

**Town of Bolton  
PLANNING BOARD  
MINUTES  
Thursday, August 16, 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: Acting Chairman Henry Caldwell, Sandi Aldrich, John Gaddy,  
Chauncey Mason, Sue Wilson,  
Town Counsel Michael Muller, Zoning Administrator Pam Kenyon

Absent: Chairman Herb Koster, Donald Roessler

**PUBLIC HEARING**

Acting Chairman Henry Caldwell opened the public hearing at 6:04pm.

- 1) SPR06-03A INDEPENDENT TOWERS, LLC.** Represented by Joe Ross, Real Estate Consultant. In accordance with Article XVII Telecommunications Towers. Seek Type II Site Plan Review for a telecommunications tower. Section 198.04, Block 1, Lot 16, Zones **RR5**, RR10 & LC25. Property Location: 236 Wall Street, owned by James Todd Davis. Subject to WCPB & APA Review. Subject to SEQR.

Joe Ross, Real Estate Consultant representing Independent Towers, LLC, gave an overview and said that (1) they are trying to develop some towers in the Adirondack Park in conjunction with some of the State of New York and the local boards, (2) he has past experience with the APA in projects placing towers in areas where they will not disturb people's sensitivities and making them as pleasing as possible, (3) parameters needed to start a site are an area the cellular carriers want to cover, a willing landlord—somebody who is willing to lease you a cellular piece of land and be comfortable with the deal as this is a 20-25 year lease areas and an area that makes sense and that is permitted regardless of the zoning of that area—this particular site is 100 acres of land sandwiched in between 100 acres to the north and 100 acres south of this parcel, which is bordered on the west by a thin strip of land that abuts the Adirondack Northway, (4) there are no houses within eyeshot of this view, no sensitive areas or wetlands, no historical districts—nothing he could see that could impede the permitting of this site, (5) then they try to find an area that fits into the zoning—Bolton zoning regulations don't allow them to put any structures on the peaks of any hills there, so they have to put it within the side of the hill—this particular area has a lot of deciduous and conifer trees, so they tried to pick an area that the tower would fit in that there was a fair amount of these coverage around it, (6) the Bolton ordinance has a 40 ft. height limitation which is good as long as the tower is in an area of no trees, but these particular trees happen to be in the area of 45 ft. to 70 ft. in this area so a tower of 40 ft. would be below the tree line which generally wouldn't work in this particular area, (7) they still feel the proposed tower would be in the canopy and would work out fine, (8) there was an existing logging road, so there is no tree clearing for access for this project, (9) there is an existing power and telephone

easement—power is buried underground in this area, (10) these towers are not visible—unless you get farther up north you can't see this tower, (11) there are tower configurations and camouflaging techniques that enable towers to blend in better with the surroundings, (12) the cell phone carriers are looking to see if the Town of Bolton is interested in this before they commit and (13) this particular patch of area up to Plattsburgh is the only interstate he's ever been on that doesn't have cellular coverage that is good, safe and reliable.

From the public, Laura Saffer, North Bolton Road resident, who owns a piece of property directly north of the proposed site, said that (1) initially she was opposed to having a cell tower, but she doesn't think a 90 ft. cell tower will make a tremendous impact if it is placed within a 100-acre site and it will probably not be seen and (2) she was concerned on how close it would be to her property and with the visibility of the tower from her property, as they may want to sell some of their property for homes to be built in the future. Laura Saffer then asked the distance from the piece of property on the north side and Joe Ross said it is 716 ft. Joe Ross then referenced a photo to clarify.

Laura Saffer said that she is concerned about emissions from the tower, because there have been studies done to prove that electrical emissions do cause cancer when individuals live in close proximity to electric lines—it has been proven. Joe Ross said that the emissions from cell towers are very low and the APA will post an emissions statement.

S. Wilson said that it is pretty visible and Joe Ross said that it is not invisible, but they are trying to make it so there are other things around it and it is busier so it doesn't stand out in plain view. Laura Saffer asked (1) how the Town of Bolton benefits in having a cell tower other than cell service and (2) if the Town of Bolton will receive any monetary benefit from this. Joe Ross replied by saying that (1) this service pays taxes—it doesn't have water or sewer—it isn't a burden even though they will be paying taxes, (2) it provides reliable cell service and (3) cell service in Bolton helps the tourist business of Bolton. Laura Saffer asked if the only financial benefit is to the landowner and to the person who owns the tower who sells positions on the tower to different services like Verizon. Joe Ross said that (1) it is really not a function of the municipality on who makes money on what services and basis—it is really not a function of this board or the APA regarding who makes money on it and (2) people do make money or they wouldn't do it. H. Caldwell said that it is definitely a money making proposition, but the applicants will also pay a substantial amount in property taxes on that tower. Joe Ross said that the taxes would be comparable to that of a single-family home.

H. Caldwell asked if the cellular coverage would be for about 6-7 miles of the Adirondack Northway and Joe Ross said that AT&T and Verizon would be about 6 miles—3 miles in each direction and Cingular and T-Mobile would be about 2 miles as they are a lower power and different frequency so they don't go as far. H. Caldwell asked about the tower in relation to the hamlet of Bolton Landing and Joe Ross said that this cellular tower does not help the hamlet of Bolton Landing. Laura Saffer asked which areas would get coverage and Joe Ross said that the coverage would go on Wall Street,

but wouldn't reach the Trout Lake area because it is not going to be able to get over the other side of the mountain.

From the public, Bob Weisenfeld said that (1) there is no doubt in his mind that increasing cell service helps all of us, but here in the Town of Bolton there has always been a concern expressed as to maintaining the natural aspects of the environment and maintaining visual aesthetics, (2) he thinks the camouflaging of the tower and the aesthetics should remain in the control of the Bolton PB—not the APA, (3) the ZBA's section on telecommunication towers specifies in section D Visibility, "...in such cases where towers are required to be extended above the surrounding tree canopy, they should be required to resemble the natural vegetation...", (4) he doesn't think the tree canopy was meant to mean the ridgeline, but he thinks the tree canopy can best be understood by reference to what is surrounding the particular object—it would be useful to have a radius specify the tree canopy, (5) it might be appropriate for the PB to look at screening and (6) it might be beneficial to get pictures taken from fellow property owners' properties by the applicant or at the applicant's expense with also some sort of representation of how it might look from the road and the neighboring property owners' properties.

