

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday, February 17, 2005
6:00 p.m.**

SEQR = State Environmental Quality Review
PB = (Town of Bolton) Planning Board
WCPB = Warren County Planning Board
APA = Adirondack Park Agency
LGPC = Lake George Park Commission
DEC = Department of Environmental Conservation

Present: Chairman Herb Koster, Sandi Aldrich, Henry Caldwell, John Gaddy,
Don Roessler, Susan Wilson, Zoning Administrator Pam Kenyon,
Town Counsel Dan Mannix

Absent: Chauncey Mason, Town Counsel Michael Muller

PUBLIC HEARINGS

H. Koster opened the public hearing at 6:08 pm.

1) SD04-36 SEMBRICH PLACE (SCOT TRIFILO). Represented by Jim Miller of Miller Architects. Seeks to divide into 4 lots that parcel designated as Section 186.07, Block 1, Lot 6. Zone RCH5000. Property Location: 4818 Lake Shore Drive, formerly known as Victorian Village. Final Plat. Subject to SEQR.

Mr. Miller explained that the plan is to remove the main hotel formerly known as Victorian Village and divide the 1 lot into 4 single family lots. He added that the common driveway easement on the north side of the property will stay in place and be for joint use in conjunction with lot 4 only.

From the public, Hugh Wilson, questioned the titling of the property as “Sembrich Place,” asking that Mr. Trifilo check accordingly prior to using the Sembrich name.

From the public, Bill Pfau presented three concerns he and his family (owners of Carey’s) have: (1) regarding the entrance, he noted it has always been used by both properties as a single entrance and he asked that Mr. Trifilo leave part of the paved driveway for both property owners to use, (2) requested consideration for construction times – no early morning/late night construction and (3) stated he feels the subdivision layout is okay as it has been presented.

Chris Navitsky, Lake George Water Keeper, noted his considerations for conditions for approval on the project, (1) since it is located on the shores of Lake George, which is listed as an impaired water body with the DEC, it requires a stormwater pollution prevention plan to be filed with the DEC, (2) regarding stormwater management, if it will be done on the project as a whole or by individual lot basis, and (3) since it is a developed site, consideration of the redevelopment of the site, (4) should erosion control measures be set up first before lots get developed, before the demolition period, (5) did not see any design information regarding waste water sites.

From the public, Anita Richards, owner of Hilltop Cottage Bed and Breakfast across the street from the project location, questioned the size and height of the homes to be built as well as added her concerns of her views of the lake being diminished and for preservation of the trees currently on the property.

There were no further comments from the public.

Mr. Miller responded to the above concerns as follows:

- (1) the name "Sembrich Place," was Mr. Trifilo's intent to maintain history of the site by using the name, but if there is any objection, they will change that
- (2) the driveway to the north will remain to be jointly used by both property owners and continue as it is today, the site plan is not effecting the easement, the only pavement that will be removed is that on their property
- (3) the plan for demolition is phasing, to build one home at a time starting at the south end (Phase One), then the main hotel (Phase Two) and finally the motel units that border Carey's (Phase Three) to which they will work out an acceptable demolition schedule
- (4) a full stormwater report, including sediment erosion plans, full stormwater pollution prevention plan as required by DEC and all the town's requirements was submitted today
- (5) the stormwater pollution prevention plan was to be done for the entire site, but it is designed by the phases, so they occur at each site, so each homeowner will be responsible for their own stormwater controls
- (6) because the site is developed, the proposed site will have a reduction of 25,000 feet of pavement and roof, as it is being looked at as undeveloped so they will provide some stormwater detention on the site even though it is not required
- (7) regarding septic design, the test pits are available and will be added to the plan
- (8) the structures are to be single family homes, up to the allowed 40' in height, which have been proposed as 3-story buildings (2 stories with a basement) designed to enter on the 2nd floor with one floor down and one floor above which will lower views from the west and be less obtrusive than the large house that is there now.
- (9) most of the trees currently on the property around the driveway will remain.

H. Koster corrected Mr. Miller noting that the height limit is 35' from the finished grade to the highest point excluding the chimney.

Motion by J. Gaddy to close the public hearing . Seconded by D. Roessler. All in favor. Motion carried.

2) SD04-32 WESTWOOD FOREST EAST (ROLF RONNING). Seeks to divide into 8 lots that parcel designated as Section 139.00, Block 1, part of Lot 8. Zones RIL3, RR10, and LC25. Property Location: Intersection of County Route 11 and east side of Hendricks Road. Major Subdivision. Preliminary Plat. Subject to SEQR.

Mr. Ronning, president of Westwood Forest Inc., noted that five lots are intended for residential use and the other three lots will be marketed as industrial. He added that per the request of the PB at the January 2005 meeting, stormwater reports, deep test holes and percolation tests were done on the above property and provided. Mr. Ronning added that he is negotiating with Niagara Mohawk regarding which way power and utilities would be coming in, which is to be discussed at his meeting with them on March 1, 2005. May come up from Riverbank or down from Hendricks Road.

There were no comments from the public.

Motion by J. Gaddy to close the public hearing. Seconded by S. Aldrich. All in favor. Motion carried.

