

**Town of Bolton  
PLANNING BOARD  
MINUTES  
Thursday, April 19, 2007  
6:00 p.m.**

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

Present: Chairman Herb Koster, Sandi Aldrich, John Gaddy, Chauncey Mason,  
Donald Roessler, Sue Wilson, Town Counsel Michael Muller  
and Zoning Administrator Pam Kenyon

Absent: Henry Caldwell

H. Koster opened all public hearings at 6:02 pm.

**PUBLIC HEARING:**

*Note: Applicant agreed to have public hearing items 1 & 2 heard together.*

- 1) **SD04-08 BRANDOW, EDWARD. Trout Lake West.** Represented by Rolf Ronning. Seeks to divide into 5 lots that parcel designated as Section 185.00. Block 1, Lot 31, Zone RCL3. Property Location: Trout Lake Road. Major Subdivision. Preliminary Plat. Subject to SEQR. *Note: The public hearing was kept open from the March 2007 meeting pending additional information.*
- 2) **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 public hearing was kept open from the March 2007 meeting pending additional information.*

Rolf Ronning said that Tom Center submitted a letter of approval from Tom Nace for the stormwater controls. Dennis Dickinson, project engineer, gave an overview and said (1) four lots on the lake are proposed with access for the fifth lot, (2) they have resolved their technical legal issues with Julie Denison, (3) they have filed the necessary papers. Dennis Dickinson approached the PB bench and handed out a map and explained the lake access for lot 5 by showing it on the map.

D. Roessler asked if the parking is going to be on the uphill side and Dennis Dickinson said yes. D. Roessler asked if the easement for lot 5 will be across two lots and Dennis Dickinson said yes; it will be a walking easement.

Dennis Dickinson gave a detail of the cutting plan and said that they can cut 35% of the trees within 75 feet of the shoreline.

From the public, Chris Navitsky, Lake George Waterkeeper, said that his one concern is with one of the five basins; this new information has not been made available to the public for review until tonight. Dennis Dickinson said that Chris Navitsky has an open invitation to come to his office to review any information he likes and Tom Nace has had the information for review for a week.

Correspondence read into the record by Counsel in its entirety:

- Letter dated 04/15/07 from the Lake George Association - opposed.

Rolf Ronning said that (1) this project has been going on for over 5 years, (2) the APA has voiced their concerns and they have addressed them, (3) every agency they require approvals from has approved it to this point and (4) they have tried to comply with anybody who has any authority on this project.

S. Aldrich said the latest letter she has from the APA dated October 2006 and asked if the matter mentioned in that letter has been resolved. Dennis Dickinson said that (1) they had transferred the property at Julie Denison's direction to a different entity in the ownership of her house, so in essence they had illegally done a 2-lot subdivision when the intention was to give Julie Denison property to attach to hers and (2) to rectify that situation, they has to retransfer to Julie Denison by filling out a form that needed to be signed by Julie Denison, so they went back and revisited their original agreement with Julie Denison and that is when all the changes started. P. Kenyon asked if the applicant has something more recent than the October 2006 letter from the APA, and Dennis Dickinson said that he doesn't know but he submitted items and has received a return receipt from the APA that they received his submittal. H. Koster asked if the PB has a copy of a letter from Julie Denison stating she is now satisfied and/or a copy of the agreement the applicant made with her. Dennis Dickinson replied by saying that (1) he submitted drawings to P. Kenyon for the easement that have Julie Denison's signature on them and (2) Julie Denison has signed the necessary form to consolidate her two parcels into one. H. Koster said that his concern all along was the agreement with Julie Denison.

**Motion by** John Gaddy to extend the public hearing on SD04-08 & SPR06-21 until the May 2007 Planning Board meeting pending additional information. **Seconded by** Sandi Aldrich. **All in favor. Motion Carried.**

- 3) SPR06-43 SIMONSON, RICHARD & VIVIAN.** Represented by Atty Melissa Lescault of McPhillips, Fitzgerald & Cullum LLP & D.L. Dickinson Associates. For the construction of a proposed single-family dwelling, seek 1) Type II Site Plan Review for a) a single-family dwelling in the LC45 zone; and b) a major stormwater project to remove more than 15,000 sq. ft. of vegetation; Approximately 15,000 is proposed. 2) Type I Site Plan Review is also sought for development within 100' of a wetland. Section 186.18, Block 1, Lot 31, Zones RCH5000 & LC45. Property Location: Off Shallow Beach Road. Subject to SEQ. The WCPB determined no county impact with the stipulation that all paperwork be filed. NOTE: This application is in conjunction with V06-50. *The public hearing was kept open from*

*the March 2007 meeting pending additional information. This item remains tabled at the Applicants' request.*

Tabled at the applicants' request.

**Motion by** John Gaddy to extend the public hearing on SPR06-43 Vivian & Richard Simonson, until the May 2007 Planning Board meeting pending additional information. **Seconded by** Sandi Aldrich. **All in favor. Motion Carried.**

**Note:** *Applicant agreed to have public hearing items 4 & 5 heard together.*

**4) 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 23 lots that parcel designated as Section 139.00, Block 1, Lot 48.1, Zone RL3. Access to be gained through Section 139.00, Block 1, Lot 28.1(Reed) see SD07-04. Property Location: High Meadow Farm Road. Major Subdivision. Preliminary plat. Subject to SEQR. *Note: This application is in conjunction with SPR05-11 and was tabled at the March 2007 meeting pending additional information.*

**5) 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 28.1, 36.1 & 48.1, Zone RL3. Property location: High Meadow Farm Road. The WCPB determined no county impact with the condition each individual lot be reviewed for stormwater and erosion control measures, lot clearing and lot access. Subject to SEQR. *Note: This application is in conjunction with SD04-16 and was tabled at the March 2007 meeting pending additional information.*

Rolf Ronning gave an overview and said that they addressed the three concerns: (1) Lot 23 house site, (2) Lot 17 septic system location and (3) stormwater from Lot 17 to 16 that was brought up at the last PB meeting.

Dennis Dickinson said that (1) the water goes from the high point to the low point and they try to keep all water on a lot, but if they can't then they do an easement, (2) they did a major stormwater plan for the whole project and (3) the length of the driveway was taken into consideration in the stormwater report, (4) they have met all the guidelines and (5) to satisfy the PB they have put in additional stormwater around Lots 16 and 17 which has been approved by Town Engineer Tom Nace.

J. Gaddy said that (1) his concern was the unnecessary length of the driveways to access the building sites on lots 16 & 17, (2) he was also concerned with the placement of the roadway from the Lot 15/16 boundary line to about the Lot 18/19 boundary line and (3) in looking at it, it still runs through a drainage way and wetlands. Dennis Dickinson said that the road traverses across several drainage ways, not wetlands—it is not a

jurisdictional wetland. J. Gaddy said that in looking at the minutes there was concern with the crossing of the stream that comes out of a wetland at the base of the hill.

