

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday, July 21, 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, John Gaddy, Chauncey Mason, Don Roessler, Susan Wilson, Zoning Administrator Pam Kenyon, Town Counsel Michael Muller

Absent: Henry Caldwell

PUBLIC HEARING: None

REGULAR MEETING

H. Koster opened the regular meeting at 6:04 pm by asking for corrections to the Thursday, June 23, 2005 minutes.

J. Gaddy asked that on page 11, paragraph 4, the first sentence be changed to “J. Gaddy said (1) he has concerns with Section 200-31D regarding *natural scenic and aesthetic* qualities...”

S. Aldrich asked for J. Gaddy to clarify his motion on page 6 regarding the planting plan for SPR04-25 (Moecker), specifically regarding “scrub brush being allowed to grow and be cleared” and J. Gaddy responded by saying (1) he would like to have it grow back up, (2) he assumes over the years it will be cleared as other people have done, but as time goes on, every 15’ apart or so, allow immature trees to start to develop and grow back up in that area, which is below the house area, (3) he wanted to get the area re-vegetated and you don’t get it done by assuming nature will take care of it, and (4) he assumes that people will be clearing now, but he wants trees to be developed in there over time.

Motion by D. Roessler to approve the June 23, 2005 minutes as amended. Seconded by S. Aldrich. Five in favor. One abstained (H. Koster, as he was not in attendance at the June meeting). Motion carried.

1) SPR05-29 DANSBURY, MICHAEL & HOLLY. Represented by Carl Schoder, PE. As a condition of approval set forth by the Planning Board on October 16, 2003, when approving the Straney Subdivision SD03-18, and in accordance with Section 125.13C1 of the Stormwater Regulations, seek Type II Site Plan Review for a major project on Lot A2, specifically to remove more than 15,000 sq ft of vegetation: 32,320 sq ft is proposed. Section 186.00, Block 1, Lot 8.2, Zones RL3 & LC25. Property location: Long View Lane off of Trout Lake Road. Subject to SEQR. This item was approved last month with the condition that a planting plan be submitted this month.

Carl Schoder, representing Michael and Holly Dansbury, gave a detailed synopsis of the proposed planting and landscaping plan which was requested by the PB at the June 2005 meeting and said (1) Dick Cipperly was retained to assist with the reforestation, as he has a knowledge of what the slope looked like before the tree cutting was done, which was done by others, not the applicant and (2) Toadflax Nursery has been retained by the applicant to create the overall landscaping plan.

Dick Cipperly said (1) bringing in big nursery stock is not easy or practical on this site, (2) they will try to place trees in front of the house to try to create the same filtered view they would have achieved had they started with a forest band, (3) he is trying to keep the existing oak tree, (4) the idea is to soften every line, (5) the tallest of these trees will be as tall as the house, (6) behind the house there are trees and behind the driveway is another wall of trees that was undisturbed, which will still have the house set against a tree background and (7) regarding erosion, there is grass, blueberries, raspberries and some stump sprouts and they would create more of a mess having to stir it up to stabilize it, so it will remain as it is.

Carl Schoder said (1) the project was given the go ahead last month, (2) permits had been issued and (3) contracts are in place, (4) contractors are ready to start any day to commence work on the project and (5) they tried to match the marching orders from the PB, which is to provide a filtered view, to infill the land below that was cut by others and to make a pretty project that the owners and the Town could be happy with.

J. Gaddy said (1) he visited the site and was surprised by the clear cut that was made to the east side of the proposed building site towards the lake, which is natural, (2) it seems that everybody else in that same development has that same view and (3) his concern is the fact that when the PB looks at existing regulations in the books, specifically 200-28 Section A, it says general landscaping plans, the planting schedule should try to keep the areas of natural vegetation remaining when it is possible, (4) he felt as though each time the PB has had to remediate planting a section where there was cutting above and beyond what the PB expected, the trees have never come through, (5) he would like to have the house moved back 20', since no ground has been broken, and keep the existing trees there, to reduce the clear cut size, and then there would be a filtered view and the other plantings could be done as well and the applicants could move on and build, (6) there is not even batter boards up there and he is still seeing clearing limit signs way beyond 20' beyond what the house site is, (7) Louise Straney was at the site with him today and said it has been cleared just about to the property line to the east and (8) he would like to see existing vegetation stay and keep the house on schedule.

Carl Schoder said (1) moving the house closer to the road will put it within the Town's Zoning setback of 50' from the road, which will require a variance that the applicants may or may not be able to obtain, (2) having to go to the ZBA for a variance for deficient setback will delay the project for approximately two months, (3) they went ahead in good faith knowing that and asking specifically at the last meeting if permits could be issued and work started, (4) contractors have been brought on board and fit this project into their schedules, (5) he feels the issues being brought up tonight should have been addressed at

the last meeting and bringing them up now after approving the footprint of that house, including the clearing limits, is unfair, (6) the Town of Bolton has a policy of a 20' clearing limit around a house and as a professional engineer, he said this is an unrealistic expectation and the PB needs to take a large grain of salt with that, because you simply can't do that, (7) the reality is if we want to put stormwater in the ground, instead of letting it run off the site, then room is needed for such a system, (8) in order to put wastewater in the ground in a safe location, more than 20' is needed, (9) in order to put a driveway in to get to a road, more than 20' is needed, (10) regarding the concern for trees being planted and not growing, he suggested the PB put the responsibility of replanting any trees that don't take on the applicant, who is trying to work with the PB, by approving the landscaping plan and (11) pulling this project after thorough presentation last month and having this happen at this juncture with those expectations and with permits issued already is an unrealistic and unfair position at this point.

H. Koster said he was not here last month, but he has a problem with asking an applicant to apply for a variance when he can fit a house on a lot as it is. P. Kenyon said she feels it is unfair and she specifically asked the PB at the last meeting if permits could be issued and was told they could be. J. Gaddy said (1) that is correct, (2) he made that motion, and (3) he is dealing with the situation that everyone claims its pre-existing, but we as the Town are getting this dumped on us to have building on the site, which he approved when he made that motion to go ahead on this project, but nothing has happened in the last month in terms of ground breaking.

Carl Schoder said (1) ground breaking could have happened and (2) a contract was made, someone is on board and waiting to go to work, could have been working today, is on-site and looking to mobilize on that site immediately, (3) he is on the same page as J. Gaddy regarding a filtered view and (4) this applicant did not cut the trees, did not know the trees were going to be cut, and the timeline for cutting was between when the subdivision was approved and when they went back for a lot-line adjustment to change it, which was before the applicants even saw the property.

