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Park Agency



Onsite Wastewater Treatment Systems (OWTS) Regulations in Lake George & the Adirondack Park

2016 Southern Adirondack Planning and Zoning Forum

October 6, 2016

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Outline

- Local Land Use Controls in the Adirondack Park
 - Local Land Use Controls
 - Agency-approved Local Land Use Programs (ALLUPs)
- Guidelines for OWTS in the Adirondack Park
 - Other reference material
- Town of Lake George ALLUP Amendment
 - Chapter 115 Onsite Wastewater Treatment Systems
- Town of Lake George Septic Initiative Program



Local Land Use Controls

A Primer



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Authority for Local Land Use Controls

NYS Town Law §261

For the purpose of promoting the health, safety, morals, or the general welfare of the community, the town board is hereby empowered by local law or ordinance to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes; provided that such regulations shall apply to and affect only such part of a town as is outside the limits of any incorporated village or city; provided further, that ...



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Types of Local Land Use Controls

- **Site Plan Review** – Controls setbacks
- **Subdivision** – Controls lot size, shape, road design ...
- **Zoning** – Controls uses and generally includes Site Plan Review and Subdivision requirements
 - Authority set forth in NYS Town Law
 - ***Requires:*** CEO/ZA, Planning Board and ZBA
- **Other Land Use Controls**
 - Septic Regulations - Design Standards
 - Historic District - Noise Ordinance

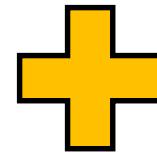


Towns With Local Land Use Controls

Include Local Land Use Controls & Standards
in Addition to APA

APA Jurisdiction:

- APA Act
- Rivers
- Wetlands



Local Controls

Can Include:

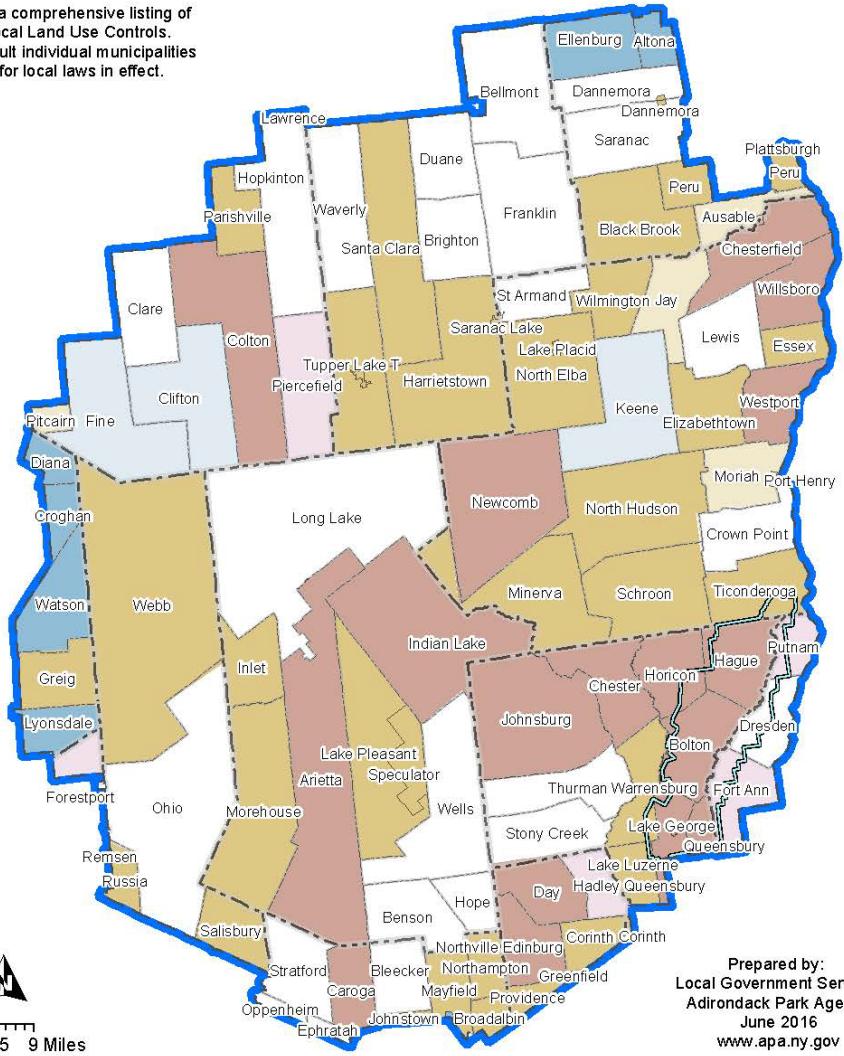
- Uses – types of projects
- Lot Sizes/Intensity/Density
- Lot Configuration
- Roads (frontage & standards)
- Historic Districts
- Hamlet (Uses & Density)



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Not a comprehensive listing of Local Land Use Controls. Consult individual municipalities for local laws in effect.



