

LAKE GEORGE MIRROR.

ESTABLISHED 1880

"THE QUEEN OF AMERICAN LAKES"

\$35 FOR 1 YEAR

LAKE GEORGE, N.Y. JULY 2, 2010

No. 11

Bolton Sued for Approvals of Mountain Top Subdivision

By Mirror Staff

The approval of a controversial three lot subdivision atop a prominent ridge in Bolton Landing has prompted The FUND for Lake George and the Lake George Waterkeeper to bring a lawsuit against the Town of Bolton.

The organizations filed the suit against the Town of Bolton's Planning Board, Zoning Board and Zoning Administrator late last week.

According to the suit, the application should have received a variance from the Zoning Board in order for it to be approved by the Planning Board.

"The approval granted by the Planning Board violates the Town Code for driveway width as well as violating the Town of Bolton Zoning Law because the applicant never obtained a variance to exceed allowable clearing limits for road/driveway construction," argued Waterkeeper Chris Navitsky.

According to Navitsky, the mile-long road to the top of the Pinnacle was described as a shared driveway.

"Under the Bolton Zoning and Planning codes, a driveway should only be 16 feet in width. The Planning Board issued a waiver exempting the applicant's access road from the Town's Planning code restrictions of a 16-foot width. The Planning Board's approval authorized a "shared driveway" of 20 feet in width with two 2-foot shoulders, totaling 24 feet," said Navitsky.

"What the Planning Board is calling a shared driveway is a road in every way. We're challenging the Planning Board's authorization because what it authorized is not what's been designed. The applicant is planning a road that is eight times as wide as the 24 foot width approved by the Planning Board," said Navitsky. "This is a clear case where rules and standards exist for a reason. Roads should not involve acres of clear cuts and traverse steep slopes. The extent of disturbance and excessive clearing involved in this proposal will scar the Pinnacle

See BOLTON Page 13

Bolton Sued for Approving Mountain Top Subdivision

from page 3

for generations."

The suit also alleges that the Town Zoning Board of Appeals should have issued a variance to permit excessive clearing.

"Town Zoning Law states that clearing for driveways shall not exceed 16 feet. The Zoning Administrator should have recognized the need for a variance once she reviewed the plans and referred the matter to the Zoning Board," said Navitsky.

"We asked the Town Boards and Town officials numerous times for an explanation of how a shared driveway that's supposed to be 24 feet wide was approved given that it involves eight acres of clearcutting, widths of over 150 feet, and will be built on grades of over 25%? We never received a response" said Navitsky. "We feel like we attempted every means practical to work with the Town, but they refused to answer these basic questions. Now we'll let the courts settle the matter."

"This is an important legal issue because it seeks to clarify the Bolton code and establish an important precedent for placement and design of these shared driveways and roads to upland developments. As more development continues in the uplands of Bolton, many accessed by long driveways or roads over steep terrain, the issues of clearing widths and construction on steep slopes are very important" said Peter Bauer, Executive Director of the FUND for Lake George. "In this instance it appears to us that the Town is violating its own local laws."