Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
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(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~
~~Town~~
Village of STILLWATER

Local Law No. 1 of the year 19 99

A local law Village of Stillwater Aquifer Protection Law
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~County~~
~~City~~
~~Town~~
Village of STILLWATER as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Village of Stillwater
Aquifer Protection Law

A. PURPOSE:

This Local Law is adopted under authority of Section 10 of the Municipal Home Rule Law of the State of New York. This law is intended to assist in the preservation of the public health, safety, and general welfare of the residents of the Village and to facilitate the adequate provision of water through the elimination or prevention of groundwater contamination of the aquifer and wells which supply public drinking water.

B. AREAS OF APPLICABILITY:

For the purposes of this Local Law there are hereby established two groundwater protection areas in the Village of Stillwater These protection areas are delineated on the accompanying map that is incorporated into and made part of this Local Law. The regulations set forth in this Local Law shall apply to the Primary Recharge Area and the Secondary Recharge Area. If a lot or combination of parcels is partially within the Primary Recharge Area and partially within the Secondary Recharge Area, the provisions of the Primary Recharge Area shall apply to all property within such lot or combination of parcels. The protection areas are described as follows:

1. Primary Recharge Area: Consists of those land areas of aquifer recharge in the Village of Stillwater that directly overlie the aquifer and those areas adjacent to the aquifer where high to moderately permeable soils allow water to readily seep into the ground and replenish the aquifer. The Capital District Regional Planning Commission, in its November, 1996 report entitled Village of Stillwater Aquifer Protection Study, identified the boundaries of the Primary Recharge Area. These boundaries were based upon: (1) aquifer delineation work performed by Dunn Geoscience Engineering Corporation, P.C. in its August 14, 1989 report entitled Hydrogeologic/Engineering Evaluation Village of Stillwater Water Supply; (2) soils mapping by the United States Department of Agriculture's Natural Resource Conservation service in its 1995 Soil Survey of Saratoga County, Interim Report.

2. Secondary Recharge Area: Consists of those lands outside of the Primary Recharge Area in the Village of Stillwater that contributes recharge to the aquifer through surface water runoff and/or groundwater flow. The Capital District Regional Planning Commission, in its November 1996 report entitled Village of Stillwater Aquifer Protection Study, defined the boundaries of the Secondary Recharge Area.

C. DEFINITIONS:

1. Aboveground Storage Facility - Any tank, pipe or other vessel, used singularly or in combination, at least ninety percent (90 %) of which is above the surface of the ground and is used for the purpose of material holding, storage or containment.

2. Bulk Storage - The holding or containment of dry, semi-dry or liquid materials in large quantities, either packaged or loose, usually dispensed in smaller quantities for sale, use or consumption.

3. Chloride Salt - The solid compounds or solutions of potassium chloride (commonly used as fertilizer), calcium chloride (commonly used for winter road maintenance) or sodium chloride (commonly used for winter road maintenance and water softener regeneration).

4. Disposal – The abandonment, discharge, deposit, injection, dumping, spilling, leaking, or placing by any other means of any potential contaminant such as solid waste, petroleum, radioactive material, hazardous material, or wastewater into or onto land or a surface water body.

5. Earth Moving – Grading, digging, cutting, scraping, excavating, removal of soil, placement of fill, or any activity which bares soil or rock (except for the purposes of household grading and landscaping and maintenance of underground utilities).

6. Fertilizer - Any commercially produced mixture generally containing phosphorous, nitrogen and/or potassium which is applied to the ground to provide nutrients to plants.

7. Fungicide - Any substance used to destroy or inhibit fungus growth.

8. Groundwater - The slowly moving subsurface water resources present in the aquifer.

9. Hazardous Material - Any substance listed in regulations promulgated under authority of either the Federal Resource, Conservation and Recovery Act or Comprehensive Environmental Response Compensation and Liability Act, or the New York State Environmental Conservation Law Articles 40, 27, or 37, and amendments thereto, alone or in combination including but not limited to petroleum products, organic chemical solvents, heavy metal sludges, acids with a pH less than or equal to 2, alkalies with a pH greater than or equal to 12.5, radioactive substances, pathogenic or infectious wastes or any material exhibiting the characteristics of ignitability, corrosivity, reactivity, or Toxicity Characteristic Leaching Procedure (TCLP) toxicity.

