

ARTICLE 43
LAKE GEORGE PARK COMMISSION

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43-0101. Legislative intent.

The preservation and enhancement of natural beauty in the state, the preservation and conservation of pure water supplies and other natural resources, the preservation and development of natural resources and recreational facilities for the benefit of the public, the promotion of the study of history, natural science, and lore, the conservation and protection of state lands in the forest preserve and areas adjacent thereto, and the promotion and preservation of the health and welfare of the public residing, sojourning, or visiting therein being the concern of the state, the legislature hereby declares it to be in the public interest to preserve, protect, conserve and enhance the unique natural scenic beauty and to promote the study of the history, natural science, and lore of Lake George and the area near or adjacent thereto and to provide means whereby owners of real property near or adjacent to the lake, other interested individuals, corporations, associations, organizations, and municipalities bordering on the lake may preserve, protect and enhance the natural scenic beauty of the lake and its surrounding countryside and regulate the use of the lake and the area near or adjacent thereto for appropriate residential, conservation, health, recreational, and educational purposes.

43-0103. Definitions.

As used in this article:

1. "Lake George park" means the bed, waters, islands, and shore of Lake George and all land in the counties of Essex, Warren and Washington surrounding said lake and situate within the following described boundaries:

Beginning at the southwesterly corner of lot 18 of the Crane Brush Patent in the northerly bounds of the Ogilvie Patent, running from thence northerly along the westerly bounds of the said lot 18 and the easterly bounds of lot 11 of the said Crane Brush Patent, to the northwesterly corner of the said lot 18 and the northeasterly corner of the said lot 11; thence

westerly along the northerly bounds of the said lot 11 to the southeasterly corner of lot 12, Crane Brush Patent; thence northerly along the easterly bounds of the said lot 12 to the northeasterly corner thereof in the southerly bounds of lot 13, Crane Brush Patent; thence easterly along the southerly bounds of a portion of the southerly bounds of the said lot 13 to the southeasterly corner thereof and the southwesterly corner of lot 16, Crane Brush Patent; thence northerly along the westerly bounds of the said lot 16 to the northwesterly corner thereof in the southerly bounds of lot 3, Garland Patent; thence easterly along the southerly bounds of lot 3, Garland Patent to the southeasterly corner thereof; thence northerly along the easterly bounds of the said lot 3 to the northeasterly corner thereof in the southerly bounds of the Norman Patent; thence northerly, crossing the said Norman Patent in a straight line, to the southeasterly corner of lot 10, McDonald Patent; thence northerly along the easterly bounds of the said lot 10 to the northeasterly corner thereof in the southerly bounds of Porter`s Patent; thence westerly along the southerly bounds of lots 7 and 6, Porter`s Patent to the southwesterly corner of the said lot 6; thence northerly along the westerly bounds of the said lot 6, Porter`s Patent, to the northwesterly corner thereof; thence running in a straight line northerly, crossing the remaining portion of Porter`s Patent and also crossing Robert`s Patent, to the southwesterly corner of lot 86, Northwest Bay Tract; thence northwesterly along the westerly bounds of lots 86, 91 and 99, Northwest Bay Tract, to the northwesterly corner of the said lot 99; thence easterly along the northerly bounds of the said lot 99 to the southwesterly corner of lot 116, Brant Lake Tract; thence northerly along the westerly bounds of lots 116, 117, and 118, Brant Lake Tract, to the northwesterly corner of the said lot 118; thence easterly along the northerly bounds of lots 118, and 113, Brant Lake Tract to the northeasterly corner of the said lot 113; thence northerly along the westerly bounds of lots 87 and 88, Brant Lake Tract, to the northwesterly corner of the said lot 88; thence easterly along the northerly bounds of lots 88, 79, 56, 47, 24 and 15, Brant Lake Tract, to the northeasterly corner of the said lot 15 and to a point in the westerly bounds of the Hague Tract; thence northerly along the westerly bounds of the Hague Tract to the northwesterly corner of lot 38, Hague Tract; thence easterly along the northerly bounds of the said lot 38 to the northeasterly corner thereof; thence northerly along the westerly bounds of a portion of the westerly bounds of lot 37 and the westerly bounds of lot 36, Hague Tract, to the northwesterly corner of the said lot 36; thence easterly along a portion of the northerly bounds of the said lot 36 to the southwesterly corner of lot 33, Hague Tract; thence northerly along the westerly bounds of lots 33, 30 and a portion of lot 29, Hague Tract, to the Warren-Essex County line; thence running northeasterly along the said county line to the center of Trout Brook; thence northerly, downstream, along Trout Brook as it winds and turns, to the intersection of Trout Brook with State Highway Route 9N; thence southwesterly along said State Highway to the intersection of the said State Highway with Alexandria Avenue south of Ticonderoga Village; thence easterly along Alexandria Avenue, crossing the outlet of Lake George, and continuing along said Alexandria Avenue and said line extended, to the American Telephone and Telegraph Company`s telephone cable line; thence southerly along said telephone cable line to the north bounds of lot 77 of the Alexander Turner Patent; thence westerly along the north bounds of lot 77 and lot 79 of said Patent to the northwest corner of lot 79; thence southerly along the west bounds of lots 79, 80, 81, 82, 83, and 84 to the southwest corner of said lot 84; thence westerly along the division line between lots 85 and 67 of said Turner Patent to the northwest corner of lot 67; thence southerly along the west bounds of lots 67, 16, 17, 18, 19 and 20 of said Turner Patent to the division line between the Town of Putnam and the Town of Dresden; thence westerly along said town line to the northwest corner of lot 52 of the aforesaid Turner Patent; thence southerly along the west bounds of lots 52, 51, and 50 of said Turner Patent, to the division line between the Turner Patent and the South Bay Tract; thence southwesterly along said