From the public, Ann Marie Somma adjacent landowner to proposed Lot 3, said that (1) based on the project map obtained from the Town Hall, there is a ditch that goes from Pond 3, across her property and empties into Indian Brook on her property, (2) that area is bone dry right now with no existing culvert and there is absolutely no water that runs down the hill right there, (3) the bridge that they use to get to their house can barely handle the water that flows down the stream during a storm, (4) if someone else drains water into that stream the bridge will not be able to sustain it, (5) she thinks the Town of Bolton has spent a substantial amount of time and money on repairing that area of road already, (6) she didn't know you could allow stormwater to flow into a tributary and (7) there is also a concern with stagnant water and types of diseases or issues like mosquitoes that may develop.

From the public, Chris Navitsky, Lake George Waterkeeper, handed out pictures to the PB members and said that (1) through the PB review they reduce impacts from large-scale projects like this, (2) his goal is to reduce the impacts of development so we do not sacrifice Lake George and its basin so a few people can go to the bank, (3) there are no test pits for any of the stormwater management basins, for which the Town of Bolton code requires, (4) the Brandow subdivision has had similar problems and had to go through a re-review, (5) a stream flows from the wetlands in the center of the property into proposed Basin 6, (6) it is a fact that the design and calculations do not accommodate for a stream—there is no culvert underneath this and the stream will completely wash out the basin, (7) there is a stream presently culverted under the road towards Indian Brook near the entrance, (8) there is no culvert in the new design, so it routes that stream to Basin 3, (9) Basin 3 will discharge stormwater onto the adjoining property without any easement or approval—it was stated last month that the Town Engineer directed this, but that does not mean it is allowed, (10) three of the six basins are proposed to be located on the boundaries of wetlands, (11) each of the basins propose to mitigate stormwater through infiltration, (12) the Town of Bolton Stormwater Ordinance states that "...infiltration devices should be located a minimum of 100 feet from the downgrading wetlands..." therefore the plan does not conform to the ordinance, (13) on-site sewers are proposed to be put within 100 feet from Indian Brook and (14) there are proposed septic tanks that don't have access for mains. He then asked if (1) the stormwater management plan has been reviewed and approved by the Town Engineer even though it does not comply with the ordinance and (2) if the PB is aware of the existing dump containing construction debris, tanks, etc. located on Lot 5 within 50 feet of Indian Brook and (3) if the existing pile of debris will be dumped over the bank towards Indian Brook. Chris Navitsky then suggested that if this project is approved there should be some mitigation of this dump.

Dennis Dickinson replied by saying that (1) the topography on the map is aerial topography that shows a small drainage way, (2) the water is going to go where it goes—it has to go someplace, (3) with their stormwater plan they will be discharging less water at a later time and they have responded to the criteria set up by the NYSDEC for steam

bank erosion control over bank flooding and extreme flooding on that stream from their development, (4) the stormwater regulations are to prevent increased run-off and increases in the spiking of the run-off to prevent flooding, (5) they are simply discharging their water into the existing drainage way. H. Koster asked what the height of the outflow pipe is set at and Dennis Dickinson said that it is set for multiple discharges—the standpipe that feeds it has several outlets and one is set to keep a permanent pool in the basin and there are one or two more, plus it can overflow on the top. H. Koster asked what the emergency outflow is set at and Dennis Dickinson said that (1) it would be in excess of a 100-year storm and (2) they have an approval from Town Engineer Tom Nace.

Dennis Dickinson said that they do not have any septic systems within 100 feet from Indian Brook. Chris Navitsky asked where the septic system location is on Lot 5 and Dennis Dickinson showed it on the map. J. Gaddy asked if they are planning on planting these as artificial wetlands and Dennis Dickinson said that normally they don't allow you to do that—that occurs automatically.

S. Wilson asked if there were any changes to the watercourse after the 2005 storm and Dennis Dickinson said that he cannot answer that.

Correspondence: read into the record by Counsel in its entirety.

- Letter dated 04/16/07 from the Lake George Association - concerns.

Atty. Dennis Phillips, representing Rolf Ronning said that (1) in the RL3 Zone there is a requirement of 3 acres for each lot, (2) the lots for this subdivision are oversized (most are greater than 5 acres), which he thinks is beneficial because it takes it out of the jurisdiction of the NYSDOH, (3) you can conclude that there is an environmental mitigation given the over sizing of the proposed lots, (4) with the APA deferring this to the Town, the APA was basically saying that as a “B” project in the Town of Bolton, that this is something of more local interest than regional significance, (5) in terms of the science of the stormwater, it appears to him that Dennis Dickinson has engineered some stormwater that has been reviewed and approved by the Town Engineer, (6) he would defer to the scientific people, because whatever the stormwater regulations would say would be beyond his expertise, so he is satisfied legally with the approval by two scientists on this, (7) he thinks the Lake George Waterkeeper's questions goes beyond the facts and gets into inflammatory theoretical speculation, so he (Phillips) thinks there was a departure from the fact of presentation, (8) all Rolf Ronning can do with this development is ask the following: (a) what is the law in the Town of Bolton, (b) is he inside of the law in the Town of Bolton and (c) does his (Ronning's) scientific people say that the proposed stormwater plan is going to be adequate and the best he can do for this site, so that he can have a reasonable return on his property—Atty. Phillips said that he thinks all of those things have been presented to the PB, in record and the facts, and (9) he asks the PB grant approval for this subdivision because it has been shown that is a legal subdivision that is capable of being developed within the law.

J. Gaddy asked if this is a Class B Regional Subdivision and P. Kenyon said yes.

From the public, Robert Somma gave the PB members a picture to review and said that (1) the slope is a little lower and they had to put in some fill to fill in some potholes, (2), the plan shows a culvert diverting water across his property into the brook—it is illegal to trespass and it is illegal to divert stormwater onto someone else's property, (3) the applicant does not have the room to build the reservoir or the retention pond without putting equipment on his (Somma's) property and the applicant has never approached him to ask about an easement allowing the applicant to put a giant culvert capable of putting out 50 gallons per second in a 100-year storm, (4) the June 2005 storm was a drastic 1,000-year storm, but since then we have had a couple of 100-years storms that have drastically overflowed the river, (5) he is concerned with this situation and that of everyone down the river, (6) his bridge cannot handle any more water—they are trying to scrape up enough money to build a new bridge that can handle more water and (7) removing all the vegetation on the mountainside and diverting all of the stormwater into the brook will lead to flooding problems. Ann Marie Somma said that they do have more pictures showing that specific area was bone dry after the 100-year storm.

Dennis Dickinson said that (1) they have not trespassed on anyone else's property and (2) he doesn't have any culvert running onto the Somma's property. Robert Somma said that he would like to know how the plans for the proposed culvert could be drawn without somebody going onto his property. Dennis Dickinson said that he is not sure what is being referred to, as he has no culvert running across the Somma's property. Ann Marie Somma said that it is right on the line. Robert Somma asked if Dennis Dickinson drew up the plans. Dennis Dickinson said yes, adding that (1) it is not their intention to put a culvert across the Somma's property and (2) the discharge that presently goes across the property will continue to do so, but discharge does not mean he put a culvert in there—there has always been water going across there. Dennis Dickinson asked if the Sommas have a roadside culvert on their driveway and Robert Somma said no. Dennis Dickinson said there is no way water uphill from the Somma's property is going to go anywhere but across the Somma's property into the brook. Robert Somma said that if water was flowing down the side of the road he would need a culvert. Ann Marie Somma said that is the only part of the road that wasn't destroyed and that land is a little higher—it lifts up a little bit, so the water goes up over and down.