10. Herbicide - Any man-made substance used to destroy or inhibit plant growth.

11. Human Excreta - Human feces and urine.

12. Land Clearing – Substantial removal of natural or human-made vegetation, (except for the purposes of household gardening and landscaping), or demolition, or other removal of human-made features, or any activity which bares soil or rock.

13. Linear Distance - The shortest horizontal distance from the nearest point of a structure or object to the boundary of any protection zone, or to the edge, margin or steep bank forming the ordinary high water line of a waterbody.

14. On-site Consumption – The use of petroleum to heat or cool a residential or non-residential structure or to operate machinery necessary for agricultural activities.

15. Onsite Disposal System - Any system used for the disposal of sewage, industrial waste, or other waste, as defined in Section 17-0105 of Article 17 of the New York State Environmental Conservation Law, and including sewer systems and sewage treatment works, on a site or parcel of land.

16. Open Storage - The holding of a material in such a way that permits exposure to the elements of nature.

17. Pesticide - Any man-made substance used to destroy or inhibit pests such as

rodents and insects.

18. 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) as a motor fuel or lubricant; 3) in the operation of hydraulic equipment.

19. Primary Recharge Area - Those land areas of aquifer recharge that directly overlie the aquifer, and those areas adjacent to the aquifer where high to moderately permeable soils allow water to readily seep into the ground and replenish the aquifer.

20. Protection Areas - Specific areas, also known as Primary Recharge Area and Secondary Recharge Area, that define a hierarchy of aquifer sensitive land as designated and described herein and delineated on the accompanying Protection Zones Map.

21. Radiation - Ionizing radiation, that is, any alpha-particle, beta particle, gamma ray, x-ray, neutron, high speed proton, and any other atomic particle producing ionization, but shall not mean any sound or radio wave, or visible, infrared, or ultra violet light.

22. Radioactive Material - Any material in any form regulated as a spontaneous emission of radiation within regulations promulgated under authority of Section 225 of the New York State Public Health Law, or Articles 17, 19, or 27 of the New York State Environmental Conservation Law, and amendment thereto.

23. Salvage Yards - An area where two or more unregistered, old or second hand motor vehicles are being accumulated for purposes of disposal, resale or used parts or reclaiming certain materials such as metal, gas, fabric and/or the like.

24. Secondary Recharge Area - Land outside the Primary Recharge Area that contributes runoff overland and/or through surface streams for groundwater recharge.

25. Septage - Residue removed from wastewater disposal systems.

26. Sewage - Any liquid, semi-liquid or solid human or animal waste matter from domestic, commercial, private or industrial establishments or other places together with such groundwater infiltration and surface water as may be present including mixtures of sewage with "industrial wastes" or "other wastes" as defined in Section 17-0105 of Article 17 of the New York State Environmental Conservation Law.

27. Sludge - The solid residue resulting from a municipal or industrial process of wastewater or water treatment.

28. Solid Waste - All putrescible and nonputrescible materials or substances discarded or rejected including but not limited to garbage, refuse, industrial and commercial waste, sludges, ashes, contained gaseous materials, incinerator residue, demolition and construction debris, discarded automobiles and offal, but not including sewage and other highly diluted waterborne materials.

29. Spill - Any intentional or unintentional action or omission resulting in an unpermitted releasing, spilling, discharging, leaking, pumping, pouring, emitting, emptying or dumping of a petroleum product, toxic substance or any other potentially hazardous material so that such substances, products or materials may enter the environment.

30. Toxic Substance - Any compound or material which is, or may be, harmful to human health as defined by Section 4801 - Subdivision 2 of the New York State Public Health Law.

31. Underground Injection - The emplacement of fluids into the subsurface of the

earth including by not limited to radioactive hazardous and non-hazardous waste, the use of this procedure for the production of oil or gas production, the excavation of minerals or the emplacement of fluids into the subsurface of the earth, with the exception of sanitary waste water discharges.

