

Local Law H of 2022

A Local Law amending Chapter 140 of the Code of the Town of Rochester

§ 140-16

**Section 1. Chapter 140 Amendment**

Chapter 140 of the Code of the Town of Rochester shall have a new section added, **§ 140-16 Wetlands and Stream Buffer Requirements**

**Section 2.**

**§ 140-16 Wetlands and Stream Buffer Requirements**

A. Title

This ordinance shall be known and may be cited as the “Wetlands and Stream Buffer Ordinance of the Town of Rochester”. This ordinance shall amend the Zoning Ordinance of the Town of Rochester to add Article XX entitled “Wetlands and Stream Buffer Requirements.” The intent of this chapter is to promote the health and welfare of the citizens of Rochester by preserving and protecting the watercourses and wetlands of the Town through careful regulation and control so that they may continue in their natural functions and to protect property from damages caused by flooding and other losses due to wetland destruction.

B. Purpose

The purpose of this legislative action is to establish requirements for creating and maintaining buffers to protect the water quality and unique wildlife habitats in the streams and wetlands of The Town of Rochester, Ulster County, New York. This ordinance promotes the prevention of disruptions such as sediment, nutrient, and pollutant loads; the introduction of other materials; or impacts from other actions from entering or altering streams, wetlands, and riparian habitats by maintaining stream buffers of at least 100 feet from the top of the stream bank or wetland edge. Research has shown that this distance is the minimum necessary to filter nutrients, pollutants and to transition materials to protect water quality and riparian habitats. Although it is not regulated in this article, as a further precaution, the Town of Rochester strongly encourages landowners to maintain stream and wetland buffers of 300 feet from the top of stream banks or wetland edges on undeveloped land or proposed newly developed lands, where feasible, to protect and leave undisturbed important wildlife habitats.

C. Findings

The Town Board of the Town of Rochester has determined that the public interest, health, safety and the economic and general welfare of the residents of the Town of Rochester shall be best served by providing for the protection and preservation of natural resources, including the proper maintenance and use of its ponds, lakes, reservoirs, water bodies, rivers, streams, watercourses, wetlands, vernal ponds, natural drainage systems and adjacent land areas from encroachment, spoiling, polluting or elimination of these natural resources.

- 1) The purposes of watercourses and wetlands (as defined below) in the Town of Rochester represent a valuable natural resource which serves to benefit the entire Town and the surrounding region by:

- a) Providing drainage and flood control through hydrologic absorption and natural storage.
  - b) Protecting surface/subsurface water resources, watersheds, and groundwater recharge systems.
  - c) Providing a suitable living, breeding, nesting, and feeding environment for many forms of wildlife, including amphibians, waterfowl, shorebirds and rare species of plants and animals.
  - d) Treating polluted surface and subsurface waters through the natural processes of biological degradation and chemical oxidation.
  - e) Controlling downstream erosion and serving as natural sedimentation areas and filter basins.
  - f) Providing sources of nutrients in freshwater food cycles.
  - g) Serving as nursery grounds and sanctuaries for freshwater fish and other animals.
  - h) Providing recreation areas for fishing, boating, hiking, bird- watching, photography and other passive recreational uses.
  - i) Preserving open space
  - j) Maintaining the potable water supply and
  - k) Maintaining and renovating septic and other waste systems in the Town.
- 2) Watercourse and wetlands protection is a matter of concern to the entire Town, and the establishment of regulatory and conservation practices serves to protect the public health, safety, and welfare by ensuring review and regulation of any activity on, or adjacent to, streams and wetlands which might adversely affect these natural resources.
- 3) Watercourse and wetlands in the Town of Rochester and other areas form an ecosystem which is not confined to any one property owner or neighborhood. Research has demonstrated that effective wetlands protection requires uniformity of preservation and conservation throughout the Town.
- 4) Loss of watercourses and wetlands can cause or aggravate flooding, erosion, degradation, and diminution of water supply for drinking and waste treatment and may pose a threat to the health, safety, and welfare of the people of Rochester and the surrounding region.
- 5) Regulation of watercourses and wetlands is consistent with the interests of farmers and other agricultural landowners to use water resources reasonably for crops and livestock and to make reasonable use of water resources.