Rolf Ronning said that (1) the proposed stormwater design will lead to less water going down there than currently exists, (2) there are no possibilities of lake views on this property so he can't see anyone buying a lot cutting down trees and (3) regarding the Lake George Waterkeeper's remarks about a pile of tin there, it was material left there from Bruce Mowery and the comments of stuff allegedly dumped over the side of Indian Brook, if it was done, it was done many years ago—he had nothing to do with it and resents the implication that he might have.

From the public, Vandra Dagles said that (1) they are concerned with what will happen in the winter with the freeze/thaw effect, (2) they live on a farm that has been there for over 100 years, (3) the road above their house has been repaired twice, (4) all of the water that

runs down-hill merges in the little "V" where they live, (5) they are not interested in adding more stress to the integrity of that road, (6) stagnant water is a concern for her in regard to West Nile Virus and (7) they used to have two ponds and now have one because the rain came, washed the road above the house out and took out her brook and two ponds, so what was a causeway that was built years ago is now just one big pond and the end of the pond is sheared off from another storm. Chester Dagles said that another concern is that their power pole is five feet from the proposed retention pond, (2) he asked where the water would go after the pond fills up and if the drains on the retention pond freeze and (3) the proposed retention pond is very, close to the road—only about 15-20 feet from the main highway.

Dennis Dickinson replied by saying that (1) if you have an approved stormwater plan then you are going to help these situations that are being complained about and (2) if there are this many concerns about the storms than those with concerns should consider doing stormwater themselves.

From the public, Nancy Suits said that (1) she is in support of the subdivision, (2) all of the lots need to be reviewed for the stormwater, (3) the proposed development is in RL3 zoning—she thinks it is awesome to have a proposal for one home for three to five acres and (4) she believes that there are many people in the audience who would support and recommend approval of the subdivision but are hesitant to speak up.

Don Kingsley, project contractor, said that (1) he is fairly familiar with this property, (2) the run-off from the proposed subdivision will be away from the two ponds that were behind the Dagles' house and (3) the erosion from those two ponds resulted from a storm that happened last summer and it goes uphill to New Vermont Road. Chester Dagles said that the last comment is not true. Don Kingsley said that (1) he constructed one of the culvert pipes that washed out about 15 years ago, (2) right now there are no stormwater controls in place, (3) the 2005 storm washed out CR11--nothing could stand up to that storm, (4) they fixed the driveway after the storm, (5) the proposed settling basin that is to go at the end of the road is to mitigate the hard torrential push and will stop the water, slow it down and give it a chance to settle down before it does a lot of destruction, (6) the engineers have gone through this frontwards and backwards—if you do what the Town Engineer tells you to do, then you don't have a problem and (7) he thinks there are a lot of unfair things said about this project from people who just let their emotions run away who need to start paying attention to the science going into this—you can't just stop all development because somebody doesn't want rain running down the road.

Chet Dagles said that (1) Don Kingsley was incorrect about when his ponds got washed out, as his ponds got washed out in the storm of 1996, (2) the culvert Don Kingsley put in got washed out, they (the Dagles) replaced it and re-did the end of the pond with another engineering company, (3) they are not saying that the Saddlebrook water is even going to come near their pond, but what they are concerned with is that the retention pond is right near the road and directly across from their home, so if the retention pond doesn't do what it is supposed to do their property will get damaged because they are right straight across the road.

No additional public comments.

**Motion by** Donald Roessler to extend the public hearing on SD04-16 & SPR05-11 until the May 2007 Planning Board meeting pending additional information. **Seconded by** John Gaddy. **All in favor. Motion Carried.**

Atty. Phillips asked if there was a reason for keeping the public hearing open so they could address any additional objections that they are unaware of and H. Koster said that (1) there seems to be great concern about Retention Pond 6—the concern seems to be in getting it farther away from the road, (2) while the Town Engineer has approved it, the PB has to deal with the Town of Bolton as a whole. Atty. Phillips asked if those issues could be addressed in the planning process and H. Koster said that the PB will address them during the regular meeting discussion on this project.

### **REGULAR MEETING:**

H. Koster began the regular meeting at 7:20 pm by asking for corrections to the March 22, 2007 minutes.

S. Aldrich said that on page 19, the last two paragraphs state David Becker making the comments when they were in fact made by Peter Cossman, so the following two sentences should read as follows: “...*Peter Cossman* said that in speaking with the Keisslings, his impression is that their understanding was that the ZBA was concerned with density...” and “...*Peter Cossman* said that (1) the issue they are raising is that if they are allowed to put up another house, they either end up with two houses on one big piece of property or two houses on two separate pieces of property and (2) if they put the house on the upper level, the overall impervious cover would be reduced.”

**Motion by** John Gaddy approve the March 22, 2007 minutes as amended. **Seconded by** Chauncey Mason. **Four in favor** (H. Koster, S. Aldrich, J. Gaddy and C. Mason). **Two abstained** (D. Roessler and S. Wilson, as they were not present at that meeting). **Motion carried.**

*Note: Applicant agreed to have Agenda Items 1 & 2 heard together.*

- 1) **SD04-08 BRANDOW, EDWARD. Trout Lake West.** Represented by Rolf Ronning. Seeks to divide into 5 lots that parcel designated as Section 185.00. Block 1, Lot 31, Zone RCL3. Property Location: Trout Lake Road. Major Subdivision. Preliminary Plat. Subject to SEQR. *Note: The public hearing was kept open from the March 2007 meeting pending additional information.*
- 2) **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 public hearing was kept open from the March 2007 meeting pending additional information.*

H. Koster asked if the dock shown has been approved, because it doesn't meet the 20-foot property line setback and Dennis Dickinson said that he was unaware and will have to adjust it. H. Koster said that (1) there isn't room to adjust it and the riparian rights projection is the worse case scenario—it is either perpendicular to the shoreline or an extension of the property line. Dennis Dickinson said that he can work around that. S. Aldrich asked if that also applies to the easement line and H. Koster said yes. Dennis Dickinson said that he would make the dock narrower and the easement line wider.

D. Roessler said that he would like (1) the old easement on the small map titled "Lake Access" for Lot 5 to be removed from the map, (2) for the new map to be added to the packet and (3) the map showing the tree density of the shore area dated 02/06/07 received on 04/05/07 and the map of Julie Denison's property boundary line adjustment dated 02/28/07 received 04/05/07 both added to the packet. Dennis Dickinson agreed. P. Kenyon asked for clarification of the maps in question as she didn't receive them. Dennis Dickinson said that the insert map was done after he was in her office today and then gave P. Kenyon a copy of the maps in question. H. Koster asked if all these maps will be filed and Dennis Dickinson said yes, if that is what the PB wants. H. Koster said that it is very important to file the maps, especially the one signed by Julie Denison. D. Roessler agreed. P. Kenyon asked for further clarification on the map just handed to her regarding the darkened lines and Dennis Dickinson said that they represent the easement for access, which will need to be revised due to the required setbacks for the docks. P. Kenyon asked if Dennis Dickinson needs to meet setbacks from the easements and Dennis Dickinson said yes, that was the PB's determination. H. Koster said that he would also like to see the metes and bounds shown.