32. Underground Storage Facility - Any tank, pipe or other vessel at least ten percent of which is beneath the surface of the ground and is used for the purpose of material holding, storage or containment, except those used for public water and sewer.

33. Village of Stillwater Aquifer - The saturated and overlying unsaturated sand and gravel formation adjacent to the Hudson River that provides water to the Village wells.

34. Wastewater – Aqueous carried waste including but not limited to: dredge spoil, solid waste, hazardous material, incinerator ash and residue, septage, garbage, refuse, sludge, chemical waste, infectious waste, biological material, radioactive materials, heat, and commercial, industrial, municipal, and agricultural waste.

35. Waste Treatment Facility - Any facility used for the purpose of treating, neutralizing, stabilizing or disposing of sewage, but excluding small-scale septic systems and leachfields serving fewer than five residential units.

36. Waterbody - Any river, stream, spring, pond, lake, reservoir or channel of water or any man-made culvert which flows directly into one of the aforementioned.

D. SPECIFIC REGULATIONS: PRIMARY RECHARGE AREA

Within the primary recharge area the following activities shall be prohibited:

1. Disposal of any solid waste, petroleum, radioactive material, brine, solvents, hazardous material, or wastewater into or onto land or a surface water body (except for the underground injection activities specifically and directly related to the development or maintenance of water supply wells and except for the operation of existing on-site disposal systems for sewage).

2. Commercial use, storage, and/or application of pesticides, herbicides, and/or fungicides without applicable certification/permits from the New York State Department of Environmental Conservation.

3. New mining or commercial excavation or extraction of soils, sands and gravels except for the purposes of on-site construction.

4. Introduction into an existing onsite disposal system of any material that is potentially hazardous to groundwater quality, including but not limited to petroleum, radioactive material, brine, solvents, and hazardous material.

5. Establishment and/or operation of any solid waste management or waste management facility or hazardous waste treatment, storage, or disposal facility, including but not limited to: solid waste storage area or facility; transfer station; rail-haul or barge-haul facility; raw waste landfill; solid waste landfill; ash landfill; construction and demolition debris landfill; disposal facility; solid waste incinerator; refuse-derived fuel processing facility; pyrolysis facility; construction and debris processing facility; land application facility, composting facility; surface impoundment; used oil storage; reprocessing and rerefining facility; recyclables handling and recovery facility; waste tire storage facility; junkyard; salvage yard; impoundment yard; dump; radiological waste

facility; pathological or medical waste facility; or hazardous waste treatment, storage, or disposal facility.

6. Installation and/or operation of any underground storage facility.

7. Interment of human or animal remains.

8. Installation and operation of new, private, on-site septic systems is prohibited. Existing private, on-site septic systems may continue to operate and be replaced so long as they meet or exceed New York State Health Department standards and as long as municipal wastewater services are not available within 1,000 feet of real property in the Village.

9. Dumping or disposing of snow or ice collected offsite from streets, roads or parking areas.

10. Surface land application, discharge, or disposal of any septage, sewage, sludge human excreta, animal waste or animal remains.

11. Storage of fertilizers for wholesale or commercial agricultural purposes.

12. Bulk storage of coal or chloride salts except in a watertight ventilated structure constructed on an impervious surface that prevents all seepage and runoff. To protect the structure's content from exposure to the weather, all entrances without permanent doors shall be covered with a properly secured waterproof material. Any outside areas used for loading, handling or mixing shall be constructed of impervious material, sealed and diked in such a manner so as to prevent all seepage and runoff from entering the groundwater or any waterbody.

13. Filling, excavation or dredging of two or more acres.

14. Construction of commercial pipelines or piping systems that carry petroleum or liquid hazardous material.

15. Construction of municipal/industrial sewage treatment facilities with disposal of primary or secondary effluent.

E. SPECIFIC REGULATIONS: SECONDARY RECHARGE AREA

Within the secondary recharge area, the following activities shall be prohibited:

1. Discharge or disposal of any hazardous material, toxic substance or radioactive material.

2. Discharge, land application, burial or disposal of any septage, sewage, sludge, animal wastes, animal remains or human excreta within one hundred (100) feet of any waterbody.

