Two Developments and Planning Board Secrecy Threaten Saratoga Lake

In follow up to our previous reporting, development pressures and outright illegal land clearing by developer contractors has resulted in negative water impacts to Saratoga Lake and general distrust in the Planning and approval process.

There are two major developments currently under consideration on Saratoga Lake and the first concern is with the Town of Saratoga and its management of the Cedar Bluff Subdivision. There are 11 lots upon which this development is proposed and they contain very steep slopes leading down to the Lake. The developer, John Witt, has proposed clearing almost all trees on these lots which would violate the Town’s Steep Slope zoning law, code section 400-8.12 which is referred to as “No Cut no Disturbance on Town Steep Slopes” which require that “Land clearing proposals of greater than 20% of wooded slopes that exceed 10% (which these lots clearly do) must provide plans to the Town Planning Board that address erosion control, bank stabilization, sediment transport and visual impact. Instead of adhering to the zoning law, Mr. Witt submitted a proposal to have the town approve a lot-by-lot tree clearing plan by the Town enforcement office without the required plan addressing all the factors included in section 400-8.12. As pointed out by the Hudson Mohawk Group’s member John Cashin (cashin_jr@hotmail.com) who lives adjacent to the property under consideration, the proposed plan, which must comply with Section 400-8.12 requiring no disturbances, is devoid of information about the location of any demarcation beyond which disturbances cannot occur. The lot-by-lot plan (proposed by

Current forested land on Saratoga Land, site of the proposed Cedar Bluff development by John Witt. Steep slopes should prohibit much of this development.
Witt) can’t remotely satisfy statutory or regulatory standards for a project that would create substantial disturbance through clearing of all trees less than 12 inches (at DBH-diameter breast height) and 30% of trees between 10” to 12” DBH. And to add insult to injury there are no provisions to protect trees greater than 12” in diameter.

The neighbors are skeptical of Witt after what happened in Greenfield Center in 2014. His Old Stone Ridge subdivision was clear cut to provide views of the Green Mountains. Site plans approved by the Greenfield Planning Board did not show clear cutting. By the time the code enforcement got a stop-work order, the trees were gone. This is an ever-increasing strategy by developers lately (see Costco development in Guilderland in our JAN-MARCH 2022 newsletter) and the recent Port of Albany clearing in our JUNE-SEPT 2022 newsletter at https://www.sierraclubhudsonmohawk.org/calendar John Cashin wrote to the Town of Saratoga Planning Board stating his concerns with storm water runoff and how the developer’s lot-by-lot approval process is clearly in violation of the law referenced above by obfuscating the overall impact on the entire project and permitting more clear cutting in these steep grades without approval. Please navigate to the website listed above and offer any assistance you can to John Cashin.

The second development which is also currently in the news is the proposed South Shore Marina Planned Development District (PDD) consisting of 100 condos/apartments at the junction of Plains Road and Route 9P in the Town of Malta, on Saratoga Lake also. At the July 26, 2022 Malta Town Board (TB) meeting, the TB expressed concerns with the plans and recommended rejecting the plan as proposed. The main reasons for their objection were, among others: lack of significant public benefit; construction on slopes greater than 15% which is prohibited by the Town Code; lack of sufficient open space and it is inconsistent with the Town’s Comprehensive Plan.

If this wasn’t bad enough, the lack of transparency regarding Malta meetings and notice is deplorable as recently reported by the Times Union. After two months after purchase, the Town’s live stream facility still does not function. It is inexcusable! Please contact Supervisor Hammond to provide your opinion.

PFAS update from Northern Watersheds Committee by Wayne Miller

Chapter Chair Kate Bartholomew’s lead article in the Fall issue of Sierra Atlantic elegantly and succinctly discusses the ‘forever chemical’ problem, some NYS manifestations, and recent regulatory developments on the federal level. More recently, NY Department of Health published proposed revised standards decreasing the legal limits for several toxins in drinking water, albeit several months after the mandated deadline. The proposed regulations appeared in the NYS Register on October 5th at: https://docs.ny.gov/system/files/documents/2021/11/100522.pdf (p. 22 of the PDF, p. 16 of the document). The Department will review submitted comments, develop responses, and propose a final rule for the Public Health and Health Planning Council to consider for formal adoption. The public has until December 5, 2022 to review and comment. Sadly, the drinking water limit is orders of magnitude greater than the new EPA guidance noted by Kate. For example, the EPA interim guidance for PFOA is 0.004 ppt, and the State proposal is 10 ppt, or 2500 times as high).

A majority of their Register notice is consumed with an economic analysis of costs to government associated with testing and remediation due to the proposed changes. Nowhere is there a calculation of the cost to human health. A robust examination of this rule change is here: http://waterfrontonline.blog/2022/10/06/doh-finall-publishes-draft-pfas-rules-advocates-say-they-ignore-epas-recent-health-warning-and-current-science/ Last year, DEC adopted acceptable levels of toxic discharges into surface. These alarmingly high numbers seem to ignore the ability of PFAS to enter the aquatic food chain and move up that chain and accumulate in non-aquatic species, including humans. It’s worth noting that the levels permitted for discharge into fresh waters is significantly higher than into salt water. https://www.dec.ny.gov/chemical/122803.html We are now approaching the end of a comment period for a proposal to reclassify several water bodies in the NYC region as saline, thus reducing the allowable limit. https://www.dec.ny.gov/chemical/125879.html
Sierra Club 2023 Calendars – As the one who orders our calendars, I receive a freebie calendar from National Sierra Club and can tell you the pictures inside are stunning. Teaser—there is a beautiful picture of sunrise on Forked Lake (in the Adirondack Park). Good enough for framing IMO! Thanks for ordering! PS

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