H. Koster asked about the map changes received tonight, which were not part of the submitted drawings for the public hearing and Counsel said that H. Koster can determine if they constitute material changes. H. Koster said that he doesn't feel they do because there was an easement before and Counsel agreed. H. Koster said that he closed the public hearing, but they have additional information here and he just wants to make sure that they are abiding by the law in that the law states that the PB has to have all information for the public hearing and this is new information that the public was not aware of. Counsel agreed and said that (1) the PB needs to deem that it is not a material change and if it doesn't really fundamentally change what has been presented. If any PB member disagrees, then the public hearing should be re-opened for that purpose and (2) he doesn't really see it as being a big change. H. Koster agreed.

Rolf Ronning said that Julie Denison and Edward Brandow both signed a form to merge two lots into one and Town Assessor Dave Rosebrook sent it down to the county tax office, so by next month those two lots will be one lot. H. Koster said that would be a lot line adjustment and Rolf Ronning said that is correct and the PB already approved that specific lot line adjustment. D. Roessler asked if there is any letter of agreement from Julie Denison other than the form filled out and signed for the assessor and Dennis

Dickinson replied by saying that in order to satisfy the APA they needed to re-file and they couldn't do that until Julie Denison signed that form. Rolf Ronning gave the PB members a copy of the form Julie Denison signed to review then gave that copy to P. Kenyon for her files.

**Motion by** Donald Roessler to approve the preliminary plat, keep the public hearing open and table the applications pending additional information as follows:

- 1) The metes and bounds description is to be provided for the easement area on lot 5.
- 2) The house on lots 1 & 2 is to be relocated to meet the required 30 ft. setback.
- 3) The proposed dock on the easement area for lot 5 must be shown as a proposed dock and must meet the setbacks as defined in Section 200-38D.
- 4) The map entitled Map of a Boundary line agreement for Julie Denison, dated 2/28/03, last revised 1/29/07 must be incorporated and numbered accordingly.
- 5) The map entitled Map showing tree density of shore area Trout Lake West and dated 2/6/07 must be incorporated and numbered accordingly.

**Seconded by** Chauncey Mason. **All in favor. Motion Carried.**

*Note: Applicant agreed to have Agenda Items 3 through 6 heard together.*

- 3) **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 23 lots that parcel designated as Section 139.00, Block 1, Lot 48.1, Zone RL3. Access to be gained through Section 139.00, Block 1, Lot 28.1(Reed) see SD07-04. Property Location: High Meadow Farm Road. Major Subdivision. Preliminary plat. Subject to SEQR. *Note: This application is in conjunction with SPR05-11. The public hearing was kept open from the March 2007 meeting pending additional information.*
- 4) **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 28.1, 36.1 & 48.1, Zone RL3. Property location: High Meadow Farm Road. The WCPB determined no county impact with the condition each individual lot be reviewed for stormwater and erosion control measures, lot clearing and lot access. Subject to SEQR. *Note: This application is in conjunction with SD04-16. The public hearing was kept open from the March 2007 meeting pending additional information.*
- 5) **SD06-14 RONNING, ROLF & LEONE, MICHAEL.** Seek lot line adjustment between those parcels designated as Section 139.00, Block 1, Lots 48.1 & 36.1, Zone RL3. Property Location: New Vermont Road, approximately 2000 ft. north of

County Route 11 intersection. Sketch Plan Review. Subject to SEQR. *Note: This application is in conjunction with SD04-16 Saddlebrook Subdivision and was tabled at the March 2007 meeting pending a public hearing on SD04-16 & SPR05-11.*

- 6) **SD07-04 RONNING, ROLF & REED, WILLIAM.** Seek lot line adjustment between those parcels designated as 139.00, Block 1, Lots 28.1 & 48.1, Zone RL3. Property Location: 252 New Vermont Road. Sketch Plan Review. Subject to SEQR. *Note: This application is in conjunction with SD04-16, Saddlebrook Subdivision and was tabled at the March 2006 meeting pending a public hearing on SD04-16 & SPR05-11.*

Rolf Ronning said that it seems there is public concern with the retention pond close to New Vermont Road. H. Koster said that (1) the purpose of the public hearing is to hear what the concerns of the neighbors are, (2) there seems to be great concern by the neighbors surrounding this piece of property and (3) just to follow through and go ahead and rubber stamp it is not what this PB is all about. Rolf Ronning said that (1) he understands and is not questioning that, (2) there is a possibility they can make the retention pond longer and narrower and move it back further from the road if Tom Nace agrees and (4) he can't imagine the PB wanting him to do away with the retention pond, because the retention pond brings less water in than before. H. Koster agreed and said that he would like for the retention pond to remain, but to have it set back and screened, and (2) the 100-year overflow on the retention pond right now goes directly onto the lawn area the PB was shown pictures on. Rolf Ronning said that he would like to get preliminary approvals tonight.

Dennis Dickinson said that (1) the pond is where it is because of engineering concerns, (2) they have done a test pit in the middle of the pond and (3) they have really good soils in this location. H. Koster said that they are not asking for the applicants to move the pond 200 feet back, but to draw it back off the road somewhat and to get some screening between the road and the pond. Dennis Dickinson said that (1) they will move the retention pond back 25 feet and (2) they will bring in a landscaping plan to buffer the visual impact of this from the neighbors. H. Koster said that there have been several problems in the Town of Bolton with overflows on 100-year storm projects and he doesn't want to have another one, because the concern was shown here tonight.

Rolf Ronning asked if there are any other concerns the PB would like to see addressed. H. Koster said that his own personal concern, which he has been stressing for the last six months is that he would like to have Lots 16 and 17 combined into one, because it is an awful lot of disturbance there for two houses. J. Gaddy said that he also has a concern with that area. Dennis Dickinson said that (1) J. Gaddy is an adjoining landowner, (2) it is a logical space for the house since it is a flat area and (3) there are driveways in Bolton that are a lot longer than this one. J. Gaddy said that (1) what Dennis Dickinson doesn't understand is that when they tried to meet and he (Dickinson) sent somebody else up as opposed to himself, the road that goes from the borderline of Lot 14 and 15 goes right through a wetland, which is the drainage area for the permanent stream shown as going across Lot 23 and (2) he has gone up there several times along with others to make sure it