3. Dumping or disposal of snow or ice collected offsite from roadways or parking areas within one hundred (100) feet of any waterbody.

4. Open storage of agricultural chemicals and fertilizers within one hundred (100) feet linear distance of any waterbody.

5. Commercial or agricultural use, storage, and/or application of pesticides, herbicides or fungicides without applicable certification/permits from the New York State Environmental Conservation.

6. Open storage of coal or chloride salts within one hundred (100) feet linear distance of any waterbody.

7. Establishment and/or operation of any solid waste management or waste management facility or hazardous waste treatment, storage, or disposal facility, including but not limited to: solid waste storage area or facility; transfer station; rail-haul or barge-haul facility; raw waste landfill; solid waste landfill; ash landfill; construction and demolition debris landfill; disposal facility; solid waste incinerator; refuse-derived fuel processing facility; pyrolysis facility; construction and debris processing facility; land application facility, composting facility; surface impoundment; used oil storage; reprocessing and rerefining facility; recyclables handling and recovery facility; waste tire storage facility; junkyard; salvage yard; impoundment yard; dump; radiological waste facility; pathological or medical waste facility; or hazardous waste treatment, storage, or disposal facility.

F. GENERAL PROVISIONS

1. Within any of the herein defined Protection Areas, any person who is the owner of , or in actual or constructive possession or control of hazardous substances, or any agent or employee thereof, or any person in a contractual relationship therewith, who is responsible for, or has knowledge of any spill, as defined in Section C., above, of any petroleum, hazardous material, toxic substance or radioactive material to the ground surface or any waterbody, which is likely to have an adverse affect on water quality or quantity, shall notify the Village of Stillwater Code Enforcement Officer and the New York State Department of Environmental Conservation as soon as knowledge of such spill is obtained. Said person(s) shall immediately undertake any such actions necessary to prevent contamination of the groundwater.
2. Within any of the herein defined Protection Areas, all applications for a permit under the New York State Pollution Discharge Elimination System (SPDES) shall simultaneously submit a copy of the application to the Village of Stillwater Code Enforcement Officer.
3. The drilling, construction, installation, discontinuance and abandonment of all individual or private water supply wells shall comply with the requirements and standards of the New York State Department of Health. Sanitary sewer lines, pipes and mains shall meet the tightness specifications set by the Water Pollution Control Federation. Remedial measures shall be taken by the owner if there is evidence of excessive exfiltration.
4. Any underground storage facility, excluding private, on-site septic systems, that is out of service for more than one year shall be removed. Any liquid residue shall be removed from the facility, and all connecting lines shall be securely capped or plugged.
5. Any private, on-site septic system that is out of service for more than one year shall be either removed or pumped out, filled and securely capped or plugged.

G. NON-CONFORMING ACTIVITIES

1. A lawful activity which exists at the time of the effective date of this Local law that

does not conform to this Local law is considered an allowed nonconforming activity and is not subject to the restrictions and requirements of this Local Law.

2. No non-conforming activity shall be expanded, enlarged, or modified in any way that is deemed by the Code Enforcement Officer to increase its threat to groundwater and otherwise contravene the purposes and intent of this Local Law.

3. In the event that an allowed non-conforming activity is stopped, suspended, or abandoned for a period of six (6) months, or longer, the activity shall permanently desist and shall be subject to the requirements of this local law.

Notwithstanding the foregoing, if any allowed nonconforming activity is found to pose a potential or imminent health hazard or threat to the Village's water supply, it shall be deemed a violation of this Local Law.

H. ADMINISTRATIVE PROVISIONS:

1. CODE ENFORCEMENT OFFICER: The Code Enforcement Officer of the village shall be responsible for administration and enforcement of this Local Law.

