorganisms on or in living man or other living animals) which the Commissioner of Environmental Conservation declares to be a pest as provided in Environmental Conservation Law §33-0101.

PESTICIDE – Any substance or mixture of substances intending for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant, and being those substances defined as pesticides pursuant to Environmental Conservation Law §33-0101.

POINT SOURCE DISCHARGE – Pollutants discharged from a point source as defined in Environmental Conservation Law §17-0105.

POLLUTANT – Any material or by-product determined or suspected to be hazardous to human or environmental health.

MUNICIPAL WATER SUPPLY – Aquifers and watersheds within the Town of Oneonta that serve as water sources for municipal water systems.

MUNICIPAL WATER SYSTEM – A water system which provides piped water to the public for human consumption as defined and regulated by 10 NYCRR Subpart 5-1.

PREMISES – A structure or building. Also included is the open space adjoining property under the control of owners or agents of such property.

STATE POLLUTANT DISCHARGE ELIMINATION OR SPDES – The system established pursuant to Article 17, Title 8 of the Environmental Conservation Law for issuance of permits authorizing discharges into the waters of New York State.

WASTEWATER – Aqueously carried waste, including but not limited to dredge spoil, solid waste, hazardous waste, incinerator ash and residue, septage, garbage, refuse, sludge, chemical waste, infectious waste, biological material, radioactive materials, heat, and industrial, municipal and agricultural waste.

UNIFORM CODE - The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

WASTEWATER TREATMENT SYSTEM – Any treatment plant, sewer, disposal field, lagoon, pumping station, septic system, collection and distribution pipes, on-site disposal systems and seepage units, constructed drainage ditch or surface water intercepting ditch, or other system not specifically mentioned in this definition, installed for the purpose of transport, treatment, neutralization, stabilization, storage, or disposal of wastewater.
WATERCOURSE – Any visible path through which surface water travels on a regular basis. Drainage areas which contain water only during and immediately after a rainstorm shall not be considered a watercourse.

WATERSHED – That land area which contributes water to a specific stream or surface water body.

WATERSHED PROTECTION OVERLAY DISTRICT (or “WATERSHED DISTRICT”) – The watershed and wellhead protection areas for specific municipal water supplies, as designated on the official Watershed Protection Overlay District Map and described in Subsection 101-5 of this Local Law.

WELL – Any present or future artificial excavation including underground appurtenances used to extract groundwater for use by a municipal water system, including bored wells, drilled wells, and driven wells.

WELLHEAD BUFFER – An area surrounding a municipal water system well, designated as critical for protecting the well as described in Section 101-5, created by a 200 foot radius around each protected well.

WELLHEAD PROTECTION AREA – An area surrounding a municipal water system well designated as important for protecting the quality and quantity of water contributing to the well, as described in Section 101-5, created by a 300 foot radius around each protected well.

§101-5. Designation of the Watershed Protection Overlay District

A. The Town of Oneonta contains watersheds and aquifers that function as sources of supply for municipal water systems. The particular municipal water supplies protected under this chapter include:
   1. Wilber Lake
   2. Lower Reservoir
   3. Woodland Water District Wells
   4. City of Oneonta – County Route 8 well

B. The Municipal Water Supply Watershed Protection Overlay District is established on a map entitled, “Watershed Protection Map of the Town of Oneonta, Otsego County NY, _______ 2012” (“Watershed Map”), which is adopted simultaneously herewith. The areas included encompass the entire watersheds of Wilber Lake and Lower Reservoir and their tributaries, and wellhead protection areas comprising a 300 foot radius around each protected well listed above. Within the Watershed District, certain activities are prohibited and others are regulated to protect the municipal water supplies from potential harm.

C. Where uncertainty exists as to the boundaries shown on the Watershed Map, the following shall apply:
   1. Where area boundaries are indicated as approximately following a street, railroad, or highway line or centerlines thereof, such lines shall be construed as said boundaries.
2. Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a survey plat prepared by a registered land surveyor may be submitted to the Town as evidence that one or more properties along these boundaries do not lie within the protected area.

