

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday, June 23, 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: Acting Chairman Henry Caldwell, Sandi Aldrich, John Gaddy, Chauncey Mason, Don Roessler, Susan Wilson, Zoning Administrator Pam Kenyon, Town Counsel Michael Muller

Absent: Chairman Herb Koster

PUBLIC HEARING

Acting Chairman H. Caldwell opened the public hearing at 6:02 pm.

1) 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. Major subdivision. Preliminary plat. Subject to SEQR.

David Barnes, representing George and Mary Baer, gave an overview of the project and said (1) there are 11 existing buildings on the 3.25 acre parcel, which are basically seasonal rental units of Mayfair Motel, (2) they want to convert the site into six single-family dwelling lots, (3) there is one existing single-family home lot and they want to add five single-family homes to the site, (4) the plans were referred to Town Engineer Tom Nace and they since have received and addressed his comments, (5) they have met with the Lake George Waterkeeper and will address his comments, (6) they have made an application for a SPDES and are awaiting their response, (7) the APA does not have jurisdiction over this project and (8) they have also made an application of plans for a public water supply improvement to the Town Supervisor and to date they have received no response to that inquiry.

From the public, Meredith McComb, ZBA Member, said (1) the ZBA asked for the PB's input on this project then chose to ignore the PB's recommendation on removing the lot closest to the water, (2) it was the ZBA's understanding that the site for this house is behind the crest of that natural saddle that exists on the property, which she thinks is why they felt there wouldn't be any environmental impact, because water would run away from the lake on it, (3) she is not sure from the plans if the house is sited at the crest or behind it, but she wanted to share that information that when the ZBA overrode the PB's recommendation that was in addition to the fact that the applicants are good people and there was some sentiment the applicants be able to build wherever they wanted to, there was very much the impression, that the house would be behind that saddle and asked if that was accurate.

David Barnes said (1) the last time they were before the ZBA they showed where the proposed location of the house is with respect to the previous plan, (2) basically the new proposed house location is in the same spot as the former cul-de-sac, so it has been moved back about 100', (3) the house is basically on the crest, (4) he doesn't think the language that came out of the ZBA resolution mentioned the crest at all, but rather the house is not to be sited past the cul-de-sac, (5) they have moved the house back to where the cul-de-sac used to be, so they feel they have sited the house according to the ZBA's resolution.

S. Aldrich said according to the May 2005 PB Minutes, she asked David Barnes if the house lies to the west of that crest or rise and his answer at that point was yes, and asked if the house has been moved closer to Lake George. David Barnes said (1) he does not believe that was his answer and (2) he believes his answer was the house is on the crest. S. Aldrich asked if Mr. Barnes is mistaken, if the minutes are mistaken or if the house has been moved and Mr. Barnes answered by saying (1) the house has not been moved, (2) maybe he didn't understand what she was talking about or misspoke, (3) the house is on a rocky knoll that is slightly elevated, it is on a crest. S. Aldrich asked if the house is sited in the general area of the tool shed/utility house and Mr. Barnes said that is correct.

No correspondence.

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

REGULAR MEETING

H. Caldwell opened the regular meeting at 7:11 pm by asking for corrections to the Thursday, May 19, 2005 minutes. There were no changes to be made.

Motion by D. Roessler to approve the May 19, 2005 minutes as presented. Seconded by S. Aldrich. All in favor. Motion carried.

1) 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. Major subdivision. Preliminary plat. Subject to SEQR.

S. Aldrich said on page 10, question 11 of the SEQR Long Form, the applicant answered no to the first part of the question, then yes to the second part and asked for if the proposed action will create a demand for any community providing services, recreation, education, police, fire, etc. and if it will add to it. David Barnes answered by saying no and (2) it will create a demand to the services, but it is not going to create an additional demand.

J. Gaddy asked if the footprints are showing where the houses can be placed and David Barnes answered by saying yes that is correct. J. Gaddy said especially on lot 5, he

would like to see that the house be further to the west, rather than being as far to the east as possible, which would significantly reduce the separation from the lake in addition to moving it from the crest of the slope to the downhill lake side that way. David Barnes said (1) they wanted to leave some space in the front of the house in case the proposed potential homeowner wants to build a porch in front of the house, (2) they prefer to keep it at least 10' from the setback line and (3) it is possible they wanted to leave room for a garage in case the potential owner wants to put a garage in front of the house.

