



**LAKE • GEORGE
WATERKEEPER®**

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October 19, 2009

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

**Re: Driessen (171.08-1-10.1)
V09-40**

Dear Mr. Smith and Members of the Board,

The Lake George Waterkeeper Program has reviewed the submission for the above referenced variance and would like to offer the following comments regarding the application:

Prior Zoning Board of Appeals (ZBA) conditions of subdivision approval

The 2 lot subdivision of Kettle Rock was approved with the following condition: "...no further construction that creates additional living space will be added to either lot".

The creation of two substandard shoreline lots was approved in 1999 with conditions imposed for future construction on the lots. The condition of no 'additional living space' was discussed at the March 2006 ZBA meeting. The conclusion was that there could be no increase in the number of bedrooms/living space (with a maximum of four bedrooms as a condition of the approved subdivision).

The evidence of the existing number of bedrooms has not been submitted with this application, and any increase in what is currently existing would not be permitted. Although the Waterkeeper does not agree with the ZBA's use of 'number of bedrooms' to define 'living space', the existing number of bedrooms should be verified and submitted with this application. Four bedrooms, a study and a full basement with a recreation room are identified for the new proposed SFD. This supports the potential for additional bedrooms which would be more than what was conditioned for this lot. The proposed additional structure is adding approximately 3500 sq ft (a new wing with three floors) to the existing 3300 sq ft home, which is a significant increase.

Onsite wastewater treatment system (OWTS)

Per New York State Department of Health FACT SHEET: 'An OWTS evaluation shall be performed and submitted by a licensed design professional for home alterations resulting in an increase in the number of bedrooms, for complete home



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replacements (including those resulting in the same number of bedrooms) and for alterations resulting in significant increases in wastewater generation’.

It should be verified that an OWTS has been evaluated, located and adequately sized for the proposed new construction.

Stormwater Management

Stormwater management plans should be included with this application.

New stormwater management on this redeveloped property will be a benefit. Without stormwater management included in this application, a requested variance should not be granted, as the site plan is incomplete.

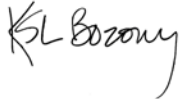
Shoreline Buffers

The existing lawn to the lake does not provide adequate water quality protection.

A beneficial shoreline buffer has been planted on a portion of the shoreline, but the large expanse of lawn with no buffer and a retaining wall on the lake also needs a vegetated shoreline buffer. Shoreline buffers can properly infiltrate and treat stormwater carrying sediment, nutrients and pollutants. A planting plan for a shoreline buffer should be a required component for all development on the shoreline. Restricted use of fertilizers and pesticides should also be a condition of all site plan approvals, as algae blooms in the lake have a direct relationship to their use.

Thank you for reviewing this variance and understanding the impact overdevelopment on the shoreline of Lake George. The Lake George Waterkeeper looks forward to working with the Town of Bolton to defend the natural resources of Lake George and its watershed.

Sincerely,



Kathleen S Lindberg Bozony
Natural Resource Specialist / Lake George Waterkeeper

cc: Kathy Simmes, Supervisor
Brian Grisi, Adirondack Park Agency
Michael White, Lake George Park Commission