division line to the northwest corner of lot 148, South Bay Tract; thence southerly along the west bounds of lots 148 and 149 of the South Bay Tract to the north line of lot 162 of said tract; thence westerly along the north line of said lot 162 to the northwest corner thereof; thence southerly along the west bounds of lots 162, 161, 160, 159, 158 and 44 to the southwest corner of said lot 44; thence westerly along the southerly bounds of lots 39 and 22, South Bay Tract, to the southwesterly corner of the said lot 22; thence southerly along the westerly bounds of lot 23, South Bay Tract to the southwesterly corner thereof; thence westerly along the southerly bounds of lot 12, South Bay Tract, to the southwesterly corner thereof; thence southerly along the westerly bounds of lot 11 of South Bay Tract to the southwest corner of lot 11; thence westerly along the south bounds of lot 77 to the southwest corner thereof; thence southerly along the west bounds of lots 76, 75, and 74 of the South Bay Tract to the southwest corner of lot 74; thence westerly along the south bounds of lots 89, 99, 105, and 118 of the South Bay Tract to the southwest corner of lot 118; thence southerly along the west bounds of lots 117, 116, and 115 to the division line between the South Bay Tract and the Westfield Tract; thence westerly along said division line to the northwest corner of lot 56 of the Westfield Tract; thence southerly along the westerly bounds of lots 56 and 49 of the Westfield Tract to the southwesterly corner of the said lot 49; thence westerly along the southerly bounds of lot 50, Westfield Tract to the southwesterly corner of the said lot 50; thence southerly along the westerly bounds of lots 43 and 42, of the Westfield Tract to the southwesterly corner of the said lot 42; thence running in a straight line crossing lots 37 and 31 of the Westfield Tract to the northwesterly corner of lot 25 of the Westfield Tract; thence westerly along the southerly bounds of an unnumbered lot, and the southerly bounds of lot 28, Westfield Tract and the southerly bounds of lot 47, Lake George Tract, to the southwesterly corner of the said lot 47, and the northwesterly corner of lot 46, and the northeasterly corner of lot 45, Lake George Tract; thence southerly along the easterly bounds of lots 45, 39, 37 and 27, Lake George Tract; to the southeasterly corner of the said lot 27; thence westerly along the southerly bounds of the said lot 27 to the easterly bounds of lot 28, Lake George Tract; thence southerly along a portion of the easterly bounds of the said lot 28 and the easterly bounds of lot 29, Lake George Tract to the southeasterly corner of the said lot 29; thence westerly along the southerly bounds of the said lot 29 and a portion of the southerly bounds of lot 30, being also along a portion of the northerly bounds of lot 23, and the northerly bounds of lot 24, all in Lake George Tract, to the northwesterly corner of the said lot 24; thence southerly along the westerly bounds of the said lot 24 to the southwesterly corner thereof; thence westerly along a portion of the northerly bounds of lot 18, Lake George Tract, to the northwesterly corner thereof; thence southerly along the easterly bounds of lots 17, 15, 16, 14, 12, 9 and a portion of lot 5, Lake George Tract and continuing the same course southerly to the center of the Farm to Market Road; thence westerly in the center of the said road to the Warren-Washington County Line; thence southerly along the said county line to the northeasterly corner of the Queensbury Patent; thence westerly along the northerly bounds of the Queensbury Patent to the southeasterly corner of the Hasborne Patent; thence northerly along the easterly bounds of the Hasborne Patent to the northeasterly corner thereof; thence westerly along the northerly bounds of the Hasborne Patent and the northerly bounds of the Fairlie Patent to the northwesterly corner of the said Fairlie Patent; thence southerly along a portion of the westerly bounds of the Fairlie Patent to the northeasterly corner of lot 18, French Mountain Tract; thence westerly along the northerly bounds of lots 18, 20, 21, and 25 of the French Mountain Tract to the northwesterly corner of the said lot 25; thence running in a straight line westerly crossing the southerly portion of the Houghton Patent to the northwesterly corner of lot 60, Luzerne Tract; thence southerly along the westerly bounds of the said lot 60 to the southwesterly corner thereof; thence westerly along the southerly bounds

