

LOCAL LAW NO. ___ OF 2025

**A LOCAL LAW TO AMEND CHAPTER 215 OF THE CODE
OF THE TOWN OF BRIGHTON (STORMWATER
MANGEMENT)**

BE IT ENACTED by the Town Board of the Town of Brighton, Monroe County, New York, as follows:

Section 1. Title.

This local law shall be known as “A Local Law for Flood Damage Prevention.”

Section 2. Amendments to Chapter 215 of the Code of the Town of Brighton.

Chapter 215 (Stormwater Management) of the Code of the Town of Brighton is hereby repealed in its entirety and replaced with the following:

CHAPTER 215: STORMWATER MANAGEMENT

Article I General Provisions

§215-1. Findings of Fact.

It is hereby determined as follows:

- A. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
- B. This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- C. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
- D. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;
- E. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;
- F. Substantial economic losses can result from these adverse impacts on the waters of the municipality;
- G. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;

- H. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety; and
- I. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

§215-2. Purpose and Intent.

The purpose and intent of this Chapter to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in §215-1 hereof. This local law seeks to meet those purposes by achieving the following objectives:

- A. Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit no. GP-0-24-001 or as amended or revised;
- B. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-0-25-001 or as amended or revised;
- C. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- D. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- E. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- F. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

§215-3. Statutory Authority.

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Brighton has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the Town of Brighton and for the protection and enhancement of its physical environment. The Town Board of the Town of

Brighton may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

§215-4. Applicability.

- A. This Chapter shall be applicable to all land development activities as defined in this local law, §215-6;
- B. The municipality shall designate the Town Engineer as the Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may (1) review the plans, or (2) upon approval by the Town Board of the Town of Brighton engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board. The applicant shall be responsible for any costs incurred by engaged engineering services at a cost not to exceed the established fee schedule. At the discretion of the Town, an escrow account or deposit may be required to be established prior to incurring engineering fees;
- C. All land development activities subject to review and approval by the Town of Brighton Planning Board shall be reviewed subject to the standards contained in this Chapter; and
- D. All land development activities not subject to review as stated in §215-4C shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this law.

§215-5. Exemptions.

The following activities may be exempt from review under this law:

- A. Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility;
- B. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer;
- C. Cemetery graves;
- D. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles;
- E. Emergency activity immediately necessary to protect life, property or natural resources;
- F. Activities of an individual engaging in home gardening by growing flowers, vegetables, and other plants primarily for use by that person and his or her family; and
- G. Landscaping and horticultural activities in connection with an existing structure.

Article II Stormwater Control

§ 215-6. Definitions.

The terms used in this Chapter or in documents prepared or reviewed under this Chapter shall have the meaning as set forth in this section.

AGRICULTURAL ACTIVITY

The activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

APPLICANT

Property owner or agent of a property owner who has filed an application for a land development activity.

BUILDING

Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

CHANNEL

A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEARING

Any activity that removes the vegetative surface cover.

DEDICATION

The deliberate appropriation of property by its owner for general public use.

DEPARTMENT

The New York State Department of Environmental Conservation.

DESIGN MANUAL

The New York State Stormwater Management Design Manual, 2024, or as amended or revised, that serves as the official guide for stormwater management principles, methods and practices.

DEVELOPER

A person who undertakes land development activities.

EROSION CONTROL MANUAL

The most recent version of the *New York Standards and Specifications for Erosion and Sediment Control* manual, commonly known as the *Blue Book*.

GRADING

The excavation or fill of material, including the resulting conditions thereof.

IMPERVIOUS COVER

Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

INDUSTRIAL STORMWATER PERMIT

A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION

The process of percolating stormwater into the subsoil.

JURISDICTIONAL WETLAND

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

LAND DEVELOPMENT ACTIVITY

Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than 20,000 square feet, or activities disturbing less than 20,000 square feet of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LANDOWNER

The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

MAINTENANCE AGREEMENT

A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

NONPOINT SOURCE POLLUTION

Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

PHASING

Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANT OF CONCERN

Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

PROJECT

Land development activity.

RECHARGE

The replenishment of underground water reserves.

SEDIMENT CONTROL

Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS

Cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-0-25-001

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-0-24-001

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards.

STABILIZATION

The use of practices that prevent exposed soil from eroding.

STOP WORK ORDER

An order issued which requires that all construction activity on a site be stopped.

STORMWATER

Rainwater, surface runoff, snowmelt and drainage.

STORMWATER HOTSPOT

A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

STORMWATER MANAGEMENT

The use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT FACILITY

One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT OFFICER

An employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices

STORMWATER MANAGEMENT PRACTICES (SMPS)

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF

Flow on the surface of the ground, resulting from precipitation.

SURFACE WATERS OF THE STATE OF NEW YORK

Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition, are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

WATERCOURSE

Permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERWAY

A channel that directs surface runoff to a watercourse or to the public storm drain.

§ 215-7. General Requirements.

