



Village of Lake Placid Climate Smart Communities

PE6 Action: Zoning for Protection of Natural Areas

Points Requested: 6

Strategic Conservation Based on Planning Document

The Purpose of the Town of North Elba/Village of Lake Placid Joint Land Use Code is in large part defined by the intention of protecting natural areas in alignment with the vision of the Comprehensive Plan. This planning document - and past iterations of it - led to strategic conservation of high value areas.

The Comprehensive Plan states in its [Land Use and Design](#) Section:

“There are very few communities that are as closely tied to their surroundings as Lake Placid/North Elba. The natural beauty of the environment and the recreational opportunities that exist bring visitors that drive the tourist economy, draws retirees to settle here, and gives residents the economics ase needed to survive. As a result, Lake Placid and North Elba are continually challenged to find a path of development that allows for economic growth while at the same time protecting the environment and the region’s rich legacy.

Development guidelines have been instituted into several Land Use Codes updates. In 1996, the Land Use Code established storm water management regulations to protect the lakes, rivers and streams. The 1996 Code also established the first scenic overlay districts and architectural review corridors. The 2011 Code expanded the Shoreland Overlay and created new viewsheds that assured quality upland development. It also expanded the number of visual corridors, especially in the gateways, encouraged clustering and conservation subdivision planning, and revamped the signage regulations in an effort to keep a consistent visual integrity. The 2011 Code also established an historic district along Main Street to preserve the corridors historic character.

The 1997 Comprehensive Plan outlined some initiatives that promote aesthetics existing outside the Code. A Beautification Committee, for instance, acts as a community gardener and maintains flowers and landscaping. A Tree Board works to promote shade tree corridors, protect "heritage trees" and fight off invasive species. The Historic Society promotes architectural preservation while the Lake



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Placid Institute and the North Elba Conservancy create conservation easements in environmentally sensitive locations.”

Goals #4 of this section is to “preserve and enhance the natural beauty of viewsheds and open spaces.” It calls for the maintenance and enhancement of the use of public open spaces and the preservation of vistas and open spaces.

Goal #7 is to “promote and encourage sustainable and low impact development.” It calls for the cultivation of opportunities to enhance and develop the use of green and eco-friendly practices and public education on the benefits of sustainable low impact development practices.

The Comprehensive Plan [Environment and Natural Resources](#) section also informs natural resource protection that inspire zoning decisions.

“In a study done some years ago for the Visitors Bureau it was found that people came to Lake Placid for vacations and it was the beauty of the area that attracted them. The same can be said for the residents. Clean air, clean water and spectacular views typify our region and Lake Placid. In study after study, it becomes apparent that our environment and natural resources are what we are all about. In 1967 rules were established by ordinance for the protection of Mirror Lake both above and below the water. An assessment of open space within the community was done in the 1970’s which identified sensitive view sheds and areas to be protected for visitors and residents alike.

The Lake Placid Shore Owners Association has for years employed Lake Stewards to patrol and discourage boaters from introducing pollutants and invasives into the municipal reservoir. The Lake Placid Beautification group plants and enhances the beauty of our community year round. The Mirror Lake Watershed Association patrols the lakes and byways to identify and mitigate the spread of invasive species and control the introduction of pollutants into the waterways. Our municipal government bodies and countless volunteer organizations work to keep our beautiful home as clean and lovely as possible but every day brings a new challenge be it development, a new bug or plant not seen before in our area.”



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Goal #1 of this section is to “strike and maintain an optimal balance between protecting and preserving the natural environment, to include ground, water, and air, and improving economic vitality and quality of life in the community.” It calls for code changes to keep the air as clean as possible, the stewardship of trees through landscaping rules and tree preservation ordinance, the enforcement of the watershed management plan, and the inventory of local waterways.

This document and previous planning documents informed the existing zoning for the protection of natural areas.

Land Use Code Excerpts

[1.3 Purpose](#)

B. It is further the purpose of this Code to review land use and development in accord with the provisions of the Village/Town Joint Comprehensive Plan as regards the proposed settlement and density patterns and anticipated and desirable rates of population increase, to consider proposals of land use and development relative to these policies as embodied in the Joint Comprehensive Plan in order to preserve the character and quality of life enjoyed in the community at present, and further, to consider the ability of the responsible units of governments to provide such services as will be required by new land use and development.

C. It is further the purpose of this Code to fulfill the Joint Comprehensive Plan Mission Statement - “To provide by cooperation among congenial people and amidst beautiful natural surroundings all the advantages of an ideal place to reside and recreate.” {From a Lake Placid Co. Publication Circa 1900}.

“Lake Placid/North Elba is a small, mountain community with an excellent world reputation. This reputation has come from both its beautiful natural surroundings and its People.”

“The overall goal of the Comprehensive Plan is to protect and enhance both the



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community and its natural surroundings. The Comprehensive Plan recognizes that we are a dual-purpose community and that the needs of the residents and our visitors are equally important.”

“The Comprehensive Plan, based on the foundation to the past, provides the direction to attain our goals as our community enters the 21st Century.”

Climate Smart Communities identifies several areas where municipalities can zone for the protection of natural areas:

- Conservation or cluster development zoning
- Overlay zoning
- Conservation zoning district
- Wetland and watercourse zoning
- Performance standard zoning
- Incentive zoning
- Special use permits
- Subdivision regulations
- Site plan review
- Critical Environmental Area designation

The following parts of the Land Use Code address these principles:

[The Rural Countryside District \(2.1\)](#)

A. Objectives

This district is intended to maintain the Town’s rural character. It allows for low-density residential and agricultural uses that minimally impact natural, cultural or scenic resources. The Review Board may determine that compact development planned in conjunction with the establishment of conservation areas is required as a condition for development approval in order to preserve these resources.

