



**LAKE • GEORGE
WATERKEEPER®**

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January 27, 2009

Mr. Chris Hunsinger, Chairman
Town of Queensbury Planning Board
742 Bay Road
Queensbury, NY 12804

**Re: Kelly – Mason Road (226.16-1-17)
SP 35-2008**

Dear Mr. Hunsinger:

The Lake George Waterkeeper has reviewed the application submitted for the above referenced application and would like to offer the following comments:

1. It should be determined if all aspects for the existing site development have received proper site plan review.

There currently is a single family residence, labeled as “Existing” on the plans, under construction in a Critical Environmental Area.

- Should this project have required a major stormwater management plan?
- The on-site wastewater treatment system (OWTS) proposes the installation of fill. §136-9.B states “No sewage disposal fill or mound system may be located within 200 feet of Lake George”. Has this requirement been met or is a variance required?
- The soils where the OWTS is proposed are being compacted by the construction vehicles and equipment and will be significantly compromised. How will this be mitigated?
- Has the Floor Area Ratio (FAR) been determined for the structure?

The project should be reviewed as a whole to determine the adequacy of the development along the shoreline and not segmented into smaller parts.

2. The proposed submission for shoreline stabilization including alterations and renovations cannot be properly evaluated at this time.

The applicant should justify the need for the proposed shoreline stabilization. The removal of existing vegetation, including large white pines on the shoreline, is proposed and will be replaced with two stone retaining walls (12 to 18 inches in height) and low lying vegetation, with the remaining buffer to the lake planted with lawn. Substantial mixed height vegetative plantings, including Canadian hemlock, Osier dogwood and Serviceberry, are proposed for the side yards only. According to the neighbor to the north (Evans), the existing conditions are not very unstable and feel the removal of the large trees would increase the potential for erosion. Erosion on the shoreline is accelerated by vegetation removal and alterations to the natural shoreline. Is excavation proposed along the shoreline?

3. Does the proposed project require an Adirondack Park Agency permit?

§575.4.f states “Retaining wall which is constructed of dry laid stone or untreated natural logs, and is smaller than 200 square feet in size and does not exceed two feet in height above the mean high



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water, shall not be subject to the applicable shoreline setback requirements and variance procedures provided that it is designed to control on-going erosion problems; is limited to the area necessary to control such erosion and; follows the existing natural elevation and contour of the shoreline.” A Jurisdictional Inquiry Form should be submitted to the Adirondack Park Agency.

4. Has the applicant received a permit from the New York State Department of Environmental Conservation?

The application refers to the need for a NYSDEC permit for Disturbance of Navigable Waters for the installation of rip rap into the lake. The NYSDEC does not permit this activity without justification.

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

Sincerely,



Christopher Navitsky, PE
Lake George Waterkeeper

cc: Brian Grisi – Adirondack Park Agency
Michael White – Lake George Park Commission



PHOTOGRAPH OF 43 MASON ROAD SHORELINE. IT APPEARS THERE WOULD BE EXCAVATION REQUIRED ALONG THE SHORELINE TO INSTALL THE WALLS AND GRADING PROPOSED. ADDITIONALLY, THE EXISTING TREES PROVIDE STABILITY TO SHORELINE WHERE IT IS DIFFICULT TO DETERMINE IF EROSION IS PRESENT.



PHOTOGRAPH OF THE SHORELINE NORTH OF 43 MASON ROAD WHICH SHOWS A WELL BUFFERED AND PROTECTED SHORELINE.