Dick Cipperly said with the Town's regulations, the house site is where it needs to be. J. Gaddy said his suggestion is to have the existing trees stay there and pull the house back and asked if the applicants would be willing to double the amount of proposed trees. H. Koster said (1) J. Gaddy is trying to punish the applicants for something they did not do, (2) the Town has a Code Enforcement Officer now and is making an effort to change what has been going on in this Town and (3) you can't backtrack and punish this applicant now for what was done before. J. Gaddy said it winds up that the Town is holding the bag and no one is responsible and Carl Schoder replied by saying no one is arguing that the Town is holding the bag, but he believes the Town is in this situation based on inaction on enforcement of the Town's own regulations.

J. Gaddy asked if the proposed plan is the best Dick Cipperly can provide and Dick Cipperly said if he thought there could be more trees he would tell the PB. J. Gaddy said he would accept that.

J. Gaddy asked how much of a bond the PB should propose to make sure the proposed project is completed and H. Koster said (1) he believes the bond is the homeowner, because the homeowner is going to have equity in the property, (2) there is a process for the Town to go after the homeowner if the homeowner didn't complete what they agreed to and (3) he doesn't think it should be bonded as an individual home.

Dick Cipperly said he hopes all the trees live, but if they don't, he is sure the applicants' intent to put something else there that will and Carl Schoder said (1) the PB should tell the applicants to do it and enforce it if they don't and (2) he has no problem with that, because he knows these owners and they are not looking to not let those trees grow. H. Koster said tree replacement conditions can be put in the motion. Several PB Members were in agreement that a three year plan for tree replacement commitment would be adequate, since a transplanted tree that doesn't take is going to die within 1 to 2 years.

The PB found no concerns with Section 200-31A-D of the zoning ordinance and C1-C7 on the SEQR form.

Motion by J. Gaddy to accept the planting plan as complete, waive a public hearing and grant final approval as presented with the condition that the survival rate of the proposed trees be 3 years based upon the recommendation of Forester Dick Cipperly. Should the trees not survive, they must be replaced with trees of similar size and species. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by S. Wilson. All in favor. Motion carried.**

S. Aldrich asked if a tree dies and is replaced with a new one, if J. Gaddy would be looking for the same conditions in that the replacement tree would also be subject to surviving for three years or being replaced if it dies and PB Members unanimously agreed that it would.

2) SPR05-31 STRIEF, JEFFREY dba Happy Jacks. Seeks Type II Site Plan Review for an advertising sign greater than 4 square feet. Approximately 7.14 sq ft is proposed. Section 171.19, Block 1, Lot 84, Zone GB5000. Property location: 4941 Lakeshore Drive known as Happy Jacks. Subject to WCPB review. Subject to SEQR.

Jeffrey Strief gave an overview of the proposal and said he is before the PB for approval to hang a 47" wide x 22.5" tall sign outside his business on a metal arm attached to a wooden post which is attached to the deck.

H. Koster asked if there is currently a sign there and Jeffrey Strief answered by saying no, the sign has been removed and a banner was put up in its place. J. Gaddy asked if the banner is the same size as the proposed sign and Jeffrey Strief said no, the banner is almost double the size of the actual sign. H. Koster asked if the applicant plans on having other banners and Jeffrey Strief said (1) no, when he opened the business this spring he was unaware he needed a permit for his sign, so he hung the original sign, (3) he was informed after three weeks of hanging the sign that he needed a permit and had to

remove it and (4) the Zoning Office allowed him to hang the current banner so he could maintain his business during the busiest four weeks of the summer.

D. Roessler asked (1) if the proposed sign is already made and (2) if there is currently lighting on the proposed sign. Jeffrey Strief answered by saying (1) the sign is already made and (2) the sign doesn't currently have lighting, but he hopes to add lighting to it by attaching a small arm to each direction with a small 40 watt flood light on each pointing down on the sign. H. Koster asked if the two streetlights in front of the business provide adequate lighting and Jeffrey Strief said (1) no, he has had no lighting on the sign yet and (2) the sign is a darker red and doesn't light up with the street lighting.

C. Mason said the Town has a lot of lighting and the sign is right on the corner by the bank. D. Roessler said the sign is set off the road and not even close to being in the walkway.

No County impact.

The PB found no concerns with Section 200-31A-D of the zoning ordinance and C1-C7 on the SEQR form.

Motion by D. Roessler to accept the application as complete, waive a public hearing and grant final approval as presented with the condition that any lighting be downward-facing and shielded with light bulbs being no more than 40 watts. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. Seconded by S. Wilson. 5 in favor. 1 (J. Gaddy) opposed. Motion carried.

3) SPR05-32 SCOTT PARKER, SUE dba Bug Bytes Internet Café. Seeks Type II Site Plan Review for an advertising sign greater than 4 square feet. Approximately 7.53 sq ft is proposed. Section 171.19, Block 1, Lot 84, Zone GB5000. Property location: 4941 Lakeshore Drive known as Bug Bytes Internet Café. Subject to WCPB review. Subject to SEQR.

Sue Scott Parker gave an overview of the project and said (1) she is looking to replace her existing sign with a proposed 30" x 46" sign with a cast iron arm and 40 watt lighting and (2) her sign has not been made yet.

D. Roessler asked if the sign will be the same size as the sign in SPR05-31 and Sue Scott Parker said it is slightly larger, but there will not be a clothing/gift thing on the bottom and it will be strategically placed over the flower boxes so not to hinder anyone walking under it, etc.

H. Koster asked if the sign will be lighted and Sue Scott Parker answered, not this year, but she would like the approval to light it next year. H. Koster asked if the applicant is agreeable to 40 watt shielded down-lighting and Sue Scott Parker said yes.

No County impact.

The PB found no concerns with Section 200-31A-D of the zoning ordinance and C1-C7 on the SEQR form.

Motion by D. Roessler to accept the application as complete, waive a public hearing and grant final approval as presented with the condition that any lighting be downward-facing and shielded with light bulbs being no more than 40 watts. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by S. Aldrich. 5 in favor. 1 (J. Gaddy) opposed. Motion carried.**

4) SPR05-33 NOONAN, DENNIS. Represented by Tom Hutchins, PE of Hutchins Engineering. In accordance with Section 125.13C1 of the stormwater regulations, seeks Type II Site Plan Review for a major project, specifically to remove more than 15,000 sq ft of vegetation: 40,775 sq ft is proposed. Section 156.00, Block 2, Lot 63.3, Zones RL3 & LC25. Property location: North Bolton Road and being Lot 1 of the Ledgeview Subdivision. Subject to WCPB review. Subject to SEQR.

Tom Hutchins, representing Dennis Noonan, gave an overview and said (1) the applicant proposes to build a single-family dwelling, (2) the proposed house site is near the high point of the site, (4) the proposal involves approximately 675 feet of gravel surface drive back to a two-story log dwelling with a two-car garage, (5) there would be a small turnaround area to build a well and a conventional wastewater system on the low side, (6) there will be a stormwater retention area toward the front side of the house and the wastewater system will be on the down slope on the house and (7) there will be other small stormwater retention areas, including near the beginning of the driveway.