3. Where the boundaries lie at a scaled distance of more than 25 feet from any parallel lot line, the boundaries shall be determined by use of the scale appearing on the watershed map.

4. Where the boundaries lie at a scaled distance of less than 25 feet from any parallel lot line, the boundaries shall be construed to be the lot line.

5. When a large parcel is bisected by the boundary, the applicant may submit a detailed topographical map of the property as documentation of those portions of the property that are within as well as outside the boundary.

6. Where other uncertainty exists, the Town of Oneonta Planning Board shall interpret the Watershed Map as to location of such boundaries. The Town may, at the applicant’s expense, consult with agencies or others in determination of a project’s location within a protected area and applicability of these standards.

D. Wellhead Buffers – Designated 200 foot wellhead buffer areas shall be protected as follows:

1. Construction of systems and facilities are prohibited except those used for municipal water system purposes such as pumping, treatment, and control facilities and equipment. Wellhead buffer areas shall not be used for any purpose other than municipal water supply, except when a permit has been issued by the Town Board for nonintrusive recreation uses such as picnicking, nature study, fishing, or hiking. The wellhead buffer shall be posted prohibiting trespass for any purpose except as permitted in this subsection.

2. The municipal water system well casings, pumping facilities and controls shall be protected against damage from tampering or accident by fencing or other enclosures or by their manner of construction and installation.

§101-6. New Subdivisions

Within the Watershed District, any newly subdivided lot shall be not less than 5 acres, and shall meet all other Watershed regulations.

§101-7. Wastewater treatment systems

All development that may result in creation of wastewater within the Watershed District must provide wastewater treatment and disposal facilities that comply with relevant State standards. All residential on-site wastewater treatment systems located or discharging within the Watershed District shall be designed and maintained in accordance with the standards established in 10 NYCRR 75 (Appendix 75-A “Wastewater Treatment Standards – Individual Household Systems”). All other wastewater systems located or discharging within the Watershed District shall be designed and maintained in accordance with standards established
in the current version of the New York State Department of Environmental Conservation “Design Standards for Wastewater Treatment Works”. In addition, the following special requirements apply within the Watershed District.

A. In addition to meeting or exceeding the applicable design standard for the occupancy intended as it relates to design and performance, all wastewater systems constructed within the Watershed District shall be subject to requirements for routine maintenance and inspection.

B. No “alternative systems” as described in the current version of the New York State Health Department’s Appendix 75-A shall be allowed for new residential construction.

C. No new wastewater treatment system or discharge shall be allowed within a Wellhead Buffer area, except for systems associated with the municipal water system’s water treatment works.

D. Alternative design sewage disposal systems in place and operational at the time of enactment of this law shall be allowed to remain and be replaced in compliance with current applicable NYS Laws.

Alternative design sewage disposal systems in place and operational at the time of enactment of this law shall be allowed to remain and be replaced in accordance with all other sections of this local law.

§101-8. Sediment and Erosion Control

To safeguard municipal water supplies from damage due to soil erosion and sedimentation, any development or other new activity in the Watershed District which disturbs or breaks the topsoil or results in the movement of earth or land shall provide for effective erosion and sediment control both during construction as well as during the life of the project. Specifically:

A. All projects, including single- and two-family residences, shall minimize the length of time soils are exposed due to site preparation and grading activities. All exposed soils must be stabilized in accordance with the New York State Erosion and Sedimentation Guidelines within 15 days of completion of grading. Land shall not be left exposed during the winter months under any conditions.

B. When final site grading will be delayed due to other construction activities which may require redisturbance of the soil, the project must use appropriate stabilization measures to prevent loss of soil from the site. Silt fence or other barrier based system cannot be used alone as temporary measures. A project should be staged such that all rough grading is seeded and mulched within 15 days of completion of grading.

