Chapter 148.Stormwater Management and Erosion & Sediment Control

GENERAL REFERENCES

Zoning — See Ch. **175**.

Subdivision of land — See Ch. **150**.

148 Schedule A **148 Schedule B** **148 Schedule C** **148 Schedule D** **148 Schedule E**

§ 148-1. Short title.

This chapter shall be known as the "Town of Lake George Stormwater Management Local Law."

§ 148-2. Findings.

It is hereby determined that:

A. Land development activities and associated increases in impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition.

B. This stormwater runoff contributes to increased quantities of waterborne pollutants, including siltation of aquatic habitat for fish and other desirable species.

C. The increase in nutrients in stormwater runoff accelerates eutrophication of receiving waters.

D. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitats.

E. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing stream bank erosion and sedimentation.

F. Improperly managed stormwater runoff can increase the incidence of flooding and the level of floods which occur, endangering property and human life.

G. Siltation of water bodies resulting from increased erosion decreases the capacity of the water bodies to hold and transport water, interferes with navigation and harms flora and fauna.

H. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow.

I. Substantial economic losses can result from these adverse impacts on the waters of the Town.

J. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities.

K. It is in the public interest to regulate stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff, thereby minimizing threats to public health and safety.

L. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the

natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

§ 148-3. Purpose.

The purpose of this chapter 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 the ground- and surface waters and to address the findings in § **148-2** hereof. This chapter seeks to meet those purposes by achieving the following objectives:

A. Meet the requirements of minimum measures 4 and 5 of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-0-15-003 most recent version or its successor, as amended or revised.
B. Require land development activities to conform to the substantive requirements of the SPDES General Permit for Construction Activities, GP-0-15-002 most recent version or its successor, as amended or revised.
C. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels.
D. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality.
E. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable.
F. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and ensure that these management practices are properly maintained and eliminate threats to public safety.
G. Provide for more stringent requirements within the portion of the Town that is within the Lake George Park, reflecting the unique environmental sensitivity of Lake George and the need to protect its water quality.
H. Preserve the natural character, scenic beauty and aesthetic value of the mountains and hillsides, guard against property damage and personal injury, minimize the potential for erosion, soil failure, stream siltation and contamination of surface waters caused by the misuse of steep slope areas, and to conserve existing vegetation and woodlands.
I. Ensure compliance with the shoreline restrictions of the Adirondack Park Agency.

§ 148-4. Statutory authority.

In accordance with § 10 of the Municipal Home Rule Law of the State of New York, the Town Board has the authority to enact local laws and amend local laws for the purpose of promoting the health, safety or general welfare of the Town and for the protection and enhancement of its physical environment. The Town Board may include in any such local law provisions for the appointment of any municipal

officer, employees, or independent contractor to effectuate, administer and enforce such local law. Further statutory authority for this chapter can be found in Article 9 of the Town Law and Environmental Conservation Law § 43-0112.

§ 148-5. Definitions.

The terms used in this chapter or in documents prepared or reviewed under this chapter shall have the meanings as set forth in Schedule A of this Chapter.

§ 148-6. Applicability.

A. This chapter shall be applicable to all land development activities as defined in § **148-5**.
   (1) All land development activities subject to review and approval by the Planning Board under the Town's subdivision, site plan, and/or special permit regulations shall be reviewed subject to the standards contained in this chapter. No application for approval of a land development activity shall be reviewed until the Planning Board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter and the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity (most recent version)
   (2) All land development activities not subject to such review shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this chapter and the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity (most recent version).

B. All building, construction, land clearing, subdivision or other development of land located within the Lake George Park, except development which is expressly exempt in accordance with § **148-11D** of this chapter, shall comply with the supplemental requirements contained in § **148-11** of this chapter.

C. All subdivision of land or building or construction activity or other development, including clearing, grading, excavating, soil disturbance or placement of fill, that will result in land disturbance of less than one acre shall comply with the requirements of § **148-9**.

D. Permits and approvals required by this chapter may be incorporated into the subdivision, site plan, land use or zoning approvals issued under separate provisions of the Town's land use program.

§ 148-7. Exemptions.

The following activities shall be exempt from review under this chapter except to the extent they are subject to the provisions of § **148-11**.

A. Agricultural activity as defined in this chapter consistent with a soil conservation plan approved by the appropriate County Soil and Water Conservation District or a timber management plan, prepared or approved by the Department.

B. Silvicultural activity of less than one acre, consistent with a soil conservation plan approved by the appropriate County Soil and Water Conservation District or a timber management plan, prepared or approved by the Department, except that landing areas and log haul roads are subject to this chapter.
C. Development involving land disturbance and land clearing of less than 5000 square feet which does not result in the creation of new impervious surfaces of more than 1000 square feet.
D. Emergency repairs or maintenance to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
E. Any part of a subdivision if a plat for the subdivision has been approved by the Planning Board on or before the effective date of this chapter.
F. Land development activities for which a building permit has been approved on or before the effective date of this chapter.
G. Cemetery graves.
H. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
I. Emergency activity, deemed necessary by the Stormwater Management Officer, immediately necessary to protect life, property or natural resources.
J. Activities of an individual engaging in home gardening by growing flowers, vegetables and other plants primarily for use by that person and his or her family.

§ 148-8. Stormwater pollution prevention plan requirement.

No application for approval of a land development activity (as defined in this chapter) shall be reviewed until the appropriate board / Stormwater Management Officer has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter and the General Permit GP-0-15-002, most recent version or its successors.

