



**LAKE • GEORGE  
WATERKEEPER®**

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June 14, 2010

Mr. Jason Saris, Chairman  
Town of Bolton Zoning Board of Appeals  
4949 Lakeshore Drive  
Bolton Landing, NY 12814

**Re: Bennett/Turner (186.10-1-6)  
V10-20 and V10-21**

Dear Mr. Saris,

The Lake George Waterkeeper Program has reviewed the submission for the above referenced variances and offers the following comments regarding this application:

**STORMWATER MANAGEMENT**

**Infiltration within 100 ft of the shoreline requires a variance.**

Stormwater is the number one polluter to Lake George and every effort to minimize the effects of stormwater flowing into the lake should be made. Additional land between the structures and the lake (one of the structures is located next to identified rock outcroppings) could more adequately infiltrate and treat stormwater runoff before it flows into Lake George. Is there no location on this property that two single family dwellings (SFD) could be located in order to meet the zoned setback, which is only 50 ft from Lake George?

Although this project is exempt from Bolton's stormwater regulations because of its indicated disturbance and 'no additional impervious surfaces', all structures built within the Critical Environmental Area of Lake George should address stormwater management. The proposed 'voluntary stormwater management' using gutters and grass swales to direct stormwater into a rain garden next to one of the SFDs could more effectively manage stormwater if there was more land between the SFDs and the lake, increasing the shoreline setback to be compliant with the Town of Bolton Zoning for RCH-5000 (50 ft shoreline setback is required).

**REPLACEMENT STRUCTURES SHOULD COMPLY WITH ZONING**

The proposed renovation of 2 of the 3 labeled cabins within 11ft and 12ft of the shoreline (Site Map dated July 7, 2001) is an expansion of living space, even though the application states that the 'same basic footprint' will be used. No photographs were submitted that show the existing structures, although photographs of old, rotten boards and crawl spaces were submitted, identifying the need for the SFD replacements. What is being proposed is not a 'replacement' of the existing structure, but twice as large.



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The *APA Act Shoreline Restrictions* are administered as part of the Approved Local Land Use Program in the Town of Bolton and state that "an existing structure within the shoreline setback area may not be expanded in any direction within the shoreline setback area, including an increase of structure height, without a variance". An Adirondack Park Agency written determination may be required for new structures on the shoreline.

### **SHORELINE BUFFERING**

No limits of clearing for new construction have been identified in this application. Increasing the setback for both of the proposed SFDs and utilizing mixed height native trees, shrubs and plants on the shoreline would allow the land to effectively protect the lake. Vegetation, in lieu of new structures on the shoreline, buffers the lake from stormwater runoff. All existing vegetation should be maintained and enhanced to protect water quality.

A restriction of fertilizer and pesticide use on this property should be conditioned with this and all construction approvals. See Lake George Fact Sheets about Shoreline Buffers and the impact of Fertilizer and Pesticide use.

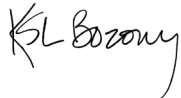
### **ONSITE WASTEWATER TREATMENT SYSTEM (OWTS)**

**Wastewater Details, Pump Station and Site Plan (dated 11/29/01) were submitted with the application.** This 2001 site plan was submitted with a notation that it was based on "Limited field measurements and a property plan submitted by the owner"...and that the contractor would supply the owner with the plans of what was constructed. Are these constructed plans on file in the Town of Bolton, as it has been presented in this variance application that the OWTS was constructed for 3 bedrooms in 2001?

The 11ft and 12ft shoreline setbacks for reconstruction of the two proposed SFDs should be discussed by the Zoning Board of appeals using the following criteria for variance applications as required by the Adirondack Park Agency: **1) Were alternatives considered / discussed? 2) Are there any adverse impacts to the environment? 3) If no alternatives, is the minimum variance necessary being granted?**

The Lake George Waterkeeper appreciates the comprehensive discussion by the Town of Bolton Zoning Board of Appeals when reviewing development within the Critical Environmental Area of Lake George. We look forward to continuing to work with the Board to defend the natural resources of Lake George and its watershed. Thank you for your consideration of these comments.

Sincerely,



Kathleen S Lindberg Bozony  
Natural Resource Specialist / Lake George Waterkeeper

cc: Town of Bolton Zoning Board of Appeals Board Members  
Ron Conover, Supervisor Town of Bolton  
Brian Grisi, Adirondack Park Agency  
Michael White, Lake George Park Commission