



LAKE • GEORGE
WATERKEEPER®

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December 14, 2009

Mr. James Underwood, Chairman
Town of Queensbury Zoning Board of Appeals
742 Bay Road
Queensbury, NY 12845

Re: Glandon – Provident Batavia, 67 Knox Rd. (239.7-1-14)
Appeal 4-2009

Dear Mr. Underwood:

The above referenced appeal was personally reviewed in my capacity as a licensed professional engineer and the Lake George Waterkeeper. The Lake George Waterkeeper is concerned about the determinations of the Town of Queensbury regarding the non compliant activities at 67 Knox Road and the failure to apply the updated Town of Queensbury Zoning regulations. These actions have resulted in negative impacts to the community and the environment. The Lake George Waterkeeper offers the following comments for consideration by the Board:

APPLICABLE CODE

The application for site plan review and variances was originally submitted in October 2007. Nearly every aspect of the original application has been substantially changed over the past 26 months, including the building design, site development design information and, most notably, the owner/applicant. Subsequently, the Town of Queensbury has revised its Zoning Code to affect all new projects after May 12, 2009 to mitigate the negative water quality impacts that result from development on waterfront properties. The Lake George Waterkeeper recommends the Town of Queensbury Zoning Board of Appeals determine whether this application should be considered as a new application and be subject to the new Zoning Code.

COMPLIANCE WITH TOWN CODE

Another disturbing aspect regarding the development plans for 67 Knox Road is the significant noncompliance with the Town Code in regards to stormwater management, wastewater treatment, site clearing and construction of a structure, the later which was determined to be a violation by the Zoning Board of Appeals and a Supreme Court judge. Additionally, the Planning Board has required items to be addressed prior to the continuance of review that appear not to have been met. These include the submission of consistent plans, address engineering comments, and stabilize site to prevent erosion. However, significant construction has occurred on the site and the application somehow appears to progress through the review process despite these continuing issues.



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In summary, there has been a significant amount of site disturbance, clearing and alteration to the site, including the construction of a residence, all without proper review and approvals. Unfortunately, the project was allowed to proceed in violation of the previous Town Code, which has impacted the community and the lake. The Lake George Waterkeeper recommends: 1) That the Zoning Board requires the project application comply with the current Zoning Code; 2) All items requested by the Planning Board be required prior to any additional review on the application; 3) Consideration of the immediate removal of all non-compliant structures; and 4) Re-establish vegetation on the site. These will improve mitigation of the development activities at the site, maintain the character of the community, and ensure the supporting infrastructure fit the site and protect the local environment and water quality of Lake George.

The Lake George Waterkeeper looks forward to working with the Town of Queensbury Zoning Board of Appeals to defend the natural resources of Lake George and its watershed. Thank you for your consideration of these comments.

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
Lake George Waterkeeper

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