S. Aldrich asked if the house will stay where it is shown and if it will be going any farther east and David Barnes answered by saying no, the house is not going to go any farther east. J. Gaddy said (1) the PB is discussing this as a condition to be put on site plan review, (2) if someone comes in and wants to put a garage all the way to the east side it is going to make a significant change, (3) he thinks the PB discussion prior to sending this to the ZBA is that the PB was trying to maintain that vegetative cover between the project site and Lake George. D. Roessler said the PB could make the condition for site plan review on that particular lot or all the lots before a building permit is granted. C. Mason said what is being talked about is a 4-6 feet of grade elevation, but the vegetative cover should be maintained. David Barnes said (1) they have left about 20' of space at the front for a garage, (2) they showed clearing in the back of the house in case the homeowner wants to build a deck and (3) they are showing where the houses are going to be and once the plans are approved, the living space will be confined to those boxes. J. Gaddy said (1) what they are seeing is people coming in and putting their septic on the lake side, then having to get well equipment down there, and what it ends up doing is having a tremendous impact on the vegetative cover on the lake side, which is their concern now and (2) it would be obvious that a homeowner would want to build a garage on the east side and when he sees the lot lines at this point, restricting the houses to the projected envelope would be great, but there is still the concern it could grow to where the dotted lines are and vegetation is seen right now. David Barnes said (1) their belief is the grades in the back of the house will basically prevent anyone from accessing it from that cul-de-sac with a car, (2) the logical place to put a garage would be to the front or the side of the house and (3) the house envelope represents what they feel is the extent of development on that lot.

S. Aldrich asked if the 30' X 50' envelope is living space only and the garage and deck would be more and David Barnes answered by saying potentially yes.

The PB was in agreement that it wants to have site plan review on each site. D. Roessler asked if the applicant has a Homeowner's Agreement and David Barnes answered by saying yes.

There was a discussion regarding the approved building envelopes for the Bluebird Cottages subdivision. P. Kenyon said she would research the PB specifications for Bluebird and report back to the PB at its next meeting.

H. Caldwell asked that the proposed building envelopes for Mayfair be noted on each lot on the map.

Motion by J. Gaddy to accept as preliminary plat with the condition that Zoning Administrator Pam Kenyon reviews the Bluebird Subdivision (SD03-23) as it pertains to the approved footprints allowed. **Seconded** by D. Roessler. **All in favor. Motion carried.**

2) 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.

Motion by D. Roessler to table the application pending approval by Town Engineer Tom Nace. Said approval must be received by July 15th in order for the application to be placed on the July 21, 2005 Planning Board agenda. **Seconded** by S. Aldrich. **All in favor. Motion carried.**

3) SD05-13 TOWN OF BOLTON LOCAL DEVELOPMENT CORP. Represented by Matt Steves of Van Dusen & Steves, LLS. 1) Seeks to divide into two lots that parcel designated as 171.15-1-36; 2) multi-lot line adjustment between 171.15-3-36 & 171.15-3-44, 171.15-3-26 & 171.15-3-49; and 3) to merge Parcels 171.12-3-50 through 53 into 171.15-3-36. Zone GB5000. Property location: Norowal Road known as Norowal Marina. Sketch Plan Review. Minor Subdivision. Subject to SEQR.

This agenda item is corrected as follows (see *italics* for corrections):

3) SD05-13 TOWN OF BOLTON LOCAL DEVELOPMENT CORP. Represented by Matt Steves of Van Dusen & Steves, LLS. 1) Seeks to divide into two lots that parcel designated as 171.15-3-36; 2) multi-lot line adjustment between 171.15-3-36 & 171.15-3-44, 171.15-3-39 & 171.15-3-49; and 3) to merge Parcels 171.15-3-50 through 53 into 171.15-3-36. Zone GB5000. Property location: Norowal Road known as Norowal Marina. Sketch Plan Review. Minor Subdivision. Subject to SEQR.

Matt Steves, representing the LDC, gave an overview of the project and said they are proposing (1) a two-lot subdivision to create the 7,666 square foot house lot that wraps around the existing house on Sagamore Road, (2) merging five parcels into the rest of the marina parcel, (3) to move a lot line to the west on the north east corner on the shore to increase the lot size to a half acre in conforming with the existing lines of occupation and usage of the marina, (4) the application went before the ZBA on 06/20/05 and obtained the variances necessary for the creation of the lot around the house parcel and for the lot line adjustment on the parcel on the shore, with the only condition that those variances would be in effect only if the property was sold to the LDC, (5) there was no County impact, and (6) on the proposed house site, no new work or buildings are proposed and the lines drawn are based upon the usage that surrounds the house.

H. Caldwell asked if the first dock to the east won't be part of the new marina and Matt Steves said that is correct. Mr. Walter F. Lamb Jr. (Buzz) said (1) that dock has never been part of the marina and (2) it was strictly for use of the residents.

Matt Steves said there will be a net reduction of five buildable lots. Walter F. Lamb Jr. said the parcel on Sagamore Road is not where the museum is, but it is the little cottage that sits back in the woods to the east, so the museum property stays with the marina.

S. Wilson asked if stormwater management is required and Counsel answered by saying it is not really needed, as no buildings are being made, enlarged or removed.

H. Caldwell asked about reparation rights on the lot line adjustment and potential problems with the LGPC and Matt Steves said no, they are not redoing any docks or structures, just a movement of the lot line and the only requirement is the Town for a setback of 20' and the variance has been obtained for that. Counsel said civilly there will be an easement that allows the Town's utilization of those docks and it will all be worked out.