REGULAR MEETING

H. Koster opened the regular meeting at 6:37 pm by asking for corrections to the Thursday, January 20, 2005 minutes. H. Caldwell asked that on page 22, paragraph 4 that the sentence "The Board did not express any dissatisfaction with Mr. Gearwar's findings." should be eliminated.

Motion by D. Roessler to approve the January 20, 2005 minutes as amended. Seconded by J. Gaddy. Five in favor. One abstention – S. Aldrich, who was not present at the meeting in question. Motion carried.

H. Koster noted that agenda item #9 would be heard first, followed with the remainder of the items in the order as written in the agenda.

After the discussion on item #9 was completed, H. Koster made an apology on behalf of the PB, the Planning Office and the town lawyer regarding the Pike application that was off the evening's agenda, as a representative of Mr. Pike was present. H. Koster noted that the sentence referring to "no cutting of trees" was applicable to section 2 and the lot was in section 1, so it does not apply to the applicant.

1) SD04-36 SEMBRICH PLACE (SCOT TRIFILO) Represented by Jim Miller of Miller Architects. Seeks to divide into 4 lots that parcel designated as Section 186.07, Block 1, Lot 6. Zone RCH5000. Property Location: 4818 Lake Shore Drive, formerly known as Victorian Village. Final Plat. Subject to SEQR.

J. Gaddy inquired as to if the stormwater plan had been received by the town and P. Kenyon said it had and is on the March agenda.

H. Caldwell suggested that Mr. Miller and Mr. Trifilo check with the Sembrich Association regarding the use of the name. He also asked if there was a schedule in place for building and for demolition of the main hotel for the calendar year. Mr. Miller said the calendar for building, not yet in place, would be determined by the demand and the market, adding the schedule to demolish the main hotel was also pending.

S. Wilson inquired as to the height of the current main hotel to which Mr. Trifilo estimated it to be approximately 50-60 feet.

H. Koster expressed concern on phasing regarding what the grounds would look like and what sort of mess would come about with building and demolition taking place. Mr. Miller noted that the stormwater report details the phasing of the demolition and that if construction didn't start within 10 days, then the site would have to be graded and seeded until construction started. He added that the intent is to not have a lot of demolition debris or the site left with bare soil.

H. Koster questioned if the intent was for four lots only with no intention of dividing them further. Mr. Miller stated it would be for four lots only and they will put "no further subdivision" on the mylar.

J. Gaddy suggested it would be helpful for the PB see better details of when the construction would be done on this project to show traffic patterns, noise levels, solid waste production disposal, erosion problems, etc., to try to make sure that there is consideration for the existing businesses. Mr. Miller offered to work out a schedule on hours of construction. Mr. Trifilo stated that his intention is to begin marketing these lots in the beginning of the spring, find a home buyer, then begin the design process of the home, which would be a minimum of 2-3 months. He added that he doesn't see anything happening until possibly late summer at the earliest, to which he cannot guarantee or commit to, but based on his experience, it is not a quick process. Mr. Trifilo followed up by saying that one of the most important things is to take the units down and have them removed and make it look as neat and clean as possible in a very efficient way. He added he will keep P. Kenyon informed of his scheduling as things progress.

D. Roessler suggested the PB recommend guidelines as to times of the day and year when Mr. Trifilo can do the construction and demolition so the businesses to the north and south are not greatly disturbed. After lengthy discussion on time frames, it was suggested by the PB that the time-frame for construction/demolition be 8:00am to dusk in peak season, which was agreed upon by Mr. Trifilo.

Diane Civelli, resident across the street from Victorian Village, stressed her concern with the construction, stating the noise and vibration of equipment will be a distraction. She added to her concerns with a buyer purchasing 2 lots and putting one large house on that property. Mr. Trifilo responded by saying he feels the neighbors will be pleasantly surprised that the noise from the construction will probably be a non-issue. He added that he has been in business for 18 years and respects his neighbors by keeping them in the loop. Mr. Trifilo extended an invitation to anyone to contact him with any concerns at

any time, since he is on-site at all times. He added they are looking to make the new buildings look as if they have been there for years by taking architectural elements of current home there, reduced in size, to steer clients in the direction of the current style.

H. Koster asked if there was a way to ensure the subdivision would remain at four lots and not change during the project, suggesting they put it on the mylar. Mr. Trifilo said they are filing for a four lot subdivision and he forwarded the question to his attorney, Mr. Ianello. Mr. Ianello said the land can be bound with incumbrances to restrict it to no more than four lots regardless of what the town zoning is so that in addition to the difficulties of someone coming in to re-subdivide a parcel they may be entitled to subdivide, they would be prohibited to do it because of the deed restrictions. Mr. Trifilo agreed have the land restricted to four lots in the deed.

S. Aldrich questioned the reason for the covenant and restrictions, paragraph 4 regarding the driveway construction, ingress and egress, that a 30' vehicle can approach to 100' of the structure, she said she'd like to see a fire truck be able to get closer to the house. Mr. Ianello stated the declaration just contains proposed language and their engineers and the town engineer will report back to them on dimensions which will be discussed by Mr. Ianello and the town attorney and put forth in the final declaration.

