

RURAL AREA FLEXIBILITY ANALYSIS

Types and Estimated Numbers of Rural Areas:

The Lake George Park is a rural area comprising some 300 square miles in land and water surface area. Of the approximately 255 square miles of land surface, some 100 square miles is State-owned forest preserve. The whole area is located within the Adirondack Mountain region occupying an area at the south-eastern portion of the Adirondack Park. It is characterized by steeply sloped forested mountains and hillside areas with a number of streams and smaller lakes and ponds.

Development is concentrated along the Lake George lakeshore and nearby State highways of Route 9, 9L and 9N. There is one incorporated Village - Lake George - and three Hamlets: Bolton Landing, Hague and Ticonderoga. Seasonal residential areas are located at Huletts Landing, Gull Bay and Glenburnie. The population expands dramatically in the summer months, approximately a tenfold increase.

Generally, the number of year-round residences along the Lake has risen as camps have been converted to year-round homes. This has occurred primarily in Queensbury, Lake George and Bolton. These communities have easy access to NYS Route 87 and therefore to the Albany/Saratoga Metropolitan region. Suburban type development of residential subdivision has occurred in recent years in Bolton, Queensbury and Lake George. The Lake George Park is predominately rural in character. However, some areas within the Village of Lake George, Town of Lake George, Town of Bolton and Town of Queensbury can be considered more suburban in nature than rural.

Reporting and Compliance Requirements for Rural Areas:

The compliance requirements for rural areas are as set forth in the Regulatory Impact Statement. Since the entire lake watershed area is generally rural in character, the impact of the

project on rural areas is equivalent to the regulatory impact described.

Under the proposed standards, all new development projects which exceed 1,000 square feet of new impervious area or exceed 5,000 feet of land disturbance will need to meet the requirement that the property be retrofitted to address stormwater runoff from the existing impervious area on the property. This standard has always applied to projects meeting the 'Major' project threshold, but it will now apply to projects which meet the 'Minor' threshold. This new action, in time, will address runoff from existing properties which undertake improvements or expansions, thus meeting the stated goals of the Commission's stormwater program, which are to minimize stormwater runoff impacts from development within the Lake George Park.

The new standards will also require that no infiltration devices be installed within 35 feet of water resources, that no fertilizer be applied within 50 of a water body, and that conservation plans for agricultural and silvicultural activities be submitted to the Commission or authorized municipality rather than local Soil and Water Conservation Districts or the DEC. The 35 foot setback is a lessening of current standards for major projects, and is intended dovetail with current APA setback standards. The standard remains stricter than guidance from DEC's Stormwater Design Manual, which does not have a specified separation distance for citing infiltration devices from water bodies. The fertilizer restriction is a common sense regulation intended to reduce the introduction of fertilizer, a known pollutant, to Lake George and its tributaries. The modification to the soil conservation plan is intended to create one stop shopping with better communication between the community and the Commission, and this does not represent a significant modification from current requirements regarding the same agricultural and silvicultural activities.

Compliance Costs:

The costs estimates for compliance with the Stormwater Regulations is as set forth in the Regulatory Impact Statement. Costs estimates are basically the same, whether the area in question is rural/suburban/urban.

Minimizing Adverse Impacts:

The overall effect of the amendments to the Commission's stormwater regulations will be to protect and enhance the water quality of Lake George and its tributaries. This will provide a positive impact upon entities in rural areas by maintaining environmental quality and overall property values. These revisions were drafted so as to minimize costs to regulated entities in all areas within the Lake George park including rural areas, while still achieving the purposes embodied in Environmental Conservation Law section 43-0112, which mandated the adoption of the Stormwater Regulations.

As mentioned previously, the majority of land within the Park is considered rural in character. The compliance and reporting requirements of the regulations apply to regulated entities developing land within the rural areas of Lake George Park as well as in the suburban/urban areas of the Park. Modifying or eliminating the standards for development in rural areas would not be consistent with the legislative mandate contained in Environmental Conservation Law section 43-0112. The regulations rely to some degree on both design and performance criteria and cannot rely exclusively on performance criteria for rural areas for the reasons set forth in the Regulatory Impact Statement. Rural areas could not be exempted from the regulations because as aforesaid, the Lake George Park is primarily rural. However, the regulations do contain express exemptions including the construction of one or more single accessory structures with a total service area not exceeding 1000 square feet, or undertaking a land disturbance of less than 5,000 square feet.

Rural Area Participation:

The Lake George Park Commission is a locally based state agency which meets monthly within the Lake George Park, rotating the meetings around the Park and between different municipalities. All meetings of the Commission are open to the public and advertised in the Glens Falls Post Star and on the Commission website. The Commission met with every municipality within the Lake George Park to discuss these proposed regulatory changes and solicit feedback, which was a very positive effort. The Commission also held many meetings with stakeholder groups around the Lake George Park to discuss the proposal and seek feedback. This collective feedback was very valuable in developing the final regulatory package.