Local Land Use Controls in the Adirondack Park

- Park Blueline
- Lake George Park Commission Boundary
- State Boundary
- County Boundary
- Town Boundary
- Village Boundary

Land Use Controls

- No ALLUP, SD, SPR, or Zoning*
- Site Plan Review
- Subdivision Regulations
- Subdivision & Site Plan Review
- Zoning
- Zoning & Subdivision Regulations
- APA-Approved Local Land Use Program

17 Towns + 1 Village with an Agency-approved Local Land Use Program



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Agency-approved Local Land Use Programs

ALLUPs 101

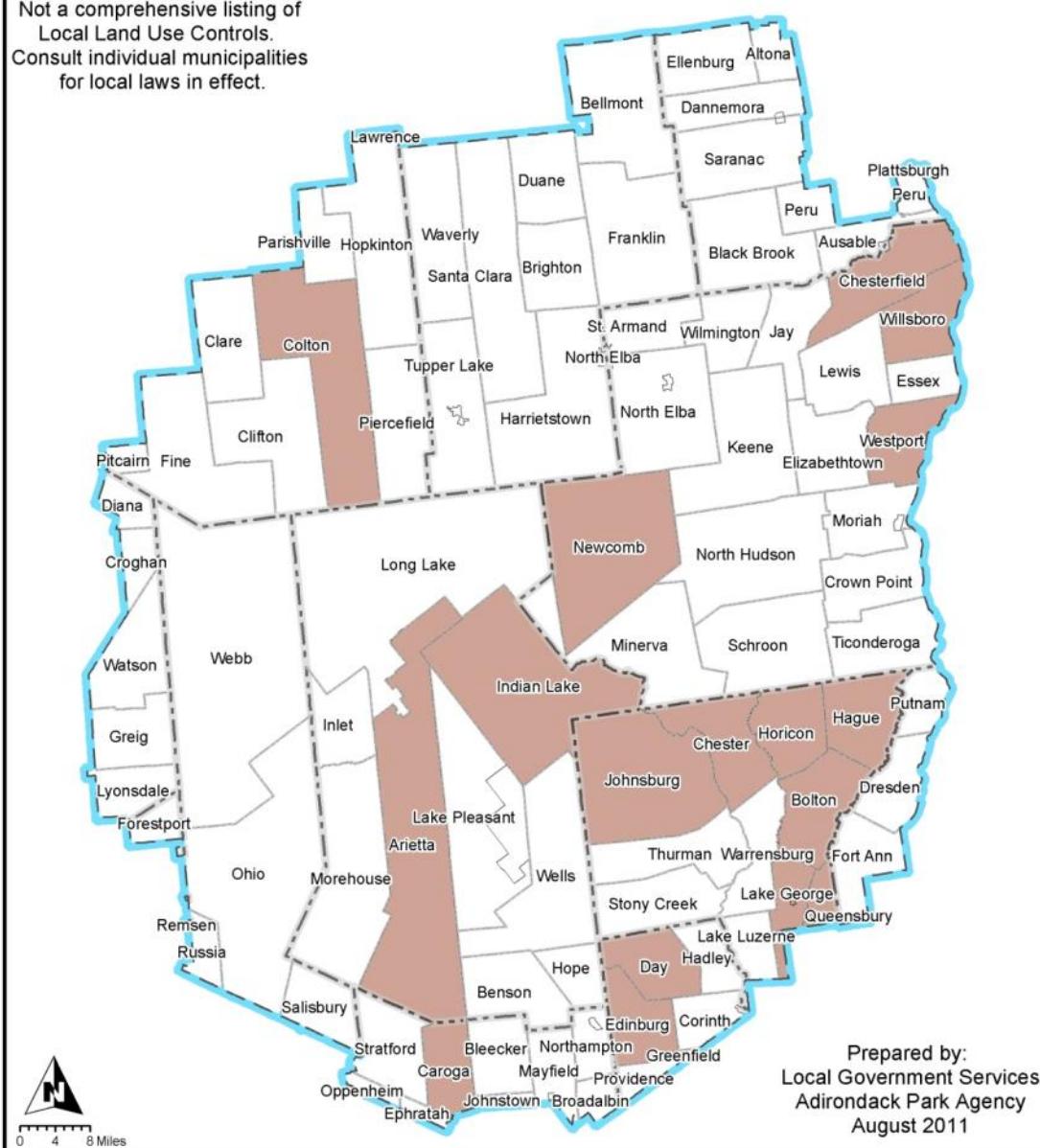


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18 Municipalities With An ALLUP

Not a comprehensive listing of Local Land Use Controls. Consult individual municipalities for local laws in effect.



