

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday, October 19, 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: Chairman Herb Koster, Sandi Aldrich, John Gaddy,
Chauncey Mason, Don Roessler, Susan Wilson (arrived at 6:40 pm),
Town Counsel Michael Muller, Zoning Administrator Pam Kenyon

Absent: Henry Caldwell

PUBLIC HEARING: None

REGULAR MEETING:

H. Koster opened the regular meeting at 6:08 pm by asking for corrections to the September 21, 2006 minutes.

Motion by Donald Roessler to put off voting on the September 21, 2006 minutes until the November meeting, giving the board members ample time to review them. **Seconded by** Chauncey Mason. **All in favor. Motion carried.**

Note: *The agenda items were heard in the following order: 1-3,4 (tabled), 5, 6 (tabled), 7, 9, 8, 10 & 11 heard together.*

- 1) **SPR06-16 SHEPANZYK, DEREK.** Represented by Dennis Dickinson of D.L. Dickinson Associates. For the construction of a proposed single-family dwelling, seeks Type II Site Plan Review for a new land use within 250' of the lakeshore. Section 213.13, Block 1, Lot 51, Zone RCM1.3. Property Location 3932 Lake Shore Drive known as the Monaco Motel. Subject to WCPB REVIEW. Subject to SEQR. *Note: This item was adjourned at the September 2006 meeting as no one was present to present the application. The WCPB determined no county impact with the condition that the plans identify the capacity of the septic system and water supply system in regards to maximum capacity of usage.*

Dennis Dickinson, representing Derek Shepanzyk, gave an overview and said (1) the house site is in the area they would like to have it, (2) the septic system locations are mapped out at the site and (3) they have proposed to give up the game room.

J. Gaddy asked about the storm basin to the east of the house and asked if it would be within the setbacks. P. Kenyon said it would. J. Gaddy said that he would like to see if there is any way to deal with the existing pavement and asked about the basement plan. Dennis Dickinson said that they propose to convert the apartment into a game room. J. Gaddy asked if there will be living arrangements in the basement of the proposed house

and Dennis Dickinson replied by saying that they will not be putting in additional bedrooms in the existing basement area. J. Gaddy asked if the existing basement would be used for storage and Dennis Dickinson replied by saying they are definitely not adding additional bedrooms in the basement area and he is unsure if the applicant will be using the basement area for storage.

S. Aldrich asked if there would be blasting because the floor plans show a staircase going down through the living room. Dennis Dickinson said that he doesn't anticipate any blasting needing to be done.

J. Gaddy said that he doesn't see how you will be able to put garage doors on the structure, to which Dennis Dickinson said that he is not sure of the applicant's plan for that, but the applicant won't be driving his car in there. D. Roessler asked where the office would be located and Dennis Dickinson said the office would be located in the house.

S. Aldrich asked if information on the septic and water capacities is available and Dennis Dickinson said that he doesn't have it with him tonight. S. Aldrich asked if there is a well and Dennis Dickinson said yes, there is a drilled well right by the house. P. Kenyon said that her office would research the septic system before a house can be built there.

D. Roessler asked if it is correct that there is one well for the entire motel and Dennis Dickinson said yes, but they are taking three bedrooms, so there wouldn't be any increase in septic.

J. Gaddy said that Warren County was requesting septic capacity and Dennis Dickinson replied by saying that he doesn't have that information, but all of the soils are sandy. H. Koster (1) asked if the PB has to literally abide by what Warren County is requesting and (2) said that as a general principal you don't want to be digging up old septic systems and (3) he wouldn't like to see anything more than the tank exposed to find out what kind of capacity the tank has, being that the tile field is existing and has never had any history of failure. Counsel said (1) that the Bolton PB is to follow the spirit in the intent of what Warren County has expressed and (2) the Bolton PB is not bound to any of it, but should be looking for County impact and the County has a tendency to overreach in what they (the County) considers County impact and (3) in his opinion the County has overreached what they consider a county impact in this situation. P. Kenyon said she believes she is obligated to make sure the septic meets the design properly, but if the applicant is not increasing bedrooms then it is not under her jurisdiction. Counsel said the water capacity is the job of NYSDOH and the neither the Bolton PB nor the Bolton Zoning Administrator would be involved in it at all, which is what he believes the County was trying to say. P. Kenyon asked if NYSDOH would come into play with the septic as well and Dennis Dickinson said no, because they are not increasing bedrooms.