2. CERTIFICATE OF COMPLIANCE REQUIRED: It shall be the responsibility of any owner of property located within the Primary Recharge Area and/or the Secondary Recharge Area to obtain an application for a Certification of Compliance from the Code Enforcement Officer prior to commencing any land clearing, earth moving, or initiating the on-site storage, handling, or disposal of solid waste, petroleum, radioactive material, brine, solvents, chloride salts, hazardous material, pesticides, herbicides, fungicides, fertilizers, septage, sewage, sludge, human excreta, animal wastes, or animal remains.

a) Upon receipt of an application for a Certificate of Compliance, the Code Enforcement Officer shall review the application materials to assure that the proposed activity is consistent with the provisions of the Local Law.
b)Within thirty (30) days of a receipt of an application for a Certificate of Compliance, the Code Enforcement Officer shall approve, approve with conditions, or disapprove the application.

1) If the Code Enforcement Officer determines that the application materials are complete and the proposed land activity is consistent with the provisions of this Local Law, he/she shall approve the Certificate of Compliance.
2) If the Code Enforcement Officer determines that the application materials are complete but that the proposed land activity is not consistent with the provisions of this Local Law, he/she may approve the Certificate of Compliance subject to such conditions and terms as may be required to assure such consistency.
3) If the Code Enforcement Officer determines that the application materials are not complete or that the proposed land activity is not and cannot be made consistent with the provisions of the Local Law, he/she shall disapprove the Certificate of Compliance.

4) The Code Enforcement Officer may refer the applicant to the Village Board for an interpretation of this Local Law and an application which is denied may be appealed to said Board.

c) The Board by resolution may from time to time establish a fee for the application for Certificate of Compliance.

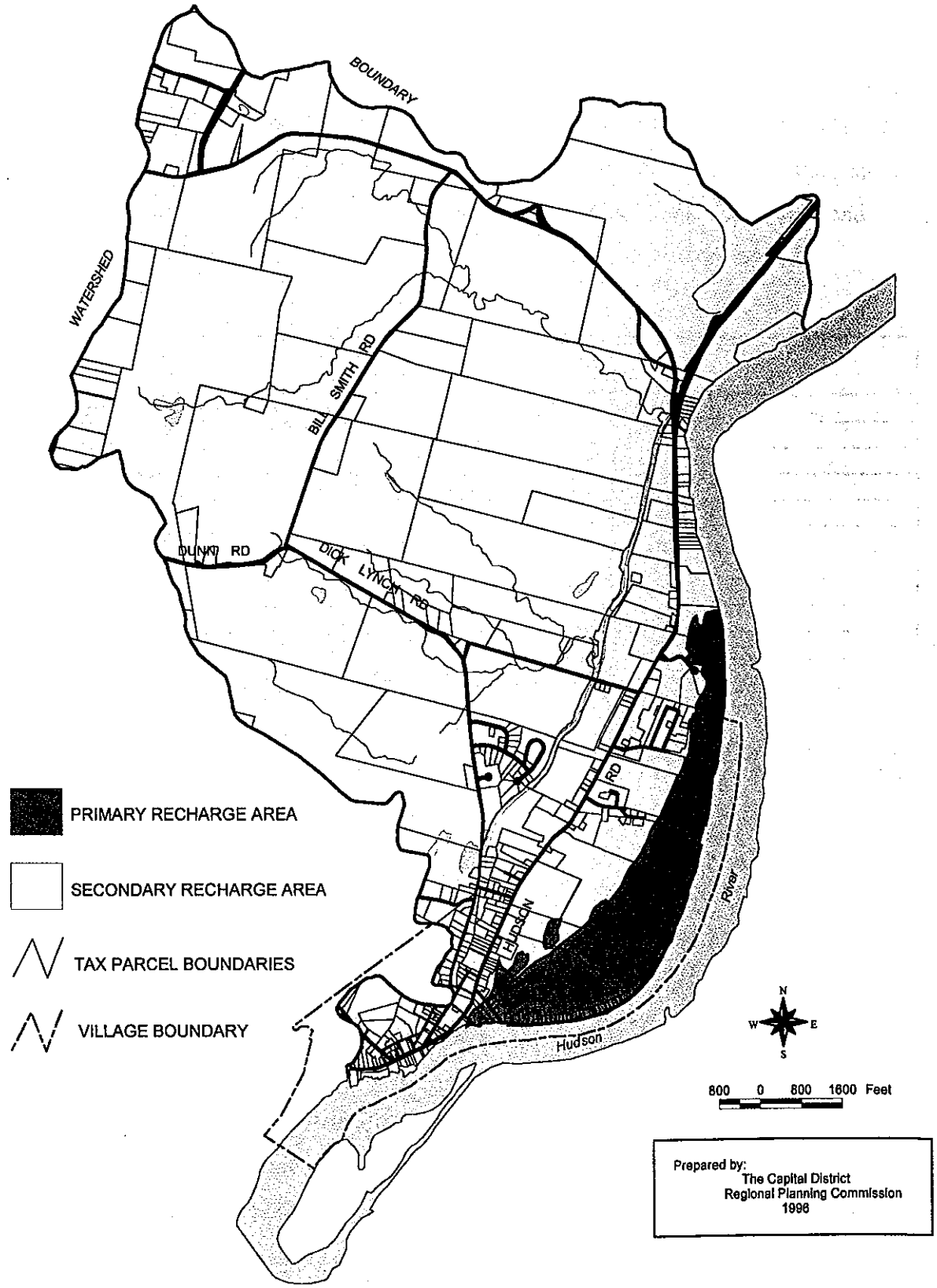
3. BUILDING PERMITS: No Building Permits shall be issued for any project within the Village of Stillwater unless such project is in compliance with all provisions of this local law.