is accurate and this is a drainage area—when you look through all of the regional concerns for wetlands and water, the road is in the wrong place. Dennis Dickinson said that they have addressed J. Gaddy's concerns and J. Gaddy said no, they didn't, because they didn't move it. Dennis Dickinson said that (1) they didn't move it because it doesn't need to be moved, which is his opinion, (2) the Town of Bolton's engineer has approved this road where it is and (3) he has been up and looked at what J. Gaddy is concerned about and he (Dickinson) is not concerned about it. J. Gaddy said that (1) he is talking about the access road and (2) he is also looking at the minimization of clearing of vegetation for development. Dennis Dickinson said that (1) they have looked at the same thing and have applied engineering practices to come up with this plan and (2) J. Gaddy goes around and willy-nilly tells them to move these things around and that it's not going to work. J. Gaddy said that he's not telling them these things willy-nilly, he has been telling them the same thing every single time. Dennis Dickinson said that (1) it is not a concern J. Gaddy should have because it is not a problem and (2) as far as him sending somebody from his office to meet J. Gaddy on-site, he didn't send the cleaning person up there, he sent the engineer working on the project up. J. Gaddy said that (1) there is water there and the road is in the wrong spot in terms of minimizing the amount of clearing the applicant has to do and (2) he is still opposed to the long driveways. Dennis Dickinson replied by saying that (1) he disagrees with J. Gaddy and (2) the engineer that the Town of Bolton hired has approved these plans as is. J. Gaddy said that if the applicant moves the road up you have easy access for beautiful building sites on Lot 16 and Lot 17—right where the septic system for Lot 16 is proposed. Dennis Dickinson said that (1) J. Gaddy brought this up once before and the house site J. Gaddy picked out is the septic site because it has deep sandy soils and (2) the house site he (Dickinson) picked out doesn't have deep sandy soils, but shallow thin soils, so the house goes where the house goes and the septic goes where the septic goes as proposed and (3) J. Gaddy doesn't have a valid argument. J. Gaddy said that (1) to minimize the disturbance of clearing on the roadway is an objective of his for this—he is not opposed to this, but has even brought up the idea of other potential house sites and (3) he understands the applicant is under the size of number of houses that mathematically would be available on this lot, but it is still marginal land and there is an awful amount of disturbance for one house up there. Dennis Dickinson said that (1) for the record he feels that J. Gaddy is being unreasonable, (2) they picked out house sites that are suitable for houses and (3) it is odd to him that J. Gaddy can pick the best lot they have and want to move the house. J. Gaddy replied by saying that just the sheer amount of disturbance the applicant proposes and as well as putting a driveway on somebody else's lot concerns him. Rolf Ronning said (1) it is interesting to him that J. Gaddy's property, where he lives, borders Lot 16—it seems to him that might be a conflict of interest with J. Gaddy being on the PB and being one of the judges of the merits of this subdivision when he (Gaddy) is an adjacent property owner and at this time he would like him to step down from deliberations. J. Gaddy said that he is more than willing to do that if that is what Rolf Ronning wants. S. Wilson said that (1) she would have the same concern, (2) the PB has mentioned these concerns before with Lots 16 and 17 with that long driveway and (3) she doesn't have a conflict because she is not an adjacent property owner.

J. Gaddy recused himself from the PB at this time for this item.

Atty. Phillips said that (1) he is looking at this in terms of a landowner's right in terms of making decisions in how one would like to see their property developed, maintained or preserved—whatever your motivation is, (2) when Rolf Ronning hires a team of engineers and then the Town's engineer in the matter of science says that as far as the law and science are concerned, this is a viable plan, (3) there are 18 acres on those two lots and according to the Town of Bolton's own regulations you only need 3 acres for each building lot in that area, so the maximum potential build-out for that area is six lots and Rolf Ronning is proposing two, (4) he thinks that if there is a long driveway, as long as it is legal and scientific, then there is no basis for not liking it other than emotion, (5) he doesn't think it is fair to have a substitution of judgment when otherwise everything else is approvable from a legal point of view, (6) if there is a way of mitigating the concern with the retention pond to solve the problem of stormwater and at the same time make this attractive and less of an issue with the neighbor, then that is what he recommends Rolf Ronning do, (7) looking at how long this project has been before this PB—he counted the minutes in the meetings—he thinks the PB might be closing in on a record on this one, (8) he doesn't think it is fair to always have some other reason to stop the progress of this thing, (9) he thinks it would be entirely proper for this PB to grant preliminary approval with conditions and one of the big conditions would be to address the environmental and aesthetic concern on that retention area and (10) as far as substituting a judgment when landowner rights and economic rights are concerned, it isn't an issue he thinks they should get into. H. Koster said that nobody on the PB got into economics. Atty. Phillips agreed and said that Rolf Ronning is concerned with economics. H. Koster said that (1) the PB's main concern is not economics, it is disturbance and the health and welfare of this community and (2) inferring that this PB is in some way the cause of this being delayed so long, (a) the PB has had drawings put in front of them on a monthly basis that they are supposed to review as the meeting is going on, (b) there has been changes on this, there have been roads placed in wetlands, (c) there was another parcel of property hooked-up to this in the beginning, (d) there were bridges designed for this project that were not viable, so Atty. Phillips should not insinuate that this PB is the reason this project has been in front of this PB for so long. Atty. Phillips said that he was making no insinuations and H. Koster replied by saying that he made some definite insinuations.

Rolf Ronning said that (1) he is not trying to insinuate anything, (2) they will address the retention pond by the road and (3) Lots 16 and 17 are the two best lots in the subdivision. H. Koster said that his personal opinion is the disturbance that is involved—he is not speaking for the PB on that, but it is a concern he has had and voiced all along. S. Wilson said that she believes that is the concern that has been expressed each time Lots 16 and 17 have been brought up—the amount of disturbance and the fact that it covers somebody else's property. Rolf Ronning asked if the concern is that the driveways are too long or because it is two lots and S. Wilson said that the length of the driveway and the fact that it has to go across someone else's property were the concerns. H. Koster said what concerns him is the amount of disturbance for two houses. Rolf Ronning said that he could draw a revised plan to put the house in a different spot if that's what will

make the PB happy and asked if that is what the PB wants him to do. S. Wilson said that she would like to see less disturbance for Lots 16 and 17.

Rolf Ronning said that he would like preliminary approval pending his resolutions of these two items. H. Koster said it can't be done because the public hearing is still open and Counsel agreed. Don Kingsley asked if the public hearing can be closed at this time and D. Roessler said that the PB can close the public hearing, but due to the public's concerns with the retention pond at the entrance, he feels it is only fair that they be allowed to review it. H. Koster further clarified by saying that the motion was passed to extend the public hearing and once the PB closes a public hearing then there is a time period when the PB has to make a decision and if this project is not satisfied in that time then the PB runs into a problem, which is why D. Roessler made the motion to keep the public hearing open. Rolf Ronning asked if this will be tabled pending him bringing these two issues to a more satisfactory solution and H. Koster said yes.

**Motion by Donald Roessler to keep the public hearing open and table applications SD04-16, SPR05-11, SD06-14 & SD07-04 pending additional information as follows:**

- 1) The retention pond located near the entrance is to be relocated back 25 feet.
- 2) A planting plan is to be provided to screen the retention pond at the entrance.
- 3) Less disturbance is required for access to lots 16 & 17.

**Seconded by Sandi Aldrich. John Gaddy stepped down. All others in favor. Motion Carried.**

**7) SPR05-37 RONNING, ROLF. (Saddlebrook Subdivision).** Seek Type II Site Plan Review for an advertising sign greater than 4 sq. ft. Specifically 32 sq. ft. is proposed (including the stone wall). Section 139.00, Block 1, Lot 48.1, Zone RL3. Property Location: High Meadow Farm Road off of New Vermont Road. Subject to SEQR.

