

**Town of Bolton
PLANNING BOARD
MINUTES
November 16, 2006
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 = LGPC
DEC = Department of Environmental Conservation

Present: Acting Chairman John Gaddy, Sandi Aldrich, Chauncey Mason,
Don Roessler, Susan Wilson,
Town Counsel Michael Muller, Zoning Administrator Pam Kenyon

Absent: Chairman Herb Koster, Henry Caldwell

At 6:06 pm John Gaddy announced that there would only be five PB members in attendance and applicants would need four of the five PB members present to vote favorably for an application to be approved, therefore the applicants have the option of having their item(s) tabled until the next PB meeting when all seven PB members are expected to be in attendance.

PUBLIC HEARING:

- 1) SPR06-18 DJMD BOLTON NY, LLC. (Daniel Lewis, Managing Partner).**
Represented by Holly Chacon of Peter L. Gluck and Partners, Architects. Seeks 1) Type II Site Plan Review for a new land use within 250 ft. of Lake George shoreline. Specifically to construct multiple structures, and 2) In accordance with Section 125.13C1 of the stormwater regulations, seeks Type II Site Plan Review for a major project to remove more than 15,000 sq. ft. of vegetation. 146,868 sq. ft. is proposed. Section 156.20, Block 1, Lot 39, Zone RCM1.3. Property Location: 5274 Lake Shore Drive. Subject to WCPB REVIEW. Subject to SEQR. *This item was adjourned at the October 2006 meeting pending WCPB and Fire Dept. review. To date the Fire Dept. has not responded to the request.*

J. Gaddy opened the public hearing for item SPR06-18 DJMD Bolton NY, LLC at 6:07 pm.

Peter L. Gluck, representing DJMD Bolton NY, LLC, gave a project overview and said that (1) the project is for a family compound on the 21-acre site, (2) his architect firm is known around the country for its sensitivity to landscape and modern architecture, (3) they are trying to create a series of buildings that are cut into the landscape that are low and create a minimum impact, (4) their philosophical approach is that if they were to build traditional houses and buildings on this site they would be much taller with much more impact and visibility, (5) they are trying to create an environment that keeps the feeling of the woods and trees that are there and to leave as much of the existing trees as they possibly can, (6) the project consists of three buildings with flat sod roofs that would be used for flat area to mitigate the fast run off of rainwater by absorbing water and slowly discharging it through the drainage system and (7) there is an existing boathouse they plan to demolish and replace with a new boathouse.

J. Gaddy asked for public comments.

From the public, Rolf Ronning asked how many boats would be housed in the boathouse and Peter Gluck said that there would be one covered boat and additional area for storage. Rolf Ronning said that the project is marvelous, he encourages the project, and is in favor of it.

From the public, Al Franz, neighboring property owner, said that prior to speaking with the architects this evening, he had some concerns with blasting, and stormwater runoff, otherwise he is in favor of the project.

From the public, Meredith McComb said that (1) she was on the ZBA that granted some variances for this project and she hopes the PB will investigate any potential impacts of blasting on this site, (2) she applauds this energy sensitive approach to housing, (3) she is in favor of the project, which is an interesting concept and a good idea.

From the public, Kathy Bozony of the LGA said that a lot of the old mature trees were taken down many, many years ago, so they won't be sacrificed by this project, (2) she is very interested in looking at this regarding the green roofs which will absorb stormwater and precipitation and infiltrate the soil gently and (3) she likes the look and is excited about the project.

Correspondence: Counsel read the following correspondence into the record:

- Letter from the LGA dated 11/01/06—in favor of the project.

There were no additional public comments.

Motion by Chauncey Mason to close the public hearing on SPR06-18 DJMD Bolton NY, LLC. **Seconded by** Sue Wilson. **All in favor. Motion carried.**

2) **FOY SR., EDWARD.** Seeks to discuss condition of approval set forth by the Planning Board on June 22, 2000, when approving the Indian Summit Subdivision SD99-08. The condition reads as follows “No further subdivision of any parcel shall occur.” Section 140.00, Block 2, Lot 3, Zone RL3. Property Location: Padanarum Road. *Note: This was tabled at the October 2006 meeting pending additional information.*

J. Gaddy opened the public hearing for item Edward Foy, Sr. at 6:25 pm.

Jesse Foy, representing Edward Foy Sr., gave an overview and said (1) he is looking to raise his family in Bolton and (2) they are proposing to subdivide Lot 9 with his family gifting him one acre to build his home.

