SECTION 4
GENERAL STANDARDS
APPLICABLE TO ALL DEVELOPMENT ACTIVITIES

4.1 OBJECTIVES AND APPLICABILITY

A. Object

The primary objective is that new development and redevelopment projects are compatible with the environmental, architectural and cultural context of the Village of Lake Placid and the Town of North Elba.

B. Applicability

This section shall apply to all land development activities within the Town of North Elba. No excavation, site alteration or improvement shall be initiated until a Building/Use permit has been issued.

4.2 GENERAL STANDARDS

4.2.1 Heath and Safety

A. No land or structure in any planning district shall be used in any manner as to create dangerous, injurious or noxious conditions that adversely affect the reasonable use of adjoining or nearby properties.

B. No noise or vibration shall be permitted which is excessive at the property line or is incompatible with the reasonable use of the surrounding area. Excessive noise shall be considered a sound pressure level that exceeds 65 decibels at the property line on a regular or reoccurring basis.

C. No fire, explosive or safety hazard shall be permitted which endangers other property owners or results in a significantly increased burden on municipal facilities and services.

D. No smoke, dust, dirt, noxious fumes, gases or odors or any other atmospheric pollutant endangering or adversely affecting the health, comfort, safety, or welfare of the public or neighboring property owners, or causing damage to property, business, or vegetation, shall be permitted. Smoke is excessive when the shade or appearance of such smoke is darker than No.2 on the Ringlemann Smoke Chart, published by the United States Bureau of Mines.

E. There shall be no discharge of sewage or any waste material whatsoever into any public water, wetland, aquifer, watercourse, open ditch, stormwater system or land surface.

F. There shall be no discharge of any waste material whatsoever into any sanitary disposal system or sewage system, except in accordance with the rules of land under the control of public health authorities or the public body controlling such sewerage systems. Any chemical or industrial waste, which places undue loads, as determined by the Village

Wastewater Treatment Plant, shall not be discharged into any municipal system and must be treated by the industrial user.

G. There shall be no storage or stocking of any waste materials whatsoever, except in a completely enclosed building.

H. No emission of hazardous radioactivity, as defined by Federal and/or New York State Governmental Standards, shall be permitted.

I. There shall be no breeding of vermin.

J. Acceptable trash receptacles shall be located so as not to be visible from any public road or waterway. Where necessary, appropriate screening and/or enclosure shall be used.

K. For all land uses on Main Street between New York State Route 73 and Saranac Avenue, a minimum of six feet inward from the curb shall be kept clear of obstructions of any nature.**

L. No chickens, livestock or other farm animals may be kept in any Planning District other than Rural Countryside (RC).**

4.2.2 Non-Conformities

A. Prohibition to Create Non-conforming Lots

1. No existing lot of record on the effective date of this Code shall be subdivided or otherwise changed in configuration so as to make it nonconforming.

2. Where any lot or parcel is located in more than one planning district, the required minimum lot area shall be as required for that planning district in which the building or use is proposed, providing that the lot or parcel has the required minimum lot width in this same district; otherwise, the required minimum lot area, lot width and yard dimensions shall be determined in corresponding proportion to the percentage of the lot or parcel in each separate planning district.

B. **Pre-existing Non-Conformities**

Any lawful structure or its use existing at the time of the enactment of this Code or its amendment shall be considered as a non-conforming structure or use if it does not conform to this Code. Reconstruction, additions, alterations or changes in non-conforming structures or uses are subject to the following:

1. A nonconforming building shall not be added to, enlarged, or expanded, in any way except that (a) a nonconforming building which is nonconforming as to height may be expanded or enlarged as long as the expansion or enlargement does not increase the maximum height of the building or create any nonconformity with the other dimensional regulations of the Code, (b) a nonconforming building which is nonconforming to setback may be expanded or enlarged as long as the expansion or enlargement does not exceed 25% in size of the building footprint within the setback zone in question and does not reduce the minimum distance between the building and the lot line in question, and does not create any nonconformity with the other dimensional restrictions of this Code, and (c) notwithstanding the foregoing, an expansion of a building which is nonconforming as to front or rear setback shall be permissible to any extent where the expansion or the enlargement would be away from the front or rear setback line (i.e. toward the center of the lot) and no other nonconformity with the dimensional restrictions of this Code would be created.* ***

2. A non-conforming use may expand if the structures associated with the expansion meet the minimum setback requirements of the planning district in which it is located, and the use as expanded is approved as a conditional use by the Review Board.

3. A non-conforming use may expand onto an adjoining property as long as the lots are under the same ownership as of the effective date of this code, and the use as expanded is approved as a conditional use by the Review Board.

*** 4. A nonconforming building or use, once removed, shall not be reintroduced or replaced other than by a conforming building or use.

*Town of North Elba Local Law 1 of the year 2013
Village of Lake Placid Local Law 1 of the year 2013

**Village of Lake Placid Local Law 1 of the year 2017
Town of North Elba Local Law 1 of 2017

***Local Law #2 of 2022 Town of North Elba
Local Law #2 of 2022 Village of Lake Placid

*** 5. Whenever a nonconforming use has been discontinued for a period of two years, any future use shall be in conformity to the provisions of this Code.

6. A nonconforming building or use damaged by fire or other natural causes may be restored, reconstructed or used as before, provided the location, size and height of the building or use and the percent of the lot coverage shall not exceed that which existed before such damage. Restoration must be completed and a Certificate of Compliance issued within two years of such occurrence; except as application may be made to and considered by the Board of Appeals. That Board may, for due cause shown, authorize a one-year extension within which to complete the project and obtain the Certificate of Compliance.

7. An existing use located within a non-conforming building may be replaced by a permitted use or conditional use under this Code, as long as the non-conforming f features of the building are not made to be further non-conforming.

C. Pre- Existing Non-conforming Lots

*A building or use which was permissible at the time of creation of a given lot of record may be constructed or located on any lot of record, as of the effective date of these Regulations or their applicable amendment, in any District even if said lot does not meet the minimum lot area and lot width requirements in the District in which it is located, providing the following conditions exist or are met:

1. The owner of said lot owns no adjoining unimproved land that would create a conforming lot if combined with the lot that is deficient in area or width.

2. Any building or use located on a non-conforming lot shall have front, side and rear yards conforming to the minimums required for the district in which said lot is located, except as may be otherwise approved by the Board of Appeals according to the variance process elsewhere provided for under these Regulations (sec 8).

4.2.3 Conversions and Changes of Use

A conversion or change of use from a permitted to a conditional use, or from a conditional use to another conditional use, or a material change or expansion in a conditional use, requires conditional use approval.