- A. The design and construction of drainage systems shall be such that watercourses traversing the development and natural water emanating from within the development will be carried through and off the development without adversely affecting overall runoff rate or quantity or water quality, or injury to improvements, building sites or buildings existing or to be installed downstream within or adjacent to the development. Off-site drainage water

entering the development shall be received and discharged at locations and in a manner consistent with requirements contained herein. The design of drainage facilities within the development shall be such that they will conform to the ultimate drainage requirements of the land within the development watershed. The discharged flow at the downstream area of the development shall be conducted in drainage facilities so that the flow effect shall be restored to predevelopment conditions prior to leaving the development area or reasonably distant therefrom;

- B. Natural drainage patterns shall be employed in preference to rechanneling streams or watercourses. In no case shall work be performed which directly or indirectly affects natural patterns prior to the granting of approval by the Town, county, state and federal agencies having jurisdiction;
- C. All domestic and industrial sewage, as defined by the sewer provisions of the Town of Brighton, shall be excluded from any drainage systems as herein defined;
- D. No chemicals, fuels, lubricants, sewage or other pollutants shall be discharged into any streams, drainage or water supply systems;
- E. Fill and refuse shall not be disposed of or deposited upon any wetland, floodplain or drainageway, except when otherwise permitted;
- F. Man-made structures shall be placed so as not to block or restrict, in any manner, natural drainage patterns, except where otherwise permitted;
- G. Where land excavation or filling has been permitted, provisions shall be made for the safe conduct of surface water across the face of the slope, for subsurface drainage as necessary and to prevent materials from washing across or upon the property of another;
- H. Ponds and stormwater wetlands shall be employed as required by the Town;
- I. All drainage systems and stormwater sewer capacity shall be designed to handle the anticipated flows from the entire upstream drainage basin when fully developed according to existing zoning as these anticipated flows shall be determined by the Town;
- J. In order to expedite surface drainage, a minimum grade of 0.5% shall be employed on all newly finished slopes, unless otherwise required;
- K. Sedimentation basins and other best management practices shall be employed as required by the Commissioner of Public Works to prevent siltation or turbidity in watercourses or drainage systems;
- L. Drainage easements shall be identified by monuments, acceptable to the Town, set at an angle point and at such other locations which allow intervisibility;

- M. Surface waters and drainage, where identified as being significant sources of groundwater replenishment and where such resources are being utilized as a potable water supply, shall not be revised or altered except by approval of the Town Board;
- N. Stormwater discharges to critical areas with sensitive resources may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices, as determined by the Commissioner of Public Works;
- O. Stormwater discharges from land uses or activities with higher potential pollutant loadings, know as “hotspots”, may require the use of specific structural stormwater treatment practices and pollution prevention practices, as determined by the Commissioner of Public Works; and
- P. Any of the above requirements may be waived by presentation of sufficient evidence as determined by the Commissioner of Public Works.

§ 215-8. Prohibited Acts.

Except as hereinafter provided, it shall be unlawful for any person, firm, entity or corporation to:

- A. Modify the topography or surface qualities of any area greater than 20,000 square feet so that the water retention characteristics of the area are modified, unless the action has been approved by a permit granted as herein provided. Recognized agricultural procedures in areas zoned for such purpose are exempted from the regulations herein defined;
- B. Place, deposit or permit to be placed or deposited any debris, fill, sand, stone or other solid materials of any kind or nature or construction of any kind into or across any stream, ditch, culvert, pipe, watercourse or other drainage system without a permit or other necessary approvals; and
- C. Fill, obstruct, dam, divert or otherwise change or alter the natural or artificial flow of waters or drainage or the intensity or quantity of flow through any stream, ditch, pipe, culvert, watercourse or other improvement or drainage system without a permit or other necessary approvals.
- D. Prohibited discharges:
 - (1) Discharge or cause to be discharged into the storm drainage system or watercourses any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. Such activities include failing private sewage disposal systems, improper management of animal waste or any other activity that causes or contributes to violations of the Town's MS4 SPDES permit authorization;

- (2) Fail, upon notification that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, to take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.
 - (3) Construction and foundation excavation dewatering are prohibited from being directly discharged into the storm drainage system. All dewatering activities shall be discharged through a geotechnical dewatering bag prior to discharge into the storm drainage system. No sediment laden or turbid discharges shall be allowed to enter the storm drainage system;
- E. Construct, use, maintain or suffer to continue any illicit connection to the storm drainage system. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. A person is considered to be in violation of this chapter if the person connects a pipe or line conveying sewage to the storm drainage system or allows such a connection to continue;
 - F. Construct or maintain any cesspool, sewage disposal system, pipe or drain so as to expose or discharge the sewage contents or other deleterious liquids or matter therefrom to the atmosphere or on the ground surface or into any storm sewer or drain or so as to endanger any watercourse or body of water unless a permit for such discharge shall have been issued therefor by the Monroe County Department of Health or by the State Department of Health or the State Department of Environmental Conservation, and such discharge shall be made in accordance with the requirements thereof. Owners or operators of private sewage disposal systems shall operate, maintain and inspect such systems in accordance with the Monroe Sanitary Code;
 - G. The following discharges are exempt from discharge prohibitions established by this chapter: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated and non-sediment-laden pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air-conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated, typically less than one PPM chlorine), fire-fighting activities and any other water source not containing pollutants. Regardless of exemption, best management practices should be implemented to reduce impacts from the above activities;
 - H. Discharges, specified in writing by the Town of Brighton as being necessary to protect public health and safety, are exempt from discharge prohibitions established by this chapter;
 - I. Dye testing and smoke testing are allowable discharges but require a verbal notification to the Town prior to the time of the test; and

- J. The prohibition shall not apply to any non-stormwater discharge permitted under SPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the New York State Department of Environmental Conservation, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system by the Town.

