



**LAKE • GEORGE
WATERKEEPER®**

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April 22, 2010

Mr. Herb Koster, Chairman
Town of Bolton Planning Board
4949 Lake Shore Drive
Bolton Landing, NY 12814

**Re: MJ Real Estate Holdings, LLC – New Vermont Rd. (124.00-1-2 & 3, 123.00-2-57.1)
SD06-03 & SPR10-05**

Dear Mr. Koster:

The above referenced subdivision application was personally reviewed in my capacity as a licensed professional engineer and the Lake George Waterkeeper. I request the Planning Board to apply the Town's regulations, specially the Stormwater Management Ordinance, and consider the environmental impacts during your deliberations regarding the above referenced application.

ALTERNATIVES SHOULD BE CONSIDERED TO REDUCE THE EXCESSIVE CLEARING AND DISTURBANCE

The construction of the access road proposes earthwork with 20 foot cuts and significant disturbance on steep slopes, is excessive and will have significant environmental impacts. Alternatives should be considered such as the eastern jeep road that would require less disturbance. In addition, the clearing limits proposed up to 60 feet for the upper driveway should be reduced to further reduce disturbance. Significant erosion exists from the upper portion of the driveway with minimal disturbance. The proposal to increase clearing three fold will create a greater potential for erosion.

STREAM BUFFERS SHOULD BE RESTORED ALONG THE EXISTING STREAM

The project proposes significant disturbance on steep slopes within 25 feet of an existing stream with no proposed mitigation. The applicant should be required to maximize separation to the stream for water quality protection. In addition, the house proposed for Lot 3 is placed within 15 feet of a stream. It should be noted the Lake George Park Commission currently proposes a 100 foot protective buffer along streams within the Lake George watershed. The project should maintain a 100 foot buffer along streams for water quality protection and wherever the buffer width is compromised, mitigation plans including additional vegetation and soil amendments should be required for water quality protection.



THE FUND for LAKE GEORGE

STORMWATER MANAGEMENT PLAN DOES NOT MEET THE ORDINANCE REQUIREMENTS FOR VOLUME REDUCTION

§125-5.C Purpose and Objectives of the Town Stormwater Ordinance states the specific objective is “to prevent any increase in the total annual volume of surface water runoff which flows from any specific site during and following development over that which prevailed prior to development.” The stormwater management calculations are based on final stabilization, assuming good conditions, which will greatly underestimate runoff quantities during construction. Significant earth disturbance is proposed including 20 foot cuts for the access road, that create disturbance corridors 150 feet wide. The runoff from these disturbed areas should be analyzed utilizing a more conservative runoff coefficient for “Newly graded, pervious areas, non vegetated areas” to meet the requirement of the code. Current calculations underestimate runoff quantities.

STORMWATER CALCULATIONS MISREPRESENT ACTUAL PROPOSED CONDITIONS

The calculations underestimate post-construction runoff values due to incorrect ground cover descriptions. For example, Catchment 1 is nearly entirely cleared of the existing woods for the grading of the road. However, the calculations are based on nearly 40% of the existing woods remaining. In addition, flowpaths are shown over the cleared areas and the calculations claim flows are through forested areas further misrepresenting runoff values. This will result in stormwater management facilities being undersized with reduced treatment, resulting in negative water quality impacts. Catchment 1, L1A and 1B should be checked.

STORMWATER CALCULATIONS INDICATE REDUCED RUNOFF VOLUME WITH MEASURES THAT ARE NOT DESIGNED FOR THAT FUNCTION

The stormwater management systems proposed includes a pocket pond (Pond 2) and extended detention (Pond 1). Neither of these control measures is designed to reduce stormwater management volumes since infiltration is not incorporated; the pocket pond will have a constant water elevation, which is not indicated on the plans, and detention facilities simply hold stormwater runoff for release at specified rates and do not reduce the total volume. Therefore, these measures will not reduce stormwater runoff volumes as indicated. The stormwater management system should be reevaluated to incorporate measures that reduce runoff volume as required by the Town of Bolton Ordinance.

PROTECTIVE BUFFERS SHOULD BE PROVIDED ALONG WETLANDS

The project proposes to remove all protective buffers along more than 500 feet of wetlands. This will result in negative impacts to the wetlands as well the water quality functions which they provide. The design should be reevaluated to provide a protective buffer for water quality protection.

INDIVIDUAL SITE PLAN REVIEW WITH PUBLIC HEARINGS SHOULD BE PROVIDED FOR THE INDIVIDUAL LOTS

Although the Town of Bolton Planning Board typically does require Site Plan Review for the development of individual lots associated with major subdivisions, public hearings are typically waived. Many times, the individual site plan design proposed at the major subdivision public hearing is not final and will be changed. This creates a problem at the public hearing since comments are not substantially considered since the design will change. For this subdivision, there are numerous concerns on the individual site plans including:

- Rain garden sizing is based on inaccurate calculations and percolations rates. For example, Lot 7 had a percolation rate of 19 minutes per inch (3 inches per hour) but the rate used in calculations was 5 inches per hour.
- Tributary areas to the rain gardens exceed New York State Department of Environmental Conservation recommendations.
- Details for rain gardens do not match the plans.
- No planting information or details are provided, which is a necessary component for the function of rain gardens.

Based on these items, the Planning Board should require Site Plan Review with public hearing for the development of the individual lots.

The Lake George Waterkeeper would like to recognize the efforts that have been made on the site design in attempts to reduce disturbance footprints through clustering of units and the reduction of individual driveway lengths. However, it is our opinion that these limited measures do not offset the overall negative environmental impacts of the development including excessive earthwork, disturbance, removal of necessary stream and wetland protective buffers and increased stormwater runoff.

The Lake George Waterkeeper recommends the following: 1) Reduce the significant earthwork, disturbance and clearing associated with the road; 2) Require a minimum of 100 foot protective buffers on streams and require mitigation measures where these are compromised; 3) Require the project to comply with the Town of Bolton Stormwater Management Ordinance, specifically §125-5.C Purpose; 4) Require stormwater management control measures that reduce stormwater runoff volume as required by the ordinance; and 5) Require Site Plan Review with Public Hearings for the development of the individual lots. Based on these comments, we feel the Town of Bolton Planning Board should table the application until such time as the negative environmental impacts of the proposed project can be significantly reduced.

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

Sincerely,

A handwritten signature in black ink that reads "Chris Navitsky". The signature is written in a cursive, flowing style.

Christopher Navitsky, PE
Lake George Waterkeeper

cc: Michael White, Executive Director – Lake George Park Commission
Tom Saehrig – Adirondack Park Agency
Tom Nace – Nace Engineering
Bill Lupo – New York State Department of Environmental Conservation
Robert Fraser