



**LAKE • GEORGE
WATERKEEPER®**

PO Box 591, Lake George, NY 12845

Tel: (518) 668-5913 Fax: (518)-668-5915

Email: lgkeeper@nycap.rr.com

www.lakegeorgewaterkeeper.org

February 24, 2009

Stuart Baker, Senior Planner
Town of Queensbury
742 Bay Road
Queensbury, NY 12804

Re: Zoning Ordinance DRAFT

Dear Mr. Baker,

The changes that have been made to the DRAFT revised Zoning Ordinance regarding Waterfront Residential have incorporated many measures that will positively protect and help to restore water quality in Lake George and reduce ambiguity and subjective interpretation of the code. The Lake George Waterkeeper has reviewed the revisions and asks for clarification regarding the following:

DEFINITIONS:

- 1. Does the Floor Area Ratio (FAR) include stairwells in the Total Floor Area as defined?**
If not, it should be more specific in its definition and subtracted as a line item from 'exterior of exterior walls' on the FAR calculation sheet:
 - ***TOTAL BUILDING FLOOR AREA and FLOOR AREA: All square footage, as measured from exterior of exterior walls of all structures on the property, including all floors of the structures, garages, basements and attics with more than 5 feet of ceiling height and covered porches.***
- 2. Building Height - measured from the lowest portion of the natural grade of the building to the highest point of the structure** removes the existing definition's ability for interpretation, except when continuing... ***When the natural grade prior to any disturbance of the building site cannot be determined, the vertical distance shall be measured from the lowest exposed portion of the structure or building to the highest point of the structure.*** This means of determining natural grade may not be indicative of the original elevation and might better be determined by utilizing the natural grade of a neighboring parcel.
- 3. Percent of Permeability - The area of the lot which is not covered by buildings, structures or impervious surfaces.** An impervious surface should be defined. Would a gravel driveway be included in the calculation as an impervious surface?
- 4. SHORELINE BUILDING SETBACK -- The shortest distance measured horizontally, between any point of a principal building or accessory structure in excess of one**



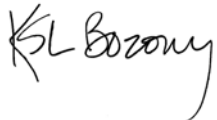
THE FUND for LAKE GEORGE

hundred (100) square feet in size and the shoreline of any lake, pond, river, wetland or stream. Should this *shoreline setback* definition also include driveways and any impervious surfaces?

5. **3. Conversions of seasonal residences:** *A conversion of a dwelling structure that had been previously used for seasonal purposes to a year-round residence shall be considered a change of use and shall require site plan review prior to such conversion as well as compliance with the following:*
 - a. *The septic system servicing such residence or the proposed system shall meet all present, applicable health code requirements and plans shall be submitted and approved.* Properties that transfer ownership should also be required to have the septic system inspected and certified.
6. **d. Use of Fertilizers:** *Fertilizer use within 50 feet of the shoreline is prohibited. Where allowed, fertilizers shall have a phosphorus content of 1% or less and contain slow release nitrogen.* Where 'allowed' should be more defined. Does this imply "...when establishing new gardens or lawns"? Lawns do not require phosphorus, and therefore a phosphorus free product would be a better choice.
7. **Shoreline buffers** should include an introduction of *INTENT* to better define the benefits of a shoreline buffer in order to encourage homeowners to not only plant the minimum required, but to create a functioning buffer on the shoreline. When land is limited, an *enhanced buffer* should be required (more density of plantings within the reduced buffer area).
8. **A Shoreland Overlay District, which would require Site Plan Review (SPR) for all shoreline and stream corridor property within a specific distance from the shoreline, would ensure that proper stormwater management, on-site wastewater treatment systems, limited fertilizer use and appropriate planting of a vegetative buffer and rain gardens are included in the site development.** The Lake George Park Commission's designation of a Critical Environmental Area is 500 ft from the shoreline. A Shoreland Overlay District (similar to that in the Town of Lake George) was originally discussed for the proposed revised regulations. This District is no longer in the DRAFT, but is an extremely important component of shoreline development and its impact to water quality. The Waterkeeper would like the previously proposed Shoreland Overlay District discussed and included in the revised Zoning.

The Waterkeeper thanks the committee for your efforts and looks forward to working with the Town of Queensbury in continuing to defend the natural resources of Lake George and its watershed.

Sincerely,



Kathleen SL Bozony
Natural Resource Specialist / Lake George Waterkeeper

cc: Dan Stec, Supervisor
Queensbury Town Board Members
Brian Grisi – Adirondack Park Agency
Michael White – Lake George Park Commission