From the public, Lynn Golhoffer said (1) she owns two parcels to the north of Lot 9, (2) Lot 9 is flat, so stormwater shouldn't be a problem and (3) she is in favor of the project.

From the public, Meredith McComb said (1) she is not against the applicant, his family, or anyone in favor of the planning process—there was an enormously long review of this subdivision, (2) it seems to her that the project is not a lot line adjustment, but rather lifting this condition for all lot owners, (3) she has a problem with the letter she saw referring to the homeowners signing-off a 2-acre lot carved out of 6 acres—in RL3 zone there is no implication for anybody else’s lot if you subdivide a 6-acre lot into two, (4) with less than 6 acres, some of the HOA common area would be assigned for exclusive use of the applicant, (5) the 11/18/99 PB minutes reflect a prevalence of ledge rock on the lot, (6) this is not what was approved originally and if the PB does approve the project she would like for the PB to get all homeowners to indemnify the Town of Bolton against any possible negative impacts and any unforeseen impacts from this and (7) she asked if lifting the condition in this particular case would open up lifting the condition for all similar subdivision situations.

J. Gaddy said he also was wondering if a condition of approval of no further subdivision can be changed and Counsel said (1) yes, procedurally the PB can do that and the PB can make the decision.

Meredith McComb asked if overturning the condition of no future subdivision would be unfair to Rolf Ronning and said (1) the clearing on the top of the mountain goes beyond cutting, (2) she urges the PB to wait on a decision until the area is developed out—it would seem arbitrary and capricious for the PB to let this applicant move forward, (3) she requests that if the PB does approve the request that they require the lots be numbered consecutively—not Lot 9A and Lot 9B—so the running total is obvious as to what has been developed so far, (4) no boat storage is a current condition that she would like to see that on both lots if approved, (5) she thinks the PB should stick with the original condition until such time as it can be evaluated and then try for a comprehensive re-subdivision plan by the whole HOA, but not just ignore the cumulative impact and (6) the PB should request a letter from Rolf Ronning stating that he won’t sue because the original condition seems to have cheated Mr. Ronning out a substantial amount of money by denying him the income from selling seven more lots up there.

Correspondence: Counsel read the following correspondence into the record:

- Letter from Dr. Joseph Keating, PhD dated 11/10/06—concerns, requested PB denial.

There were no additional public comments.

Motion by Don Roessler to close the public hearing on Edward Foy Sr. Seconded by Sandi Aldrich. All in favor. Motion carried.

- 3) SD04-08 BRANDOW, EDWARD. Trout Lake West.** Represented by Rolf Ronning. Seeks to divide into 5 lots those parcels designated as Section 185.00. Block 1, Lot 31, Zone RCL3. Property Location: Trout Lake Road. Major Subdivision. Sketch Plan Review. Subject to SEQR. NOTE: *On February 16th, the Planning Board passed a resolution, whereby the above noted parcels were re-aggregated. A new number has not yet been assigned.*

SPR06-21 BRANDOW, EDWARD. Trout Lake West. Represented by Rolf Ronning. In accordance with Section 125.13C1 of the stormwater regulations, seeks Type II Site Plan Review for a major project to remove more than 15,000 sq. ft. of vegetation. 35,750 sq. ft. is proposed. Section 185.00. Block 1, Lot 31, Zone RCL3. Property Location: Trout Lake Road. *Note: The WCPB determined no county impact with condition clarification is provided for the number of lots to be developed.*

After Rolf Ronning said he had no objection to SD04-08 and SPR06-21 being heard together, J. Gaddy opened the public hearing for items SD04-08 Edward Brandow Trout Lake West and SPR06-21 Edward Brandow Trout Lake West at 6:44 pm.

Rolf Ronning, representing Edward Brandow, gave an overview and (1) said that the map he is referencing tonight is fractionally different from the last one submitted, because an APA letter was received with concerns on the stormwater pond and that parking was on the piece of property conveyed to Julie Denison, so they moved one of the stormwater ponds and parking accordingly, (2) gave dimensions of each lot including shoreline, (3) 70 feet of shoreline will be an exclusive easement for the purpose of the lot owner across the road, where he can park his car and (4) the proposal is considered a 5-lot subdivision, which he showed on the map.