#### D. Definitions

##### **BANK**

The lateral confines of a waterbody which contain the normal flow of water.

##### **BANK, TOP OF**

The primary edge of the ordinary high-water mark, or break in slope for a watercourse, which maintains the integrity of the watercourse.

## **BUFFER**

see also **BUFFER, RIPARIAN** and **BUFFER, SECONDARY SETBACK**.

An area surrounding a wetland/watercourse that shall be left undisturbed and vegetated to provide riparian corridor functions. It is intended to provide protection of the wetland/watercourse from human activity and other encroachment associated with development. The wetland/watercourse buffer shall be an area extending 100 feet perpendicular to the wetland perimeter boundary or stream bank, extending from all sides respectively. The watercourse buffer shall consist of a 50' riparian buffer and a 50' secondary setback buffer or solely a 100-foot riparian buffer. Regulated areas surrounding such natural drainage systems shall include all adjacent surfaces for 100 feet as measured from the high-water mark of the watercourse or waterline. For all lots in the Flood District (FD) Overlay the buffer to the watercourse or wetland shall be measured from the 100-year floodplain verified high water mark of the watercourse. Buffers surrounding a vernal pool shall be measured from the vernal pool's depression edge.

## **BUFFER, RIPARIAN**

An area adjacent to a stream, lake, or wetland that contains a combination of trees, shrubs, and/or other perennial plants and is managed differently from the surrounding landscape, primarily to provide conservation benefits

## **BUFFER, SECONDARY SETBACK OR SETBACK AREA:**

An area that serves to filter sediment, nutrients and pollutants in runoff and slow the rate at which runoff enters the Riparian Buffer.

## **DAMS AND WATER CONTROL MEASURES AND DEVICES**

Barriers which regulate or obstruct the flow of water or raise, or lower or maintain the level of water in ponds, lakes, natural drainage systems and wetlands.

## **DEVELOPMENT**

The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure including but not limited to agricultural use, any mining excavation, landfill, or land disturbance, including grading and filling.

## **FERTILIZER**

Any organic or inorganic material of natural or synthetic origin that is applied to soil to supply one or more nutrients needed for the growth of plants.

## **HIGH WATER MARK**

As defined in Section 608.1(r) of 6 NYCRR Part 608, Use and Protection of Water

## **HIGHLY ERODIBLE SOILS:**

Soils that have a maximum potential for erosion that equals or exceeds eight times the tolerable erosion rate. The maximum potential erosion rate for any given soil can be determined by using the following formula:  $R \cdot K \cdot LS / T < 8$ , where R= rainfall, K= erodibility value of the soil, LS= the slope factor, and T= the tolerable erosion rate; factors K, LS, and T are established by the Natural Resources Conservation Service. Highly erodible soils must be verified in the field. The soil erodibility factor K is a measure of erodibility for a standard condition. The soil erodibility factor K represents both susceptibility of soil to erosion and the amount and rate of runoff, as measured under the standard unit plot condition. Fine textured soils high in clay have low K values, about 0.02 to 0.15, because they are resistant to detachment. Coarse texture soils, such as sandy soils, have low K values, about 0.05 to 0.2, because of low runoff even though these soils are easily detached. Medium textured soils, such as silt loam soils, have moderate K values, about 0.25 to 0.40, because they are moderately susceptible to detachment, and they

produce moderate runoff. Soils having a high silt content are the most erodible of all soils. They are easily detached, and they tend to crust and produce large amounts and rates of runoff. Values of K for these soils tend to be greater than 0.4. New York State Standards and Specifications for Erosion and Sediment Control, August 2005. A list of K values is attached in the appendix.