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 conditional upon conveyance to the Local Development Corporation as shown on map entitled "Town of Bolton Local Development Corporation" prepared by Van Dusen & Steves Land Surveyors, dated 04/04/05, last revised 05/20/05. If conveyance does not take place, this subdivision application shall be null and void. 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.**

4) SPR04-25 MOECKER, MICHAEL. Represented by John Wells. As a condition set forth by the Planning Board when approving SPR04-25 for the construction of a single-family dwelling on August 19, 2004, seeks to review required planting plan. Section 199.12, Block 1, Lot 20, Zone LC25. Property location: Lake Winds Road being Lot A of the Lake Winds Subdivision.

John Wells, representing Michael Moecker, gave an overview of the plan and (1) said the proposal is to do some planting areas to the north of the house with bushes and perennials, (2) said there will be privacy filtering between the neighbors, but nothing to a large extent and (3) read from a letter from Mr. Moecker (see letter on file for specifics), which had been presented to the PB, regarding the eastern exposure of the house.

J. Gaddy said (1) the way the house is filtered now is admirable, (2) the PB's concern with hillside clearing has been accentuated by last week's storm and (3) asked how the PB goes about encouraging more homeowners to comply with keeping up existing vegetation and trees. C. Mason said the topic should be added to the work session.

J. Gaddy said on the south side, the PB is trying to keep the clearing to approximately 20' and it looks to be 45' from the foundation to the east. John Wells said the reason for the 45' is because that area has been cleared to accommodate the septic system and the leach field. H. Caldwell said the applicant has left a lot of trees behind the house as well.

Regarding the tree spacing 15' apart, S. Aldrich asked if a 6" tree at breast height within the 15' would be taken out and John Wells said as stated in the letter, the applicant will not clear cut the area representing 30% of the lake view, but will clear brush and maintain the average size trees. S. Aldrich asked what would be done if there were three trees within 15' and John Wells answered by saying (1) his feeling is that if there are three trees in a 15' area, one will be maintained and two will go, (2) nothing of mature tree size that is there is going to be cut down, but they are talking about the area in between the mature trees, which are saplings of less than 6" diameter at breast height and the applicant will maintain one of those approximately every 15 feet to continue the filtering across the front of the property. J. Gaddy (1) said he estimates there are at least 40 mature trees and (2) asked if the mature trees would remain and if there would be a breeding stock coming up. John Wells responded by saying yes, the mature trees would remain. S. Aldrich said her feeling is that anything at 6" breast height should remain, even within the 15' areas.

Motion by J. Gaddy to accept the letter received by the Zoning Office on May 20, 2005 as a letter of intent to the planting plan for SPR04-25, it is the Planning Board's understanding that the mature trees will not be removed and that the scrub brush will be allowed to grow and will be cleared allowing immature trees 15' apart to be grown in that area, waive a public hearing, declare a negative declaration and grant final approval of the site plan review with the conditions stated in the letter from Mr. Moecker as presented. **Seconded** by D. Roessler. **All in favor. Motion carried.**

5) SPR05-22 COSMEN, STEVEN. Represented by James Palazzo. Seeks Type II Site Plan Review to construct a single-family dwelling in the LC25 zone. Section 156.00, Block 1, Lot 39, Zones RL3 & LC25. Property location: west side of Valley Woods Road adjacent to Tom & Theta Curri. Subject to WCPB & SEQR review.

James Palazzo, representing Steven Cosmen, gave an overview of the project and said they want to put a 28' X 40' log cabin on the property.

J. Gaddy asked about access and James Palazzo answered by saying (1) there is an existing driveway that has been there for five-six years and (2) they are proposing to cut the driveway off to the left to the proposed house site at the end an existing stone culvert on the site. J. Gaddy asked if it is one or two lots and James Palazzo answered by saying they have told him it is in the same family, but it is two separate lots. S. Aldrich asked if the PB had done a lot line adjustment about a year ago and P. Kenyon answered by saying yes.

No correspondence.

The WCPB determined 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 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.**

6) SPR05-26 KINCAID, DANIEL & VERONICA. Represented by Barry Kincaid. Seek Type II Site Plan Review to timber-harvest that parcel presently known as Section 186.00, Block 1, Lot 40.1, Zone RL3. Property location: Trout Lake Road. Subject to WCPB review. Subject to SEQR.

Barry Kincaid, representing Daniel and Veronica Kincaid, gave an overview of the areas for which they are proposing thinning and said (1) there will remain at least 60 square feet of basal area and (2) they will use all existing roads.

