



THE FUND *for* LAKE GEORGE



# NEWS RELEASE

September 16, 2009

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## FUND and Waterkeeper Support Calls for Moratorium on New Hook-ups to Lake George Municipal Sewage Treatment System

*Town of Lake George has exceeded its allocation, but continues to award new hook-ups to new development projects approved by Planning Board*

*Village of Lake George supports a moratorium until the system can be upgraded; NYSDEC should make moratorium part of Consent Order for July 5<sup>th</sup> sewage spill*

Lake George – The FUND for Lake George and Lake George Waterkeeper calls upon the NYS Department of Environmental Conservation (DEC) to support a moratorium on new hook-ups to the Village of Lake George Municipal Sewage Treatment System. A system failure and sewage spill into Lake George on July 5<sup>th</sup>, which resulted in the closing of popular Shepards Park Beach for the tourism season, is currently being investigated by the DEC with a Consent Order for clean water law violations to be finalized soon. Currently, the Town of Lake George manages the Caldwell Sewer District, which transfers wastewater to the Village Sewage Treatment Plant. In light of problems with the system, the Village of Lake George has called for a moratorium on new hook-ups to the system; the Town of Lake George has rejected this.

The FUND for Lake George and Lake George Waterkeeper support the moratorium called for by the Village. The Lake George Waterkeeper has long monitored new hook-up allocations awarded by the Village to the Town's Caldwell District and believes the Town has exceeded the rights awarded; see chart attached. "The Town of Lake George has exceeded its allocation for new hook-ups awarded by the Village of Lake George," said Chris Navitsky, the Lake George Waterkeeper. "The Town has awarded more rights for new hook-ups than it was awarded by the Village. The Town continues to play a shell game with new hook-up awards as it approves new

development in the Caldwell District even as it has exceeded the number of hook-ups awarded by the Village.”

In March 2009, the Lake George Village Mayor (see attached) notified the Town of Lake George Planning Board that it had reached its limit. The Town of Lake George Planning Board has since continued to authorize new hook-ups. The Village of Lake George initially awarded 52 new hookups in 2005; the Lake George Waterkeeper believes the Town has awarded 91 new hook-ups since 2005, with applications for approvals in process for 27 new hook-ups. “The Town of Lake George continues to hand out new hook-up awards above and beyond what the Village authorized” said Chris Navitsky. “A building lot is not a legal lot unless it specifies how wastewater will be managed, either through an onsite system or through a hook-up to the municipal system. Hook-ups for sewage treatment can’t be given out piecemeal or taken away without changing the status of the development or property. It appears the Town has awarded the same rights to multiple parties.”

“We support the Village’s call for a moratorium. We have long been concerned about the management of the Caldwell Sewer District by the town and the shell game it plays with awarding new hook-ups to applicants. Given the problems facing the municipal system as evident from the July 5<sup>th</sup> sewage spill, it only makes sense to call a time out on expanding the system until a plan is developed to upgrade the system” said Peter Bauer, Executive Director of the FUND for Lake George.

“The DEC has taken more than two months to complete its investigation and issue a Consent Order for violations. This is unfortunate. We’re all looking to the DEC for leadership on this matter as the protector of clean waters in New York. The DEC needs to complete its work and help to develop a solution that guides an upgrade in both the infrastructure and operation of the Lake George sewage treatment system as well as the management of the system” said Peter Bauer.

In August the FUND for Lake George and Lake George Waterkeeper called upon the DEC to incorporate into its Consent Order with the Village of Lake George a number of items including:

- A requirement that an independent assessment be performed to ascertain the condition of the Village’s municipal system.
- An independent review should focus on an issue of concern for a number of years concerning infiltration into the system of rainwater and stormwater, which elevates flows during storm events.
- An independent review should also focus on Town and Village actions to permit new hook-ups to the system, which have oversubscribed system capacity.
- An independent review should also focus on nitrogen leaching into Lake George by the sewage treatment plant. Research has found significantly elevated levels of nitrogen loading in West Brook where the only viable source is the sewage treatment plant.