No further comments from public in attendance.

**Motion by** John Gaddy to leave the public hearing open and table the application pending additional information as follows: 1. Alternative tower configurations. 2. Proposed camouflage. 3. The tower is to be correctly shown on all maps. 4. A balloon is to be flown Friday, August 27, 2007, with a rain date of August 31, 2007. **Seconded by** Sue Wilson. **All in favor. Motion Carried.**

#### **REGULAR MEETING:**

H. Caldwell began the regular meeting at 6:30pm by asking for corrections to the June 21, 2007 minutes.

J. Gaddy said that regarding Moonlight Management, after the tapes being reviewed, he would like the following verbatim account to replace section in the June 21, 2007 minutes.

*Other business:*

*J. Gaddy asked what the plans are for the cut bank on "Moonlight" what was called "Moonlight Management" and Jeffrey Tennent said that he is right now in the process, Tom Jarrett, they are working with Tom Jarrett on that project—they're dealing with that as they speak. J. Gaddy said that he thinks there were a couple of hundred trees that were put up there, he doesn't know (inaudible) and Jeffrey Tennent replied by saying that (1) they were put up there and (2) actually they vegetated quite well and it is staying quite stable. J. Gaddy said that (1) it is stable, but none of the trees that were proposed are there and Jeffrey Tennent said that he understands, those were proposed in part of the requirement from the state settlement back a ways, which*

*he is still, that is still an open permit. J. Gaddy said right. Jeffrey Tennent said that he still has to address those concerns, he just, they couldn't do that it, when they go back in there and physically start working. J. Gaddy said that it has been probably two years...three years and Jeffrey Tennent said that he understands. J. Gaddy asked if they are going to go get planted this year. Jeffrey Tennent replied by saying that (1) he hopes to be back in there shortly, (2) they are working on the design issues and trying to finish up the project to present it to Tom Nace as they are required to, (4) there are two issues there—that was part of the state issue—not the town requirement and (5) he's addressing the road concerns now, engineering issues with Tom Nace as stated—he's addressing those, (6) they are coming up with a design, they will be working through Pam with Tom Nace to get the road finished and (7) then at that time when they are working there, he will then finish the planting and his other obligations regarding the state side of things and some of the initial things that need to be cleaned up or corrected. J. Gaddy asked if it would be done within a year and Jeffrey Tennent said that he hopes it would be this summer.*

J. Gaddy said on page 6, paragraph 2, sentence 3 should read as follows: "... J. Gaddy said that he would be interested to *hear* how this has worked with the neighbors along the way."

S. Aldrich said on page 11, paragraph 6, sentence 1 should as follows: "H. Koster said that the PB is being superseded on partial review of this application and he's *not* sure what the PB is reviewing anymore..."

S. Aldrich said on page 16, paragraph 2, sentence 1 should read as follows "Counsel said *that (1)* that is a fair statement and presented the proposed stipulation to the PB that this all encompasses everything that was considered Saddlebrook subdivision so that there is no misunderstanding in that Rolf Ronning *will not sell any portion nor any piece and not even sell the pre-existing lot—nothing—so the applicant is "in park"..."*

**Motion by** John Gaddy to accept the June 21, 2007 minutes as amended. **Seconded by** Chauncey Mason. **All in favor. Motion carried.**

**Motion by** John Gaddy to table voting on the July 2007 minutes pending PB review. **Seconded by** Sandi Aldrich. **All favorable. Motion carried.**

*Note: Agenda Items were heard in the following order: 1, 2, 3, 4, 5, 8 & 9, 6 & 7, 10, and 11.*

1) **SPR06-03A INDEPENDENT TOWERS, LLC.** Represented by Joe Ross, Real Estate Consultant. In accordance with Article XVII Telecommunications Towers. Seek Type II Site Plan Review for a telecommunications tower. Section 198.04, Block 1, Lot 16, Zones **RR5**, RR10 & LC25. Property Location: 236 Wall Street, owned by James Todd Davis. Subject to WCPB & APA Review. Subject to SEQR.

S. Aldrich said that (1) she doesn't believe the map is correct as it looks that the tower position is at the foot of Lamb Hill—not on Wall Street and (2) the tower is still supposed

to be south of Wall Street and as shown it is not—it is shown as being north. H. Caldwell and S. Wilson agreed. Joe Ross said that (1) they used a GIS for the coordinates and (2) they are really looking at how far off they are. S. Wilson said that it is 2 miles off. S. Aldrich said that her point is that it is going to skew all the rest of the results.

S. Wilson asked if any providers are signed-on now and Joe Ross said no, there is nothing for them to sign-on to at this time—they are waiting to see if local approval is achieved.

S. Wilson asked for clarification on the monopole design and Joe Ross said that it is only one single standing pole that will have two elements at the top. J. Gaddy said that regarding the tower configuration, he has seen some towers that have kept the receivers/transmitters closer to the shaft of the tower, whereas the proposed monopole has them on platforms essentially. Joe Ross said that (1) he is showing the way it works the best for the coverage, (2) his feeling is that if the tower is 90 ft. and placed correctly so you can't see this from any close distance, it is going to be marginal whether you put them close to the tower or far out and (3) the monopole design works better and it is easier to aim.

J. Gaddy asked about the regulations talk about the design that says, "... in all cases guide towers should be preferable to free-standing structures..." and Joe Ross replied by saying that (1) the APA prefers (guide) lattice towers because you can see through them, which is fine with him, (2) it makes no difference to him—guide towers, lattice towers and self-supporting towers all meet the exact same engineering standards and are all just as strong as one another and (3) whatever type of tower the Town of Bolton wants to put up is fine with him.