17 Towns

Arietta

Bolton

Caroga

Chester

chesterfield

Colton

Day

Edinburg

Hague

Horicon

Indian Lake

Johnsburg

Lake George

Newcomb

Queensbury

Westport

Willsboro

1 Village

Village of Lake George

Components of an ALLUP

An ALLUP is a legally binding agreement between a Municipality and the APA where the Municipality stands in the shoes of the APA for the review of certain projects and variances.

Components include:

- Comprehensive Plan
- Zoning Regulations and Zoning Map
- Subdivision Regulations
- Sanitary Code



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ALLUP Criteria: APA Act §807(2)

- Local program includes provisions of the APA Act and APA Regulations
 - Definitions, Density, Uses, Shoreline Setbacks
- APA transfers Class B jurisdiction and Shoreline Restrictions to the Town/Village for administration
 - Town/Village Permit for Class B Projects
 - Town/Village Variance for shoreline restrictions
 - Town/Village Variances/Waiver for OWTS



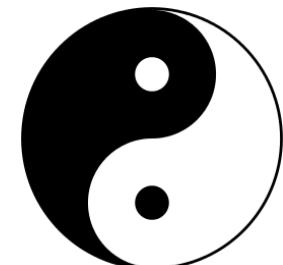
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Results and Benefits

- Why Have an ALLUP -

1. Coordinated permit system.
2. Local authority over Class B Projects.
3. Local participation in APA review of Class A Projects.
4. Local authority over shoreline restrictions.
5. Map Amendments.
6. Refinement of density patterns.
7. Legal defense.



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ALLUP - Challenges

General Municipal Law
and
NYS Town Law

APA ACT

- Land use and development plan
- Overall intensity guidelines
- Compatible uses
- Shoreline restrictions
- Review of class B projects
- Administration and enforcement

+ NYS DOH
Requirements
75A

Gracefully Blend...
Town Law
&
APA Requirements

APA-Approved Local Land Use Program
Zoning, Subdivision and Sanitary Codes



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ALLUP Amendments

• Coordination & Responsibilities of Involved Agencies

➤ Town/Village

- Author (With and without professional consultant)
- Lead Agency for SEQRA

➤ Adirondack Park Agency

- Involved Agency for SEQRA
- Technical Assistance
- Formal Approval

➤ County

- Involved Agency for SEQRA

➤ Department of State

- Record Keeping & Repository for all Local Laws
- Technical Assistance

➤ Department of Environmental Conservation

- Potential Involved Agency for SEQRA
- ENB Notices

➤ Other Interested Agencies (i.e. OPRHP, DOH, DOT)

Amendments that relate to the criteria in §807(2) require approval by the Agency

Amendments that do not relate to the criteria for approval in §807(2) are not subject to approval by the Agency



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Guidelines for OWTS in the Adirondack Park

Appendix Q-4



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APA Development in the Adirondack Park (DAP) Guide – Residential OWTS

Before the Agency can issue a permit, all new and replacement on-site wastewater treatment systems associated with the project must be reviewed under the standards established in New York State Department of Health Appendix 75-A “Wastewater Treatment Standards – Residential Onsite Systems” (“Appendix 75-A”) and Appendix Q-4 of Agency regulations.

This document describes many of the standards and guidelines applied by the Agency when evaluating proposed on-site wastewater treatment systems, and replaces the Agency’s “Guidelines for On-Site Sewage Disposal Systems,” dated March 25, 1991.

<http://apa.ny.gov/Documents/Guidelines/DAP-ProjectGuidelines-ResidentialOSWT.pdf>



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Other APA References for OWTS

- APA Rules and Regulations, Appendix Q-4
- Project Design Guidelines for Minor Projects
- Minor Project Permit Applicant Handbook
- Minimum Requirements for Engineering Plans for Onsite Wastewater Treatment Systems

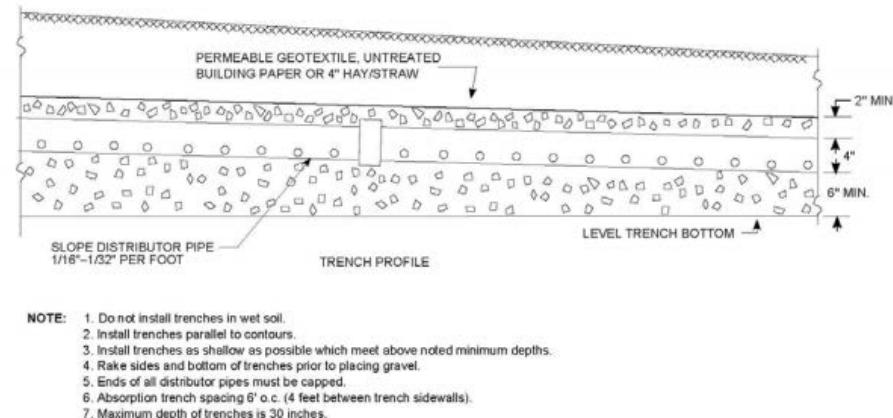


FIGURE 1: CONVENTIONAL ABSORPTION TRENCH DETAIL



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Town of Lake George ALLUP Amendment *Sanitary Code*



