



# **Town of Orchard Park**

## **Stormwater Management Town Wide District**

### **General Information**

#### **Why Manage Stormwater**

The Town of Orchard Park is subject to a stormwater permit under the New York State Department of Environmental Conservation and Federal Clean Water Act that regulates Orchard Park's stormwater drainage system. This permit, known as a Municipal Separate Storm Sewer System (MS4) permit, imposes specific mandates in the Town for preventing new water pollution and reducing pollution from existing sources.

Stormwater, defined as rain and melted/sleet/ice/snow that runs off of the land. In natural, undeveloped areas, soil absorbs and filters most stormwater in a process called infiltration. The water that runs off the land in Orchard Park flows to Smokes Creek /tributaries, Neuman Creek, Rush Creek, and/or Cazenovia Creek.

During land development, natural areas (grass/woods) are replaced with roofs, driveways, sidewalks and parking lots. These hard surfaces, called impervious surfaces, do not allow water to penetrate them and increase the volume and velocity of stormwater runoff. Stormwater runoff carries sediment, fertilizers, oil, grease, heavy metals, trash, and anything else deposited on impervious surfaces. This flows directly into the Town's storm drains and natural waterways. This runoff can cause; Erosion of streams and decreased water quality; Contamination of downstream water and drinking water supplies; Property damage and damage to public storm drains systems.

The Town is now taking action to clean up our community's polluted stormwater runoff and to make necessary investments in our aging stormwater infrastructure BMP.

#### **Definitions.**

Best Management Practice (BMP) – schedule of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Board – Orchard Park Town Board (Supervisor and 4 Councilmembers)

Credit Rate – Discount based on criteria (specific), Stormwater Quantity Control Credits, will receive a credit of 20%. Stormwater Quality Control Credits will receive a credit of 20%. In cases where both quantity and quality may be controlled through on site BMP's, owners will receive a credit of 40%.

Equivalent Dwelling Unit (EDU) – A unit of impervious surface measurement equal to one single family home (average) by which stormwater fees can be imposed upon each improved (non-residential) property as determined by the Town Board.



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**Impervious Surface** – Any surface on a property that, because of the surface’s composition or compacted nature, impedes or prevents natural infiltration of water into the soil. This include, but is not limited to, roofs, solid decks, driveways, patios, sidewalks (other than public walks located in the Town’s right-of-way), parking areas, tennis and basketball courts, concrete, asphalt, or crusher run streets, driveway or paths, or compacted gravel/dirt surfaces, as determined by the Town Engineer.

**Impervious Surface Area** – As recorded or calculated by the Orchard Park Engineering Departmental, or verified by a licensed engineer or surveyor the number of square feet of horizontal surface on a lot/property covered by an impervious surface.

**Lot** – Parcel of land/property, as set forth by the current Erie County Tax Map on file with the Erie County Real Property Tax Services Department.

**Nonresidential Lot** – All developed improved lots other than residential lots.

**Property Class Code** – The property type classification code, as defined by New York State Office of Real Property Services in the Assessors’ Manual, assigned to a lot by the Erie County Real Property Tax Services Department, this may be updated by that Department as required.

**Property Owner or Owners** – The person on file as the owner of a lot/parcel as shown on the Erie County tax records.

**Residential Lot** – A developed lot with a Property Class Code of 210, 215, 220, 230, 240, 241, 242, 250, 260, 280, 281, or identical successor designations.

**Stormwater** – Surface water that originates from precipitation, including heavy rain and meltwater from hail, sleet, ice and snow. It’s is runoff that flows off building rooftops, driveways, lawns, streets, parking lots, construction sites, industrial storage yards, etc.

**Stormwater services** – The Town program for protection of stormwater quality/quantity and for the partial control and conveyance of stormwater, including, but not limited to: public education; monitoring, removing, and regulating stormwater pollutants; other activities described in the Town’s New York SPDES permit; mapping; planning; regulating, reviewing and inspecting private stormwater infrastructure; operating, constructing, improving, cleaning, and maintaining the Town’s Stormwater System; and any and all expenses deemed reasonably necessary to the management of stormwater within the Town; in the judgement of the Town Engineer and Highway Superintendent, or as instructed from time to time by the Town Board, including but not limited to payment of debt principal and debt service, and the establishment of reserve capital fund, to pay for these services.