A. Stormwater Management Officer. The Town shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may review the plans; upon approval by the Town Board, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or accept the certification of a licensed professional that the plans conform to the requirements of this chapter.
B. Contents of stormwater pollution prevention plans.
    (1) All SWPPPs shall provide the following background information and erosion and sediment controls:
        (a) Background information about the scope of the project, including location, type and size of project;
        (b) Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map must show the total site area; all

improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity or development; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s); site map should be at a scale no smaller than one inch equals 40 feet (e.g., one inch equals 500 feet is smaller than one inch equals 100 feet);

(c) Description of the soil(s) present at the site;

(d) 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 acres shall be disturbed at any one time unless pursuant to an approved SWPPP;

(e) 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;

(f) Description of construction and waste materials expected to be stored on site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;

(g) 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;

(h) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;

(i) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;

(j) Temporary practices that will be converted to permanent control measures;

(k) 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;

(l) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;

(m) Name(s) of the receiving water(s);

(n) Delineation of SWPPP implementation responsibilities for each part of the site;

(o) 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

(p) Any existing data that describes the stormwater runoff at the site.

(2) Land development activities identified in Table 2 of Appendix B of GP-0-15-002, most recent version or its successors, shall prepare a SWPPP that includes water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Subsection **B(3) below as applicable:**

(3) The post-construction stormwater management practice component of the SWPPP shall include the following:

(a) All information in § 148-8(B)(1) of this chapter;

(b) Identification of all post-construction stormwater management practices to be constructed as part of the project. Include the dimensions, material specifications and installation details for each post-construction stormwater management practice;

(c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each postconstruction stormwater management practice;

(d) A Stormwater Modeling and Analysis Report that includes:

[1] Map(s) showing pre-development conditions, including watershed/subcatchments boundaries, flow paths/routing, design points and post-construction stormwater management practices;

[2] Map(s) showing post-development conditions, including watershed/subcatchments boundaries, flow paths/routing, design points and post-construction stormwater management practices;

[3] Results of stormwater modeling (i.e. hydrology and hydraulic analysis) for the required storm events. Include supporting calculations (model runs), methodology, and a summary table that compares pre and post-development runoff rates and volumes for the different storm events;

[4] Summary table, with supporting calculations, which demonstrates that each post-construction stormwater management practice has been designed in conformance with the sizing criteria included in the Design Manual;

[5] Identification of any sizing criteria that is not required based on the requirements included in Part I.C of GP-0-15-002 most recent version or successor; and

[6] Identification of any elements of the design that are not in conformance with the performance criteria in the Design Manual. Include the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the Design Manual;

(e) Soil testing results and locations (test pits, borings);

(f) Infiltration test results, when required; and

(g) An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective

operation of each post-construction stormwater management practice. The plan shall identify that entity that will be responsible for the long term operation and maintenance of each 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 stormwater management measures in accordance with § **148-10** of this chapter;

(j) Grading plan at a scale not to exceed one inch equals 40 feet; and

(k) Draft notice of intent (NOI).

C. Plan certification. The SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meets the requirements in this chapter.

D. 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 hereby certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the qualified inspector during a site inspection. I also understand that the owner or operator must comply with the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards. Furthermore, I am aware that there are significant penalties for submitting false information, that I do not believe to be true, including the possibility of fine and imprisonment for knowing violations."*

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 the SWPPP for the land development activity.

E. Other environmental permits. The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

F. Copy to be retained. A copy of the SWPPP shall be retained at the site of the land development activity during development and construction from the date of initiation of development and/or construction activities to the date of final stabilization.

§ 148-9. Performance and design criteria for stormwater management and erosion and sediment control.

All building, construction, soil disturbance, excavating, land clearing, grading, filling, subdivision of land, and/or other development, whether public or private, shall be subject to the following performance and design criteria:

A. Technical standards. For the purpose of this chapter, the following documents shall serve as the official requirements and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this chapter:
   (1) 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").
   (2) New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the "Erosion Control Manual").

B. Water quality standards. No building, construction, soil disturbance, excavating, land clearing, grading, filling, subdivision of land, and/or other development, whether public or private, shall cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

§ 148-10. Maintenance.

A. Maintenance during construction. The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer 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 50%. The applicant or developer or his or her representative shall be on site at all times when construction or grading activity and/or other development takes place and shall inspect and document the effectiveness of all erosion and sediment control practices. Inspection and maintenance requirements shall conform to all applicable sections of Part IV Inspection and Maintenance Requirements of the GP-0-15-002, most recent version or its successors. The reports shall be delivered to the Stormwater Management Officer prior to issuance of a certificate of occupancy (CO) and also copied to the site logbook.

B. Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Town.

C. Maintenance after construction. Permanent stormwater management practices (SMPs) installed in accordance with this chapter shall be operated and maintained to achieve the goals of this chapter. Proper operation and maintenance also includes, as a minimum, the following:
    (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this chapter.
    (2) Written procedures for operation and maintenance and training new maintenance personnel.
    (3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § **148-9** hereof.
    (4) Annual reports shall be provided to the Town describing the previous year's operation and maintenance activities.

D. Maintenance agreements. The Town shall approve a formal maintenance agreement for stormwater management facilities binding on all current and subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of **Schedule E** of this chapter entitled "Sample Stormwater Control Facility Maintenance Agreement." The Town, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

§ 148-11. Additional requirements for projects within the Lake George Park.

A. Applicability. This section shall apply to all building, construction, land clearing, subdivision of land and/or other development, both public and private, located within the Lake George Park, except development which is expressly exempt in accordance with Subsection **D** of this section, in addition to all foregoing provisions of this chapter.

B. Prohibitions.
    (1) No owner of real property shall maintain a condition which, due to a human disturbance of land, vegetative cover or soil, results in the erosion of soil into any water body. The Stormwater Management Officer shall notify a property owner of such condition on his property and shall afford a reasonable time period to correct any such condition before a violation shall be deemed to exist.
    (2) No person shall fail to comply with any provision or requirement of any permit issued in accordance with this chapter.
    (3) No person shall create a condition of flooding, erosion, siltation or ponding resulting from failure to maintain previously approved stormwater control measures where such condition is injurious to the health, welfare or safety of individuals residing in the park or injurious to any land within the park. The Stormwater Management Officer shall notify a property owner of such condition on his/her property and prescribe measures necessary to reestablish effective performance of the approved

stormwater control measures. The Town shall afford such property owner a reasonable time period in which to correct any such condition before a violation is deemed to exist.