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Brief History of Lake George ALLUP

1978: Lake George's Approved Local Land Use Program

1986: Updated Sewage Disposal Systems Code
(Chapter 134)

1994: Updated Lake George Consolidated Health District
Regulations
(Chapter A180)

2003: Zoning Code Revisions

2013: Review and Gap Analysis of Ch. 134/A180 vs. 75-A

2015-2016: Onsite Wastewater Treatment Systems
(New Chapter 115) developed



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Sanitary Code – ALLUP Requirements

§582.2

(e) It contains a sanitary code, or incorporates by reference the regulations of a consolidated or county health district, which:

- (1) provides for site review of all new onsite wastewater treatment systems prior to issuance of building permits; and
- (2) complies with the regulations of the Department of Health contained in 10 NYCRR Part 75, the standards set forth in the agency's model sanitary code, and, if required by the agency based upon local soil conditions, the additional standards set forth in Appendix Q-4 of these regulations.



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Sanitary Code – ALLUP Requirements

NYS Department of Health Appendix 75-A Wastewater Treatment Standards For Individual Household Systems

- Applies to on-site wastewater treatment systems serving residential properties in quantities of less than 1,000 gallons per day (gpd).
- Establishes the minimum standards acceptable in New York State.
- Recognizes that the Adirondack Park Agency may establish more stringent standards.



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Lake George Sanitary Code - Proposed

**Town of Lake George
Chapter 115
Onsite Wastewater Treatment Systems**

- Brings Sanitary Code in line with DOH requirements
- Incorporates elements of the APA review
 - *Project Guideline: Residential On-Site Wastewater Treatment*
 - Encourages siting of new systems in areas suitable for development
- Provides flexibility to the Town in review of projects
- Consistent with other ALLUP Sanitary Codes



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Lake George Actions on OWTS Code Amendment

- Held 2 Public Workshops in Spring 2016 to review “track-changes” document
- Determined amendment to be an Unlisted Action under SEQR; Adopted a Negative Declaration under SEQR on March 14, 2016
- Referred the proposed ALLUP amendment to the Agency for review. Approved on July, 14 2016
- Passed the proposed Local Law / amendment on August 8th, 2016



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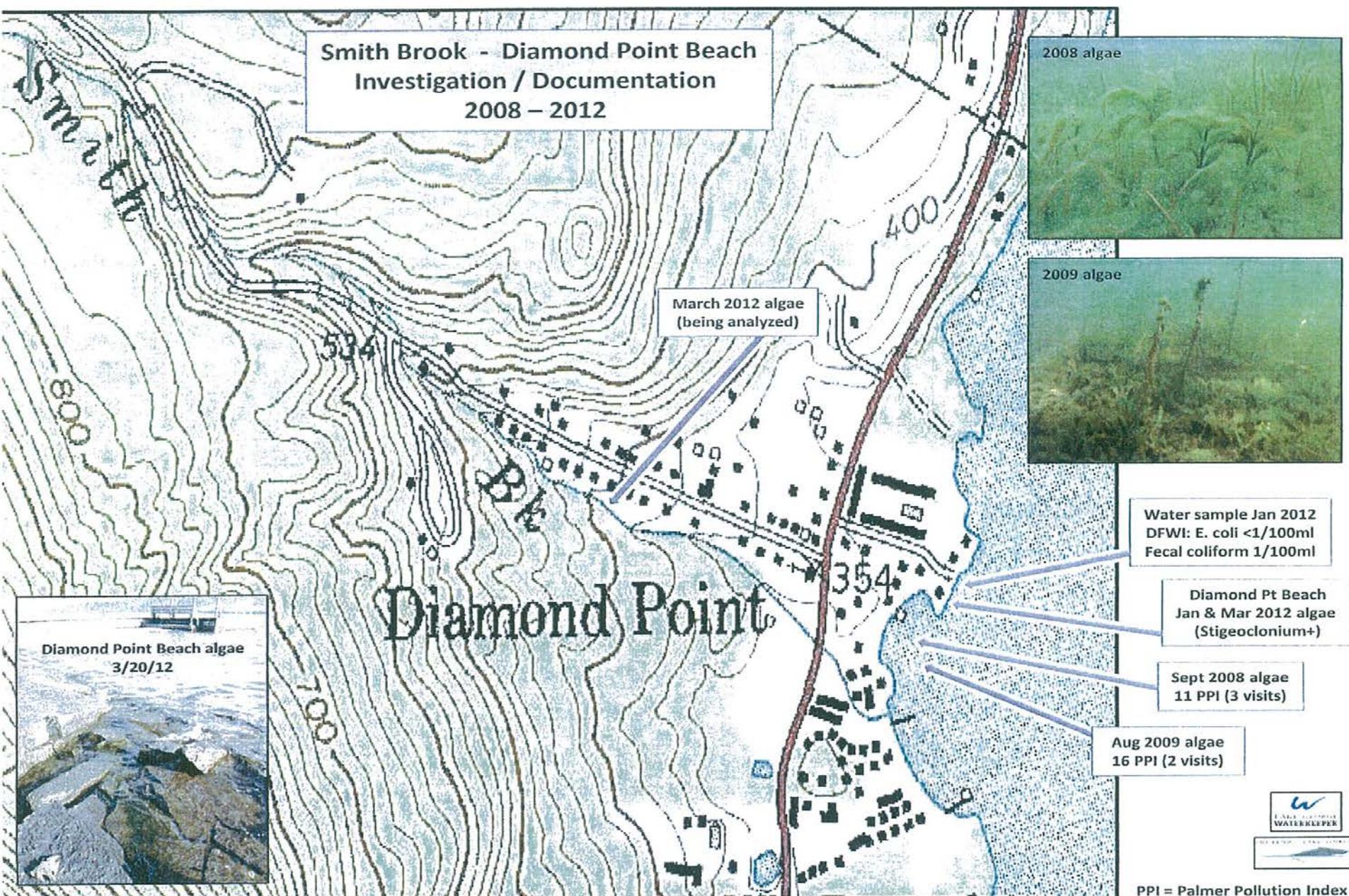
Town of Lake George Septic Initiative Program