4.2.4 Accessory Structures

A. General Requirements

1. All accessory dwelling units and buildings shall require a Building/Use Permit issued prior to their construction and a Certificate of Compliance upon completion, except when such accessory dwelling units or buildings have been specifically exempted (section 1.7.5).

*Town of North Elba Local Law 1 of the year 2016

***Local Law #2 of 2022 Town of North Elba
Local Law #2 of 2022 Village of Lake Placid

2. Exempt structures, as defined in this Code, shall be setback at least five feet from all lot lines.

3. A trailer or other similar structure accessory to a construction project for office, storage or related use shall be permitted provided that it is used only for the duration of the project. Such accessory structures shall not be used for living accommodations except for the accommodation of a night watchman, and they shall be promptly removed upon completion of the construction project or part thereof to which it is accessory. Failure to remove such structures in a prompt manner after notice by an Enforcement Officer shall be considered a violation of this Code.

B. Accessory Buildings

1. Accessory buildings to a residential use and not attached to a principal building may be erected in accordance with the following requirements:

   Front yard - Not to be located in any required front yard
   Rear yard - at least 10 feet from rear lot line
   Side yard – at least 10 feet from side lot line
   Corner lot - not to be located in any front yard or yard adjacent to a road-right-of-way
   No closer than 10 feet to a principal or other accessory building

2. An accessory building attached to a principal building shall comply in all respects with the requirements of this Code applicable to the location of the principal building.

3. No accessory building shall be constructed or located to house or provide shelter for more than one animal, other than a domestic household pet, on any lot less than three acres in size. Front, side and rear setbacks for any such buildings designed to house or provide shelter for livestock shall be a minimum of 100 feet from the side and rear lot lines.

The maximum height of any accessory building or structure shall be 18 feet, but shall in no instance exceed the height of the principal building or use. .

C. Swimming Pools

1. Private, outdoor swimming pools shall be permitted as an accessory structure to a dwelling unit only in accordance with the following standards:

   a. It shall be erected only on the same lot as the principal building or one contiguous thereto.

   b. It may be erected or constructed only in the side or rear yard of the lot and shall conform to the accessory structure setbacks.

   c. It shall be not less than 15 feet from any principal building.

   d. The pool shall be adequately fenced to assure that it will be used only by those persons having approved entrance to the pool.

e. It shall be adequately screened or otherwise situated so as not to be obtrusive from the public right-of-way or to otherwise present a nuisance to any adjoining use.

f. It shall not adversely affect the character of any residential neighborhood. All lighting or other appurtenances shall be arranged to not interfere with neighboring uses.

2. A swimming pool constructed or installed as an accessory use to any conditional use shall be permitted only after issuance of a permit by the Review Board. It shall be located so that it will not be a public hazard or nuisance to adjoining uses, and it shall be designed and located in accord with acceptable engineering standards and any applicable State requirements.

D. Accessory Dwelling Units

1. One accessory dwelling unit shall be permitted if located within, detached or attached to a single-family dwelling. Accessory dwelling units must meet the following standards:

   a. The unit is not for transient rental.

   b. The property has sufficient wastewater capacity.

   c. The unit does not exceed 50 percent of the total habitable floor area of the principal single-family dwelling and is not located in the front yard.

   d. Applicable setback, permeability, and parking requirements specified in this Code are met.

2. The creation of an accessory dwelling unit will require conditional use approval under Section 8.0 (Review Process) if it is a conversion of an existing accessory structure (e.g. a garage) where the accessory structure is in violation of any setback.

4.3 SITE IMPROVEMENTS

4.3.1 Access and Frontage

A. Right of Way

No land development is permitted on lots that do not have either frontage on a public road or a permanent easement or right-of-way of record approved by the Review Board in accordance with Section 8 (Review Process) of this Code. The minimum frontage required for each planning district is established in Section 2 (Base Districts).

B. Lot Access

No lot shall be served by more than one access road or driveway unless otherwise

permitted under conditional review in accordance with Section 8 (Review Process). Road access (curb cuts) shall be in accordance with applicable municipal and state regulations.

C. Distances of Driveways from Streets or Highways

All driveways should be located a minimum of 50 feet or the farthest appropriate distance from a street or highway intersection.

D. Distance of Driveways from Property Lines

Driveways shall be located at least five feet from side property lines, except in instances involving shared access.

4.3.2 Lot and Yard Requirements

A. Required Yard

No required yard surrounding any building shall be considered as providing the requisite yard area for another building on the same lot or any other lot.

B. Corner Lots

On a corner lot in any planning district, other than the Village Residential and the Village Center Districts, where a front yard is required, a yard shall be provided on each roadway equal in depth to the required front yard for the planning district in relation to each such roadway. One yard shall be designated by the property owner as the rear yard.

C. Placement of Principal Buildings

Where a lot extends from one roadway to a parallel or nearly parallel roadway or shoreline, the principal building shall be erected to face the same roadway or shoreline on which adjoining principal buildings face.

D. Placement of Fencing and Retaining Walls

No fence, wall or planting more than three feet in height shall be placed within a required front yard that obstructs visibility as to interfere with the safe movement of vehicular traffic.

E. Additional Requirements Related to Fences*

(1) Any fence higher than 3 feet in height in a front yard setback area, and any other fence higher than 8 feet in height, shall require a permit and shall be subject to site plan review by the Review Board, excepting those fences in side or rear yards which have been agreed to in writing by the landowner proposing the fence and the adjoining property landowner. "Height" shall mean height above natural grade.

(2) The criteria for approval of these fences which are subject to Review Board approval shall be (A) that fences shall not have the purpose or effect of blocking distant views enjoyed by neighboring owners, and (B) that fences shall not result in materially adverse visual impact or a material change in the character of the neighborhood.

*Town of North Elba Local Law 1 of the year 2016

4.3.4 Lighting

A. Lighting levels and design should comply with the Illuminating Engineering Society of North America's Recommended Practices and Design Guidelines, latest edition. Energy efficient lighting sources are recommended.

B. No glare, lights, or reflection shall be permitted which could impair the vision of a driver of any motor vehicle or which is detrimental to public health, safety and welfare.

C. All lighting, except for floodlights, should be glare-free and shielded from the sky either through the use of exterior shields or optics within the fixture. Lighting shall be directed so as not to cause excessive illumination on adjacent roadways or result in direct illumination of neighboring properties.

D. Floodlights, except where otherwise permitted by this Code, must be hooded and angled towards the ground. No light may escape from above the horizontal plane, and the light source shall not be visible.

E. Fixtures on buildings shall not be located above the eave line or above the top of the parapet wall.

F. High pressure sodium luminaires shall not be employed unless demonstrated to have appropriate color correction technology.