J. Gaddy asked if the lighting would be down facing and shielded. Mr. Trifilo said it would, and Mr. Miller added that everything would be low level lights that could all be downcast.

Motion by H. Caldwell to table the application pending the submission of a major stormwater plan. Seconded by J. Gaddy. All in favor. Motion carried.

2) SD04-32 WESTWOOD FOREST EAST (ROLF RONNING). Seeks to divide into 8 lots that parcel designated as Section 139.00, Block 1, part of Lot 8. Zones RIL3, RR10, and LC25. Property Location: Intersection of County Route 11 and east side of Hendricks Road. Major Subdivision. Preliminary Plat. Subject to SEQR.

Mr. Ronning handed out the percolation test results to the PB, Zoning Administrator and said the deep test hole results and stormwater report had been received already by the PB. P. Kenyon asked if Tom Nace had a copy of the stormwater report, to which Mr. Ronning said he believed he did.

P. Kenyon suggested to H. Koster that the PB should make a motion that the applicant should pay the expense of engineer Tom Nace's review.

Mr. Ronning said the test pits are all sand and gravel, with excellent soils throughout.

H. Caldwell questioned the length of the dissipation on pages one and four in the stormwater report. Mr. Ronning said he is not qualified to answer this question.

J. Gaddy referenced past subdivisions of Mr. Ronnings asking if he would be seeking approvals to clear spaces so people could get an idea of where they wanted to go. Mr. Ronning said no, there are no particular views on this lot, so it is where they are comfortable with.

J. Gaddy requested deed restrictions about down facing, shielded lights for the residential and industrial lots. Mr. Ronning said they would add them for all the lots in the conditions on the mylar. J. Gaddy will provide Mr. Ronning with pictures on how to incorporate down facing, shielded lights into an industrial lot.

Mr. Ronning stated he is meeting with Niagara Mohawk on March 1, 2005 to do a plan. He added that NIMO says they can't do anything without an approved subdivision. Mr. Ronning asked the PB if they could approve this pending or subject to approval of stormwater so he could get NIMO going. J. Gaddy said he didn't feel they could do that before the stormwater was approved.

Motion by H. Caldwell to table the application pending review of the stormwater plan by the Board and Town Engineer Tom Nace at the applicant's expense. Seconded by D. Roessler. **All in favor. Motion carried.**

3) SPR05-05 HAWTHORNE, KEN & LINDA. Represented by Rolf Ronning. As part of subdivision (SD03-01) and stormwater (SPR03-31) approvals granted for the Wright's Farm Subdivision (Rolf Ronning) on February 26, 2004, seek Type II Site Plan Review for a major stormwater project on Lot "12". Section 140.00, Block 1, part of Lot 5.1, Zone RL3. Property Location: West side of Federal Hill Road. Subject to SEQR.

H. Koster asked what was proposed for the stormwater for the driveway. Mr. Ronning said the proposal for stormwater on the driveway itself will go into two ditches or swales into the catch basin on lot 11.

J. Gaddy referenced a letter received by Chris Navitsky, regarding that although the PB has accepted the total stormwater plan, the individual lots don't take into account [the change in the slope of the proposed driveway and lawn areas](#). H. Koster pointed out that there is nothing on the map showing the direction the water flows, and requested swales, direction of slope and which way the water flows be added. Mr. Ronning agreed to have the additions made. Ken Hawethorne requested the PB give conditional approval based on Tom Nace's approval and note that all lights will be down facing.

Motion by D. Roessler to accept the application as complete, waive a public hearing, make a negative declaration, and having found the application meets the criteria of Section 200-31A-D, grant final approval as presented with the following conditions: 1) that Town Engineer Tom Nace review, and approve, the stormwater plan with an emphasis on the driveway, as the Board is concerned that some type of swale may be required for run-off, dependent upon the topography in the area; and 2) the (exterior)

lighting is downward-facing and shielded. Seconded by J. Gaddy. **All in favor. Motion carried.**

4) RONNING, ROLF. To discuss 1) a condition of approval set forth by the Planning Board when approving the Robert Veder Subdivision, SD87-03. The condition reads as follows: *A cul-de-sac shall be provided in the area of lot "A". This cul-de-sac shall be a turn-around of 140' diameter. It need not be paved, but must be set aside for this use and shown on the map;* and 2) the side yard setbacks required. Section 186.00, Block 1, Lots 6.1 & 6.3, Zones RL3 & LC25. Property Location: Long View Lane.

Mr. Ronning pointed out that Mr. Bob Veder was in attendance as was Sue Millington, attorney for the buyers of the proposed property. Mr. Ronning added that all three agenda items(#4, #5 and #6) were in conjunction with one another, so would like to speak on all of them together. Mr. Ronning explained the Veders bought a big piece of property in 1985 which they built a cedar home on. He added that in 1987, the Veders wanted to do a 3-lot subdivision of which Mr. Veder wanted an acre and a half building lot for his daughter at that time. Mr. Ronning said the PB agreed to the 110-foot wide lot including a cul-de-sac and there was a stipulation drawn up by Mr. Veder agreeing that the 10-acre lot would not be further subdivided. Mr. Ronning added that most of the lot is in the 25 acre zone instead of the 3 acre zone, so the side setbacks are 50 feet. He added that if someone wanted to build a house on that lot back then, they would only be able to build a 10 foot wide house including the eaves. Mr. Ronning then said Mr. Veder came back and asked for the PB to change the lot line shape in 2003 at which time the cul-de-sac was removed from the site plan, which was approved by the PB. Mr. Ronning said what they are seeking is for the PB to give blessing for this house on this lot with these setbacks, knowing that the intent of the lot was always for a building lot.