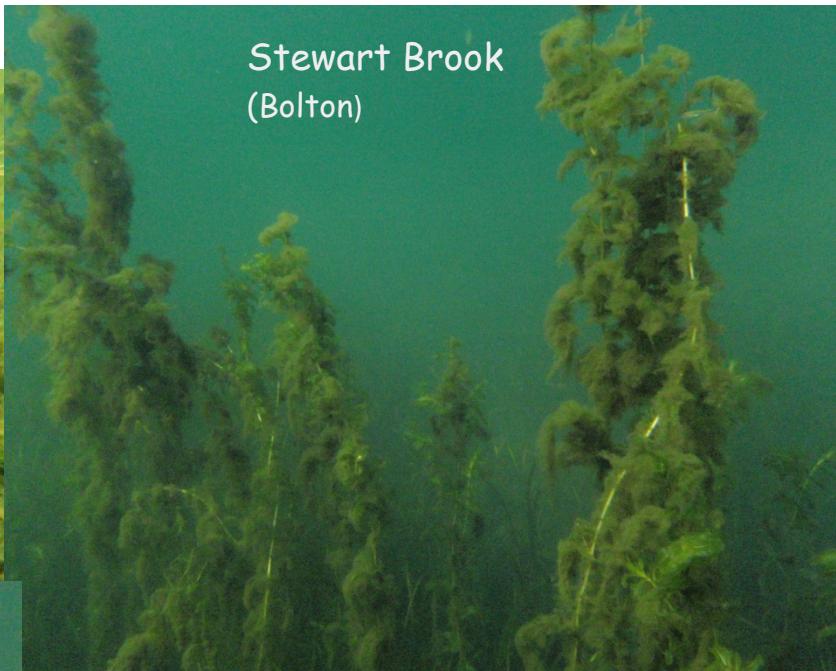
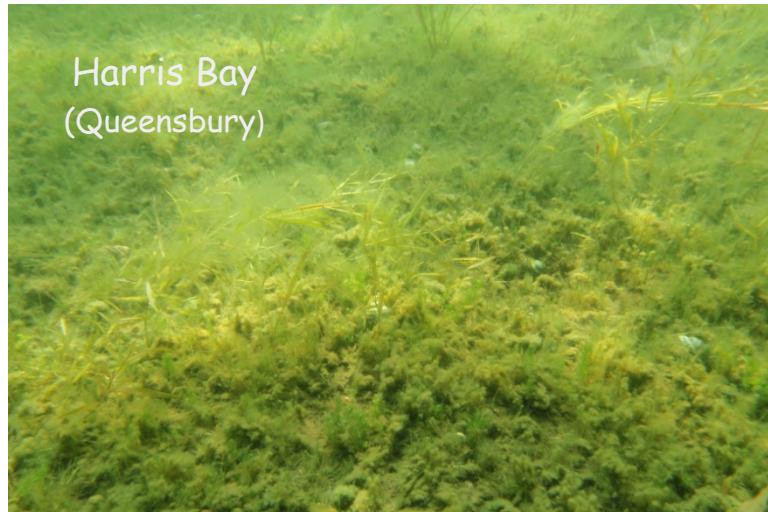
TOLG Septic Initiative Program (SIP) background and starting point

