



**LAKE • GEORGE**  
**WATERKEEPER®**

PO Box 591, Lake George, NY 12845

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

Email: [info@lakegeorgewaterkeeper.org](mailto:info@lakegeorgewaterkeeper.org)

[www.lakegeorgewaterkeeper.org](http://www.lakegeorgewaterkeeper.org)

November 11, 2009

Mr. Howard Dennison, Chairman  
Town of Fort Ann Planning Board  
80 George Street  
Fort Ann, NY 12827

**Re: Lee & Jana Harris – 1468 Pilot Knob Road (73-2-6)**

Dear Mr. Dennison:

The above referenced site plan review application was personally reviewed in my capacity as a licensed professional engineer and the Lake George Waterkeeper. The Lake George Waterkeeper offers the following comments and concerns to the Board for its consideration:

**Low Impact Development**

**1. The project should incorporate concepts of low impact development standards to protect the critical environmental areas of the site, steep slopes, stream corridors and forested hillsides that protect the water quality of Lake George.**

- When applying low impact development standards, all critical environmental areas are delineated and removed from the areas to be disturbed.
- Steep slope areas (>20%) are susceptible to erosion from construction and development, which results in sedimentation to water bodies. To discourage this disturbance activity, the New York State Department of Environmental Conservation General Permit for Discharge for Stormwater from Construction Activities requires an Individual SPDES permit.
- More than 50% of the water entering Lake George is from streams and the most effective and economic means to maintain the Class AA-Special water classification of the Lake George watershed is an undisturbed vegetated buffer along streams within the Lake George watershed. To provide this protection, the Lake George Park Commission has determined impervious surfaces must be located greater than 100 feet from streams and protected with a vegetative buffer.

By protecting these critical environmental areas, natural drainage patterns can be maintained and the impacts of development minimized. The Lake George Waterkeeper recommends: 1) no disturbance within 100 feet of streams on the property; 2) no disturbance on steep slopes and require roads and driveways; 3) locate houses lower on hill closer to areas of existing disturbance; and, 4) allow (and designate) some of the existing clear cut areas to re-establish forested conditions for water quality protection.



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- 2. There is concern about segmentation of the disturbance activities on the subject property.** There is an unfortunate pattern around the Lake George watershed of poor timber harvesting activities, without a forest management plan, as a prelude to development of steep upland properties. This occurs when a “logging road” is created to access forested upland areas, which are clear cut, thus creating lake view lots, followed by the “logging road” then becoming the basis for a subdivision road/driveway. This technique ties the hands of Planning Boards because the developer proposes to use the existing “logging road” as the subdivision road to “minimize disturbance of the property” in areas where the Planning Board would never have permitted access road for a site development in the first place. The Lake George Waterkeeper recommends the Town of Fort Ann Planning Board restrict the development of the upper portions of the property that have been clear cut and allow the site to revegetate and concentrate development on the lower portions of the property.

### **Stormwater Management**

- 1. The proposed stormwater management control measures will not meet the requirements of the Lake George Park Commission.** This project requires a major stormwater plan according to the requirements of the Lake George Park Commission Regulations. A design criteria of the major plan is no increase in post-development runoff volumes for a 10-year storm event (3.8” of rain), which requires infiltration of the increased runoff attributed to development. The project proposes pocket ponds that will have a constant water elevation preventing infiltration and will not meet the requirements of the Lake George Park Commission. In addition, pocket ponds freeze in cold weather, which renders the control measures ineffective for stormwater management and treatment in winter months. The Lake George Waterkeeper recommends the implementation of infiltration measures for stormwater management control.
- 2. Stormwater controls shall be 100 feet from subsurface wastewater treatment systems.** The wastewater absorption system for Lot 3 is located 60 feet from a proposed stormwater control pond 2. The Lake George Waterkeeper recommends a redesign of the infrastructure to meet the requirements of the regulations.
- 3. The runoff from the road will not be collected and directed to the proposed stormwater controls as shown.** The Erosions and Sedimentation Control Plan indicates “Proposes swales on uphill side of driveways. Pitch driveway towards swales.” However, the grading on the driveway and on the driveway cross sections show a crown in the center of the driveway. This needs to be clarified.
- 4. The applicant received a Notice of Incomplete Application from the Lake George Park Commission regarding the initial submission of the stormwater management permit application in July 2009.** Stormwater management is a critical component of any land development project and can determine the suitability of a site for development. The Lake George Waterkeeper recommends the Town of Fort Ann Planning Board table any action on the application or scheduling a public hearing until a complete stormwater management plan acceptable to the Lake George Park Commission for review is provided.