### **HYDRIC SOIL**

A soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part, as set forth in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, dated January 1989, prepared by the federal government, and as updated from time to time.

### **HYDROLOGIC**

The occurrence, circulation, distribution, and properties of the waters of the earth and its atmosphere.

### **HYDROPHYTIC VEGETATION**

Plants which are dependent upon seasonal or permanent flooding or sufficiently waterlogged soils to give them a competitive advantage over other species. Those plants which are dependent upon seasonal or permanent flooding or sufficiently waterlogged soils to give them a competitive advantage over other species. These plants may belong to any of the following vegetative types: wetland trees, wetland shrubs, emergent vegetation, submergent and rooted floating-leaved vegetation, free-floating vegetation, wet meadow vegetation and bog mat vegetation. The following indicators of hydrophytic vegetation may be used in conjunction with hydric soils and/or wetland hydrology to identify wetlands:

1. The presence of obligate wetland species, particularly as dominants, in a vegetation unit shall be considered diagnostic of wetlands. Facultative species may be present but obligate upland species cannot be present on other than microsites. Obligate and facultative vegetative species are listed in the National Lists of Plant Species That Occur in Wetlands: Northeast (Region 1) (Reed, 1988) prepared by the United States Fish and Wildlife Service in cooperation with the National and Regional Wetland Plant List Review Panels, as amended from time to time.
2. Plants with adaptations to inundation and/or saturated soil conditions shall be considered diagnostic of wetlands. Such adaptations include but are not limited to pneumatophores, buttressed tree trunks, floating stems, floating leaves, multiple trunks, hypertrophied lenticels and inflated leaves, stems, or roots.

### **INTERMITTENT STREAM OR WATERCOURSE**

A regulated area that comprises a stream, creek, or brook through which surface water travels with definite bed and banks in which there is not a permanent flow of water (and is represented as a dashed line on United State Geological Survey (USGS) 7.5 Minute Quadrangle maps). Waterways specifically designed and constructed to serve as stormwater conveyance or stormwater treatment functions such as but not limited to grassy swales, drainage ditches, culverts are not considered intermittent streams for this regulation

### **IMPERVIOUS SURFACE**

any paved, hardened, or structural surface including, but not limited to, buildings, dams, decks, driveways, parking areas, patios, streets, swimming pools, tennis courts, walkways, and other non-permeable structures.

**MATERIAL**

Substances including, but not limited to, soil, silt, gravel, rock, sand, clay, peat, mud, debris, and refuse; any organic or inorganic compound, chemical agent, or matter (excluding pesticides, herbicides, algicides and agricultural or radioactive wastes to the extent that same are exempt or regulated exclusively by the State of New York); sewage, sewage sludge or effluent; and industrial or municipal solid waste.

**PARCEL**

A designated tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

**PERENNIAL STREAM OR WATERCOURSE**

A stream that flows continuously throughout the year in a natural or man-made channel (which is represented as a solid blue line on United States Geological Survey (USGS) 7.5 Minute Quadrangle maps).

**PLANT**

Any living thing that grows in the ground and has roots and leaves or flowers, and needs sun and water to survive, including trees, shrubs, herbs, ferns, mosses, and other vegetation.

**POLLUTION**

The presence in the environment of human-induced conditions or contaminants in quantities or characteristics which are or may be injurious to human, plant, or animal life or to property.

**SETBACK AREA**

see **BUFFER**

**STEEP SLOPE**

Any slope of 15% grade or greater.

**STREAM**

The full length and width, including the bed and banks, of any watercourse, that has a channel which periodically or continuously contains moving water. It further has a defined bed and has banks that serve to confine water at low to moderate flows (and is represented as either a solid or dashed blue line on United States Geological Survey (USGS) 7.5 Minute Quadrangle maps). For the purpose of this ordinance, constructed drainage-ways, including water bars, swales, and roadside ditches, are not considered streams.