C. Permit required.

(1) Except for the activities exempted in Subsection **D** of this section, no person shall build, construct, erect, expand or enlarge any building or structure or place or construct any impervious surface such as pavement, blacktop, macadam, packed earth and crushed stone without first receiving a stormwater management permit from the Town, unless otherwise exempted herein.

(2) No person shall create a subdivision of land subject to approval by the Town until first receiving a stormwater management permit from the municipality for all buildings, structures and impervious surfaces proposed to be created, except that the terms of this chapter shall not apply to persons engaged in activities for which required municipal permits and approvals were issued prior to the effective date of this chapter.

(3) Except for the activities exempted in Subsection **D** of this section, no person shall operate a land-clearing machine such as a back hoe, grader or plow or similar device so as to clear or grade land or otherwise remove vegetative cover or soil or to overlay natural vegetative cover with soil or other materials when such activities involve an area of land greater than 5,000 square feet without first having received a stormwater management permit under this chapter.

(4) No person shall build, alter or modify a stormwater control measure without first receiving a stormwater management permit from the Town. Such building, alteration and/or modification does not include the ordinary maintenance, cleaning and/or repair of stormwater control measures.

(5) No person shall engage in clear cutting of forest areas without first receiving approval from the Town of Lake George Planning Board. This requirement may be adjusted at the discretion of the Zoning Officer in order to allow for flexibility of development plans, i.e., placement of buildings, driveways, lawns and recreational facilities.

D. Exemptions. The following activities are exempt from the requirements of this section:

(1) Emergency repairs or maintenance to any stormwater control measure.

(2) Development involving land disturbance and land clearing of less than 5,000 square feet which does not result in the creation of new impervious surfaces of more than 1,000 square feet.

(3) Any logging and agricultural activity, which is consistent with a soil conservation plan approved by the appropriate County Soil and Water Conservation District or a timber management plan, prepared or approved by the Department of Environmental Conservation, as applicable.

(4) Activities of an individual engaging in home gardening by growing flowers, vegetables and other plants primarily for use by that person and his or her family.

(5) Activities for which a building permit was issued prior to the effective date of this chapter.

(6) Construction of an approved wastewater treatment system and construction of a wharf, dock, boathouse and mooring.

E. Project classification for stormwater management:

(1) Minor projects. The following development activities shall be considered to be minor projects:

(a) Any building, land clearing or development activity affecting less than 15,000 square feet of land.

(b) Creation of a two-lot, three-lot or four-lot subdivision which may result in the construction of no more than one single-family residential structure and related accessory structures per lot, and will require land clearing or alteration activities of less than 15,000 square feet per lot and less than 15,000 square feet total for any subdivision road.

(c) Any building, alteration or modification of a stormwater control measure, excluding maintenance, cleaning or repair of such stormwater control measure.

(2) Major projects. Any project not expressly exempted from regulation or defined as a minor project shall be a major project. In addition, the following may be considered to be major projects:

(a) Any part of a minor project which occurs on:

[1] Soils of high potential for overland or through-soil pollutant transport;

[2] An area with a slope of 15% or greater when measured in any direction over a distance of 100 feet from the center of the proposed building site; or

[3] An area with a soil percolation rate slower than 60 minutes per inch.

(b) Minor projects treated as major projects.

[1] Any minor project may be treated as a major project if such treatment is warranted in the judgment of the Stormwater Management Officer due to specific site limitations or constraints, anticipated environmental impacts or the need or advisability of additional public notice and comment. When determining whether to treat a minor project as a major project, the criteria to be considered shall include, but shall not be limited to, whether the site lies within or substantially contiguous to any of the following:

[a] A critical environmental area established in accordance with SEQRA;

[b] A wetland;

[c] A stream corridor;

[d] An area of significant habitat for any wildlife or plant species;

[e] An area of particular scenic, historic or natural significance.

[2] The project sponsor of a minor project that will be treated as a major project shall be given a written statement of the reasons for such a determination.

F. Permit application review procedures.

(1) Minor projects. The Stormwater Management Officer shall have primary responsibility for the review, approval and issuance of stormwater management permits for minor projects. The Stormwater Management Officer may request technical assistance from the Commission and/or the Town Engineer.

(a) Prior to permit decisions, a test pit may need to be witnessed.

(b) The Stormwater Management Officer shall determine whether notice to adjacent owners is warranted by public interest or other considerations.

(c) Prior to the issuance of a permit for any project, the Stormwater Management Officer shall determine that the project as proposed is in accordance with the design standards of this chapter.

(2) Major projects. Major projects shall require site plan review in accordance with the Town's Zoning Law.

(a) The applicant shall provide a stormwater pollution prevention plan as described in § 148-8B together with the required application fee. It is noted that where there exists conflict between the design requirements and performance standards of a SWPPP (as prescribed by NYSDEC and this standard) and a Major Project (as prescribed by the LGPC and this standard), the more restrictive provisions shall apply.

(b) Approval of the SWPPP may require a public hearing if the Town's Zoning Law or Subdivision Law requires such a hearing.

(c) The final subdivision plat shall contain stormwater control measures for all commonly owned roads, buildings, parking areas and impervious areas. Approved stormwater design plans shall be filed together with the final subdivision plat with the County Clerk.

G. Criteria for issuance of stormwater management permits.

(1) An application for a stormwater management permit 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.

(2) No stormwater management permit shall be issued unless the Stormwater Management Officer (for a minor project) or the Planning Board (for a major project) 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:

(a) That the project meets the design requirements and performance standards set forth in this chapter.

(b) That the project will not have an undue adverse impact on the health, safety or welfare of the public or on the resources of the Lake George Park and will not lead to a diminution of water quality, an increase in erosion or an increase in stormwater runoff from the site either during or following development.

(c) That the stormwater control measures proposed for the proposed project will function as designed and that such measures represent the best possible methods and procedures for controlling stormwater runoff that are feasible and practicable at the particular project site.