**Motion by Donald Roessler to table the application pending subdivision (SD04-16) approval. Seconded by Chauncey Mason. All in favor. Motion Carried.**

**8) SPR07-10 STRIEF, JEFFREY dba Happy Jacks Too.** Seeks Type II Site Plan Review for an advertising sign greater than 4 sq. ft. Specifically 7 sq. ft. is proposed. Section 171.19, Block 2, Lot 2, Zone GB5000. Property Location: 4936 Lakeshore Drive, Performance Marine. Subject to WCPB Review. Subject to SEQR.

Jeffrey Strief gave an overview and said (1) they are expanding Happy Jacks into the previous Bolton Babies space, (2) they are seeking to remove the three Bolton Babies signs that are still there and use the same armature by the second-story window, (3) they are proposing another sign almost identical to the existing sign with the addition of "too!" and (4) there will be no lighting on the sign.

D. Roessler asked for clarification on the proposed sign and Jeffrey Strief further explained by referencing the drawings. H. Koster asked if the 7 square feet is the total of the signs and Jeffrey Strief replied by saying (1) no, the 7 square feet is the total of the larger sign and (2) the secondary long sign is less than four feet, which is why it is not part of the application.

No correspondence.

No public comments.

WCPB default approval due to lack of quorum, no action was taken.

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. 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.**

**9) SPR07-12 BOLTON RESCUE SQUAD.** Represented by Peter French. Seeks Type II Site Plan Review for an advertising sign greater than 4 sq. ft. Specifically 10 sq. ft. is proposed. Section 171.15, Block 2, Lot 32, Zone GB5000 & RM1.3. Property Location: 26 Horicon Avenue, Bolton Central School. Subject to WCPB Review. Subject to SEQR.

H. Koster asked if the item can be heard if a representative is not here to present it and Counsel said yes, if the PB members are comfortable doing that, but they can't deny it without applicant representation. All PB members agreed to proceed.

No correspondence.

No public comments.

WCPB default approval due to lack of quorum, no action was taken.

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 with the following condition:

- 1) The sign is to be removed at the close of the craft fair in September 2007.

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.**

**10) SPR07-15 ROE MANAGEMENT DEV.** Represented by James Roemer. Seeks Type II Site Plan Review for an advertising sign greater than 4 sq. ft. Specifically 20 sq. ft. is proposed. Section 171.11, Block 2, Lot 1, Zone RCM1.3. Property Location: 1 Braley Point. Subject to WCPB Review. Subject to SEQR.

Jim Roemer gave an overview and said that everything is the same except this proposed sign is a little larger.

No correspondence.

No public comments.

WCPB default approval due to lack of quorum, no action was taken.

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** Sue Wilson. **All in favor. Motion Carried.**

**11) SPR07-05 BECKER, DAVID & MARIA.** As a condition of approval set forth by the Planning Board on June 24, 1993, when approving the Forbidden Forest Subdivision (SD88-22), and as requested by the Board on March 22, 2007, seek Site Plan Review to discuss the proposed planting plan. Section 156.00, Block 2, Lot 46, Zone RL3. Property Location: Lot 1 of Forbidden Forest, North Bolton Rd.

David Becker gave an overview and said that he is here to present the requested planting plan.

No correspondence.

No public comments.

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 approve the planting plan as presented. **Seconded by** John Gaddy. **All in favor. Motion Carried.**

**12) SPR06-47 MCHUGH, NEAL.** As a condition of approval set forth by the Planning Board on November 16, 2006 when approving a major stormwater project, seeks Site

Plan Review to discuss the proposed tree planting plan. Section 212.02, Block 1, Lot 13, Zone RL3. Property Location: 206 Coolidge Hill Road. Subject to WCPB review. Subject to SEQ. R.

Neal McHugh gave an overview and said (1) he has submitted a tree planting plan, (2) eight of the trees were able to be saved in building the retention pond and (3) he just wants to do the right thing and has traveled from Florida to make sure he was here to represent himself tonight.

H. Koster asked if the planting plan includes the eight saved trees or if he will be planting all of those shown and Neal McHugh replied by saying that (1) eight of the trees are in place at various locations and (2) when he goes to plant he will make sure it makes sense for the property—he is surrounded by trees. J. Gaddy said that he would like to see that the applicant has made an attempt at screening his property from the neighbors' property.

Neal McHugh said that (1) all the trees that were on the south are still there, which can be seen in the pictures, (2) grass was planted 20 feet from the entire setback, (3) he owns the crab apple tree and where he put the fence up after the August 2006 meeting, when he was pretty much accused of a lot of things that were never proven true by every single agency that has come by his neighbor who has never introduced himself to him, if it made sense to put some trees there, yes they would put some, but a lot of the dramatic input of him making his construction driveway was due to the fact that 20 feet of the land was cleared already by his neighbor, which he has pictures to show, (4) he bought the property three years ago and designed the house where he thought it should go with engineers—every step of the way he was in contact with the Town of Bolton and (5) it is only .82 acres and he is a major stormwater now which is what was discussed and why he is here now.

S. Aldrich asked if there is any reason evergreens weren't included in the plan and Neal McHugh said no, he is not opposed to evergreens and he will look into it. S. Aldrich said that there are two trees shown as being less than the requested 8 feet tree height and asked if those were the existing saved trees and Neal McHugh said yes, they weren't proposed trees.

D. Roessler said that there are 11 trees on the map and said that the applicant said eight were saved. Neal McHugh pointed out the proposed trees on the map. D. Roessler asked if it is accurate that the applicant's planting plan is currently for 3 trees and Neal McHugh said yes, but he plans on putting more in. P. Kenyon said that she believes Bruce Fifield put some of those trees in last September. Neal McHugh said that technically this plan is exactly what the PB asked for—they didn't tell him how many.

J. Gaddy said that it was a pretty significant change in order to be able to get that house up there and (2) he knows it would be probably just a nice neighborly gesture to go out and plant a good number (he suggested 10) of evergreens between the neighbor and himself. Neal McHugh said that (1) he has tried every gesture you can make, (2) he stoned up the whole south side, (3) he contests the 20 feet—the bottom line is that his

neighbor cleared his (McHugh's) 20-foot setback and no one is defending his property that the neighbor cleared, (4) everything is settled—the property, etc. and when he comes up in June 2007 he will address the landscaping, (5) he would have liked the neighbor to have actually done the neighborly thing of introducing himself, (6) he owned the property for two years and submitted his plans through the proper channels on his own, (7) he decided to do a nice Vermont framed post and beam house—he hired locally, (8) the PB didn't ask specifically for the south side, but when he asked for the extension he did send pictures of before and after, (9) the neighbor did the same thing as he did in putting as much house as he could where he wanted the house and (10) he got a NYSDEC evaluation of the soil before he bought the property and it was determined that was traditionally farmland, so most of the trees that were on his lot were 30-year old saplings.

No correspondence.

No public comments.

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 approve the planting plan as presented. **Seconded by** Chauncey Mason. **All in favor. Motion Carried.**

**13) SD07-10 WEINSCHENK, GEORGE & BARBARA and SEAMANS, BRETT.**

Seek to amend previously approved plat SD89-11 SMDTT Real Estate Subdivision, last revised 7/21/05 (SD05-15). Specifically to create a lot line adjustment between those parcels designated as Section 199.04, Block 1, Lots 7.2 & 7.13, Zones LC25, RL3 & RR5. Property Location: 443 Coolidge Hill Road. Subject to SEQR. Sketch Plan Review.

