(This form is used to file a local law with the Secretary of State.)

Town of Woodstock

Proposed Local Law No. 6 of the Year 2022

A Local Law updating Chapter 260-6 Overlay districts and Chapter 260-8 Description of overlay districts, and adding a new section Chapter 260-40A Standards for development within the Water District Wellhead Protection Overlay (WDWP-O) District, to establish an Overlay District to protect present and future water supply sources of the Woodstock Water District.

Be it enacted by the Town Board of the Town of Woodstock as follows:

SECTION 1 STATUTORY AUTHORITY

This Local Law is enacted in accordance with Article XIII of Chapter 260 of the Woodstock Code, the Zoning Law of the Town of Woodstock, as amended; Articles 9 and 16 of the Town Law of the State of New York, which grant the Town Board of the Town of Woodstock authority to enact local laws for the purpose of promoting the health, safety and welfare of the people of the Town; Article 2, Section 10 of the Municipal Home Rule Law, which gives the Town of Woodstock the power to protect and enhance its physical environment; Article 12-B, Sections 239-l and m, of the General Municipal Law; Section 10 of the New York Statute of Local Governments; Article IX of the New York State Constitution; the Executive Summary of the Woodstock Comprehensive Plan, and other legislative authority of the State of New York, as amended from time to time.

SECTION 2 PURPOSES AND FINDINGS

It is a purpose of this Local Law to amend Chapter 260 to establish a Water District Wellhead Protection Overlay (WDWP-O) District based on the following findings:

A. The public water supply for the Town of Woodstock is obtained from an aquifer that is known to extend in the Saw Kill valley, from the hamlet of Bearsville, eastward along Route 212 to the hamlet of Woodstock. This is the sole source of water for the Woodstock Water District. Protection of this sole source of drinking water now, and into the future, is vital to the continued health, safety, welfare and prosperity of the citizens of the Town of Woodstock. This aquifer is comprised of sand and gravel deposits laid down by glacial meltwater as well as alluvial deposits laid down by the Saw Kill during the post-glacial period.

   Recharge sources to the aquifer in the Saw Kill valley include: (1) direct infiltration of precipitation (rain and snow melt) at the land surface of the aquifer; (2) unchanneled (overland) surface runoff and ground water inflow from till and bedrock from adjacent

hillsides that seeps into the aquifer along the edges of the Saw Kill valley, (3) leakage from the Saw Kill and upland tributary streams where they flow over the aquifer; and (4) water from the Saw Kill that is induced into the aquifer as a result of pumping of the supply wells.

B. Protection of this source of drinking water now and into the future is a necessity for the continued health, safety, welfare and prosperity of the people of the Town of Woodstock.

C. Prohibition of certain uses that could endanger this vital resource, and restriction of certain types of development within the wellhead and aquifer areas are necessary for protection of the quality and quantity of the Town's drinking-water resources in order to minimize pollution and potential contaminates from reaching both public water supply systems and private drinking water wells.

The Water District Wellhead Protection Overlay (WDWP-O) District is a zoning overlay district that imposes additional requirements and restrictions to those of the underlying, base district zoning. In all districts, the more restrictive requirement(s) and permitted uses shall apply.

Based on these findings, further purposes of this Local Law are to:

1. Establish a special use permit review process by the Planning Board with standards for those activities which are not prohibited in the Water District Wellhead Protection Overlay (WDWP-O) District herein established, but which may not be adequately regulated.

2. Incorporate the provisions of this Local Law into the Zoning Law of the Town of Woodstock which will, by utilizing zoning techniques, allow existing uses to continue for their natural lifetime, while discouraging establishment or re-establishment of uses and actions that could harm or deplete the drinking water resources of the Town.

SECTION 3. AMENDMENTS TO CHAPTER 260 OF THE WOODSTOCK CODE AS FOLLOWS:

A. § 260-6. Overlay districts.

The Water District Wellhead Protection Overlay District (WDWP-O) shall be added to the list of overlay districts as enumerated in §260-6.