Article III Application Requirements, Design Standards, Maintenance, and Inspection

§215-9. Application for Permits and Standards Governing Issuance.

- A. Application for permit. A property owner(s) shall initiate a request for a permit or modification of a permit by filing an application with the Commissioner of Public Works. The application shall be accompanied by scale plans or drawings as described in §215-10, in the amount of six complete copies, and the permit fee.
- B. Standards governing permits. In granting any permit, the Commissioner of Public Works or designee may attach such conditions as may be deemed necessary to prevent danger to public or private property, prevent any denigration of water quality, or prevent any danger to any sewer, storm drain or watercourse, or to prevent the operation from being conducted in a manner hazardous to life or property or in any manner that will create a nuisance. Such conditions may include but are not limited to the erection or installation of walls, dams and structures; planting and vegetation; erosion and sediment control measures or devices; the furnishing of necessary easements; and a specified method and/or sequence of performing the work.
- C. Major modifications. Modifications of the approved permit shall be submitted to the Commissioner of Public Works or designee and reprocessed in the same manner as the original permit. Field modifications of a minor nature may be authorized by the Commissioner of Public Works, provided that the Commissioner of Public Works shall monitor and approve the drainage change in writing.

§215-10. Stormwater Pollution Prevention Plans.

- A. Stormwater Pollution Prevention Plan Requirement. No application for approval of a land development activity greater than 20,000 square feet shall be approved until the appropriate board has received a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this local law and approved by the Stormwater Management Officer.
- B. Contents of Stormwater Pollution Prevention Plans
 - (1) All SWPPPs shall provide the following background information and erosion and sediment controls:

- a. Background information about the scope of the project, including location, type and size of project;
- b. Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map (no smaller than 1"=50' scale) should show the total site area; all improvements; areas of disturbance; indicate total area of disturbance (in acres) for the entire project, existing and proposed contours (1' intervals), areas that will not be disturbed; existing and proposed vegetation, proposed stormwater management and water treatment facilities as applicable; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow, staging or equipment storage areas; and location(s) of the stormwater discharges(s). The construction grading plan shall include a cut/fill volume table. The construction plans are to include the entire contributing drainage area to the project site, including offsite areas with the surface coverage indicated. All construction plans shall be stamped and signed by a qualified professional licensed in the State of New York. Landscaping plans are to be stamped and signed by a Registered Landscape Architect licensed in the State of New York;
- c. Description of the soil(s) present at the site;
- d. Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP. Any earth disturbances of five (5) acres or greater shall be requested in writing to the Town Engineer and receive approval, in writing, prior to exceeding five (5) acres of disturbance at any time. A five (5) acre waiver shall be approved at the Town Engineer's discretion and will provide a time duration as stated in the approval. Time extensions of five (5) acre waivers shall be at the discretion of the Town Engineer;
- e. Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
- f. Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill-prevention and response;

- g. Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
 - h. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
 - i. Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
 - j. Temporary practices that will be converted to permanent control measures;
 - k. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
 - l. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
 - m. Name(s) of the receiving water(s);
 - n. Delineation of SWPPP implementation responsibilities for each part of the site;
 - o. Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
 - p. Any existing data that describes the stormwater runoff at the site.
- (2) Land development activities as defined in §215-6 of this code section and meeting Condition “A”, “B”, “C” or “D” below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in §215-10B(3) below as applicable:

Condition A - Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department’s 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

Condition B - Stormwater runoff from land development activities disturbing five (5) or more acres.

Condition C - Stormwater runoff from land development activity disturbing between one (1) and five (5) acres of land during the course of the project,

exclusive of construction activities at agricultural properties for agricultural use.

Condition D - Stormwater runoff from land development activities disturbing between 20,000 SF (0.459 acre) and less than one (1) acre. Land development activities under this condition require the submission of a SWPPP Report, water quantity and quality controls, SWPPP compliance inspections, but do not require submission of a Notice of Intent (NOI) or coverage under the NYS SPDES General Permit for Stormwater Discharges from Construction activities.

(3) SWPPP Requirements for Condition A, B, C and D:

- a. All information in §215-10B(1) of this local law.
- b. Description of each post-construction stormwater management practice.
- c. Site map/construction drawing(s) showing the specific location(s), size(s), and contributing drainage area for each post-construction stormwater management practice.
- d. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms.
- e. Comparison of post-development stormwater runoff conditions with pre-development conditions for the 1, 2, 5, 10, 25 -year, 24-hour duration storm events. Comparison of post-development stormwater runoff conditions for the 100-year, 24-hour duration storm event to the pre-development 25-year, 24-hour storm event.
- f. Dimensions, material specifications and installation details for each post-construction stormwater management practice.
- g. Maintenance schedule to ensure continuous and effective operation of each post- construction stormwater management practice.
- h. Storm Drainage Maintenance Agreement to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. The agreement shall be filed and recorded with the County of Monroe, NY, and shall remain in effect with transfer of title to the property.
- i. Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with §215-13 of this local law.

- j. For Conditions A, B, C, and D, the SWPPP shall be prepared by a Qualified Professional, who shall certify that the design of all stormwater management practices meet the requirements in this local law.