Mr. Veder said in 1987, the PB said they could take the lot above with a better lake view, and his understanding was that the intent was the PB would allow them the setbacks for RL3, so what he is asking for is to have the setbacks in this particular lot since Mr. Veder agreed to not subdivide the 10-acre lot below. Mr. Ronning added that they are hoping to forever get rid of the cul-de-sac issue for good.

H. Caldwell questioned as to what the third issue with the lot line adjustment consisted of, to which Mr. Ronning responded by saying the initial lot that was approved was 1.5 acres in 1987, then there was an additional .24 acres added on through an agreement made by Mr. Veder and the buyer, so after the lot line adjustment, the original 1.5 acre lot will now be 1.74 acres. Mr. Veder's remaining land which was originally 9.4 acres will now be 9.16 acres. Mr. Veder added that there are ample driveways available, so he asked if the cul-de-sac was really necessary, since there are ample driveways there and plenty of room to turn around. H. Caldwell pointed out that the switchback needs to be open, to which Mr. Veder responded that was always understood from all of the occupants up there.

H. Koster said Mr. Veder will require a variance to make the setbacks perfectly legal and to cover himself so nobody can take this away from him in the future, which will need to be done with the ZBA on February 28, 2005.

J. Gaddy asked if the map submitted requiring no more than 30% glass on the lake side was accurate, to which H. Koster said the Veders under the limits, as roof areas are included in the calculations and while the 30% was rescinded on some subdivisions, it was not on this particular one.

The PB ended their discussions on agenda items #4, #5 and #6. The PB made a resolution for item #5, then made an additional combined resolution for items #4 and #6 as seen below.

5) SPR05-06 VEDER, ROBERT & MONA LISA. Represented by Rolf Ronning. Seek Type II Site Plan Review to construct a single-family dwelling in the LC25 Zone. Section 186.00, Block 1, Lot 6.3, Zones RL3 & LC25. Property Location: Long View Lane. Subject to SEQR.

Motion by D. Roessler to accept the application as complete, waive a public hearing, make a negative declaration and having found that the application meets the criteria of Section 200-31A-D, grant final approval as presented with the following conditions: 1) the (exterior) lights be downward-facing and shielded; and 2) this approval is conditional upon ZBA approval for deficient side yard setbacks (V05-03), for which the PB recommends approval, with the setbacks shown on the drawing last revised on 02/03/05. Seconded by S. Aldrich. **All in favor. Motion carried.**

6) SD05-02 VEDER, ROBERT & MONA LISA. Represented by Rolf Ronning. Seek to amend a previously approved plat, SD03-05, approved by the Planning Board on May 1, 2003. Specifically to create a lot line adjustment between those parcels designated as Section 186.00, Block 1, Lots 6.1 & 6.3, Zones RL3 & LC25. Property Location: 63 Long View Lane. Subject to SEQR.

Motion by H. Caldwell to accept the application as complete, waive a public hearing, make a negative declaration, convert it to final and grant final approval of the lot line adjustment adding .24 acres to Lot B and subtracting the .24 acres from Lot A, as presented, with the following conditions: 1) the condition of approval set forth by the Planning Board when approving the Robert Veder Subdivision, SD87-03, that reads as follows: *A cul-de-sac shall be provided in the area of lot "A". This cul-de-sac shall be a turn-around of 140' diameter. It need not be paved, but must be set aside for this use and shown on the map* is eliminated; 2) the pre-existing hammerhead turnaround is to remain and be maintained year round. Seconded by D. Roessler. **All in favor. Motion carried.**

7) SD04-16 SADDLEBROOK SUBDIVISION. Rolf Ronning. Seeks to amend previously approved plats (SD03-19 & SD04-05 formerly known as Mowery/High Meadow Farm), specifically to divide into 24 lots that parcel designated as Section 139.00, Block 1, Lot 48, Zone RL3. Access is proposed to be gained through Section 139.00, Block 1, Lot 46.1. Property Location: 83 High Meadow Farm Road. Major Subdivision. Sketch Plan Review. Subject to SEQR. This item was tabled last month pending additional information.