(d) That adequate and sufficient measures have been taken to ensure accountability and responsibility over the life of the project should the stormwater control measures not function as intended, fail or suffer from inadequate maintenance to ensure their proper functioning. The Town of Lake George may require formation of a homeowners' association registered in accordance with § 352-e of the New York State General Business Law and execution of a maintenance agreement consistent with Schedule E.

(e) That the proposed project will not contribute to flooding, siltation or stream bank erosion and will not result in any increase, directly or indirectly, in pollution to Lake George or its tributaries from stormwater runoff.

H. Variances.

(1) If, during the review of an application, it is determined that the application of any design or dimensional requirement contained in this section will result in the denial of the project, the applicant shall be afforded an opportunity to modify the project plans or in the alternative to make application for a variance to the Zoning Board of Appeals. Upon denial of any permit application for a project for failure to conform to specific provisions of this chapter, the applicant may make an application for a variance to the Zoning Board of Appeals.

(2) If the applicant determines that any aspect of the project cannot meet any design or dimensional requirement contained in this chapter, the applicant may make direct application for a variance to the Zoning Board of Appeals.

(3) Variance applications shall be on such forms as may be prescribed and shall conform with and contain the permit application requirements set forth in this chapter.

(4) The granting of any variance shall be done in accordance with Article **XI**, § **175-95C(3)**, Board of Appeals. The granting of any variance shall be done in accordance with §§ 267-a and 267-b of the New York State Town Law and any amendments thereto as appropriate; provided, however, that the grant of any variance to the shoreline or cutting restrictions of § 806 of the Adirondack Park Agency Act (Executive Law, Article 27) must be in compliance with that section and § 807 of the Act, if applicable.

(5) No variance shall be granted by the Town of Lake George until first providing notice to the Commission a minimum of 15 days in advance. The Commission shall be deemed a party to the proceedings.

I. Design requirements and performance standards.

(1) General requirements for major and minor projects. The following requirements shall apply to major and minor projects:

(a) Stormwater control measures shall include such measures as are deemed necessary to prevent any increase in pollution caused by stormwater runoff from development which would otherwise degrade the quality of water in Lake George and its tributaries, render it unfit for human consumption, interfere with water-based recreation or adversely affect aquatic life.

(b) Emergency overflow provisions shall be made as necessary to prevent erosion, flooding and damage to structures, roads and stormwater control measures.

(c) Stormwater control measures shall be designed to minimize adverse impacts to water bodies, minimize disturbance of water bodies, minimize land clearing, and minimize the creation of impervious surfaces and to maximize preservation of natural vegetation and existing contours.

(d) Development which involves the creation of areas subject to intensive landscape maintenance, such as golf courses, public parks and botanical gardens, shall require that a pest control and fertilizer management plan shall be prepared and included with the permit application.

(e) For land clearing of forested land areas. In addition to other regulations of this chapter, tree removal will require a residual stand of trees, one inch in diameter and larger measured at a point 4.5 feet above the ground, having at least 60 square feet of basal area per acre. Tree removal on lots of less than one acre shall have a proportional amount of the 60 square feet of basal area (for example, a 0.5 acre parcel will require a residual stand of 30 square feet of basal area). The residual trees shall be well distributed over each acre or parcel and provide maximum screening from public rights-of-way, including the waters of Lake George. This requirement may be adjusted at the discretion of the Planning Board in order to allow for flexibility of development plans, i.e., placement of buildings, driveways, lawns and recreational facilities.

(2) Minor projects. The following additional requirements shall apply to minor projects:

(a) Stormwater shall be managed on site using stormwater control measures designed to afford optimum protection of ground and surface waters. Stormwater control measures shall be selected by giving preference to the best management practices for pollutant removal and flow attenuation as specified in Schedule C. Stormwater may be calculated in accordance with the methodology for determining stormwater volume and flow rates for major projects found in Schedule B, Part I, or, in the alternative, at a flat rate

of 1.5 gallons of stormwater for every square foot net increase in impervious area. Net increase is the difference between predevelopment and postdevelopment conditions. All water from newly created impervious areas which would otherwise run off the parcel shall be directed to an infiltration device. Location of the infiltration devices shall be determined based upon soil test results.

(b) Stormwater control measures may include, but shall not be limited to, dry wells of precast concrete, pits of crushed rock lined with geotextile fabric and infiltration trenches. Such measures may also include natural and human-made landscape features such as depressions, blind ditches, retention ponds, swales and others. Inlets to infiltration devices shall be protected from sediment at all times in order to maintain their capacity.

(c) Infiltration devices shall not be installed up gradient within 20 feet of the subsurface treatment system of a wastewater treatment system. Infiltration devices for roadways, parking lots and other areas subject to vehicle traffic shall not be installed within 100 feet of any water well, wetland or water body.

(d) Infiltration devices and buildings shall be designed to maintain maximum attainable horizontal distance separation from wells, water bodies and wetlands. Pumping stormwater shall not be permitted.

(e) The bottom of any infiltration device shall be a minimum of two feet above seasonal high groundwater mark and two feet above bedrock.

(f) Temporary erosion controls shall be required to prevent siltation of water bodies during construction and/or other development.

(g) Stormwater control measures proposed to be installed at locations with a slope greater than 15% before grading, soil percolation rate slower than 60 minutes per inch or which require placement of fill to meet vertical distance separations specified in this chapter shall be designed by a licensed professional engineer, architect or exempt land surveyor.

(h) Tree removal and land clearing.

    [1] Within 35 feet extending inland from all points along the mean high-water mark, no vegetation may be removed. This area shall be maintained as an undisturbed natural buffer strip.

    [2] The general exception to this standard shall be an allowance for lake access and beaches. The creation of a continuous clear-cut opening in the buffer strip shall not exceed 20% of the shoreline frontage on any individual lot. The clear cut should be angled across the lot so as to allow for a view and access, but reduce runoff. The pathway created should be constructed or surfaced to be effective in controlling erosion.