G. The Review Board, in cases where it has jurisdiction, and the Zoning Board of Appeals in all other cases, shall be empowered to determine whether lights are being used in such a way that their direction or intensity is harmful to those in the vicinity who are engaged in the lawful use of land.

Parking and Vehicle Storage

4.3.5

A. Parking requirements for all uses are set forth in Section 5.3.

B. No unregistered vehicle shall be stored in view of any adjoining property or public right-of-way, or in a manner in violation of the Junk Car Ordinance.

C. No recreational vehicle or living unit, whether occupied or unoccupied, shall be parked or otherwise situated except in an authorized campsite, parking area or on the property of the owner, for a period of more than 24 hours without a temporary permit, authorized by the Village and/or Town Board for a period not exceeding 70 days. The Village and /or Town Board may at their discretion issue a permit for any combination or group of vehicles or units as it deems appropriate.

D. Parking or storage of recreational vehicles or boats in any district shall be confined to the rear or side yard and not within ten feet of any lot line.

E. The overnight parking or storage of any vehicle or equipment used for commercial purposes, other than one such vehicle for each resident of the premises used for daily transportation, is prohibited for all residential uses.

4.4 RESOURCE PROTECTION

4.4.1. Permit Required

No excavation, site alteration or improvement shall be initiated until a Building/Use Permit has been issued.

4.4.2 Protection of Slopes

Development is specifically prohibited on slopes equal to or in excess of 25 percent, with the exception of stairways.

4.4.3 Protection of Navigable Streams and Rivers

All buildings, structures and other impervious surfaces in excess of 80 square feet, other than boathouses, docks or swimming floats shall be set back a minimum of 50 feet from the mean high water mark of any river or stream, or portion thereof which is navigable by canoe.

4.4.4 Protection of Wetlands

A. New York State's freshwater wetlands are protected under Article 24 of the Environmental Conservation Law, commonly known as the Freshwater Wetlands Act (the Act). Wetlands include all lands identified on the Article 24 Freshwater Wetland Maps, which are available at the DEC regional office or the clerk's office for each county, city, town and village. To be protected under the Act, a wetland must be 12.4 acres or larger. The regulated area includes the wetlands themselves as well as a protective buffer or "adjacent area" extending 100 feet landward of the wetland boundary.

B. Within the "Blue Line" of the Adirondack Park, the responsibility for administering the Freshwater Wetlands Act (including determining the existence and extent of freshwater wetlands and regulating activities in and/or near them) resides with the Adirondack Park Agency (APA). Wetlands within the Adirondack Park are further regulated under the Adirondack Park Agency Act when the wetland area is one acre in size or larger, or of any size when the wetland is adjacent to and has free interchange at the surface with a permanent water body, such as a stream, pond or lake.

4.4.5 Protection of Flood Hazard Areas

A. Flood Hazard Areas Defined

1. Flood hazard areas shall be as delineated on the Flood Hazard Boundary maps prepared by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development.

2. Flood hazard areas in the Town of North Elba and Village of Lake Placid also are those delineated on "Special Flood Hazard Areas Inundated by 100-Year Flood" as set forth on the Flood Insurance Rate Maps (FIRM) issued by Federal Emergency Management

Agency (FEMA), dated August 23, 2001 and any subsequent amendments thereto, for Community No. 361156.

3. No permit shall be authorized in any flood hazard area until the Review Board has determined that the applicable requirements of the National Flood Insurance Act and these regulations have been met.

B. Construction Requirements within Flood Hazard Area

1. All proposed construction, installation, alteration or replacement of any structure or appurtenant system, or alteration of any shoreline or major landform will be reviewed to determine that such undertaking is consistent with the objectives of these regulations, the proper management of the flood hazard areas and any flood plain management programs. No such activity will be permitted except in such manner and according to such restrictions as may be reasonably necessary, where it would not have an injurious effect on the proper management of any flood hazard area, or be otherwise contrary to standards established in these Regulations.

2. No building, structure, installation, construction or alteration of any shoreline or major landform will be located or initiated in such manner as to jeopardize the safety, health or welfare of the occupants' adjoining property owner[s] or users thereof.

3. No building, structure, installation, construction or alteration of the shoreline or major landform shall be so located or constructed as to interfere with or diminish the effective carrying capacity, increase floodgate elevation or flood velocities of any stream or its related floodway.

4. Construction, installation, alteration or replacement of any structure or appurtenant system in any area designated as a flood hazard area shall be flood- resistant; and further, all construction methods and practices connected with the location, building or installation of the same will be carried out in such manner as to minimize potential flood damage.

5. Any new or replacement water supply or sanitary sewage disposal system located in any area designated as a flood hazard area shall be so designed as to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into the flood waters. All such systems shall be located and constructed so as to avoid their impairment, contamination to them, or contamination of any floodwaters.

6. All subdivisions or other major developments shall be reviewed to determine that they are consistent with the purpose and intent of these Regulations, the proper management of the flood hazard areas and any flood plain management programs. In particular, all public facilities and utilities such as sewer, gas, electrical or water systems shall be so located, elevated and constructed as to minimize its affect on the flooding potential and its exposure to flood hazard.

7. Construction, installation, alteration or replacement of any structure or appurtenant system in any area designated as a flood hazard area shall be so designed and anchored as to prevent the flotation, collapse or lateral movement of same, or any portion thereof, due to flooding.

8. All applications for construction, installation, alteration or replacement of any structure or appurtenant system in any flood hazard area shall be accompanied by appropriate documentation, including certification by a licensed professional engineer or registered architect where required, that the proposal is consistent with the performance standards of these regulations and that, in particular, the following measures are adequately provided for in relation to the site and a potential 100 year flood;

    a. Anchorage is sufficient to resist flotation and lateral movement.

    b. Reinforcement of walls and provision for relieving hydrostatic water pressure on external walls and basement floors is sufficient to resist water pressures.

    c. Installation of any pumps to lower water levels in the structure and the absence of gravity flow drains have been adequately considered.

    d. Elevation of the lowest floor for all structures and their service equipment, is at least one foot above the 100-year flood level, as such level has been established by the U.S. Department of Housing and Urban Development.

9. The Town may, where it deems advisable, request that any or all of the pertinent requirements and standards for flood-proofing as set forth in the most current edition of the manual entitled "Flood-Proofing Regulation," be established as a guide in any proposal for building construction, equipment location or utility installation and that compliance to such standards be certified by a licensed professional engineer or registered architect.

