

MALVERNE BUILDING DEPARTMENT APPLICATION

99 Church Street Malverne, NY Phone 516-599-1200 Fax 516-823-0767

STORM WATER MANAGEMENT AND EROSION CONTROL PERMIT

For any land-disturbing activity that involves 500 square feet or more.

Incomplete applications will not be accepted

All fees are non-refundable

THIS APPLICATION MUST BE ACCOMPANIED BY:

- 2 copies of signed and sealed drawings, notes, specifications as applicable with survey/plot plan and all details / specifications / sizes denoting all proposed stormwater and erosion control measures including, but not limited to, storm water leaching pools, stormwater piping, drains, manholes, gutters, leaders, trenches, drains, culverts, erosion and sediment control devices, grading plans, vicinity map, excavation areas, and other items as denoted in Chapter 507 of the Malverne Village Code.
- Fee \$125.00
- Storm water drainage structures and piping to be located, designed and installed equal to Nassau County DPW standards. Provide calculations for storm drain pool volume. Rainfall design shall be 3".
- Contractor shall schedule inspections at minimum as follows:
 1. Excavation
 2. Drainage structure and piping install prior to backfill
 3. Final

Address of Work Area: _____

In Conjunction with Building Permit #: _____ **Occupancy use:** Residential _____ Commercial _____

Date: _____ **Permit / App #** _____

Owner name: _____ **Email:** _____ **Phone #** _____

Address: _____

Contractor: _____

Signature of Contractor

Signature of Property Owner (notarized)

Village Approval Signature and Stamp

Print Name

Sworn to before me this _____ day of _____

NOTARY SIGNATURE _____

SEAL:



Contractor / Property Owner certifies that all information given is correct and that all work shall conform to the current NYS Department of Environmental Conservation, Residential, Building, Plumbing, Fire, Existing Building, Energy Conservation, Property Maintenance, Fuel Gas and Mechanical Codes and all Village Ordinances for which this permit is issued.

Chapter 507. Stormwater Management

§ 507-1. Background and findings.

A. Background. (1) In 1972, amendments to the Federal Water Pollution Control Act prohibited the discharge of pollutants into navigable waters from a point source unless authorized by a National Pollutant Discharge Elimination System (NPDES) permit. Improving water quality under this program focused on industrial wastewater and municipal sewage discharges. Once the United States Environmental Protection Agency (EPA) found an improvement in pollution control of these point source discharges, it shifted its regulatory focus to nonpoint source pollution, namely urban stormwater runoff. A series of studies in the 1980s identified many pollutants in stormwater discharges from a variety of sources, including streets, parking lots, lawns, construction sites, highway yards and other urban commercial and industrial uses. As a result, in 1990 the EPA established Phase I stormwater regulations for large communities with populations greater than 100,000 which required National/State Pollution Discharge Elimination System (N/SPDES) permits for certain municipal and industrial stormwater discharges. In 1991 Phase II of these regulations was finalized, requiring smaller communities within urbanized areas to develop plans for the control of stormwater within their jurisdictions by March 2003, with implementation by 2008

(2) The Village of Malverne, as an operator of a municipal separate stormwater system (MS4), is subject to these permitting requirements as the State of New York Department of Environmental Conservation has designated the Village as an "Automatically Designated Urbanized Area." The initial step toward providing a stormwater pollution prevention plan under Phase II is to develop and implement six minimum measures, including public education, public involvement, detection and elimination of illicit connections, construction site runoff, post-construction stormwater controls, pollution prevention and good housekeeping. This chapter is intended to meet a number of these measures. The various provisions of this chapter work to meet these objectives by regulating the impacts of construction activity in the Village on soil erosion and stormwater runoff. For most single-family residences, stormwater runoff is managed with the installation of dry wells, catch basins, driveway and/or curtain drains, or piping to nearby existing municipal storm sewer systems. Typical erosion control measures include the installation of silt fences and hay bales around the property during construction.

(3) This chapter acknowledges the difference between large construction projects typically requiring Planning Board site plan or subdivision approval and more modest additions or improvements by requiring more detailed information for the large projects and basic information for the smaller projects.

B. Findings. The Board of Trustees of the Village of Malverne finds that uncontrolled drainage and runoff associated with land development have a significant impact upon the health, safety and welfare of the community. Specifically:

(1) Stormwater runoff can carry pollutants into receiving water bodies, degrading water quality.

