

Appendix B

New or Amended Local Laws or Regulations

To fully implement the Village of Cayuga Local Waterfront Revitalization Program, the following amendments will be made prior to adoption of the LWRP by the Village Board of Trustees.

Village of Cayuga, New York

Be it enacted by the Village Board of Trustees of the Village of Cayuga as follows:

The following text is from the Village of Cayuga Zoning Law that shows the proposed amendments necessary to implement the LWRP. Existing text is shown in black, new language is shown in blue, and removed language is shown in red with strikethroughs.

Article 7 Site Plan Review

§7-4 Village Planning Board Review of Preliminary Site Plan

§7-4.1 The Village Planning Board's review of a preliminary site plan shall include, as appropriate, but is not limited to, the following:

- A. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls;
- B. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience;
- C. Location, arrangement, appearance, and sufficiency of off-street parking and loading areas;
- D. Location, arrangement, size, design, and general site compatibility of buildings, lighting, and signs;
- E. Adequacy of stormwater and drainage facilities;
- F. Adequacy of water supply and sewage disposal facilities;
- G. Adequacy, type, and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation;
- H. In the case of an apartment complex or other multifamily dwelling, the adequacy of useable open space for play areas and passive recreation;
- I. Protection of adjacent or neighboring properties against noise, glare, unsightliness, or other objectionable features;
- J. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants and adequate fire flows; and
- K. Special attention to the adequacy of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding, or erosion.
- L. Historic considerations. In approving or disapproving applications that may involve a historic site, the Planning Board may consider, as appropriate, the principles below as guidance for site plan review. For the purposes of this section, a historic site shall be defined as a parcel of real property or a structure which has local historical significance as identified in the Village's Comprehensive Plan or the Village of Cayuga Local Waterfront Revitalization Program and which may be eligible for listing, or is already listed on the state or national register of historic places.
 - 1. Every reasonable effort shall be made to provide a compatible use for an historic site that requires minimal alteration of the building, structure or site and its environment, or to use the historic site for its originally intended purpose.
 - 2. The distinguishing original qualities or character of a building, structure, or site and its environment shall be retained. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.

3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that are incompatible shall be discouraged.
 4. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized.
 5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity.
 6. Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
 7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials or historic landscape features shall be not undertaken.
 8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
 9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
- M. Scenic viewshed considerations. In approving or disapproving applications on property with a scenic viewshed, the Planning Board shall consider, as appropriate, the principles below as guidance for site plan review.
1. Development proposed along Willard Street (NYS Route 90), Court Street (NYS Route 90), Water Street, Railroad Street, and Lake Street shall provide opportunities for permanent public views and visual access to Cayuga Lake; and prevent, to the maximum extent possible, the loss, alteration or reduction of public views of Cayuga Lake.
 2. The land in these areas shall be developed in such a way as to maximize views of Cayuga Lake. Site layout and design shall consider view corridors identified in Section 2.11 of the Village's Local Waterfront Revitalization Program (LWRP) and shall also consider the importance of views of the Village from Cayuga Lake towards the shore. Important views shall be protected and enhanced to the maximum extent practicable.

§7-5.2 The following additional information shall accompany an application for final site plan approval:

- A. Record of application for and approval status of all necessary permits from State and County officials;
- B. Detailed sizing and final material specification of all improvements~~;~~~~and~~
- C. An estimated project construction schedule~~;~~ and
- D. A Stormwater Pollution Prevention Plan (SWPPP), if the construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules, shall be in accordance with the following:

1. All SWPPPs shall provide the following background information and erosion and sediment controls:
 - a. Background information about the scope of the project, including location, type and size of project.
 - b. Site map/construction drawing(s) 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 offsite 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); Site map should be at a scale no smaller than 1"=100' (e.g. 1"=500" is smaller than 1"=100");
 - c. Description of the soil(s) present at the site;
 - d. 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 (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP.
 - e. 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;
 - f. 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;
 - g. 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 close-out;
 - h. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
 - i. Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
 - j. Temporary practices that will be converted to permanent control measures;
 - k. 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;
 - l. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
 - m. Name(s) of the receiving water(s);
 - n. Delineation of SWPPP implementation responsibilities for each part of the site;
 - o. 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; and
 - p. Any existing data that describes the stormwater runoff at the site.

2. Land development activities that require a SWPPP and meeting Condition “A”, “B” or “C” below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Section 7-5.2(D)(c) below as applicable:
 - a. Condition A - Stormwater runoff from land development 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.
 - b. Condition B - Stormwater runoff from land development activities disturbing five (5) or more acres.
 - c. Condition C - Stormwater runoff from land development activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.
3. SWPPP Requirements for Condition A, B and C:
 - a. All information in Section 7-5.2(D)(a) of this local law
 - b. Description of each post-construction stormwater management practice;
 - c. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
 - d. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms
 - e. Comparison of post-development stormwater runoff conditions with pre-development conditions
 - f. Dimensions, material specifications and installation details for each post-construction stormwater management practice;
 - g. Maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater management practice.
 - h. Maintenance easements 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.
 - i. Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Section 7-5.2(D)(f) of this local law.
 - j. For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this local law.
4. Contractor Certification
 - a. Each contractor and subcontractor identified in the SWPPP 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.”
 - b. 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.

- c. The certification statement(s) shall become part of the SWPPP for the land development activity.
- 5. Technical Standards. For the purpose of this local law, 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 law:
 - a. The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual)
 - b. New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the Erosion Control Manual).
 - c. 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 Section 7-5.2(D)(e) and the SWPPP shall be prepared by a licensed professional.
- 6. Maintenance and Inspection During Construction
 - a. 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 local law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.
 - b. For activities that require a SWPPP and meeting Condition A, B or C in Section 7-5.2(D)(b), the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every 7 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 log book.
 - c. 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.