

Proposed Local Law Number 2022-D

A local law to amend the Code of the Village of Scotia, New York Relating to Watercourse Protection

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

Section 1. Chapter 250 entitled, “Zoning”, Article XIII entitled “Supplemental Regulations”, New Section 250.58.8 entitled “Watercourses”, is hereby added as follows:

Municipalities throughout New York are already experiencing threats from climate change, including storm surge, and flooding. To protect public health and safety and to minimize the risk to existing development, investment, and public infrastructure, the Village of Scotia seeks to promote the protection of natural systems that exist within the community that reduce flood risk.

A. Definitions. The following definitions shall apply to this section.

(1) Buffer: A designated area along the perimeter of a wetland, fish or wildlife habitat, or other area regulated on a seasonal or permanent basis so as to minimize or mitigate the impact of adjacent activities, such as human related-disturbances.

(2) Watercourse: shall for the purpose of these standards be defined as all that land along the side channel of the Mohawk River westerly of the property known as 1 Glen Avenue between the shore of the River channel and a line 25 feet beyond the high bank running westerly and southerly to the southerly boundary of the property known as 421 South Reynolds Street.

(3) Watercourse Buffer: The Watercourse Buffer is a buffer area surrounding a watercourse that is intended to protect the watercourse from human activity and other encroachment associated with development.

B. Watercourse buffer areas. These standards shall apply to any activities proposed within Watercourse Buffer.

C. General standards. It is the objective of these standards to promote the establishment of heavily vegetated areas of native vegetation and trees in order to reduce the impacts of stormwater runoff, reduce sedimentation, and increase infiltration and base flows in the Village of Scotia’s Watercourse. All lands within a designated Watercourse Buffer defined above shall be left in an undisturbed, naturally vegetated condition. Supplemental planting and landscaping with appropriate species of vegetation necessary to achieve these objectives shall be permitted. The specific standards for the vegetation and maintenance of Watercourse Buffers are as follows:

(1) The clearing of trees that are not dead, heavily damaged by ice storms or other natural events, or diseased; and the clearing of any other vegetation other than invasive species, is prohibited.

(2) Any areas within a Watercourse Buffer not occupied by a structure, whose vegetation is removed or disturbed during development or other human activities, shall promptly be seeded with a naturalized mix of grasses rather than standard lawn grass. If such disturbance to the buffer area impacts tree or shrub species, the disturbed area shall promptly be restored using the same species of trees and shrubs, unless those species were invasive species, in which case native trees and shrubs shall be used.

(3) Watercourse Buffers shall not be mowed more than once per calendar year after vegetation establishment. Mowing of buffer areas shall not be undertaken until after August 15th of each year in order to reduce impacts to ground nesting species.

(4) The creation of lawns consisting of cultivated and mowed grass within Watercourse Buffers is prohibited.

(5) Snow storage areas designated pursuant to site plan review shall not be located within Watercourse Buffers, unless the applicant can demonstrate that there is no reasonable alternative location for snow storage on the same property, and the site plan and/or stormwater treatment system incorporates measures to reduce the potential for erosion and contaminated runoff entering the associated watercourse as a result of snow melt, such as infiltration areas or enhanced buffer vegetation.

(6) Encroachments necessary to rectify a natural catastrophe for the protection of the public health, safety and welfare are permitted. Such encroachments shall be undertaken so as to minimize the impact and every reasonable effort shall be made to restore the site after the activity is completed.

(7) Encroachments are permitted as necessary for building, maintaining, or improving public facilities in those cases where there is no practicable alternative to encroaching upon the Watercourse Buffer.

(8) Public recreation paths located at least ten feet from the bank of the watercourse are permitted. Outdoor recreation facilities are permitted provided any building or structure (including parking and driveways) associated with such use is located outside the watercourse buffer.

(9) The following green infrastructure practices for stormwater management, as described in Chapter 5 of the New York State Stormwater Management Design Manual, 74 (SWDM) may be permitted in the Watercourse Buffer as long as such facilities and practices are designed and built consistent with the criteria as set forth in the SWDM:

5.1.1 Preservation of Undisturbed Areas

5.1.2 Preservation of Buffers

5.1.3 Reduction of Clearing and Grading

5.1.4 Locating Development in Less Sensitive Areas

5.1.5 Open Space Design

5.3.1 Conservation of Natural Areas

5.3.2 Sheetflow to Riparian Buffers

(10) Where there is no feasible alternative method for providing safe access and where the roadway or access drive is located at least 10 feet from the bank of the watercourse, a roadway or access drive is permitted for the purpose of gaining access to land on the opposite side of the Watercourse Buffer or providing safe access to an approved use.

(11) Utility structures, including power, telephone, cable, sewer, water and gas pipelines, having a diameter of 6 inches or less are permitted, so long as encroachment is limited to the minimum extent necessary, and there is no feasible alternative for providing or extending utility services.

D. Preexisting structures. Expansion and construction of preexisting structures within a Watercourse Buffer may be approved by the Village of Scotia Planning Board, provided the requirements of the underlying zoning district are met:

(1) The structure to be expanded or reconstructed was originally constructed prior to the adoption of these standards. For purposes of these regulations, expansion includes the construction of detached accessory structures, including garages and utility sheds.

(2) The expanded or reconstructed structure does not extend any closer, measured in terms of horizontal distance as defined in Paragraph B, than the closest point of the structure prior to its expansion or improvement.

(3) The total footprint area of the expanded or reconstructed structure shall not be larger than the footprint of the structure lawfully existing on the date of the adoption of these standards. For purposes of these regulations, reconstruction includes but is not limited to razing the existing structure and/or foundation and constructing a new structure in accordance with the provisions of the underlying zoning district regulations and this section

(4) An erosion control plan for construction is submitted by a licensed engineer or other qualified professional (i.e., certified professional in erosion and sediment control) detailing the controls that will be put in place to protect the associated watercourse.

(5) A landscaping plan showing plans to preserve, maintain and supplement existing trees and ground cover vegetation in the Watercourse Buffer is submitted and the Village of Scotia Planning Board finds that the overall plan will provide a visual and vegetative buffer for the River.

E. Watercourse alteration and relocation. The alteration, relocation or culverting of the watercourse shall not be permitted.

F. Inspection. The Building Inspector/Flood Plain Administrator may enter upon the lands or waters for the purpose of inspection to determine compliance with this section.

Section 2. This local law shall become effective immediately.

8/3/2022