B. § 260-8. Description of overlay districts.

§260-8 is hereby amended to include §260-8-E to read as follows:

<u>The five overlay districts are generally defined as follows:</u>

E. The Water District Wellhead Protection Overlay (WDWP-O) District is an area located within the hamlets of Bearsville to Woodstock that contains the aquifer area contributing ground water to the Town of Woodstock's existing public supply wells (the wellhead protection area) as well as potentially productive aquifer areas that could practicably serve as future public drinking water source(s) for the Woodstock Water District.

In 1994 the hydrogeological consulting firm of Horsley & Witten, Inc. (now known as Horsley Witten Group) delineated the Woodstock Water District's Wellhead Protection Area. This is the area that is thought to directly contribute ground water to the District's production wells. The boundaries of the Water District Wellhead Protection Overlay (WDWP-O) District include the outer boundaries of all parcels that lie within or touch the Wellhead Protection Area defined by Horsley & Witten, Inc. in their study. A copy of this study shall be maintained in the office of the Town Clerk for public review.

The boundaries of the Water District Wellhead Protection Overlay (WDWP-O) District also include the outer boundaries of aquifer parcels that were defined by the New York Rural Water Association (NYRWA) as having the potential to serve as future ground water supply areas for the Woodstock Water District. Factors considered in this identification of potential ground water supply sites included distance from: the existing water system, the Saw Kill and any other streams, potential contaminant sources, roads, and houses; floodplain boundaries; parcel size; land use, and hydrogeological potential. A copy of this analysis shall be maintained in the office of the Town Clerk for public review.

To protect the Water District Wellhead in times of flood, the boundaries of the Water District Wellhead Protection Overlay (WDWP-O) District also include Flood Hazard Area properties immediately adjacent to the properties in the Wellhead Protection Area defined by Horsley & Witten and the Flood Hazard Area properties immediately adjacent to the properties defined by the New York Rural Water Association (NYRWA) as having the potential to serve as future ground water supply areas for the Woodstock Water District.

The sand and gravel aquifer in the Saw Kill valley was first mapped by the United States Geological Survey in a 1972 publication entitled "Ground-water resources of Orange and Ulster Counties, New York' by Michael H. Frimpter. The boundaries of the aquifer were later refined by NYRWA on the basis of topographic expression, soils data from the Ulster County Soil Survey, and subsurface data from available water wells and test borings.

The extent of the boundaries of the Water District Wellhead Protection Overlay (WDWP-O) District are delineated on a map titled "Water District Wellhead Protection Overlay (WDWP-O) District Map, Town of Woodstock," which is hereby adopted and is declared to be an appurtenant part of this Local Law and may be amended in the same manner as any other part of this Local Law. Said Map shall be

kept up-to-date and shall be maintained in the office of the Town Clerk for the use and benefit of the public.

C. Article V, Supplementary Regulations, shall be amended to add §260-40A to read as follows:

§ 260-40A. Standards for development within the Water District Wellhead Protection Overlay (WDWP-O) District.

A. Special use permit standards within the Water District Wellhead Protection Overlay (WDWP-O) District.

(1) Activities requiring special use permits in the WDWP-O District.

Within the Water District Wellhead Protection Overlay (WDWP-O) District, no building permit or certificate of occupancy or use shall be issued for any structure or use of land until a special use permit has been issued by the Planning Board, with the exception of the following uses or activities:

(a) Residential: Interior or exterior improvements, renovations and/or structural alterations or additions to residential structures or their accessory structures that do not involve the creation of additional bedrooms, bathrooms, kitchens, or outdoor water usage such as outside showers, pools, or ponds.

(b) Commercial: Interior or exterior improvements, renovations and/or alterations or additions to existing commercial or industrial uses provided that such improvements, renovations and/or alterations only affect the interior or exterior appearance of the commercial or industrial use and do not result in a change of use, a modification to gross floor area, an increase of the number of people using the space, an increase in the number of vehicle trips, or an increase in the amount of wastewater designed to be disposed of on-site.

(c) Residential and Commercial: Any emergency activity that is immediately necessary for protection of life, property, or natural resources.