    [3] From beyond 35 feet from the mean high-water mark, the cutting of trees and shrubbery shall be allowed when in compliance with other

provisions set forth in this chapter. In any event, the cutting of trees and clearing of vegetation shall be the minimal amount required for the use to be permitted.

(3) Major projects. The following additional requirements shall apply to major projects:

(a) As provided in § **148-9**, stormwater management practices for major projects shall be designed and constructed in accordance with the following technical documents:

[1] 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").

[2] New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the Erosion Control Manual).

(b) Stormwater volumes and rates of flow shall be calculated using the methods specified in **Schedule B**, Part I.

(c) Supplemental design requirements for stormwater control measures.

[1] Stormwater control measures shall be designed so that there will be no increase in runoff volume from a ten-year-frequency/twenty-four-hour-duration storm event following development over the predevelopment volume.

[2] For storm events exceeding the ten-year design storm, the stormwater control measures shall function to attenuate peak runoff flow rates for a twenty-five-year-frequency storm to be equal to or less than predevelopment flow rates. For development greater than five acres, consistent with New York State guidelines, stormwater control measures shall function to attenuate peak runoff flow rates for a one-hundred-year storm to be equal to or less than predevelopment flow rates. Attenuation of the one-hundred-year storm is intended to reduce the rate of runoff from development to prevent expansion of the one-hundred-year floodplain so as to alleviate flooding of improved properties and roadways. The minimum requirement for peak flow attenuation can be waived for the one-hundred-year storm event where it can be proven that downstream flooding is not a concern, such as where excess stormwater runoff is discharged to Lake George or to a regional stormwater facility designed to handle additional volume and peak discharge. The cumulative effect of all proposed development projects within the watershed should be considered in making this determination. Rainfall intensity curves for Lake George, New York, shall be used in the design of the stormwater control

measures. These curves are annexed to this chapter as **Schedule D**, entitled "Rainfall Intensity Curves. Additionally, for development greater than five acres, coverage is required under a state pollutant discharge elimination system (SPDES) general stormwater permit administered by the Department of Environmental Conservation.

[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. Where compliance with this requirement would prevent compliance with Subsection **I(3)(c)[5]** below, compliance with this requirement may be waived. This provision shall not apply to wet ponds and similar stormwater control measures which are designed to be built in the saturated soil zone.

[4] Infiltration devices for major projects shall be located a minimum of 100 feet from Lake George and any down-gradient drinking water supply, lake, river, protected stream, water well, pond, wetland; a separation of more than 100 feet may be required in cases where contamination of the water supply is possible due to highly permeable soils, shallow groundwater and similar situations. The separation distance shall be a minimum of 50 feet from up-gradient water supplies. Designs shall mitigate adverse effects that groundwater recharge will have on adjacent wells, water supplies, wastewater treatment systems, buildings, roadways, properties and stormwater control measures. Stormwater recharge areas shall be located a minimum of 100 feet from the subsurface treatment system of a wastewater treatment system unless it is demonstrated that a lesser separation will not adversely affect the functioning of such leach fields.

[5] Infiltration devices shall be designed to extend a minimum of 10% of the infiltration surface area below the prevailing frost depth or four feet (whichever is greater) in order to provide infiltration during winter months.

[6] Infiltration devices shall be designed based on the infiltration capacity of the soils present at the project site. Soil evaluation methods shall be in accordance with **Schedule B**, Part II, Soil Evaluation Methods.

(d) Additional requirements for major projects.

[1] Order of preference for control measures:

[a] Stormwater control measures shall be used in the following order of preference:

[i] Infiltration devices.

[ii] Artificial wetlands and acceptable natural treatment systems.

[iii] Flow attenuation by use of open vegetated swales and depressions.

[iv] Stormwater detention.

[b] Stormwater control measures shall be selected by giving preference to the best management practice for pollutant removal and flow attenuation as indicated in **Schedule C**.

[2] All stormwater control measures shall be designed to completely drain to return to design levels in accordance with the following:

Control Measure	**Number of Days**
Infiltration basin	5
Infiltration trench	15
Dry well	15
Porous pavement	2
Vegetation depression	1

[3] Pretreatment devices such as sediment traps, detention/stilling basins, filter strips, grassy swales or oil/water separators shall be provided for runoff from paved areas or other areas subject to human-induced pollution, including grease and oils, fertilizers, chemicals, road salt, sediments, organic materials and settleable solids, which shall be sufficient to remove pollutants from the runoff.

[4] Stormwater control measures shall, at a minimum, incorporate the best available pollutant removal technology, which shall mean that which constitutes appropriate and cost-effective means for removing pollutants from runoff so that the resulting treated stormwater will not degrade the water quality of any water body.

[5] Stormwater control measures shall be designed to preserve and maintain the base flow in all streams passing through, adjoining or receiving runoff from the site.

[6] For development or redevelopment occurring on a site where development has previously occurred, the applicant shall be required to prepare concept plans and to develop construction estimates for stormwater control measures to control existing stormwater discharges from the site in accordance with the standards of this chapter to the maximum extent practicable. At a minimum, the control measures shall include those reasonable and necessary to infiltrate the runoff from the first one-half inch of precipitation from any storm event for all areas within the site which have been previously developed. The phased implementation

of such stormwater control measures for previously developed areas may be authorized.

J. Erosion control measures.

(1) Temporary erosion control shall be provided for all disturbed areas in accordance with the New York State Standards and Specifications for Erosion and Sediment Control. 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.

(2) Staging of construction to facilitate erosion control shall be required. Only those areas where construction is actively occurring shall remain open and unvegetated. All areas that are not within an active construction area shall be mulched and stabilized or shall be mulched and revegetated. An "active construction area" is defined as one on which substantial construction activity has occurred within the past seven calendar days. Temporary or permanent erosion control measures shall be implemented within 10 days following the last substantial construction activity.

