



SHERMAN CRAIG
Chairman

TERRY MARTINO
Executive Director

MEMORANDUM

TO: Terry Martino

FROM: Kathy Regan, Planning Director

DATE: July 7, 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. Specifically the Town seeks to amend its sanitary code which is a component of their Agency-approved Local Land Use Program under Section 582.2(e).

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. This law will replace the existing Chapters 134 Sewage Disposal Systems and A180 Lake George Consolidated Health District Regulations in the Town of Lake George.

Proposed Changes

The Town of Lake George had by Resolution 89-2015 on June 8, 2015, adopted the NYS DOH standards contained in 75-A as its sanitary code. Following discussion with Agency staff, the Town has revised their proposed sanitary code to include elements of their existing standards, the standards in NYS DOH 75-A and the Agency standards contained in Q4 and the 1991 Septic Guidelines. The Town has by Resolution 111-2016 requested that the APA Board consider the revised code, known as Chapter 115 Onsite Wastewater Treatment Systems for approval. The proposed code, dated May 12, 2016, has been attached for reference.

Staff Review and Comment

As part of an Agency-approved Local Land Use Program a Town must have a sanitary code (§582.2(e)) and §582.5(a)(7) requires that any amendments to an ALLUP's sanitary code are subject to review and approval by the Agency. Under §582.2(e)(2) the sanitary code must comply "with the regulations of the Department of Health contained in 10 NYCRR Part 75, the agency's model sanitary code, and if required by the agency and based upon local soil conditions, the additional standards set forth in Appendix Q-4..." The proposed sanitary code incorporates the Department of Health standards and therefore complies with those regulations.

Agency staff use the sanitary codes from several of the recent Agency-approved Local Land Use Programs, including the Towns of Johnsbury and Chester, as references for review of new proposed codes. These codes are current efforts and represent a recent use of a model code. Agency staff have determined that, given the soil conditions of Lake George, the incorporation of elements of Q4 into the sanitary code provides for a balanced approach to addressing on-site wastewater treatment in the Town.

The proposed code provides for more stringent review, in accordance with Agency practice, of the siting of conventional on-site wastewater treatment systems when proposed in concert with new development. In addition it acknowledges the challenges for replacement systems and encourages appropriate and enhanced treatment for those projects.

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.

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.