(2) The increase in nutrients in stormwater runoff such as phosphorus and nitrogen accelerates eutrophication of receiving waters.

(3) Improper design and construction of drainage facilities can increase the velocity of runoff, thereby increasing stream bank erosion and sedimentation.

(4) Construction involving land clearing and the alteration of natural topography increases erosion.

(5) Siltation of water bodies resulting from increased erosion decreases their capacity to hold and transport water, interferes with navigation in downstream harbors, and harms flora and fauna.

(6) Sediment from soil erosion clogs catch basins, storm sewers and ditches and pollutes and silts streams, rivers, lakes, reservoirs and harbors.

(7) Impervious surfaces increase the volume and rate of stormwater runoff and allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow.

(8) Improperly managed stormwater runoff can increase the incidence of flooding and the level of floods which occur, endangering property and human life.

(9) Substantial economic losses can result from these adverse impacts on community waters.

(10) Many future problems can be avoided if land is developed with sound stormwater runoff management practices.

§ 507-2. Purpose and objectives. In order to protect, maintain and enhance both the immediate and long-term health, safety and general welfare of the citizens of the Village of Malverne, this chapter has the following objectives in accordance with certain measures identified in the SPDES Phase II regulations:

A. To prevent increases in the magnitude and frequency of stormwater runoff so as to prevent an increase in flood flows and in the hazards and costs associated with flooding.

B. To prevent decreases in groundwater recharge and stream base flow so as to maintain aquatic life, assimilative capacity, and potential water supplies.

C. To maintain the integrity of stream geometry so as to sustain the hydrologic functions of streams.

D. To control erosion and sedimentation so as to prevent its deposition in streams and other receiving water bodies.

E. To regulate and control the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil or results in the movement of earth on land situated in the Village.

F. To facilitate the removal of pollutants in stormwater runoff so as to perpetuate the natural biological and recreation functions of streams, water bodies and wetlands.

G. To secure, to the extent possible, multiple community benefits such as groundwater replenishment, open space protection and increased recreational opportunity through integrated land use-stormwater management planning.

§ 507-5. Exceptions to permit requirement. For the purposes of this chapter, a stormwater management and erosion and sediment control permit shall not be required for the following activities:

A. Lawn maintenance and landscaping of existing cultivated areas, including gardens.

B. Alteration to the interior of a building and alteration to the exterior of a building, provided that such exterior alteration does not increase land coverage by the building, pavement, walks, patio, tennis court, swimming pool, etc., and the alteration does not involve the demolition of a part or all of the exterior of an existing building.

C. Construction of an addition to an existing structure or any land-disturbing activity that involves less than 500 square feet. However, any land-disturbing activity of any area shall follow the applicable soil erosion BMP provided by the Village.

D. Any emergency activity which is immediately necessary for the protection of life, property or natural resources, as determined by the Village Building Inspector.

E. Activities of the Village in regard to the permitting provisions.

§ 507-6. Waivers. Upon written request from the applicant, the Village Building Inspector may grant a waiver, in writing, from any requirement of this chapter, specifically identifying the reasons therefor, using the following criteria:

A. Special circumstances applicable to the subject property, its intended use, or the scope of the project.

B. Said waiver will not:

(1) Result in an increase or decrease in the rate or volume of surface water runoff;

(2) Result in an adverse impact on a wetland, watercourse or water body;

(3) Result in degradation of water quality; or [1](#)

[1](#) Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).

(4) Otherwise impair the attainment of the objectives of this chapter.

§ 507-7. Permit required.

No person shall commence or carry out any development or land-disturbing activity in the Village of Malverne that involves more than 500 square feet without first obtaining the proper stormwater management and erosion and sediment control permit from the Village Building Inspector, and all other necessary local, state and federal permits, and thereafter complying with the requirements of this chapter.

§ 507-8. Permit for activities involving between 500 square feet and 15,000 square feet.

The following shall apply to applications for permits for land-disturbing activities involving greater than 500 square feet and up to and including 15,000 square feet:

A. It is the responsibility of an applicant to include sufficient information in the stormwater management and erosion control and sediment plan for the Village to evaluate the environmental characteristics of the affected areas, the potential and predicted impacts of the proposed activity on community waters and the effectiveness and acceptability of those measures proposed by the applicant for reducing or mitigating adverse impacts.