Mr. Ronning said on the new map, there is a proposed location for the pond, which will be moved up about 50 feet, that will be shown on the next map presented. He added this will be a low water table pond near the brook, more than 4 feet deep, holding more than 30,000 gallons of water at all times. D. Roessler said they had a meeting with some members of the Bolton Fire Department and came up with the following concerns: (1) size of the pond, having 1,000 gallons per minute run through the pond within two hours, requiring a 120,000 gallon pond, which D. Roessler would like to see more detail on the size and depth of the pond on at the next meeting, (2) a dry hydrant needs to be set up, (3) regarding the extra lot going out to New Vermont Road, the PB would like to see a dry line in a continuous slope to the road in order to enable the Fire Department to utilize Bett's Pond, (4) the PB and Fire Department would like to see the road to lots 7, 8, 9, and 10 be consistent to the same width specifications of the rest of the main road, so there is enough room for fire trucks to pass one another if needed and (5) paving of the entire road, because the length, curves and slope of the road concerns the Fire Department in their ability for fire control and to protect the health and welfare of the occupants.

Mr. Ronning responded to the above concerns as follows: (1) he will build a pond to the PB's requested specifications, (2) he will add a dry hydrant, (3) there is no way to get a continuous slope, because there is a dip with a low point and a wetland from parcel 139.00-1-26.22 to New Vermont Road, so they cannot add a dry line there, (4) while he already added a cul-de-sac and a hammerhead, he would like to make the road to lots 7, 8, 9, and 10 as narrow as possible and (5) he added there is no way to pave the entire road, but he suggested a compromise of paving areas that are above a 6% or 7% grade.

J. Gaddy referenced a letter dated 01/20/05 to Mr. Ronning from the APA regarding the delineation of the wetland by Charlie Maines that Mr. Rooks would be able to return to look at that. Mr. Ronning said he is confident Mr. Maines is an expert in his field and is right on the money, adding the APA can check on Mr. Maines' work whenever they choose, and that they plan on putting all the wetland in the common area. J. Gaddy asked if Mr. Ronning would be ready to make a change if necessary, and Mr. Ronning agreed.

Mr. Ronning concluded by saying everything the PB asked for at the last meeting he has done (1) added the hammerhead and turnaround, (2) moved the road away from the stream, (3) made the intersections wider, approximately 100 feet, (4) cost of the road construction, and (5) the stormwater plan has been provided. Mr. Ronning said for the next meeting he will (1) provide details on the pond, which will need DEC, but not APA approval.

H. Koster asked Mr. Ronning what his intent is for parcel 139.00-1-46.1 (Eagle Park). Mr. Ronning responded that he has two individuals interested in buying the two big lots in total. He added that if he sells the lots in total, his intent is to do nothing further.

H. Koster asked about a detailed road plan so the PB can go to the Bolton Fire Department with the proposed road width to find out if it is acceptable. Mr. Ronning said the road plan was submitted detailing every 50 feet of the road and it entails a 20 foot driving surface then the shoulders and ditches. H. Koster said that width is what the PB is looking for to continue through lots 7, 8, 9, and 10. Mr. Ronning said the 20 foot width goes to the 20 foot cul-de-sac and then a driveway begins, which would be narrower. D. Roessler suggested a large area to accommodate 3 fire trucks for parking and passing by the pond. In response, H. Koster added that the road be a minimum width of 30 feet for a sizeable distance of road at the pond area. Mr. Ronning agreed and said the road will be 30 feet wide by the pond, there will be pull-offs and a place to park by the dry hydrant, and they will design it in a way to accommodate four to five fire trucks in that area. D. Roessler added that the Bolton Fire Department would like to meet with the PB and ZBA to go over the proposed road widths and road surfacing in the next few weeks. H. Koster added that he would like to see Mr. Ronning present a map at next month's meeting showing the paving of the road at any area with a slope greater than 5%. Mr. Ronning said he will present the requested map showing area greater than 5% slope paved and will include 12 inches of item 4 under the paving at the next meeting.

Mr. Ronning asked the PB for a Public Hearing on this matter, to which H. Koster said this agenda item is not yet ready for a Public Hearing, as there is a lot of engineering design that still needs to be done and a Public Hearing can't be held if additional information will be coming in after that Public Hearing is held.

Motion by H. Caldwell to table the application pending additional information, as discussed, including: 1) a proposed homeowners association agreement; 2) road maintenance agreement; 3) the new centerline marked in the field for the portion of the road to be relocated near the stream; 4) exact size of the proposed pond for fire prevention; 5) the size of the parking area near the pond; 6) detailed information on the road going to Lots 7, 8 & 9 to the cul-de-sac, with the road and cul-de-sac to be 20' wide; 7) details on the portions of the road that have 5% grade or greater that are going to be paved (to be shown on the map); 8) details on the culvert or bridge stream crossings; 9) parking area for the fire vehicles to be flagged. Seconded by J. Gaddy. **All in favor. Motion carried.**

8) CASTRO, SAMUEL & JACQUELYN. Represented by Eugene Baker, Contractor. To review proposed planting plan as it pertains to the notice of violation for the removal of vegetation within the County Route 11 scenic corridor. Section 156.00, Block 2, Lot 22, Zones RM1.3 & RL3. Property Location: South Farm Road off of County Route 11.

Mr. Baker said Mr. Castro had done some cutting on the uphill side of his lot and Mr. Baker presented the proposed re-planting plan to the PB. J. Gaddy referenced the re-

planting map received by the Town of Bolton Zoning Office on February 1, 2005, explaining between County Route 11 and Mr. Castro's property, there is a strip of land that is county property and is already vegetated. J. Gaddy added that the area Mr. Castro has proposed for re-planting on his property has some growth and there has been additional planting proposed to screen the new building.