J. Gaddy asked if the applicants would have any objection to outdoor lighting being downward facing and shielded and Dennis Dickinson said no.

No correspondence.

The WCPB determined no County impact with stipulations.

The PB found no concerns with Section 200-31 A-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 with the following condition. 1) 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** John Gaddy. **All in favor** with the exception of Sue Wilson as she was not present for this portion of the meeting.

Motion Carried.

- 2) **SPR06-48 PANZARTI, ANTHONY & ANTHONY.** Represented by Tom Hutchins of Hutchins Engineering. As part of subdivision approval set forth by the Planning Board on January 23, 2003 and in accordance with Section 12513C1 of the stormwater regulations, seek Type II Site Plan Review for a major project to remove more than 15,000 sq. ft of vegetation. 29,500 sq. ft. of vegetation is proposed. Section 171.07, Block 1, Lot 61, Zone RM1.3. Property Location: Cobblestone Court and being lot 11 of the Cobblestone Subdivision. Subject to WCPB REVIEW. Subject to SEQR.

Tom Hutchins, representing Anthony and Anthony Panzarti, gave an overview and said (1) the site in question is lot 11, (2) it is served by public water, (3) the wastewater is untouched, (4) the proposal is for a two-story, 4-bedroom house being 2,200 square feet and (5) they have submitted stormwater plan.

J. Gaddy asked how far the grading of the property to the septic will be and Tom Hutchins said it is a 4' cut that will be close to the house. J. Gaddy asked how far they intend to go back and Tom Hutchins said they plan on 20 feet to the top of the slope.

Note: PB member Sue Wilson arrived at this point in the meeting (6:40 pm).

J. Gaddy asked if there are any decks planned and Tom Hutchins said yes, they are proposing one covered porch. J. Gaddy asked if the area in question will be seeded and mulched and Tom Hutchinson said yes. D. Roessler asked if they are looking to start this project as soon as possible and Tom Hutchinson said yes.

The WCPB determined no County impact.

No correspondence.

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

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

1. The project meets the design requirements and performance standards set forth in the code.
2. The project will not have an undue adverse impact regarding the criteria set forth in the code.
3. That the stormwater control measures proposed will function as designed and 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 Donald Roessler to accept the application as complete, waive a public hearing and grant approval as presented with the following conditions. 1) Exterior lighting must be downward facing and shielded with low wattage bulbs used. 2) Section 125.11C5 (Erosion control measures) must be adhered to. Specifically Section 125.11C5 reads as follows: ground clearing or grading activities which occur during the period October 14, to April 15, during which germination of vegetation typically will not take place shall be required to incorporate extra measures during re-vegetation in order to reduce erosion and maintain quality. These extra measures include, but are not limited to the use of screen mesh, netting, extra mulch, and silt fences. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by** John Gaddy. **5 in favor.** Sue Wilson abstained. **Motion Carried.**

- 3) **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 September 2006 meeting pending WCPB and Fire Dept. review. To date the Fire Dept. has not responded to the request.*

Peter Gluck of Peter L. Gluck and Partners, representing DJMD Bolton NY, LLC, gave an overview and said (1) they submitted an additional boathouse plan, (2) they submitted an application to the WCPB and (3) they contacted the Bolton Fire Dept. and have not gotten a response to date.

S. Wilson asked about percentages of stormwater saved from the proposed roofs and Peter Gluck said that (1) the roofs absorb a lot of stormwater, (2) there will be 9 inches of

soil on top of the roof that will slow down the stormwater considerably and (3) the soil is a special mix that is very absorbent, so the water will seep all the way through it. Counsel said that Tom Nace reviewed the project and approved it.