J. Gaddy asked if the area is staked out and Tom Hutchins said yes. S. Wilson asked if the existing gravel drive on North Bolton Road is shown on the map and Tom Hutchins showed the location of the gravel drive.

H. Koster said the proposed 42,500 square foot area of disturbance goes quite a bit to the east side of the house and Tom Hutchins replied by saying that he is constructing a berm there for stormwater and it is quite tight to that area. S. Aldrich asked if the stormwater would be going in the approximately 50' wide cleared area to the east side of the house and if there would be no trees left and Tom Hutchins answered by saying yes. S. Aldrich asked if there would be any kind of a filtered view and Tom Hutchins answered by saying (1) there is very large vegetation that has been selectively cleared, but what is left is large, which will continue to filter the view and (2) some plantings on top of the berm could help address that. S. Aldrich said anything to break up the horizontal lines from the lake side is good.

H. Koster asked if the clearing area is basically the top of the slope from the retention pond and Tom Hutchins said yes. P. Kenyon said that after review and concerns being addressed, Tom Nace signed off on the project.

J. Gaddy said the PB has information available on the style of downward shielded lights that are called for in the regulations.

No County impact.

The PB found no concerns with Section 200-31A-D of the zoning ordinance and C1-C7 on the SEQR form.

Motion by D. Roessler to accept the application as complete, waive a public hearing and grant final approval as presented with the condition that exterior lighting be downward-facing and shielded with light bulbs being no more than 75 watts. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by S. Wilson. All in favor. Motion carried.**

5) SPR04-37 GLENN A. WARREN FAMILY TRUST. Represented by Glenn Warren. Seeks Type II Site Plan Review to 1) Timber-harvest an area greater than one acre on one parcel in the RL3 zone; and 2) Timber-harvesting involving the clear-cutting of an area greater than one acre on one parcel in the LC25/45 zones. Section 140.00, Block 1 Lots 44, 47 & 49, Zones RL3, LC25 & LC45. Property location: 34 Padanarum Road. Subject to SEQR.

Glenn Warren, representing the Glenn Warren Family Trust, gave an overview and said (1) the proposal involves the development of a sustainable forestry management plan for three contiguous properties that are off Padanarum Road, totaling just shy of 250 acres, (2) the items in front of the PB tonight are related to implementing that forestry management plan, which has been reviewed by the Warren County Soil and Water Conservation Service and gone through jurisdictional determination by the APA, (3) specifically in the local regulations clear cut definitions include any cutting for creating an access road wider than 16' and doing accumulative clearings, which in this case, involves the creation of wildlife enhancement areas or small clearings to create forage for animals and establish trees and plantings to provide alternative food sources, also to provide a construction staging area, which ultimately will become a log landing for long-term sustainable harvest of the property and (4) the proposed forest access road is to make a more efficient forest access network than the cuts that have been made by previous owners, in an effort to be more environmentally well-built in terms of not having the erosion problems that currently exist and (5) he is looking for the PB's approval relative to the visual impact of the proposed cutting and also to the proposed clearing does not negatively degrade the environment.

J. Gaddy (1) said there are two peaks on the proposed map and (2) asked how many 150' tall flag poles are proposed and Glenn Warren answered by saying (1) there are a number of proposed aspects of the overall forestry management plan that he is not seeking approval for, but are shown as possible future items he may be looking for, (2) he has identified two possible, acceptable flag pole style communication tower locations, but his

intention is to, somewhere down the line in about 10 years, to put up a relay tower of some sort to communicate with a crews on-site, (3) the communication towers are on the map as an idea, as there is no urgency, eminency or planning on his part to do anything immediately on that issue and (4) he is not coming before the PB for approval on the communication towers at this time. H. Koster said items on the maps that are ideas and not being addressed by the PB at this time need to be listed as not being part of the application in the motion if the PB decides to approve the proposal. Glenn Warren listed additional items that are shown on the maps, but that he is not seeking approval for with this application.

J. Gaddy said asked if the peak areas would be clear cut areas and Glenn Warren replied by saying in the areas he envisions for a communication towers, he has shown as small areas that would be wildlife enhancement areas approximately .5 to 1 acre in size. J. Gaddy asked why the areas shown were chosen and what type of wildlife the applicant is trying to enhance and Glenn Warren answered by saying that the eight to ten areas he has designated as potential wildlife enhancement areas are not definitive, in that the exact locations will be determined by on the ground conditions as work proceeds, in an effort to keep with the topography and the environment. J. Gaddy asked what the goal is and what particular wildlife the applicant is trying to enhance and Glenn Warren answered by saying his general intent would be to enhance bear, deer, birds and other wildlife. J. Gaddy said he would like the communication tower areas to a less visible spot and Glenn Warren said he is willing to work with the Town and community.

H. Koster asked if there is no intention of putting the campsite with composting privy in at this time either and Glenn Warren answered by saying (1) he already has a campsite with a composting privy at the front location, (2) he recently received local zoning approval to build a single-family dwelling and it has been discussed with P. Kenyon of relocating the campsite and composting privy to elsewhere on the property in the future at the potential location shown on the map, but he is not before the PB tonight for approval on that matter and (3) it is his understanding that as the project evolves over time, individual elements will be brought to the PB for review, so locating structure, such as those is an example of an element he would come back to the PB with.

H. Koster asked if the applicant is looking for approval for the clearing of the wildlife enhancement areas at this time and Glenn Warren answered by saying (1) he is looking for the approval to do clearing between the limits of one and twenty-five acres that have to do with making the improvements and installation to the forest access roads and adding wildlife enhancement areas on the property, but he is not married to the specific locations and as the build out of the forest access road evolves, there will be adaptations to those alignments that meet the environmental conditions, (2) last fall he submitted his Forest Management Plan to the Zoning Office, which is to be a well-developed instruction manual on how the progress of the development of this sustainable forestry practice will evolve and as it gets built out to build to the method and the purpose, rather than attempt to design a plan 20 years out and (3) he sees this more as a 20-year plan, where he intends to cut a swath to be able to effectively construct the roads and install the drainage that is necessary to meet and better the local and state stormwater requirements

and to do small pieces of work in pieces and finish them before moving on to the next part.

H. Koster (1) said he is not sure if he is for or against it yet and (2) asked if the applicant could re-apply for the two particular peak wildlife enhancement areas once the roads are put in and Glenn Warren answered by saying that would be fine.

S. Wilson asked what the applicant is specifically looking to do in the next year and Glenn Warren said (1) primarily working on the staging area and the roads that are two the west side of the stream and (2) the maximum would be about 2,000 feet of roadway in this area which would be about 1.5 acres, but most likely would only be working on 25-30% of that total area.

