

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
PUBLIC HEARING NO. 2
JANUARY 4, 2011

A Public Hearing was held by the Board of Trustees on Tuesday, January 4, 2011 at 7:35 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Peter Swiderski, Trustee Bruce Jennings, Trustee Jeremiah Quinlan, Trustee Meg Walker, Trustee Nicola Armacost, Village Manager Francis A. Frobela, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

CITIZENS: Five (5).

Mayor Swiderski: Marianne, am I obligated to read all three pages, or can I just read the changes? They are actually all changes.

Village Attorney Stecich: You could read that, and then you could just say definitions of these terms.

Mayor Swiderski: Section five.

Village Attorney Stecich: Do you want me to summarize it?

Mayor Swiderski: That would be great.

Village Attorney Stecich: It says the existing section requires that the owner/developer be on-site when any activity is taking place. This also requires that one of those must be a trained contractor. It has an additional requirement that if the construction activities disturb five acres or more it has to be inspected by a qualified inspector every seven days.

Mayor Swiderski declared the Board in session for the purpose of conducting a Public Hearing in accordance with the legal notice that appeared in the December 31, 2010 issue of *The Rivertowns Enterprise* to consider the advisability of adopting Proposed Local Law No. 13 of 2010 amending Chapter 250, Stormwater management, Erosion and Water Pollution Control to encourage the use of green infrastructure practices to control stormwater runoff as follows:

Section 1: Amend ' 250-2 (Legislative intent) to add the following new paragraph:

G. Encourage the use of green infrastructure practices to control stormwater runoff, such as protecting natural areas, reducing

impervious cover, and using runoff reduction techniques, to the maximum extent practicable.

Section 2: Amend ' 250-5 (Definitions) to add the following new definitions:

GREEN INFRASTRUCTURE B Green infrastructure approaches infiltrate, evapotranspire or reuse stormwater, using soils and vegetation rather than hardscape collection, conveyance and storage structures. Common green infrastructure approaches include green roofs, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, vegetated median strips, reforestation, and protection and enhancement of riparian buffers and floodplains.

QUALIFIED INSPECTOR B A person who is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed professional engineer, Certified Professional in Erosion and Sediment Control (CPESC), or registered landscape architect, or someone working under the direct supervision of, and at the same company as, the licensed professional engineer or registered landscape architect, provided that person has training in the principles and practices of erosion and sediment control.

TRAINED CONTRACTOR B An employee from the contracting (construction) company, who has received four hours of Department endorsed training in proper erosion and sediment control principles. After receiving the initial training, the trained contractor shall receive four hours of training every three years. It can also mean an employee from the contracting (construction) company that meets the qualified inspector qualifications.

Section 3: Amend paragraph A(18) of ' 250-7 (Contents of stormwater pollution prevention plans) to read as follows (new language in *italics*):

(18) Description of each post-construction stormwater management practice, *including documentation of the five step planning process for stormwater management using green infrastructure as outlined in the Design Manual using the practices in Schedules A1, A2 and A3.*

Section 4: Amend paragraph B(1) of ' 250-7 (Contents of stormwater pollution prevention plans) to read as follows (new language in *italics*):

- (18) Description of each post-construction stormwater management practice, *including documentation of the five step planning process for stormwater management using green infrastructure as outlined in the Design Manual using the practices in Schedules A1, A2 and A3.*

Section 5: Amend paragraph B of ' 250-14 (Maintenance of stormwater facilities during construction) to read as follows (new language in *italics*):

- B. The owner, applicant or developer or their representative, *one of which must be a trained contractor*, 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. Inspection shall be conducted and inspection reports shall be completed by a landscape architect, certified professional in erosion and sediment control, professional engineer, or other professional deemed qualified by the NYSDEC every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. The reports shall be maintained in a site log book and delivered to the Stormwater Management Officer. *Construction activities disturbing five acres or more at any one time shall be inspected by a qualified inspector every seven days.*

Section 6: Insert the annexed Schedules A1, A2, and A3 at the end of the chapter. Section 7: Rename Schedule A (Sample Stormwater Control Facility Maintenance Agreement) to Schedule *B*.

Section 8: Revise paragraph 2 of the A Sample Stormwater Control Facility Maintenance Agreement@ included as Schedule B to read as follows (deleted language ~~stricken~~; new language in *italics*):

2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices, ~~and retention~~ *stormwater ponds and wetlands, bioretention and rain gardens, tree boxes, green roofs, stormwater planters, rain tanks and cisterns, and porous pavement.*

Section 9: Revise paragraph 4 of the ASample Stormwater Control Facility Maintenance Agreement@ included as Schedule B to read as follows (deleted language ~~stricken~~; new language in *italics*):

4. The facility owner shall provide for the periodic inspection of the stormwater control measures, ~~not less than once in every five year period~~, *at the frequency recommended in the Design Manual*, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.

Section 10: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 11: This local law shall take effect immediately upon filing in the office of the New York Secretary of State

Hearing no comments from the public, Mayor Swiderski asked for a motion to close the Public Hearing.

CLOSE OF PUBLIC HEARING

On MOTION of Trustee Armacost, SECONDED by Trustee Jennings with a voice vote of all in favor, Mayor Swiderski closed the Public Hearing at 7:40 p.m.