From the public, Meredith McComb asked if the parcel across the road is in the same zoning district regarding shoreline requirements and available for further subdivision. Rolf Ronning said that the APA will not let them have more than 5 lots, so it will be the requested 5 lots. M. McComb said she is not sure why Lot 5 doesn't need the minimum waterfront footage for the zone (RCL3). Counsel replied by saying (1) on the schedule of regulations in the code for this zone it would be a correct statement that the minimum shoreline lot width is 175 feet, (2) section 200-37B4 states that the width required is 210 ft., because of the ambiguity involved, 175 ft. is required and (3) section 200-37B4 says that minimum shoreline frontages shall be required for deeded or contractual access to all such lakes, ponds, streams, etc., a total of no less than 175 feet in RCL and then for the first lot, an additional 10 linear feet—so, the applicant has the frontage needed, but has an odd way of getting it.

Rolf Ronning said that there is a deeded right-of-way for the Lot 5 homeowner. Counsel asked about an odd line shown of map 1 of 15. Rolf Ronning said that Lot 1 is giving an easement to Lot 5. Counsel asked if the area drawn as a boundary is not a boundary of defined described land that will be joined with Lot 5, but just the area of easement that is imposed on Lot 1 and Rolf Ronning said yes, it is a designated area for easement for Lot 5.

D. Roessler asked about the lake easement line located on Map 1 of 15 dated March 26, 2004, which appears to cut across a certain area. Rolf Ronning replied by saying that there is a slight revision and then approached the PB bench to clarify.

Rolf Ronning said that three pages of the maps have been changed and P. Kenyon agreed saying the changes are reflected on pages 13, 15, and 17. J. Gaddy said the PB consensus is to keep the public hearing open because a new map is now being presented.

Rolf Ronning said he received a letter from the APA dated 10/26/06 and gave it to Counsel to review.

Correspondence: Counsel read the following correspondence into the record:

- Letter from APA dated 10/26/06—regarding lack of merger deed.
- E-mail from Julie Denison, adjacent landowner, dated 11/16/06—concerns with unresolved issues.

P. Kenyon said that she put the Brandow/Denison map in the PB packets with the areas that needed to be changed highlighted. Additional discussion on the maps ensued.

From the public, Meredith McComb asked if there was any decision on the number of feet of waterfront required and Counsel said yes, the number of feet needed is 175 feet for the shoreline lot; deeded contractual access through that lot requires 10 additional feet for that contractual lot. M. McComb asked if this will be a HOA and Rolf Ronning said it will only be an HOA for the maintenance of the road.

From the public, Chris Navitsky, LG Waterkeeper, said (1) the proposed plan doesn't meet the requirements of the Town of Bolton's stormwater management ordinance and will add impact to water quality, (2) the plan doesn't account for all the disturbance and clearing, (3) no clearing plan was provided as required, (4) there will be a 50% increase in run-off, (5) no soil investigation work has been done in the 6 basin areas as required, (6) gave specifications on cuts needed for ponds, (7) there is a contradiction on stormwater between the notes and the report (he gave examples from a handout he provided to the PB members, P. Kenyon and Rolf Ronning), (8) the ponds won't work, (9) he recommends the reduction of depths of the cuts for the basins, (10) pre-treatment devices are required—there's no information on that, (11) there is no stormwater information for Lot 5 across the street, (12) the septic tank depths need to be looked at and (13) there are serious problems with the plans and he requests the PB not approve this project at this time.

Rolf Ronning said that (1) the reason they haven't gotten approval in two years is because it has taken one year to get an agreement by the engineers on a plan that will work and (2) it is all open to interpretation regarding how to do stormwater.

Correspondence: Counsel read the following correspondence into the record:

- Letter from the LGA dated 11/01/06—concerns.

Rolf Ronning said (1) two sets of approval are required—one by the Town of Bolton and one by the APA, (2) the APA is requiring his engineer to mark every tree of 6 inches and the APA will determine which can be taken down in order to ensure a filtered view, (3) neither the LGA nor the LG Waterkeeper give him information to review prior to the meetings—he feels they should copy him in advance.

From the public, Meredith McComb said (1) she agrees it would be helpful for the APA and the LG Waterkeeper to copy applicants in advance of meetings would be very helpful, (2) the APA and the LG Waterkeeper are not outside hired guns, as much as they are respondents to homeowners and taxpayers in this region who care about some watchdog activity over lake development and (3) she doesn't think the goal is to stop development, but it is to have sustainable development.