J. Gaddy asked if the application written like this gives the PB more flexibility in being able to have some input into the design and configuration of the cellular tower as opposed to having some other applicant come in, in a contentious fashion saying, "This is where they want to do it and the political tide is pushing forward so the Town of Bolton is going to get this whether the Town of Bolton likes it or not." Joe Ross said (1) yes, once he gets a permit from the Town of Bolton, he gets the conditions laid down by the APA, everyone who goes on this tower would have to abide by those regulations, (2) this gives the Town of Bolton the opportunity for input without an adversary relationship, (3) if this project doesn't appeal to the sensibilities of the people, he is not here to litigate or to squeeze somebody's arm behind their back—he is here for what he thinks is a nice, decent, easy application, (4) he knows this is tough for the PB because it is a politically charged item—it is not really as much of an impact as a single-family home on a ridge line and (5) this is a public utility structure and in the over 20 years he's been doing this, these sub-towers have already been blending in with the landscape. S. Wilson said that (1) this is new for the Bolton PB, (2) there are many ways in which the towers are able to blend and (3) she would like the cellular tower to be camouflaged to look something like the old Adirondack fire towers. Joe Ross said that (1) he tried to convince them to let them use those towers, but have never been able to and (2) the fire towers are now a historical items. S. Wilson said a lot of those fire towers are gone, but something representative of the historical items can be put back in. Joe Ross agreed.

Joe Ross said that he can guarantee that Bolton doesn't have to worry about proliferation. S. Wilson said that this is not the last request for cellular towers, so the Bolton PB wants to get it right the first time. H. Caldwell asked what happens if the technology changes and this tower becomes obsolete and Joe Ross said that (1) it is already in the Bolton regulations that they have to give the Town of Bolton a sign that says they have to take it down, (2) it would be the responsibility of the person who is titled to the tower at that particular time to take it down, so probably the last carrier on it, (3) these come down in one way by use of a crane—it is a very simple operation, (4) he doesn't really see any technology that has replace another technology—he doesn't see this technology being replaced for a long time and (5) regarding cellular versus satellite technology, cellular technology works very well—it is simple, very high capacity, it allows people to use very small phones with very light batteries and it is inexpensive—it is really expensive to fix satellites when they break down.

S. Wilson asked about the existing temporary tower by the campground where the service is there between Exits 22 and 24 of the Adirondack Northway and Joe Ross said that (1) he heard they put this up—they rolled in what they call a “COW” (“Cell on Wheels”) which has a generator on it, a transmitter and a tower that is jacked-up in the air, (2) it was put in as temporary and it became temporary, so they stuck a telephone pole in the ground—a 40 ft. level in the hamlet didn't require any APA approval which is how they got away with it, (3) they know it is a stop gap problem—they were severely locking and didn't want to go up to Oscar's area because it didn't really work for them and there was no way they could fit their building up there in addition to the needed 200 amp service they didn't have up there. S. Wilson said that it has been there for several years. Joe Ross said that S. Wilson is absolutely right in that it does work there.

Laura Saffer asked if since it would be above the tree line, should be some consideration for aviation would need to take place, like some sort of strobe or blinking red light on top of the tower. Joe Ross said that it is not something that is necessary on top of the tower. Laura Saffer (1) asked if this would set a precedent in the Town of Bolton for cell phone service and (2) said that if this is a 6 ft. radius on the Adirondack Northway, so she questions if the residents of the Town of Bolton would be able to get service, meaning that she questions if the residents of the Town of Bolton would be benefiting—not just the travelers on the Adirondack Northway. H. Caldwell said that it is true, but the cell service at the Sagamore doesn't benefit all the residents of the Town of Bolton by a long shot. Laura Saffer agreed. H. Caldwell said that he thinks each one of these in Bolton Landing will be unique—they are not all going to be the same. Laura Saffer said that she would be opposed to the type of tower that's been labeled as “Frankenpine” because if you were to see that type of tower next to a real tree, it really doesn't blend in—it stands out tremendously.

C. Mason asked if the tower could be extended over the 90 ft. level and Joe Ross replied by saying that (1) if it were designed with the correct foundation it could be, but everything in this area with this area with the APA is very difficult and usually the soft causes of extending something is almost as much money as going a mile or two down the

road and building another one for that extended area you might cover (2) the proliferation of towers in this area is very different, (3) it is very difficult—the political pressure is very high here, (4) the cell companies want to make a return on their investment and they only make their money during three months a year and (5) if it was easy to build cell sites around here, there'd already be great cellular service in this area. S. Wilson said that this is not one of those 11 sites under political pressure that Sen. Betty Little and Rep. Theresa Sayward have been pushing for—those are farther north. Joe Ross said that this is a start of it, (2) Sen. Betty Little is aware of the site and (3) he is not one to bring in political pressure—he is not bringing Sen. Betty Little or Rep. Theresa Sayward into this. S. Wilson said that she brought Sen. Betty Little into this because her understanding is that those sites Sen. Betty Little is concentrating on are further north and Joe Ross said that (1) Sen. Betty Little is concentrating and trying to put them so they are built temporarily on rest areas and (2) it is going to be a long haul.

H. Caldwell said that for next month, he'd like to see (1) more measurements on the plan of the actual tower—base width, etc. and (2) how the tower sits into the fenced area and what other sorts of equipment will be in there. Joe Ross said that some of that has already been provided. P. Kenyon said that the PB members should have that information. Joe Ross approached the PB bench to clarify. H. Caldwell asked if the 90 ft. height is the measurement right at grade and Joe Ross said yes. Joe Ross said that there are different tower options. H. Caldwell said that he would like to see some of those options and Joe Ross said he'd send 10 copies of the plan and submit it to the Zoning Administrator. H. Caldwell said that (1) they are still in the public hearing part of it, so next month Joe Ross would have to make a presentation showing the different plans and (2) the Bolton PB has to be happy with this before they send it on to the APA—it has to be what the Bolton PB likes and what the Town of Bolton wants. Joe Ross said that (1) he'd love to have the APA accept the town's recommendations, but that has never happened to him before and (2) the APA has moved and changed towers on him, they APA is usually never satisfied with whatever a town approves, but hopefully they will—he can't speak for the APA. S. Wilson said that she has seen pictures of cell towers disguised as fire towers, so she would like to see that option explored and Joe Ross said that (1) he is not aware of that and (2) he doesn't think that would ever pass the APA and he thinks anything that looks like an Adirondack lookout tower will be passed on by the APA, because the APA is very into profile. S. Wilson said she'd like the APA to be asked about that. H. Caldwell asked if core-10 steel or rusted steel is a possibility and Joe Ross said (1) yes, that color is a possibility, however these are traditionally galvanized, (2) the new thing is using fiberglass wrap, which in his opinion works better, (3) he thinks people are a little hyper-sensitive about it and (4) this one is far away—it is on 100-acres and you can't get close enough. S. Wilson said that you can see it from Schroon River Road and Joe Ross said that (1) he agrees that you will see it and (2) he'd be willing to fly a balloon at the site for the PB and any interested parties to view.