4.4.6 Protection of Forest Resources

A. Objectives

Forest resources will be protected to address the following public concerns:

1. Protecting watersheds, streams, rivers, lakes and ponds
2. Recharging groundwater
3. Maintaining functioning habitats for wildlife
4. Providing timber, pulp, maple syrup and other products on a sustained economic basis
5. Protecting scenic quality and serving as visual buffers
6. Providing amenity and recreation opportunities in association with community development
7. Sequestering carbon dioxide ($CO_{2)}$ to control increases in greenhouse gases

B. Required Forest Resource Management Plan

1. Any cutting activity which involves the removal of more than 40 percent of the trees over four inches diameter at breast height (dbh) on 3.0 acres or more requires the submission of a management plan. No cutting may take place until the Review Board issues a conditional permit as provided for in Section 8 (Review Process) of this Code.

2. All removal of trees must be done in strict compliance with timber harvesting regulations administered by the New York Department of Environmental Conservation and the Adirondack Park Agency.

3. The Review Board shall review all forest management plans according to the following standards and guidelines.

    a. Proposed method and equipment to be used
    b. Measures taken to control adverse environmental impacts
    c. Impacts on neighboring properties
    d. Monitoring to insure compliance with the plan
    e. Qualifications of preparer of the forest management plan

4.5 STORMWATER MANAGEMENT

4.5.1 Concerns and Objectives

A. Concerns

Uncontrolled drainage and runoff associated with land development and subdivisions may have a significant impact on the health, safety, and welfare of the community for the following reasons:

1. Stormwater can carry pollutants into receiving water bodies and degrade water quality.

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

3. Improper design and construction of drainage facilities can increase the velocity of runoff, thereby increasing stream bank erosion and sedimentation.

4. Construction requiring land clearing and alteration of natural topography tends to increase erosion.

5. 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.

6. Impervious surfaces increase the volume and rate of stormwater runoff and allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow.

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

8. Substantial economic losses and costs can result from these adverse impacts on the waters of the Village and Town.

B. Objectives

The general objective of these regulations is to protect and safeguard the general health, safety and welfare of the public by protecting the quality of the ground and surfacewaters. In addition these regulations have the following specific objectives:

1. Prevent any increase in stormwater runoff from any development in order to reduceflooding, siltation, and stream bank erosion.

2. Prevent any increase in pollution caused by stormwater runoff from development which would otherwise degrade the quality of the waters within the Village of Lake Placid and Town of North Elba and render them unfit for human consumption, interfere with water-based recreation, or adversely affect aquatic life, and

3. Prevent any increase in the total annual volume of surface water runoff which flows from any specific site during and following development over that which prevailed prior to development.

4.5.2 Applicability

These regulations shall apply to all construction and alteration of buildings, land clearing, and subdivision of land, except development that is expressly exempt pursuant to this Code. Permits and approvals required by this section may be incorporated into the site plan, land use, or zoning approvals issued under separate provisions of this Code.

4.5.3 Exempt Activities

The following activities are exempt from the stormwater management requirements:

A. Emergency repairs to any stormwater control measure

B. 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

4.5.4 Prohibitions

A. No person shall subdivide land or build, construct, erect, expand or enlarge any building or structure or place or construct any impervious surface such as pavement, blacktop, macadam, or crusher run without first receiving a stormwater management permit.

B. No owner of real property shall maintain a condition, which due to human disturbance of land, vegetative cover or soil, results in the erosion of soil into any body of water. The Code Enforcement 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. A reasonable time period is seven days, but may be longer or shorter, at the discretion of the Code Enforcement Officer.

C. No person shall operate a land clearing machine such as a backhoe, grader, 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 1000 square feet without first receiving a stormwater permit.

D. No person shall create a condition of flooding, erosion, siltation or ponding resulting from failure to maintain previously approved stormwater control. The Code Enforcement Officer shall notify a property owner of such condition on his property and prescribe measures necessary to re-establish effective performance of the approved stormwater control measures. The Code Enforcement Officer shall afford such property owner a reasonable time period in which to correct any such condition, before a violation is deemed to exist.

E. No person shall build, alter, or modify a stormwater control measure without first receiving a permit from the Code Enforcement Officer. Such building, alteration, and/or modification does not include the ordinary maintenance, cleaning, and/or repair of stormwater control measures, e.g., infiltration devices, retention basins, etc.

4.5.5 Project Classification

A. Minor Projects

Depending upon site-specific conditions, the following development activities shall be considered to be minor projects. These activities will require a minor stormwater plan for any new development area and up to 25 percent of any pre-existing development as determined by the Review Board.

1. Land disturbance and/or land clearing of more than 1,000 square feet and less than 15,000 square feet

2. Creation of new impervious surfaces of more than 500 square feet

3. Creation of up to and including a 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

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

B. Major Projects

1. Any project not expressly exempted or defined as a minor project shall be a major project. The following may be considered to be major projects:

   a. Any part of a minor project occurring on soils of high potential for overland or through-soil pollutant transport

b. Any part of a minor project in an area with slopes of 15 percent or greater when measured in any direction over a distance of 100 feet from the center of the proposed building site

c. Any part of a minor project occurring in an area with a soil percolation rate slower than 60 minutes per inch

2. Any minor project may be treated in its entirety as a major project if the site lies within or is substantially contiguous to any of the following:

   a. A Critical Environmental Area established pursuant to SEOR
   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

3. A minor project may be designated as a major project by the Review Board if such treatment is desirable due to specific site limitations or constraints, or anticipated environmental impacts. The applicant will be given a written statement of the reasons for such a determination.

4.5.6 Preferred Stormwater Management Methods

A. Natural Methods

Natural (versus structural) means of stormwater management for infiltration and filtration are required where site conditions permit. Applicants will need to demonstrate that site conditions require structural means. One of the structural means allowed is the use of porous paving, which is encouraged under such circumstances. Alternative stormwater management methods include: sheet flow, wetlands treatment and infiltration and filtration practices as set forth in the New York State Stormwater Management Design Manual, Chapter 5, Table 5.1.

