



LAKE • GEORGE
WATERKEEPER®

PO Box 591, Lake George, NY 12845

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

Email: info@lakegeorgewaterkeeper.org

www.lakegeorgewaterkeeper.org

June 8, 2010

Mr. Thomas Saehrig
Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

**Re: MJ Real Estate Holdings, LLC – New Vermont Rd.
Bolton (T) (124.00-1-2 & 3, 123.00-2-57.1)
APA Project No. 2007-265**

Dear Mr. Saehrig:

The above referenced subdivision application was personally reviewed in my capacity as a licensed professional engineer and the Lake George Waterkeeper. The Lake George Waterkeeper recognizes the Adirondack Park Agency's (APA) jurisdiction of this project is limited to the three lots located in Resource Management Use. However, the APA must evaluate the extent of the disturbance associated with the access to the lots under APA jurisdiction and the extensive negative impacts that will result. Based on this, the Lake George Waterkeeper requests the APA's review to incorporate all facets and activities associated with the development of the Resource Management lots, including the entire access road, associated disturbance, negative impacts to resources and resulting stormwater runoff.

The Town of Bolton Planning Board review failed to adequately address potential negative impacts including extent of disturbance and compliance with stormwater management. These concerns were expressed in detail in an April 22, 2010 letter to the Town of Bolton Planning Board that was copied to the APA; copy attached. The excessive clearing of 150 feet in width and 20 foot cuts on steep slopes for the access road must be mitigated and will have negative impacts to the Class AA-Special stream along the disturbance. There was no consideration of restoring or implementing a stream buffer to reduce negative impacts to the classified protected stream. The stormwater management systems included a pocket pond and extended detention pond. Neither of these control measures is designed to reduce stormwater volumes since infiltration is not incorporated and this violates the Town of Bolton Stormwater Ordinance. A pocket pond will have a constant water elevation prohibiting infiltration and an extended detention pond simply holds stormwater runoff for release at specific rates and does not reduce volume.

Wetlands will be impacted by the construction of the road and stormwater ponds. The project proposes to remove all protective buffers along more than 500 linear feet of wetlands. This will result in negative impacts to the wetlands as well as the water quality functions which



THE FUND for LAKE GEORGE

they provide. The design should be reevaluated to provide a protective buffer for water quality protection.

Clearing for the driveway accessing the three Resource Management lots is excessive and should be reduced. The clearing limits proposed up to 60 feet in width for the upper driveway should be reduced to minimize disturbance. Significant erosion exists from the upper portion of the driveway with minimal disturbance as documented in the photographs below. The proposal to increase clearing three fold will create a greater potential for erosion.



Existing erosion on upper driveway.

Stormwater management for Resource Management lots is not adequately addressed or evaluated. The Lake George Waterkeeper supports the use of rain gardens for stormwater management. But rain gardens can be applied under suitable soil conditions that need to be determined through soil investigations.

- No soil investigations are provided for Lot 5 rain garden that is proposed in a 2 foot cut.
- Soil investigations are indicated for Lot 6, but no information is shown. A 1 foot cut is proposed for the rain garden location.
- The soil investigation nearest to the rain garden for Lot 7 indicates seasonal high groundwater at 27". The design proposes a 30" cut for rain garden which could be into groundwater. This would result in a rain garden that does not function properly.

Soil investigations need to be provided before these lots are approved. It should be noted that the Town of Bolton did not review the individual lots during the subdivision process.

Rain gardens indicate stormwater reduction through infiltration without adequate investigation. Rain gardens are stormwater management controls that utilize infiltration to reduce and treat stormwater runoff. Infiltration rates must be obtained through percolation tests to determine design rates for rain gardens. However, percolation tests have not been provided or are misapplied in the Resource Management lots.

- The report indicates a 0.035 acre-feet reduction in stormwater volume for the Lot 5 rain garden. However, no percolation test has been provided.
- The report indicates a 0.045 acre-feet reduction in stormwater volume for the Lot 6 rain garden. However, no percolation test has been provided.
- Lot 7 misapplies infiltration rates in the stormwater report of the rain garden. The percolation rate was 19 minutes/inch (3 inches/hour). However, the percolation rate applied in the design calculations in the Stormwater Management Report was 5 inches/hour or a 67% rate increase from actual conditions.

Percolation tests need to be provided and incorporated into the design calculation before the lots can be approved. Again, it should be noted that the Town of Bolton did not review the individual lots during the subdivision process.

The Lake George Waterkeeper understands the application has been through a long review by your agency and local boards. We would like to recognize the efforts that have been made on the site design in attempt 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 to the Adirondack Park Agency: 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 to reduce stormwater runoff volume as required by the ordinance; 4) Require protective buffers along wetlands and reduce the amount of disturbance up to the delineated boundaries; 5) Reduce the clearing limits up to 60 feet for the access driveway for the Resource Management lots; 6) Require proper soil investigations to determine the adequacy of rain garden locations; and 7) Require percolations tests to verify the design calculations for the proper reduction of post-construction stormwater volume. Based on the extent of these comments, we feel the APA should require additional information and design revisions to the application until the negative environmental impacts of the proposed project can be significantly reduced.

The Lake George Waterkeeper Program looks forward to working with the Adirondack Park Agency 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, somewhat stylized font.

Christopher Navitsky, PE
Lake George Waterkeeper

cc: Curt Stiles – Adirondack Park Agency
Terry Martino – Adirondack Park Agency
Michael White, Executive Director – Lake George Park Commission
Pam Kenyon – Town of Bolton Zoning Administrator
Tom Nace – Nace Engineering
Bill Lupo – New York State Department of Environmental Conservation
Robert Fraser