**Stormwater System** – The system of natural and constructed conveyances for collecting and transporting stormwater. This includes but is not limited to lakes, ponds, creeks, perennial,



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intermittent, and/or channeled streams, connected wetlands, open ditches, catch basins and other inlets, pipes, sewers, drains, culverts, stormwater chambers, and created stormwater management facilities. That provide partial treatment by passive means such as wet detention ponds, detention basins, and stormwater wetlands.

Stormwater management fee – The fee charged by the Town for costs incurred to provide and maintain stormwater services.

Treatment Efficiency - As determined by the Town Engineer or a private licensed engineer (third party), the calculated effectiveness, expressed as a percentage of total possible effectiveness of an ideal stormwater management practice or structure, of a stormwater management practice or structure. Designed to remove a desired component through quality treatment, quantity attenuation, or both, as applicable.

#### **Stormwater Management Fees**

The Town has been working diligently to develop solutions to improve our water quality and quantity challenges. After considering different options, like many other communities in the country the Town chose to implement a stormwater management fee. A stormwater management fee is a charge based on the amount of impervious area on a type of property.

This approach has several advantages:

First, it fairly distributes the cost of the Town's stormwater services, since the amount of impervious area is directly related to the amount of stormwater that must be managed. All property owners benefit from a well-maintained and regulated drainage management system. This concept is similar to measuring usage and calculating fees for public drinking water and sanitary sewer services.

Second, the amount of the fee must be directly correlated to the cost to provide stormwater management services addressing flood abatement, water quality protection, infrastructure BMP operations and maintenance, and regulatory compliance. All revenue deposited into the Consolidated Stormwater Management District account can only be used for stormwater management.

Each developed lot in the Town shall be subject to a yearly stormwater management fee equal to the product of \$116 times the number of EDUs of impervious surface on the lots as calculated below, less any credits for the lot approved by the Town Engineer to pursuant to.

#### **Equivalent Dwelling Unit (EDU).**

An equivalent dwelling unit is equal to 5,287 square feet of impervious area.



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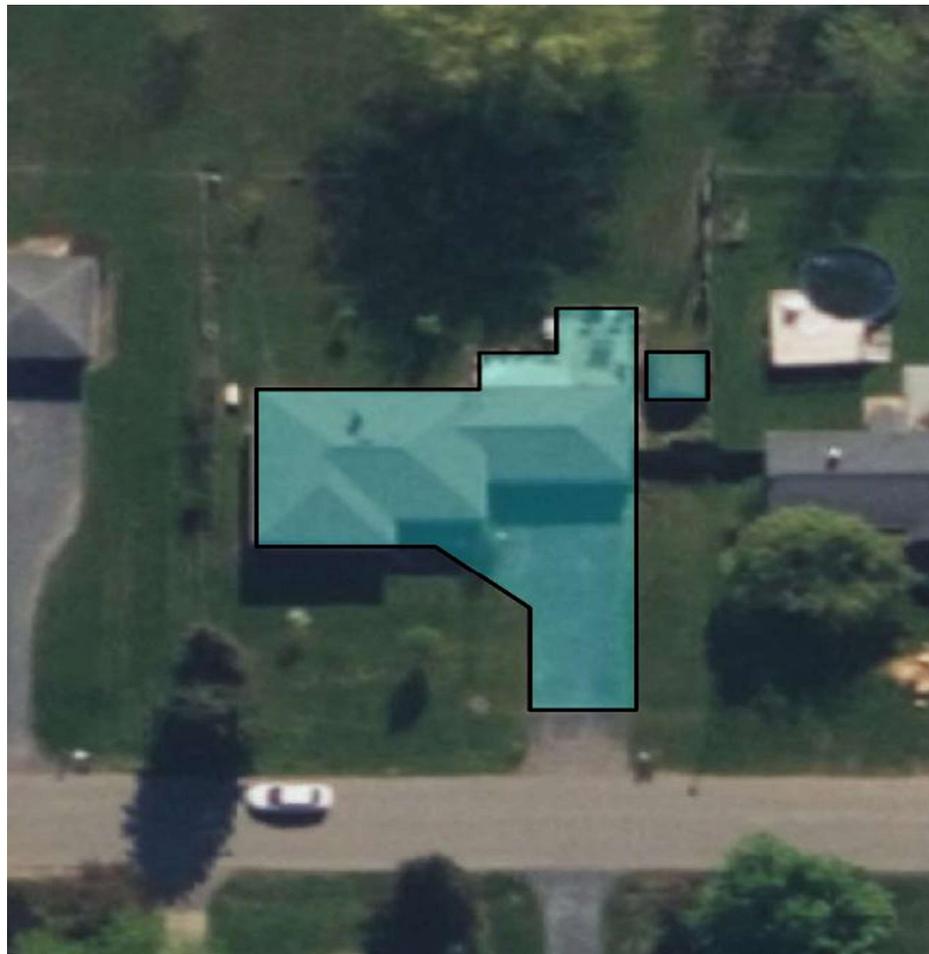
At least once every five years, the Town Engineer shall report to the Town Board regarding changes in the average impervious surface areas of residential lots, thus verifying the EDU.

