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May 9, 2024

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Hon. Ray Perry  
Mayor, Village of Lake George  
26 Old Post Road  
Lake George NY 12845

Re: Comments on Proposed Lake George LakeWalk Project

Dear Mayor Perry:

We congratulate the Village on receiving \$10 million in Downtown Revitalization grant funds from the State of New York. We appreciate that the Village is using some of the funds to install streetscape improvements and enhancements to Shephard's Park Beach, including the stormwater management devices that will help protect Lake George's water quality.

We are writing to share with you our concerns regarding the proposed "Shephard's Park Beach 'LakeWalk' and McDonald Pier expansion" in the Village of Lake George ("the LakeWalk"). It is our understanding that the LakeWalk is still in preliminary design stages and that an engineering firm has been tasked with creating more detailed conceptual designs for the proposal. Our concerns stem from the LakeWalk's potentially negative impacts on the scenic, aesthetic, aquatic and recreational resources of Lake George. We are also concerned about the precedential effect that the installation of such an over-water structure could have on the rest of the shoreline of Lake George, and on the shorelines of lakes throughout the Adirondack Park.

All structures built on the shoreline of any lake in the Adirondack Park must comply with the minimum shoreline setback requirements in the Adirondack Park Agency ("APA") Act. In Hamlet areas, including the Village of Lake George, the minimum shoreline setback is 50 feet for all structures that are greater than 100 square feet in size, other than docks or boathouses. APA Act § 806(1)(a)(2).

The LakeWalk does not meet the definition of a dock or a boathouse because it is an over-water boardwalk. In addition, as we understand the preliminary proposal, the LakeWalk would extend from the northern end of the existing McDonald Pier, which is located to the south of Shephard Park, in a northerly

**Protect the Adirondacks**

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direction and bend west towards the shoreline to meet the beach at Park Road. That is a distance of approximately 160 feet or more over the water from the end of the pier to the shoreline. We understand that the width of the LakeWalk will be the width of the McDonald Pier, which is approximately 20 or 25 feet. Thus, the overall size of the LakeWalk would be approximately 3,200 square feet (160' x 20') and it is therefore a structure subject to the 50-foot shoreline setback restriction for Hamlet areas.

A variance from the shoreline setback restrictions may be granted only “[w]here there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of the . . . shoreline restrictions”. APA Act § 809(11). In our view, the LakeWalk cannot qualify for a variance because the Village cannot demonstrate “practical difficulties or unnecessary hardships” necessitating construction of an over-water boardwalk for tourists. *Id.*; see 9 NYCRR § 576.1. Consequently, we urge the Village to consider an alternative land-based boardwalk or walkway that complies with the 50-foot shoreline setback restriction. See 9 NYCRR § 575.4. We also urge the Village to contact APA if you have not already.

Additionally, because the LakeWalk would involve the construction of a structure in, on or above State-owned lands underwater, the Village would need to seek approval from the State for an easement. However, since Lake George is owned by the State and the lands and waters of Lake George are Forest Preserve, the conveyance of an interest in Lake George is prohibited by Article 14 of the Constitution. “The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private...”. Constitution Article 14, § 1. Moreover, even if such a grant of an interest in Lake George were constitutionally permissible, it is questionable whether the LakeWalk would satisfy the statutory criteria for issuance of the permit/easement.

The LakeWalk may be subject to additional permitting requirements administered by the Lake George Park Commission or the Department of Environmental Conservation that would preclude the LakeWalk from going forward. In any event, we urge the Village to reconsider this aspect of the proposed project and to put time, energy, effort and DRI funds into other initiatives to enhance Lake George.

Thank you for this opportunity to express our concerns, and for your consideration of our preliminary thoughts on this matter.

Sincerely,



Claudia Braymer,  
Deputy Director

cc: Dan Barusch, AICP, Director of Planning and Zoning, Town and Village of Lake George