C. Other Environmental Permits. The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

D. Contractor Certification. Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

- (1) The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
- (2) The certification statement(s) shall become part of the SWPPP for the land development activity.
- (3) Copies of the Trained Contractor certifications shall be provided to the Town by the Contractor at or prior to the Pre-Construction meeting. Copies of the Trained Contractor certifications are to be included in the on-site SWPPP. A trained contractor shall be on site at all times during all earth disturbance, BMP installations, and BMP maintenance, for the duration of the project.
- (4) FA copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization. The permittee shall maintain a copy of the final SWPPP for the time duration as specified in the General Permit for Construction Activities requirements.

E. Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control

- (1) All land development activities shall be subject to the following performance and design criteria:
 - (2) Technical Standards:
 - a. For the purpose of this local law, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with

these technical documents shall be presumed to meet the standards imposed by this law.

- b. The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, 2024, most current version or its successor, hereafter referred to as the Design Manual)
 - c. New York Standards and Specifications for Erosion and Sediment Control, (New York State Department of Environmental Conservation, 2016, most current version or its successor, hereafter referred to as the Erosion Control Manual).
- F. Equivalence to Technical Standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in §215-10E(2) and the SWPPP shall be prepared by a licensed professional.
- G. Water Quality Standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

§215-11. Storm Drainage Design.

- A. The New York State Stormwater Management Design Manual calculations and sizing procedures shall be used for sizing all stormwater management practices, unless otherwise stated below.
- B. All testing requirements for stormwater management practices are to be conducted as required by the New York State Stormwater Management Design Manual. Test data is to be included in the SWPPP Report and test locations are to be shown on the design plans.
- C. Rainfall data used for stormwater runoff calculations shall be obtained from the Northeast Regional Climate Center (NRCC) Extreme Precipitation Tables based on each project site location.
- D. Stormwater runoff calculations shall be prepared for all site development that requires permitting in the Town of Brighton. A stormwater report shall be prepared and submitted to the Town for review and approval. The report shall contain an analysis and comparison of the pre-existing and post-developed conditions of the development site for a 24-hour duration storm for the 1-year, 2-year, 5-year, 10-year, 25-year, and 100-year storm events. No development in the Town of Brighton shall create an increase in the post-development stormwater peak discharge for the 1-year, 2-year, 5-year, 10-year, and 25-year storm events as compared to the pre-existing conditions. All site development in the Town of Brighton shall be designed to provide a decrease in post-developed peak stormwater discharge for the 100-year storm event as compared to the peak stormwater discharge of the existing condition, 25-year storm event.

- E. All proposed stormwater piping shall be designed to adequately pass the flow of the 24-hour, 25-year storm event or greater.
- F. In addition to the requirements of the New York State Stormwater Management Design Manual, all proposed stormwater channels shall be designed to adequately pass the flow of the 24-hour, 50-year storm event with a minimum of a one-half (0.5) foot freeboard.
- G. In addition to the requirements of the New York State Stormwater Management Design Manual, all proposed stormwater ponds shall be designed to provide enough storage to retain the required volume for a 24-hour, 100-year storm event with a minimum of a one (1) foot freeboard from the top of the pond berm.
- H. An existing conditions stormwater drainage map shall be prepared and coordinated with the stormwater calculations to indicate the existing stormwater conditions. The map shall be at a map scale of no less than 1"=50' and provide the following information: contributing drainage areas, surface coverage, existing contours with a one (1) contour interval, and time of concentration flow path.
- I. A proposed conditions stormwater drainage map shall be prepared and coordinated with the stormwater calculations to indicate the proposed stormwater conditions. The map shall be at a map scale of no less than 1"=50' and provide the following information: contributing drainage areas, surface coverage, proposed contours with a one (1) contour interval, and time of concentration flow path.
- J. Structural. Catch basins, manholes, inlet structures and other appurtenances placed within the development shall conform to standards approved by the Town Board. The structural design of all drainage appurtenances shall be subject to approval by the Commissioner of Public Works or designee and shall conform to standard specifications adopted by the Town Board.
- K. Profiles of the proposed storm drainage system are to be provided to the Town at a scale ratio of 5 horizontal: 1 vertical. Profiles are to show utility crossings and indicate separation distances proposed.
- L. A cross-sectional plan shall be prepared to illustrate the stormwater system from the forebay, through the detention basin, and to the end of the pond outlet pipe as applicable. All stormwater pipes that cross through the detention pond shall include an anti-seep collar in the design.
- M. Correction of existing conditions.
- N. All existing obstructions, dams, diversions, construction of any kind, deposits of debris, fill, sand or other solid material, including erosion, or other alterations or diversions of the natural flow of water or the intensity or water quantity of flow through, across or to any stream, ditch, culvert, watercourse or other drainage system which cause the inundation of real property, buildings or other premises or, in the opinion of the Commissioner of Public Works, constitute an undue burden upon the drainage system or hamper the proper present

or future course of development of the drainage system or, in the opinion of the Commissioner of Public Works, presently constitute or in the reasonable foreseeable future will constitute a danger of hazard to the well-being, safety or general welfare of the residents of the Town or any property located therein or constitute, in the case of wild growth of natural vegetation or brush, an obstruction which may cause flooding, inundation or diversion of water upon other premises, shall be removed or corrected by the owners of the premises upon which said obstructions, dams, diversions, construction, deposits, erosion or other alterations of the natural flow are situated within 30 days after written notice to remove or correct the same by the Commissioner of Public Works; subject, however, to appeal by such owner to the Town Board within 10 days of such notice.

§215-12. Easements for Drainage Facilities.