The FUND for Lake George and Lake George Waterkeeper will continue to support the call for a moratorium by the Village of Lake George. It is the expectation that a Consent Order will be issued soon by the DEC. Lake George is the economic engine of this area’s economy. It demands the best in stewardship by local governments and state agencies. The FUND for Lake George

and Lake George Waterkeeper believe that there needs to be a full, open public planning process that evaluates the current condition and operation of the Village and Town sewage treatment system and reviews and improves the management of this system.

### **The FUND for Lake George**

The FUND for Lake George is a not-for-profit, privately funded organization dedicated to the protection of Lake George. Formed in 1980, the FUND takes a science-based approach to the protection of Lake George water quality and the overall health of the Lake George watershed. The FUND pursues this mission through support for long-term scientific research on the lake, launching new initiatives, advocacy for new protections, and partnerships with other organizations and local governments. The FUND is the sponsor of the Lake George Waterkeeper, among other programs on Lake George. The FUND for Lake George is managed by a Board of Trustees and maintains an office in Lake George. See [www.fundforlakegeorge.org](http://www.fundforlakegeorge.org).

### **The Lake George Waterkeeper**

The Lake George Waterkeeper was launched in 2002 with a mission to defend the natural trust public resources of Lake George and its basin, which provides for the common good of the community and the watershed. The Lake George Waterkeeper is a resource for concerned citizens in the Lake George Basin who are concerned about land use and water quality. The Waterkeeper responds to all public inquiries and acts as an ombudsman with respect to issues having an environmental impact on Lake George and its watershed. The Waterkeeper monitors and intervenes in development proposals around Lake George and provides professional analysis by a licensed engineer to local and state regulatory agencies. The Lake George Waterkeeper ([www.lakegeorgewaterkeeper.org](http://www.lakegeorgewaterkeeper.org)) is a program of the FUND for Lake George. The Lake George Waterkeeper is a member of the Waterkeeper Alliance, which represents over 180 waterbodies nationally and internationally.

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## Caldwell Sewer District Connections

Birch Ave Townhouses	18	PB approved 6/20/06
Mountains Edge Subdivision	16	PB reapproved 10/2/07
Holiday Inn (3 <sup>rd</sup> floor expansion)	6	PB approved 11/8/06
39 Cedar Lane	1	ZBA approved 3/1/07
Studio Motel Expansion	4	PB approved 6/5/07
Brookside Townhouses	5	PB approved 12/18/07
Trustco Mall (1093 Group, LLC)	2	PB approved 12/18/07
<b>Total Connections approved 3/09</b>	<b>52</b>	<b>March 4, 2009 letter to Keith Hanchett</b>
<b>Total Connections available 12/05</b>	<b>49</b>	<b>VLG 12/9/05 letter (49 SFD + 1 drugstore)</b>
<u>Not included:</u>		
Boswell BBD	25	Accepted by VLG 12/9/05; 3/3/09 Planning Town of Lake George Board Public Hearing
Brookside Townhouses	14	(19 units approved by Planning Board)
<u>Applications Pending</u>		
Cohold	27	Application made to Town of Lake George



# VILLAGE OF LAKE GEORGE, NEW YORK

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DARLENE V. GUNTHER  
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March 6, 2009

Mr. Keith Hanchett, Chairman  
Town of Lake George Planning Board  
26 Old Post Road PO Box 392  
Lake George, NY 12845

Dear Keith:

I have just received a copy of a letter dated March 4, 2009 from the Waterkeeper, Christopher Navitsky.

His calculations agree with those items previously furnished us by Robb Hickey. If you agree, you have exceeded the connections previously agreed upon by past Planning Boards.

We do wish to repeat, however, our May 17, 2006 correspondence indicating that the allocation of credits is entirely up to the Town, how you approve them and the policy.

If you intend to honor the 34 credits for Carr and Mountain's Edge than you obviously have reached the limit.

We did not receive the grant for additional beds, have filed for stimulus money and have proceeded with state-mandated improvements in other areas.

Since October, 2005 we have encouraged the Caldwell District to investigate their infiltration to reduce their flows. That option still exists.

Sincerely,

Robert M. Blais  
Mayor

cc: Village Board  
Waterkeeper  
Councilman McCoy

RMB/das