C. Mason said the applicant has the beneficial use exemption and asked if tires shred filler would be for use in this project and Glenn Warren said (1) he has received DEC approval to use recycled materials in construction of the forest access roads, (2) there would be no external sale and (3) regarding organic waste, the composting (also approved by DEC) would be to generate organic material that can be used to address the roads as they are being built and to re-vegetate areas. C. Mason asked if this would all be for internal use and Glenn Warren said yes, the concept is to attempt to make a more economical project and try to take advantage of his career in the engineering and recycling area to use some innovative and alternative technologies to make a nice looking, environmentally sound project. J. Gaddy asked if there is an annual limit on the amount of organic waste composting and Glenn Warren answered by saying 6,000 cubic yards a year. J. Gaddy said any information the applicant could provide the PB with regarding tire recycling would be appreciated.

H. Koster asked if the DEC put a limit on the amount of waste oil or bio-diesel fuel the applicant can use and Glenn Warren responded by saying (1) he has not applied for a permit from the DEC for waste vegetable oil at this time and (2) his understanding is that if you process the oil chemically requires a beneficial use permit request to the DEC, but if you filter and heat the oil and feed it into a diesel engine, a DEC permit is not required and (3) his intention is to subsidize his on-site fuel use by providing a service to the Towns of Bolton and Lake George to recycle oil, rather than to send it out of area.

J. Gaddy asked if tire recycling would become a commercial application and Glenn Warren said (1) the recycling he is doing is relative to building the roads out and (2) if it happens to be a valuable business by the time he is finishing this project, he will move to a different project or provide a service to a client that wants the service. C. Mason asked how noisy the tire shredder is and Glenn Warren said (1) it is like listening to an 18-wheeler sitting and idling, (2) it is currently located about 150' from the road behind a berm, (3) it is not used 40 hours a week at this time, (4) the intention is to move it back to the staging area, which would put it about 900' from the road and (5) the decibel level at 50' is about 82 or 83. C. Mason asked what the anticipated hours of operation are for the tire shredder and Glenn Warren answered by saying (1) realistically, in the next year,

probably 15-20 hours a week during normal work hours, non-weekends and (2) he wants to keep good relations with his neighbors.

H. Koster asked if tire recycling is part of the application and Glenn Warren said no. H. Koster asked if the applicant would have to come back before the PB to start this operation and Glenn Warren answered by saying he does not believe he'd have to come back. H. Koster said the applicant would have to come back for tire recycling because the application in front of the PB is for timber-harvesting and Glenn Warren replied by saying he doesn't believe the construction of the forest access road requires the PB's approval, since the PB doesn't normally approve the methods of construction and the equipment used in construction. H. Koster said the applicant is going way beyond the application in front of the PB with what the applicant is presenting now and Glenn Warren said his understanding is that the construction of the forest access roads are part of the forest management plan, which is approved by the Warren County Soil and Water Conservation service. H. Koster said if the applicant wants to use crushed stone, that doesn't make it automatic that he could bring a crusher in there and Glenn Warren said if he is harvesting stone from somewhere on his property and crushing it to put into his roadways, he is not aware of the Town regulation that would require him to get the PB's approval to crush that stone.

J. Gaddy said (1) this can be addressed through SEQR in terms of adverse effects with noise level, (2) noise would fall under the aesthetics of the area, right now the neighbors don't have a problem, but if it is 20 years of constructing roads, it may affect the neighborhood and (3) this is experimental for the Town of Bolton at this point, although it is proven technology, there still is a need to look at how it fits in with the rest of the neighborhood. Glenn Warren said he is not here for approval from the PB on that and J. Gaddy said yes he is, because he needs SEQR. Glenn Warren said he has been to the DEC was told the APA is the jurisdiction under SEQR and H. Koster responded by saying (1) the Town of Bolton PB is the lead agency whenever an applicant applies for something like this, (2) the applicant has to go to the APA, but has to come to the Town of Bolton PB as well and (3) just because an applicant got an okay from the APA, doesn't automatically mean he has an okay from the Town of Bolton. Glenn Warren said (1) he is not familiar with the aspect of the regulations on that aspect of the project that H. Koster is implying would make the applicant seek Town of Bolton PB review on that aspect of the project, (2) he is happy to review H. Koster's opinions of what is required locally, (3) he is happy to comply with applications where the Town of Bolton PB has regulations to request them and (4) he is requesting again that a form of a jurisdictional review be completed on the copy of the forest management plan that he submitted to the Zoning Office last fall and that he be informed of the elements of this long-rang project that the PB feels it would want to review. H. Koster said (1) the applicant is entitled to equipment to build roadways, but the applicant would have to come to the PB for equipment to manufacture materials for the roadways, (2) he thinks the forest management plan is great, but he has a problem with the open space on the peak areas and (3) he has a problem with the applicant's intent to manufacture material for the road. P. Kenyon said in the LC25/45 Zone mineral and gravel requires review by the PB and the APA and this might fall into those guidelines. Glenn Warren said he doesn't consider

his project as mineral extraction, but can understand why the analogy might be drawn. H. Koster said (1) the manufacture of road based material is different than placing road based material, (2) if the applicant wants to manufacture something on the site, he needs to come back before the PB and (3) he would like to make it a condition of approval for the applicant's forestry plan. Glenn Warren said (1) he has not seen local boards take responsibility for approval of this type of process as an aspect in construction in New York and New Hampshire and (2) it is generally something that happens at the state level and (3) once the state determines the use is beneficial, it becomes a construction method and is handled as construction. H. Koster said (1) the PB should still be able to review it, (2) just because the applicant has a permit from the APA, that doesn't give him clear cut right to come in and do what the APA permit is for and (3) the APA is not the ultimate. Counsel said PB review can be a condition of approval. S. Wilson quoted SEQR 6.17.1 for further clarification.

Several PB Members agreed that they are not approving most of what is on the application and are not accepting this application per se. D. Roessler said (1) he is not comfortable looking at a 10-year plan, approving it, then having to deal with problems with it down the line and (2) he would like to see more detail on the map of what the applicant's plans are for the next year and to review it by phases or on a year-to-year or every two year basis. S. Wilson said she is grateful the applicant provided a multi-year plan, but would also like to see it broken up into smaller timeframes. J. Gaddy said it is great the applicant is trying new initiatives, but he has to be considerate of the neighbors too. Counsel asked if the PB would accept for the applicant to give them a Phase I approach, rather than a timeframe, where the applicant would determine when Phase II would come, not the PB. S. Aldrich asked if the applicant could make Phase I from the road up to where he is going to start the stream crossings and Glenn Warren said (1) he could, that is reasonable and (2) he will develop more if the PB will develop a little more in terms of doing a jurisdictional review of the 20-year plan in the Zoning Office to develop what aspects of the project over time, for which he would have to come before the PB and gave the example of the APA process he went through. S. Wilson said the applicant is in the same situation as everyone else that comes before the PB, where they have to make a determination, with the help of P. Kenyon, on whether it has to come before the PB.

