

VOTING **Ayes: 3** **Earl, Perry, Root**
 Nays: 0
 Absent: 2 **Blais, Mastrodomenico**

RESOLUTION NO. 25, 2017 ADOPTED.

April 17, 2017

Deputy Mayor Earl asked for any other comments on the Proposed Local Laws. There were none.

At 6:55 p.m. Deputy Mayor Earl closed the Public Hearings on Proposed Local Law 2017 repealing Chapter 30 "LOCAL LAWS", amending Chapter 220 "ZONING", and Proposed Local Law No. amending Chapter 208, "VEHICLE & TRAFFIC".

Motion by Trustee Perry, seconded by Trustee Root, unanimously carried, to make a Negative Declaration on SEQR, stating that there was no significant adverse impact on the Village of Lake George in adoption of Proposed Local Law No. 6, 2017 repealing Chapter 30, "LOCAL LAWS" of the Code of the Village of Lake George.

VOTING **Ayes: 3** **Earl, Perry, Root**
 Nays: 0
 Absent: 2 **Blais, Mastrodomenico**

**LOCAL LAW NO. 6, 2017
REPEALING CHAPTER 30
To the Code of the Village of Lake George
"LOCAL LAWS"**

Be it enacted by the Board of Trustees of the Village of Lake George, in the County of Warren, State of New York, as follows:

§30-1. Purpose and Intent.

The purpose and intent of this Local Law is to repeal Chapter 30 of the Code of the Village of Lake George, titled "Local Laws".

§30-2. Repeal of Chapter 30.

Chapter 30 of the Code of the Village of Lake George is hereby repealed.

§30-3. Severability

If any clause, sentence, paragraph, subdivision, section, or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this chapter, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§3. Amendments to Article VII of Chapter 220 of the Code of the Village of Lake George:

Article VII of Chapter 220 of the Code of the Village of Lake George is hereby amended as follows:

§220-49: Stormwater Management. All sites reviewed by the Planning Board shall incorporate compliance with Article IX, Stormwater Management Regulations of this Chapter.

§4. Amendments to Article IX of Chapter 220 of the Code of the Village of Lake George:

Article IX of Chapter 220 of the Code of the Village of Lake George is hereby amended as follows:

Article IX: Stormwater Regulations:

§220-54 Introduction.

The Village finds that uncontrolled drainage and runoff associated with land development activities has a significant impact upon the health, safety and welfare of the community for the following reasons:

§220-55 Purpose and objectives.

- D. Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-02-02 or as amended or revised.

- E. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised.

§220-57 Prohibitions.

G. The following activities are exempt:

- (1) Emergency repairs to any stormwater control measure and emergency activity immediately necessary to protect life, property or natural resources.

- (6) Cemetery graves;
- (7) Installation of fence, sign, telephone and electric poles and other kinds of posts or poles.

§220-58. Project Classification for stormwater management.

- A. Minor projects. The following development activities shall be considered to be minor projects:

B. Major projects. Any project not expressly exempt or defined as minor project shall be a major project. The following may be considered major projects:

(4) Any SPDES Land Development Activity.

§220-59. Design requirements and performance standards.

A. Minor projects. The following requirements shall apply to minor projects:

B. Major Projects.

(1) For all Major projects, stormwater volumes and rates of flow shall be calculated using Engineering Specifications for Design Professionals listed below. In addition, all stormwater control measures shall meet (a) the standards set forth below or (b) the New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor) and New York Standards and Specifications for Erosion and Sediment Control (New York State Department of Environmental Conservation), most current version or its successor), whichever is stricter. In the event of a conflict between (a) and (b) above as applied to Major projects in this Chapter, the stricter of the two shall apply.

(a) Design requirements for stormwater control measures.

[3] Infiltration devices shall be designed such that the bottom of the system will be a minimum of two feet above the seasonal high groundwater level to be realized following development. This provision shall not apply to wet ponds and similar stormwater control measures which are designed to be built in the saturated soil zone, or to the portion of an infiltration device designed to extend a minimum of 10% of the infiltration surface below the prevailing frost depth or four feet (whichever is greater) as required by paragraph 5 below.