B. Low Impact Design

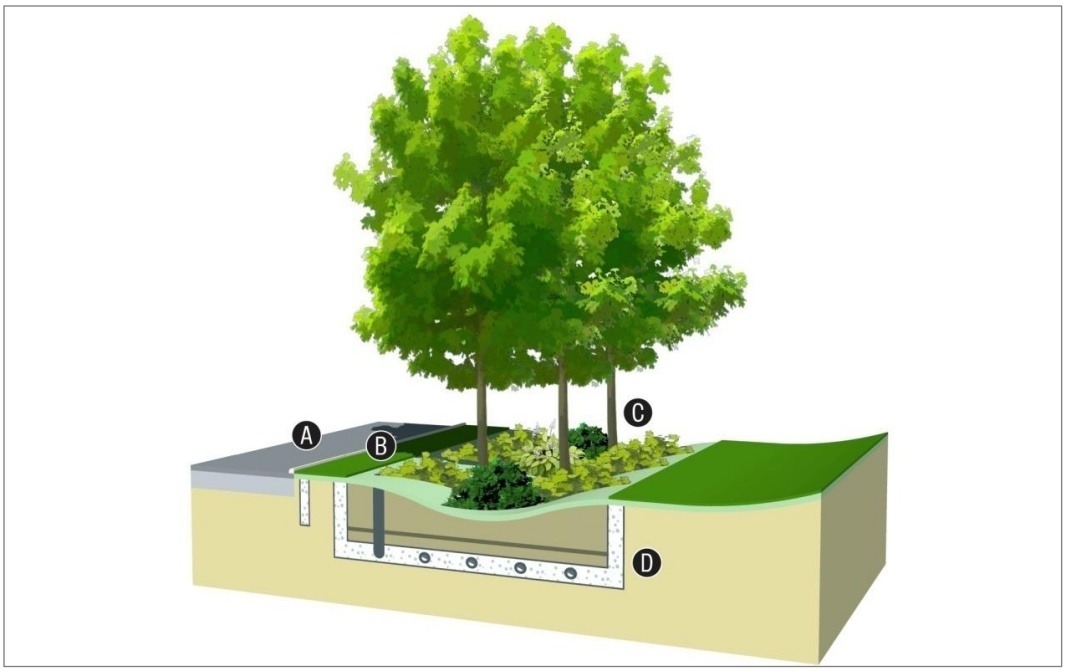
Low impact design incorporates stormwater management methods that mimic the predevelopment hydrology of a site. It addresses stormwater management through small, cost effective features located to reduce the concentration of flow by controlling runoff at the source.

C. Bio-retention Basins

1. A viable option for natural infiltration and treatment of stormwater on site is a bio-retention basin. Bio-retention areas include native plant materials appropriate to the site and conditions and shall reflect the criteria set forth in Appendix H of the New York State Stormwater Management Design Manual (see fig 4.1 below).

2. The design for such basins will be developed in concert with the overall stormwater management plan, which will meet all applicable state and local standards for permitting.

Figure 4.1 Illustration of Landscaping for Bio-retention and Stormwater Management



A. Sidewalk or parking area should use permanent curb stops or curbing with many gaps to allow for free run-off. B. Grass filter strips. C. Native tress, plants, and groundcover that are hardy and resistant to salt and other pollutants. Provides area for snow storage as well as ponding. D. Sand filter bed and drainage pipes for highly compacted/poorly drained subsoil.

4.5.7 Design Requirements for Both Major and Minor Projects

A. General Requirements

The following requirements shall apply to major and minor projects:

1. Stormwater control measures shall include such other measures as deemed necessary to prevent any increase in pollution caused by stormwater runoff from development which would otherwise degrade the quality of the waters of Lake Placid Village and Town of North Elba, render them unfit for human consumption, interfere with water-based recreation, or adversely affect aquatic life.

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

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

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.

B. Erosion Control Measures

1. Temporary erosion control shall be provided for all disturbed areas in accordance with the "New York Guidelines for Urban 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 re-vegetated 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 un-vegetated. All areas that are not within an active construction area shall be mulched and stabilized or shall be mulched and re-vegetated. An active construction area is defined as one that has seen substantial construction with the past seven calendar days. Mulching or re-vegetation for erosion control shall be completed within ten 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 be exempt from this requirement.

    b. 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 to prevent sediments from entering the water body. Acceptable protective coverings include natural mulch of a depth of two inches, rock rip-rap, non-degradable 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 re-vegetated within ten days from the substantial completion of such clearing and construction. Acceptable re-vegetation shall consist of the following:

    d. 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 percent of the total disturbed area, to control erosion until such time as the cover crop is established over ninety percent 90 percent of the seeded area.

e. 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.

f. Any other recognized method that has been reviewed and approved by the Review Board

4. Any area of re-vegetation must exhibit survival of a minimum of 75 percent of the cover crop throughout the year immediately following re-vegetation. Re-vegetation must be repeated in successive years until the minimum 75 percent survival for one year is achieved.

5. 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 re-vegetation 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.

4.5.8 Additional Requirements for Minor Projects

The following 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 *Appendix 3* (*Engineering Specifications for Design Professionals*). Stormwater may be calculated in accordance with the methodology for determining stormwater volume and flow rates for major projects found in Schedule B, Part III 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 post-development 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, drywells of precast concrete, pits of crushed rock lined with geo-textile 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.

D. 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.

E. Infiltration devices and buildings shall be designed to maintain maximum attainable horizontal distance separation from wells, water bodies, and wetlands.

F. Pumping stormwater shall not be permitted.

G. The bottom of any infiltration device shall be a minimum of two feet above seasonal high ground water mark and two feet above bedrock.

H. Temporary erosion controls shall be required to prevent siltation of water bodies during construction.

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

4.5.9 Additional Requirements for Major Projects

A. Calculating Volumes

1. Stormwater volumes and rates of flow shall be calculated using the methods specified in *Appendix 3*, *Engineering Specifications for Design Professionals*.

2. Stormwater control measures shall be designed so that there will be no increase in runoff volume from a 10 year frequency/ 24 hour duration storm event following development over the predevelopment volume.

3. For storm events exceeding the 10 year design storm, the stormwater control measures shall function to attenuate peak runoff flow rates for a 25 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 rates for a 100 year storm to be equal to or less than predevelopment flow rates. Attenuation of the 100 year storm is intended to reduce the rate of runoff from development to prevent expansion of the 100 year flood plan so as to alleviate flooding of improved properties and roadways. The minimum requirement for peak flow attenuation can be waived for the 100 year storm event where it can be proven that downstream flooding is not a concern, such as where excess stormwater runoff is discharged to water bodies of the Municipality 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. Storm intensity bar graphs for the Town of North Elba, New York shall be used in the design of the stormwater control measures. These graphs are included in *Appendix 3, Stormwater Engineering Specifications for Design Professionals*, of this Code. 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.

B. Design and Location of Infiltration Systems

1. 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 sub-section 3 below, this requirement may be waived. This provision shall not apply to wet ponds and similar stormwater control measures that are designed to be built in the saturated soil zone.

2. Infiltration devices for major projects shall be located a minimum of 100 feet from the waters of the Town of North Elba and Village of Lake Placid 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. Design 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.

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

4. 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 *Appendix 3, Engineering Specifications for Design Professionals*.