J. Gaddy said (1) he visited the site and there were approximately 200 stumps and over 150 trees still laying there, (2) he is of the opinion that any other clearing be done by potential buyers and (3) he doesn't want a similar situation to Cobblestone. Barry Kincaid said (1) when a logger clears and remains with 60 square feet of basal area then when the homeowner comes in, the whole plan was brought before the PB will all those intentions, (2) he is being upfront with his intentions and not trying to hide anything, (3) he thinks there shouldn't be a problem with 60 square feet of basal area remaining in that area as written in the Zoning Ordinance, (4) they are not looking to clear cut and are not timber harvesting and (5) by rights, as long as he follows the Zoning Ordinance of keeping 60 square feet of basal area, he doesn't even have to come before the PB, but he did so to get the PB's approval.

Dick Cipperly, forester, said (1) regarding Abbot, the PB added a stipulation where the owners couldn't cut any trees beyond their building envelope, (2) this same concept may be useful here, (3) Barry Kincaid is right that if you came back with a timber harvesting plan, you could go down to 60 square feet of basal area and it wouldn't make any difference, (4) the idea is that they will probably leave different kinds of trees, that are better suited for suburban or yard use and (5) he doesn't feel it would be out of order for the PB to place a condition that once lots are sold, that the homeowner could not cut anything else outside of the building envelope other than what is needed for septic, well, driveway, etc. for some period of time. J. Gaddy said the PB has seen this done time and time again and Dick Cipperly said (1) he thinks the PB is struggling for a way to make sure that something adverse doesn't happen down the road and (2) he suggests that the restrictions be put in the deed to the homeowners or have homeowners put up a bond for a certain period of time to ensure that. Barry Kincaid said (1) it is already in the covenants and (2) even with the best of intentions, sometimes things just don't work.

H. Caldwell said this is a pretty serious plan and Dick Cipperly said this one will come out fine. S. Wilson asked if the applicant even needs PB approval for this and P. Kenyon said he needs to be here because she perceived what is being proposed as timber harvesting along with his deed restriction. Barry Kincaid said (1) he is not timber harvesting by definition, (2) he is not here by his own deed restrictions, but because he thought being upfront with the PB was the right thing to do and (3) yes, he could have done this before the subdivision per his deed restrictions.

S. Aldrich asked if it was correct that if a buyer decided they wanted to put a house in a different area on a site and would need further thinning, if the buyer would have to come before the PB and Dick Cipperly said that was correct.

No correspondence.

The WCPB determined 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 and approve it as presented with the condition that the document entitled “Daniel and Veronica Kincaid Subdivision Tree Clearing” prepared by Richard Cipperly, Consulting Forester, dated October 14, 2004 be adhered to. 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.**

7) 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.

Carl Schoder of Schoder River Associates, representing Michael and Holly Dansbury, gave an overview of the project and said (1) the owner purchased the lot and wants to put a 3,600 square foot single-family dwelling on the property consisting of four bedrooms with an attached garage, walkout basement, and a septic upslope going down into a conventional D-Box with conventional gravity distribution, which complies to all Zoning Regulations, (2) the clearing area noted (32,000 feet) includes everything back up to the roadway, as shown on the map, (3) regarding stormwater management, driveway, roof and shoulder of the road run-off will be collected in a catch basin at the corner of the house, piped down around the front of the house and building a couple of terraced walls in the front to hold filtrators, (4) one detail missing are the perc. rates which are a 5-7 minute perc. and he will amend his drawing to show that and (5) he is proposing a

cutback on the driveway at a rate of about 8% grades coming down to the paved area directly in front of the three car garage.

J. Gaddy asked if the stakes on site represent the clearing limits and Carl Schoder answered by saying the stakes represent the clearing limits and the house location. J. Gaddy said it seems like there are a lot more trees coming out and Carl Schoder responded by saying (1) yes, on the upper part, there would have to be to be able to put the house in the vicinity of the road, (2) the steep hillside is prohibited from building any type of structure and (3) the applicant purchased the lot as is with trees already having been removed, which is somewhat a pre-existing condition, and did not remove the trees in question. S. Aldrich asked if any trees will stay and Carl Schoder answered by saying yes and he presented a second map and showing the existing trees, trees that would remain and trees that would be removed. J. Gaddy asked if all underbrush and everything between the existing limitation limits on the east side and the applicant's limits for stormwater has been cleared already and Carl Schoder answered by saying that is correct, but not by them.

Carl Schoder said (1) the house is anticipated to be browns and greens and (2) the house elevations should work well there. S. Aldrich said (1) she understands why, but she is concerned with the amount of glass facing generally east or northeast since there is no type of screening to prevent glare, (2) the PB's concern is to screen the house from the lake view, not screen the lake view from the house, (3) asked if there is a possibility of planting below the stormwater and (4) said the PB has concerns with erosion given last week's situation. Carl Schoder said (1) the reason the glass is there is because it is looking at the lake, which is the reason the applicant bought the property, (2) he has to work with what is there and if there were trees in that area, he wouldn't be knocking them down, (3) he thinks they can do some selective planting in the area on the hillside below the stormwater, (4) he doesn't think erosion will be a problem here, because there is a cut off wall, a pitched subdivision road, a ditch goes along the upside of that road to intercept any major amount of water that could come off that hillside and (5) it doesn't erode without a lot of concentrated flow over it and there is not a potential here for concentrated flow.