(d) Residential and Commercial: Necessary public water/wastewater improvements, including installation of water mains, sewer mains, construction of municipal treatment and pumping facilities, water supply development, etc., that do not include geothermal or hydropower systems.

(2) Criteria for special use permit issuance.

The Planning Board shall issue such special use permit only where it finds that the proposed use or activity is:

(a) In accordance with the site use permit standards set forth in §260-62, §260-63, §260-68, and §260-69 as well as other pertinent provisions of this Chapter.

(b) Not prohibited within the WDWP-O District and complies with all requirements and standards set forth in the WDWP-O District regulations, including those found in §260-40A-C below.

B. Special use permit application procedure.

An application for a special use permit under this Section shall follow the procedure and information requirements as set forth in § 260-68 of this Chapter and shall also include the following information where applicable:

(1) A description of the existing and proposed conveyance, storage, distribution, use, treatment, and/or disposal of any stormwater, process wastes, wastewater, petroleum, hazardous substances and wastes, solid waste, radiological substances, pesticides, and herbicides.

(2) An application for any proposed use not served by public sewer that will generate wastewater and has a projected maximum average daily water demand equaling or exceeding the threshold volume shall include a hydrogeologic evaluation of on-site wastewater disposal as defined in this Chapter to be prepared by a professional geologist or a professional engineer experienced in performing similar evaluations.

(3) A description of the proposed means of water supply, including, if applicable, an estimate of the total daily ground water and/or surface water withdrawal rate. An application for any proposed use or activity that will extract ground water and/or surface water and has a projected maximum average daily water demand equaling or exceeding the threshold volume shall include a water extraction impact evaluation as defined in this Chapter to be prepared by a professional geologist (see above) or a professional engineer experienced in performing similar evaluations.

(4) A list of all petroleum, chemicals, fuels and other hazardous substances/wastes to be used, generated, stored, or disposed of on the premises, including quantities.

(5) A description of the pollution control measures proposed to prevent ground water or surface water contamination.

(6) Copies of any permits and/or applications made to any other governmental agencies.

(7) Copies of all environmental assessment forms.

(8) Additional information or material that may be requested by the Planning Board in order to evaluate the special use permit application, including but not limited to evaluations or reports prepared by professional engineers and/or geologists.

C. Additional standards within WDWP-O District.

Development within the Water District Wellhead Protection Overlay (WDWP-O) District shall conform to all Woodstock Town Laws, including Chapter 245 Wastewater District, and shall also conform to the following additional standards designed to prevent contamination of present and future private and public drinking-water wells:

(1) The owner(s) of any existing structure proposing improvements, renovations, and/or structural alterations that will result in an increase in the amount of wastewater designed to be disposed of on-site shall obtain from the Ulster County Department of Health and/or the Town of Woodstock, as may be applicable, a certificate of approval for the on-site sewage disposal system, including a determination that the existing on-site sewage disposal facilities are sufficient to accommodate the additional proposed demand.

(2) Replacement or repair of an existing on-site wastewater treatment system of any size shall require filing with the Zoning Enforcement Officer a design with an engineer's seal attached, and notification to the Ulster County Department of Health.

(3) Any proposed use or activity not served by public sewer with a projected maximum average daily water demand equaling or exceeding the threshold volume shall not discharge nitrogen to groundwater at an average site-wide concentration beyond 5 mg/L. Note that such disposal requires the issuance of a permit by the New York State Department of Environmental Conservation (NYSDEC).

(4) Any proposed use or activity that will withdraw ground water and has a projected maximum average daily water demand equaling or exceeding the threshold volume shall not decrease the projected aquifer saturated thickness at the project boundary by more than ten percent (10%) of the estimated pre-pumping aquifer saturated thickness at the site. Note that the Town of Woodstock has compiled estimated daily water use for various permitted land uses and this data is available upon request from the Zoning Enforcement Officer or Planning Board.

For a proposed subdivision, the threshold volume refers to the total amount to be used for the total of all of the dwelling units within the subdivision not individual dwelling units.

(5) Adequate evidence has been provided that all applicable state and federal agency requirements for the storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances, hazardous waste, pesticides, and/or petroleum are being met.