Also found in section 2, density bonuses may be permitted for approved conservation subdivisions in the Rural Countryside District, Town Residential, Village Residential,



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Gateway Corridor, and Old Military Corridor Districts. [Section 7.2.3](#) outlines conservation design subdivision standards, which shall constitute at least 50% of the gross area of the subdivision of parcels 25 acres or more (minimum may be reduced for smaller parcels). These require Review Board approval and applications require the following:

1. A schematic yield plan indicating the layout and numbers of lots that could be realistically created in a standard subdivision, considering site conditions and the feasibility of providing water and sewage systems.
2. A conservation plan indicating the configuration and acreage of proposed conservation lands, with an accompanying explanation of how such lands relate to the property's natural, cultural and scenic resources.
3. A development plan indicating the layout and numbers of proposed lots and their relationship to the proposed conservation lands. The number of dwelling units shall not exceed the number shown in the schematic yield plan, unless approved by the Review Board in accordance with other density bonus provisions of this code. (see sections 5.6 - Income Based Housing and B above).
4. The Review Board may apply additional conditions to its approval of a conservation design subdivision, as required to meet the objectives of these regulations.
5. Any approved subdivision using conservation design provisions shall clearly indicate their use on the subdivision plan, with a stipulation that such lots cannot be further subdivided under this Code

[Section 3. Overlay Districts](#)

Overlay Districts are intended to protect certain resources, including natural resources.

In the Viewshed Overlay, clustering of houses and other structures is encouraged and may be required to retain larger blocks of forests and fields (3.4.1, A). Forest cover shall be maintained to the greatest extent possible and clearing shall involve the selective cutting of small trees and the lower branches of large trees rather than removing mature trees as much as possible. The removal of more than 40% of trees greater than 4 inches in diameter over $\frac{1}{4}$ acre requires a Review Board permit (3.4.2, A).

The Shoreland Overlay is intended to protect Lake Placid's valuable water resources.



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3.6.1 Objectives

The waters of Mirror and Placid lakes are critical resources to the community and essential to the local economy. Their pure waters are known for clarity, low nutrients, potability and aesthetics. They enhance the identity and appeal of the community and are a focal point for essential retail and tourism based commerce. Of critical importance is the use of Placid Lake as a source of municipal drinking water and drinking water for many private residences. In addition, the waters of the lakes offer valuable habitats for fish, wildlife and plants that depend on existing environmental quality and habitat characteristics. The shallow water areas, often in proximity to new development, provide a specialized wildlife habitat important for such ecological functions as spawning areas for fish, feeding areas for waterfowl, sources of invertebrates and plant material in the aquatic food chain.

To protect water quality, sustain wildlife habitats, prevent bank erosion, and maintain scenic values, all lands identified on the Town's Shoreland Overlay Map, as well as all properties fully or partially within 100 ft. of the shoreline of any lake, pond or river within the Town or Village, shall address the following standards prior to any permit approval for any land development, including single-family homes, within these areas.

Vegetative cutting is restricted along shorelines with a 10 foot "no disturb zone" to remain as a natural buffer and no more than 30% of trees be cut over any 10 year period within 35 feet of the mean high water mark in this overlay (3.6.2, A & B). Clearing is not allowed where erosion is likely and clearing of existing vegetation is to be accomplished in a manner that retains trees and ground cover and understory plantings in intact groupings.

Vegetation and topography associated with essential site features and functions is to be restored to a conditions that replicates the existing conditions if disruption of these features is unavoidable. Plantings are to reflect native patterns and restore or enhance existing vegetation that reflects the natural landscape patterns and species. Natural and vegetative stabilization methods are to be employed to the fullest extent possible and site development should take advantage of any existing natural management runoff



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features (3.6.4). No structural installations are allowed for shoreline stabilization and erosion control i.e seawalls of steel, cement, or railroad ties. Non-structural, vegetative, and natural stabilization options shall be employed instead (3.6.4, C).

[Section 4.4](#), General Standards Applicable to All Development Activities, Resource Protection, outlines the regulations intended to protect important natural resources, including slopes (4.4.2), navigable streams and rivers (4.4.3), and wetlands (4.4.4).

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

Section 4.4.6 outlines regulations for the 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



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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 (CO₂) to control increases in greenhouse gasses

Any cutting activity that involves the removal of more than 40% of trees on 3 acres or more requires a forest resource management plan approved by the Review Board. All tree removal must be done in compliance with the DEC and APA timber harvesting regulations (4.4.6, B).

Section 4.5 defines Minor and Major Projects. Major Projects. Minor Projects require a minor stormwater plan for new development and up to 25% of any pre-existing development.

Major Projects include larger projects and any project that takes place in a Critical Environmental Area, a wetland, a stream corridor, an area of significant habitat, or an area with particular natural significance (4.5.5, B). They require a site plan review, Stormwater Control Report, and Stormwater Concept Plan for the Review Board.

Stormwater management permits are allocated if projects meet the design requirements and performance standards set forth in the Code. Natural stormwater management methods are encouraged and applicants need to demonstrate that the site conditions require any structural stormwater management (4.5.6, A). Stormwater control measures must be designed to minimize adverse impacts and disturbances to water bodies, minimize land clearing and impervious surfaces, and maximize preservation of natural vegetation and existing contours (4.5.7).

4.5.11 outlines the permit application review procedures.

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



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description of potential run-off affecting the site from adjacent properties, and a location map of the site.

Code Enforcement Officers have primary responsibility for review, approval, and issuance of stormwater management permits for residential minor projects. The Review Board has primary responsibility for the review, approval, and issuance of stormwater management permits for minor commercial projects.

[Section 8](#) outlines the site plan review process, which is required for all major projects.