[2] For all SPDES Land Development Activity Major projects, the following requirements shall apply, except that where a conflict exists between the following requirements and any other requirement for a Major project under this Chapter, the stricter requirement shall apply:

- (a) Technical Standards. For purposes of this Chapter, the following requirements shall apply, except that where any other requirement for a Major project is stricter:
- (i) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual);
 - (ii). New York Standards and Specifications for Erosion and Sediment Control, (New York State Department of Environmental Conservation)

most current version or its successor, hereafter referred to as the Erosion Control Manual).

- (b) Equivalence to Technical Standards. Where stormwater management practices are not in accordance with technical standards in the Design Manual, the project sponsor must demonstrate equivalence to these technical standards and the SWPPP shall be prepared by a licensed professional.
- C. General requirements for major and minor projects. The following requirements shall apply to major and minor projects:

- (5) Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

§220-60 Erosion control measures.

- A. Temporary erosion control shall be provided for all disturbed areas in accordance with the Erosion Control Manual. The temporary erosion control measures shall be maintained continuously until permanent control measures are in service. Infiltration devices shall be protected from siltation during the period of construction and until the site is successfully revegetated by use of silt screens, inlet protection devices, sediment detention ponds or other suitable erosion control measures.

§220-61 Maintenance of stormwater control facilities.

A stormwater permit shall include, at a minimum, provisions for the maintenance of the site, consistent with the following:

- A. During Construction.
 - (1) The project sponsor shall at all times properly operate and maintain all facilities and systems of treatment and control (related appurtenances) which are installed or used by project sponsor to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.
 - (2) The project sponsor shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in site log book.
- B. Post Construction.
 - (1) Applicability prior to issuance of a certificate of completion for any major project, or any minor project where it is deemed necessary, the project sponsor shall provide for arrangements for the future maintenance of stormwater control measures subject to the approval of the Village. This may include, but shall not be limited to, the following approval of the

bylaws and/or certificate of incorporation of a transportation corporation or homeowners' association; posting of a performance bond; placing of funds on deposit; and a storm

- (2) water management maintenance agreement between the owner(s) of the site and the Village consistent with the terms and conditions of Schedule E, entitled "Sample Stormwater Control Facility Maintenance Agreement," [1]
- (3) Purpose. Stormwater management maintenance arrangements shall be those necessary to ensure that stormwater control measures are maintained in working condition throughout the life of the project.
- (4) Notice. Stormwater management maintenance agreement shall be recorded in the office of County Clerk, or its terms shall be incorporated into covenants appearing in the deed, declarations of covenants and restrictions or other such documents, to ensure that record notice of its terms is provided to future owners of the site. It shall also be included in the offering plan if any, for the project.
- (5) Initial maintenance security. The project owner(s) or sponsor shall establish a maintenance security in the form of a bond, letter of credit, escrow account of other acceptable security, for the purpose of rebuilding, maintaining or repairing the stormwater control facilities during the first two years following the approved completion of construction.

§220-62 Permit application review procedures.

A. Plan Review.

C. Major projects. Major projects shall require a site plan review in accordance with Village land use ordinances.

(4) Prior to the approval of the final subdivision plat or commonly owned facilities, it shall be first determined that there is sufficient information to support a finding that the stormwater measures subject to future approval can be designed and constructed in accordance with this chapter.

(5) For SPDES Land Development Activity projects, the preparation and acceptance by the Planning Board of a SWPPP prepared in accordance with this Chapter.

§220-63 Criteria for issuance of stormwater control permits of SWPPP.

A. An application for stormwater control permit or a SWPPP may be approved, denied or approved with modifications or conditions, including modifications to non-stormwater aspects of the development necessary to achieve the required level of stormwater management.

B. No stormwater management permit or SWPPP shall be issued unless the Village makes the following findings, which shall be supported by substantial evidence. The facts supporting such findings shall be set forth in the decision document or permit. The issued permits shall set forth all required conditions and incorporate all necessary documents and maps. The findings are as follows:

§220-65 Inspections and Enforcement; penalties for offenses; restoration of property.