4. VIOLATIONS: Any person or entity who commits or permits acts in violation of any of the provisions of this Local Law shall be deemed to have committed an offense and shall be liable for any such violation and the penalty therefor. For every such violation, the person or entity violating the same shall be subject to a fine of not more than $100.00. However, each day of continued violation shall be deemed a separate offense. Additionally, any person or entity violating this Local Law shall also be subject to a civil penalty enforceable and collectible by the Village in the amount of $100.00 for each such offense. Such penalty shall be collectible by the Village for each day that such violation shall continue. In addition, the Village Board may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by Injunction the violation of the provisions of the Local Law.

I. SEPARABILITY AND CONFLICT WITH OTHER LAWS:

If any provision of this Local Law is adjudged by any court of competent jurisdiction to be invalid or contrary to law, only the provision so adjudged shall be invalidated and all provisions not so found shall remain in full force and effect. Where the provisions of this Local Law are found to be in conflict with any other provision of law, the more restrictive provision shall apply.

Village of Stillwater
Aquifer Protection Study
RECHARGE ZONES



Prepared by:
The Capital District
Regional Planning Commission
1998

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1999 of the (~~County~~)(~~City~~)(~~Town~~)(Village) of STILLWATER was duly passed by the Board of Trustee on March 17 1999, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19___ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19___, and was (approved)(not disapproved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ and was deemed duly adopted on _____ 19___,
(Elective Chief Executive Officer*)
in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19___ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19___, and was (approved)(not disapproved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____ 19___. Such local law was
(Elective Chief Executive Officer*)
submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19___, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referndum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19___ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19___, and was (approved)(not disapproved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____ 19___. Such local law was subject to
(Elective Chief Executive Officer*)
permissive referendum and no valid petition requesting such referendum was filed as of _____ 19___, in accordance with the applicable provisions of law.

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*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. **(City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19___ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19___, became operative.

6. **(County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19___ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19___, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph __1__, above.

Margo L. Parker

~~Clerk of the County legislative body, City, Town~~ or Village Clerk
or officer designated by local legilsative body

(Seal)

Date: 3-17-99

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF SARATOGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the ~~local law~~ annexed hereto.