of lots 59, 58 and 57, Luzerne Tract to the southwesterly corner of the said lot 57; thence northerly along a portion of the westerly bounds of the said lot 57 to the southeasterly corner of lot 66, Luzerne Tract; thence westerly along the southerly bounds of the said lot 66 to the southwesterly corner thereof; thence northerly along a portion of the westerly bounds of the said lot 66 to the northeasterly corner of lot 67, Luzerne Tract and being in the southerly bounds of the Randall Location; thence westerly along the southerly bounds of the said Randall Location to the southwesterly corner thereof; thence northerly along the westerly bounds of the said Randall Location and the westerly bounds of lots 75, 78, 83, 93, 98 and 107, Luzerne Tract, to a point in the southerly bounds of lot 113, Luzerne Tract; thence westerly along a portion of the southerly bounds of the said lot 113 to the southwesterly corner thereof; thence northerly along the westerly bounds of the said lot 113 to the northwesterly corner thereof in the southerly bounds of the J. Ross Patent; thence easterly along a portion of the southerly bounds of the J. Ross Patent to the southeasterly corner thereof; thence northerly along the easterly bounds of the said J. Ross Patent to the northeasterly corner thereof; thence running in a straight line northerly to the southeasterly corner of the J. Thurman Farm; thence northerly along a portion of the easterly bounds of the said J. Thurman Farm to the northwesterly corner of lot 143, Luzerne Tract; thence easterly along the northerly bounds of the said lot 143, Luzerne Tract, to the northeasterly corner thereof in the westerly bounds of the McCauley Patent; thence northerly along a portion of the McCauley Patent to the northwesterly corner thereof; thence easterly along a portion of the northerly bounds of the McCauley Patent to the southwesterly corner of lot 6, David Smith Patent; thence easterly along the southerly bounds of lots 6, 7, and 22 of the said Smith Patent to the southeasterly corner of the said lot 22; thence northerly along the easterly bounds of lots 22, 21, 20, 19, 18, 17, 16, and 15 of the said Smith Patent to the northeasterly corner of the said lot 15 in the southerly bounds of lot 29 of the James Abeel 3000 acre Patent; thence westerly along a portion of the southerly bounds of the said lot 29 to the southwesterly corner thereof; thence northerly along the westerly bounds of lots 29, 27, 26, 22, 21 and 16 of the said James Abeel 3000 acre Patent to the northwesterly corner of the said lot 16; thence westerly along the northerly bounds of lot 17, of the James Abeel 3000 acre Patent to the northwesterly corner thereof; thence northerly along the westerly bounds of lots 14, 11, 8, 5 and 2 of the James Abeel 3000 acre Patent to a point in the southerly bounds of lot 33, Northwest Bay Tract; thence westerly along a portion of the southerly bounds of the said lot 33 to the southwesterly corner thereof, the same being the southeasterly corner of the John Campbell Patent; thence northerly and northeasterly along the easterly and southeasterly bounds of the said John Campbell Patent to the southeasterly corner of the Ogilvie Patent; thence northeasterly along the southeasterly bounds of the said Ogilvie Patent to the northeasterly corner thereof at the southeasterly corner of lot 10 of the Crane Brush Patent; thence westerly along the southerly bounds of the said lots 10 and 18 to the point and place of beginning.

2. "Zone" means any area of land within the Lake George park in which the use of land for commercial purposes is prohibited, restricted, or controlled pursuant to the provisions of this article, local law or ordinance, agreement, restrictive covenant, or otherwise.

3. "Commercial purposes" means use of lands, including structures thereon for any purpose from which a profit may be derived, other than a lease or rental of residential property for single, private family residential purposes.

4. "Commission" means the Lake George park commission.

5. "Surface water runoff" means water which flows over the land and does not percolate into the soil.

6. "Stormwater runoff" means any surface water runoff or runoff in channels which results directly either from a rain storm or from the melting of snowpack.

43-0105. Lake George park commission; continuation.