- 2012 underwater photos of algal blooms in Lake George were presented to TLG Supervisor with the identification that the algae indicated “probable organic pollution” (16 PPI)
- Algae grows in abundance where it is being fed with nutrients (excess fertilizers, stormwater runoff and septic systems not functioning optimally)
- Correlation between failing or sub-standard septic systems and excessive algae growth in the lake
- Water quality issues from wastewater and other land uses are not limited to Lake George





2014 Algal Blooms



TOLG Septic Initiative Program

Purpose and Goals

- On May 29, 2013, the Consolidated Board of Health introduced the “Septic Initiative Program.” This programs purpose is to inventory and assess all existing onsite wastewater treatment systems (OWTS) within the town, with the goal to ensure that OWTS (also known as septic systems) are functioning optimally.
- Completion of the “Pre-Inspection Worksheet for Onsite Wastewater Treatment Systems” is a first step and will assist the town in determining OWTS that are not functioning optimally and therefore may be polluting our drinking water and Lake George. These will be used to develop an inventory, which will be assessed and analyzed in terms of functionality.
- Obtain support from adjacent Lake George basin municipalities in either joining the program or creating their own.
- Hold information meetings and training seminars for the public



TOWN OF LAKE GEORGE
20 Old Post Road
Lake George, New York 12845
518.668.5131

Pre-Inspection Worksheet for Onsite Wastewater Treatment Systems (OWTS)

Date _____ Tax Map ID # _____
 Name _____
 Address _____ Lake address _____
 Phone _____ (home) _____ (cell)
 Email _____

SEPTIC SYSTEM SKETCH

FINDINGS

Unknown _____ [check here if you do not know the specifics about wastewater treatment on your property]

Septic system sewage flows into:

Concrete septic tank	_____ gals (size of tank)
Plastic septic tank	_____ gals (size of tank)
Metal septic tank	_____ gals (size of tank)
Holding Tank	_____ gals (size of tank)
Cesspool	_____ gals (size and construction of cesspool)

Effluent from septic tank flows to:

Soil Treatment Area (STA)	_____
Seepage pit / drywell	_____
Eljen ETU	_____
Puraflo ETU	_____
Other (please describe)	_____

OTHER INFORMATION

Age of septic system	_____	Distance to lake or stream	_____ feet
Age of home	_____	# of bedrooms	_____
Garbage disposal? Yes No (please circle)			
Water treatment system? Yes No (please circle)			
Sump pump to OWTS? Yes No (please circle)			
DATE of last septic tank pump out		Septic hauler _____	