### How the fee is calculated Residential Lot

Every residential lot, and each non-residential lot with an impervious surface area less than or equal to one EDU, shall be deemed to have an impervious surface area equal to one EDU. All non-residential properties are directly charged based on the actual number of EDU's within the parcel.

#### Sample Residential Property (Below the Average)

Factor	Calculation
Impervious Area	4,105 SF
1 EDU (Town Average)	5,287 SF
Number of EDU's For Property	1 EDU
Management Fee	Rate set by Town Board

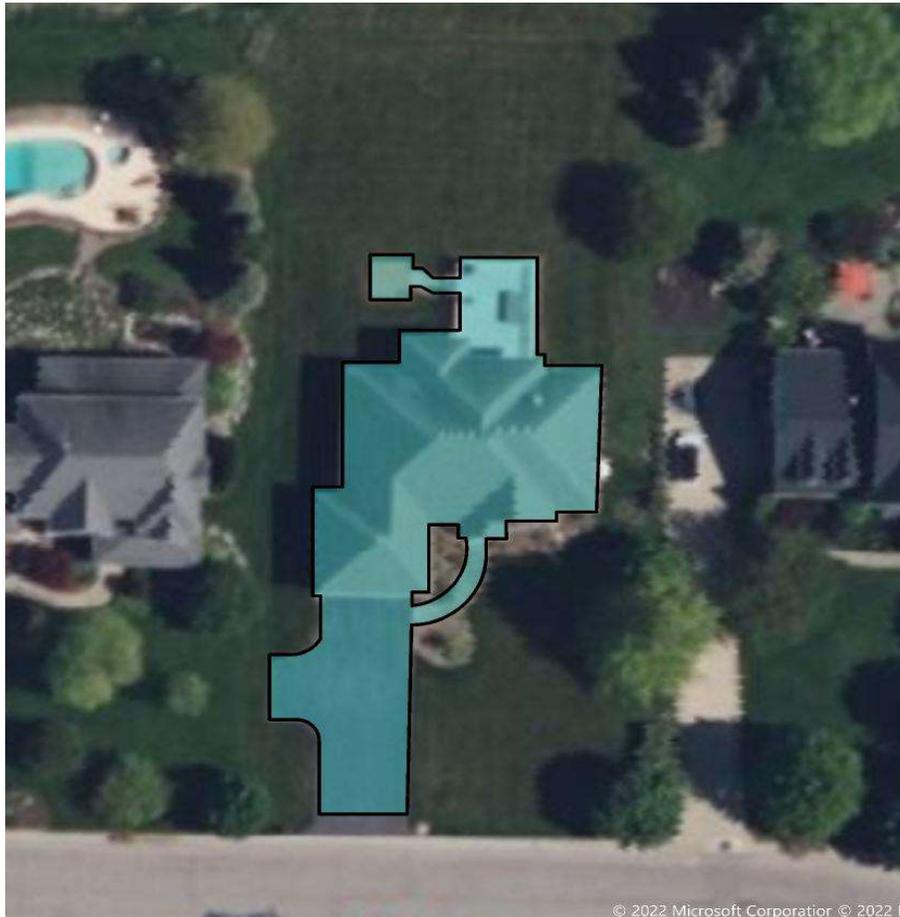




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### Sample Residential Property (Over the Average)

Factor	Calculation
Impervious Area	5,840 SF
1 EDU (Town Average)	5,287 SF
Number of EDU's For Property	1 EDU
Management Fee	Rate set by Town Board





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#### How the fee is calculated Non-Residential Lot

Since stormwater management is a fee for service, all properties are charged regardless of their tax status. In Orchard Park, properties are charged in increments of 5,287 square feet (SF) 1-EDU, the average impervious area of a residential property. All residential parcels for charged on one Equivalent Dwelling Unit (EDU). All non-residential properties are charged based on the units of EDU within the parcel. For example, the property below results in 7.52 EDU's. The number of EDU's is then multiplied by the rate adopted by the Town.

