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March 17, 2014

Mr. Chris Hunsinger, Chairman
Town of Queensbury Planning Board
742 Bay Road
Queensbury, NY 12845

**Re: Bear Pond Ranch, LLC; French Mt. Bear Pond, LLC – (278.-1-77, 13)
Site Plan 77-2011**

Dear Mr. Hunsinger:

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 remains concerned about the proposed plan due the numerous areas of non compliance with the Town Code, including stormwater management, segmentation of environmental review and site planning. It is our opinion the “existing access road” has never received an approval or Site Plan Review from the Town of Queensbury Planning Board. In addition, we do not support the waiver request from stormwater management for any project within the Lake George Park, especially when there is no existing stormwater management for the access road. The Lake George Waterkeeper requests the Planning Board apply the Town’s regulations regarding Site Plan Review, specifically requiring the construction of roads on steep slopes, stormwater management and environmental review, during your deliberations regarding the above reference Site Plan Review application.

The access road has not been reviewed or approved by the Town of Queensbury for commercial use. The “existing access road” has received much attention since its illegal construction in 2005 but it has never received an approval from the Town of Queensbury Planning Board. The road, “French Mountain Memorial Highway”, was an agenda item for Site Plan Review twice in 2006 – the first time it was withdrawn after discussion requiring Adirondack Park Agency review and the second time, a Stop Work Order and Violation was issued by the Town of Queensbury. This second application resulted in a settlement with the Town of Queensbury Town Board requiring the applicant “to use best efforts to stabilize the forest roads on the subject property so as to minimize potential impact of run-off to off-site resources”. The Planning Board must note that:

- The “existing access road” is called a “forest road”, which under any interpretation is cannot be considered as a road servicing a proposed commercial activity with no design standards or stormwater management.
- The “forest road” was to be stabilized to minimize potential impact of run-off to off-site resources. Again, this “forest road” was not designed to nor does it comply with any design standards of the Town of Queensbury.

At the December 1, 2008 Town Board meeting discussing the settlement agreement, Town Board member John Strough questioned the proposed use of the “forest roads” as noted in the attached minutes:

“Questions remain, it has not been established what these forest roads are to be used for. Are these roads to be used as a ... culture, in other words, logging activity as originally identified by the land owners or will other uses, vehicles and activities be allowed such as jeep rallies, ATV uses, horses, public hiking. What I don't know, I think makes a difference, it does to me. Will these forest roads be used for access for other kinds of development, if so, what?”

Therefore, the proposed 40 riders/8-10 vehicles per hour and 43,340 riders/9,000-10,000 vehicles trips per year will occur on a “forest road” that has never been approved by the Town of Queensbury Planning Board. In fact, at the only Planning Board review that occurred on May 22, 2006, the Board decided to have the APA as an involved agency for the 19 acre clearing for the “forest road”, which resulted in the application being withdrawn. The road remains highly visible and has resulted in a scar up the side of the mountain and a notch in the ridgeline of French Mountain. The Planning Board must review the road design for grade, construction and protection of the resources of the Town and mitigate negative impacts.

There are no stormwater management controls on the proposed “forest road”/commercial access. For over 8 years, there has been no stormwater controls installed on road. It must be realized that the stabilization and minimizing potential impact of the road does not qualify as compliance with stormwater management regulations and requirements within the Lake George Park. A complete stormwater management plan should be finally submitted for review and approval for this excessive and unapproved disturbance.

There should be no waivers for stormwater management within the Lake George and stormwater management controls should be submitted for all disturbed areas.

Exclusion of the access to the proposed tower results in segmentation of the environmental review of the project.

In conclusion, the Town of Queensbury Planning Board should determine the Site Plan Application as incomplete and table the project application pending additional information regarding the access road for commercial purposes. At a minimum, the Lake George Waterkeeper recommends the Planning Board request the following information for the application: 1) Require Site Plan Review to include the existing “forest road” that will be converted to a commercial road; 2) Require stormwater management for existing developed areas; and, 3) Require stormwater management for the developed areas cleared on the mountainside including the road and launch tower.

The Lake George Waterkeeper looks forward to working with the Town of Queensbury 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, slightly slanted style.

Christopher Navitsky, PE
Lake George Waterkeeper

SUPERVISOR STEC- Exhibit A, what follows is exhibit A

COUNCILMAN STROUGH- Well, the attached map, is the Town's interest being served when we include phrases like I just mentioned. Now, it mentions to make sure that the scheduling work is done the Macchio Entities only need to be of the spirit of cooperation. What does that mean?

COUNCILMAN BREWER- It also says that it has to be done by the 2009 John

COUNCILMAN STROUGH- I'm just saying that it's ambiguous. I have my concerns. I had no idea that this was going to be on tonight's agenda for approval or not approval. When I asked on Tuesday night, Dan and the Board, I said listen I'm sorry I've been working on Town Code, I'll work on this Macchio contract over Thanksgiving, I did. Dan said on Wednesday night make sure you don't share the contract with anybody and I didn't. So here's my concerns, the Macchio Entities only need to address the issues according to this contract in a timely manner, not well defined. In addition to that, it says upon execution of this agreement the Town will tender stipulation of discontinuance and dismissal. Why don't we do the stipulation and dismissal on completion of the agreement? It's just a question. This settlement is an agreement where the Town seeks to encourage Macchio Entities to use best efforts to stabilize the forest roads on the subject property. Questions remain, it has not been established what these forest roads are to be used for. Are these roads to be used as a culture, in other words logging activity as originally identified by the land owners or will other uses, vehicles and activities be allowed such as jeep rallies, ATV uses, horses, public hiking. What, I don't know, I think it makes a difference, it does to me. Will these forest roads to be used for access for other kinds of development, if so what? I just want to know. Why do the forest roads have to be or need to be ten to twelve foot in width? Just a question, its not answered in here. Why do these roads need to have a bed of crushed stone? Logging roads need a bed of crushed stone. It's a question; I don't think this is being answered in my mind.

COUNCILMAN MONTESI- John, that was a very specific thing from DEC and Soil and Water for stabilization of the road beds.

COUNCILMAN STROUGH- Well that stabilization came up after it was graveled.

MR. STRANAHAN- Ron, I've been in the logging business my entire life. Like I said, I took my breath of air here about sixty four years ago and I've been in the logging business my entire life. Show me some log roads with six inches of crushed stone cut a hundred and sixty seven feet wide in the Adirondack Park between here and Newcomb.

SUPERVISOR STEC- Skip, that's why the Town took them to court and that's why the settlement says they have to shrink those to a width of ten to twelve feet instead of a hundred and sixty seven

MR. STRANAHAN- Absolutely

COUNCILMAN STROUGH- Skip, while you're here, on the plans, road constructions details C-5 it says that a geo-textile fabric will be used. To your knowledge, was a geo-textile fabric used at all in any part of the road?

MR. STRANAHAN- There's absolutely no geo-fabric textile fabric in the road, that silt fence that's up there has been down for the last eight months documented by Fountain Forestry, expert witness in a court of law. It's been down the last eight months doing nothing. There's three places where the crushed stone is running directly into the Bear Pond Brook which is against the Encon regulations of