George Weinschenk gave an overview and said that (1) he and Brett Seamans had an agreement for a lot line adjustment that was approved, (2) the surveyor put the marker in the middle of where the road would be, which is the wrong spot. Brett Seamans is now looking to sell the land, so he (Weinschenk) is looking to give Brett Seamans a little bit more land so he can fit the road in and (3) if it had been surveyed correctly the first time they wouldn't be back here this time.

No correspondence.

No public comments.

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 a completed sketch plan, convert the sketch plan to final plat, 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 John Gaddy. All in favor. Motion Carried.**

**14) SPR07-09 BELANGER, MICHAEL & RENEE.** To convert existing single-family dwelling into a guest cottage, seek Site Plan Review for an accessory structure greater than 1,500 sq. ft. 1,726 sq. ft. exists. Section 186.00, Block 1, Lot 49, Zone RL3. Property Location: 835 Trout Lake Road. Subject to WCPB Review. Subject to SEQR.

H. Koster asked if the porch area is considered living area and Counsel said yes, the porch area should be counted under the current code. H. Koster asked if you count the basement and Counsel asked if it is habitable space. Michael Belanger said no, the basement is not habitable space. Counsel said (1) no, then it is not habitable space in this case, so it doesn't count and (2) for basements to be considered the code deals with ingress and egress and other variables such as windows. H. Koster asked if the PB has to review this being that this is 1,490 square feet and Counsel said no, but the PB has to give the applicant their blessing that he can get what he needs to get without requiring site plan review.

**Motion by Donald Roessler to determine that Site Plan Review is not required as unfinished basement area is not considered floor space. Seconded by Chauncey Mason. All in favor. Motion Carried.**

**15) SPR07-11 LAVOY, ANNEGRET.** Represented by Kyle LaVoy. Seeks Type II Site Plan Review for a proposed indoor boat maintenance facility involving less than 1,000 sq. ft. not visible from the public right-of-way and neighboring properties. Section 186.06, Block 1, Lot 1.2, Zone RM1.3. Property Location: 4763 Lakeshore Drive. Subject to WCPB Review. *Note: This application is in conjunction with V07-11 for density to be heard by the Zoning Board on April 16, 2007.*

Kyle LaVoy, representing Annegret LaVoy, gave an overview and said that (1) they are proposing an indoor boat maintenance facility of less than 1,000 square feet, (2) they already have a permit to build the garage as an accessory structure to the house that was built last year and (3) they have received a permit to do fiberglass there.

D. Roessler asked if it is correct that the existing garage by Route 9N would be taken down and the proposed garage put up behind the residence. Kyle LaVoy said yes.

J. Gaddy asked if there will be any exterior lighting on the proposed garage and Kyle LaVoy said that he will follow the guidelines.

WCPB default approval due to lack of quorum, no action was taken.

S. Aldrich said that she has concerns regarding emergency vehicle access. Kyle LaVoy said that they will be working on trying to level out the driveway. D. Roessler said (1)

that he drives past it and it is only one residence and one garage and (2) he thinks the bigger concern is in getting a boat up there.

No correspondence.

No public comments.

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 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. Motion Carried.**

**16) SPR07-13 SARIS GAGE REALTY.** Represented by Jason Saris. Seeks Type II Site Plan Review 1) to construct an 85 ft. x 45 ft. boat storage building, and 2) To construct a 3 ft. x 36 ft. and 4 ft. x 15 ft. covered entryway. Section 171.19, Block 2, Lot 2, Zone GB5000. Property Location: 4936 Lakeshore Drive. Subject to WCPB Review. Subject to SEQR. *Notes: This application is an amendment to SPR83-03 (American Marinas) and is in conjunction with V07-12 for deficient setbacks.*

Jason Saris, representing Saris Gage Realty, gave an overview and said that (1) the location has been used as a marina for many years, (2) they propose a gable roof over the main entryway and an awning over the shop door, because the current roof building slopes to the back producing water problems in those locations, (3) they also propose a shed-like structure to protect the boats on the north side, (4) there will be no changes in the operation in association with these proposals and (5) regarding parking, they will not fill the 29 allowed spots at any given time, so they can store boat inventory there if the parking spaces are not needed, which they normally aren't.

H. Koster asked if the applicant can put a piece of perforated pipe in the trench and Jason Saris said yes. J. Gaddy asked if the 8 feet on the north side is enough space for the accumulation of snow and Jason Saris said yes, he believes so.

From the public, Kathy Spahn, neighboring property owner, said that (1) she is wondering if there is a possibility of screening on the residential side of the property so they don't have to look at a 45-foot wall and (2) and she is asking that the space behind it doesn't become an untidy area.

J. Gaddy asked if there is any proposed lighting outside and Jason Saris said no. D. Roessler asked if there is any proposed interior lighting and Jason Saris said no.

Jason Saris said that (1) he is not against the idea of screening although there is stormwater retention on the side of the building Kathy Spahn referenced and (2) the water will come off the roof in the back then travel down around that side. H. Koster asked if there is a fence there now and Jason Saris said no, there is kind of a little PVC change thing separating his properties from the Bolton Landing Marina parking lot, but it is not screened. D. Roessler asked if it would be taking up the area where boats are currently stored and Jason Saris said yes, pretty much so—they maneuvered it so they had actual area for the stormwater that would be necessary.

D. Roessler asked if there was another building down there and Jason Saris said that when it was Lamb Bros. Marina, there was a building in that location then it was taken down at a latter date. H. Koster said that he thinks it would be an improvement. D. Roessler said that any screening the applicant could do, pending stormwater, would be a positive aspect to the project. Jason Saris said that he would keep check on it throughout the project.

No correspondence.

WCPB default approval due to lack of quorum, no action was taken.

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 with the following conditions:

- 1) Perforated pipe is to be incorporated in the stormwater trench around the building.
- 2) No boats are to be stored between the north side of the boat storage building and Congers Point.

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.**

**17) SPR07-14 JUMBO REALTY INC. Mark Bernstein.** Represented by Jonas Ing. Seeks Type II Site Plan Review for a group camp. Specifically for the construction of a proposed 49 ft. x 38 ft. bunkhouse. Section 185.00, Block 1, Lot 32, Zones RCL3, LC25 & LC45. Property Location: 429 Trout Lake Road. Known as Camp Walden. Subject to WCPB Review. Subject to SEQR.

Mark Bernstein gave an overview and said that (1) this is the first new proposed cabin for the campers, (2) the total square footage is 1,862 square feet with the porch and it is just

under 1,500 square feet without the porch, (3) the proposed cabin layout is like the existing ones and can accommodate up to 16 people on each half as it is considered a double cabin.

J. Gaddy said that he would like the exterior lighting shielded so the element is covered and downward facing and Mark Bernstein said that it will be similar to the others they have, it will be a yellow bulb by the door in a frosted encasing. S. Wilson said that the last time the applicants were here they were asked to tone down the lighting and they responded immediately, which is appreciated. Mark Bernstein said that they are trying to improve on what has been there.

