
BE IT ENACTED by the Town Board of the Town of Greenburgh:

§ 1. Title.

This law is entitled “A local law amending Chapter 248, Stormwater Management, of the Town Code of the Town of Greenburgh.”

§ 2. Legislative Findings.

The Town Board of the Town of Greenburgh finds it necessary to amend the “Stormwater Management” Chapter of the Town Code of the Town of Greenburgh to minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, pollution, increases in stream temperature, and to regulate land development activities by means of performance standards and site design which will produce development compatible with the natural governing stormwater functions of a particular site or an entire watershed.
§ 3. Amendment to § 248-2. Findings of fact.

§ 248-2 of the Town Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

The Town of Greenburgh finds that:

A. 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; flooding; stream channel erosion; or sediment transport and deposition;

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

C. Stormwater runoff can carry pollutants into receiving water bodies, degrade water quality and contribute to nutrient loading;


§ 248-3 of the Town Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

D. Prevent increases in groundwater recharge and stream base flow so as to maintain aquatic life assimilative capacity and potential water supplies;

G. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution wherever possible through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.


§ 248-6 of the Town Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

D. Routine maintenance activities to an existing stormwater management facility that disturb less than 500 square feet and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.


§ 248-7 of the Town Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

DISTURBANCE - Removal of vegetation; excavation; or fill; or any combination thereof, including the conditions resulting from any excavation or fill that encompasses an area of 500 square feet or greater.
IMPERVIOUS SURFACES - The sum of the horizontal area of coverage or footprint of all buildings, structures, paved areas, patios and other improved surfaces on a lot preventing natural runoff to percolate into the soil, measured in square feet. Areas paved with gravel, crushed stone and other materials used to support vehicles shall be considered impervious surfaces for the purposes of this chapter. Swimming pools and tennis courts that are unenclosed shall not be considered impervious surfaces for the purposes of this chapter.


§ 248-8 of the Town Code of the Town of Greenburgh is hereby amended by repealing and replacing subsection B as follows:

B. A stormwater pollution prevention plan (SWPPP) or stormwater management plan (SWMP) must be prepared by a New York State licensed Professional Engineer or Registered Architect. A New York State licensed Landscape Architect or Land Surveyor may also prepare a SWPPP and SWMP, but only to the limited extent allowed by the New York State Education Law. SWPPP’s and SWMP’s are to be submitted for review and approval by the Town Engineer prior to commencement of any land development activity as defined by § 248-7 of this chapter.


§ 248-9 of the Town Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

C. Required information.

(2) Stormwater shall be managed on site using stormwater control measures designed to afford optimum protection of ground- and surface waters. Stormwater calculations shall be calculated performed in accordance with the any widely utilized methodology for determining stormwater volume and flow rates using any one of the following methods acceptable to the Town Engineer.

(a) For small watershed areas (up to 20 acres), the Rational Method or TR-55.

(b) For larger watersheds areas (up to 2,000 acres), TR-55 or an equivalent widely accepted methodology.

(3) Stormwater control measures shall be designed based upon the minimum twenty-five-year design storm for local conditions, unless as a result of a determination by the Town Engineer, the project characteristics require higher standards. The design shall consider all existing and new impervious surfaces, including but not limited to roof areas, driveways, patios, deck areas, and walkways. Proposed condition peak flows shall not exceed existing condition peak flows for all storms studied.
(4) Stormwater control measures may include, but shall not be limited to: detention basins, dry wells of precast concrete, rain gardens, green roof systems, recharge structures, and infiltration trenches. Such measures may also include natural and human-made landscape features such as depressions, blind ditches, retention ponds, swales and other such measures. Inlets to infiltration devices shall be protected from sediment at all times in order to maintain their capacity.

(7) The bottom of any infiltration device shall be a minimum of two three feet above seasonal high groundwater mark and two three feet above bedrock.


§ 248-12 of the Town Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

The SWPPP shall be prepared by a New York State Licensed Professional Engineer or Registered Architect, or by a New York State Licensed Landscape Architect or soil scientist, and Land Surveyor to the limited extent allowed by the New York State Education Law. The SWPPP 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 chapter.


§ 248-21 of the Town Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

The applicable approval authority shall approve a formal maintenance agreement for stormwater management facilities involving major land development activity, as defined by § 248-7, which shall be binding on all subsequent landowners and must be recorded in the office of the County Clerk as a deed restriction on the property prior to issuance of a building permit. The maintenance agreement shall be consistent with the terms and conditions of Schedule A of this chapter, entitled "Sample Stormwater Control Facility Maintenance Agreement." At its sole discretion, the Town of Greenburgh Town Board, 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.


§ 248-22 of the Town Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

A. Erosion and sediment control inspection. The Stormwater Management Officer 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.

(1) To obtain inspections, the applicant shall notify the Stormwater Management Officer at least 48 hours before any of the following, as required by the Stormwater Management Officer:

(a) Start of construction.

(b) Installation of sediment and erosion control measures.

(c) Completion of site clearing.

(d) Installation of stormwater management control measures.

(e) Completion of rough grading.

(f) Completion of final grading.

(g) Interruption of construction for more than five consecutive days.

(h) Completion of final landscaping.

(i) 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 required corrective actions. No further work shall be conducted except for site stabilization until violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

B. Stormwater management practice inspections. The Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). 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 licensed professional engineer New York State licensed Professional Engineer or Registered Architect. A New York State licensed Landscape Architect or Land Surveyor may also prepare a SWPPP and SWMP, but only to the limited extent allowed by the New York State Education Law.

§ 12. Severability.

The provisions of this local law are intended to be severable. If any provision of this local law is found by a Court of competent jurisdiction to be unconstitutional or otherwise invalid, such findings shall not be deemed to invalidate the local law as a whole, nor any other section or provision thereof, other than that which is found to be unconstitutional or otherwise invalid.
§ 13. **Effective Date.**

This local law shall take effect immediately upon filing with the Secretary of State.