J. Gaddy said that he thinks Mr. Ronning's point is well taken in that applicants should be provided with any information in a timely fashion and it would be a better collaborative effort. Chris Navitsky said the comments he made this evening were from a letter generated last month that he copied Rolf Ronning on, so he had the information—there was nothing new discussed tonight. Kathy Bozony said that (1) if the PB wants her to carbon copy all applicants on her comments letters she will and (2) she would like to work with Rolf Ronning to make his projects better. J. Gaddy said that carbon-copying applicants on comment letters would be a good practice to initiate.

There were no additional public comments.

Motion by Sue Wilson to keep the public hearing open on SD04-08 Edward Brandow Trout Lake West and SPR06-21 Edward Brandow Trout Lake West. **Seconded by** Don Roessler. **All in favor. Motion carried.**

REGULAR MEETING:

J. Gaddy opened the regular meeting at 7:48 p.m. reminding all applicants that there would only be five PB members in attendance and applicants would need four of the five PB members present to vote favorably for an application to be approved, therefore the applicants have the option of having their item(s) tabled until the next PB meeting when all seven PB members are expected to in attendance.

J. Gaddy asked for corrections to the September 21, 2006 minutes.

1. J. Gaddy said that on page 3, paragraph 3, sentence 1 should read as follows: "H. Koster asked if the existing seepage pits would fail sometime in the future and Carl Schoder said any outside wastewater system at some point in the future would wind up *clogging*, but that they are not showing any indication of failure at this time, but they will need to think about it in the future and in doing so, build it to capacity at this point."

2. J. Gaddy said that on page 8, paragraph 2, sentence 4 should read as follows: "S. Aldrich asked if the proposed residence will be visible *from* the lake and Tom Hutchins said no."

Motion by Sue Wilson to approve the September 21, 2006 minutes as amended. **Seconded by** Don Roessler. **All in favor. Motion carried.**

J. Gaddy asked for corrections to the October 19, 2006 minutes. There were no PB member corrections.

Motion by Don Roessler to approve the October 19, 2006 minutes as presented. Seconded by Chauncey Mason. All in favor. Motion carried.

Note: The agenda items were heard in the order shown on the agenda.

1) SPR06-18 DJMD BOLTON NY, LLC. (Daniel Lewis, Managing Partner).

Represented by Holly Chacon of Peter L. Gluck and Partners, Architects. Seeks 1) Type II Site Plan Review for a new land use within 250 ft. of Lake George shoreline. Specifically to construct multiple structures, and 2) In accordance with Section 125.13C1 of the stormwater regulations, seeks Type II Site Plan Review for a major project to remove more than 15,000 sq. ft. of vegetation. 146,868 sq. ft. is proposed. Section 156.20, Block 1, Lot 39, Zone RCM1.3. Property Location: 5274 Lake Shore Drive. Subject to WCPB REVIEW. Subject to SEQR. *This item was adjourned at the October 2006 meeting pending WCPB and Fire Dept. review. To date the Fire Dept. has not responded to the request.*

The WCPB determined no County impact.

Atty. Jon Lapper, representing the Lewis', said that they received approval from the APA and from Town Engineer Tom Nace.

S. Wilson asked if the applicants have received a response from the Bolton Fire Dept. and Atty. Lapper said no, they sent everything to the Fire Dept, attempted to contact them several times and have received no response to date. P. Kenyon said she sent the Bolton Fire Dept. a packet on the project.

J. Gaddy asked for PB member comments on the project. D. Roessler said (1) green roofs and the environmental aspects are commendable, (2) he is concerned with the amount of blasting, the style of the proposed home in regards to fitting in with the existing neighborhood, and the odd shape of the boathouse, (3) he is torn with not having heard any negative public comments. J. Gaddy said that any attempt to keep the natural vegetation is positive—this is a good demonstration project. S. Wilson said the project deviates from the existing Adirondack architecture in the lake area, but she believes it won't have much of an impact because of the design and the way it is going to be shielded from the lake. C. Mason said that he is all in favor of the project as it has been presented. S. Aldrich said (1) she applauds the green concept and (2) she is also concerned with the blasting, as well as the aesthetics and if the project will be completed as proposed. J. Gaddy said (1) he thinks the amount of work the PB has done has been negated by promises being made regarding keeping trees—he feels if the PB can have an applicant make a proposal to keep trees and keep that proposal it would be a good trend to start and (2) he would like to see downward facing and shielded lighting on the project.

