



ANDREW M. CUOMO
Governor

TERRY MARTINO
Executive Director

MEMORANDUM

TO: Terry Martino, Executive Director

FROM: Christopher E. Cooper, Counsel /s/CEC

DATE: February 4, 2021

RE: Amendments to Lake George Park Commission Stormwater Regulations

On January 28, 2021, the Lake George Park Commission (Commission) formally requested that the Adirondack Park Agency (Agency) approve the Commission's proposed amended Stormwater Management regulations at 6 NYCRR § 646-4 (Stormwater Regulations). Following consultation and review, Agency staff recommend approval of the proposed amended Stormwater Regulations.

Section 43-0112 of the Environmental Conservation Law (ECL) directs the Commission to develop, in consultation with the Department of Environmental Conservation (Department), the Agency, and each municipality located within the Lake George Park, and with approval of the Department and Agency, regulations for the preparation of local stormwater management plans and stormwater regulatory programs to prevent any increase in stormwater runoff and pollution which would degrade the quality of water in Lake George. Stormwater Regulations have been in effect since 1990, with the current regulations at 6 NYCRR § 646-4 approved by the Agency on August 13, 1998.

In June 2018 the Commission found the amendments to be a Type 1 Action and declared itself lead agency for the purposes of its State Environmental Quality Review Act (SEQRA) review. The Agency and Department have been involved agencies in the Coordinated Review. As involved agencies, Agency and Department staff reviewed and provided comments and suggested revisions to the amendments initially proposed by the Commission.

Following consultation with Agency and Department staff, the Commission issued a Notice of Proposed Rule Making on July 7, 2020. The Commission then relied on the findings and information contained in the Final Generic Environmental Impact Statement accepted on June 30, 1998, and the Findings Statement issued on July 10, 1998, pursuant to SEQRA, 6 NYCRR 617.11, for the current regulations to make a Negative Declaration in July 28, 2020.

The proposed amendments include the following: (1) Logging and agricultural activities which exceed stormwater jurisdictional disturbance of 5,000 square feet must have a submitted soil conservation plan and must comply with State best management

practices; (2) No fertilizer may be applied within 50 feet of any waterbody, excepting newly established lawn areas during their first growing season; (3) All infiltration devices serving residential projects must meet a standard 35 foot setback to water resources; and (4) Stormwater retrofits will be required for all jurisdictional development projects to mitigate stormwater discharges from all existing impervious areas on the property.

Each of these changes is more restrictive than the current regulations, except for the infiltration device setback, which is a lessening of restrictions for major land development projects. This change will bring the infiltration setbacks into line with the existing shoreline setbacks and more appropriately address the relative runoff impacts from residential development compared to larger and more commercial developments. The more reasonable infiltration setbacks for residential projects will allow for better design and construction for homes while avoiding variances.

The proposed amendments initially included stream corridor management provisions, which have since been removed to be more appropriately handled as a separate regulatory undertaking pursuant to ECL §43-0112(5).