- A. At any time prior to, during, or after construction of any activity regulated under this Chapter, the zoning/land use office officer or any other individual designated by the Board of Trustees of the Village of Lake George may inspect any land development activities for compliance with these stormwater regulations set forth in this Chapter. In the event, any violations or non-compliance with any SWPPP or these stormwater requirements are found, a notice shall be given to the applicant, owner or developer advising of the nature of the violation and required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has been inspected and approved.
- B. Violations. Any development activity that is commenced or is conducted contrary to this chapter may be restrained by injunction or otherwise abated in a manner provided by law.
- C. Civil and Criminal penalties. In addition to, or as an alternative to, any penalty provided herein or by law, any person who violates the provisions of this chapter shall be punished by a fine of not less than \$100. Nor more than \$1,000 or by imprisonment for a period not to exceed 60 days, or both such fine and imprisonment. Such person shall be guilty of a separate offense for each day during which the violation occurs or continues.
- D. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village may take necessary corrective action, the cost of which shall become a lien upon the property until paid.
- E. Notice of Violation.

§220-66 Reserved.

§220-67 Engineering specifications for design professionals.

- A. Content of stormwater concept plan or stormwater pollution prevention plan, as applicable.
 - (1) A stormwater concept plan (SCP) or stormwater pollution prevention plan (SWPPP), as applicable and if required, shall include sufficient information to evaluate the environmental characteristics of the project site, the potential impacts of the proposed development on water resources and the effectiveness and acceptability of measures proposed for managing stormwater runoff. Sufficient engineering analysis shall be performed and provided to show that the stormwater control measures in the plan are viable and capable of managing runoff from the site in compliance with these regulations and the Village's stormwater management plan and regulatory program. All anticipated development of the site and phases of the project, both present and future, shall be addressed in the SCP/SWPPP. The intent of this conceptual planning process is to determine the type of stormwater measures necessary for the proposed project necessary to achieve the required level of stormwater management. In order to ensure adequate planning for management of runoff from future development, the Village may also require SCP/SWPPP to consider the maximum development potential.

(2) For Development or redevelopment occurring on a site where development has previously occurred, an applicant shall be required to include within the stormwater concept plan measures for controlling existing stormwater runoff discharges from the site in accordance with the standards of this chapter to the maximum extent practicable. Such measures shall also include those measures reasonable and necessary to, at a minimum, infiltrate the runoff from the first half inch of precipitation from any storm even for all areas within the site which have previously been developed.

B. Content of the stormwater control report. A stormwater control report (SCR) shall, if not included in the SWPPP and if included with the SWPPP shall at a minimum include the requirements set forth below, be submitted which evaluates the quantity and quality of stormwater runoff resulting from the proposed project for all phases, both present and future, and, if required, for the maximum potential runoff from the site if it were to be developed to its maximum potential under existing zoning. The stormwater control report shall be consistent with and shall be reviewed on the basis of the approved SCP. An SCP shall contain, at the minimum, the following information:

(1) A description of the project site and surrounding area within 500 feet as it exists prior to the commencement of the project; a location map; description of the watershed of the sub catchment and it's relation to the project site; soil types and descriptions on the site and surrounding area; topography of the project site and surrounding area; surface characteristics, including percent covered by asphalt, concrete, crushed stone, grasses, brush and trees; current land use, including all structures and characteristics of the shoreline and its development, if applicable; drainage patterns, including streams, ponds, culverts, ditches and wetlands; locations of utilities, roads and easements; and construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than one (1) acre shall be disturbed at any one time unless pursuant to an approved SWPPP.

(2) A detailed description of the proposed project, including surface characteristics; proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharge(s) and construction cost estimates of stormwater management structures.

(7) A certification that the stormwater control measures as designed and presented in the SCR will function adequately and in accordance

with this Code section, will not adversely affect adjacent or downstream waters or properties, and have been designed in accordance with this chapter, and for stormwater runoff from land development activities discharging a pollutant of concern either an impaired water identified on the Department's 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment, a certification by the landscape architect, certified professional or professional engineer that the stormwater management practices meet the requirements of this code. The report and plans shall bear the stamp and signature of the licensed professional engineer or architect or exempt land surveyor executing the above certification.

E.SPDES Land Development Activity.

- (1) For all SPDES Land Development Activity major projects, all SWPPs shall provide the following background information and erosion and sediment controls:
 - (a) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP;
 - (b) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
 - (c) Description of construction and waste materials expected to be stored onsite with updates as appropriate and a description to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater and spill prevention and response;
 - (d) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close out;
 - (e) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
 - (f) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
 - (g) Temporary practices that will be converted to permanent control measures;
 - (h) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;

- (i) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
 - (j) Name(s) of receiving water(s);
 - (k) Delineation of SWPPP implementation responsibilities for each part of the site;
 - (l) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
 - (m) Any existing data that describes the stormwater runoff at the site.
- (2) Land development activities meeting Condition “A”, “B” or “C” below shall also include water quantity and water quality controls (post construction stormwater runoff controls) as set forth below as applicable:

Condition A – Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department’s 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of impairment.