(6) All drainage from impermeable surfaces except driveways, walkways, parking areas and accessory structures for individual single-family dwellings and/or two-family dwellings shall require preparation of a stormwater pollution prevention plan (SWPPP) in accordance with the New York State Stormwater Management Design Manual, to be approved by the Woodstock Planning Board, that describes proposed structural and/or vegetative measures designed to prevent decreases in ground water recharge and degradation of ground water quality.

D. Permitted and prohibited uses and activities in the Water District Wellhead Protection (WDWP-O) Overlay District.

Any use and activity permitted in the underlying district shall be permitted in the Water District Wellhead Protection Overlay (WDWP-O) District except where the WDWP-O District prohibits such use.

In addition to uses prohibited in the underlying districts as specified in this Chapter, the following uses and activities are specifically prohibited in the WDWP-O District in order to safeguard ground water resources which serve as present or future public drinking water supplies:

Bottled water or bulk water facilities including supply sources
Car wash; equipment rental or sales yard
Cemetery or crematory
Chemical and/or biological testing laboratory
Commercial automobile storage, outdoor
Construction or installation of any of the following: commercial pipelines or piping systems that carry petroleum or liquid hazardous substances/waste; new facilities for the underground storage of petroleum, hazardous substances, hazardous waste, pesticides, or fertilizers; municipal/industrial sewage treatment facilities with disposal of primary or secondary effluent; or on-site wastewater treatment systems designed for or capable of surface or subsurface discharges equaling or exceeding the threshold volume except for replacement of existing facilities and/or structures, unless a hydrogeologic evaluation projects that the discharge of nitrogen to groundwater will not result in an average site-wide concentration beyond 5 mg/L.
Contractor's yard

Disposal of snow containing deicing compounds removed from streets, roads, and parking areas.
Extractive operations and soil mining
Fuel oil distributor
Funeral home
Gasoline station, automobile repair facility, motor vehicle service station, or automobile body shop.
Golf course or country club (except miniature golf)
Land application of septage, sewage, sludge, or human excreta
Laundry or dry-cleaning plant
Metal fabricator, plater and/or finisher
Municipal garage or maintenance facility
Open loop geothermal systems
Open loop hydropower systems
Pesticide/herbicide store or commercial applicator service
Public utility or transportation use, including garage and maintenance facility
Self-service laundry
Solid waste management facility, hazardous waste treatment, storage, or disposal facility, radiological waste facility, pathological or medical waste facility.
Storage of coal, deicing compounds, fertilizers, hazardous substances, hazardous waste, herbicides, manure, and/or pesticides except in structure(s) that are designed to prevent contact with precipitation and constructed on impervious pads designed to control seepage and runoff.
Wood preserving and/or treating establishment
Any use not otherwise specifically mentioned above that involves on-site disposal of solid waste (except for household compost), medical waste, petroleum, radioactive material, hazardous or toxic substances, hazardous waste, process wastes, including wastewater (except for the disposal of sewage through an on-site wastewater treatment system).

E. Septic Tanks

Each lot owner within the Water District Wellhead Protection Overlay District that is not located within the Town of Woodstock Wastewater Disposal District shall arrange to have their septic tank pumped out and inspected at least every three to five years by a septage waste transporter that is licensed by the New York State Department of Environmental Conservation (NYSDEC). New York State Department of Health (NYSDOH) recommends a timeframe of every three years, but local circumstances may warrant a timeframe of every five years. Upon completion of a septic system pump out and inspection, each lot owner shall within 30 days following such pump out, provide the Town of Woodstock Building Department with a paid receipt from the septic contractor that states:

(1) The lot owner's name;

(2) The street address of the lot;

(3) The pump out date; and

(4) Any functional irregularities and/or deficiencies observed by the contractor.

Duplicate copies of the receipt(s) specified above shall be maintained on site by the lot owner and shall be exhibited to the Town Zoning Enforcement Officer upon request.

F. Definitions. In addition to the general definitions contained in §260-123 of this Chapter, the following definitions are specific to the Water District Wellhead Protection Overlay (WDWP-O) District.