P. Kenyon suggested a workshop meeting with a couple of PB Members, herself and the applicant to give some guidance. H. Koster said the application before the PB is for timber-harvesting, which doesn't involve roads or tire shredding and asked the applicant if he is amenable to giving the PB a plan for the next year with the information he has here tonight and Glenn Warren answered by saying that he would like to have a jurisdictional determination and to return to discuss everything the PB feels needs to be discussed. H. Koster said this PB is not in the process of just trying to delay the applicant, that's not how this PB operates, but this is new territory for them and the PB does have a review process that the applicant must come before the PB for some of the items listed. The workshop meeting was scheduled for Monday, July 25, 2005 at 1:00 pm to be attended by C. Mason, J. Gaddy, P. Kenyon and the applicant.

Counsel said (1) they are used to dealing with concrete context of “this is what I wish to do or this is the activity that I wish to undertake and I seek your permission” and then the PB goes through the review process, (2) here, Glenn Warren has suggested some larger scale ideas, but you cannot get permission on ideas, nor can the PB deny permission on ideas, (3) the applicant picks the project, calls it Phase I, presents it, he thinks the PB is able to deal with it, (4) if Phase I is everything for the whole 20 years, not that the Town of Bolton has ever seen something like that, he guesses it is possible, but it is not in this application and (5) this application is a collection of some good, big ideas.

Motion by D. Roessler to table the application until next month. Seconded by S. Aldrich. All in favor. Motion carried.

6) SD05-14 COFFEY, VIRGINIA and SAUTER, DIANE. Seek to amend a previously approved plat 70-1 known as Pioneer Log Cabin Village, specifically to merge lots 35 & 36. Section 156.16, Block 1, Lot 19, Zone RCM1.3. Property location: 39 Pioneer Village Road. Sketch Plan Review. Subject to SEQR.

Diane Sauter gave an overview and said (1) they are looking to join two pieces of two lots that were purchased separately, which are both owned by Virginia Coffey and (2) they have no intention of ever building anything else there and it is completely wooded.

The PB found no concerns with Section 200-31A-D of the zoning ordinance and C1-C7 on the SEQR form.

Motion by D. Roessler to accept the application as complete, waive a public hearing, convert it to final plat and grant final approval as presented. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. Seconded by C. Mason. All in favor. Motion carried.

7) SD05-15 WEINSCHENK, GEORGE & BARBARA and SEAMANS, BRETT. Seek to amend a previously approved plat SD89-11 SMDTT Real Estate Subdivision, last revised 04/25/02 (SD02-05), specifically to create a lot line adjustment between those parcels designated as 199.04, Block 1, Lots 7.2 & 7.13, Zones RL3, RR5 & LC25. Property location: 443 Coolidge Hill Road. Subject to SEQR. Sketch Plan Review.

George Weinschenk gave an overview and said (1) he and Brett Seamans purchased lots 4 and 5 and when the survey was done, the line was drawn incorrectly between the two lots, (2) he owns down to the pond and Brett Seamans owns the pond, (3) Brett Seamans cannot get to the pond, since it is George Weinschenk’s land and (4) he will be giving Brett Seamans a triangle portion of land by the pond and in return, Brett Seamans will be giving George Weinschenk a triangle portion of land in the back.

The PB found no concerns with Section 200-31A-D of the zoning ordinance and C1-C7 on the SEQR form.

Motion by D. Roessler to accept the application as complete, waive a public hearing, convert it to final plat and grant final approval as presented. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by S. Aldrich. All in favor. Motion carried.**

8) SD05-16 MOWERY, BRUCE and RONNING, ROLF. Seek to amend a previously approved plat SD03-19 approved by the Planning Board on October 16, 2003, specifically to create a lot-line adjustment between those parcels designated as Section 139.00, Block 1, Lot 26.21 & 26.22, Zone RL3. Property location: New Vermont Road. Subject to SEQR. Sketch Plan Review.

Bruce Mowery gave an overview and said (1) basically there were two lots that were approved in the 1980's, (2) in October 2003, a lot-line adjustment was created to allow Rolf Ronning to possibly put in a proposed roadway, (3) upon Rolf Ronning's findings, it wasn't a feasible place to put the road, so as a result, they want to put the lot line back to where it was originally.

D. Roessler asked if the change would be with the curved line and Bruce Mowery answered by saying that the curved line would be going back to a straight line down the center of the property again which is the way it was originally approved back in the 1980's.

J. Gaddy said he would like the current drainage pattern on the southernmost lot be shown when the map gets entered in its final form. Bruce Mowery said (1) when he purchased the lots originally, the Town was going to move the culvert and (2) he doesn't know if the Town has any plans to re-direct that culvert. J. Gaddy said the Town doesn't have any plans to re-direct that culvert, because it got clogged up in the last storm, has just been cleaned out, reinstalled and re-set and will be paved over again. Bruce Mowery asked if a new culvert was put in and J. Gaddy answered by saying the culvert was covered up, sending water down on the road then onto the property, so the drainage pattern exists and it should be reflected in the final map. Bruce Mowery said the culvert has to be placed there for that road to continue and J. Gaddy said he wants acknowledgement of that on the final map.

The PB found no concerns with Section 200-31A-D of the zoning ordinance and C1-C7 on the SEQR form.

Motion by J. Gaddy to accept the application as complete, waive a public hearing, convert it to final plat and grant final approval as presented with the condition that the drainage pattern for the existing ditch located on Lot 1 be shown on the mylar. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by D. Roessler. All in favor. Motion carried.**

9) SD05-17 DR. BRANDOW, EDWARD and DENISON, JULIE. Represented by Attorney John Ray. Seek to amend a previously approved plat (Trout Lake Shores Subdivision), specifically to create a lot line adjustment between those parcels designated as Section 185.00, Block 3, Lots 32 & 31.2, Zone RCL3. Property location: 7 Bluquill Road. Sketch Plan Review. Subject to SEQR. NOTE: this lot line adjustment was originally approved by the Planning Board on June 17, 2004 (SD04-17) but never filed, so is therefore considered null and void.

Attorney John Ray, representing Edward Brandow and Julie Denison gave an overview and said (1) it is the same lot line that was done a year ago, but the lot line was not filed, (2) there have been a couple of conditions added at the request of the APA, (3) it is the same thing that has already been approved and (4) he is asking the PB for approval again.

J. Gaddy asked if the end effect when the applicant previously came before the PB is that the PB reactivated everything and Atty. Ray said yes, the existing lot boundary line of Julie Denison is proposed to be adjusted to include the 1.2 acre parcel.

The PB found no concerns with Section 200-31A-D of the zoning ordinance and C1-C7 on the SEQR form.

Motion by D. Roessler to accept the application as complete, waive a public hearing, convert it to final plat and grant final approval as presented. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by S. Aldrich. All in favor. Motion carried.**

10) SD03-27 SANTO, JOHN and MASTERS, MELANIE. Represented by Atty Mark Rehm. Seek to merge those parcels designated as Section 199.00, Block 1, Lot 20.1 & 20.2, then divide same into 4 lots, Zones RR5 & RR10. Property location: 781 Wall Street. Sketch Plan Review. Minor Subdivision. Subject to SEQR. This item was tabled last month pending additional information.