S. Wilson said she would be in favor of a motion of approval with the condition that the pictures of neighboring properties be taken for blasting purposes. J. Gaddy asked if there have been any blasting project problems in the Town of Bolton and P. Kenyon said no, not to her knowledge. S. Aldrich said that she would also like blasting regulations adhered to in regards to timeframes for blasting work to be done. Peter Gluck said (1) yes, there would be a blasting plan and (2) they agree to take photos as requested. D. Roessler asked how long the blasting would take and Eric Shaeffer, Construction Foreman, said that this guesstimate would be one month for blasting. J. Gaddy asked if the blasting would be done Monday through Friday only—no weekends and Eric Shaeffer said yes.

S. Aldrich said she wishes the PB had a letter from the Fire Dept. on the project. J. Gaddy said that the Fire Dept. has been given ample time to reply and the applicant has been willing to listen to any Fire Dept. concerns, but none have been submitted. D. Roessler said (1) he is concerned with the length and narrow width of the road and (2) he would like the road widened and/or a dry pipe installed running from the road to the lake. Tom Jarrett, project engineer, said that (1) they have widened the road to what they think is adequate for fire vehicles and they have added turnarounds along the route and at the bottom as well and (2) they are willing to put in the dry pipe—it is just a matter of sitting down with the Fire Dept. and resolving what makes the most sense and they are still willing to do that. D. Roessler asked if the PB can ask the applicant to put a dry hydrant in from Route 9N down without the recommendation from the Fire Dept. and Counsel said yes, the PB's request would have to be reasonable and it would be if the applicant also feels it is reasonable. Atty. Lapper said yes, they feel it is reasonable and they are agreeable to that. D. Roessler asked what the power and cable plan is and Tom Jarrett said (1) they will bury it and (2) they are willing to put in a 4-inch dry pipeline underground.

S. Wilson asked if the amount of disturbance is less than 146,000 square feet and Tom Jarrett said yes, that figure included the road. D. Roessler asked how many trees are to be removed at the lakeshore and Peter Gluck said while they don't know the exact number, they would like to leave as many trees as possible by the lake. S. Aldrich asked if the recreation building would be more visible than the proposed house because and Peter Gluck said yes.

Correspondence: Counsel read the following correspondence into the record during the public hearing on this matter:

- Letter from the LGA dated 11/01/06—in favor of the project.

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

Motion by Sue Wilson to accept the application as complete, and having held a public hearing and approvals from Town Engineer, Tom Nace grant approval for a new land use as presented with the following conditions. 1) Video / photos inside and out of surrounding homes to be taken to validate potential damage from blasting should it occur. 2) Blasting to occur Monday through Friday 9:00 am to 5:00 pm. 3) Lake George Park Commission approvals required for the boathouse. 4) A dry hydrant is to be located from Route 9N to a

central location for fire protection. 5) Exterior lighting must be downward facing and shielded with low wattage bulbs used. 6) The applicants must continue to attempt to work with the Fire Department. 7) Conditions 4 & 5 are to be incorporated in the deed and filed with the Warren County Clerk's Office. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by** Chauncey Mason. **All in favor. Motion Carried.**

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

S. Wilson 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 constitutes 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 stream bank erosion and will not pollute Lake George, its tributaries or streams with run-off.

Motion by Sue Wilson to accept the application as complete, and having held a public hearing and approvals from Town Engineer, Tom Nace grant approval for a major stormwater project 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** Donald Roessler. **All in favor. Motion Carried.**

- 2) **FOY SR., EDWARD.** Seeks to discuss condition of approval set forth by the Planning Board on June 22, 2000, when approving the Indian Summit Subdivision SD99-08. The condition reads as follows "No further subdivision of any parcel shall occur." Section 140.00, Block 2, Lot 3, Zone RL3. Property Location: Padanarum Road. *Note: This was tabled at the October 2006 meeting pending additional information.*

Jesse Foy, representing Edward Foy Sr., gave an overview and said (1) the lot is flat land and he feels it is a good place to build and (2) regarding the trees, his brother gave up land to National Grid and for common area.

D. Roessler asked if the PB would be opening the door for other lot owners if it approves the subdivision on this one particular lot. Counsel replied by saying (1) the PB does value and judge this particular project on its own, but he is sure that the PB would be called and challenged—and it would be a valid challenge—by another lot owner if they have appropriate space that it was done here and it should be done for them—they would have to support their own application as to why it was approvable and (2) it is not a lifting of the

“no” throughout the whole subdivision—just this particular lot—but others in the subdivision may request the same.