S. Wilson asked who owns the tower and Joe Ross said that Independent Towers, LLC would own this particular tower. S. Wilson asked if at the time the tower became obsolete if Independent Towers, LLC would still own it and be responsible for taking it down. Joe Ross said that it would still go with the title—it always has to go with zoning,

so if anyone takes it over, it goes with everything. J. Gaddy said that they already have provisions in Section H of the regulations where it says, "...the applicant has the tower owner or their successors to notify the administrator within thirty (30) days of the discontinuance, and then it has to be removed." S. Wilson agreed, but noted that it doesn't say who would have to take it down. J. Gaddy agreed.

Bob Weisenfeld asked if the applicant has any plans to offer tower space to any public service agencies, like the NYS Police or the Bolton Fire Dept., which he feels would be beneficial. H. Caldwell said that as long as the agencies use the cellular carries that are on the tower, then they are all set. Bob Weisenfeld said that he thinks that in some jurisdictions, they co-locate radio transmitters for public agencies on some of these cell towers and he is questioning if that were to happen if it would effect the figuration or height subsequent to approval or if the applicant would have to come back for re-approval. Joe Ross said that (1) the only people that can go on the towers without APA approval is the State of New York—even a local agency like the local Fire Dept. would have to go through the process with the APA, (2) they used to do that, but they ran into some interference problems, (3) if it is technologically possible and there is no interference with the existing applicants, and there is room for it, he is sure that Independent Towers, LLC would be happy to do it, but he just doesn't want to make promises, because there could be engineering problems with it, unless they make it much taller and (4) an example of a tower that would be similar to the proposed tower is a 90 ft. tower in Chestertown on the peak. J. Gaddy said that he's looked for that particular tower for a long time and has not been able to find it. Joe Ross gave additional existing tower sites for the PB members to reference.

H. Caldwell said that he thinks the PB would do site plan review if the use of the tower changes, which is probably a long shot, but technology does change so much. Joe Ross asked why this project is being referred to WCPB—if it is a courtesy referral. P. Kenyon said that (1) she believes that it needs to go to Warren County if the property itself is within 500 ft. of the Warrensburg or Lake George line and (2) she would research it and provide the applicant with that information.

P. Kenyon asked if J. Gaddy is looking for a letter of intent that the tower would be removed if service/use is discontinued. J. Gaddy said that (1) it is part of the regulations, but he thinks while that is the intent, he thinks it needs to be determined on how that would be covered and (2) he would like to see that in a bond form. Joe Ross said that before the PB issues a building permit he needs to provide the bond to the PB, which says basically that if they don't do what they promise to do, then the Town of Bolton gets "X" amount of money. J. Gaddy asked if that is for the removal and Joe Ross said yes.

**Motion by** John Gaddy to leave the public hearing open and table the application pending additional information as follows: 1) Alternative tower configurations. 2) Proposed camouflage. 3) The tower is to be correctly shown on all maps. 4) A balloon is to be flown Friday, August 27, 2007, with a rain date of August 31, 2007. **Seconded by** Sue Wilson. **All in favor. Motion Carried.**

- 2) **SPR07-30 WARNER, JOHN & LAURA.** Represented by Eugene Baker. To replace an existing T-shaped dock with a U-shaped dock, seek Type II Site Plan Review for a new land use within 250' of the Lake George shoreline. Section 171.08, Block 1, Lot 3, Zone RCM1.3. Property Location: 38 Jacobi Point Road. Subject to WCPB review. Subject to SEQR.

Eugene Baker, representing John and Laura Warner, gave an overview and said that (1) they propose replace an existing T-shaped dock with a U-shaped dock and (2) they received their LGPC permit.

The WCPB determined no County impact with the stipulation that they comply with LGPC regulations.

Eugene Baker said that (1) it meets all the set backs, (2) the crib dock is for an old wooden boat they usually house at their father's house in Huddle Bay and (3) they need this dock in order to bring their boat to this location and tie it up four ways, as it is pretty rough up there.

J. Gaddy asked if there will be lighting on the dock and Eugene Baker said that (1) the applicants have not told him of any and (2) they want to keep the impact as minimal as possible. S. Aldrich asked if the proposed dock would replace the mooring and Eugene Baker said no, per the LGPC the applicants are allowed to kept he mooring also.

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

**Motion by** Sue Wilson to accept the application as complete, waive a public hearing and grant approval as presented with the following condition. 1) There is to be no lighting on the dock. 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.**

- 3) **SD07-08 CURRI, THOMAS & THETA.** Seek to divide into 4 lots that parcel designated as Section 156.00, Block 1, Lot 38. Zones RL3 & LC25. Property Location: 167 Valley Woods Road. Sketch Plan Review. Minor Subdivision. Subject to SEQR.

Gary Maille, representing Thomas and Curri, said that the applicants are looking to subdivide their property into four lots with no further plans at this time.

S. Aldrich asked if this has been to the APA and P. Kenyon said (1) yes, the APA has signed-off and (2) this application complies in every way. H. Caldwell asked if all the wetlands are on one lot and P. Kenyon said yes.