D. Roessler asked if there are re-vegetation plans for the slope area between the road and the house and to the north. Carl Schoder answered by saying (1) at this point, certainly anything that gets disturbed will get topsoil and seed, (2) he would be hesitant to do too much because they would need some site distance coming up the driveway and up the hill and (3) to the north, would be the roadway embankment that would be top soiled and seeded.

H. Caldwell asked how this is going to work, since the road is half complete, ends before it goes onto the next site and the road needs to be completed for stormwater. Carl Schoder answered by saying (1) the applicant can't build a road to the next lot, (2) a road was approved to go in there, (3) his sense is when you start construction of a road for a subdivision, you finish the road, (4) he does not know what the PB's recourses are and (5) if the road stops short, which it is his belief it does at this point in time, then if that is

the case, the stormwater controls on that road, with flow coming off that ditch is that the applicant's stormwater has been discussed, but on the next property if there aren't stormwater controls put in for the stormwater for CT Male's design then it needs to be addressed either by an amended design to terminate that road at that point temporarily but still manage the stormwater or build the road out the entire way and manage it as it was originally intended.

H. Caldwell asked what he PB could do regarding the road and Counsel answered by saying that the PB has the authority to have the road completed. J. Gaddy suggested that pressure be put on the developer to get the road completed as to not hold up this project.

From the public, Louise Straney said (1) she is in charge of the road, (2) the road is all the way down to the next lot and (3) they have not completely finished the road. H. Caldwell said (1) the side parts of the road have not been finished, (2) all of the water will be dumped down onto the next lot without stormwater management and (3) asked Ms. Straney when the road would be finished. Ms. Straney answered by saying that (1) due the storms they have had to stop in order to help with the Town's situation, (2) they have been actively working on the road and they will continue to do so and (3) Pat Galusha is doing the work on the road and will complete it to Town specifications. Carl Schoder said (1) he knows Pat Galusha has been hauling fill all over the place and repairing washouts and that is a more thorough explanation that Pat Galusha was on site, was working and had to stop, (2) if the intention is to continue to construct the road, then it is really a situation of a disaster that created an emergency condition that pulled the contractor off the project and whatever erosion that is there isn't intentional, (3) if the intent is to continue the road, one way or the other, the road does go beyond what the applicant is looking for to connect that driveway, so from the point of view of the application in hand, it shouldn't affect the applicant and (4) there is nothing the applicant can do to build the road, they are expecting it to be there and it is.

H. Caldwell asked if this is an after-the-fact situation to remove vegetation, some of which has already been removed and Counsel answered by saying no, it is not after-the-fact. Carl Schoder presented the CT Male map showing the subdivision road the PB previously approved and said (1) this was a plan of the roadway, which did not provide finished grade contours, (2) there was an attempt to indicate what the limit of fill would be, (3) the number of feet the applicant is proposing for clearing is between 15,000 and 32,320 square feet, (4) if Mr. Galusha has the road to the property line, then he is nearly done with what the PB has already approved and (5) from the applicant's point of view, they have the road to get to their lot, which was their expectation when they purchased the property.

D. Roessler said the PB should request a re-vegetation plan before approval. Carl Schoder said (1) this situation and the amount of the vegetation that was removed down-slope of what was the house site in the first place, was a condition that was created by others and not the applicant, (2) the applicant would like to start the process and get the house built before winter and (3) his concern is that if the applicant was to come back to the PB with a full re-vegetation plan at this juncture, it would require at least another

month and he would like to find if it is a possibility to circumvent that. D. Roessler said he would have no problem with approval if the applicant comes back next month with a re-vegetation plan. S. Aldrich said she would like to see it re-vegetated before fall and winter hit. H. Caldwell said the applicant would have to have ground cover in by October 15th for stormwater and Carl Schoder said (1) they will have ground cover, but he is concerned with planting trees and shrubs within the topsoil that would be an issue, (2) one way to get that done would be to get a landscaper in to generate a plan, (3) he is concerned with the timeframe, as they would like to break ground and (4) they could have a planting schedule by next month. J. Gaddy expressed concerns with the area east of the stormwater and the houses in view from the lake and said (1) that whole section is one of the most visible from the lake, (2) he would like to see a large number of native plants planted outside of the clearing limits as soon as possible and (3) last year there was a landslide of a house in Northwest Bay and he doesn't want to see that happen here. Carl Schoder said (1) there won't be extreme erosion on this site, (2) there is an interception trench above and (3) this is an expensive request and the density of the trees is an issue, because if they have to plant trees every five feet on the entire hillside when the applicant didn't cut them down in the first place would cost a lot of money. S. Wilson asked if the anticipation is to have the trees planted by next fall and Carl Schoder said yes. H. Caldwell asked for clarification on the clearing limit lines.