#### Sample Non-Residential Property

Factor	Calculation
Impervious Area	39,770 SF
1 EDU (Town Average)	5,287 SF
Number of EDU's For Property	$39,770 \div 5,287 = 7.52 \text{ EDU's}$
Management fee	7.52 EDU x Rate set by Town Board





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#### Parcel Coding/Fee Basis

##### Residential Parcels (Two Tables)

- Residential parcels located in the Town with their address on a Town road or ROW, charged one (1) EDU per year.
- Residential parcels located in the Town with an address on a State or County road or ROW, charged one (1) EDU less 20% for a State or County road or ROW, not both.

##### Non-Residential Use Parcels with Impervious Surfaces (Two Tables)

- Non-residential use Parcels located in the Town with their address on a Town road or ROW, charged one (1) EDU per square footage of impervious surface area over 5,287 square feet that have no stormwater improvement credits.
- Non-residential use Parcels located in the Town with their address on a Town road or ROW, charged one (1) EDU per square footage of impervious surface area over 5,287 square feet that have one or both of the stormwater improvement credits. Stormwater credits for water quantity (20%) or water quality (20%).
- Non-residential use Parcels located in the Town with their address on a State or County road or ROW, charged one (1) EDU per square footage of impervious surface area over 5,287 square feet less 20% for State or County road or ROW, not both and have no stormwater improvement credits.
- Non-residential use Parcels located in the Town with their address on a State or County road or ROW, charged one (1) EDU per square footage of impervious surface area over 5,287 square feet less 20% for State or County road or ROW, not both and have one or both of the stormwater improvement credits. Stormwater credits for water quantity (20%) or water quality (20%).

##### Vacant & Cemetery Parcels (Two Tables)

- Cemetery properties will receive a 75% reduction of one (1) EDU
- Vacant classified properties will receive a 75% reduction of one (1) EDU

#### Measurement of impervious surfaces.

Any non-residential owner may file an application with the Town Engineer contesting the calculation of impervious surface area on the lot/parcel as of the date of the application.



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The applicant/owner must submit satisfactory evidence as required by the Town (surveyed by an L.S.), such as square footage measurements and descriptions of the relevant buildings or materials. For all applications, any approved changes in calculations will take effect on the following years property tax period after the application was submitted, even if retroactive as of date of approval. No refunds or credits shall be granted for amounts due prior to submission of the application and approval. The applicant may appeal the EDU determination of the Town Engineer.

The Town Engineer shall endeavor to update the Impervious Surface data in the Town's geographic information systems at least once every year, if supplied by the property owner and approved.

Upon close-out (Certificate of Occupancy) of any building permit under which the associated documentation or other data indicates that at least 1/4 of an EDU of impervious surface has been constructed upon a lot/parcel, the Planning Coordinator or Code Enforcement personnel shall provide to the Town Engineer notice of the number of square feet of impervious surface added, in net, to the lot/parcel, as indicated on documentation associated with said permit, together with the applicable tax lot number (SB)L.

The Town Engineer shall thereafter update the data in the Town's geographic information system to reflect the adjusted impervious surface area on the lot/parcel.

#### **Stormwater account and billing.**

The Town Accounting Department shall create and maintain a dedicated stormwater account separate from all other Town accounts or funds. All stormwater management fees, and any penalties or interest on such fees, shall be deposited into that account, and shall be used by the Town solely to provide stormwater services.

#### **Billing.**

The Town shall calculate and apply the stormwater management fees on a yearly basis. Stormwater management fees will appear on County/Town property tax bills, which will be due in February.

#### **Bill recipient.**

The stormwater management fee will be sent to the owner of the property within the Town, from the Real Property Services account.

In all cases, the owner is fully responsible yearly and liable for any unpaid stormwater management fees, including penalties and/or interest.



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If a lot/parcel fee is incorrectly applied to the tax bill, or not included, or is sent to the wrong party, the Town may back charge a property for a period not to exceed two years.

### **Effect of nonpayment.**

No certificate of occupancy or certificate of compliance shall be issued by the Building Department for any building or structure located on a lot if the stormwater management fee for such portion of the lot is in arrears.

The Town Board shall prescribe, in its discretion, a schedule of application and/or inspection fees to be charged in connection with this chapter. Such fees shall be deposited into the stormwater account.