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

**Motion by John Gaddy** to accept the application as a completed sketch plan, convert sketch plan to final plat, waive a public hearing and grant final approval as presented with the following conditions: 1) Site Plan Review is required for the construction of a single family dwelling on each lot. 2) Items to be placed on plot plan at the time will include the placement of the single-family dwelling, septic details, and storm water controls. Elevation drawings of the single-family dwelling are also required. 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.**

4) **SD07-20 MONROE, ROGER.** Seeks to divide into two lots that parcel designated as Section 199.00, Block 1, Lot 13.1. Zones RR5 & LC25. Property Location: 486 Wall Street. Sketch Plan Review. Minor Subdivision. Subject to SEQR.

Roger Monroe gave an overview and said that he proposes to subdivide his property with his house and his property across the road from each other into two lots.

P. Kenyon said that she doesn't know if Dennis Dickinson sent a jurisdictional inquiry to the APA for this project. Roger Monroe said that he doesn't know if Dennis Dickson did that either. J. Gaddy said that this house site is high up on the hill and it is not like the applicant has wetlands up there. Roger Monroe agreed and said that all he wants to do is divide the right hand side of the road from the left side. J. Gaddy asked if there are any structures on the large piece of property and Roger Monroe said no. J. Gaddy asked if it is just vacant woodland and Roger Monroe said yes. J. Gaddy asked if the applicant has any plans for any new construction and Roger Monroe said no, it is possible that he may want to sell some of the property, which is why he wants to subdivide it.

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

**Motion by John Gaddy** to accept the application as a completed sketch plan, convert sketch plan to final plat, waive a public hearing and grant final approval as presented. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by Sandi Aldrich. All in favor. Motion Carried.**

5) **SPR06-28 RUSSELL, LESLIE & SPRAGUE, MARY & MCNULTY, CHARLES.** Represented by Donald Russell. Seek Type II Site Plan Review for a marina in the RCH5000 zone. Section 186.07, Block 1, Lot 9, Zone RCH5000. Property Location: 4802 Lake Shore Drive, known as "The Point". Subject to WCPB REVIEW. Subject to SEQR. Note: SPR05-51 approved 12/15/05 has been withdrawn. *NOTE: This item was tabled at the May 2006 meeting.*

Donald Russell, representing Leslie Russell, Mary Sprague and Charles McNulty, said that (1) this is an entirely new application, (2) Counsel just handed him a letter from their

neighbor Twin Bay Village asking to table this matter tonight, but in fact this is actually a whole different matter which has nothing to do with the first application he made at the town and is going to court for—there is no variance involved and he is not doing anything that he is not allowed to do by current regulations of the LGPC, APA and Town of Bolton and (3) he would like to go through with this tonight. H. Caldwell told the applicant to proceed.

Donald Russell said that (1) this was on the agenda last year, but a serious illness in the family stopped him from going forward at that time, but he is ready to go forward at this time and (2) he documented everything that was requested from the last application. J. Gaddy asked if the note on the proposal regarding the existing docks to be removed subject to full approvals means everything the applicant is asking for here and Donald Russell said yes. J. Gaddy asked if there is any proposed lighting on docks 3 and 4 and Donald Russell said that he is open to anything, but he would like to light the paths down to the docks. J. Gaddy said that he doesn't have any problem with the lighting, but he just wants to make sure any lighting is shielded and downward facing so the globe is covered up. Donald Russell agreed and said he was just looking to put some lighting down below, but wouldn't put any toward the water.

H. Caldwell asked which docks or moorings would not be for the applicant's own use or the cabin customers' use and Donald Russell said that (1) he can't really answer that specifically, but he figures probably half would be seasonal rentals and the other half for customers, but he doesn't want to be held to that exactly, since it may vary and (2) he basically would like to put it under the umbrella of a Class A Marina. H. Caldwell said that if these were just for the applicant's customers then the applicant wouldn't need to be before the PB and Donald Russell agreed.

J. Gaddy asked what arrangements are being made for trailers and Donald Russell said that (1) they can find places on the hill or the people could take them home and (2) it is kind of tight, as there is not a lot of acreage there, but he doesn't like looking at boat trailers either, so they would make that part of the process.

S. Aldrich asked if the indicated parking area west of where the dumpster is now will entail taking down trees and Donald Russell said that (1) he would if he had to, but he doesn't think he will have to, (2) he had to denote something for the LGPC's sake, so that is what he has set up on the plan and (3) he doubts that is what will actually happen, since they will probably utilize the high end.

Counsel said that he accepts Donald Russell's representation that this is a new application and this is not the one that is litigated and Donald Russell agreed. Counsel said that (1) given that, the applicant is certainly properly before the PB tonight with respect to the presentation he should be taking and (2) he would get back to the PB if there are other requirements here.

S. Aldrich asked if the dock configurations or anything else has changed from the original application. Donald Russell said that (1) he thinks they have from the last

application with the variance involved—he thinks they did change them a little bit but not by much and (2) with the original application they were going to tie two docks together and call it “a dock” instead of two. S. Aldrich asked if that is where the applicant needed the variance and Donald Russell said yes. Donald Russell said that (1) at 650 ft. he would have been allowed five docks, anything less than 650 ft. would only enable him to have four docks, (2) the boathouse counts as two docks because it is in excess of the square footage for a dock and (3) he thinks he filled all of the Town of Bolton and LGPC requirements for a Class A Marina.

Counsel asked if the applicant is changing docks in any way, that is extending them, altering them or reducing them in number, etc. Donald Russell said no, he is taking two docks out and putting two docks in. Counsel asked if those docks that are being put in are either on the same spot or meet all setbacks and Donald Russell said that (1) they meet all setbacks in the current regulations, (2) you are allowed 40 ft. in width and they are proposed to be 38 ft. wide, (3) you allowed 40 ft. out from the low water mark, which they are certainly under and (4) they meet all the current regulations in respect to what a dock is. Counsel asked where the applicant is currently at with the LGPC administratively and Donald Russell said that (1) he just re-signed the application and (2) his understanding was that they would go to the public hearing at which time the LGPC would come in and do their review also. Counsel asked if the applicant's thinking is that the LGPC somehow participates with the Town of Bolton and Donald Russell said yes. S. Wilson asked if that was on the old application where the PB was going to contact the LGPC to advise the Bolton PB would be the lead agency on this project and P. Kenyon said yes, she talked to Chairman Koster about that before tonight’s meeting and he wanted her to wait until the PB was ready to schedule a public hearing, to see if the PB wanted any additional information before she sent that notice to the LGPC.