A. Easements for enclosed conduits and appurtenances. An easement not less than 20 feet in width, sufficient to contain the enclosed conduit and appurtenances thereof and to provide working space for personnel and equipment for the servicing thereof, shall be indicated on the map of the development and designated as follows: "Drainage Easement to Town of Brighton." Drainage easements for enclosed conduits shall, insofar as possible, be placed along or adjacent to lot boundary lines in a parallel and straight alignment.

B. Easement for natural watercourses:

(1) Natural primary watercourses which traverse a development shall be preserved by an easement of sufficient width, including overbanks, which will adequately pass the project design flow. The gross allowable depth of flow shall not create a flood hazard to existing or proposed development and improvements. The channel and overbank widths, together with a minimum twenty-foot continuous maintenanceway on each side, shall constitute the floodway encroachment limits with a minimum width of 100 feet. Wherever such natural watercourses are endowed with significant natural beauty and have adequate capacity or have been determined to have value for fish and wildlife, the developer may dedicate widths in addition to those required above on the map of the development with the following designation: "Easement to Town of Brighton."

(2) In natural tertiary and secondary watercourses which contain insufficient waterway area to convey the flow from the ultimate development, but which may prove deficient only at infrequent intervals and locations, and where minor improvements could provide an adequate channel and still preserve, in the main, the natural channel beauty or fish and wildlife values, the developer shall make such minor channel improvements as are required to provide a channel which would otherwise meet the conditions of these regulations. However, the developer shall dedicate the full width required to contain the ultimate channel, together with a minimum twenty-foot-wide continuous maintenanceway on one side of the ultimate channel. When the water surface exceeds 20 feet in width, the continuous maintenanceway shall be 20 feet on each side. The outside of the continuous maintenanceway shall constitute encroachment limits. Additional widths of scenic areas and areas of natural wetlands, which for economic reasons or limited suitability would not

warrant improving for urban development, may be dedicated by the developer in addition to those above. Areas offered for dedication to the Town as drainage easements, if considered of special interest to the Town by the Planning Board, may be considered by the Planning Board as dedication for municipal purposes for the purpose of §278 of the Town Law and its authority thereunder.

- C. Easement for constructed channels and appurtenances. Earth channels constructed within the development shall have sufficient easement dedicated to contain the top width of the channel, plus a minimum twenty-foot continuous maintenanceway on one side thereof for channels less than 20 feet in width at the water surface. A twenty-foot continuous maintenanceway shall be provided on both sides of the channel with a water surface width greater than 20 feet. The ultimate channel shall meet the flow requirements for the development of the tributary drainage area. The allowable depth of flow to pass the project design flow shall not create a flood hazard to existing and proposed developments and improvements. A minimum of one foot freeboard above the design hydraulic gradient shall be provided to contain the effects of flow transmission factors. The outside of the continuous maintenanceway shall constitute encroachment limits. The easements for constructed channels shall be indicated on the map of the development and designated as follows: "Drainage Easement to Town of Brighton."

§215-13. Maintenance, Inspection and Repair of Stormwater Facilities.

A. Maintenance and Inspection During Construction:

- (1) The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this local law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.
- (2) For land development activities as defined in §215-6 of this code section and meeting Condition A, B, C, or D in §215-10B(2), the applicant shall have a qualified professional conduct site inspections (SWPPP compliance inspections) and document the effectiveness of all erosion and sediment control practices every 7 days. For project sites that have received a 5-acre waiver, a qualified professional shall conduct site inspections and document effectiveness of all erosion and sediment control practices twice a week, with inspections separated by two (2) days minimum. Inspection reports shall be maintained in a site logbook. SWPPP compliance inspections shall start with the installation of erosion controls and shall continue for the duration of the earth disturbance until the final full restoration (80% vegetative cover) has been completed. Upon completion of all site construction and stormwater facilities, the Owner shall notify the Town of Brighton DPW and request a final inspection. Upon acknowledgement of construction completion and final stabilization, the Town of Brighton will sign the MS4 section of the provided Notice of Termination form after all other sections of the Notice of Termination have been signed. After the Town signs the MS4 certification, the permittee shall

submit the Notice of Termination form to the New York State Department of Environmental Conservation for permit closeout.

- B. Storm Drainage Maintenance Agreement(s). The Town of Brighton shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this local law entitled Storm Drainage Maintenance Agreement.
- C. Maintenance after Construction. The owner or operator of permanent stormwater management practices installed in accordance with this law shall ensure they are operated and maintained to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, a preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law.
- D. Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with §215-10G.

Article IV Liability, Administration and Enforcement

§215-14. Liability.

The approval of plans for proposed drainage systems and flood hazard prevention requirements shall not constitute a representation, guaranty or warranty of any kind or nature by the Town of Brighton or by an officer or employee thereof of the safety, operation, adequacy or intent of the proposed facilities and shall create no liability upon or cause for action against such public body, officer or employee for any damages that may result from construction pursuant thereto.

§215-15. Construction Inspections.

A. Erosion and Sediment Control Inspection

- (1) The Town of Brighton Stormwater Management Officer requires such inspections as necessary to determine compliance with this law and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this law and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Town of Brighton Town Engineer at least 48 hours before any of the following as required by the Stormwater Management Officer:
 - a. Start of construction
 - b. Installation of sediment and erosion control measures
 - c. Completion of site clearing

- d. Completion of rough grading
- e. Completion of final grading
- f. Completion of the Bioretention area or underground facilities, prior to backfilling, as applicable (failure to contact the Town for inspection may require a need for test holes to be performed to verify compliance with the approved design).
- g. Close of the construction season. (Request in writing to reduce inspection frequency to monthly inspections for winter shutdown. The site must be temporarily stabilized prior to request.)
- h. viii. Completion of final landscaping
- i. Successful establishment of landscaping in public areas.