H. Koster asked for details of what will be planted in that area. Mr. Baker referred to the aforementioned map detailed with what would be planted, including pine trees, a weeping willow tree, maples and oaks. The PB asked how big the pine trees would be when planted and how tall they would be expected to be. Mr. Baker said the pine trees at the bottom would be a bushier type of pine tree growing to an approximate height of 20-30 feet at full maturity (20-30 years of growth) with a 20-30 foot base as a shielding tree. He continued to explain Mr. Castro's replanting plan, detailing tree types and sizes, as shown on the map received by the Town of Bolton Zoning Office on February 1, 2005.

Motion by D. Roessler to accept and approve the planting plan as presented. The Board recommends that the application not be referred to the Town Board for alternative remedy. Seconded by J. Gaddy. All in favor. Motion carried.

9) SPR04-49 BENICASA, VALE & KOSSIANKOV, ANDRIE. Represented by Steve Nacua of Professional Building Systems. As a condition of approval set forth by the Planning Board on May 23, 2000 when approving the Indian Summit Subdivision, SD99-08, seek specific Site Plan Review for the clearing of the building site and construction of a single-family dwelling on Lot #1. Section 140.00, Block 2, Lot 11, Zone RL3. Property Location: North/northwest side of Indian Summit Drive approximately 4/10th of a mile off of Padanarum Road. Subject to SEQR. This item was tabled last month pending additional information.

This agenda item was heard before agenda item #1.

H. Koster noted the information previously presented by the PB to Mr. Nacua was incorrect; 100' setback between stormwater retention and the septic system was stated and it should actually be 20'.

Mr. Nacua explained at the last meeting the PB asked he change the setbacks relative to the access road and setbacks have been updated to septic system is now 5' from the road and the house is 9' from the road, adding that the retention pond is 21' from the septic. He added there is a drop at the west end of the septic that will be a fill system that they will be building up on one side, but not touching the road since it is an easement.

H. Koster noted that the lateral pipes are going across the contour lines and they should follow the contour lines, adding that the APA has a regulation you can't do a septic system on anything greater than a 15% grade. P. Kenyon suggested the PB have engineer Tom Nace look at the septic plans.

H. Koster asked if the gravel driveway was a right of way to the adjoining property to which Mr. Nacua noted that it is the right-of-way for several lots to gain access to their septic systems.

Motion by D. Roessler to accept the application as complete, waive a public hearing, make a negative declaration, and having found the application meets the criteria of Section 200-31A-D, grant final approval as presented with the following conditions: 1) that the septic system is approved by Town Engineer Tom Nace; and 2) the garage lights are downward-facing and shielded. Seconded by J. Gaddy. **All in favor. Motion carried.**

10) SPR04-50 STRANEY, LOUISE. Represented by Alexandra Rhodes of C.T. Male Associates, P.C. In accordance with Chapter 125.13C1 of the stormwater regulations, seeks Type II Site Plan Review for a major project, specifically to remove more than 15,000 square feet of vegetation for the roadway. 20,000 square feet is proposed. Section 186.00, Block 1, Lots 8.1, 8.2 and 8.3. Zones RL3 & LC25. Property Location: Long View Drive off of Trout Lake Road. Subject to SEQR. This item was tabled last month pending Tom Nace's review of the major stormwater plan.

Ms. Rhodes said Tom Nace, town engineer, has reviewed the major stormwater plan for this site, they have addressed his comments, they have responded with completed documents with the revisions and he is happy with it, shown by a letter faxed to Zoning Administrator, Pam Kenyon, yesterday and copied to Ms. Rhodes.

John went through stormwater findings pre Section 125-14B1-5.

Motion by J. Gaddy to accept the application as complete, waive a public hearing, make a negative declaration, and approve the stormwater plan as presented. Seconded by S. Wilson. **All in favor. Motion carried.**

11) SPR05-02 NICASTRO, ROBERT. Represented by Forester Chris Gearwar. Seeks Type II Site Plan Review to timber-harvest that parcel designated as Section 185.00, Block 3, Lot 56, Zone RL3. Property Location: Intersection of South Trout Lake Road and Trout Lake Road. Subject to WCPB review. Subject to SEQR.

Mr. Gearwar said (1) that this is a typical thinning operation that is not a harvest in the sense that approximately 30% of the basal area will be removed, (2) there are no water control issues as far as stream crossings, (3) there is a small wetland area in the northwesterly corner, which is a wetland but not identified as a wetland by the APA, (5) the roads are already in place for the skidding operation and (6) the operation is scheduled to be completed this winter.

H. Koster asked for an explanation as to why the project was started before getting approval. Mr. Gearwar said it was a miscommunication that was unintentional.

H. Caldwell asked if the logging could be completed with frost still in the ground and if the trees have already been selected. Mr. Gearwar responded that yes, they could complete the project with frost in the ground and regarding the selected trees, he said that there was a timber sale and the logging company was awarded the contract. Mr. Gearwar added that if he had known approval was required, he would have gotten it, because he had plenty of time, but he wasn't aware it was needed.