(3) Compliance with the following restrictions shall be required:

(a) No vegetation shall be felled into any lake, pond, river, stream or intermittent stream, and, if inadvertently felled into one of these water bodies, shall be removed immediately from the water body.The removal of dead, or dying, diseased trees or trees presenting a health or safety hazard shall not be exempt from this requirement.

(b) For land with slopes greater than 15% or within 500 feet of the mean high water mark of any lake, pond, river, stream or wetland, no land area, including areas stockpiled with earthen materials, which has been cleared may be made or left devoid of growing vegetation for more than 24 hours without a protective covering securely placed over the entire area and/or erosion control measures properly installed.Acceptable protective coverings include natural mulch of a depth of two inches, rock riprap, nondegradable materials such as plastic or canvas coverings, and impervious structures.

(c) Any area of land from which the natural vegetative cover has been either partially or wholly cleared or removed by development activities shall be revegetated within 10 days from the substantial completion of such clearing and construction. Acceptable revegetation shall consist of the following:

[1] Reseeding with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage, but not less than 50% of the total disturbed area, to control erosion until such time as the cover crop is established over 90% of the seeded area.

[2] Replanting with native woody and herbaceous vegetation accompanied by placement of straw mulch or its equivalent of

sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

[3] Any other recognized method which has been reviewed and approved by the municipality as satisfying the intent of this requirement.

(d) Any area of revegetation must exhibit survival of a minimum of 75% of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five-percent survival for one year is achieved.

(e) Ground-clearing or grading activities which occur during the period October 15 to April 15, during which germination of vegetation typically will not take place, shall be required to incorporate extra measures during revegetation in order to reduce erosion and maintain water quality. These extra measures include, but are not limited to, the use of screen mesh, netting, extra mulch and siltation fences.

§ 148-12. Inspections

A. Erosion and sediment control inspections.

(1) The Town Stormwater Management Officer may require such inspections as necessary to determine compliance with this chapter and may either approve that portion of the work completed or notify the applicant as to any part of the work which fails to comply with the requirements of this chapter and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Town enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

(a) Start of development.

(b) Installation of sediment and erosion control measures.

(c) Completion of site clearing.

(d) Completion of rough grading.

(e) Completion of final grading.

(f) Close of the construction season.

(g) Completion of final landscaping.

(h) Successful establishment of landscaping in public areas.

(2) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization to comply with this chapter until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

B. Stormwater management practice inspections. The Town Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit as-built plans for any stormwater management practices

located on site after final construction is completed if there were any changes from the approved plan. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

C. Inspection of stormwater facilities after project completion. Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher-than-typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher-than-usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

D. Submission of reports. The Stormwater Management Officer may require monitoring and reporting from entities subject to this chapter as are necessary to determine compliance with this chapter.

E. Right of entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Town and the Town Engineer the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection **C** above.

§ 148-13. Performance guarantee.

A. Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town in its approval of the stormwater pollution prevention plan, the Town may require the applicant or developer to provide, prior to any construction or other development, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town as the beneficiary. The security shall be in an amount to be determined by the Town based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town, provided that such period shall not be less than two years from the date of final acceptance or such other certification that the facilities have been constructed in accordance with the approved plans and specifications and that a two-year inspection has been conducted and the facilities have been found to be acceptable to the Town. Per-annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

B. Maintenance guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction or other development, may be required to provide the Town with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction or other development, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

C. Recordkeeping. The Town may require entities subject to this chapter to maintain records demonstrating compliance with this chapter.

§ 148-14. Enforcement; penalties for offenses.

A. Violations. Any land 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.

B. Notice of violation.

(1) When the Stormwater Management Officer determines that a land development activity is not being carried out in accordance with the requirements of this chapter in regards to stormwater management, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

(a) The name and address of the landowner, developer or applicant;

(b) The address, when available, or a description of the building, structure or land upon which the violation is occurring;

(c) A statement specifying the nature of the violation;

(d) A description of the remedial measures necessary to bring the land development activity into compliance with this chapter and a time schedule for the completion of such remedial action;

(e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;

(f) A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within 15 days of service of notice of violation.

(2) The notice of violation shall be served upon the person(s) to whom it is directed either personally, in a manner provided for personal service of notices by the court of local jurisdiction, or by mailing a copy of the notice of violation by certified mail, postage prepaid, return receipt requested, to such person at his or her last known address.

(3) A notice of violation issued in accordance with this section constitutes a determination from which an administrative appeal may be taken to the Town.

C. Stop-work orders. The Town may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Town confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.

D. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this section 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.

E. Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this chapter, the Stormwater Management Officer may prevent the occupancy of said building or land by withholding issuance of a certificate of occupancy.

F. Restoration of lands. 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 Town may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

§ 148-15. Fees for services.

The Town may require any person undertaking land development activities regulated by this chapter to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Town or performed by a third party for the Town.

§ 148-16. Severability

Each separate provision of this section is deemed independent of all other provisions herein so that if any provision or provisions of this section were declared invalid, all other provisions shall remain valid and enforceable.

148Attachment 1

SCHEDULE A
Definitions

Whenever used in this chapter, or in documents prepared and reviewed under this chapter, thefollowing terms shall have the meanings set forth below, unless: a different meaning is stated in a definition applicable to only a portion of this chapter; and/or the definition of the same term under Chapter 175 of the Town Code when applied under this chapter would be more restrictive, in which case the definition from Chapter 175 shall apply:

AGRICULTURAL ACTIVITIES – The activities of an active farm, including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation or the construction of new structures associated with agricultural activities.

APPLICANT – A property owner or agent of a property owner who has filed an application for a land development activity.

BASE FLOW – The stream discharge from groundwater runoff.

BLIND DRAIN – A drain consisting of an excavated trench refilled with pervious materials, such as coarse sand gravel or crushed stone through which water percolates and flows toward an outlet, often referred to as a "French drain."