J. Gaddy said (1) he sympathizes with the applicant, (2) he is not in favor of going against the subdivision condition of “no further subdivision” and (3) he feels the prior PB’s intent with the condition was to keep development happening without having to put an undue burden on the land itself.

S. Wilson asked if this is the largest lot in the subdivision and Jesse Foy said (1) he thinks it was originally, since it was a 9-acre lot and his brother Keith Foy gave up 3 acres of this land for common property.

D. Roessler said that (1) there is a lot of road frontage on this lot, (2) the only other possible subdivision would be Lot 1 and (3) he doesn’t have a problem with the subdivision of this particular lot—it is not changing the area up there much. S. Aldrich said (1) she is not sure she wants to second-guess a prior PB, (2) she knows the prior PB put a lot of time into it and (3) it is a rough piece of topography—she thinks maybe 9 lots was the best idea and this PB should leave it at that. J. Gaddy said (1) he would like to see more young families come into the Town of Bolton and (2) if this is going to proceed, he would like to see if the applicant would be able to get the present landowner to go for a lighting restriction.

S. Wilson asked if this matter has to go before the APA and P. Kenyon said that she doesn’t know—she would need to research it further. Counsel said (1) he doesn’t know what the history was in terms of if there was any inference of wetlands or if there had ever been an APA project review on this in the first place and (2) if the APA was involved to any extent in the first project then the answer is an absolute yes.

From the public, Meredith McComb asked if the PB could require contour lines be added to the map prior to voting on this matter.

Correspondence: Counsel read the following correspondence into the record during the public hearing on this matter:

- Letter from Dr. Joseph Keating, PhD dated 11/10/06—concerns, requested PB denial.

Counsel said in the Keating letter, Dr. Keating had relied upon the representations and got what he had been promised by the prior PB vote that there was a cap on however many lots would be there and Dr. Keating exchanged land in reliance on that and Rolf Ronning said that was accurate.

Motion by Donald Roessler to table the matter until the December meeting as a full board was not present. Seconded by Sandi Aldrich. All in favor. Motion Carried.

3) SD04-08 BRANDOW, EDWARD. Trout Lake West. Represented by Rolf Ronning. Seeks to divide into 5 lots those parcels designated as Section 185.00. Block 1, Lot 31,

Zone RCL3. Property Location: Trout Lake Road. Major Subdivision. Sketch Plan Review. Subject to SEQR. NOTE: *On February 16th, the Planning Board passed a resolution, whereby the above noted parcels were re-aggregated. A new number has not yet been assigned.*

Rolf Ronning, representing Edward Brandow, (1) asked what the PB is looking for and (2) said that Mr. Brandow's health is failing and he would like to get through this as quickly as possible.

Discussion ensued and the PB members gave their requests as shown in the motions for SD04-08 Edward Brandow Trout Lake West and SPR06-21 Edward Brandow Trout Lake West.

Motion by Donald Roessler to keep the public hearing open and table the application pending additional information as follows; 1) Test hole information is to be provided for the 4 infiltration devices closest to the lake. 2) Well relocations are to be considered. 3) Lake access for lot 5 (shown on lot one) is to be more defined but not appear as a separate parcel. 4) The relocated infiltration device shown furthest from the lake on lot 1 must be shown. 5) 10 complete sets of maps showing all revisions must be provided. **Seconded by** Sue Wilson. **All in favor. Motion Carried.**

4) SPR06-21 BRANDOW, EDWARD. Trout Lake West. Represented by Rolf Ronning. In accordance with Section 125.13C1 of the stormwater regulations, seeks Type II Site Plan Review for a major project to remove more than 15,000 sq. ft. of vegetation. 35,750 sq. ft. is proposed. Section 185.00. Block 1, Lot 31, Zone RCL3. Property Location: Trout Lake Road. *Note: The WCPB determined no county impact with condition clarification is provided for the number of lots to be developed.*

Motion by Donald Roessler to keep the public hearing open and table the application pending additional information as follows; 1) Test hole information is to be provided for the 4 infiltration devices closest to the lake. 2) Well relocations are to be considered. 3) Lake access for lot 5 (shown on lot one) is to be more defined but not appear as a separate parcel. 4) The relocated infiltration device shown furthest from the lake on lot 1 must be shown. 5) 10 complete sets of maps showing all revisions must be provided. **Seconded by** Sue Wilson. **All in favor. Motion Carried.**

5) GREEN ISLAND ASSOCIATES. To review 240 sq. ft. addition to laundry building. Section 171.16, Block 1, Lot 16, Zone Green Island PUD.