Counsel asked if the applicant has an application in with the LGPC and Donald Russell said that yes, he believes he does, but with all that has gone on with this project, he’d have to make sure. Counsel said that they need to grasp that, because the applicant certainly needs to know the real honest answer at that public hearing—what’s in it and the status at that time. Donald Russell said he’d be able to submit that tomorrow. J. Gaddy asked if the Town of Bolton needs to resubmit a statement of lead agency to the LGPC as a matter of fact and Counsel said yes.

J. Gaddy said that he’d like to give specific lighting models to the applicant.

**Motion by** John Gaddy to schedule a public hearing for September 20, 2007 and direct Pamela Kenyon, Zoning Administrator to send a letter to the LGPC stating that the Town of Bolton Planning Board shall reserve the right to remain lead agency for the McNulty marina project and advise the LGPC that the Planning Board is seeking a coordinated review with them. The matter will be placed on the September 20, 2007 agenda, at which time the LGPC is invited to attend and address any concerns they may have. **Seconded by** Sue Wilson. **All in favor. Motion Carried.** *Note: The applicant is to supply the town with the status of the LGPC permit.*

*Note: Items SD06-01 and SPR07-29 were heard together.*

*Note: H. Caldwell recused himself for items SD06-01 and SPR07-29 and J. Gaddy presided in his capacity as Acting Chairman for these items.*

- 6) **SD06-01 FEDERAL HILL CORPORATION . Matthew Defty.** Seeks to divide into 7 lots that parcel designated as Section 156.00, Block 1, Lot 70.1. Zones RL3 & LC25. Property Location: 433 Federal Hill Road. Preliminary Plat. Major Subdivision. Subject to SEQR. *This item was tabled at the February 2007 meeting pending additional information. Note: This item is in conjunction with SPR07-29.*

Paul Owens of Environmental Design, representing Federal Hill Corporation, gave an overview by referencing the map and said that (1) they have submitted their preliminary subdivision application to the Town of Bolton, (2) they have addressed Town Engineer Tom Nace's comments, (3) they propose to have Lot 6 accessed from Federal Hill Road from an existing barn structure, (4) there is a second lot being proposed near the intersection of Federal Hill Road and County Route 11 at the point of the property which would be accessed through County Route 11, as would the remainder of the subdivision, (5) each lot would be served by its own well and septic system, which they have submitted designs for, (6) they have done test pits and percolation tests for the septic system, (8) they have prepared a stormwater management permit application, which the Town Engineer should have a copy of, (9) they have proposed well locations on the plan and (10) they prepared proposed house locations and individual driveways for each lot on the plan.

P. Kenyon said that Tom Nace signed-off on the stormwater management plan.

S. Aldrich (1) said that when this project was first discussed, the electric power to Lot 6 and the other four lots through an easement and would come off Federal Hill Road and (2) she asked where the power is coming from for Lot 7. Paul Owens said that he would assume if there are overhead power lines they'd be able to hook up to them, but he'd have to research it for a definitive answer. S. Aldrich said she'd like a definitive answer.

J. Gaddy asked if any provisions were made for recreation or if each lot owner would be responsible for the \$400 per lot recreation fee. Paul Owens said that he believes it would be the \$400 per lot recreation fee.

J. Gaddy said on Sheet #2, it is a pretty large area being utilized in dealing with the stormwater, so he would like to see plantings put along the easement on Lot 1. Paul Owens said that there would be a drainage easement on Lot 1 for the HOA to maintain the stormwater management there. J. Gaddy said that he'd like vegetation on the banks and re-plantings on the sides of the basin. Paul Owens said that they are not in the plan, but it is a valid request that they will comply with.

S. Wilson asked if the HOA would only be responsible for road maintenance and Paul Owens said that in addition to road maintenance, the HOA would also be responsible for

maintaining the stormwater management area within that easement on Lot 1. J. Gaddy asked if there is a copy of the HOA proposal for the stormwater. Counsel said that there are no covenants. S. Aldrich asked if the applicants are planning any covenants on this subdivision and Paul Owens said he'd have to find out.

Counsel said that the PB should remember to ask for the recreation fees to be a specification on the map.

J. Gaddy said he'd like the condition of any exterior lighting be downward facing and shielded so the glare and light trespass is eliminated in addition to the existing light on the barn being shielded.

**Motion by** Sue Wilson to approve the preliminary plat and schedule a public hearing for September 20, 2007. A) The following information is to be shown on plat: 1) \$400.00 recreation fee is required for each parcel. 2) Exterior lighting must be downward facing and shielded with low wattage bulbs used. 3) A planting plan for the storm water basin for lots 1. B) The deed covenants and restrictions to be supplied. **Seconded by** Sandi Aldrich. Henry Caldwell recused himself. **All others in favor. Motion Carried.**

**7) SPR07-29 FEDERAL HILL CORPORATION. Mathew Defty.** Represented by Dennis MacElroy of Environmental Design Partnership. In accordance with Section 125.13C1 of the storm water regulations, seeks Type II Site Plan Review for a major project, specifically to remove more than 15,000 sq. ft. of vegetation, 5.42 acres is proposed. Section 156.00, Block 1, Lot 70.1. Zones RL3 & LC25. Property Location: 433 Federal Hill Road Subject to WCPB review. Subject to SEQR. *Note: This item is in conjunction with SD06-01.*

**Motion by** Sue Wilson to accept the application as complete, and schedule a public hearing for September 20, 2007. **Seconded by** Chauncey Mason. Henry Caldwell recused himself. **All others in favor. Motion Carried.**

*Note: Items SD07-21 and SPR07-31 were heard together.*

**8) SD07-21 STROMBERG, BILL & LISA.** Represented by Tom Jarrett of Jarrett Martin Engineers and Bill Dean of Creative Construction. Seek to amend previously approved plat (SD02-03) approved by the Planning Board on April 25, 2002. Specifically to re-aggregate those parcels designated as Section 156.00, Block 2, Lots 90.3 & 90.4, Zone RCL3. Property Location: 5496 Lake Shore Drive and being lots 1 & 2 of the Kolvek Subdivision. Subject to SEQR. *Note: This item is in conjunction with SPR07-31 & V07-49.*