S. Wilson asked if the applicant has a comprehensive plan for the future and Mark Bernstein replied by saying that (1) a lot of the ideas come as they grow from camper and family feedback, (2) he doesn't have any comprehensive plan, (3) for the most part every building is so old that they are structurally making them sound, painting and cosmetically upgrading them and (4) at the most they would be possibly add two more cabins, but they aren't sure if they will expand to that point.

S. Aldrich asked about the septic systems for the cabins and Mark Bernstein said that each cabin or cluster of cabins has its own and this new cabin will have a brand new septic system.

S. Aldrich asked if the proposed cabin would be the same colors as the others and Mark Bernstein said yes.

No correspondence.

No public comments.

WCPB default approval due to lack of quorum, no action was taken.

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 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. Motion Carried.**

Mark Bernstein invited guests to view their fireworks on July 6, 2007 and extended the invitation for the Town of Bolton to use the facility for Bolton Pride Day.

**18) Cossman, Peter & Barbara.** Seeks to discuss map note on the Keissling subdivision plat (SD02-11) approved by the Planning Board on August 22, 2002. The condition reads as follows: Neither Lot #1 or Lot #2 will be allowed to further subdivide. Section 171.11, Block 2, Lot 13.1, Zone RCM1.3. Property Location: 5078 Lake Shore Drive. *Note: This item was tabled at the March 2007 pending input from the ZBA.*

P. Kenyon said the ZBA requires a variance, which the applicant has applied for and the item is to be heard next month, so this item is off the agenda.

**19) SD06-09 RUFFOLO, SAVERIO.** Represented by D.L. Dickinson & Assoc. & Peter Sisca. Seeks to divide into 7 lots that parcel designated as Section 185.00, Block 1, Lot 2, Zones RR5, RR10 & LC25. Property Location: South Trout Lake Rd. Sketch Plan Review. Major Subdivision. Subject to SEQR. *Note: This item was tabled at the July 20, 2006 meeting pending additional information. Conceptual review only.*

Dennis Dickinson, representing Saverio Ruffolo, gave an overview and said that (1) they have an issue with the access, so he would like PB input, (2) they are in good shape with the APA regarding the wetlands and (3) they have submitted a major stormwater plan to Town Engineer Tom Nace. He then pointed out the road on the map and gave dimensional details.

H. Koster asked if the applicant would still be crossing the wetlands and Dennis Dickinson said that (1) the lines are running into wetlands but they are not crossing—the driveway there is existing and (2) the wetland comes up to the foot of the fill to the road. P. Kenyon handed out photographs to the PB members. H. Koster said that the requirement is a 10-foot right-of-way with five feet on each side.

From the public, Kathy Simmes said that (1) they and the Ruffalo's own to the middle of the road and when you get on Ruffolo's side of the property there is a brook that runs pretty parallel with most of the road until he gets where he wants to put the road up in, (2) she doesn't want that brook touched because it infiltrates into Trout Lake, which eventually enters into Lake George, (3) she doesn't understand how the applicant is going to get a 50-foot road past or over that brook or what he is going to do with the brook and (4) the brook does get low in the summer when they have a drought, but it never dries up.

Dennis Dickinson said that he is willing to widen the road. H. Koster said that there is basically no room. Dennis Dickinson asked how much the PB thinks they need to have for a seven-lot subdivision. H. Koster said that he doesn't think the applicant can do anything unless he gets an increase in property to get away from the brook and Dennis Dickinson said that he understands.

Kathy Simmes said that (1) there was an old town road but she thinks what happened was that when they (the Simmes) bought their property it was owned by Charley Jeffs who

also owned the 100 acres that sits way in the back, and Judge Dier owned Ruffolo's lot and (2) Charley Jefts wanted to sell the land in the back, but it was landlocked, so the only way he could sell it was he made a deal with Judge Dier to give a right-of-way to each of them for ingress/egress, then the same thing to the gentleman in the back, so it dead-ends when it gets to Ruffolo's property, but it gives him the right to access it otherwise he is totally landlocked. H. Koster said that there is not enough property to subdivide at this point. Dennis Dickinson asked if widening an area where two cars can get by then having a 10-foot wide road in another area is a feasible possibility and H. Koster said that (1) basically what the applicant has is 10 feet total and (2) the applicant would need additional land to widen to an acceptable road width.

Kathy Simmes pointed out locations on the map and gave possible land widths at certain points and said that the other neighbor in the back probably has 100 acres in an LC25 zone. H. Koster said that could be another additional four lots developed in the future if the land was sold. Discussion ensued regarding possible location in the area where the wetland is split.

No correspondence.

**Motion by** Donald Roessler to table the application pending additional information.  
**Seconded by** Sandi Aldrich. **All in favor. Motion Carried.**

**20) SPR05-41 BEAR WALLOW. Dennis Dickinson.** Seeks Type II Site Plan Review for 1) the construction of a single family dwelling on the LC45 zone, and 2) a major stormwater project, specifically to remove more than 15,000 sq ft of vegetation. Approximately 1 acre is proposed. Section 139.00, Block 1, Lot 70, Zones RR10 & LC45. Property Location: Off County Route II. The WCPB denied with out prejudice requesting more information on erosion control, grading, stormwater management, etc. Subject to SEQR.

Dennis Dickinson, representing Bear Wallow, gave an overview and said that (1) he has one building right in the 74+ acres in the LC45 zone, (2) they have received Town Engineer Tom Nace's approval, (3) all of the water is in the Schroon River Basin—not the Lake George Basin and (4) they propose a small cottage at the top with a garage.

D. Roessler asked for details on the proposed road location and Dennis Dickinson pointed out the location on the map.

J. Gaddy asked how the calculation of one acre of disturbed area came about and Dennis Dickinson said that it is less than an acre of impervious area—the disturbance is probably four or five acres.

J. Gaddy asked what the grades are in the location and Dennis Dickinson said that the maximum grade is 13%, which is the lowest he can get.

D. Roessler asked if there is an old logging road on the property and Dennis Dickinson said that they were skid roads. D. Roessler asked about the number of turnouts and Dennis Dickinson said there are several—about five or six. D. Roessler asked if it would be a dirt road and Dennis Dickinson said that it would be gravel.

S. Aldrich asked where the power would be coming from and Dennis Dickinson said that he is unsure right now, but there are a couple of options. Several different options were discussed.

D. Roessler asked for specifications on the proposed road and Dennis Dickinson said that (1) they propose a width of eight feet and (2) there are 14 basins—they are small basins that are linear to run along the contour so he doesn't have to do large cuts and fills. D. Roessler said that it will be difficult to get emergency vehicles up there given the distance to the house site and Dennis Dickinson said that he understands that.

J. Gaddy said that he thinks it is a beautiful spot, but like the other project, he doesn't like the amount of disturbance for one house.

D. Roessler asked if a hammerhead could be included and Dennis Dickinson said yes. He then pointed out potential hammerhead locations on the map. D. Roessler said that the PB also needs to consider future owners of this property. D. Roessler said that he thinks the six turnouts would be sufficient.

No correspondence.

No public comments.

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, waive a public hearing, and grant approval as presented with the following conditions:

- 1) 6 turnouts are required.
- 2) 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. John Gaddy **Opposed**. **All others in favor. Motion Carried.**

Meeting adjourned at 10:24 pm.

Respectfully submitted by  
Jennifer Torebka  
Recording Secretary  
05/03/07