D. Roessler asked what the area is specifically used for and Al Stern, representing Green Island Associates, answered by saying that (1) currently it is the laundry pressing area where they press uniforms and (2) they are trying to open the area up and provide more ventilation and a safe working area for the employees.

D. Roessler asked when the applicants plan on starting the project and Al Stern said probably not until next year at this time because they can only shut that area down in the wintertime.

D. Roessler asked if the applicants will have to go for an extension if they are given PB approval today and Counsel said (1) this is part of the process and the Town Board approves this request as well, because it is the PB's action and the Town Board's legislative action because this is an amendment to the PUD and (2) if the PB finds this satisfactory then it should make a resolution saying it is satisfactory and the recommendation in addition to approving it would be for the Town Board to consider it approvable.

No correspondence.

Motion by Donald Roessler to approve the 240 sq. ft. addition to the service building.
Seconded by Sandi Aldrich. **All in favor. Motion Carried.** *Note: This motion includes a favorable recommendation to the Town Board.*

6) SPR06-44 ARNOLD, KENNETH & ROSEMARIE. Represented by Chris Gabriels. Seeks Type II Site Plan Review for a new land use within 250 ft. of the lake shore. Specifically to replace an existing 4 ft. x 35 ft. stake dock with a 40 ft. x 8 ft. articulating dock/stairs. Section 156.20, Block 1, Lot 18, Zone RCM1.3. Property Location: 110 Pioneer Village Rd. Subject to WCPB Review. Subject to SEQR.

The WCPB determined no County impact.

Chris Gabriels, representing Kenneth and Rosemarie Arnold, gave an overview and said (1) the proposed dock meets all Town of Bolton requirements, (2) they have received LGPC approval and (3) the proposal has been reviewed by the Bolton ZBA and they are okay with it.

J. Gaddy asked if there is any way to camouflage the proposed dock because that type of dock is not pretty to look at and Chris Gabriels replied by saying (1) there are not a lot of sight lines from any year-round homes and (2) the proposed articulating dock would be replacing the existing articulating dock. D. Roessler asked if the proposed dock would be metal with wood decking and Chris Gabriels said yes.

S. Aldrich asked what amount of trees would be removed and Chris Gabriels replied by saying that it would probably be about 5 shrubs. J. Gaddy asked if the homeowner would be willing to put in suitable low plantings at the lakeshore and Chris Gabriels said (1) the five shrubs would be taken out to facilitate the construction of the stairs, giving reasonable access to the dock which meets the Town of Bolton rules and regulations, (2) in that present area at the present time, there is more vegetation than any other lot within 500 feet of either side of it and (3) replanting is probably not realistic because it is rocky and steep.

No correspondence.

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

Motion by Donald Roessler to accept the application as complete, waive a public hearing and grant 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 Sandi Aldrich. All in favor. Motion Carried.

7) **SPR06-47 MCHUGH, NEAL.** Represented by Atty. Jon Lapper and Dennis Dickinson. In accordance with Section 125.12C1 of the stormwater regulations, seeks Type II Site Plan Review for a major stormwater project to remove more than 15,000 square feet of vegetation. Approximately 20,000 square feet has been removed. Section 212.02, Block 1, Lot 13, Zone RL3. Property location: 206 Coolidge Hill Road. Subject to WCPB review. Subject to SEQR.

The WCPB determined no County impact.

J. Gaddy asked what the results were of the Town Board discussion on this matter and Counsel said this matter was resolved in that there was a \$500.00 civil penalty imposed and that the remediation presented by the applicant was satisfactory with the condition that the applicant would be back before the PB to make sure things are in compliance.

J. Gaddy asked how matters like this could be avoided in the future and P. Kenyon said it can't—permits were issued and the excavator went in and cleared what he wanted regardless of the specifics of the approved plan. Counsel said that there was a meeting among Town Board members and interested public parties that resulted in a policy consideration that there would be a requirement before there is actually any land disturbance or development in that the Zoning Administrator/Zoning and Planning Office would say to the interested applicant/contractor to go buy the little wire with flags on them and spot where the disturbance will occur by flagging the area—so that is a start, because all who go to the site will be looking at the same thing, as opposed to in this instance where the excavator had his own idea of what he was going to clear with no guidelines—it won't prevent this from happening again, but he thinks it will narrow the incidence of how often this occurs.