**WATERBODY**

A regulated area that comprises any natural or artificial pond lake or other area that usually or intermittently contains water and that has a discernable shoreline. Regulated waterbodies do not include stormwater detention and/or retention structures, and infiltration and detention basins. A waterbody must have a surface area greater than 1/10th of an acre to be a regulated area under this chapter.

**WATERCOURSE**

A regulated area that comprises any natural, permanent, seasonal, or intermittent channel or water segment, brook, stream, river, or naturally occurring waters within such channels that are contained within or flow through or border upon the Town of Rochester. A watercourse contains a discernable channel, bed, bank and/or berm. Engineered water features or segments such as, but not limited to swales, ditching and culverts shall not be considered regulated areas.

## **WETLANDS**

All areas and waters of the Town of Rochester that are comprised of hydric soils and/or are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of hydrophytic vegetation. The following criteria shall be used to determine the presence of hydrophytic vegetation, hydric soils, and hydrologic indicators:

## **VERNAL POOL**

A regulated area that comprises a seasonally flooded, isolated pool of standing water that is devoid of naturally occurring fish and that persists, in a year of average precipitation, for at least two months. (Annual precipitation in Ulster County normally ranges from 40 inches to 48 inches). Vernal pools must satisfy the following criteria to be regulated areas under this chapter:

- 1) Have an area greater than 100 square feet
- 2) Have evidence of a *naturally occurring* confined basin depression, with no permanently flowing outlet. Vernal pools are often found on flat grades or where water drainage is naturally hampered.
- 3) does not contain reproducing fish and has evidence of non-incident breeding by one or more species of obligate vernal pool species or evidence of two or more facultative vernal pool species
- 4) *Obligate vernal pool species* include, but are not limited to wood frog, spotted salamander, Jefferson salamander, marbled salamander, fairy shrimp, clam shrimp, fingernail clams).
- 5) *Facultative vernal pool species* include but are not limited to blue-spotted salamander, spring peeper, gray tree frog, Fowler's toad, pickerel frog, leopard frog, four-toed salamander, red-spotted newt, spotted turtle, wood turtle, painted turtle, & snapping turtle.

### **E. Applicability**

These requirements do not supersede or replace any greater applicable buffer requirements established under state or federal law and are applicable to all land within the Town of Rochester. This article shall apply to all proposed development.

### **F. Requirements**

#### **1) Protection Requirements for Perennial Streams**

- a) A vegetative buffer shall be required for all development activities that occur in proximity to perennial streams with additional considerations for wetlands and steep slopes. Protection shall be divided into a Riparian Buffer and a Setback Area that protects overall water quality by limiting development in accordance with the adjacent land's ability to filter sediment, nutrients, and other pollutants. This protection shall provide stability to the stream, stream bank, and riparian wildlife habitats. The minimum total setback width for all perennial streams combined is 100 feet. There is no established maximum setback width.
- b) The Town of Rochester shall require the delineation of all applicable Riparian Buffer and Setback Areas on all subdivision plats, site plan applications, special permits, special use approval and variance applications, building permit applications, and excavation or fill permit applications. This delineation shall be subject to review and approval by the appropriate board or officer.