C. Other Requirements

1. Stormwater control measures shall be used in the following order of preference and shall be selected by giving preference to the best management practice for pollutant removal and flow attenuations as indicated in *Appendix 3, Engineering Specifications for Design Professionals*:

   a. Artificial wetlands and acceptable natural treatment systems
   b. Infiltration devices
   c. Flow attenuation by use of open vegetation swales and depressions
   d. Stormwater detention

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

   a. Infiltration basin - 5 days
   b. Infiltration trench- 15 days
   c. Dry well - 15 days
   d. Porous pavement - 2 days
   e. Vegetation depression- 1 day

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 these regulations 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.

4.5.10 Maintenance of Stormwater Control Facilities

A. Objective

Stormwater management maintenance arrangements shall be those necessary to ensure that stormwater control measures are maintained in working condition throughout the life of the project.

B. Requirements

1. Prior to issuance of a certificate of completion for any major project, or any minor project where it is deemed necessary, the project sponsor shall provide for arrangements for the future maintenance of stormwater control measures subject to the approval of the Review Board. This may include but not be limited to the following:

   a. Approval of the by-laws and/or certificate of incorporation of a transportation corporation or Home Owners Association
   b. Posting of a performance bond
   c. Placing of funds on deposit

2. A stormwater management maintenance agreement will be required among the owner(s). (See *Appendix 4 - Sample Stormwater Control Facility Maintenance Agreement*)

3. The stormwater management maintenance agreement shall be recorded in the office of the County Clerk or its terms shall be incorporated into covenants appearing in the deed, declarations of covenants and restrictions or other such documents to ensure that record notice of its terms is provided to future owners of the site. It shall also be included in the offering plan, if any, for the project.

C. Initial Maintenance Security.

The project owner(s) or sponsor shall establish a maintenance security in the form of a bond, letter of credit, escrow account, or other acceptable security, for the purpose of rebuilding, maintaining, or repairing the stormwater control facilities during the first two years following the approved completion of construction.

4.5.11 Permit Application Review Procedures

A. Plan Review

It is the responsibility of the applicant to provide a detailed plot plan showing the location and dimensions of all existing and proposed structures and impervious surfaces, water courses, water bodies, wetlands, wells, septic systems, and stormwater control measures on the site. It should also provide a general description of potential run-off affecting the site from adjacent properties, and a location map of the site. Applications shall be submitted on forms prescribed by the Municipality and shall require an application fee, tax map number of affected parcels, a completed Part 1 Environmental Assessment Form, if required, and names and addresses of adjacent parcel owners as required.

B. Minor Projects.

1. The Code Enforcement Office shall have primary responsibility for review, approval and issuance of stormwater management permits for residential minor projects. The Review Board shall have primary responsibility for the review, approval, and issuance of stormwater management permits for minor commercial projects. The Code Enforcement Office or Review Board may request technical assistance from the Essex County Planning Office or other appropriate agency.

2. Prior to permit decisions, a test pit may need to be witnessed by the Code Enforcement Officer or his designee.

3. Prior to the issuance of a permit for any project, the Code Enforcement officer or Review Board shall determine that the project as proposed is in accord with the appropriate design standards.

C. Major Projects.

1. Major projects shall require site plan review in accordance with this Code.

2. Preparation of a Stormwater Control Report (SCR)in accordance with Appendix 3, *Engineering Specifications for Design Professionals* is required.

3. Preparation of a Stormwater Concept Plan (SCP) in accordance Appendix 3, *Engineering Specifications for Design Professionals* may be required if deemed necessary by the Review Board.

4. The SCP and SCR shall be prepared by an engineer or architect or exempt land surveyor licensed to practice under the laws of the State of New York, who shall be employed by the applicant or developer to design and supervise the installation of all stormwater management facilities. Stormwater management shall be within the area of expertise of the particular individual or firm performing the design and construction supervision and, if requested, that individual or firm shall furnish a listing and description of all stormwater management projects designed or supervised by them within the past five years. The Review Board may waive the requirement for an engineer to design and supervise the Stormwater Control Plan if conditions warrant.

5. The Review Board may, at the applicant's expense, retain an engineer consultant to review the Stormwater Control Plan. The engineering consultant will be charged with reviewing the Plan as it applies to the regulations and requirements of this Code.

6. The Final Subdivision Plan 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 Plan with the County Clerk.

7. Prior to the approval of the Final Subdivision Plan or commonly owned facilities, it shall be first determined that there is sufficient information to support a finding that the stormwater measures subject to future approval can be designed and constructed in accordance with this Ordinance.

8. The Review Board may require the retention of an independent, professional consultant to review the proposed specifications, oversee construction, and give final approval upon completion of the project. The expense of this review shall be borne by the applicant.

C. Criteria for Issuance of Stormwater Control Permits

1. An application for a stormwater control 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 Municipality 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 Code.

b. That the project will not have an undue adverse impact on the health, safety, and welfare of the public or on the resources of the Municipality 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 construction.

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 is 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 its proper functioning. The Municipality may require formation of a homeowner's association registered pursuant to Section 352-E of the New York State General Business Law and execution of a maintenance agreement consistent with *Appendix 4, Sample Stormwater Control Facility Maintenance Agreement*, of this Code.

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 the water bodies within the Municipality from stormwater runoff.

D. Variances

1. If during the review of an application it is determined that 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. Upon denial of any permit application for a project for failure to conform with specific provisions of this Section, the applicant may make an application for a variance.

2. If the applicant determines that any aspect of the project cannot meet any design or dimensional requirement contained in this Section, 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 Section.

4. The granting of any variance shall be done in accordance with Section 267 -a and 267-b of the New York State Town Law or Section 7-712-a and 7-712-b of the New York State Village 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. An on-site inspection by the Zoning Board of Appeals is required for all uses which are subject to their jurisdiction, with an express provision that where weather, ice, or snow conditions prevent a practical means of access to the subject property or impede the Board's ability to accurately assess site conditions, the review periods will be suspended until such access is possible.

4.6 BUILDING AND SAFETY REGULATIONS

4.6.1 Objectives

A. These regulations provide basic and uniform standards governing the condition and maintenance of existing structures, uses and appurtenant systems and the construction and installation of new structures and appurtenant systems in order to establish reasonable safeguards for the safety, health and general well-being of the occupants and users thereof, and for the residents of the Town of North Elba/Village of Lake Placid.

B. These regulations also establish the appropriate process and guidelines for continued Town eligibility under the National Flood Insurance Act through the recognition and proper administration of U.S. Department of Housing and Urban Development designated Flood Hazard areas.

4.6.2 Applicability

A. Pursuant to the provisions of the Municipal Home Rule Law and in accord with the applicable provisions of Town / Village Law, these Regulations authorize and empower those duly appointed or delegated by the Town / Village Board of the Town of North Elba / Village of Lake Placid to approve or disapprove Building / Use Permits and Certificates of Occupancy according to the process and standards set forth herein.