C. Erosion and sediment controls shall be designed, constructed and maintained in accordance with the New York State Storm water Design Guidelines, New York State Erosion and Sedimentation Guidelines, and the New York State Department of Environmental Conservation General Permit for Construction Activities.

D. Material stockpiles including topsoil and spoil materials shall be stabilized within 15 days.
E. Permanent vegetation and related structures shall be installed as soon a practical, or within the time specified in the permit. Permanent vegetation shall not be considered established until ground cover of 85% of the surface area or more is achieved. Wherever practical, native plant species shall be used.

F. Permanent or temporary soil stabilization must be applied to denuded areas within 15 days after final grade is reached on any portion of the site. If a site will be left in rough grade condition for more than 15 days, temporary seeding and mulching is required. Such temporary measures are to be maintained during all construction activities, and must be amended or replaced if the measures are not effective in controlling erosion. Soil stabilization measures must also be applied within 15 days to denuded areas not yet at final grade but that will remain dormant (undisturbed) for longer than 60 days. Soil stabilization refers to measures that protect soil from the erosive forces of raindrop impact and flowing water. Applicable practices include vegetative establishment, mulching, and the early application of gravel base on areas to be paved.

G. Sediment basins, debris basins, desilting basins, silt traps or filters shall be installed and maintained to remove sediment from runoff waters from land undergoing development.

H. Sediment basins and traps, perimeter dikes, sediment barriers and other measures intended to trap sediment on-site must be constructed as a first step in grading and must be made functional before up-slope land disturbance takes place. Earthen structures such as dams, dikes, and diversions must be seeded and mulched within 15 days of installation.

I. All on-site storm water conveyance channels shall be designed and constructed to withstand the expected velocity of flow from a ten-year frequency storm without erosion. Stabilization adequate to prevent erosion must be provided at the outlets of all pipes and paved channels. Conveyance channels which exhibit signs of erosion must be remedied by reapplying the failed erosion control measures or installing new erosion control measures that are appropriate for the flow experienced by the channel.

J. Farm tillage practices shall comply to the extent practicable with the most current versions of “Controlling Agricultural Nonpoint Source Water Pollution in New York State – A Guide to the Selection of Best Management Practices to Protect Water Quality” published by the Bureau of Technical Services and Research, Division of Water, or “Agricultural Management Practices Catalogue for Nonpoint Source Pollution Prevention and Water Quality Protection in New York State”. Assistance is applying these standards is available from the Otsego County Soil and Water Conservation District.

K. New garden plots for individual residences are excluded from these requirements.

§101-9. Animal Waste, fertilizer and pesticide

A. The storage and stockpiling of manure and other animal waste for use in agricultural operations, agricultural use of fertilizers and land application of manure, an pesticide (including herbicide) storage and use shall comply, to the maximum extent possible, with the practices detailed in the most current versions of “Controlling Agricultural Nonpoint Source Water Pollution in New York State – A Guide to the Selection of Best Management Practices to Protect Water Quality” published by the Bureau of Technical Services and Research, Division of Water, or “Agricultural Management Practices
Catalogue for Nonpoint Source Pollution Prevention and Water Quality Protection in New York State”. Assistance is applying these standards is available from the Otsego County Soil and Water Conservation District.

B. Fertilizers, pesticides, and herbicides shall not be applied in a manner or at a rate which contributes to or causes a contravention of the water quality standards set forth in NYCRR 700 to 705.

C. Pesticide storage and use (including herbicides) are subject to the approval of, and shall comply with the regulations of, the New York State Department of Environmental Conservation.

D. Disposal of pesticide, including herbicides, is prohibited unless authorized by a permit issued by the New York State Department of Environmental Conservation.

E. Disposal of water used for pesticide makeup water or for washing of pesticide equipment, is prohibited unless authorized by a permit issued by the New York State Department of Environmental Conservation.