From the public, Louise Straney said (1) forester Dick Cipperly was up there to look at the trees and what could be cut, (2) that was an old logging road and a lot of the trees had been cut, (3) trees had been cut down to the septic where she had a septic on the lot removed, (4) lots of those trees were cut years ago. H. Caldwell said (1) a lot of those trees appear have been cut more recently, (2) there has been run-off and some of the silt fences have been loaded up and need to be replaced, (3) the silt fences need to be maintained. Ms. Straney (1) agreed the silt fences need to be maintained and (2) said there is no run-off where the house is or where the vegetation is on the site.

S. Aldrich asked if this application went to Town Engineer Tom Nace and P. Kenyon said no, she did not forward the application to him, because she did not feel there was a need to.

J. Gaddy said (1) he has concerns with Section 200-31D regarding settling qualities, (2) he has concerns with Section C1 of the SEQR form regarding the erosion controls for flooding potential and (3) he believes the condition of having the planting plan submitted by Carl Schoder to the PB for next month will address those problems and (4) where the clearing has been done has been tough. The PB found no other 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 and having found concerns with Section 200-31D of the zoning ordinance and C1 of the SEQR form, grant final approval as presented with the condition that the site plan is submitted for the preliminary planting of the area to the east of the stormwater proposals (storm infiltration areas) next month and that there will be a further planting plan for the construction area submitted to the Planning Board in the fall. 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.**

It is noted that the Planning Board unanimously agreed that P. Kenyon could issue a certificate of compliance for the single-family dwelling, along with stormwater and septic permits.

8) SPR05-27 KUDLACK, RICHARD. Seeks Type II Site Plan Review for an accessory structure greater than 1,500 sq ft of floor space. Specifically, a storage building (Bldg A) containing approximately 2,378 sq ft is proposed. Section 141.00, Block 1, Lot 3.1, Zones RL3 & LC25. Property location: 5879 Lakeshore Drive, 2.3 miles north of County Route 11, being the farm formerly occupied by Frank Dagles. Subject to WCPB & SEQR review. NOTE: a variance (V05-26) was granted for deficient shore frontage on May 16, 2005.

Richard Kudlack requested to present both agenda items together and H. Caldwell said it was fine.

Richard Kudlack said (1) the application doesn't entail cutting trees, (2) variances have been granted by the ZBA, (3) he proposes to remove the northerly and southerly building and replace them with buildings of approximately the same size, to aesthetically (gray flat board, green roof) fit in with the old barn, which he is going to restore, (4) the southerly building will be used for equipment storage and the northerly building will be used as a workshop/gardening shed/greenhouse.

S. Aldrich asked if the northerly building (Building B) and the southerly building (Building A) will be the same square footage and Richard Kudlack answered by saying yes, the northerly building will be the exact same size, but the location will change and the southerly building will be the same square footage. S. Wilson asked if the greenhouse will be for private use only and Richard Kudlack answered by saying yes, everything is for private use.

No correspondence.

There was no County impact with the stipulation that appropriate stormwater and erosion control measures be taken.

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 stormwater and erosion control measures be implemented. 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.**

9) SPR05-28 KUDLACK, RICHARD. Seeks Type II Site Plan Review for an accessory structure greater than 1,500 sq ft of floor space. Specifically, a workshop/gardening shed/greenhouse (Bldg B) containing approximately 2,154 sq ft is proposed. Section 141.00, Block 1, Lot 3.1, Zones RL3 & LC25. Property location: 5879 Lakeshore Drive, 2.3 miles north of County Route 11, being the farm formerly occupied by Frank Dagles. Subject to WCPB & SEQR review. NOTE: a variance (V05-29) was granted for deficient shore frontage on May 16, 2005.

No correspondence.

There was no County impact with the stipulation that appropriate stormwater and erosion control measures be taken.

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 stormwater and erosion control measures be implemented. 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) SPR05-30 BURKE, SUSAN & CORNELIUS. Seek Type II Site Plan Review for a retail store less than 2,500 sq ft. Specifically 400 sq ft is proposed. Section 186.14, Block 1, Lot 5, Zone RCH5000. Property location: 4587 Lakeshore Drive known as Baer Necessities. Subject to WCPB review. Subject to SEQR. NOTE: A variance for deficient parking was granted on May 16, 2005.

Cornelius Burke, representing Baer Necessities, said they are looking to use the southwestern corner of the property for a portable small retail structure approximately 20' X 20', to be placed on the existing ground that could be set up and moved easily to provide a place in case it rains and to keep paperwork during business hours.

J. Gaddy asked if there would be additional signage and Cornelius Burke answered by saying (1) possibly, but not at his time and (2) if they decide on additional signage, they know there is a sign ordinance and they will come back before the PB.