AGRONOMIC RATE

The rate of nitrogen addition designed to provide the amount of nitrogen needed by the crop or vegetation grown on the land, and to minimize the amount of nitrogen that passes below the root zone of the crop or vegetation grown on the land to ground water.

AQUIFER

A geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield adequate quantities of ground water to wells. The local aquifer for the Woodstock Water District consists of glacially derived, unconsolidated, stratified sand and gravel deposits that have local accumulations of cobbles and boulders. These coarse-grained aquifer deposits are believed to be unconfined in nature and are underlain by finer-grained unconsolidated deposits at depth.

AQUIFER SATURATED THICKNESS

The vertical thickness of the locally defined unconsolidated sand and gravel aquifer in which the pore spaces are filled (saturated) with water as determined by a water extraction impact evaluation.

BOTTLED WATER

Any product, including natural spring or well water taken from municipal or private utility systems, or other water, distilled water, de-ionized water or any of the foregoing to which chemicals may be added, which are put into sealed bottles, packages or other containers, to be sold for consumption or culinary use, including water likely to be ingested by human beings.

BULK WATER

Water intended for potable uses, which is transported by tank trucks.

CLOSED LOOP GEOTHERMAL SYSTEM

A geothermal system that continuously circulates water or a mixture of water and non-toxic, food-grade antifreeze through buried or submerged plastic

pipes and passes the fluid through a heat exchange system. The loop is filled just once and the same water mixture is used again and again.

CONTAMINATION

The degradation of natural water quality as a result of human activities to the extent that its usefulness is impaired.

DEICING COMPOUNDS

Any bulk quantities of chloride compounds and/or other deicing compounds (e.g., urea or calcium magnesium acetate) intended for application to roads, including mixtures of sand and chloride compounds in any proportion where the chloride compounds constitute over eight percent (8%) of the mixture. Bulk quantity of deicing compounds means any quantity, but does not include any chloride compounds in a solid form, which are packaged in waterproof bags or containers which do not exceed eighty (80) pounds each.

FERTILIZER

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

GROUND WATER

Water below the land surface in a saturated zone of soil or rock. This includes perched water separated from the main body of ground water by an unsaturated zone.

HAZARDOUS SUBSTANCE

Any substance listed as a hazardous substance in 6 NYCRR Part 597, Hazardous Substance List, or a mixture thereof. In general, a hazardous substance means any substance which: (a) because of its quantity, concentration, or physical, chemical or infectious characteristics, poses a significant hazard to human health or safety if improperly treated, stored, transported, disposed of, or otherwise managed; (b) poses a present or potential hazard to the environment when improperly treated, stored, transported, disposed of, or otherwise managed, (c) because of its toxicity or concentration within biological chains, presents a demonstrated threat to biological life cycles when released into the environment.

HAZARDOUS WASTE

A waste, or combination of wastes, which are identified or listed as hazardous pursuant to 6 NYCRR Part 371, Identification and Listing of Hazardous Wastes. Hazardous wastes include, but are not limited to, petroleum products, organic chemical solvents, heavy metal sludges, acids with a pH less than or equal to 2.0, alkalis with a pH greater than or equal to 12.5, radioactive substances, pathological or infectious wastes, or any material exhibiting the

characteristics of ignitability, corrosivity, reactivity, or fails the Toxicity Characteristic Leaching Procedure (TCLP).

HERBICIDES

Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any plant, being those substances defined as herbicides pursuant to New York State's Environmental Conservation Law (hereafter, "ECL") Section 33-0101.

HYDROGEOLOGIC EVALUATION OF ON-SITE WASTEWATER DISPOSAL

An evaluation that shall include: (a) the topographic location of the proposed wastewater disposal system in relation to inferred ground water and surface water flow directions; (b) the estimated wastewater dispersion plume based upon average daily flow(s); (c) an identification and location of existing and potential ground water uses in the estimated area of impacted ground water; and (d) a projection of post-development average site-wide nitrate-nitrogen ground water concentration (assuming sixty percent of annual average precipitation).