S. Aldrich asked (1) about Counsel's e-mail regarding the policy on properties like this that have the density for more than one principal structure and (2) if this property would be a good case for that policy. Counsel replied by saying that (1) in the spirit of trying to do what Bolton has done in the past, it has been permitted, there is a section in the code 200-18 regarding new multiple principal buildings created on the same lot, (2) there is some momentum with the notion that you can put more than one principal building on one lot—which is the current status of where the code is now and (3) this application deserves to be decided upon this current code.

J. Gaddy said it is a pretty long road. D. Roessler said that the proposed pull-offs are a plus, but once there is a vehicle down there it blocks everything else off and there should be some kind of turnaround. Peter Gluck said that they are assuming there will be a turnaround. Holly Chacon said that on Map A-12 there is an area where the fire truck can back down and turn in. D. Roessler said that a turnaround up higher where the first house is located would be beneficial. Peter Gluck said that whatever it is the Fire Dept. would like, they would tailor the project to that. D. Roessler asked the width of the driveway and Peter Gluck said 12 feet.

H. Koster asked if the applicants would be willing to put in a dry hydrant and said that there is a big elevation drop, so the applicant may have to provide the pump at the dock. Peter Gluck said they want to work with the Fire Dept., but they have been unable to date to have dialogue with them. H. Koster said that he knows the Fire Dept. has a concern with looping around and not having enough room.

D. Roessler asked the length of the driveway and Tom Jarrett said it is 2,200 feet. Additional options were discussed. Peter Gluck said that they can and will come up with a solution and need to be able to sit down with the Fire Dept.

H. Koster said that it is a very interesting project and the most questions he gets on this project is the architecture of the boathouse being so unique and such a new concept to the town, which is his only concern in addition to the Fire Dept. access. Peter Gluck said that the design of the boathouse is less of an intrusion into the lake.

J. Gaddy asked about the clearing to the east of the main house and Tom Jarrett said that they propose the disturbance limits no further than 20 feet from the house, which is the patio, basically—it won't be closer to the lake.

S. Wilson said she agrees the project is interesting and likes it as long as it is built as presented. D. Roessler said that due to the size of the property and the unique design, he thinks there should be a public hearing.

No correspondence.

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

The WCPB determined no County impact.

Motion by Donald Roessler to schedule a public hearing for Nov. 16, 2006 at 6:00 pm to be heard as item #1. **Seconded by** John Gaddy. **All in favor. Motion Carried.**

P. Kenyon said she would send a letter and complete project packet to the Fire Dept. for their review. Peter Gluck asked if they could be present to answer any questions they may have directly. H. Koster said the Fire Dept. will review the packet P. Kenyon sends and they will give a list of concerns back to the PB. J. Gaddy said that there should be a timeframe for reply from the Fire Dept. Counsel said they will recommend the Fire Dept. meet with the applicants and they will do their best to get the Fire Dept. to respond.

- 4) **SD06-05 OBERER, ERNEST.** Represented by Joseph Fuerst PLS. Seeks to divide into 3 lots that parcel designated as Section 171.00, Block 1, Lot 6, Zone LC25. Sketch Plan Review. Minor Subdivision. Subject to SEQR. *Note: This item was adjourned from the September 2006 meeting pending a recommendation from the Fire Dept. To date the Fire Dept. has not responded to the request. Also, the Planning Board must determine if the roadway is considered a road or a shared driveway.*

This item was tabled at the applicant's request.

- 5) **SD05-25 MCGURL, THOMAS.** Represented by Attys. Jonathan Lapper & Stefanie DiLallo Bitter of Bartlett, Pontiff, Stewart & Rhodes, PC, and Matt Steves of VanDusen & Steves Land Surveyors. Seeks to divide into 8 lots that parcel designated as 170.00-1-22.1. Zones RCL3, LC45 & LC25. Property Location: 520 Trout Lake Rd., known as Twin Pines Resort. Sketch Plan Review. Major Subdivision. Subject to SEQR. This item was last heard March 2006 pending additional information.

