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Call to Action

Public Comments Needed on New Draft Town of Bolton Zoning Ordinance

*The zoning ordinance will define growth in the Town of Bolton.
What kind of community do you want for Bolton?*

Letters, Faxes, Emails needed by March 1, 2009

January 2009

For more information: Chris Navitsky, Lake George Waterkeeper: (518) 668-5913 x301
Kathy Bozony, Lake George Waterkeeper: (518) 668-5913 x303

Background

The revision of the Town of Bolton Zoning Ordinance is an important action for the town that will govern the future of the town. The Zoning Ordinance Update committee has been meeting regularly for over 2 years to discuss revisions to the current Zoning Ordinance. The Town of Bolton hired a consultant, ELAN Planning and Design, to guide the process with the committee. The preliminary draft has been released and can be downloaded or viewed on the Town of Bolton's website (<http://town.bolton.ny.us/>), or is available in the Town Hall. Public information meetings were held in 2008 and on January 27, 2009. There may be additional informational meetings, which will give you an opportunity to review and comment on the actions of the committee to date. These activities precede the mandatory Public Hearing process. Although you will be provided an opportunity to comment during the public hearing, it is especially important to submit your letters now to become involved as early as possible in this process.

The Updated Zoning Ordinance is intended to reduce subjective interpretation due to ambiguous and inconsistent language in the current code, and should correlate with the Town of Bolton's approved Comprehensive Plan (NYS law requires that zoning should be "...undertaken in accordance with a comprehensive plan..."). Within the collaborative process to involve the community in development of the Comprehensive Plan, surveys were used to identify resident responses and produced the following overwhelming results:

Protecting the Environment (82%) was the most important town priority
The Natural Surroundings (84%) were the reason respondents moved to Bolton
Reduce visible development along the hillsides (75%); existing town regulations should be strengthened

From the resident surveys, it was identified that the defining feature of the town is the *quality of life, scenery and rural settings (trees, unpaved roads, open spaces) and a sense of seclusion*. In addition, residents said that the *lake and water quality, stream corridors, open spaces, forested lands, scenic views and steep slopes should all be protected*.

Talking Points

The Lake George Waterkeeper actively monitors development in the Town of Bolton. The Waterkeeper has reviewed the December 16, 2008 release of the DRAFT Zoning Ordinance and makes the following suggestions to strengthen the proposed ordinance. Detailed additional comments are located on our website at www.lakegeorgewaterkeeper.org or if you don't have access to the internet, please give us a call at (518) 688-5913. Any portion of the text may be used for your submitted comments to the Zoning Update committee.

We feel that without the following issues addressed, the Updated Zoning Ordinance will be more damaging to the health, safety and welfare of the community and environment than what currently exists (see Waterkeeper website for additional issues).

- A **"Shoreland Overlay District"** should be included in the Zoning Ordinance. This is land within 500 ft of Lake George and associated wetlands that would require site plan review in order to minimize the impact of development on water quality. This would prevent issuance of a building permit for a shorefront property without undergoing a compre-

hensive review for such critical site development issues as stormwater management, vegetation/tree clearing and soil disturbance, septic system status, stream and shoreline buffers, and fertilizer use, among other considerations.

- **Calculation of the density permitted in a Conservation Subdivision is neither defined, nor included in *ARTICLE XI*, but should be.** Conservation subdivisions are supported by many communities as a beneficial alternative and should be required to be evaluated as a part of the subdivision process in the Town of Bolton. Calculating density without subtracting the land that would otherwise not be responsibly developed or is considered constrained has potential to permit overdevelopment, all under the guise of ‘conservation’ or ‘cluster’ subdivisions and should be avoided.
- **Incorporate a Floor Area Ratio (FAR) calculation to properly determine the maximum size building that a specific parcel can reasonably accommodate.** This calculation provides a planning tool to preserve the character of the neighborhood and prevents the over development of properties which may impact the community and the environment.
- **Planting of native vegetation buffers should be required for all shorefront and stream corridor development and encouraged for all existing sites.** The degradation of water quality in Lake George is too important to be ignored by development that is not cognizant of the importance of vegetated shoreline buffers. Some homeowners have removed all vegetation on the shoreline even though limited cutting restrictions are in place.
- **Low Impact Development (LID) should be an underlying focus and commitment.** Excessive removal of trees and natural ground cover should be avoided and construction should be limited to the constraints of an existing site (the intent is to design the building around the site vs. removing all trees and topsoil and then grading or blasting the site level for construction).
- **Ensuring that existing on-site wastewater treatment systems (OWTS) are functioning properly should be addressed in the Updated Zoning Ordinance.** There are numerous septic systems that were installed before the septic program began and the need to aggressively address the issue of non compliant septic systems is imperative. The recommendation would require that when a residential property is transferred, or when the floor area of the structure is proposed to be increased, the septic system should be inspected and brought up to compliance with the current New York State Department of Health (NYSDOH) sanitary code.
- **DISTURBED AREA (Definition) - “An area of land subjected to erosion due to the removal of vegetative cover and/or earthmoving activities, including filling. Tree removal without stump removal shall not create a disturbed area unless it results in a change in the natural cover or topography, by baring soil and rocks that may cause or contribute to sedimentation”.** The negative environmental consequence of vegetation removal, including trees of all sizes, is not easily mitigated. A stump does not provide the critical uptake of precipitation, nutrients and pollutants, and without a canopy that will lessen the impact of heavy rains directly hitting the ground, the soil and its attached nutrients and pollutants will wash into the lake and streams with precipitation and stormwater.

For more information view the new Town of Bolton Zoning Ordinance at <http://town.bolton.ny.us/> or go to the website of the Lake George Waterkeeper (www.lakegeorgewaterkeeper.org). Call the Waterkeeper (518 668-5913) if you have any questions about any of the issues discussed or you can email us at info@lakegeorgewaterkeeper.org. **Any part of this document can be used for your comments or submission.**

More information about other issues involved in this zoning ordinance revision are posted at the Lake George Waterkeeper website: www.lakegeorgewaterkeeper.org.

Letters, Faxes, Emails needed by March 1, 2009

Please submit comments by March 1, 2009 to Town of Bolton Supervisor Kathleen Simmes:

By mail:

Supervisor Kathleen Simmes
Town of Bolton
PO Box 698
Bolton Landing, NY 12814

By Fax: 518.644.2476

By email: supervisor@town.bolton.ny.us (Or submit electronically to <http://town.bolton.ny.us/> (scroll down to “Please click here to email your Zoning DRAFT Questions and Comments”).



Lake George Waterkeeper
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***Help make sure
that only the best
development is
approved in the
Town of Bolton***