There shall continue to be in the department a commission to be known as "Lake George park commission." Such commission shall be a body corporate and politic. It shall consist of the commissioner, ex officio, and nine members to be appointed by the governor, by and with the advice and consent of the senate, at least two of whom shall reside in the county of Essex, two in the county of Warren and two in the county of Washington and at least three of whom shall be members of a civic, protective or service association in the Lake George area. In making appointments pursuant hereto the governor shall give consideration to nominations made by such associations in such area. The members shall be appointed for overlapping nine year terms of office running from April first of the year in which such terms shall, respectively, commence, provided, however, that of the members first appointed one shall be appointed for a one-year term of office beginning April 1, 1961, one for a two-year term of office, one for a three-year term of office, one for a four-year term of office, one for a five-year term of office, one for a six-year term of office, one for a seven-year term of office, one for an eight-year term of office and one for a nine-year term of office, each of which shall commence on such date. An appointment to fill a vacancy shall be made for the remainder of the affected term of office. The officers thereof shall consist of a chairman, vice-chairman and secretary-treasurer to be elected by the commission. The members of the commission shall receive no compensation but may be reimbursed for expenses necessarily incurred in the performance of their duties.

43-0107. Powers.

The commission shall have power to:

1. Sue and be sued.
2. Make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this article.
3. Establish and maintain such facilities as may be necessary for the transacting of its business.
4. Utilize, to the extent feasible, the staff and facilities of existing state agencies, pursuant to an allocation to be made by the director of the budget.
5. Hold hearings and subpoena witnesses in the exercise of its powers, functions and duties provided for by this article.
6. Contract for professional and technical assistance and advice.
7. Contract for and to accept assistance, including but not limited to gifts, grants or loans of funds or of property from the federal government or any agency or instrumentality thereof, or from any agency or instrumentality of the state, or from any other public or private source and

to comply, subject to the provisions of this article, with the terms and conditions thereof, subject to the approval of the director of the budget.

8. Adopt, amend and repeal, after public hearing according to the provisions of the state administrative procedure act (except in the case of rules and regulations that related to the organization or internal management of the agency), such rules and regulations, consistent with this article, as it deems necessary to administer this article, and to do any and all things necessary or convenient to carry out the purpose and policies of this article and to exercise all powers granted by law.

9. Adopt, amend and repeal, after public hearing according to the provisions of the state administrative procedure act, rules and regulations relating to tree-cutting within the park; provided, however, that nothing herein shall prevent a municipality from adopting a law, code, ordinance or regulation which is more stringent than such rules and regulations adopted by the commission.

10. Encourage individuals, corporations, associations and organizations to acquire real property or interests or rights in real property for the preservation of open space characterized by natural scenic beauty or conditions enhancing parkwide qualities, and to preserve such lands or interests or rights in real property through the establishment of land trusts and other lawful means for protecting and preserving such lands.

11. Encourage and assist in the creation of special local improvement districts for purposes including control of storm water runoff problems and the acquisition of significant environmental areas, including wetlands, to control such problems.

12. Study, monitor and inspect for pollution from any source within the park and to enforce the provisions of this article and any regulations promulgated pursuant thereto, cooperate with, aid and assist municipalities and state agencies in enforcing the laws affecting or applying to Lake George and the area lying within the park and undertake projects to abate pollution and preserve water quality.

13. Take into consideration the cumulative impact upon all of the resources of the park in making any determination or taking actions pursuant to the powers of this article.

14. Intervene in proceedings before state agencies including the department and the Adirondack park agency on matters affecting the park.

15. Encourage individuals, corporations, associations, and organizations to preserve and enhance the natural scenic beauty of Lake George and lands within the Lake George park.

16. Adopt, sponsor, and encourage the use of forms of deeds, agreements, covenants, and other legal documents by means of which owners of real property within the Lake George park may voluntarily prohibit, restrict, and control the use thereof for commercial purposes.

17. Encourage owners of real property within the Lake George park by written instruments to prohibit, restrict, or control voluntarily the use of such real property for commercial purposes.

18. Acquire interests or rights in real property within the Lake George park for the purpose of

prohibiting, restricting, or controlling the use of such real property for commercial purposes.

19. Establish rules, regulations, and procedures by or pursuant to which the commission may authorize or permit a necessary or desirable use of land or prevent unnecessary hardship in an individual or particular instance by altering or modifying in whole or in part any restriction contained in any conveyance to or agreement with the commission or which the commission has power to alter or modify.

20. Encourage, cooperate with, aid, and assist municipalities lying wholly or partly within the Lake George park in the preparation and adoption of zoning laws or ordinances and other local legislation prohibiting, restricting, regulating, or controlling the uses of real property for commercial purposes within the Lake George park.