Atty. John Lapper, representing Tom McGurl, gave an overview and said (1) they have made the requested changes, (2) they have received a non-jurisdictional letter from the APA, and (3) they propose to keep the existing buildings by the lake and to remove 19 other units.

D. Roessler asked if proposed lots 2 through 9 will have lake rights and Atty. Lapper said no, it will just be an easement for access to the lake. D. Roessler asked if there will be docks there for use by those lot owners and Atty. Lapper said they propose one dock in the easement area. H. Koster asked if all of the lakeshore would now be common area and Atty. Lapper said no, there would be a 255-foot easement area for common use. J. Gaddy requested that area be added to the maps. D. Roessler asked if the existing cabins

that are to remain would continue being used for seasonal rental and Atty. Lapper said yes.

S. Aldrich asked where and how much blasting would be and Tom Hutchins showed the areas on the map. S. Aldrich asked what would be done with the blasted material and Tom Hutchins said some would be used to fill, but most would be removed.

S. Aldrich asked about herbicides and pesticides to be used and Atty. Lapper said yes, they anticipate the homeowners will use them for lawn maintenance—they would not be used for construction use.

S. Aldrich asked if there would be any provisions for parking and Atty. Lapper said no, there is an existing parking area that should be sufficient.

J. Gaddy said that the PB received an extensive letter dated 10/19/06 asking about the proposed use of the recreation hall and Atty. Lapper replied by saying (1) they just received the letter tonight, (2) the recreation hall would continue to be used for the tourist accommodation proposed as it is now—not for the homeowners' use and (3) they will address the concerns in that letter at preliminary, as there are many inaccuracies in it. J. Gaddy said he agreed with the letter that this project should go to the Town Engineer for review and Atty. Lapper agreed saying they would expect that to be done. H. Koster asked how many rental units are proposed and Atty. Lapper said there are 35 existing rental units; they are proposing 11 units that would all be located on Lot 1. H. Koster asked if the T.D. McGurl lot is already a separate tax item and Atty. Lapper said yes.

S. Aldrich said one of the PB's concerns were the addition of turn-off for fire trucks and Tom Hutchins said they added them as requested by the PB and pointed them out on the maps. J. Gaddy asked how the utilities would be run to the property and Atty. Lapper said that they would be run underground along the road. S. Aldrich asked who owns the roadway and Atty. Lapper said there would be a homeowner's association for the 8 lots that will control the road.

H. Koster asked if the full lake frontage remains with the McGurls and Atty. Lapper said yes. H. Koster asked if the renters would be using the same lake front areas as the homeowners and Atty. Lapper said yes, it will be shared—it will be a non-exclusive easement. H. Koster said that if there is a definite distance exclusive to eight lots then you mangle in 11 rental cabins it doesn't compute properly. Counsel agreed and said that the minimum would be satisfied by 175 feet + 10 for each lot and it is not the same utilization as far as the Zoning Code is concerned—the minimums have been met. Counsel asked what the overall shoreline is and Atty. Lapper said 1,080 feet. P. Kenyon asked if there are a total of 8 building lots and Atty. Lapper said no, it would be 7 building lots and the existing lot with the existing buildings. P. Kenyon said the applicant would need 100 feet for each of the first 10 cottages then an additional 8 feet for the extra one. Counsel and P. Kenyon reviewed 200-29D of the code and Counsel said that the applicant is okay with shorefront as it is presented.

Atty. Lapper said that they would do the stormwater plan and submit it to Town Engineer Tom Nace. J. Gaddy asked when it would go to the County and P. Kenyon said the stormwater plan would need to be submitted, then it would go to the County, reviewed by Tom Nace, then once approved it would come back to the PB.