F. Use of streams as sources of water for the washing of equipment used in conjunction with pesticide or herbicide application is prohibited.

G. Lawn chemicals (pesticides and herbicides) shall not be applied within 25 linear feet of any water course, or within a Wellhead Buffer area.

H. Individuals responsible for oversight of the land uses on private lands are encouraged to consult with the Otsego County Soil and Water Conservation District for selection, implementation, and funding of Best Management Practices.

§101-10. Petroleum Storage

A. Any storage tank(s) installed or replaced after the effective date of this Chapter, must be aboveground or fully visible for inspection within the basement or other interior space. Secondary containment is required for all tanks.

§101-11. Chloride salt and coal

A. Storage of chloride salts, and coal shall be in structures designed to minimize contact with precipitation and constructed on low-permeability pads designed to control seepage and run-off.

B. Chloride salt application. Deicing chloride salt use is restricted to the minimum amount needed for public safety as determined by the Town Highway Superintendent.

§101-12. Site Plan Review

Site plan review by the Town of Oneonta Planning Board is required for all new activities or property uses in the Watershed District, except one and two family residences, and shall take into consideration the requirements and principles outlined in this Local Law.
§101-13. Prohibited Activities

A. Certain activities which may have a high potential to impact water supply are prohibited anywhere within the Watershed District, as specified here:

1. Landfill of domestic, industrial, construction and demolition, or hazardous materials.

2. Land spreading of sludge or ash, including domestic wastewater or waste industrial process material, except for ash from individual residential heating equipment.

3. The creation or manufacturing of any hazardous materials.

4. New dry wells directly connected to any floor drain, garage drain, wash basin or sink.

5. New fuel storage facilities in any amount greater than 660 gallons.

6. Commercial trash containers and dumpsters which are not under a roof or which are located so that leachate from the receptacle could escape unfiltered and untreated.

7. Any mining activities including consolidated and solution mining activities.

8. Point source discharges, other than discharges authorized by permits issued by the New York State Department of Environmental Conservation.

B. The following activities are not allowed within 25 feet of any watercourse within the watershed overlay district or within a Wellhead Protection area:

1. New impervious surfaces except for construction of a bridge or crossing for a driveway or access road, and related approaches.

2. Feedlots or other livestock impoundments.

3. Trash containers and dumpsters which are not under a roof or which are located so that leachate from the receptacle could escape unfiltered and untreated.

4. Fuel storage in any amount.

C. No new vehicular parking area, other than that related to a municipal water system facility, shall be allowed within a Wellhead Protection Area.

§101-14. Enforcement

A. Compliance orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a compliance order.

1. The compliance order shall:

   a. Be in writing;
   
   b. Be dated and signed by the Code Enforcement Officer;
c. Specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter;

d. Specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity;

e. Specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance;

f. Direct that compliance be achieved within the specified period of time; and

g. State that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.

2. The Code Enforcement Officer shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by registered mail. The Code Enforcement Officer shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by registered mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

§101-15. Penalties and offenses

Any person who shall violate any provision of this chapter shall be subject to the applicable penalties under this chapter, and any other applicable code or ordinance, without limitation. The chapter penalties are:

A. Fines. The person who violates any provision of this chapter shall be liable for a civil penalty of not more than $250 for each day or part thereof during which such violation shall be continued.

B. Alternatively, or in addition to and action to recover civil penalties provided by Subsection “A”, the Town Board may institute any appropriate action or proceedings to prevent, restrain, enjoin, correct or abate any violation of or to enforce any provision of this chapter.
Otsego County, New York
Geographic Information System (GIS)

Date Printed: 11/28/2012

MAP DISCLAIMER - NOTICE OF LIABILITY
This map is for assessment purposes only. It is not for legal
description or conveyances. All information is subject to verification by
any user. Otsego County, NY and its mapping contractors assume no
legal responsibility for the information contained herein.

Approximate Scale: 1 inch = 200 feet

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