S. Aldrich questioned the wet area by the old structure and asked if the 75 foot buffer would be enough to protect that wet area as well. Mr. Gearwar said yes, the 75 foot buffer is adequate, because in this particular case the harvesting of trees is a very random thing, where the trees are spread out, so the impact on the wetland will be basically non-existent.

J. Gaddy asked Mr. Gearwar from his standpoint, what the best move for the town would be to make sure with any other contractors in the town that this situation may not happen again. Mr. Gearwar, clarified he is a professional forester and said a lot of towns are going through the same thing and it is difficult for towns to get the word out, but he would suggest the following for the town to: (1) disseminate the information through whatever public agencies it has, (2) have some form of brochure accessible, (3) put it in the paper and (4) it is very important for the town to get its regulations defined in terms that are manageable and enforceable. He added that what owners are forced to do is not proper forestry, where they are forced to maintain a certain density of trees (called basal area square feet), so if someone wants to practice forestry, it makes it difficult to do that and if they want to harvest timber and get some money out of it they end up taking all the best trees and leave the junk just to meet the basal area requirement. Mr. Gearwar said it is important for the town to get this resolved by making it manageable and known. He added that he'd be happy to help the PB with this.

Motion by J. Gaddy to accept the application as complete, waive a public hearing, make a negative declaration, and grant final approval of the timber-harvesting plan as presented with the following conditions: 1) the correct practice of forestry is done; 2) the buffer zones from the wetlands are maintained; and 3) the cutting plan is followed. Seconded by S. Aldrich. **All in favor. Motion carried.**

12) SD05-01 MAXAM, WAYNE & CONSTANCE and PIKE, ROBERT & GENELL. Seek to amend a previously approved plat (SD04-03) approved by the Planning Board on April 21, 2004. Specifically to create a lot line adjustment between those parcels designated as Section 140.00, Block 1, Lots 32.1 & 32.2, Zone RL3. Property location: 33 Sawmill Road. Subject to SEQR.

H. Koster said he received a call from Greg Smith asking that the PB move forward on this project as the applicant will not be present due to an illness. H. Koster said the PB could proceed without the applicant present. H. Koster said the lot is staying the exact same size as it was and doesn't affect the setbacks.

Motion by D. Roessler to accept the application as complete, waive a public hearing, make a negative declaration, convert it to final and approve the lot line adjustment as presented. Seconded by S. Aldrich. **All in favor. Motion carried.**

13) SPR05-03 PERRY, MARK & LINDA. Seek Type II Site Plan Review for a greenhouse up to 300 square feet in size in the RM1.3 zone. Section 156.00, Block 1, Lot 13, Zones RM1.3 and RL3. Property Location: 121 Federal Hill Road. Subject to WCPB review. Subject to SEQR. NOTE: 960 square footage is proposed, thus requiring an area variance.

Mr. Perry said the PB received the drawing on the map of exactly where the greenhouse would be.

Zoning Administrator Pam Kenyon asked Mr. Perry if it was correct that this would not be a commercial greenhouse and not be open to the public. Mr. Perry said there would be no retail. P. Kenyon asked if it was correct that there would be no business going on and it would be just for storage of his plants, to which Mr. Perry again said, there would be no retail.

H. Koster referenced a situation with Butner's, where a greenhouse could be put anywhere and it didn't have to meet set-back requirements. P. Kenyon said a building permit is not required, but she never agreed to greenhouses not having to meet set-back requirements.

H. Koster said the big thing is that Mr. Perry agrees that the greenhouse will not be commercial, to which Mr. Perry said yes, there won't be any retail.

S. Aldrich asked if the greenhouse will be visible from the road. Mr. Perry said coming down Federal Hill, you could probably see it, but it sits right square in the back of the barn as shown on the map. He added that if you look from the road right directly to the house, you can't see it. S. Aldrich asked about visibility of the greenhouse coming up the hill. Mr. Perry said coming up the hill, you can't see it well. He added that you probably can if you really look close, but coming down the hill you probably can if you look that way.

S. Aldrich asked if there was any reason the greenhouse wouldn't have been located back behind the other barn where the turnaround is. Mr. Perry said there are all trees and there is no cleared spot there at all, and the slope of the land is bad and it's all trees, it's just total trees.

Motion by D. Roessler to accept the application as complete, waive a public hearing, make a negative declaration and having found the application meets the criteria of Section 200-31A-D, grant final approval as presented. Seconded by S. Wilson. **All in favor. Motion carried.**

14) SPR05-04 ONJACK, JOHN & LINDA. Represented by James Palazzo. In accordance with Chapter 125.13C1 of the stormwater regulations, seek Type II Site Plan Review for a major project, specifically to remove more than 15,000 square feet of vegetation. 18,175 square feet is proposed. Section 199.04, Block 1, part of Lot 7.1, Zones LC25 & RL3. Property Location: Coolidge Hill Road and being Lot "1" of the SMDTT Subdivision adjacent to 407 Coolidge Hill Road. Subject to WCPB review. Subject to SEQR.