H. Caldwell asked if the proposed portable structure will become a permanent structure at some point and Cornelius Burke answered by saying it is possible, but they want to see how this works out first. J. Gaddy asked if the business will be run at night and Cornelius Burke answered by saying he anticipates this would be open from 7:00 am through sun down, because there will be no lighting. D. Roessler asked if there will be power there and Cornelius Burke answered by saying (1) there will be power there, as they have power to all parking lights there now, which would be enough to run a cash register and (2) it will be an open-air business.

S. Aldrich asked for clarification on the size, because the map says 20' X 20' and the drawing says 12' X 12'. Cornelius Burke said the proposal is for a 20' X 20' portable structure. J. Gaddy asked if this needs to meet setbacks and P. Kenyon answered by saying not this structure, not a tent, but a permanent structure would.

No correspondence.

There was no County impact with the stipulation that appropriate stormwater and erosion control measures be taken.

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 the portable structure be no larger than 20' x 20'. 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.**

11) SD05-12 FORGO, ATTILA. Represented by Atty Edward Breen. Seeks to amend a previously approved plat (SD89-05) approved by the Planning Board on May 25, 1989, specifically to create a lot line adjustment between those parcels designated as Section 123.00, Block 2, Lots 21 & 15, Zones RR5, RR10 & LC25. Approvals are also sought to relocate existing right-of-way. Property location: 317 New Vermont Road. Sketch Plan Review. Subject to SEQR.

Atty. Edward Breen, representing Atilla Forgo, said they are seeking approval to amend a lot line adjustment to add ten acres to lot #2 and amend the right-of-way and showed the current lot line on the map.

H. Caldwell asked if the existing right-of-way goes over the Nittmann property and Atty. Breen answered by saying yes. D. Roessler asked how many acres the house lot is currently and Atty. Breen answered by saying the lot is 15 acres currently and the proposal would make it 25. S. Aldrich asked the size of the lot the 10 acres would be coming from and Atty. Breen said that lot is currently 70 acres and the proposal would make it 60 acres.

H. Caldwell asked if metes and bounds are needed on the right-of-way and Counsel answered by saying (1) no, not necessarily, as there are many rights-of-way that are not described by metes and bounds and (2) asked if the applicant would have any problem with getting a metes and bounds description that mandates it won't move around. Atty. Breen said they could do it without a problem. Counsel said the PB can mandate, require it, or make it a condition of approval that metes and bounds are submitted to Counsel.

J. Gaddy said (1) the area just north of the right-of-way is fairly wet and (2) asked if the PB approves a right-of-way that goes through a wet area, would the developer have to

deal with permits from any agencies with regard to the wet area. Counsel answered by saying that is right and would not have been a good choice for a right of way. J. Gaddy said it is not going to show up on the wetlands map, but there are a lot of streams that come down there.

D. Roessler said he would like to see the acreage on all the lots and the lots labeled for reference on the map. C. Mason said he would like the name on the first lot corrected to read "Nittmann" not "Nitterman" on the map.

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, convert it to final plat and grant final approval with the following conditions: 1) add metes and bounds description for roadway right-of-way; 2) the lots are numbered; 3) acreage is to be shown for the larger lot; and 4) change Nitterman to Nittmann. The lots should be numbered such that the Nittmann parcel be shown as was originally shown as Lot 1, the 25-acre parcel as Lot 2 and the remainder as Lot 3, as shown on the original subdivision SD89-05 approved by the Planning Board on 05/02/89. 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.**

12) SD03-27 SANTO, JOHN & MASTERS, MELANIE. Represented by Atty Mark Rehm, seeks 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.

Atty. Mark Rehm, representing John Santo and Melanie Masters, gave an overview of the proposal and said (1) they have worked with the APA, (2) the wetlands are marked on the map, (3) the APA has jurisdiction over this property and the application was deemed complete, (4) they had to go through the NYS Historic Preservation Organization and there was no impact, (5) the subdivision doesn't seek at this time to propose any new buildings, as they are just trying to establish lines that take into consideration environmental and aesthetic concerns, (6) none of the lots would require a variance, (7) the test pit and perc. test information are on the map, (8) there will be no subdivision roads, as each lot will have separate access to the main thoroughfare, (9) each lot should be responsible to obtain the necessary Town approvals at the time of building and (10) the applicant believes this project achieves the goal of conscientious development, protecting as much as she can and hopes for PB approval conditioned upon the APA permit, which is expected in September.

H. Caldwell asked if Lot #3 goes to the road and Atty. Rehm answered by saying yes, the road runs through that property there and on Lot #4. H. Caldwell said it appears the

property on Lot #3 is the Finley property and Atty. Rehm said no, the applicant owns a sliver of property across the road that butts up to the Finley property. H. Caldwell said it appears you would have to cross the Finley property to get to the road. Atty. Rehm approached the PB bench and further discussions were had on this matter. S. Aldrich asked if there is any anticipation for any more subdivision on Lot #4 and Atty. Rehm answered by saying, not at this time. D. Roessler said the PB should get clarification of the owner of the strip of land between the property line and the roadway on Lots #1-3 and if a right-of-way exists before proceeding. Atty. Rehm said he will provide a copy of the deed to P. Kenyon.