Tom Jarrett of Jarrett Martin Engineers, representing Bill and Lisa Stromberg, gave an overview and said that (1) part of their subdivision application is to merge two lots into one parcel, (2) they are here for site plan review and stormwater review, (3) they propose a new single-family residence approximately 100 ft. from the lakeshore that straddles the old lot line, (4) in the process, they will be eliminating much of the old driveway that

traversed the property and had no stormwater management and will be constructing a new driveway and a new entrance location on Route 9N which will be safer, (5) they are including stormwater management for the entire driveway as well as the house, they propose plantings at the entrance, around the driveway and around the house, while leaving all the large trees in front of the house and (6) they propose to remove an old two-holer that was behind the recreation building with an old cesspool, put a new toilet in the recreation building for family use and then pump all the way from the house and the recreation building up to a new wastewater system which is in the meadow area below Route 9N.

S. Wilson asked if the building in the photo is the recreation building and Tom Jarrett said yes. He then showed photos of the existing and proposed recreation buildings. S. Wilson asked what the difference is in the square footage and Tom Jarrett said that it is reduced and there is currently an encroachment on the neighboring property that is being removed.

H. Caldwell asked if the PB has to combine the lots first and P. Kenyon said yes. H. Caldwell asked about the variance and P. Kenyon said that it was granted by the ZBA on 08/13/07.

S. Aldrich asked if in addition to the old bathroom facility, the existing cabinet would also be removed and Tom Jarrett said yes, only with approval from here. S. Aldrich asked if it is correct assuming that a good portion of the stormwater where it says they will be disturbing 2.8 acres is removing the old driveway and regarding. Tom Jarrett said a significant portion of it and there is asphalt down by the lakeshore they are removing also. S. Aldrich said it is funneling everything right into the lake right now. Tom Jarrett said that it is all included in that disturbance calculation. S. Aldrich said that when she visited the site she had noticed a considerable amount of erosion from the upper parking lot on the Kolvek property—it is right in the house site. Tom Jarrett said they'd address it and asked if it is on these properties. S. Aldrich said that it is coming across this piece of property, but it looks like it is coming from the upper parking lot at Kolveck there is a considerable gully right in the middle of the applicants' house site. Tom Jarrett asked if it is starting on the applicant's property and S. Aldrich said no, she doesn't believe so.

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

**Motion by** John Gaddy to accept the application as a completed sketch plan, convert sketch plan to final plat, waive a public hearing and grant final approval to re-aggregate lots 1 & 2 of the Kolvek Subdivision. **Seconded by** Chauncey Mason. **All in favor.**  
**Motion Carried.**

9) **SPR07-31 STROMBERG, BILL & LISA.** Represented by Tom Jarrett of Jarrett Martin Engineers and Bill Dean of Creative Construction. Seek Type II Site Plan Review for; 1) A new land use within 250' of the Lake George Shoreline. Specifically for the construction of a single-family dwelling and alterations to the

existing boat building, and 2) A major storm water project to remove more than 15,000 sq. ft. of vegetation in accordance with Section 125.13C1 of the storm water regulations , 2.8 acres is proposed. Section 156.00, Block 2, Lots 90.3 & 90.4 to be combined. Zone RCL3. Property Location: 5496 Lake Shore Drive and being lots 1 & 2 of the Kolvek Subdivision. Subject to WCPB review. Subject to SEQ. *Note: This application is in conjunction with SD07-21 & V07-49.*

S. Aldrich asked if the house site or the driveway will require blasting and Tom Jarrett said yes, the house site will, but they believe the driveway will not. S. Aldrich asked if it will be a large amount of blasting for the house site and Tom Jarrett said that they won't know until they begin, but it could be significant.

H. Caldwell asked if the overhangs are included in the house measurements and Tom Jarrett said that he believes they are. H. Caldwell (1) said that they are pushing it right to the limit and (2) asked if the height includes the shingles or if it is to the plywood. Tom Jarrett said that it is to the top of the shingles.

H. Caldwell asked how the stormwater on the lakeside of the house would be handled. Tom Jarrett said that (1) they have two basins that will handle all of the upper driveway area, (2) they have another basin below the second major curve below the slope, which is basically at grade, (3) they have stormwater management below the next bend and (4) they basically have four major stormwater areas on the property.

S. Aldrich asked the grade on the driveway and Tom Jarrett said that (1) the maximum is 13% and (2) the worst slope is approximately at the first bend, which is 13%.

S. Wilson asked if the septic is pumped for both structures and Tom Jarrett said yes. He then clarified by referencing the maps. Tom Jarrett said that (1) the ZBA asked about the pump station and (2) it is a belt-suspender design and they have extra capacity for power outages as well as a **two-plexed** pump system with alarms and an auto shut-off. S. Wilson asked if it is going to be a grinder pump and Tom Jarrett said no, these will be effluent pumps—he doesn't like grinder pumps, because they don't function well on septic systems because if you grind up the solids small they don't settle as well in the septic tanks, so they try to stay with (affluent) effluent pumps if they can.

S. Aldrich asked about fire access and Tom Jarrett said that (1) they built a wide driveway with pull-offs and (2) he doesn't know if the Fire Company has weighed in on this or not. S. Aldrich asked if there is sufficient room down on the apron to turn one or more vehicle of that size around and Tom Jarrett replied by saying that if you put a number of vehicle down there they will have to go out one by one, but they can get out there.

H. Caldwell said that the application says, "...all healthy trees 6 inches or larger within 75 ft. of Lake George will remain..." and asked if that means they are going to take out all the ones under 6 inches. Tom Jarrett said that (1) there is not a huge amount of undergrowth there, (2) they are adding plantings along the water frontage and (3) they are

not going to go in and cut lock, stock and barrel—their goal is to "naturalize" the site. Charley Spinella referenced the map, gave an overview of the landscaping plan by referencing the map and said that (1) at the entry they are attempting to close off an existing driveway, so they will have some fir trees in that area—nice dense native planting material and (2) they will be putting oak trees where the existing driveway is. He gave further detail again, referencing the map.