BUILDING – Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

BUILDING FOOTPRINT – That two-dimensional plane area of a building or structure which results when the height dimension is removed and which shows an aerial view of said building or structure, including garages, sheds, porches, eaves, covered breezeways, entryways and other similar attached appurtenances.

CATCH BASIN – An inlet structure for the collection of stormwater from impervious surfaces designed with a sump to trap sediment.

CHANNEL – A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEARING – Any activity that removes the vegetative surface cover.

CLEAR CUTTING - The cutting of more than 50% of any trees over six inches in diameter 4.5 feet above ground level over the entire area of the cutting. In no event shall the cutting violate the shoreline criteria of the Zoning Ordinance and the clearcutting regulations of the APA Act and regulations.

COMMISSION – The Lake George Park Commission.

DEDICATION – The deliberate appropriation of property by its owner for general public use.

DEPARTMENT – The Department of Environmental Conservation of the State of New York.

DESIGN MANUAL – The *New York State Stormwater Management Design Manual*, most recent version including applicable updates,that serves as the official guide for stormwatermanagement principles, methods and practices.

DETENTION – The practice and procedures associated with the delayed release of stormwaterso as to reduce peak flow, maintain base flow, increase opportunity for recharge to groundwater and reduce opportunity for surface runoff and soil erosion.

DETENTION STRUCTURE – A permanent structure for the temporary storage of runoff which is designed so as not to create a permanent pool of water.

DEVELOPER – A person who undertakes land development activities.

DEVELOP LAND – To change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial or institutional construction or alteration.

DEVELOPMENT – Any building, construction, expansion, alteration, modification, demolition or other activity, including land clearing, land disturbance, grading, excavating, filling, soil disturbance, roadway construction or expansion, mining or mineral extraction which materially changes the use or appearance of land or a structure, or the intensity of the use of land, or the creation of a subdivision which may result in such activity, but not including interior renovations to a structure, a change in use of a structure which results in no land disturbance or the construction or modification of a dock, wharf or mooring.

DEVELOPMENT AREA OR SITE – Any parcel of property or lot or combination of contiguous lots which are in common ownership or are in diverse ownership where development is to occur in common. For the purposes of this chapter, contiguous lands shall include those separated by a public highway.

DISTURBED AREA – That part of a development site area where actual land disturbance, vegetation removal or construction of buildings, structures or utilities, and/or other development will occur or has occurred.

DRAINAGE AREA – All of the area of land contributing runoff flow to a single point.

EROSION – The wearing away of the land surface by water, wind or ice or the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

EROSION CONTROL MANUAL – The most recent version of the New York Standards and Specifications for Erosion and Sediment Control Manual, commonly known as the "Blue Book."

FILTER STRIP – A strip of permanent vegetation above ponds, diversion terraces and other structures to retard flow of runoff, causing deposition of transported material, thereby reducing sediment flow.

FLOW ATTENUATION – Prolonging the flow time of runoff to reduce the peak discharge.

GRADING – Excavation or fill of material, including the resulting conditions thereof.

HYDROGRAPH – A graph showing variation in stage (depth) or discharge of a stream of waterover a period of time.

IMPERVIOUS AREA OR COVER – Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snowmelt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

INDUSTRIAL STORMWATER PERMIT – A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION – The downward movement of water from the surface to the subsoil; the process of percolating stormwater into the subsoil. Infiltration rate is typically expressed as inches per hour.

INFILTRATION DEVICE – A stormwater recharge area, dry well, recharge basin, retention basin or any other engineered structure designed to infiltrate stormwater.

INFILTRATION RATE – A soil characteristic determining or describing the maximum rate at which water can enter the soil under specified conditions, including the presence of an excess of water.

LAND DEVELOPMENT ACTIVITY – Subdivision of land or building or construction activity, including clearing, grading, excavating, soil disturbance or placement of fill, that will result 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. In addition, those activities defined by the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity (most recent version) as “construction activities”.

LAND DISTURBANCE or LAND CLEARING – Grading, digging, cutting, scraping, excavating, removing of soil, placement of fill, paving or otherwise covering, construction, substantial removal of natural or human-placed vegetation, replacement of natural vegetation with lawn or other human-placed vegetation, demolition or other removal of human-made features, or any activity which bares soil or rock. For the purposes of calculating the square footage affected by any development in order to determine a project's classification, all affected areas of the development site shall be considered in aggregate, whether or not the affected areas are contiguous.

LANDOWNER – The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

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

MULCH – A natural or artificial layer of plant residue or other materials, such as sand or paper, on the soil surface which reduces erosion, maintains soil moisture and facilitates seed germination.

MUNICIPALITY – The Town of Lake George, sometimes also referred to as the "Town."

NONPOINT SOURCE – Any source from which pollutants are or may be discharged which is not a point source.

NONPOINT SOURCE POLLUTION – Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

OFFERING PLAN – A prospectus as required by § 352-e of the General Business Law.

PEAK FLOW – The maximum instantaneous flow of water from a given condition at a specific location.

PERSON – Any individual, firm, partnership, club, trust, company, association, cooperative, corporation (including a government corporation), municipality, the state or federal government and any agency thereof.

PHASING – Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANT OF CONCERN – Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

POLLUTION – The condition caused by the presence in the environment of substances of such character and in such quantities that the quality of the environment is impaired or rendered offensive to life.

POLLUTION SOURCE CONTROLS – The structures and practices used in reducing contaminants from point and/or nonpoint sources.

POROUS PAVEMENT – An open-graded paving material which allows water to pass through it.

PREDEVELOPMENT – Those site conditions which legally existed prior to the commencement of any activity regulated by this chapter.

PROJECT – Any land use or development activity proposed by an applicant which is subject to this chapter.

PROJECT LIFE – The anticipated or actual time a project will be used, utilized or remain in functional existence.

RAINFALL INTENSITY – The rate at which rain is falling at any given instant, usually expressed in inches per hour.

RATIONAL METHOD – A widely accepted method for calculating stormwater runoff, volume and rates of flow for stormwater shed areas up to 20 acres.