21. Make maps and plans for proposed or permanent zones.

22. Establish as a proposed zone any area of land, exclusive of state or municipally owned land, lying within the Lake George park.

23. Alter, reduce, or extend any such proposed zone.

24. Establish as a permanent zone any area of land, exclusive of state or municipally owned land, lying within the Lake George park in which the use of all real property for commercial purposes is (a) prohibited, or (b) restricted or controlled.

25. Alter or extend a permanent zone under the procedure applicable to the original establishment of a permanent zone.

26. Enter upon any land, water, or premises within the Lake George park at reasonable times for the purpose of making surveys.

27. Cooperate with, aid, and assist municipalities and law enforcement agencies in enforcing laws affecting or applying to Lake George and the area lying within the Lake George park.

28. In cooperation with existing law enforcement agencies, arrange for the appointment of patrolmen who, within the Lake George park, shall have the powers set forth in section 71-0202 of this chapter in respect to the enforcement of all laws and local ordinances or laws pertaining to Lake George or the Lake George park. Pursuant to this subdivision, members and employees of the commission may be appointed patrolmen but if appointed shall serve without compensation. Such patrolmen shall have the right to use sirens, display flags, or other identifying insignia and wear badges while engaged in law enforcement activities within the Lake George park.

29. Promote the study of the history, historical significance, natural science, and lore of Lake George and the area within the Lake George park and in cooperation with the Education Department to preserve the historical relics found in or near Lake George.

30. Encourage individuals, corporations, associations, organizations, and municipalities to protect and preserve the purity of the waters of Lake George.

31. Establish advisory committees and enlist and accept the support and cooperation of organizations of property owners or others interested in promoting the purposes and objectives of this article.

32. Do all things necessary or convenient to carry out the powers expressly granted by this article.

43-0109. Expenses; employees.

The commission may appoint employees and agents and fix their compensation within moneys available therefor. Such compensation and the other necessary expenses of the commission shall be paid from moneys received by the commission from appropriations from the state including from the Lake George park trust fund pursuant to section ninety-seven-h of the state finance law or one or more municipalities in the counties of Essex, Warren or Washington, or from gifts or contributions, which the commission is hereby authorized to accept. Moneys appropriated for use of the commission by the state shall be paid out of the state treasury on the audit and warrant of the Comptroller on vouchers certified or approved by the chairman of the commission or by an officer or employee of the commission designated in writing by the chairman.

43-0110. Wastewater management.

1. The commission, in consultation with the department, the department of health and each municipality located in whole or in part within the park, and subject to approval by the department and department of health, shall adopt, after public hearing according to the provisions of the state administrative procedure act, rules and regulations for the discharge of sewage or treated sewage effluent onto the land or into the groundwater of the park to ensure optimum protection of ground and surface waters within the park. Such rules and regulations may be more stringent than rules and regulations adopted by the department. For purposes of this section, the discharges shall include sewage or treated sewage effluent applied to the soil or entering the groundwater through runoff, seepage, percolation, spray irrigation and ground and spring water flow.

2. The rules and regulations adopted by the commission under subdivision one of this section shall be applicable to all development within the park with respect to the discharge of wastewater; provided, however, that nothing shall prevent a municipality from adopting a law, code, ordinance or regulation which is more stringent than such rules and regulations adopted by the commission.

3. The commission may delegate all or some of its authority under this section to any municipality located in whole or in part within the park subject to such conditions as the commission may establish.

43-0111. Commercial use in zones.

On and after (a) the establishment, alteration, or extension of a permanent zone, (b) the filing of the order establishing, altering, or extending such zone, together with the map and description thereof, in the office of the clerk of each county in which such zone is located, (c) the recording in the appropriate county clerk`s office of the written instruments by which the use for commercial purposes of all real property in such zone is prohibited, restricted, or controlled, and (d) notice of the establishment, alteration, or extension of such zone has been

published four times in a newspaper having general circulation in the area in which such zone is located, no real property within such zone shall be used for commercial purposes except as authorized or permitted by the terms of the order establishing, altering, or extending such zone or as authorized or permitted pursuant to subdivision 5 of section 43-0107 of this article.

43-0112. Stormwater management and stream corridor management.