H. Koster asked that the blasting, cut and fills, and disturbed areas be included on the maps and Atty. Lapper agreed. J. Gaddy said there is a concern with lot size and Atty. Lapper said the lots meet the minimum lot size and they are way under on density.

Motion by John Gaddy to accept the application as a completed sketch plan, convert the sketch plan to preliminary plat with the following information to be provided. 1) A major stormwater project is to be applied for. 2) Town Engineer, Tom Nace is to review and approve the stormwater plan. 3) The Homeowners Association bylaws to be submitted, with an emphasis on the use of the shoreline. 4) Proposed dock to be shown on the map. **Seconded by** Sandi Aldrich. **All in favor. Motion Carried.**

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

This item was tabled as no one was present to present the application.

- 7) **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 June 2006 meeting pending additional information.*

Edward Foy, Sr. gave an overview and said (1) he submitted all requested approval letters from the neighboring property owners and (2) he is seeking PB approval.

S. Wilson asked if the subdivision originally came in as 9 lots and P. Kenyon said yes, she believes it did. S. Wilson said that on sheet one it says 16.2 lots were allowed. S. Aldrich pointed out that they only asked for 9 lots to begin with. Edward Foy, Sr. said that the proposal is to make a break of one-acre lot from Lot 9 to be gifted as a lot to his son Jesse Foy so he can raise his children in the town in which he grew up.

H. Koster (1) said he has no problem with the request and (2) asked if once the PB has put a stipulation on a subdivision for no further subdivision if that is legitimate even if the subdivision has the needed density. Counsel replied by saying (1) it is legitimate—the requirements or restrictions that the PB imposes on a subdivision have to be reasonable, (2) he supposes if it was not challenged by the applicant once it was approved then it is deemed reasonable, (3) the PB is the body that can more appropriately alter or change the restriction, (4) he thinks that procedurally since the PB went into this with a public hearing required, then the PB should go out of this with a public hearing as well.

Motion by Donald Roessler to schedule a public hearing for Nov. 16, 2006 at 6:00 pm to be heard as item #2. **Seconded by John Gaddy. All in favor. Motion Carried.**

- 8) **LLC JDJ ENTERPRISES.** Represented by Linda Johnson & Mike O'Connor. Seeks to discuss Tree Top Challenge Park to possibly be located on lots 1 through 4 of Westwood Forest West Subdivision. Section 139., Block 1, Lot 8.1, Zones LC25, RR10, & RIL3. Property Location: West side of Hendricks Road, off County Route 11

Mike O'Connor of Little and O'Connor, representing LLC JDJ Enterprises, gave an overview and said (1) they will be asking for permission for an open-space recreational use on lots 1-4, (2) they are proposing an activity that doesn't create a lot of ground improvements, (3) they would like to get the feeling of the PB on this project before going any further, (4) the applicants will send in consultants to plan the site, (5) the use will be by reservation only by small groups and they hope to be up and operating in April 2007, (6) they plan to operate April through October at different days/times in different months, (7) they propose to serve three age groups who would be taken through the trails by guides, (8) they would be comfortable with 40 parking spots, but need to explore that more, so they don't anticipate a lot of clearing, (9) they are also proposing a welcome center on site and would have approximately 11 employees, (10) they hope to approach the school board for the possibility of shared parking, and (11) they are looking for further input on the approvals needed because it is vague in the Bolton Zoning Code as to whether an open-space recreational use would be acceptable as a Type I or Type II use, so they want to know if the proposed project would be acceptable in this zone.

H. Koster asked about the intention of buying one lot and leasing the other three and Mike O'Connor replied by saying that they are planning on purchasing three lots then leasing the other one until APA approval of the wetlands has come to fruition, once that happens they will purchase that remaining lot.

S. Wilson asked how many groups of 15 can be accommodated at a time and Linda Johnson said there would be two trails and they could accommodate as many as 6 groups of 15 on the trails at one time.