RECHARGE – The replenishment of underground water reserves.

REDEVELOPMENT – Any activity which alters a previously developed site.

RETENTION – The practice of holding or directing stormwater, except that portion evaporated or bypassed in an emergency, in or to a given area so that all thestormwater will be infiltrated into the subsoil.

RETENTION POND – A recharge basin which is designed to infiltrate all of the stormwater it receives and which normally has no outflow.

REVEGETATION – The natural or artificial replacement of vegetation on a project site to reduce erosion, decrease runoff, improve water quality and improve aesthetic qualities of exposed soils.

RUNOFF CONTROLS – Those structures and/or devices, including, but not limited to, dry wells, porous pavements, ditches, wetlands, holding ponds, recharge areas and retention/detention basins, which recharge groundwater and provide for peak flow attenuation.

SEDIMENT CONTROL – Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS – Cold-water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, and habitats for threatened, endangered or special-concern species.

SIGNIFICANT HABITAT – That area or region important in fulfilling the daily or seasonal habitat requirements of any species of plant or animal designated as endangered, threatened, rare or of special concern by the Department pursuant to Environmental Conservation Law §§ 11-0535 and 9-1503 and the Department's regulations thereunder or by any individual species or any group or natural community of nonlisted plants and animals of significant economic, recreational, aesthetic, ecological or scientific importance.

SILTATION TRAP – A structure designed to trap sand and silt-sized particulate matter from stormwater.

SILVICULTURAL ACTIVITY – The management of any forested tract of land to ensure its continued survival and welfare, whether for commercial or noncommercial purposes.

SITE – See "development area."

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-0-15-002 – 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 STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-0-15-002 – 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.

STOP-WORK ORDER – An order issued which requires that all construction activity and/or other development on a site be stopped.

STORMWATER – Rain water, surface runoff, snowmelt and drainage.

STORMWATER CONTROL MEASURES – All those natural and man-made structures, infiltration devices, erosion controls, systems, facilities, agreements, institutional arrangements and financial provisions to manage stormwater, including, but not limited to, any of the following: dry wells, pits of crushed rock, infiltration trenches, retention ponds, detention ponds, blind ditches, swales, pipes, culverts, natural depressions, porous paving, recharge areas and basins.

STORMWATER DESIGN PLAN – The written narrative, maps and diagrams prepared for the purpose of runoff control on a specific development site, based upon survey and analysis of the site.

STORMWATER HOTSPOT – A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies (MS4).

STORMWATER MANAGEMENT – The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

A. For quantitative control, a system of vegetative and structural measures that control theincreased volume and rate of surface runoff caused by human-made changes to theland; and

B. For qualitative control, a system of vegetative, structural and other measures thatreduces or eliminates pollutants that might otherwise be carried by surface runoff.

STORMWATER MANAGEMENT FACILITY – One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT MAINTENANCE AGREEMENT – An agreement between the project sponsor and some other entity to ensure adequate maintenance and repair of the stormwater management system over the life of the project.

STORMWATER MANAGEMENT OFFICER (SMO) – Town employees(s) or other public official(s) designated by the Town Board to administer and enforce the provisions of this chapter. The SMO(s) may also be designated by the Town Board to administer and enforce Chapter 148 of the Town Code, or the Town Board may designate one or more other SMOs for that purpose. Under this chapter, the designated SMO is authorized, among other responsibilities, to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

STORMWATER MANAGEMENT PLAN or PLAN – A local stormwater management plan adopted by a municipality pursuant to this chapter and Environmental Conservation Law § 43-0112.

STORMWATER MANAGEMENT PRACTICES (SMPs) – Measures, either structural or nonstructural, 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 and/or otherdevelopment.

STORMWATER RECHARGE AREA – An area of land used for the purpose of infiltrating stormwater.

STORMWATER REGULATORY PROGRAM or PROGRAM –A local stormwater regulatory control program adopted by a municipality pursuant to 6 NYCRR 646-4 and Environmental Conservation Law § 43-0112.

STORMWATER RUNOFF – Any surface water runoff or runoff in channels which results directly either from a rainstorm, flow on the surface of the ground, or from the melting of snow pack.

STREAM – Includes any permanent or intermittent watercourse.

STREAM CORRIDOR – That area within 100 feet of the high water mark of any stream or river protected and/or regulated by the New York State Department of Environmental Conservation, or wetlands adjacent thereto.

SUBCATCHMENT – An identifiable drainage area contained within a larger watershed or drainage area.

SUBDIVISION – A division of any land into two or more lots, parcels or sites, whether the new lots are adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy by any person, including the conveyance of lands in common ownership which are divided only by a road or utility right-of-way. Creation of a condominium or townhouse project shall be considered a subdivision. This definition shall not apply to conveyances of small parcels of land to correct a boundary of a lot, so long as such conveyance does not create additional lots.

SURFACE WATER RUNOFF –Water which flows over the land and does not percolate into the soil, and which may run off as a sheet, rill or stream flow.

SURFACE WATERS OF THE STATE OF NEW YORK – Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies ofsurface water, natural or artificial, inland or coastal, fresh or salt, public or private (except thoseprivate waters that do not combine or effect a junction with natural surface or undergroundwaters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition, are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

TIME OF CONCENTRATION – The time required for water to flow from the most remote point of a watershed, in a hydraulic sense, to the outlet.

WATER BODY – Any lake, pond, river, stream, intermittent stream or wetland.

WATERCOURSE – A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERSHED – The total drainage area contributing runoff to a single point.

WATER TABLE – The upper surface or top of the saturated portion of the soil or bedrock layer, indicating the upper extent of groundwater.

WATERWAY – A channel that directs surface runoff to a watercourse or to the public storm drain.

WETLAND - Any land which is annually subject to periodic or continual inundation by water and commonly referred to as a “bog,” “swamp” or “marsh,” which are either one acre or more in size or located adjacent to a body of water, including a permanent stream with which there is a free interchange of water at the surface, in which case there is no size limitation.