Motion by D. Roessler to table the application pending review to determine ownership of the small strip of land that lies between the property boundaries of proposed Lots 1, 2, and 3 and Wall Street. **Seconded** by J. Gaddy. **All in favor. Motion carried.**

13) 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.

This item was not heard.

14) 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 not heard.

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.

This item was not heard.

16) SD05-08 IJAM LIMITED PARTNERSHIP & HAVENICK, FRED & BARBARA. Represented by Attorney Howard Krantz. Seeks to amend a previously

approved plat (SD88-18), approved by the Planning Board on April 27, 1989. Specifically to create multi-lot line adjustments whereby portions of lot 186.19-1-17 will be divided & merged with lots 186.19-1-18, 186.19-1-19 and 186.19-1-13. Zone RM1.3. Property location: Opera Lane off of Homer Point Road. Sketch plan review.

Atty. Howard Krantz, representing IJAM Limited Partnership and Fred and Barbara Havenick, gave an overview of the proposal and said (1) no new lots are being created, (2) the Havenicks have a family partnership named IJAM Limited Partnership, (3) last year, the Havenicks and IJAM purchased the northeast and southeast building lots, which in the same deed he acquired title to the common area, (4) the Havenicks have the right to use one side of the dock and Kunker has the right to use the second side of the dock, (5) the northwest lot was sold to Mr. & Mrs. Tipke and the other lot was sold to Mr. & Mrs. Van, and (6) explained by showing on the map what the proposal entails, which is to add the common area to three existing lots.

H. Caldwell asked why the piece of land is considered a common area and if anyone else has any rights to this area and Atty. Krantz said (1) calling that area a common area served no purpose, but was done so in the 1980's when it was approved and (2) the only people who have rights to the common area are the four property owners and Mrs. Kunker, who is not in the subdivision, who reserved the right to use one side of the dock. S. Aldrich asked (1) if Mrs. Kunker has an easement across the common area and (2) if she has any concerns. Atty. Krantz said (1) it is correct that Mrs. Kunker has an easement over the common area and (2) he has not heard of any concerns.

C. Mason asked if all of the people have the right to use the road that comes in from the top of the map and Atty. Krantz answered by saying (1) Mrs. Kunker has the right to use it to get down to the dock and (2) the four lot owners have the right to go north to get to their docks on Children's Island. C. Mason asked if the subdivision lots are serviced by the dirt road and Atty. Krantz approached the PB bench to answer the question.

S. Aldrich asked if Counsel had any concerns and Counsel answered by saying no, it is a benign, neutral reconfiguration with no restructuring. P. Kenyon said she did advise all involved parties about tonight's meeting.

H. Caldwell said the lot owners have rights to the common area. P. Kenyon asked if the four lot owners were going to relinquish their rights to the common area and Atty. Krantz answered by saying (1) all four lot owners have rights to the common area, (2) all four lot owners have no objection to this proposal or to relinquishing their rights to the common area, since there were no amenities and they like the idea that by doing this, there will never be a chance of a variance being granted and the large area becoming a residential lot and (3) all rights-of-way remain.

Counsel referenced a metal dock issue with Mrs. Kunker that should be settled at this point in time after going to the ZBA and being denied, which was upheld by the Supreme Court and the Appellate Division.

No correspondence.

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, convert it to final 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.**

17) To schedule a workshop meeting to address timber-harvesting regulations.

P. Kenyon said the ZBA proposes a 1-1 ½ hour workshop meeting to address timber-harvesting on July 12, 2005 at 6:00 pm at the Bolton Town Hall, with an alternate date being July 19, 2005 at the same time and location.

Other Business:

Motion by S. Aldrich for the Town of Bolton Code Enforcement Officer to look at the condition of the road in the Straney Subdivision and make recommendations for remediation. **Seconded** by J. Gaddy. **All in favor. Motion carried.**

Regarding Hendricks Road, J. Gaddy said after the June 13, 2005 storm, he visited the site where Rolf Ronning had put in a culvert on Hendricks Road and the culvert worked perfectly.

Regarding road width, J. Gaddy said (1) he visited Lake Winds Road and it seemed to be wide enough at 18' wide with an additional 1' each side and (2) he thinks Braley Hill Road and Cobblestone Court both seem very wide. D. Roessler said (1) that is wide enough for that road, (2) there is particular concern with Saddlebrook Road, since it is a large subdivision and (2) if made the Saddle Brook Road too narrow, there will be a lot of problems in the future. C. Mason said there is a question of if the road should even be there. D. Roessler said each subdivision needs to be looked at individually.

Meeting adjourned at 9:29 pm.

Respectfully submitted by
Jennifer Torebka
Recording Secretary
07/11/05