### **On-site Wastewater Treatment System (OWTS)**

- 1. The OWTSs are not compliant with the Adirondack Park Agency Guidelines for On-site Sewage Disposal Systems.** The following are areas of non compliance with the referenced Guidelines: 1) Shallow absorption trenches shall only be permitted on natural slopes of 8% or less (The natural slope is 16% for the shall absorption trench on Lot 4) and 2) Piping of sewage to an on-site sewage disposal system serving one or two single family dwellings a distance of 150 feet or more is not allowed (The absorption field for Lot 3 is 320 feet from the dwelling and 300 feet for Lot 4).
- 2. The grading of the driveway may impact the proposed OWTS design.** A shallow trench system is proposed for Lot 4 approximately 10 feet off the driveway where a 5 foot fill is proposed. The conventional system for Lot 3 is located adjacent to the driveway where a 4 foot cut is proposed. The Lake George Waterkeeper recommends providing a final grading plan incorporating the grading of the driveway with the OWTS grading to ensure proper setbacks.

3. **The slope of the pipe entering the distribution boxes may result in unequal distribution to the absorption field laterals.** Slopes of the pipes conveying septic tank effluent to the distribution boxes are approximately 26% and 20% for Lots 3 and 4 respectfully. This will result in high velocities entering the distribution boxes potentially resulting in an unequal distribution to the laterals. The Lake George Waterkeeper recommends reducing the velocity of the effluent entering distribution boxes.

**State Reviews/Permits Issued Should Be Complete Before Town Review/Permit Issued**

**Review of this project should be suspended pending completion of APA application and receipt of permit.** This project needs permits from the APA, LGPC and the Town of Fort Ann. The applications to the APA and LGPC have not been completed; in fact, the APA recently issued its second Notice of Incomplete Application (NIPA) for this project. The APA and LGPC have far greater technical capacity to review a project than the Town of Fort Ann. The Lake George Waterkeeper encourages the Town to delay action on this project until the APA and LGPC have completed its review and either issued a permit. Many towns across the Adirondack Park regularly take advantage of the APA's technical review and analysis by delaying local action until the APA has completed its review. It's highly likely that whatever the APA approves will be different than what is currently proposed. Agitation by the applicant for speedy town action only serves to try and force the hand of the APA and limit the scope of its review. We encourage the applicant to obtain the necessary permits from the two state agencies before seeking to further engage the Town of Fort Ann.

The unfortunate sequence of disturbance and development of the property will have negative impacts to the environment and community resulting in increased runoff from excessive clearing, locating wastewater treatment less than optimal locations and removing important vegetative buffers along stream corridors. The Lake George Waterkeeper recommends denial of the subdivision application if it moves ahead until these all the referenced impacts can be properly mitigated.

The Lake George Waterkeeper looks forward to working with the Town of Fort Ann Planning Board to defend the natural resources of Lake George and its watershed. Thank you for your consideration.

Sincerely,



Christopher Navitsky, P.E.  
Lake George Waterkeeper

cc: Town of Fort Ann Planning Board  
Tom Jarrett, PE – Jarrett Engineering  
Colleen Parker - Adirondack Park Agency  
Michael White - Lake George Park Commission