H. Koster said that there is discussion on the TB that if it isn't listed then it is not covered. Counsel said that (1) his opinion is that the Zoning Code should be strictly construed and what that means is that it should not be expanded by implication, (2) if there is a determination that can be made by several interpretations—the interpretation that is most acceptable to the one that is favorable to the applicant would be warranted and (3) there is no strict prohibition here—he is struggling trying to get some meaning out of what is written in the code regarding Type I and Type II uses and these areas of the code should be more inclusive and (4) the code considers “group camp” to be “...any land or facility for seasonal housing and recreational education or business related use by private groups, semi-public groups, etc...”, (5) a well-written Zoning Code would have addressed certain

uses in all areas for consistency and (4) the Town of Bolton's definition of a “group camp” is very vague.

H. Koster said he likes the proposed project. Counsel asked about the proposed buildings and Mike O'Connor said that they are proposing a small welcome center with a deck, bathrooms and parking on both sides. J. Gaddy asked if there would be a snack bar and Linda Johnson said that no, they would sell water and possibly energy bars, but wouldn't have a snack bar. D. Roessler asked if the only restroom facilities would be in the welcome center and Linda Johnson said yes.

P. Kenyon said her office wasn't sure how to approach this project until more details as to what the applicants are looking for were received. Mike O'Connor said that normally if something is excluded from Type I it is listed in Type II. Counsel agreed and said that the code is very poorly written because the exclusion of the use is stated in Type I, but not included anywhere else. Counsel said this project is getting about as close as you can to a “group camp” and he feels comfortable that if the PB is comfortable with it then it could be considered a group camp which would be a Type II Site Plan Review.

P. Kenyon asked if the proposed location is within one quarter-mile of the Schroon River and Rolf Ronning said no.

Mike O'Connor said he feels this project is better than having some industrial use there and several PB members agreed.

Counsel asked if the applicants anticipate any part of the project to exceed 1,500 square feet of disturbance and Mike O'Connor said no, he doesn't think so—this company takes great care in preserving the trees and the ground underneath it. Mike O'Connor said that he assumes the actual clearing for the trails wouldn't be considered disturbance and Counsel said they are not sure because the LGPC has very strict guidelines—they would have to research it further. J. Gaddy said (1) he looked into it and if looking at the LGPC's view of “change to any existing cover that would affect stormwater” that is where the disturbance difference would come in and (2) once trees are cut then there is a different amount or force of water falling on the area. Counsel said (1) that the Town of Bolton is hiring a soil scientist stormwater management engineer CT Male to give a determination on 11/17/06 regarding what the guidelines are and (2) there are also several different ways to measure stormwater.

H. Koster said he thinks is it a great project. Counsel said he would like the PB to let the applicant know if they feel it is a group camp.

Motion by John Gaddy to categorize “Arbre n' Arbre Tree Climbing Adventure Park” as a group camp, thus requiring Type II Site Plan Review. **Seconded by** Donald Roessler. **All in favor. Motion Carried.**

9) SD06-16 WESTWOOD FOREST WEST – Rolf Ronning. Seeks to amend previously approved plat (SD05-24) by the Planning Board on August 24, 2006.

Specifically to create multi-lot lot line adjustments. Section 139.00, Block 1, Lot 8.1, Zones LC25, RR10, & RIL3. Property Location: West side of Hendricks Road, off County Route 11. Sketch Plan Review. Subject to SEQR.

Rolf Ronning, representing Westwood Forest West, gave an overview and said (1) the PB previously approved the Westwood Forest West subdivision and the road, (2) the APA considered the subdivision 12 lots, so he needed to get rid of one, (3) he offered the school one lot for their ball field with the condition they take the road as well, which they are willing to do, (4) in order to give the school the lot, he had to reconfigure 5 of the lots by re-shaping them—the sizes remain the same, (5) the four lots the PB previously approved along with Lot 11 have not changed whatsoever, (6) the proposed common road and cul-de-sac have not changed a bit, and (7) he has been told that the APA non-jurisdictional letter is in the mail to him.