J. Gaddy asked if a lot of fill would need to be brought in to cross the wet area down below. Mr. Palazzo answered, no, not at all, and explained that it is not a steep grade and they are going to put two culverts in: one right off of Coolidge Hill and another one where there is a dip in the back. He added they are also going to put a pond in for run-off.

J. Gaddy asked about clearing. Mr. Palazzo said they are going to clear for the driveway, but they are not going to clear-cut the front, because there aren't many big trees in that area and there really isn't a lot that needs to come down where you go in. Mr. Palazzo added that where they will need to clear is back by the one culvert which is about 500 feet from the front area in question.

Motion by D. Roessler to accept the application as complete, waive a public hearing, make a negative declaration and having found the application meets the criteria of Section 200-31A-D, grant final approval as presented. Seconded by S. Wilson. **All in favor. Motion carried.**

15) SPR05-07 KING, DONALD. Represented by Carl Schoder P.E. In accordance with Chapter 125.13C1 of the stormwater regulations, seeks Type II Site Plan Review for a major project, specifically to remove more than 15,000 square feet of vegetation. 30,400 square feet is proposed. Section 171.07, Block 2, Lot 43.2, Zones RL3 & RM1.3. Property Location: South side of Braley Hill Road between Braley Lane and Aviator Lane. Subject to WCPB review. Subject to SEQR.

Mr. Schoder gave an overview of the plan and said it is the development of lot #2 of a subdivision filed by Bill Thompson quite a few years ago. He said it is a vacant lot at 42 Braley Hill Road immediately east of Mr. Thompson's property. Mr. Schoder said the primary reason for the site plan review is because of having to clear more than 15,000 square feet of vegetation. He added the difficulty with this lot is that the lot is long and narrow, the house site is as far removed from the road as possible, which necessitates cutting the driveway in and there is also a necessity to clear an area large enough in order to fit in a wastewater treatment system (on-site septic system).

Mr. Schoder said several variances will be needed for this project. He added that along the driveway, there will be a wall constructed at the easterly boundary of the roadway in order to get grade up high to place fill down on the existing material, since it is currently

a very wet area that has high bedrock resulting in high groundwater, in an attempt to stabilize the road. Mr. Schoder said in addition, with building the wall, they will be able to use the up-slope areas as stormwater retention. He added the driveway is pitched back toward the up-slope area, so they have a long, relatively linear type of structure with a pond with two control structures on the outside and a culvert that is located at a natural dip in the field that will discharge across the road to take any overflow beyond the design storms. Mr. Schoder said the wall will be about 11 feet away and they have applied for the area variance.

Mr. Schoder continued saying the house will be approximately 2,000 square feet, a three bedroom structure, Lincoln log type pre-fabricated log building with a prow front. He added there is a deck located in front of the prow, another deck immediately adjacent to that to the north and a deck in the back as a landing for one of the main access ways into the main residence.

Mr. Schoder said on the east side of the house, stormwater management will be affected by a shallow pond with a relief pipe constructed at a down-hill extent of the cleared area. He showed the PB how the stormwater management will work by tracing the direction on the map, with water flowing from the end of the driveway toward the south on the property collecting in the stormwater basin located below the house, as well as the drainage from the house itself.

Mr. Schoder said the placement of the septic system would be placed on the upper southwest corner of the site, where the perc. tests and test pits were done, which revealed very acceptable soil. He added that the downside of that location is that it is on a slope that is approximately 25%. He said they will be applying for a septic system variance for that at the next Town Board Meeting.

Mr. Schoder indicated on the drawing a possible need for a lot line adjustment for the construction of a waste water treatment system. However, he received information today indicating that all of lot 2 may be owned by King and therefore a lot line adjustment may not be required. If a lot line adjustment is required, he will apply for the same, to which Dr. Flynn has agreed to.

J. Gaddy discussed that there are several roads running parallel with the contour of the slope concentrating run-off. Mr. Schoder said they would be intercepting some of that water and managing their design storms for the increase the project will result.

H. Caldwell asked Mr. Schoder if he will be supervising the construction, to which Mr. Schoder said he doesn't have a contract to do that yet. Mr. Schoder also said he knows the owner, Don King, who is a contractor doing quality work, and he is quite sure he would not have a problem with Mr. Schoder making frequent site visits, adding that this is not a project that warrants full-time inspection. Mr. Schoder also suggested the Town make site visits as well, and that enforcement must come from the Town.

Motion by D. Roessler to accept the application as complete, waive a public hearing, make a negative declaration and having found that the application meets the criteria of Section 200-31A-D, grant final approval as presented with the following conditions: 1) that all necessary variances are obtained; and 2) that a professional engineer oversees the project. Seconded by H. Caldwell. **All in favor. Motion carried.**

16) To discuss the April meeting scheduled for the 21st as it conflicts with school vacation.

The PB agreed they will tentatively re-schedule the April meeting to the 28th.

The PB also agreed to tentatively schedule a meeting with the Bolton Fire Department on March 14, 2005 at 6:00 pm at the Town Hall to discuss proposed road widths and road surfacing.

Meeting adjourned at 10:40 pm.

Respectfully submitted by

Jennifer Torebka
Recording Secretary
02/28/05