



LAKE · GEORGE
WATERKEEPER[®]

NEWS RELEASE

May 12, 2009

For more information: Chris Navitsky (518) 668-5913 x301

Judge Strikes Down the Town of Lake George's Approval of the Forest Ridge Subdivision

Judge upholds earlier decision and strikes down the Town of Lake George's approval of controversial Forest Ridge subdivision. APA also asserts jurisdiction over possible future reconfigured subdivision.

Queensbury – Warren County State Supreme Court Judge David Krogman issued a decision in the Lake George Waterkeeper v Town of Lake George lawsuit that nullified the Town's approval of the controversial Forest Ridge subdivision. This follows an earlier decision from June 2008 where Judge Krogman suspended approval of the subdivision and ordered that the Town of Lake George to substantiate the record regarding its initial approvals of the subdivision. Unsatisfied with the Town's response, the Judge struck down approvals of new lots on 180 out of 190 acres of the subdivision, overruling the Town's approval of lots 5-10. (Lots 1-4 are small lots on an existing road, which were sold prior to the commencement of legal action by the Waterkeeper and were authorized by Judge Krogman to protect the purchasers, two of whom had started houses.)

"We remain extremely concerned about the continued failure of the Town of Lake George to properly administer its stormwater management regulations and segment its environmental reviews. We hope that this legal victory will be a wake up call to the Town to improve the way in which it does business when it administers stormwater management regulations and reviews subdivisions" said Chris Navitsky, the Lake George Waterkeeper.

In addition, the Lake George Waterkeeper has taken the opportunity to utilize the Judge's decision and work with the landowners to ensure proper stormwater management for the remaining lots. Although this is the responsibility of the Town of Lake George, the Town has continued to refuse the need to comply with the Town Code despite the original decision by the judge.

Last spring, the State Attorney General and the Adirondack Park Agency (APA) joined with the Lake George Waterkeeper in its legal action against the Town of Lake George alleging violation of state laws in its approval of a controversial 10-lot, 3-phase subdivision on uplands overlooking Lake George. The APA has recently asserted jurisdiction over the future subdivision, which was granted in the recent decision. The project sponsor will need new approvals from both the APA and the Town of Lake George.

“We hope that with the APA involved a comprehensive review will be undertaken and a sound stormwater management plan will be incorporated on these lands and that we’ll see a much better subdivision in the future” said Navitsky.

The Lake George Waterkeeper has repeatedly appeared before the Town of Lake George Town Board and Planning Board to point out the inadequacy of the Town’s environmental review process. Here is a time line of legal history of this development:

- The Forest Ridge subdivision is a 191 acre residential subdivision on Truesdale Hill Road on the steep hillsides west of Lake George. In April 2006, the Town of Lake George Planning Board approved the first phase of the three phase subdivision without an adequate environmental review as per the State Environmental Quality Review Act and segmented the stormwater management review. The Waterkeeper actively intervened in the Town’s review to point out its failure to comply with local and state laws.
- In May 2006, the Waterkeeper challenged the Town’s approval of the Forest Ridge subdivision pursuant to Article 78 of the Civil Practices Laws & Rules of the State of New York.
- In June 2008, Warren County State Supreme Court Judge David Krogman suspended the approval of the subdivision and ordered the Town of Lake George to justify its approval.
- In October 2008, the Planning Board rescinded the original approval for 6 lots, except for four lots that had been sold. These four lots, according to the conclusion of the Court, were illegally excluded from major subdivision review, and failed to comply with the Town’s stormwater regulations. In addition, the proposed 3-phase subdivision received segmented environmental review. The Waterkeeper objected.
- In December 2008, the Adirondack Park Agency and the State Office of Attorney General filed an Order to Show Cause with the Court, supporting the position of the Lake George Waterkeeper.
- In February 2009, Judge Krogman issued a final decision. He rescinded approvals on 95% of property, 6 lots, while protecting landowners on 4 lots on 10 acres, which had been purchased lots prior to the Waterkeeper’s lawsuit.

“The Lake George Waterkeeper has long advocated for improved review of proposed development by local governments around Lake George. Current actions result in adverse effects to the community, property values and the environment. Poorly regulated subdivisions and poor administration of stormwater regulations by local governments have contributed to the steady decline in the water quality of Lake George” stated Chris Navitsky. “This legal victory was won through the steadfast determination of the Lake George Waterkeeper. We’re very proud of the Waterkeeper program and with this legal victory once again reaffirms that the Waterkeeper is one of Lake George’s best friends” said Peter Bauer, Executive Director of the FUND for Lake George.

The Lake George Waterkeeper

The mission of the Lake George Waterkeeper is to defend the natural resources of the Lake George watershed for the common good of the community. The Lake George Waterkeeper is a program of the FUND for Lake George and was started in 2002. The Lake George Waterkeeper is a member of Waterkeeper Alliance, a national and international environmental advocacy organization protecting over 170 waterbodies.

##