H. Koster asked who would own the road and Rolf Ronning said the school. D. Roessler asked if the school would be responsible for the maintenance of the road. Rolf Ronning responded by saying (1) no, the school has agreed to become a member of the homeowners' association and will pay dues for the homeowners' association to maintain it, but ultimately the school will accept ownership of the road and (2) the APA and the Atty. General's Office are all okay with the road.

H. Koster asked why the lot going to the school still shows a septic and a residence if it is being used for a ball field and Rolf Ronning said that he wanted to leave it as it was—he wasn't sure what the PB wanted to see, but he will remove those items from the mylar if that is what the PB wants. H. Koster asked if the PB can put some kind of stipulation on this if the PB approves it contingent upon the fact that it is being donated to the school and Rolf Ronning said he has no objection to that. Counsel said the PB could absolutely put a stipulation to that effect as a condition of approval.

Counsel said that if a contingency is based upon the school using the lot for a ball field then should the mylars not be signed and the answer is yes. P. Kenyon asked if there is a need to wait for signed APA approval. Counsel answered by saying that the APA considered the road a lot and required one lot be removed, so Rolf Ronning joined the lot to be gifted to the school with the road so the extra lot evaporates. Counsel asked if the applicant crossed any wetlands with the proposed lot line adjustments and Rolf Ronning said no.

No correspondence.

The PB found no concerns with Section C1-C7 on the SEQR form.

Motion by Donald Roessler to accept the application as a completed sketch plan, convert the sketch plan to final plat, waive a public hearing and grant final approval as presented with the following conditions. 1) Lot 8 is to be utilized as Bolton Central School athletic fields (map note required). 2) Lot 8 shall include ownership of the road as shown on map prepared by D.L. Dickinson dated October 3, 2006, entitled "Map of a proposed re-

subdivision of lots 5-8 for Westwood Forest West. 3) The mylar shall not be signed nor filed until Bolton Central School agrees to accept lot 8 as an athletic field. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by Sue Wilson. All in favor. Motion Carried.**

10) 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, Lots 30 & 31 and Section 185.00, Block 3, Lots 25, 26, 27, 28, 29, 30 & 31.1. 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, gave an overview and said (1) Tom Nace had reviewed and approved the stormwater plan, (2) everything the PB requested has been put on the maps and (3) this is jurisdictional by APA and this plan is what they want.

D. Roessler asked for the location of the access point for Lot 5 to access Trout Lake and Rolf Ronning pointed it out on the map and said the access would be through Lot 1. Discussion ensued on whether the proposal is for a driveway or a road and Rolf Ronning said the PB requested that it be a driveway, which is reflected in the measurements. J. Gaddy said that he was looking at the access to Lots 5 and 1. H. Koster said the applicant could do stormwater retention across property lines.

Rolf Ronning said that Edward Brandow's health is failing and he (Brandow) would like to get this thing squared away while he is still alive. Counsel said that according to APA correspondence Edward Brandow agreed this would be a major so this would need a public hearing.

Motion by Donald Roessler to accept the application as a completed sketch plan, convert the sketch plan to preliminary plat, and schedule a public hearing for November 16, 2006 at 6:00 pm, to be heard as item # 3. It is noted that maps 1,7 & 15 are to be corrected to read "Lake access for lot 5". Seconded by Sandi Aldrich. All in favor. Motion Carried.

11) 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, Lots 30 & 31 and Section 185.00, Block 3, Lots 25, 26, 27, 28, 29, 30 & 31.1. 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.*

Note: This item was heard in conjunction with Agenda Item #10, “SD04-08 Brandow, Edward. Trout Lake West”, but voted on separately.

Motion by Donald Roessler to table the application pending a public hearing to heard in conjunction with SD04-08. **Seconded by** Sandi Aldrich. **All in favor. Motion Carried.**

Meeting adjourned at 9:00pm.

Respectfully submitted by
Jennifer Torebka
Recording Secretary
10/27/06