(2) Copies of the SWPPP Construction Inspections shall be provided to the Town within 24 hours of inspection. If deficiencies are identified, the Contractor shall begin implementing corrective actions within one (1) business day and shall complete the corrective actions in a reasonable time frame. Failure to complete corrective actions may result in a Town issued corrective action or violation letter, and further failure to resolve corrective actions or violations may result in the issuance of a stop work order from the Town.

(3) If any violations are found, the applicant, contractor, developer, and the Town of Brighton DPW shall be notified immediately with the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

B. Stormwater Management Practice Inspections. The Town of Brighton Stormwater Management Officer or appointed personnel are responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit “as built” plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

C. Inspection of Stormwater and Water Quality Facilities (After Project Completion):

(1) In accordance with the conditions of the Storm Drainage Maintenance Agreement, a maintenance inspection shall be performed no less than once a year, between May 1st and May 31st of each year. The facility owner shall have a detailed report submitted to the Town DPW. The report shall be prepared by a Professional Engineer licensed to practice in the State of New York or other professional qualified to perform such work. The report shall identify the extent of the

maintenance procedures required and shall be submitted to the Town DPW office by June 15th of each year. Depending on the required maintenance, the Town may issue a letter to the facility owner indicating the time required to address the required maintenance. The report shall identify all applicable issues, including erosion issues, sediment accumulation and removal, excessive vegetation that impedes function of the facility, outlet condition, outfall stabilization, ponded water, any identifiable safety concerns or issues, and any condition that would hinder the intended function of the facility as designed.

- (2) The Town of Brighton reserves the right to conduct inspections of post construction stormwater facilities, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

- D. Submission of Annual Stormwater Facility Reports. The Town of Brighton Stormwater Management Officer requires annual reporting from facility Owners as outlined in the Inspection of Stormwater and Water Quality Facilities section above.
- E. Right-of-Entry for Inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the Town of Brighton the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in §215-15C.

§215-16. Enforcement and Penalties

- A. Notice of Violation. When the Town of Brighton determines that a land development activity is not being carried out in accordance with the requirements of this local law, it may issue a written notice of violation to the landowner. The notice of violation shall contain:
 - (1) the name and address of the landowner, developer or applicant;
 - (2) the address when available or a description of the building, structure or land upon which the violation is occurring;

- (3) statement specifying the nature of the violation;
 - (4) a description of the remedial measures necessary to bring the land development activity into compliance with this local law and a time schedule for the completion of such remedial action;
 - (5) a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
 - (6) a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.
- B. Stop Work Orders. The Town of Brighton may issue a stop work order for violations of this law and/or upon identification of any activities or construction that the Commissioner of Public Works or their designee determine to have the potential to be a safety hazard to pedestrians, vehicles, or property. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the Town of Brighton confirms that the land development activity is in compliance, no additional safety concerns exist, and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this local law.
- C. Violations. Any land development activity that is commenced or is conducted contrary to this local law, may be restrained by injunction or otherwise abated in a manner provided by law.
- D. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
- E. Any person, firm, corporation or entity violating any of the provisions of this chapter shall become liable to the Town for any expense or loss or damage occasioned the Town by reason of such violation.

F. Suspension due to illicit discharges in emergency situations. The Town of Brighton Commissioner of Public Works may, without prior notice, suspend discharge access into the MS4 to a person when such a suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment; to the health or welfare of persons; to the storm drainage system, including but not limited to pipes, manholes, outfall structures and storm laterals; or the waters of the United States. If the violator fails to comply with a suspension order, the Town of Brighton Commissioner of Public Works or his/her designee may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States or to minimize danger to persons.

G. Withholding of Certificate of Occupancy.

(1) If any building or land development activity is installed or conducted in violation of this local law the Stormwater Management Officer may prevent the occupancy of said building or land.

(2) Restoration of lands: Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Brighton may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

Section 3. Severability and Effective Date

A. Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this local law.

B. Effective Date. This Local Law shall be effective upon filing with the office of the Secretary of State.

Schedule A:

Table 3.3 Standard Stormwater Management Practices Acceptable for Water Quality

Group	Practice	Description
Pond	Micropool Extended Detention Pond (P-1)	Pond that treats the majority of the water quality volume through extended detention and incorporates a micropool at the outlet of the pond to prevent sediment resuspension.
	Wet Pond (P-2)	Pond that provides storage for the entire water quality volume in the permanent pool.
	Wet Extended Detention Pond (P-3)	Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time.
	Multiple Pond System (P-4)	A group of ponds that collectively treat the water quality volume.
Wetland	Shallow Wetland (W-1)	A wetland that provides water quality treatment entirely in a wet shallow marsh.
	Extended Detention Wetland (W-2)	A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface.
	Pond/ Wetland System (W-3)	A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.
	Pocket Wetland (W-4)	A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.
	Gravel Wetland (W-5)	A wetland system filled with crushed stone that allows water quality volume to flow subsurface through the root zone.
Infiltration	Infiltration Trench (I-1)	An infiltration practice that stores the water quality volume in the void spaces of a gravel trench before it is infiltrated into the ground.
	Infiltration Basin (I-2)	An infiltration practice that stores the water quality volume in a shallow depression, before it is infiltrated into the ground.
	Dry Well (I-3)	An infiltration practice that includes a shallow excavation filled with stone or an underground perforated structure surrounded by stone, that is designed to intercept and temporarily store runoff to promote infiltration into the surrounding native soils.
	Underground Infiltration (I-4)	An infiltration practice below grade that stores the water quality volume in pre-manufactured pipes, vaults or other modular structures, before it is infiltrated into the ground.
Filtering Practices	Surface Sand Filter (F-1)	A filtering practice that treats stormwater by settling out larger particles in a sediment chamber, and then filtering stormwater through a sand matrix.
	Underground Sand Filter (F-2)	A filtering practice that treats stormwater as it flows through underground settling and filtering chambers.
	Perimeter Sand Filter (F-3)	A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot.
	Filtration Bioretention (F-4)	A shallow depression that treats stormwater as it flows through a soil matrix and is returned to the storm drain system.
	Infiltration Bioretention (F-5)	A shallow depression that treats stormwater as it flows through a soil matrix, before it is infiltrated into the ground.
	Bioslope (F-6)	Permeable engineered soil media that is installed along embankments or other slopes, designed to capture and treat stormwater runoff from adjacent impervious surfaces.
Open Channels	Dry Swale (O-1)	An open drainage channel or depression explicitly designed to detain and promote the filtration of stormwater runoff into the soil media.
	Wet Swale (O-2)	An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.

Schedule B

STORM DRAINAGE MAINTENANCE AGREEMENT

(PROJECT NAME)

THIS AGREEMENT is made as of the ___ day of _____, 20___ by and between the TOWN OF BRIGHTON (the “Town”) and _____, having offices at _____, (the “Sponsor”).

WHEREAS, the Sponsor is the owner of property located at (*Street Address*) in the Town of Brighton, bearing tax ID number(s) _____ or any address or tax ID number(s) subsequently assigned to the (*resubdivided*) property (the “Site”); and,

WHEREAS, the Sponsor intends to construct a (*Stormwater Management Facility*) (*Bio-Retention Area(s)*) and (*Specify other BMPs*) at the Site; and,

WHEREAS, the Sponsor is obligated to comply with Federal, State and local regulations regarding stormwater quantity and quality mitigation, inclusive of ***Chapter 215, Stormwater Management of the Town Code of the Town of Brighton***; and,

WHEREAS, the Town and the Sponsor mutually desire to provide stormwater quantity attenuation and enhanced stormwater quality mitigation measures in conjunction with the development of the Site, specifically, the installation of an on site drainage system comprised of ***inlet structures, piping, swales, wetland vegetation, aquatic pond plantings, Stormwater Management Pond, Bio-Retention Area(s), discharge structure/piping, (Specify other BMPs) and appurtenances (the “Improvements”)***; and,

WHEREAS, the proper performance of the Improvements require discharge to ***(a tributary of) (water body name), which (has) (has not) been identified as an impaired surface water body by the New York State Department of Environmental Conservation (NYSDEC)***; and,

WHEREAS, the Sponsor will incorporate the Improvements into the scope of Site work associated with the construction of its project at their sole expense; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties hereto as set forth herein, it is agreed as follows:

1. The Improvements

The work shall consist of installing: ***inlet structures, piping, swales, wetland vegetation, aquatic pond plantings, Stormwater Management Pond, Bio-Retention Area(s), discharge structure/piping, (Specify other BMPs)*** and necessary appurtenances as described within the engineering report and depicted upon the project plans as designed by ***Design Professional*** for the Sponsor.

2. Maintenance

During the term of this Agreement, the Sponsor shall bear all responsibility, including, but not limited to, the inspection, cleaning, flushing, dredging, repair, removal of invasive species and all other maintenance procedures (collectively, the "Maintenance") of the onsite drainage system, (*Stormwater Management Facility*) (*Bio-Retention Area(s)*) and (*Specify other BMPs*), and appurtenances necessary for the Improvements to operate in accordance with the required protocol per the engineering report, manufacturers' recommendations, other accepted engineering standards, guideline and practices as set forth by the Town of Brighton, Irondequoit Watershed Collaborative, NYSDEC and other applicable agencies. At a minimum, the Maintenance shall be performed no less than once a year, between May 1st and May 31st of each year. A detailed report certifying the extent of the Maintenance procedures shall be provided to the Town DPW by June 15th of each year, prepared by a professional engineer licensed to practice in the State of New York or other professional qualified to perform such work subject to the approval of the Town which shall not be unreasonably conditioned, withheld, or delayed.

The Sponsor shall also bear all responsibility for the Maintenance necessary for the proper operation of the (*Stormwater Management Facility*) (*Bio-Retention Area(s)*) and (*Specify other BMPs*) in the immediate vicinity of the Site.

Neither the Sponsor, nor any servant, agent, invitee, employee, tenant or contractor thereof shall substantially obstruct, impede or interfere in the reasonable use and enjoyment of the Improvements.

3. The Costs of Improvements

The costs of construction and/or installation of all Improvements shall be borne solely by the Sponsor.

4. No Liability

The Town shall not be responsible for any loss or damage incurred by the Sponsor or its agents, tenants, employees, contractors or invitees, in connection with this Agreement. Furthermore, no language contained herein shall be construed as the Town assuming any obligations of the Sponsor, relieving the Sponsor of their duties associated with the inspection, operation and/or maintenance of the system(s).