1. Stormwater management plans for lands where development is occurring or may occur in the future. The commission shall adopt, after public hearing according to the provisions of the state administrative procedure act, rules and regulations for the preparation of local stormwater management plans and stormwater regulatory programs. Such rules and regulations shall be developed in consultation with the department, the Adirondack park agency and each municipality located in whole or in part within the park, and shall be subject to approval by the department and Adirondack park agency.

a. Within eighteen months of the effective date of such rules and regulations of the commission, each municipality located in whole or in part within the Lake George park shall prepare a stormwater management plan and a stormwater regulatory control program which implements such plan consistent with such rules and regulations and subject to the approval of the commission.

b. Stormwater management plans and their implementing stormwater control regulatory programs shall be designed:

- (1) to prevent any increase in stormwater runoff from any development in order to reduce flooding, siltation and streambank erosion; and
- (2) 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 and render it unfit for human consumption, interfere with water-based recreation or adversely affect aquatic life.

c. In addition to pollution standards, the stormwater control regulatory program shall incorporate a standard which requires that the total annual volume of surface water runoff which flows from any specific site during and following development shall not exceed that which prevailed prior to development. The methods used to determine the annual volumes of surface water runoff shall be developed by the commission and incorporated in the rules and regulations for the preparation of the local stormwater management plans and regulatory control programs.

d. Any municipality located in whole or in part within the park may enter into an agreement with the commission for the commission to develop the municipality's stormwater management plan. Such an agreement must be entered into within ninety days of the effective date of the commission's rules and regulations adopted pursuant to this subdivision and, if such agreement is not made in such time period and the municipality fails to meet the requirement of paragraph a of this subdivision, the commission shall be deemed to have the authority to develop such plan.

2. Stormwater management study for sites and areas where development has occurred prior to the effective date of this section. The commission, in consultation with the department, the Adirondack park agency and each municipality located in whole or in part within the park, and

subject to the approval by the department and Adirondack park agency, shall prepare a study of the feasibility of reducing the impacts of stormwater runoff in areas of the park where development has already occurred. This study shall assess the impact of stormwater runoff on water quality from existing development, identify cost effective measures to control stormwater runoff, and propose funding mechanisms for implementation of such measures. The commission shall complete the study within two years of the effective date of this section. Upon completion of the study of the commission, the study's recommendations shall be incorporated by the commission into the stormwater management plan and by each municipality into its stormwater regulatory control program, subject to the approval of the commission.

3. Implementation. In addition to existing powers and authorities therefor, each municipality located in whole or in part within the park is hereby authorized and empowered to adopt and implement a stormwater regulatory control program consistent with the provisions of this section. If the commission finds that any such municipality has failed to adopt such program, to incorporate recommendations pursuant to subdivision two of this section or to implement such program, the commission is hereby authorized and empowered to assume the authority of the municipality that has failed to act, adopt and implement a stormwater regulatory program consistent with the provisions of this section for the municipality subject to the commission's finding.

4. Nothing in this section shall be construed to limit the department's authority to regulate discharges or stormwater.

5. The commission shall, after consultation with the department, the department of health, the Adirondack park agency and each municipality located in whole or in part within the park, further promulgate regulations relative to stream corridor management which shall include standards for the location of roads, stream channelization, the frequency of stream crossings, and timber harvesting and vegetative cutting restrictions within designated stream corridors. The regulations adopted pursuant to this section may be stricter than regulations promulgated by the department.

6. In cooperation with local lake associations and educational institutions, the commission shall continue existing water quality monitoring programs to monitor water quality in Lake George to determine the effectiveness of control measures, and to identify sources of ground and surface water contamination for investigation and enforcement purposes.

43-0113. Appropriations by municipalities in certain counties.

The governing body of any municipality in the counties of Essex, Warren or Washington may raise, appropriate and pay over to the commission moneys to be expended by the commission for any of the purposes hereof.

43-0115. Restrictions on use of signs and advertising devices.

1. In order to preserve and enhance the natural beauty of the Lake George park, to protect and conserve the investment of the state in forest lands, islands, state campsites and other interests in real property in said park; to preserve and regulate the said park for public uses for the resort of the public for recreation, transportation, pleasure, air, light and enjoyment and to keep it open, safe, clean and in good order for the welfare of society and to prevent the unrestricted use of signs, and advertising structures and devices in said park, no person,

partnership, association or corporation shall, except as provided in subdivisions two and three of this section, erect or maintain or allow to be erected or maintained within the boundaries of the Lake George park any advertising sign or advertising structure or device of any kind, except under written permit from Lake George park commission.

2. The provisions of this section shall not apply to:

a. Signs erected or maintained upon a parcel of land used for business purposes in connection with the principal business or principal businesses conducted thereon, provided that:

- (1) Not more than two such signs are erected on such parcel of land, and such signs are located at least fifty feet apart, and
- (2) No such sign has an area of more than forty-eight square feet, and
- (3) No such sign extends more than twenty feet above ground level, and
- (4) No such sign is placed within ten feet of a highway right of way, and
- (5) No such sign is illuminated by or contains a flashing, intermittent, rotating, or moving light or lights, and
- (6) No such sign moves or the visible portion thereof contains any moving or animated parts.

b. A sign erected or maintained within an incorporated village.

c. A sign erected by the state, a county, a town or an agency or department thereof.