B. These regulations shall apply to the maintenance of existing and future buildings, structures and systems and to the construction, installation, structural alteration or replacement of any building, structure or appurtenant system as herein provided for in the Town of North Elba / Village of Lake Placid.

D. Nothing herein shall be construed to lessen or diminish the applicable provisions of the New York State Uniform Fire Prevention and Building Code previously adopted by the Town/Village. In the instance of any determination with respect to any performance standard, condition or criteria identified in these regulations, those specifications and guidelines set forth in the New York State Uniform Fire Prevention and Building Code and its accompanying list of "generally accepted standards" may be referred to by the Enforcement Officer in making any such determination. Further, the Enforcement Officer may require as part of any application or determination that the applicant or responsible party certify that the standards and guidelines to which the proposed undertaking or existing situation are designed, constructed or maintained comply with the applicable provisions of the above cited measures, including any required proof thereof.

4.6.3 Maintenance of Existing Structures and Installations

A. Any parcel of land, building, structure, use or appurtenant system within the Town / Village shall be maintained and used in a state and manner conducive to the health, well-being, economic stability and good appearance of the community and consistent with the objectives of the Comprehensive Plan. All open portions on any developed lot shall have adequate grading and drainage, and shall be continuously maintained in conformance with these regulations.

B. All buildings shall be maintained so that adequate protection from the elements is provided and so that all structural members are protected from unnecessary deterioration.

C. All buildings and parts thereof shall be maintained so as to be capable of sustaining safely their own weight and the loads to which they may be subject without unsafe deformation or movement of the building or of any structural part.

D. Siding, roofing, chimneys, window and door frames, porches and steps will be maintained in an adequate state of repair so as not to be hazardous or create a nuisance.

4.6. Health, Safety and Welfare Considerations

A. No dust, dirt, smoke, odor or noxious gases beyond levels customarily associated with residential land uses shall be disseminated beyond the boundaries of the lot where the initiating land use is located.

B. Any facility which serves tour busses must provide electrical hook-ups for said busses so as to avoid the need for extended periods of engine idling.

C. It shall be prohibited to accumulate or store any highly flammable or explosive matter. Open fires shall be controlled by permits as per the New York State Department of Environmental Conservation, which notably prohibits open fires in the Village.

D. It shall be prohibited to discharge firearms in connection with any out-of-doors target practice area, shooting range, skeet shoot or like area or facility:

1. Within all zoning districts of the Town/Village with the exception of the Residential Countryside (RC) planning district and municipal or government facilities, after referral to and approval by the Review Board of any such area or facility in accord with the Site Plan Review process as set forth in Section 8 of this Code; and

2. Within 500 feet of any public right-of-way, public trail or existing residence.

E. Yards, walkways, steps, driveways and parking areas shall be maintained in good repair and so as to afford safe passage under normal use and weather conditions. These areas shall be kept free of physical hazards that are unsightly, noxious, create a hazard to visibility or are detrimental to health or safety.

F. Fences and other minor constructions shall be maintained in a safe and substantial condition.

G. No stagnant pool, pond or other collection of water shall be permitted in a location or of a nature where it poses a threat to the safety and well-being of residents of a community, except where such is part of a natural or required drainage system and where appropriate precautions are instituted to preclude accidental entry.

H. All existing water supply and sanitary sewage disposal systems shall be maintained in a sanitary and operable condition and shall not pose a threat to the health and well-being of any user thereof or to the community. Any such water supply system found to be

contaminated or sewage disposal system found to be inoperable or otherwise posing a threat to the public health or a contamination hazard shall be improved according to the applicable standards elsewhere set forth in these regulations.

I. No glare or heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is situated.

J. No solid or liquid wastes shall be discharged into any public sewer, common or private sewage disposal system, stream, or on or into the ground, except in strict conformance with standards approved by the New York State Department of Environmental Conservation, the Department of Health, or other duly-empowered agency.

J. No activities shall be permitted which emit radioactivity beyond the building in which such activity is located or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

K. No existing building, structure or use of land or water shall create or sustain a nuisance or otherwise affect in a detrimental and objectionable manner the air quality, noise levels or water quality currently witnessed in and characteristic of the Town and Village.

L. No recurring noise, vibration, electrical interference or other form of noise pollution shall be generated which will significantly interfere with or lessen the peaceful enjoyment of adjoining and neighboring property owners as measured at the property line of any such noise, vibration or interference-producing use.

M. No pollutant, noxious or offensive matter, soil erosion or other form of water pollution shall be allowed to be discharged, runoff to, or enter any stream or body of water in the Town/Village in such manner as to significantly interfere with or reduce the quality of water in such stream or water body. (See Section 4.5, Stormwater Management)

4.6.5 Unsafe and Substandard Structures

Any unsafe or hazardous building, structure or installation, including any dilapidated dwelling unit no longer suitable for human habitation, shall be improved to a satisfactory condition or be demolished and/or removed in accordance with Local Law No. 1 of the year 2000.

4.6.6 Solid Waste Disposal

A. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse and all disposable practices will be in accord with the requirements identified herein.

B. No person shall use any of the lands within the Town of North Elba / Village of Lake Placid as a dump, disposal or collection area or sanitary landfill; nor shall any person throw, dump, deposit or place on such land or cause to be thrown, dumped, deposited or placed on such land any waste material or rubbish, litter or any nauseous or offensive matter; nor dispose or attempt to dispose of any such materials or substances by burying the same on such lands, except at such location and in such manner as established by the Town or Village Boards.

C. No person shall deposit or cause to be deposited any substance of any kind on premises established as a public disposal or collection area or sanitary landfill in the Town, except of the type, at the places and in the manner described by the person in charge of the premises, if such a person be so designated, under the authority of the Town Board, or by a sign or signs erected upon the premises by the authority of the Town Board.

D. Any incineration or burning of refuse of any kind shall take place only in compliance with applicable State or County requirements.

E. This section shall not prohibit or restrict the spread of manure as part of a normal agricultural, gardening, horticulture or lawn care operation otherwise in compliance with any State and County regulations, but shall preclude and prohibit the storage or stockpiling, under normal conditions, of such animal wastes within 300 feet of any residential dwelling unit or principal structure other than on the premises in question.

F. This section shall not prohibit the burying of dead farm or domestic animals previously kept on the premises on private property so long as such does not pose a threat to the health and well-being of adjoining land owners or the community.

G. This section shall not prohibit the composting of organic matter generated from the normal use of the premises on private property, so long as such use does not pose a threat to the health and well-being of adjoining land owners or the community.