MAXIMUM AVERAGE DAILY WATER DEMAND

The largest daily water use averaged in any consecutive thirty-day period during the year.

OPEN LOOP GEOTHERMAL SYSTEM

A geothermal system that withdraws water from an extraction well or body of water, passes the water through a heat exchange system, and discharges the temperature-altered water either into the ground in a discharge or return well or to the ground surface or into surface water.

NON-PUTRESCIBLE WASTE:

Waste that contains no putrescible waste, is not putrid, rotten or odorous, and does not contain organic matter having the tendency to decompose and create odors. Most construction and demolition waste is considered non-putrescible. Other examples of non-putrescible waste include limbs, leaves, and pine straw.

PESTICIDES

Any substance or mixture of substances intended 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, being those substances refined as pesticides pursuant to ECL Section 33-0101 et seq.

PETROLEUM

Any petroleum-based oil of any kind which is liquid at 20 degrees Celsius under atmospheric pressure, and has been refined, re-refined, or otherwise

processed for the purpose of: (1) being burned to produce heat or energy; (2) being used as a motor fuel or lubricant; or (3) being used in the operation of hydraulic equipment.

PROCESS WASTES

Any waste generated by industrial, commercial, or mining operations.

PUTRESCIBLE WASTE:

Waste that is liable to decay, capable of being decomposed by micro-organisms with sufficient rapidity as to cause odors, gases, and similar objectionable conditions. Food wastes, offal and dead animals are examples of putrescible solid wastes.

RADIOLOGICAL SUBSTANCES

Any material in any form that emits radiation spontaneously.

REFUSE

Anything putrescible or non-putrescible that is discarded or rejected as useless or worthless.

SLUDGE

The solid, semi-solid, or liquid waste generated from a waste processing facility, but does not include the liquid stream of effluent.

SOLID WASTE

All putrescible and non-putrescible materials or substances that are discarded, abandoned, or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal, except where exempt from compliance with 6 NYCRR Part 360 as described in 6 NYCRR §360-1.2(a)(4).

SPILL

Any escape of a substance from the containers employed in storage, transfer, processing, or use.

STORMWATER

Rainwater, surface runoff, snowmelt, ice-melt, drainage, and related naturally occurring surface water and accumulation(s).

SURFACE WATER

Water that is on the Earth's surface, such as in a water body, watercourse, or wetland as defined in this Chapter.

THRESHOLD VOLUME

The withdrawal or discharge of water of a volume of 1,000 gallons or more per day. A State Pollutant Discharge Elimination System (SPDES) permit is required for a facility whose treatment system has a design flow of total discharges to groundwater of 1,000 gallons per day or more of sewage-wastewater containing no industrial or other non-sewage wastes.

UNDERGROUND STORAGE

Storage within a tank or other container, which is completely covered with earth or other backfill material.

VEHICLE TRIPS

The number of vehicle trips that begin or end at a land use during a given period.

WASTEWATER

Aqueous 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 material, heat, and commercial, industrial, municipal, and agricultural waste.

WATER EXTRACTION IMPACT EVALUATION

An evaluation that shall include: (a) the location of all existing and proposed water wells or water intakes at the site; (b) data on preexisting water conditions at the site including ground water and surface water flow directions and aquifer saturated thickness; (c) an inventory and map of all water wells, surface waters and wetlands within 1,500 feet of the site; (d) an inventory and map of known and potential contaminant sources within 1,500 feet of the site; (e) results of pumping tests on each well that are to be utilized by the proposed use (such tests must be of sufficient duration to evaluate the impact upon any off-site wells and water resources); and (f) the magnitude of ground water and surface water drawdowns that will result from withdrawals at the use (including a projection of drawdowns at the project site boundary and the extent of impacts upon other existing water users).

WATER, BOTTLED

See bottled water.

WATER, BULK

See bulk water.

WATER, GROUND

See ground water.

SECTION 4 SEVERABILITY

If any section, sub-section, sentence, clause, phrase, or other part of this Law is, for any reason, held by any court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portion(s) of this Law.

SECTION 5 EFFECTIVE DATE

This Law shall take effect upon being filed in the Office of the Secretary of State.