- c) Prior to any soil-disturbing activity, the Riparian Buffer and Setback Area shall be clearly delineated on site and shall remain undisturbed for the life of the project.
- 2) Riparian Buffer: The function of the Riparian Buffer is to protect the physical and ecological integrity of the native vegetation and wildlife habitats in closest proximity to the stream bank. through protection and enhancement of the native vegetation. Native vegetation in the Riparian Buffer provides shelter to wildlife, shade, leaf litter, woody debris, erosion protection, and serves to filter runoff, sediment, nutrient, and pollutant loads prior to entering the stream.
- a) The Riparian Buffer shall begin at the top of the stream bank and extend a minimum of 50 feet perpendicularly from the flow of the stream, on both sides of the stream. For parcels within the FD Overlay District or with a steep slope or wetland existing within or adjacent to this 50-foot Buffer the entirety of that area shall be added to the measurement of the Riparian Buffer. This full area shall utilize the restrictions accorded to the Riparian Buffer.
- b) Land development and uses are restricted to the following, with no more than a total of 25% of the entire Riparian Buffer to be disturbed, unless necessary for the protection of human health, utility usage, public infrastructure, or the betterment of the riparian corridor, and must be in accordance with all town, state and federal laws and permit requirements All minimum front, side and rear yard requirements shall be satisfied by measurement from the high water mark:
1. Benches or seating.
  2. Implementation of educational and scientific research that does not negatively impact the native vegetation.
  3. Flood control, stormwater management structures, and stream bank stabilization measures approved by the Ulster County Soil and Water Conservation District, Natural Resource Conservation Service, Army Corps of Engineering, or NYS Department of Environmental Conservation.
  4. Maintenance of roadways or impervious surfaces existing at the time of the adoption of this provision.
  5. Stream crossings necessary to access the property by driveway, transportation route, or utility line which are designed to minimize negative impacts to the stream and Riparian Buffer.
  6. Public water supply intake or public wastewater outfall structures.
  7. Public access and public recreational facilities that must be on the water including boat ramps, docks, foot trails leading directly to the stream, fishing platforms and overlooks.
  8. Fences, provided such structures do not impede floodwaters.
  9. Public sewer lines and/or other utility easements.
  10. Techniques to remove invasive species.
  11. Non-paved recreational trails no wider than 10 feet that either provide access to the stream or are part of a continuous trail system running roughly parallel to the stream.
  12. Temporary use of erosion control measures such as silt fencing.

13. Limited tree cutting, forestry or vegetation management done in accordance with a Forest Stewardship Plan prepared by the Department of Environmental Conservation, a forester who is certified by the Society of American Foresters or such successor organization as is later created, or a Cooperating Consulting Forester with the New York State Department of Environmental Conservation. Any harvest must furthermore be done in accordance with the *New York State Forestry Best Management Practices for Water Quality – BMP Field Guide*. Tree cutting may not compromise the integrity of the stream bank or negatively impact the function of the Riparian Buffer. Tree cutting within 25 feet of the top of the stream bank is prohibited. Any such activity shall always retain at a minimum 75% of the preexisting tree canopy in the Riparian Buffer. Removal of trees in any location shall be permitted provided the tree or trees pose an immediate threat to property or public safety.

- 3) Setback Area: The function of the Setback Area is to filter sediment, nutrients and pollutants in runoff and slow the rate at which runoff enters the Riparian Buffer.
- a) The Setback Area shall begin at the outward edge of the Riparian Buffer and provide a minimum width of 50 feet. If a steep slope, highly erodible soils, or wetland exist within this Setback Area, the Setback Area will begin at the edge of the aforementioned feature. The addition of a steep slope, highly erodible soils or wetland may increase the Setback Area to an amount greater than 50 feet. This full area shall utilize the restrictions accorded to the Setback Area.
  - b) Within the Setback Area development uses are restricted to the following:
    - I. All development and uses permitted in the Riparian Buffer.
    - II. Minor recreational structures and surfaces to allow passive recreation in the Setback Area such as decks, picnic tables, playground equipment, and small concrete slabs, the total area of which is not to exceed 200 square feet each and in aggregate occupy no more than 10% of the Setback Area.
    - III. Landscaping, mowing, decorative planting, or improvements that do not encroach upon or impact the integrity of the Riparian Buffer.
- 4) Public water supply wells must be greater than 200 feet from the top of the stream bank; private wells are not allowed in the Riparian Buffer. Any property whose water supply cannot accommodate such a buffer requires a variance.

#### G. Prohibited Activities

- 1) The following activities are explicitly prohibited in both the Riparian Buffer and Setback Area.
  - a) Storage or placement of any hazardous materials
  - b) Portable or mobile toilets of any type.