Attorney Mark Rehm, representing John Santo and Melanie Masters, gave an overview and said (1) he submitted information to the Town regarding ownership of strips of land along the surveyed boundaries of the lot in question, (2) there is no clear definition of where the roads were, but after talking with the surveyor, this is an accurate survey of the boundary line of the property and indicates where Wall Street is currently, (3) regarding the lands owned by Finley, the right-of-way is not mentioned in the Finley deed, (4) the Finley property right-of-way is referenced in two previous deeds purchased from Kathleen Knickerbocker, giving rights for people to use to go over and into the public road and (5) the property lines are as presented.

PB Members reviewed all of the deeds provided. J. Gaddy said that on the proposed sketch plan he would like the clearing limits shown being restricted to the 20' clearing limit regulation and H. Koster said the PB would prefer the applicant take the shown clearing limit lines taken off the maps and whoever builds on these lots have to abide by

the Town Ordinance. Atty. Rehm said the clearing limit lines shown were requested by the APA. H. Koster said the applicant can put a note on the maps that the clearing limits shown are as required by the APA, but do not meet the standards of the Town of Bolton.

The PB found no concerns with Section 200-31A-D of the zoning ordinance and C1-C7 on the SEQR form.

Motion by D. Roessler to accept the application as complete, waive a public hearing, convert it to final plat and grant final approval as presented with the condition that a map note be added to the mylar stating that the clearing limits depicted on the map are for APA jurisdictional purposes only. Landowners must abide by the Town of Bolton clearing regulations outlined in Section 200-51 of the zoning ordinance. **Seconded by J. Gaddy. All in favor. Motion carried.**

11) SD05-11 BAER, GEORGE & MARY. Represented by Dave Barnes of The LA Group. Seek to divide into 7 lots (6 building lots & 1 common area) that parcel designated as Section 186.14, Block 1, Lot 60, Zone RCH5000. Property location: 4618 Lakeshore Drive. Major subdivision. Preliminary plat. Subject to SEQR. This item was tabled last month pending additional information.

Dave Barnes of The LA Group, representing George and Mary Baer, gave an overview of the proposal and said (1) they have addressed Town Engineer Tom Nace's and Lake George Waterkeeper Chris Navitsky's comments/concerns and (2) they have received the DEC SPEDES permit for sanitary disposal.

J. Gaddy said (1) the ZBA asked the PB to review this and the PB recommended Lot 5 be moved back westward and further from the lake and (2) it seem as though it has not been that way. Dave Barnes said they are presenting it according to the way the PB suggested it be developed and according to the way it was approved by the ZBA. J. Gaddy said the area shown on L2 where there is a removing distance of trees, that area is where the PB was trying to keep the buildings off of, that was approved by the ZBA.

D. Roessler asked (1) what prevents the lot owner who purchases Lot 5 the proposed building envelope site shown on map L3 from building a lot closer to the lake within the setbacks and (2) if the PB could restrict Lot 5 to be as close to the cul-de-sac as possible and H. Koster said the PB can set such a restriction.

S. Aldrich asked if the original PB recommendation was for Lot 5 to be eliminated and P. Kenyon answered by saying the original recommendation was to eliminate one lot, but it was never stated that Lot 5 had to be done away with. Dave Barnes said (1) they requested they be allowed to reconfigure the lots at the end, because the way the lots were configured previously, (2) it wouldn't have worked to eliminate Lot 5, so they moved the cul-de-sac back, (3) he believes the resolution stipulated that they could build no farther than the cul-de-sac in its previous location and they have pulled the house back 20' behind the previous cul-de-sac location and (4) they reserved the right to reconfigure the lots to make it work with six rather than seven lots.

D. Roessler asked if this proposal would have to come back before the PB for site plan review, if it is given final approval tonight. Dave Barnes said (1) their intention is to confine the actual dwelling unit to the box on the plan and (2) it is his understanding that is what the PB wanted and H. Koster said (1) yes, early that was what the PB wanted and (2) he would definitely put it in the motion that the buildings have to stay within the envelope indicated on the map. P. Kenyon said that is what was done with Bluebird. Counsel asked if the building envelope includes garages, porches and decks. P. Kenyon provided the PB with details of Bluebird for reference.

S. Aldrich said (1) her concern with the house on Lot 5 has always been whether or not it was going to be on that ridge, to the east or to the west, (2) her understanding is that it is on the ridge and somewhat to the east end as well, (3) the northeast corner of the house on Lot 5 will come within 8' of the existing utility building, which is well over the crest of that ridge and is putting everything into the lake and (4) the LGA has expressed the same concern. Dave Barnes said according to their topography, that house is on the crest, which is 400' from the lake. S. Aldrich said it is basically ledge from there to the lake.

H. Koster said (1) he believes when the PB asked for the relocation on the cul-de-sac and moving Lot 5 further to the west, he believes the applicant is in the area the PB discussed early on with this proposal and (2) as far as that house being on top of that ledge is a fact of life. S. Aldrich said her concern is stormwater and aesthetically, in that the applicant will be taking a fair amount of trees out of there. H. Koster said (1) the stormwater was approved by Tom Nace and (2) the limitation for tree cutting is going to be 20' from that house. S. Aldrich said (1) the location where the applicants are siting that house is going to take out a considerable amount of full growth trees that are already there and (2) there will always be some openness from the adjoining property as well. Dave Barnes said there is still a substantial amount of trees there, they are leaving a 200' buffer of trees and taking out about 40'-50' of trees and H. Koster said this is a design the PB asked for early on in this project. Dave Barnes said (1) they can't move the cul-de-sac closer to Route 9, because they won't meet setbacks and (2) they are adding more trees in their vegetation plan and can add more if there is a concern about replacing vegetation that has been removed.

H. Koster asked what the applicants' intent is of what is included inside the designated building envelopes and Dave Barnes answered by saying (1) that is where actual living space is confined to and (2) their intent and interpretation is that garages, decks and porches will be built outside of that box. H. Koster said (1) he doesn't have a problem with that other than on Lot 5 and (2) he suggests the eastern line of that designated area on Lot 5 be the extent of any building. Dave Barnes said it makes more sense to put the garage on the front of the building on Lot 5, so his understanding is that if the PB puts a limit on the easterly line, then the lot owner can still put a garage on the front and H. Koster said yes, the easterly line would be the construction limit of everything (garages, porches, decks, etc.) because the PB is trying to save what is left of the trees that are there.

S. Aldrich asked if the house on Lot 4 has been moved, because she thought the three on the southerly end of the property ran basically in a line and Dave Barnes said no, the house on Lot 4 has always been in the position as it is currently shown.