Signature

William F. Reynolds Village Attorney
Title

County
~~City~~
~~Town~~
Village of STILLWATER

Date: 3-17-99

RESOLUTION DETERMINING THAT ACTION TO ENACT LOCAL LAW WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

WHEREAS, the Village Board of the Village of Stillwater, Saratoga County, New York (the "Village") is considering enacting a Local Law to protect the aquifer supplying water to the Village water system (the "Action"); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-b of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York ("DEC"), being 6 NYCRR Part 617, as amended (the "Regulations"), the Village desires to determine whether this Action may have a significant effect on the environment and therefore require the preparation of an environmental impact statement; and

WHEREAS, the Village has prepared an environmental assessment form for the Project (the "EAF"), a copy of which was presented to and reviewed by the Village at this meeting and a copy of which is on file in the office of the Village Clerk; and

WHEREAS, pursuant to the Regulations, the Village has examined the EAF in order to make a determination as to the potential environmental significance of the local law; and

WHEREAS, the Action appears to constitute an "Unlisted Action" (as defined by the Regulations);

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE BOARD OF THE VILLAGE OF STILLWATER, SARATOGA COUNTY, NEW YORK AS FOLLOWS:

1. Based on an examination of the EAF and based further upon the Village's knowledge of the area and such further investigation of the local law and its environmental effects as the Village has deemed appropriate, the Village makes the following findings with respect to the Action:

(a) The local law is described in the EAF;

(b) The local law constitutes an "Unlisted Action" (as defined in the Regulations);

(c) No potentially significant effects on the environment is noted in the EAF for this Action, and none are known to the Village;

(d) This Action will not have a significant effect on the environment; and the Village will not require the preparation of an environmental impact statement with respect to the Action; and

(e) As a result of the foregoing, the Village has prepared a negative declaration with respect to the Action.

2. The Village Clerk is hereby directed to file a negative declaration with respect to the Action (said negative declaration attached hereto); and a copy of the negative declaration shall be maintained in the office of the Village Clerk in a file that will be readily accessible to the public.

3. This resolution shall take effect immediately.

The foregoing resolution was thereupon declared duly adopted.

Resolutions Adopted by the Following Vote:

Ayes:

Nays:

Abstained:

SEQR

14-16-4 (9/95)—Text 12

PROJECT I.D. NUMBER

617.20
Appendix C
State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR
Village of Stillwater

2. PROJECT NAME
Aquifer Protection Law

3. PROJECT LOCATION:
Municipality Village of Stillwater County Saratoga

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
Village of Stillwater - Intersection of State Route 32 and Saratoga County road 76.

5. IS PROPOSED ACTION:
☒ New ☐ Expansion ☐ Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:
Aquifer Protection Law will protect the aquifer which is the source of the Village water supply by adopting land use restrictions within the primary and secondary aquifer recharge areas within the village.

7. AMOUNT OF LAND AFFECTED:
Initially 345 acres Ultimately 345 acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
☒ Yes ☐ No If No, describe briefly Village has no zoning, only site development law.
The proposedaquifer protection law comlies with the site development law.

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
☒ Residential ☐ Industrial ☒ Commercial ☒ Agriculture ☐ Park/Forest/Open space ☐ Other
Describe:
The proposed law covers most of the Village, which has a variety of land uses.

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
☐ Yes ☐ No If yes, list agency(s) and permit/approvals

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☐ Yes ☐ No If yes, list agency name and permit/approval

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
☐ Yes ☒ No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Village of Stillwater Date:

Signature:

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
☐ Yes ☒ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
☐ Yes ☒ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

No - By restricting land use within the recharge areas, impacts from these uses will only be reduced from that currently allowable.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly

The only potential impact is on commercial agricultural storage of fertilizers in the primary recharge area.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

No - By restricting uses that are currently allowed, the proposed law will be more protective of habitat.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly

No - the proposed law is consistent with the Community's existing plans.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

No - Restrictions on land use can only result in a reduction in potetial growth from that which could occur under existing conditions.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.

No - The long term impacts will be beneficial by being more protective of the environment than existing laws.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.

No - There will be no change in sues of energy due to the proposed law.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?
☐ Yes ☒ No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
☐ Yes ☒ No If Yes, explain briefly Potetial controversy exists regarding restrictions on landowners' right to use property and potential economic impacts, but not environmental.

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☒ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

Village of Stillwater Board of Trustees
Name of Lead Agency

Ernest W. Martin
Print or Type Name of Responsible Officer in Lead Agency

Mayor
Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

Date