- c) All sewage systems, both drain fields and raised systems and replacement of existing wells, must adhere to a 100- foot buffer from perennial streams. Any property that cannot accommodate such a buffer requires a variance.
  - d) Purposeful introduction of invasive vegetative species that reduce the persistence of local vegetation. A list of reference invasive species is found at the NY State DEC list of prohibited and regulated invasive species [https://www.dec.ny.gov/docs/lands\\_forests\\_pdf/isprohibitedplants2.pdf](https://www.dec.ny.gov/docs/lands_forests_pdf/isprohibitedplants2.pdf) and the Cornell Cooperative Extension of Ulster County Invasive Plants <http://ulster.cce.cornell.edu/environment/invasive-plants>.
  - e) Destruction or alteration of rare, endangered, or threatened species habitats as defined by DEC
  - f) Waste storage and disposal including but not limited to disposal and dumping of snow and ice, recyclable materials, manure, hazardous or noxious chemicals, used automobiles or appliance structures, and other abandoned materials.
  - g) Withdrawals from streams, wetlands, waterbodies, or drilled wells of greater than 2,500 gallons/day
  - h) Mining or removal of soil, sand, and gravel, and quarrying of raw materials.
  - i) Damming dredging, deepening, widening, straightening or any such alteration of the beds and banks of natural streams except where the New York State Department of Environmental Conservation has issued a permit expressly allowing such activities on the parcel.
  - j) Application of herbicide, pesticides, fertilizers, or other chemicals as defined by Chapter V of the New York State Department of Environmental Conservation, §597.2 Hazardous Substance List, as amended.
  - k) Swimming pool drainage.
  - l) Parking of motorized vehicles.
  - m) Beaver dam/lodge removal.
- 2) No combination of allowed or exempt activities may compromise or alter more than 10% of the total riparian buffer and setback area that lies within a tax parcel.

Example of a 50' Primary Riparian Buffer (Orange) and  
a 50' Secondary Setback Buffer (Red) system:



H. Protection Requirements for Intermittent Streams

For those streams classified as intermittent, as defined herein, only the Riparian Buffer shall apply. For an intermittent stream the buffer shall begin at the top of the stream bank and extend a minimum of 50 feet horizontally measured in a direction directly perpendicular to the stream bank in a horizontal plane. All provisions applicable to the Riparian Buffers for perennial streams shall apply to intermittent streams.

I. Protection Requirements for Vernal Pools

For Vernal Pools, only the Riparian Buffer shall apply. For vernal pools the buffer shall begin at the vernal pool depression's edge and extend in a circular envelope around the vernal pool's depression edge. All provisions applicable to the Riparian Buffers for perennial streams shall apply to vernal pools. The guidelines of the US Army Corps of Engineers, New England District *Vernal Pools Best Management Practices* (January 2015) shall be implemented as is feasible and practicable and is included in the appendices.

J. Exemptions

The following specific activities are exempt from the requirements of this ordinance:

1) General Exemptions

The ordinance shall not apply to land use activity existing as of the effective date of this ordinance.

2) Grandfather Provisions

Work consisting of the repair or maintenance of any lawful use of land that is approved for such use on or before the effective date of this ordinance shall be exempt.

3) Variance Procedures

a) Refer to Chapter 140, Article IX

b) A variance shall be granted only upon a finding that a property's shape, topography, or other physical conditions prevents land development unless

a variance is granted, or that strict adherence to the minimal buffer and setback requirements would create extreme hardship.