<< Please attach a copy of your recent inspection and pump out receipts >>



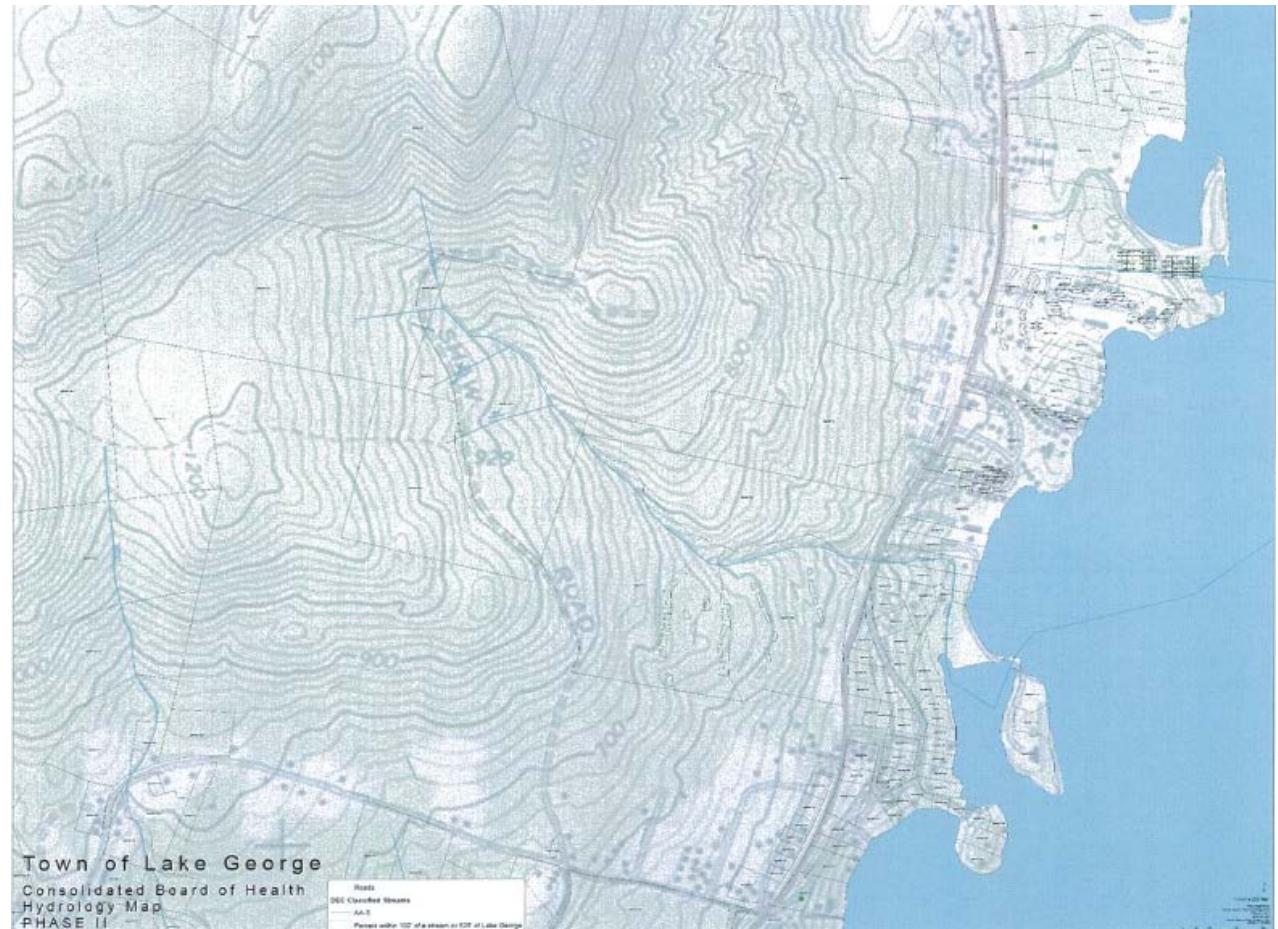
Inventory Started 2014-2015

Four Phases



Program Boundaries

- Phase I – Diamond Point Area
- Phase II – Cannon Point to Hearthstone
- Phase III – Hearthstone to English Brook
- Phase IV – East Side (Plum Point to Wiawaka, and Elm School south)



2015 Annual Summary

**TLG Septic Initiative Program
2015 Annual Summary**

12/31/15

Phase I (Carriage Hill to Diamond Point Rd and south to Orcutt Bay):

- 46 parcels responded and are signed off
- 16 parcels are in process
- 6 parcels did not respond to Pre-Inspection Worksheet

Phase II (Cannon Point south to Hearthstone Campground):

- 30 parcels responded and are signed off
- 25 parcels are in process
- 22 parcels did not respond to Pre-Inspection Worksheet

Phase III (Hearthstone Campground south to English Brook):

- 39 parcels responded and are signed off
- 7 parcels are in process
- 15 parcels did not respond to Pre-Inspection Worksheet

Phase IV (Plum Point south to Wiawaka Holiday House):

- 28 parcels responded and are signed off
- 7 parcels are in process
- 27 parcels did not respond to Pre-Inspection Worksheet

Note: the reporting of parcels above does not include counts for motels, condos, townhouses and homeowner associations (some of which have SPDES permits). The majority responded to the request for information.

Education and Training for Engineers, Contractors, Homeowners, Town Boards and staff

- March 3, 2015 Clarus Fusion, White Knight and small community systems
- March 17, 2015 Onsite Wastewater Training Network (OTN)
- April 8, 2015 BusseGT
- April 22, 2015 Orenco
- December 8, 2015 EcoFlo
- December 16, 2015 Presby Environmental and Clarus Fusion

THE FUND *for* LAKE GEORGE



Town
of
Lake George

Round 12 DEC WQIP Grant

- Awarded \$104,000 for the Septic Initiative Program (SIP) in December 2015 (CFA)
- Program vastly extrapolated, with 6 major “objectives” or tasks to be completed over the next 12 months (18 month project started in April 2016)
- Brought on the FUND for Lake George as contractor and project administrator, as well as Darren Freshwater Institute for Algae testing / water sampling



Septic Initiative Program Tasks

- Inventory and Assessment of all OWTS within boundaries (500 feet of LG)
- SIP Report and Mapping
- Municipal Outreach and Coordination (all LG municipalities, and public outreach/training)
- Algae testing / water sampling
- High Priority areas / Funding for replacement
- TOLG OWTS Code Amendment



Preliminary Inventory / Worksheet Findings

- 'Concerns' being identified include metal septic tanks (that may or may not be corroded and leaking) and cesspools. Possible failures in soil treatment areas (STA) and seepage pits are also being looked at
- Estimate that 10%+ of existing properties within 500 feet of Lake George and 100 feet of Class AA-Special streams in the TLG potentially need retrofit or some level of replacement of OWTS
- Preliminary count for retrofit or replacement potential is estimated at approximately 50-70 properties within the Town of Lake George; roughly 10 properties in boundary have already upgraded
- Estimate for failing or substandard OWTS do not include properties with multi-unit homeowner associations (HOAs), motels or townhouses



SIP Progress – GIS Mapping



CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C.