3. To effectuate the purposes enumerated in subdivision 1 of this section, the commission shall establish uniform written rules and procedures for the application for and granting of permits for the erection or maintenance of signs, advertising structures and devices for which permits are required to be obtained from it under this section. Such rules and procedures shall contain provisions for the granting of the requisite permit for any such sign, advertising structure or device erected prior to the effective date of this section for a period of time not exceeding the remaining or undepreciated useful life of such sign, advertising structure or device as determined by an appropriate depreciation formula, provided that no such sign shall be permitted after July 1, 1973. For such purpose, until July 1, 1973, the commission shall authorize the use of a formula commonly used for income tax purposes or the depreciation formula used in the depreciation schedules of the income tax returns of the owner of such sign, advertising structure or device.

4. Any action of the commission by which an application for a permit under this section is denied shall be reviewable pursuant to the provisions of article 78 of the Civil Practice Law and Rules.

43-0117. Operation of ferries and certain other boats, barges and vessels restricted.

1. No person, partnership, or corporation shall operate a ferry or other boat transporting motor vehicles on the waters of Lake George without first obtaining a permit for such operation from the Lake George park commission.

2. No person, partnership or corporation shall operate a night club, restaurant, dance hall or other place of amusement, or engage in the business of selling or offering for sale any kind of food or beverage on or from a boat, barge or vessel on the waters of Lake George without first obtaining a permit for such operation from the Lake George park commission. The provisions of this subdivision shall not apply to any such operation in existence prior to January 1, 1963.

3. No person, partnership or corporation shall operate, propel or tow a boat, barge, vessel or other floating object used as, or as a vehicle for, an advertising sign or advertising structure or device on the waters of Lake George without first obtaining a permit therefor from the Lake George park commission.

4. In order to protect and preserve the water quality of Lake George, to provide reasonable public access to Lake George without overcrowding, congestion or safety hazards, and to protect the resources of Lake George, the commission shall, consistent with the purposes of this article, promulgate regulations relative to the permitting of boats, the registration and the regulation of docks, wharfs and moorings, the regulation of marinas, the limits of speed and sound on Lake George, the regulation of recreational activities such as regatta-type events, water skiing, parasailing and other similar activities, and the regulation of tour boats, boat rentals and other rental activities. Following the promulgation of such regulations: (a) no person shall construct any dock, wharf, mooring, marina or put any such structure to use without first obtaining a permit from the commission, and (b) no person shall operate any boat or vessel, or undertake any regulated activity without complying with such regulations and obtaining a permit from the commission, if required.

5. To effectuate the purposes enumerated in subdivision four of this section, pending adoption by the commission of rules and regulations relative to the registration and regulation of docks, wharfs, moorings, and marinas, the provisions of part 646 of Title VI of the codes, rules and regulations of the state of New York shall be continued; provided, however, that such regulations shall be administered by the commission.

43-0119. Land use restrictions within Lake George park.

1. No real property lying within the boundaries of the Lake George park shall be used for the operation of a junk yard, automobile grave yard, second-hand automobile parts yard, automobile service station selling petroleum products or repairing motor vehicles, circus, carnival, shooting gallery, outdoor drive-in theatre, commercial dance hall, slaughter house, house trailer camp, trailer court, campsite or similar use operated for commercial purposes in which dwelling facilities are normally occupied for temporary periods, public dump or public dumping ground, boarding stable or business offering riding horses for hire without a permit therefor having been first obtained from the village within which such real property is located, or if such real property is not located within a village, from the town within which such real property is located.

2. No such permit shall be granted by any village or town board until after a public hearing has been held on the application therefor. Such a public hearing shall be held only after notice thereof has been published in a newspaper having general circulation in such village or town at least ten days before such hearing and notice thereof has been served on the department, Lake George park commission and all owners of real property within five hundred feet of the premises for which application for such permit is made at least ten days before such hearing.

3. The village or town board, in granting or denying any application for such a permit shall consider:

- a. the statements made in the application for such permit, all facts presented at such hearing and other facts known to such board,
- b. the effect of the proposed use on the general welfare, safety and health of the public

and on the general welfare of the municipality,
c. the character of the area in which the real property is located,
d. the suitability of the real property for the use proposed in the application,
e. whether the proposed use is consistent with the purposes and intent of this article,
f. whether the real property lies within a zone or proposed zone in which the proposed use is or is proposed to be prohibited, and
g. whether the proposed use is consistent with standards for the granting or denying of applications for such permits established by such boards in furtherance of the purposes of this article.