B. An application for a stormwater management and erosion and sediment control permit shall be made on forms provided by the Village, and shall include the name(s) and address(es) of the owner, contract vendee, or developer of the site, and of any consulting firm retained by the applicant, together with the name and telephone number of the applicant's principal contact at such firm. Each application shall include a certification that any land clearing, construction, or development involving the movement of earth shall be in accordance with the plans approved and the permit issued. The permit will be valid for the same period as the associated building or other municipal permit. Where a building or other municipal permit is not issued, the stormwater management and erosion and sediment control permit shall expire within 180 days unless renewed by the Village Building Inspector.

C. Required information.

(1) Each application shall be accompanied by the following, unless specifically waived by the Village Building Inspector based on the scope of the project:

(a) A vicinity map.

(b) A stormwater management and erosion and sediment control plan for the site showing drainage patterns, on-site stormwater appurtenances, wetlands, one-hundred-year floodplains, and proposed use of the site, including areas of excavation, grading and filling.

(c) Stormwater management improvements, including calculations, designs and special measures regarding safety and maintenance operations.

(d) Stormwater conveyance system, including plans, designs and materials to be used for improvements and erosion control in channel sections of stormwater conveyance systems and erosion control measures at culvert inlets and outfalls.

(2) The above plans shall comply with the guidelines and specifications of the most recent editions of "Reducing the Impacts of Stormwater Runoff from New Development" (NYSDEC), "Stormwater Management Design Manual" (NYSDEC), Nassau County "Best Management Practices Manual for Erosion and Sediment Control," and New York "Guidelines for Urban Erosion and Sediment Control" and include:

(a) Temporary erosion and sediment control measures with implementation and maintenance schedules.

(b) Permanent erosion and sediment control improvements showing location of improvements and an implementation and maintenance schedule.

§ 507-9. Permit for activities involving greater than 15,000 square feet. See code

§ 507-10. Plan review, approval and inspections.

A. The Village Building Inspector or his/her designee shall review the plan for compliance with the requirements of this chapter. The applicant shall, within 30 days of notification, correct any portion of the plan that does not comply. The Village Building Inspector or his/her designees may conduct random inspections to ensure effective control of erosion and sedimentation during all phases of construction.

B. All stormwater management and erosion and sediment control permits will require adequate provision for inspection of the property. The applicant shall arrange with the Village Building Inspector or his/her designee for scheduling the following inspections:

(1) An initial inspection prior to plan approval.

(2) An erosion control inspection to ensure that erosion control practices are in accord with the approved plan.

(3) An inspection prior to backfilling any underground drainage or stormwater conveyance structures.

(4) A final inspection when all work, including construction of stormwater management facilities and permanent soil stabilization, has been completed.

C. The Village Building Inspector and/or his/her designee may also randomly conduct field inspections to ensure effective control of erosion and sedimentation during all phases of construction.

D. The applicant shall promptly correct any deficiencies identified as a result of those inspections and be subject to the provisions of § **507-12**, Enforcement; penalties for offenses, of this chapter.

E. No building permit may be issued until a stormwater management and erosion and sediment control permit has been issued for those activities controlled under this chapter.

F. Activities that involve the disturbance of an area of one acre or more shall comply with any New York State Department of Environmental Conservation (DEC) requirements.

§ 507-11. Cash deposit or surety.

A. In order to ensure full and faithful completion of all construction activities related to compliance with all conditions of the approved stormwater management and erosion and sediment control plan, a cash deposit shall be required from the applicant prior to issuance of a permit. Said cash deposit shall be sufficient to cover the full cost, as estimated by the Village Building Inspector, of construction of all improvements specified in the stormwater management and erosion and sediment control plan and the permit. Such deposits shall be promptly refunded upon the completion of the project and the final inspection and approval by the Village Building Inspector or his/her designee.

B. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by a developer/owner or responsible legal entity, the Village may require a maintenance bond or other surety prior to the issuance of a permit. Such maintenance bond or other surety, as approved by the Village Attorney, shall be sufficient to cover the costs, as estimated by the Village Building Inspector, of proper maintenance of the facilities for five years after completion of a final inspection in accordance with § **507-10**, Plan review, approval and inspections, of this chapter. Subsequent to five years, the developer/owner or responsible legal entity shall file an affidavit with the Village Building Inspector attesting to maintenance in perpetuity.