



**SHERMAN CRAIG**  
Chairman

**TERRY MARTINO**  
Executive Director

**MEMORANDUM**

TO: Terry Martino

FROM: Kathy Regan, Planning Director

DATE: November 2, 2016

RE: Town of Lake George Local Land Use Program Amendment

The Town of Lake George seeks Agency review and approval to amend its Local Land Use Program. The Town seeks to adopt new local land use laws addressing stormwater. Specifically they propose two new codes, Chapter 147: Storm Sewer System Discharges, Activities and Connections and Chapter 148: Stormwater Management and Erosion & Sediment Control.

Lake George has administered an Agency-approved Local Land Use Program (ALLUP) since 1978. The Town's zoning law underwent a complete repeal, replacement and approval in 2003 and the Town has been working on minor amendments since then. These new local laws are proposed in accordance with MS4 requirements established by the New York State Department of Environmental Conservation (DEC).

**Proposed Changes**

The Town has by Resolution 160-2016, dated October 17, 2016, requested that the APA Board consider the new laws, known as Chapter 147: Storm Sewer System Discharges, Activities and Connections and Chapter 148: Stormwater Management and Erosion & Sediment Control for approval.

The purpose of Chapter 147 is to provide for the health, safety, and general welfare of the citizens of the Town of Lake George through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. The new law proposes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the State Pollutant Discharge Elimination System (SPDES) General Permit for Municipal Separate Storm Sewer Systems.

The purpose of Chapter 148 is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within the Town of Lake George by preserving and protecting the quality of ground and surface waters.

The proposed new chapters, dated September 13, 2016, are attached for reference.

### **Staff Review and Comment**

Section 807(2)(a) of the APA Act requires that an Approved Program be in furtherance and supportive of the Agency Land Use and Development Plan. The Plan includes the Development Considerations listed in 805(4) of the Act. The Town's proposal involves and addresses several of the Development Considerations including the Natural Resource Considerations of Water and Land in addition to the Site Development Considerations. These new laws, in addition to fulfilling DEC requirements, will codify and set standards for incorporation of stormwater management into project review.

Chapter 147 applies to the Municipal Separate Storm Sewer System (MS4) program administered by DEC. MS4's include any stormwater conveyance or system of conveyances (including roads with drainage) that are owned or operated by a State, city town or village. Regulated "Small" MS4s include urbanized areas with a population of 50,000 or overall density of 1,000 per square mile and/or those designated by DEC due to water quality concerns. This Chapter is required by DEC in order to meet the SPDES General Permit for Stormwater Discharges from MS4s. The law is required by DEC to be adopted by March 10, 2017. The technical aspects of the code are dictated by DEC under the MS4 program and therefore Agency staff defers to DEC on those aspects of compliance.

Chapter 148 is a companion law to Chapter 147 and addresses construction site runoff controls and post-construction stormwater management. In addition to the requirements of DEC, Chapter 148 references the more stringent requirements of the Lake George Park Commission. In its review of projects, the Agency would utilize these same standards to address stormwater concerns. Given that the Town does not currently have such requirements as outlined in Chapters 147 and 148, the addition of these codes provide for increased protection of the water resources of the Town and clearer expectations for landowners.

Based on its review of the proposed amendment, Agency staff believes that the proposal complies with the standards for approval of an amendment to a Local Land Use Program set forth in APA Act and regulations provided that the codes are deemed to be in compliance with the MS4 program.

## **Conclusion**

As explained above, Agency staff believe that the Town of Lake George's proposed amendment complies with the standards for approval set forth in APA Act §807(2) and NYCRR §582.2(e). Accordingly, Agency staff recommends approval of the proposed amendment with the condition that they comply with the MS4 requirements.