K. Administration and Enforcement

- 1) This ordinance shall be administered by the Code Enforcement Officer or other official as designated.
- 2) A development plan shall not be approved, and therefore a building permit shall not be issued, unless the development plan satisfies the requirements under this ordinance. Town of Rochester may deny, suspend, or revoke any development plan if the plan violates this ordinance.
- 3) The Town of Rochester may cancel or revoke any approved development plan or issued building permit if it fails to maintain the requirements of this ordinance; and may take legal action to stop, revoke or cancel the approval or the building permit.
- 4) Any person violating any provision of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed the sum of \$250 and/or imprisonment for no more than 15 days, or both. Each day shall constitute a separate and distinct offense, punishable by a like fine or penalty as herein set forth
- 5) Notwithstanding the penalties herein above provided, the Town of Rochester may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this chapter.
- 6) The foregoing provisions for enforcement of the regulations in this chapter are not exclusive but are in addition to any and all laws applicable thereto.
- 7) In addition to these punishments, any offender may be ordered by the court to restore the affected freshwater wetland to its condition prior to the offense, insofar as that is possible. The court shall specify a reasonable time for the completion of such restoration, which shall be effected under the supervision of the local government.

L. Conformity with other laws required

All acts, whether allowed by right or by permit, must conform to the Town of Rochester Zoning Code.

M. References Used for Model Ordinance Development

1. Association of State Wetlands Managers- Wetlands and Watershed Protection Tools: Wetland and Watershed Protection Toolkit for New York: Guidance Materials for Local Governments, 2020
2. Bren, L. (2000). A case study in the use of threshold measures of hydrologic loading in the design of stream buffer strips. *Forest Ecology and Management*, 132, pp. 243-257.
3. Cornell Cooperative Extension, Ulster County Department of Environmental Protection County Soil & Water Conservation Districts: Catskill Stream Buffer Initiative Guidelines, December 2008
4. *Moodna Creek Watershed Intermunicipal Council Stream Corridor Overlay Model Local Law*, April 2014
5. New York State Department of Environmental Conservation Hudson River Estuary Program: Wildlife and Habitat Conservation Framework, 2006

6. *New York State Department of Environmental Conservation Hudson River Estuary Program: Strategies for Sustainable Tributaries: A Guidance Manual: November 2015* <https://hudsonvalleyregionalcouncil.org/wp-content/uploads/2015/11/Strategies-for-Sustainable-Tributaries-A-Guidance-Manual.pdf>
7. New York State Forestry Best Management Practices for Water Quality – BMP Field Guide - [http://www.dec.ny.gov/docs/lands\\_forests\\_pdf/dlfbmpguide.pdf](http://www.dec.ny.gov/docs/lands_forests_pdf/dlfbmpguide.pdf)
8. New York State Department of Environmental Conservation & New York Department of State: Local Open Space Planning August 2015.
9. New York State Department of State, Office of Planning and Development: Wetlands and Watercourse Protection Measures, June 2019.
10. New York State Standards and Specifications for Erosion and Sediment Control, August 2005
11. Town of Rochester Comprehensive Plan, 2006; Ground Water Protection Plan, August 2006; Natural Heritage Plan, 2018; Open Space Inventory, 2016
12. Town of New Paltz, Zoning Law. <https://ecode360.com/9168535>
13. Town of Gardiner, Zoning Law, <https://ecode360.com/9151158>
14. Town of Bedford. Zoning Law <https://ecode360.com/6237215> Chapter 122 Wetlands
15. Tompkins County New York Model Wetlands and Stream Buffer Ordinance April 2009.
16. US Army Corps of Engineers, New England District: Vernal Pools Best Management Practices
17. *Ulster County Community Design Manual: Ulster County Planning Department, March 2017*
18. New York Department of State Office of Planning, Development and Communications, Wetland and Watercourse Protection Measures Model Laws, June 2019

### **Section 3. Severability**

If any part or provision of this local law is judged invalid by any court of competent jurisdiction, such judgment shall be confined in application to the part or provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of this Law even without such part or provision or application.

### **Section 4. Effective Date**

This local law shall become effective immediately upon the filing in the office of the New York Secretary of State pursuant to Section 27 of the Municipal Home Rule Law