



**LAKE • GEORGE  
WATERKEEPER®**

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May 22, 2009

Mr. Mark E. Sengenberger  
**Adirondack Park Agency**  
P.O. Box 99  
Ray Brook, NY 12977

**Re: Public Comments – General Permit 2009-G-3  
Residential Subdivisions Involving Regulated Wetlands**

Dear Mr. Sengenberger:

The Lake George Waterkeeper would like to take this opportunity to provide comments and concerns regarding the proposed General Permit for Residential Subdivisions Involving Regulated Wetlands proposed by the Adirondack Park Agency:

**1. All disturbances should be 100 feet from wetland boundaries.**

Under the Application, Section I, Item B, to be eligible for the General Permit, all development (except roads and driveways) will occur more than 100 feet from the wetland boundary. According to §802 of the Adirondack Park Agency Act, development is defined as:

28. "**Land use or development**" or "**use**" means any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of the use of land or a structure. Land use and development shall not include any landscaping or grading which is not intended to be used in connection with another land use, or ordinary repairs or maintenance or interior alterations to existing structure or uses.

Does this definition permit clearing and vegetation removal within 100 feet of the wetland which can adversely impact wetlands intended on being protected?

**2. Roads and driveways should not be permitted to be installed within 50 feet of the wetland boundary.**

Impervious surfaces such as roads and driveways increase runoff conveying pollutants and nutrients to waterbodies. The APA has no requirements for stormwater management practices for water quality protection. Therefore, the APA should not allow roads and driveways to be placed up to 50 feet from wetland boundaries and should require all impervious surfaces, including roads and driveways, to have a 100 foot separation to



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wetland boundaries, similar to other impervious surfaces and activities associated with development.

**3. The APA should require stormwater management to mitigate the impacts of stormwater runoff from development.**

The Application requires numerous Attachments to address various items associated with development but fails to address stormwater runoff, which is the greatest impact to water quality from development. How can the Agency expedite subdivisions without looking at stormwater runoff and the potential impacts?

**4. The General Permit allows clearing within 50 feet of wetland boundaries.**

In the *Certification* under Conditions, Item 6, clearing woody vegetation within 50 feet of the wetlands boundary is restricted. This appears to be in conflict with the requirement of no development within 100 feet of the wetlands boundary. The removal of woody vegetation within 100 feet of a wetland can have adverse impacts to the wetlands.

**5. The General Permit allows clearing 25 feet wide for a driveway, which is excessive.**

Typically, driveways are 10 feet wide and do not require the amount of disturbance allowed in this permit. The Agency should consider the implementation of concepts of Low Impact Development which reduces the disturbance limits and impervious coverage.

**6. How will the General Permit be implemented in Towns with local land use plans which do not have any setback protections for wetlands?**

Several towns within the Lake George watershed (Lake George, Bolton, and Hague) do not have setback requirements and protective areas around wetlands. This appears to create an inconsistency in the policy within the Park on the protection of wetlands. The Towns with locally approved plans should be required to amend their local ordinances to conform to the General Permit requirements.

**7. How will SEQR requirements be addressed with the General Permit?**

The submission requirements do not appear to require forms to address SEQRA. In addition, language in the *Permit*, Item 1 appears to state that there will be no “undue adverse impacts to the resources of the Park”. How could this determination be done without the review of an Environmental Assessment Form?

**8. In the *Permit*, Section I, Item A, the proposed subdivision map/plat should require the delineated wetland to be shown similar to the requirements of Attachment C.**

**9. In the *Permit*, is there a process for adding accessory structures in the future?**

**10. Under the Procedures section, Item 3 in the *Permit*, what does the site visit constitute?**

**11. Under the General Conditions for the Certifications, Item 2 in the *Permit*, who will enforce that the subdivision project will be undertaken and completed as shown on the approved subdivision map/plat and project plans and is in compliance with the conditions in the Certification issued, including any site specific conditions?**

**12. Under the General Conditions for the Certifications, Item 3 in the *Permit*, if changes are proposed to the subdivision map/plat, how will the revised subdivision map/plat be recertified by the Agency? If the proposed changes result in the proposed project being ineligible for the General Permit, will the applicant be required to go through a permit process even though the subdivision may have been initiated?**

**13. Under the General Conditions For the Certifications, Item 4 in the *Permit*, what will be the process for the project sponsor, successors and assigns or subsequent owner of**

**a lot subject to this Certification to amend the subdivision map/plat to alter the location of a structure site, access road, on-site water supply and wastewater treatment system or other aspect of the subdivision map/plat? If the proposed amendment results in the project being ineligible for the General Permit, will the project sponsor or owner be required to go through a permit process even though the subdivision may have been initiated?**

The Lake George Waterkeeper has concerns about the issuance of this General Permit which fails to address large impacts to water quality from development such as stormwater management and sacrifices buffer areas. Additionally, there are sections of the Permit and process which should be tightened up to prevent applicants from circumventing the process and resulting in projects that will harm the resources of the Park.

Thank you for this opportunity to comment on this permit. We look forward to continuing to work with the Agency to preserve the unique natural character of Lake George as a critical resource for the Adirondack Park.

Sincerely,

A handwritten signature in black ink that reads "Christopher Navitsky". The signature is written in a cursive style with a large, stylized initial "C".

Christopher Navitsky, PE  
Lake George Waterkeeper

cc: Curt Stiles – Adirondack Park Agency  
APA Commissioners – Adirondack Park Agency  
Betsy Lowe - NYSDEC