

Waterkeeper sues Bolton officials

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BOLTON ♦ Town officials were served with a lawsuit filed by the Lake George Waterkeeper last week arguing that an approved driveway leading to a subdivision violates town laws.

Local laws limit driveways to 16 feet wide, Waterkeeper Chris Navitsky said, but the Planning Board approved the road leading to three homes around the summit of the Pinnacle, a once-popular hiking destination in the town, to be 24 feet wide without referring the issue to the Zoning Board of Appeals for a variance, and instead granted a waiver.

"For a driveway clearing to be anything wider than 16 feet, the zoning code requires the applicant to get a variance from the Zoning Board of Appeals," court documents filed in state Supreme Court of Warren County state. "The applicant for the Oberer subdivision has no such variance, yet proposes a driveway significantly in excess of 150 feet clearing width in several locations."

Designs for the road submitted to the town's planning office by developer Ernest Oberer, a man from New Jersey, call for areas wider than 150 feet where vegetation will be cleared, even though the Planning Board approved 24 feet.

"We feel that is excessive," Navitsky said.

Oberer did not return a message left on Thursday.

Navitsky said the approved road also exceeds limits for steep slopes because town laws limit slopes to 12 percent, but designs for the road show slopes of 15, 25 and 40 percent. The lawsuit also argues that what town officials called a "shared driveway" is really a road.

The three-lot subdivision was approved in December by default, a process that resulted after several Planning Board members recused themselves and motions to approve and deny the project did not get a majority vote. The road at the crux of the lawsuit is designed to be almost a mile long, but has not yet been built.

The lawsuit filed by the Waterkeeper names Zoning Ad-

ministrators Pam Kenyon, the Zoning Board of Appeals and the Planning Board.

Kenyon was not in the town's planning office on Wednesday, and a woman who answered the phone there said Kenyon is on vacation for two weeks. Town Supervisor Ronald Conover said the issue will be brought up at the next Town Board meeting after Town Attorney Michael Muller asked for authorization to represent the town on the matter.

According to a press release issued by the Waterkeeper, Navitsky has been looking to get clarification as to why the town allowed plans that show clear-cutting of more than 150-foot widths for a 24-foot-wide road since January, but has gotten no response, even after a meeting where attorneys for the town and the Waterkeeper were present.

"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," Navitsky said in a press release.