J. Gaddy there have been projects in the past where clearing limits have been staked out and Counsel replied by saying that they were trying to make this user friendly in that the Town Board was concerned that they didn't want everybody held to a requirement of every parcel on every project in every instance needs to have a survey, so the recommendation came up that would be user friendly would be to have the applicant/owner go out and put stakes up.

Atty. Stefanie DiLallo Bitter, representing Neal McHugh, gave an overview and said (1) the infiltration pond incorporated moved the driveway north more, (2) the plan has been reviewed and signed-off by Town Engineer Tom Nace and (3) the house will be guttered to direct roof run-off to a 4-inch PVC pipe which will also run to the stormwater pond area.

D. Roessler asked if the TB asked for a re-vegetation and/or replanting schedule and Counsel said that is the PB's job. Atty. DiLallo Bitter said that the applicant is planning on putting in pine trees and re-landscaping the area in front of the septic and around the house. P. Kenyon

said that the applicants are already re-vegetating the area behind the house. J. Gaddy said the whole site was cleared. S. Aldrich said she would like to see a re-planting plan.

J. Gaddy said (1) one of the things discussed today at a joint meeting with the LGPC, Saratoga Associates, Town Representatives and interested parties, was re-vegetating and the different styles of re-vegetating, (2) they are looking to make sure you can have a scientific basis for the reason for replanting—trying to keep any erosion from coming from off there—these stormwater plans are designed by engineers and are supposed to work, (3) they understand it is a person's right to be able to manipulate their property, but they also like to keep some of the soil on the property and (4) lawns don't help the nutrient loads in the lake, so if there could be some native vegetation being re-planted along with a number of trees, it would be a good idea. D. Roessler said that he would like to see a re-vegetation plan. S. Aldrich said she would like the plan to show trees and ground cover. J. Gaddy said he would like some of the original character put back in there—larger trees. P. Kenyon said it is important that the applicant moves forward with the stormwater plan. Counsel suggested that if it is the PB's inclination, then an approval this evening further contingent upon a planting plan scheduled so that it is at an available meeting and targeted for spring planting. J. Gaddy said there should also be immediate mulching and stabilization.

J. Gaddy asked if there is a loss of privacy for the neighbor due to the loss of vegetation and Counsel said he would assume for the purposes of this discussion that the answer is an absolute yes, but it is also the middle of November, so what is the likelihood that with no planting schedule tonight that a month from now it will just be a plan that can't be planted—we are stuck with that. S. Wilson asked if the approval of the planting plan would be the only approval still be left and Counsel said yes, if there is no planting plan then it would go back to the mat and alternative remedies.

No correspondence.

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

Motion by Sue Wilson to accept the application as complete, waive a public hearing and grant approval as presented with the following conditions; 1) A tree planting plan is to be provided to the Planning Board, to be heard no later than February 2007. 2) The plan is to include the location and amount of trees proposed. The trees are to be a minimum of 8 ft. in height and must be native species. 3) The stormwater plan must be implemented no later than December 15, 2006. 4) Exterior lighting must be downward facing and shielded with low wattage bulbs used. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by Donald Roessler. All in favor. Motion Carried.**

OTHER BUSINESS:

1. S. Wilson asked if the PB needs to request that any re-vegetation plan for the Harrington matter and Counsel said (1) the PB already did that—it is in the equation and (2) it is not the TB that is going to work on how many trees, how high and what species—it will be

part of the resolution and it will come back before the PB and Mr. Harrington or maybe Mr. Stafford will be making a proposal on how many, how high, what varieties—it is already in the mix of what the PB wants. J. Gaddy asked if the PB can modify the proposal and Counsel said yes.

2. J. Gaddy said there was a meeting sponsored by the LCPC regarding basin-wide stream corridor protection and tree clearing discussions open up to any interested parties.
3. J. Gaddy said there is a special TB meeting tomorrow at 5:00 pm. Counsel said (1) the topic of the meeting would be enforcement or lack of enforcement or inequitable enforcement of issues that pertain to disturbance, clearing, tree-cutting, brush cutting, etc. and (2) there is validity on all sides here and it is open for discussion—it would be important to have all sides adequately spoken for.

Meeting adjourned at 9:09 pm.

Respectfully submitted by
Jennifer Torebka
Recording Secretary
11/27/06