4.6.7 Construction Requirements

A. Exterior walls and roofing shall be constructed of materials to prevent leakage into the building and deterioration due to the elements. Roofing materials shall be flame resistant where appropriate.

B. In one and two family dwellings, in addition to a primary exit from the building, there shall be constructed a secondary exit for each dwelling unit; or in lieu thereof, one or more exit openings for emergency use. In multiple-family dwellings, exits approved by the Enforcement Officer shall be provided for each dwelling unit.

C. In buildings constructed for the purpose of mixed occupancy, nonresidential space shall be separated from residential space by approved fire separations of a minimum one hour fire resistance rating or approved sprinkler system.

D. Pre-fabricated garages or accessory structures exceeding 80 square feet require a permit before being erected.

E. Permanent generators shall be enclosed and located at least 10 feet from any property line.

F. The installation of outdoor wood boilers is prohibited.

G. Fire suppression sprinkler systems are required to be installed in:

1. all single family dwellings larger than 5,000 sq. ft.
2. all two-family or multiple-family dwellings
3. all three story structures

H. No on-site surface or ground water drainage system in connection with the construction or alteration of any building, structure or natural landform shall be located or constructed in such manner as to intensify runoff in an unacceptable manner, pollute, or cause erosion on adjoining properties.

I. Surface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds or pools. All surface drainage shall be designed so as not to discharge onto walkways, the roadway or adjacent property in such a manner as to create a nuisance or hazard. Refer to Section 4.5 Stormwater Management for standards.

J. Any person who shall construct an entrance, road, drive or similar entryway to a public roadway in the Town / Village shall first obtain authorization of the proper authority having jurisdiction thereof. Before issuance of any permit, the Enforcement Officer and Town / Village Highway Supervisor and any other appropriate highway authority shall determine the requirements for proper flow of surface drainage and whether the proposed provision therefore is adequate. Where required by the Enforcement Officer or Town / Village Highway Supervisor or any appropriate highway authority, a corrugated metal or reinforced concrete conduit of a length and diameter as may be necessary, but at least a minimum of one foot in diameter and 20 feet in length, to adequately accommodate surface runoff along such public roadway shall be installed at the applicant's expense so as to insure the unimpeded flow of surface drainage through such conduit. Refer to Section 4.5 Stormwater Management for standards.

K. Any person who uses blasting as part of a construction project shall first give prior notice to the Lake Placid Fire Department and the Code Enforcement Officer, with said notice to include the name of a responsible contact person and that person’s phone number that can be used as an emergency contact.

* L. Noise associated with construction activities that lessen the peaceful enjoyment of adjoining and neighboring property owners may not occur before 7:00 AM and after 7:00 PM. on Monday through Friday, and may not occur before 8:00 AM or after 7:00 PM on Saturdays, Sundays and Federal holidays.

4.6.8 Water Supply

A. Connection shall be made to the public water supply system for all new construction within any established Town water district, or where such water supply can be reasonably extended or expanded to serve the proposed use, in every building in which plumbing fixtures are installed. Such connections shall be at the applicant's expense according to the requirements of these Regulations and at the direction of the Enforcement Officer in accord with any existing Town requirements pertaining to such connections, installations and the use of such public system. Any alteration in the source, storage, treatment or distribution of a public or community water supply system shall be submitted to and

* Local Law #2 of 2022 Town of North Elba
Local Law #2 of 2022 Village of Lake Placid

approved by the New York Department of Health in accord with the applicable requirements of the State Sanitary Code.

B. No individual water supply system shall be allowed except upon application for and issuance of a permit under these regulations. Any such system shall be so located, constructed and maintained so as to comply with Department of Health regulations.

C. Before being put into use, the well shall be tested for yield and drawdown for at least four hours duration. The test pump shall have a capacity at least equal to the pumping rate at which it is expected the well will be pumped during its usage. The test pump shall be installed to operate continuously until the water level has stabilized and, at this point, the yield and drawdown determined. Periodic water level observations shall be made during the drawdown and subsequent recovery periods. A minimum sustained well yield of five gallons per minute shall be obtained or equivalent storage capacity provided.

D. The well shall be pumped until clear and then properly disinfected after which the well water shall be tested for purity and certified potable before its connection to the plumbing section.

E. Temporary capping of the well until the pumping equipment is installed shall be such that no pollutant can enter the well. Pump and pumping equipment shall be of a type and so installed as to allow for the proper and sanitary operation of the water supply system.

F. An abandoned well shall be appropriately filled and sealed in such a manner as to avoid accidents and to prevent it from acting as a channel for pollution of water- bearing formations.

4.6.9 Sewage Disposal

A. Plumbing fixtures conveying sewage wastes shall be drained to a sanitary sewerage system and such system shall be connected to a public sewer or to an adequate and approved private system of sewage disposal.

B. Connection shall be made to the public sewage disposal system for all new construction within any established Town / Village sewer district, or where such can be reasonably extended or expanded to serve the proposed use, in every building in which plumbing fixtures designed to receive sanitary wastes are installed. Such connections shall be at the applicant's expense, according to the requirements of these Regulations and at the direction of the Enforcement Officer in accord with any existing Town / Village requirements pertaining to such connections, installations and the use of the public system.

C. No commercial or industrial wastes, storm or surface drainage or ground water shall be discharged into any public or community sanitary sewerage system without prior written approval of the Enforcement Officer in accord with any existing requirements of the Town / Village or sewer district and the N.Y.S. Department of Health or Department of Environmental Conservation, as is applicable.

D. No individual sewage disposal system shall be allowed except upon application for and issuance of a permit under these regulations. Any such system shall be so located and

installed as to insure the reception and disposal of sewage and other waste without creating a health hazard or nuisance resulting in obnoxious odors or unsightliness, and shall further not be discharged into or on the ground or any waterway until first subjected to treatment in conformity with the requirements set forth. In particular, any individual sewage disposal system shall be designed and approved according to the standards set forth in the current edition of the N. Y.S. Department of Health bulletin promulgated in accord with Section 75.5 of the State Sanitary Code and identified as 'Waste Treatment Handbook - Individual Household Systems."

E. The location of an individual system shall recognize any potential future connection to any public system with regard to elevation, location and internal plumbing connections to the system.

F. Any individual sewage disposal system shall be preceded by an investigation of the site, including soil and subsurface conditions, which investigation will be conducted prior to the installation of any individual sewage disposal system. Such investigations shall be in conformance with the standards of the New York State Department of Health and Department of Environmental Conservation, as well as prevailing professional standards for such investigations.

G. Adequate sanitary facilities shall be provided during all phases of construction.