J. Gaddy said (1) when Bluebird put in the PB failed to anticipate the long-term effect on the neighboring resort businesses and (2) the PB put restrictions on construction times for Victorian Village and he would like to have the same considerations of restricted construction times put on this project as well.

J. Gaddy said with major subdivisions the PB has a recreation fee that can be applied to the project if the applicants do not have a proposed recreation area or facility that could be used by the public and asked if the applicants have any proposals made for any recreation on this project. Dave Barnes said they do not have any recreational proposals. H. Koster said (1) the recreation fee would be \$400 per home and it gets paid on the issuance of the Certificate of Compliance, so it costs the homeowner, not the subdivider and (2) the recreation fee should be listed on one of the plans so the homeowners are aware that there is a \$400 recreation fee.

The PB found no concerns with Section 200-31A-D of the zoning ordinance and C1-C7 on the SEQR form.

Motion by D. Roessler to approve the preliminary plat, convert it to final plat, waive the public hearing and approve the final plat with the following conditions: (1) the \$400.00 recreation fee is to be paid by the lot owner prior to the issuance of a certificate of compliance, (2) prior to any variance applications being submitted, the lot owner must get approval from the homeowner's association in writing for the Zoning Office, (3) only one-story garages, decks and unenclosed porches (which are not permitted to be screened-in or enclosed) be allowed outside the specific footprint, which includes overhangs, (4) any revisions made to the stormwater plan must be updated on the maps and be approved by the Town Engineer, (5) house locations be restricted to the proposed 30' X 50' building envelope for each lot, (6) specifically on Lot #5, the house location is to be in the proposed site and not closer to the lake and if at all possible, be closer to the cul-de-sac, (7) specifically on Lot #5, all stormwater shall be directed toward the cul-de-sac and away from Lake George, (8) specifically on Lot #5, any construction to the east side of the proposed building envelope needs to come back for site plan review and approval from the Planning Board, and (9) the times of construction from July 1 through September 10 be restricted between the hours of 8:00 am and 7:00 pm on Monday through Saturday and on Sundays from 9:00 am through 7:00 pm to cut down on the noise during peak tourist season, with times of construction for the remainder of the year according to the Town Ordinance. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by S. Wilson. 5 in favor. 1 (S. Aldrich) opposed. Motion carried.**

Counsel asked (1) if the PB's definition of an unenclosed porch means that unenclosed porches should not be permitted to be screened-in or enclosed and (1) if somebody

wishes to screen-in an unenclosed porch, then they would need some relief from that prohibition and the PB Members unanimously agreed that Counsel is correct on both items.

12) SPR05-25 BAER, GEORGE & MARY. Represented by Dave Barnes of The LA Group. In accordance with Section 125.13C1 of the stormwater regulations, seek Type II Site Plan Review for a major project, specifically to remove more than 15,000 sq ft of vegetation: 90,145 sq ft is proposed. Section 186.14, Block 1, Lot 60, Zone RCH5000. Property location: 4618 Lakeshore Drive. The WCPB recommended no County impact. Subject to SEQR. This application is in conjunction with SD05-11 and was tabled last month pending review and approval by Town Engineer Tom Nace.

H. Koster asked if the PB should include in the motion that anything outside the building envelope needs to come back for PB review since the stormwater is designed for the building envelope shown and Counsel answered by saying (1) the PB needs to include that in this resolution, (2) it is not possible, nor required for an individual lot, when it is going to be developed inside the envelope, need not be back before the PB for individual lot stormwater and (3) should that same lot have a plan to exceed the building envelope, it will need to come back before the PB for individual lot stormwater review. H. Koster said Counsel is correct. Dave Barnes asked if that means that any proposed building outside of the 3100 square feet shown on L7, excluding driveways, would possibly need to come back before the Zoning Office and possibly the PB for individual lot stormwater review and H. Koster said yes, the driveways are figured into the envelope otherwise the applicant would never have gotten approval from Tom Nace. Counsel asked if it is correct that (1) if there is a plan where the building is entirely within the building envelope and some accessory garage or porch is outside the envelope and the driveway totally and comprehensively is under 3100 square feet, it does not require coming back and the PB Members said that is correct.

J. Gaddy said (1) there is a consensus to approve this major stormwater project and (2) based upon the materials submitted and accepted as part of the record, the findings are as follows;

1. The project meets the design requirements and performance standards set forth in the code
2. The project will not have an undue adverse impact regarding the criteria set forth in the code
3. That the stormwater control measures proposed will function as designed and constitute the best possible methods feasible and practicable for the project site.
4. Adequate and sufficient provisions are presented as part of the plan to assure future function or responsibility in the event of failure.
5. The project will not contribute to flooding, siltation, or streambank erosion and will not pollute Lake George, its tributaries or streams with run-off.

No County impact.

The PB found no concerns with Section 200-31A-D of the zoning ordinance and C1-C7 on the SEQR form.

Motion by D. Roessler to accept the application as complete, waive the public hearing and grant final approval with the condition that if development upon any of the individual lots exceeds the approved 3,100 square foot building envelope, it will require major stormwater approvals from the Planning Board. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by S. Wilson. All in favor. Motion carried.**

13) SPR05-10 WESTWOOD FOREST EAST. Rolf Ronning. 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. 3.71 acres is proposed. 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. No action was taken by the WCPB. Subject to SEQR. This application is in conjunction with SD04-32, and was tabled last month pending review and approval by Town Engineer Tom Nace.

This item was tabled pending Tom Nace's review.

14) 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.

Rolf Ronning gave an overview and said (1) there is a conflict between the LGPC stormwater regulations requiring infiltration of 100% of the stormwater and the DEC regulations that want retention of at least 20% (which would be that first flush on thunderstorms and wet ponds which are lined with clay and do not infiltrate), so they are redesigning some stormwater basins to include wet ponds and infiltration basins to satisfy both agencies, (2) Tom Nace is agreeable to what they are doing with stormwater and the applicant believes they will be ready with stormwater within a week, (3) he requests the PB schedule a public hearing for August, with the understanding that if Tom Nace has not signed off before the paper deadline, the public hearing will be adjourned, (4) he is requesting the PB allow the requested 22' road to be an 18' paved driving surface (roadway) with a 4' paved bike/jogging/walking trail.

J. Gaddy said (1) the road proposal seems reasonable, (2) he feels smaller size roads can still be adequate, (3) Lake Winds Road, which is not paved, is not 22' wide and has heard no concerns that emergency vehicles cannot pass on that road and (4) the proposed jogging/bike path is a step in the right direction in addressing recreation.

Rolf Ronning said (1) they will be adding the requested culvert size and labels on this map before final submission and (2) he would like to show 18' roadway and 4' recreational path on the final map, if that is acceptable to the PB. H. Koster asked what the proposed shoulders would be and Rolf Ronning answered by saying the shoulders would remain the same, being 2' everywhere and 5' where the bank is greater than 5'. D. Roessler asked if the applicant is proposing an 18' paved driving surface followed by a 4' unpaved recreational path followed by 2' shoulders everywhere, except where the drop-off exceeds 5', then there would be 5' shoulders and the Rolf Ronning said yes.

