

# Drain law: Ordinance seeks to reduce amount of stormwater runoff

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drywells, lined pits containing crushed rock, blind ditches or retention ponds — that would keep most of the stormwater drained by the property on the property itself and out of Placid and Mirror lakes.

For the most part, the members of the Lake Placid Village Board and the North Elba Town Board who sat for Monday night's hearing seemed to view the stormwater ordinance favorably.

Three provisions of the ordinance, however, were questioned:

- standards for granting variances to the ordinance;
- the need for a schedule of fees and fines associated with permitting and enforcing the ordinance; and
- the inclusion of crushed stone and packed earth in the definition of "impervious surfaces."

When North Elba town supervisor Shirley Seney did some quick figures in her head, she realized that the resurfacing of her 50-by-12-foot driveway — adding up to 6,000 square feet — might require a permit under the new ordinance.

"You mean that if I put down crusher stone to upgrade the surface on my driveway, I'll have to have permit?" Seney asked. "No, I don't think so!"

Bill Billerman, one of the authors of the proposed ordinance and chairman of the town and village's Joint Review Board, which

would have jurisdiction over major projects under the new law, addressed Seney's question.

"If the surface is already impermeable," Billerman said, "no permit would be needed. But if the slope of the driveway were changed, or new material were used, then a permit would be required."

After further discussion, Billerman agreed that including "packed earth and crushed stone" among the "impervious surfaces" covered by the stormwater law was inappropriate, since they are not truly impervious.

Attorney Janet Bliss noted that the ordinance allowed for variances to be granted.

"But have you considered under what circumstances and by what standards those variances would be approved?" she asked.

Billerman admitted that those drafting the proposed law had not considered that question, and agreed that standards for granting variances would have to be included in the final draft of the law when it is voted upon by the town and village boards.

Lake Placid Mayor Roby Politi broached the subject of fees for issuing the stormwater management permits called for in the ordinance.

"Is the permit process one with a fee?" Politi asked.

"I think you have to have some kind of fee," Billerman replied.

"And will there be fines associated with this?" asked Supervisor Seney. "Is there a schedule prepared somewhere for those?"

## The matter of a schedule of fines, along with set fees, would have to be resolved before a vote.

The matter of a schedule of fines, along with set fees, would have to be resolved before a vote, Billerman admitted.

There was one more subject that drew much consideration at Monday night's public hearing: Would the permit-

ing for small projects put too much extra work on the desk of town and village Code Officer Jim Morganson?

"What concerns me most is having more bureaucratic red tape on residents," said Mayor Politi, "and more burden on the people in (the code enforcement) department."

Politi asked Morganson how he felt about the ordinance himself.

"I think voluntary compliance for the minor projects (5,000 to 15,000 square feet) is an easier sell for me," Morganson said. "We just need to get out there and educate people, and I think we'd have the same results."

"The driveways are going to be

the biggest problem with this law, and the ones we need to talk with right away are the pavers who install them."

Georgia Jones, one of the law's drafters, said that driveways, fence construction and other minor projects are, collectively, among the largest contributors of silt runoff into Placid and Mirror lakes, resulting in the reduction of the lakes' water-bearing capacity.

Permitting for the minor projects, Jones said, was as important as requiring engineering plans for stormwater drainage on the major developments.

"If permitting (by the code enforcement office) is needed, and one person can't do it, then the answer is to get another person, not to NOT do it," Jones asserted.

David Ackerman, another member of the committee that drafted the proposed ordinance, noted that in Lake George, where a similar law has been in place since 1990, the code enforcement officer said that he handled about 10 permit requests a year for minor projects.

"Ten more permits here wouldn't be that big an increase," Ackerman suggested.

Even so, Morganson said, "I would much rather have an educational process, rather than going out and telling people they are in violation of the law."

"I think we need this for the major projects," Politi said, "but couldn't we institute this for the first year on an educational trial basis for the minor projects, and

then change it if we've got it wrong?"

Other board members responded that, once a law is passed, it's the law; a "trial law" would be problematic.

"The way to change a law, once it's passed, is to rescind it and start over," noted North Elba Councilman Jay Rand.

In the end, Billerman summarized the changes that would have to be made in the ordinance as it was submitted for the public hearing before it could be voted upon by the North Elba and Lake Placid boards:

- strike "crushed stone" and

"packed earth" from the list of impervious surfaces covered in the new law;

- develop criteria for granting variances to the ordinance; and
- create a fee schedule and a list of fines for violating specific provisions of the ordinance.

The next step will be for the village and town boards to take up the ordinance in their regular business meetings, where they can vote it up or down.

Federal law requires that municipalities like Lake Placid and North Elba develop procedures for managing stormwater runoff by 2003.

## Storm-drain law clears a hurdle

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**L**AKE PLACID — A proposed law designed to reduce the amount of stormwater runoff carrying silt, trash and pollutants into Placid and Mirror lakes appeared to pass muster Monday night at a joint meeting of the village and town boards.

The proposed Stormwater Management Ordinance, prepared in December 1999, would require property owners and contractors to take steps to greatly reduce stormwater runoff from resurfacing or development projects.

Small, private landscaping or gardening projects involving less than 5,000 square feet would be exempt from the ordinance.

Small construction or resurfacing projects involving between 5,000 and 15,000 square feet would have to have a "stormwater management permit," to be issued by the town and village's code enforcement officer.

Developers proposing major projects involving more than 15,000 square feet would have to submit engineering plans for review showing stormwater control measures — like

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