4. The action of a village or town board granting or denying any application for such a permit shall be reviewable pursuant to article 78 of the Civil Practice Law and Rules.

5. The board of trustees of such a village or the town board of such a town may fix reasonable fees for the making of applications for permits pursuant to this section and reasonable fees for the issuance of such permits.

43-0121. Compliance with sewage disposal requirements.

1. Where a provision of this chapter, or rules or regulations issued pursuant thereto, or the Public Health Law or state sanitary code requires that the sewage disposal facilities of a building or structure proposed to be erected or constructed comply with the requirements thereof, no such building or structure shall be erected, constructed or thereafter occupied within the boundaries of the Lake George park without a permit therefor having been first obtained from the village within which the real property on which it is to be erected, constructed or thereafter occupied is located, or if such real property is not located within a village, from the town within which such real property on which it is to be erected, constructed or thereafter occupied is located.

2. No such permit for erection or construction shall be granted by any such village or town board until the applicant therefor has obtained the approval required under the provisions of this chapter, or rules or regulations issued pursuant thereto, or under the Public Health Law or state sanitary code and no such permit for occupancy shall be granted by any such village or town board until the applicant therefor has obtained the approval required under the provisions of this chapter, or rules or regulations issued pursuant thereto, or under the Public Health Law or state sanitary code.

3. The board of trustees of such a village or a town board of such a town may fix reasonable fees for such permits and may each delegate its power to issue such permits to an officer or employee of the village or town, as the case may be.

4. The action of a village or town board, or of an authorized officer or employee thereof, in granting or denying any application for such a permit shall be reviewable pursuant to article 78 of the Civil Practice Law and Rules.

5. Such a village board of trustees, town board, the Lake George park commission or any voter or taxpayer of the village or town in which such a building or structure is located shall have the right to bring a proceeding to enjoin the construction, continued construction or occupancy of any building or structure which is erected, constructed or occupied without

compliance with the requirements of this section.

43-0123. Environmental review.

Notwithstanding any other provision of law, rule or regulation to the contrary, the commission shall be deemed to be a state agency for purposes of article 8 of this chapter. The commission shall offer assistance to local agencies within the park regarding implementation of such article.

43-0125. Regulatory and user fees.

1. The legislature finds that comprehensive environmental regulatory management and conservation within the Lake George park are essential to protect an important part of the environmental resources of the state and the public health and welfare. It further declares that regulated entities and users of the unique resources of Lake George park should bear a significant portion of the costs of regulation, management and conservation activities which assure the protection and continued beneficial use of the resources of the park.

2. The following annual fees to be paid to the commission are hereby established:

(a) Dock, wharf and mooring fees. The owner of a dock, wharf or mooring within the park used for non-commercial residential purposes shall pay an annual fee of thirty-seven dollars and fifty cents. The owner of a dock or wharf within the park used for commercial purposes shall pay an annual fee of three dollars and seventy-five cents per linear foot for each such dock. The owner of a mooring used for commercial purposes shall pay an annual fee of seventy-five dollars for each mooring. New docks constructed for commercial use after the effective date of this section shall pay a first time fee of seven dollars and fifty cents per linear foot and three dollars and seventy-five cents per linear foot annually thereafter.

(b) Boat fees. In addition to the registration required by the state, any mechanically propelled boat or vessel with ten horsepower or more and any non-mechanically propelled boat or vessel eighteen feet or more in length used within the park shall have an annual permit issued by the commission. The fee therefor for boats twenty feet or less in length overall shall be thirty dollars; for boats twenty-one to twenty-five feet in length overall, thirty-seven dollars and fifty cents; and for boats over twenty-five feet in length overall, thirty-seven dollars and fifty cents and seven dollars and fifty cents for each foot by which the length overall exceeds twenty-five feet; for boats over twenty-five feet in length overall outfitted for overnight use, thirty-seven dollars and fifty cents and thirty dollars for each foot by which the overall length exceeds twenty-five feet. The commission may establish a one week use permit for eleven dollars and twenty-five cents. The commission may establish a one day use permit for seven dollars and fifty cents for any mechanically propelled boat or vessel or nonmechanically propelled boat or vessel subject to the annual fee.

3. The commission may charge a fee to an applicant for a permit in order to recover the costs incurred in reviewing and acting upon an application for such permit.

4. Except as otherwise provided by law, all fees collected pursuant to this section shall be deposited to the credit of the Lake George park trust fund pursuant to section ninety-seven-h of the state finance law.