Condition B – Stormwater runoff from land development activities disturbing five (5) or more acres.

Condition C – Stormwater runoff from land development activity disturbing between 91) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.

(3) SWPPP Requirements for Condition A, B and C:

- (a) All information in §220-67(f)(1) of this local law.
- (b) Description of each post construction stormwater management practice.
- (c) Site map/construction drawing(s) showing specific location(s) and size(s) of each post construction storm- water management practice
- (d) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
- (e) Comparison of post development stormwater runoff conditions with predevelopment conditions;
- (f) Dimensions, material specifications and installation details for each post construction stormwater management practice;
- (g) Maintenance schedule to ensure continuous and effective operation of each post construction stormwater management practice;
- (h) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;
- (i) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site storm- water management measures.

(4) Contractor Certification.

- (a) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards".
- (b) The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
- (c) The certification statement(s) shall become part of SWPPP for the land development activity.

- (5) A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

§5. Amendments to Article XV of Chapter 220 of the Code of the Village of Lake George:

Chapter 220 of the Code of the Village of Lake George is hereby amended as follows:

ARTICLE XV: Definitions and Word Usage

DESIGN MANUAL

The New York State Stormwater Management Design Manual, most recent version including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

EROSION CONTROL MANUAL

The most recent version of "New York Standards and Specifications for Erosion and Sediment Control" manual, commonly known as the "Blue Book".

MAINTENANCE AGREEMENT

A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES CP-02-01

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-02

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards.

SPDES LAND DEVELOPMENT ACTIVITY

Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

STOP WORK ORDER-

An order issued which requires that all construction activity on site be stopped.

STORMWATER CONCEPT PLAN OR SCP

A report prepared in accordance with this chapter or on behalf of a sponsor project which includes analysis of a site's environmental characteristics, potential impacts of the development on water resources, and the effectiveness and acceptability of the proposed stormwater management system in order to determine the types of stormwater measures necessary for the proposed development. A SCP may be included in a SWPPP.

STORMWATER MANAGEMENT PRACTICES (SMPs)

Measures, either structural or non-structural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

§6. Amendments to Article XVI, Repealer, Severability, Effective Date

§220-104. Severability is amended as follows: If any clause, sentence, paragraph, subdivision, section, or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this chapter, or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order of judgment shall be rendered.

§6. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this chapter, or in its application to the

A. A fee of \$0.50 per 1/2 hour up to the maximum parking time permitted in this article is hereby established for parking in all parking meter zones [~~and James Street Parking Lot~~] except hereafter designated in the Village of Lake George.

B. A fee of \$2 per hour is hereby established for parking in the following [~~Village parking lots~~] designated zones:

- (1) Beach Road Parking Lot.
- (2) Quirk Lot.
- (3) James Street Parking Lot.

C. The Village Board shall have the authority to issue preferred parking passes as necessary and set appropriate fees for same.

ARTICLE XXV Effect of Ordinance

§ 208-48. When effective.

F. This section shall take effect immediately upon the filing of this section with the Secretary of State of the State of New York.

Explanation: New Material is underlined. Deleted Material is in [brackets.]

VOTING	Ayes: 3	Earl, Perry, Root
	Nays: 0	
	Absent: 2	Blais, Mastrodomenico

LOCAL LAW NO. 8, 2017 ADOPTED.

April 17, 2017

Deputy Mayor Earl asked for any other business.

Trustee Root mentioned that he recently watched a Warren County Board of Supervisors meeting on television. He was glad to see that Supervisor Dickinson is taking a more active leadership role in determining the Occupancy Tax distribution formula. He asked if Supervisor Merlino was still the Chairman of that Committee. He would like to request some more Occupancy Tax to upgrade the Visitors' Center displays. The displays have not been updated in ten years. There is so much new technology that could be used by the tourists.

There was a motion by Deputy Mayor Earl, seconded by Trustee Perry, to adjourn at 7:08 p.m.

Respectfully submitted,

Darlene V. Gunther
Clerk-Treasurer