D. Roessler said while the Fire Department has expressed its concerns with the width of this particular road and given its recommendations, the PB needs to look at each road individually. Rolf Ronning said most of the Town roads are 18' wide. H. Koster said if the PB agrees to 18' wide paved road with the same shoulder dimensions, the applicant cannot reduce the width by the pond, the pump, turnaround or hammerhead and all of those areas must be paved. H. Koster and J. Gaddy agreed that if the PB is allowing a reduction in road width, they want to see a reduction in the area being cut down. The PB Members unanimously agreed that changing the road specifications to an 18' driving surface followed by 2' shoulders and 5' shoulders where the drop-off exceeds 5' would be acceptable and would be fine for the Fire Department and detailed the paving specifications in the motion.

D. Roessler asked if the pipe that is going to run under the road is for high water in the retention pond and H. Koster said (1) that is 100-year storm overflow and (2) the applicant is showing the overflow running into the neighboring property and the theory of stormwater is that you should never have anything going off your property. Rolf Ronning said he would change it to a storm-lined ditch.

D. Roessler asked about the overflow into the brook shown on B1 and Rolf Ronning responded by saying that it will run into the brook, because the brook is the lowest point. D. Roessler asked if the applicant got DEC approval to put the culvert in as shown. H. Koster asked if culvert detail is provided and if there will be a bottom on it, which was previously proposed, because it has more strength. Rolf Ronning said the culvert has to be bottomless. J. Gaddy said the other culvert the applicant put in at another area held up fine in the June 2005 storms. There was some discussion on fluting the stream and examples of what the state has done were given.

The PB asked what S3 is and Rolf Ronning said it is the required 1" to 100 feet required PB map of the corner of one of the lots. D. Roessler requested the applicant add the Lot number onto S3 for reference and Rolf Ronning agreed.

J. Gaddy said the applicant moved the road on Lots 6 and 7 as requested by the PB and Rolf Ronning said to his knowledge, all of these maps have incorporated of the PB's previous requests.

There was further discussion on the PB's requests for additional labeling and detailing on future maps as referenced in the motion.

J. Gaddy said the SEQR long form regarding wetlands and water surface area, he would like the applicant to be prepared to review the numbers at the next meeting. Rolf Ronning said the whole common area is 31 acres, it is not just the wetlands, which is why the numbers are as presented.

J. Gaddy said the letter the PB received from Tom Nace reflects that the concerns will be addressed within two weeks. H. Koster said the applicant needs to understand that if everything is not complete, the proposal will not go to a public hearing and Rolf Ronning said (1) he understands that, (2) he told Tom Nace he would give him all of the complete information on Monday, August 1, 2005 and (3) there is a written contract with the engineers that Rolf Ronning is to have the information in hand by 9:00 am Monday, August 1, 2005. P. Kenyon said (1) she would need to hear from Tom Nace by August 5, 2005 and if Tom Nace has not signed off by August 5, 2005, then there will be no public hearing scheduled and (2) she will also need complete applications and all revisions by August 5th. Rolf Ronning said P. Kenyon will receive all the needed information on August 5, 2005.

H. Koster said the culvert may be slow moving, but it also gets very wide when it's in flood and to narrow it down to a 144" culvert adds a lot of pressure to it and asked if Tom Nace has looked at the culvert. P. Kenyon said she was looking for a letter detailing further concerns and while Tom Nace's letter states there are further concerns that are to be addressed in the next two weeks, the letter does not give a list of what those concerns are. Rolf Ronning said he'd like to do here the same thing he did at Hendricks Road and H. Koster responded by saying that (1) this is a little different situation, where this widens out and is a flatter area and (2) his concern is that the applicant is going to force water against his roadbed when that widens out there. P. Kenyon said she would ask Tom Nace to specifically check out the culvert.

Motion by J. Gaddy to accept the application as a sketch plan needing the following conditions addressed prior to the ability to have the public hearing: (1) the road size changed from 22' to 18' paved driving surface with a 2' unpaved compacted shoulder on each side and a 5' unpaved compacted shoulder in areas where it drops off more than 5', (2) the turn-around and pull-off by the fire pond, the hammerhead and the extra parking area by the pond are all to be paved, (3) to change the stormwater drainage for any proposed system to retain the overflow of any of the stormwater on the property, as opposed to diverting it to the neighbors' property, (4) need to get a furnishing of the specific details for the actual culverts that are being proposed for the stream crossings, so that the actual engineering details can be reviewed by Town Engineer Tom Nace, (5) the applicant must meet the specified deadlines for Town Engineer Tom Nace to sign-off on August 5, 2005 to allow the Zoning Administrator the necessary time for processing the application. At that point, if all those conditions are met, it will be considered a completed sketch plan and a public hearing will be scheduled for the August 18, 2005.
Seconded by D. Roessler. All in favor. Motion carried.

15) SPR05-11 SADDLEBROOK SUBDIVISION. Rolf Ronning. In accordance with Section 125.13C1 of the stormwater regulations, seeks Type II Site Plan Review for a major project, specifically to remove more than 15,000 sq ft of vegetation. 30 acres proposed: total build out is 30 acres, road alone is 12 acres. Section 139.00, Block 1, Lot 48, Zone RL3. Property location: 83 High Meadow Farm Road. Subject to WCPB review. Subject to SEQR. This application is in conjunction with SD04-16 and was tabled last month pending review and approval by Town Engineer Tom Nace.

Motion by D. Roessler to table this application until next month pending further information as outlined in the motion for Saddlebrook Subdivision SD04-16. **Seconded by S. Wilson. All in favor. Motion carried.**

OTHER BUSINESS:

S. Aldrich asked what the PB's position is on Long View Lane and P. Kenyon said she does not know what authority the PB has over a road that has been there. H. Koster answered by saying (1) the PB has a long-running policy that the PB stays out of homeowner's associations, because 90% of them would love to get the Town involved and the Town wants to stay out of it, (2) it is a private association road, so this is a civil matter between the residents and the homeowners association. Counsel totally agreed and verified that the PB is not going to change its existing policy on this matter.

S. Aldrich asked if it becomes an issue of getting an emergency vehicle in there, if it would be up to the Fire Company or Rescue Squad to say they won't go in there and Counsel answered by saying (1) it would be up to Marv Lemery, who is the Fire Coordinator, because he will know where there are such violations and circumstances and he can create proceedings if he chooses and (2) Marv Lemery does offer from time to time opinions as to that issue and (3) if that is an issue, then S. Aldrich should tell Mr. Lemery about it so he can review it.

Meeting adjourned at 10:15 pm.

Respectfully submitted by
Jennifer Torebka
Recording Secretary
08/08/05