

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of New Castle

Local Law No. 5 of the year 2024

A local law A local law to amend the provisions of Chapter 108A, Stormwater Management and
(Insert Title)
Erosion and Sediment Control, of the Town of New Castle Code.

Be it enacted by the The Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of New Castle as follows:

Amend § 108A-6, Definitions, by replacing the definition of " Land Development Activity," with the following:

LAND DEVELOPMENT ACTIVITY

Any construction activity, including clearing, grading, excavating, soil disturbance or placement of fill, that results in land disturbance equal to or greater than 5,000 square feet or the creation of new impervious area as follows:

- Properties located within a R-1/4 A District - Creation of greater than 250 square feet new impervious area;
- Properties located within a R-1/2 A District - Creation of greater than 500 square feet new impervious area;
- Properties located within a R-1 A and R-2A Districts - Creation of greater than 1,000 square feet new impervious area;
- All commercially zoned, non-residential, properties - Creation of greater than 1,000 square feet new impervious area.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Replace Subsection 108A-7(C) as follows:

C. In addition to the information requirements of § **108A-7B**, SWPPPs for land development activities disturbing one or more acres or creation of new impervious areas as follows:

- Properties located within a R-1/4 A District creating greater than 250 square feet new impervious area;
- Properties located within a R-1/2 A District creating greater than 500 square feet new impervious area;
- Properties located within a R-1 A and R-2A Districts creating greater than 1,000 square feet new impervious area;
- All commercially zoned, non-residential, properties creating greater than 1,000 square feet new impervious area;

whether or not those land development activities involve discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or to a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment, must provide the following water quantity and/or quality controls (post-stormwater construction controls) or as outlined in Appendix A of Chapter 108A.

[Existing text of 108A-7(C)(1) through (C)(8) to remain]

Amend subsection 108A-12, Enforcement; penalties for offenses, by adding a new subsection "G":

G. The Town shall look back a period of three (3) years on any Building Permit issued after the enactment of this this law to determine if the Land Development Activity complies with the provisions of this Chapter. If it is determined that the total aggregate area of the new impervious areas from Building Permit exceeds the minimum thresholds as defined under Land Development Activity and subsection 108A-7B, a SWPPP will be required to be in compliance with this Chapter.

Insert the following "Appendix A to Chapter 108A" at the end of Chapter:

Appendix A to Chapter 108A

Field Permeability Testing Requirements, as outlined below (a through e), will be utilized for those properties located within a R-1/4 A District; R-1/2 A District; R-1 A District and R-2 A District and the property being located wholly outside the East of Hudson Watershed (Croton Reservoir), and meet the below requirements:

- Land disturbance less than 5,000 square feet
- New impervious area equal to or less than 500 square feet

Field Permeability Testing Requirements

- a. Excavate each hole with vertical sides approximately 12 inches in diameter. The hole depth shall be at or as close to the projected bottom of practice as possible, with a 24-inch minimum depth. The sides of the percolation holes shall be scraped to remove smearing. Optional, place washed aggregate in the lower two inches of each test hole to reduce scouring and silting action when water is poured into the hole.
- b. Presoak the test holes by periodically filling the hole (entire 24-inch depth) with clean water and allowing the water to seep into the subgrade. This procedure shall be performed for at least four hours and shall begin one day before the test (except in clean coarse sand and gravel). After the water from the final presoaking has fully seeped into the subgrade, remove any sloughed soil from the bottom of the hole.
- c. The following day, pour clean water into the hole, with as little splashing as possible, to a depth of six inches above the bottom of the test hole.
- d. Observe and record the time in minutes for the water to drop from the six-inch depth to the five-inch depth.
- e. Repeat test a minimum of three times until the time for the water to drop from six inches to five inches, for two successive tests, is approximately equal. The longest time interval to drop one inch will be taken as the stabilized rate of percolation. If different results are obtained for multiple holes within the same proposed practice, the slowest stabilized rate shall be used for practice feasibility.

This Local Law shall be effective immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2024 of the ~~(County)(City)(Town)(Village)~~ of New Castle was duly passed by the New Castle Town Board on April 30 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Christina Reyes

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: May 1, 2024

(Seal)