Dutchess County Office:
21 Fox Street
Poughkeepsie, NY, 12561
Phone: (845) 454-3980

Capital District Office:
547 River Street
Troy, NY, 12180
Phone: (518) 273-0055

North Country Office:
375 Bay Road
Queensbury, NY, 12804
Phone: (518) 812-0513

Lake George On-Site Wastewater Management Program

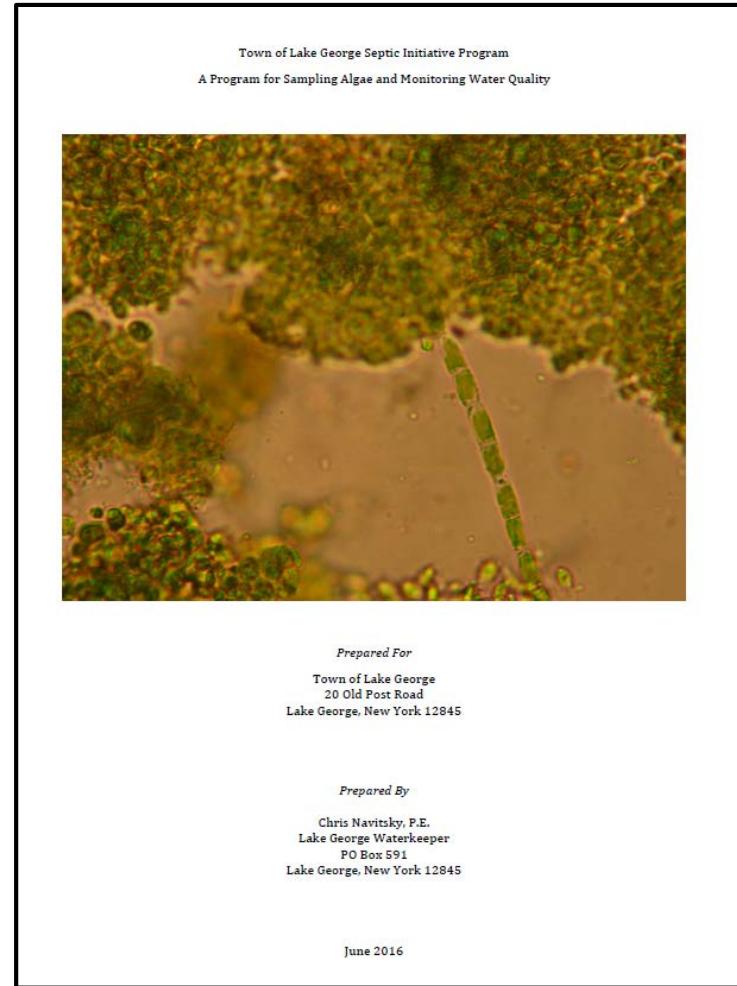
Phase 2 Area - Wetlands and Soils

Town of Lake George
Warren County, New York

Drawn:	RL-B
Date:	09/02/2015
Scale:	1 inch = 200 feet
Project:	91620.00
Figure:	2 - Wetland/Soils



SIP Progress – Sampling



SIP Progress – Sampling



SIP Progress – Inventory

- Town files reviewed (30-40% response)
- Initial survey sent to property owners
- Schedule site inspections
- Follow up surveys to remaining properties



SIP Progress – Outreach

- Training Sessions for professionals and contractors
- Use Initiative and districts as models for watershed
- Arrange a Septic Summit



Moving forward

- Follow through on any remaining OWTS data collection for all properties within 500 feet of Lake George and 100 feet of all Class AA-Special streams and tributaries
- Complete SIP Report complete with analysis and mapping
- Develop future lake-wide strategy for the Septic Initiative Program and continue discussions with all municipalities within the Lake George watershed
- Continue to link educational information, including OWTS info, to the TLG website for resident access and ongoing education and hold seminars and informational meetings
- Put a plan in place for long-term algal monitoring with the FUND
- Work with the FUND and high-priority area property owners on OWTS replacement and permitting in 2017/2018



Questions?

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