5. Indemnity

The Sponsor shall indemnify and hold the Town harmless at all times from and after the date of this Agreement, including from all claims, damage, liability and expense, including legal fees, arising from, related to or in any way connected with the Improvements, the Maintenance, or the Agreement, except claims, damage, liability and expenses caused by a negligent, willful or wrongful act or omission on the part of the Town and/or any of its employees, agents or contractors.

6. Default

If the Sponsor fails in the due performances of any of its obligations under the terms of this Agreement, the Town shall have the right to issue a notice of default in accordance with the following:

A) After a twenty-four (24) hour period from the issuance of written, facsimile or electronic notice for correction of an emergency maintenance situation(s) and remedial action has not been performed to the satisfaction of the Town by the Sponsor or its agent(s); and/or

B) After a thirty (30) day period from the issuance of written, facsimile or electronic notice for correction of routine maintenance procedure(s) (including failure to properly perform the maintenance) and remedial action has not been performed to the satisfaction of the Town by the Sponsor or its agent(s);

In accordance with the above conditions, the Town may then issue written, facsimile or electronic notice for default and at its election, (a) cause the necessary maintenance to be performed immediately and to add the costs thereof to the property tax bill issued to the Sponsor for the Site and/or (b) to sue for damages for such breach and to seek such legal and equitable remedies as may be available to it, including the right to recover all expenses including legal fees.

An emergency is defined as, but not necessarily limited to, a situation that presents an immediate threat to the well-being of property, personal health and welfare of individuals and/or the general public, and/or the environment. Routine is defined as, but not necessarily limited to, the maintenance and care, recommended or otherwise, of the system(s) for its ability to operate in accordance with the intended performance parameters. Pursuant to paragraph #4, the Town assumes none of the Sponsor's obligations with regards to maintaining the system.

The Sponsor shall provide below the name, title and contact information of the person in their employ who shall be notified in accordance with the terms and conditions of this paragraph, and may be reached twenty-four hours a day. The Sponsor shall be responsible to promptly inform the Town of any changes that may occur with regards to this information.

CONTACT INFORMATION (please type or print all information)

NAME:

TITLE:

MAILING ADDRESS:

PHONE NUMBERS:
(work, home, cell)

FAX NUMBER:

E-MAIL ADDRESS:

7. Term

The Term of this Agreement will commence upon execution by both Parties and will remain permanently in full force and effect from the date of this Agreement.

8. Successors and Assigns

The terms of this Agreement shall be perpetually binding upon the Sponsor, their heirs, successors and all subsequent property owners. This Agreement and the obligations thereof shall not be assigned, transferred or otherwise disposed of by the Sponsor. This Agreement and the rights and obligations created hereunder shall be perpetual and shall run with the land (both benefited and burdened).

9. Modifications

All prior understandings and agreements between the parties are merged within this Agreement, which alone represents the full and complete agreement between the parties. No changes may be made to any of the terms of this Agreement, nor any provision revised or waived, except in writing signed by both parties.

10. Severability

If a court of competent jurisdiction finds any provisions of this agreement invalid, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated as being invalid. All other provisions of this agreement shall remain in full and separate effect.

11. Authorization

The undersigned represent that they are authorized to execute this Agreement on behalf of the Town or the Sponsor, and that the Town and the Sponsor are authorized to enter into this Agreement and perform its obligations described herein.

12. Filing

The Sponsor shall file this document at the Monroe County Clerk's Office upon its execution and provide a copy of the date/time stamped filed document to the Town along with the transaction receipt from the County Clerk's Office.

13. No Joint Venture or Partnership.

The Sponsor and the Town expressly renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained herein shall be construed as making the Sponsor and the Town joint venturers or partners.

14. Governing Law

This Agreement shall be governed and construed in accordance with the substantive laws of the State of New York, excluding any principles of conflicts of laws. Any dispute arising under, in connection with, or incident to this Agreement or about its interpretation will be resolved exclusively in the state or federal courts located in Monroe County, New York. Each of the parties irrevocably submits to those courts' venue and jurisdiction.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and date first set forth above.

SPONSOR

TOWN OF BRIGHTON

Signature _____

Signature _____

Name (printed) _____

Name (printed) _____

Title _____

Title _____

STATE OF NEW YORK)

ss:

COUNTY OF MONROE)

On this ___ day of _____, 20 ___, before me, the undersigned, personally appeared _____, personally known to me or proved to me on _____ the basis of satisfactory evidence to be the individual whose name is subscribed to within this instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK)

ss:

COUNTY OF MONROE)

On this ___ day of _____, 20 ___, before me, the undersigned, personally appeared _____, personally known to me or proved to me on _____ the basis of satisfactory evidence to be the individual whose name is subscribed to within this instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK)

ss:

COUNTY OF MONROE)

On this ___ day of _____, 20 ___, before me, the undersigned, personally appeared _____, personally known to me or proved to me on _____ the basis of satisfactory evidence to be the individual whose name is subscribed to within this instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

(Attach a copy (copies) of the applicable Site Plan, SWPPP Plan, or Utility Plan that illustrates the location and description of the proposed stormwater components (in relation to property lines) indicated in this Agreement – Attachments to be legible and sized at 8 ½” x 11” for filing purposes)