H. Caldwell asked what sort of size the fir trees will be and Bill Dean said that (1) the fir trees will be about 10 ft., (2) they are planting the fir trees close enough that as they grow they will grow right into each other and (3) there will be screening between this property and the cabins on the adjoining property. Charley Spinella said that there would also be additional planting in front, which is not documented on the plan, but will be documented on the set of plans used for construction.

S. Wilson asked what is in the tank and Tom Jarrett said he believes it is empty.

S. Aldrich asked when they plan to start and Tom Jarrett said before winter, if possible. The maps were referenced to explain the proposed aesthetics of the project. H. Caldwell said that he is concerned with blasting during the summer months. Bill Dean said that (1) he doesn't think they'll see that, as the blasting one of the first things they will get done, (2) the intent is not to remove the rock on site to eliminate the cost and road traffic and (3) most of that is being used under the new driveway, so they will have to have it integrated to do that. J. Gaddy said that there was one thermo-nuclear light on the corner of the recreation building. Bill Dean said that (1) all of those are being removed and (2) there will be recessed soffit lighting there.

Tom Jarrett said that Town Engineer Tom Nace has signed-off on this. P. Kenyon agreed. H. Caldwell said that it appears to be a well-planned project.

The WCPB determined no County impact.

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 stormwater run-off.

**Motion by** John Gaddy to accept the application as complete, waive a public hearing and based upon a favorable recommendation from Town Engineer, Tom Nace, to approve the major storm water project as presented. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by** Sue Wilson. **All in favor. Motion Carried.**

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

**Motion by** John Gaddy to accept the application as complete, waive a public hearing and approve the new land use within 250 ft. of the lake shore as presented with the following conditions: 1) The landscaping plan presented at the meeting be implemented. 2) Exterior lighting must be downward facing and shielded with low wattage bulbs used. 3) Blasting to be done 9 to 5 Monday through Friday. 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.**

**10) Robert McCarthy.** Discuss storm water controls approved by the Board on November 18, 2004 as part of SPR04-36 that have not been installed. Section 171.15, Block 1, Lot 38. Property Location: 13 Horicon Avenue

Robert McCarthy gave an overview and said that (1) when this was first proposed on November 18, 2004, there was a requirement for a 70 ft. open cut on the property line to the road—it should never have been presented or approved, (2) to him it is a very dangerous situation—it's a 3 ft. open cut, 24 inch pipe laid in with #2 stone just poured over it, (3) he thought it was taken care of, until he got a letter from Code Enforcement Officer M. Nittmann some time ago, since that time they have been working back and forth on the matter, (4) he's here to see how they can prevent any danger to the community and his family, (5) he spoke with NYSDOT about their rules and regulations and they would look unfavorably upon that as their requirement is 15 ft. off the road, (5) he believes the 2004 proposal is the cheapest way to go, which is probably why it was proposed, (5) the problem is that the road narrows by his property and several times a day the area is used as a turn-around, (7) there is a substantial berm with a 24 inch pipe that hasn't even filled up, (8) the portion in question is the driveway in front which they have never touched—they've never done anything to it and the water that does run off it is really the water that is coming down the hill—not from their property, (9) at this point he doesn't see a need for it, seeing as he's lived there for a couple of years, (10) he thinks it is also dangerous and if it is something that requires stone there, he can see over the year that those stones are gone, so there is basically a hole in the ground right next to the road, (11) he knows that there are a lot of people who use his property to park when there are games and such, which he doesn't mind, but that also takes stone out, (13) he asks the requirement be removed and (14) he is concerned with his liability as a property owner with someone coming down the hill on a bicycle and getting hurt.

J. Gaddy said that the 70 ft. of infiltration trench was put in as a mathematical solution to disturbance of the area. Robert McCarthy said that (1) in truth when you look at the

property, you look at it and there was an issue, so he put in sod so there would be no runoff and (2) everything runs into the front lawn. J. Gaddy said that (1) he understands Mr. McCarthy's concerns and arguments, which he agrees with, but Dennis Dickinson put the 70 ft. of infiltration trench based on the disturbance of the area, (2) the whole region is collecting water from above and (3) there is a little bit of erosion going into the stream there, so his concern is more that water from the pavement running off into the stream that then goes under Route 9N and in through the school field. H. Caldwell said that (1) no more water should come off Mr. McCarthy's lot pre-development/post-development, (2) the PB is saying that more water is coming off Mr. McCarthy's lot post-development—maybe it's not washing out, but Mr. McCarthy is pouring all of this water out onto Horicon Avenue. Robert McCarthy said that (1) he doesn't think that is the case and (2) the way it is designed, everything catches in the front lawn, so there is no water coming off. J. Gaddy said he agreed, but he is looking for remedial action on the west side of Mr. McCarthy's pavement because there is erosion there and a stream that goes across. Robert McCarthy asked what the PB wants and J. Gaddy said they'd like a lip or something there. Robert McCarthy said that (1) they could build something up on the driveway, which is reasonable and (2) most of the water being seen is coming down the hill to his property. J. Gaddy said that Mr. McCarthy is at the bottom of the hill and it is not his fault the rest of the water is running down to the area.

H. Caldwell said that in the minutes, it says, "...H. Koster noted that the applicant would definitely have to come back for additional stormwater review if a paved driveway was proposed in the future." S. Aldrich said that means up to the house—not the original paving.

J. Gaddy said that he thinks at the western edge of Mr. McCarthy's pavement as it goes toward the stream is an area Mr. McCarthy could do a little work there to keep anything off it. Robert McCarthy agreed and clarified the area on the map. P. Kenyon said that (1) it is the location by the culvert where it goes underneath is the location where you can see the water coming through and (2) she thinks the PB needs a plan to review. J. Gaddy said that to give up 70 ft. of infiltration trench, he wants to get something in return. H. Caldwell said he believes the PB agrees that the infiltration trench right there is very impractical, but the PB needs some sort of a tradeoff. S. Wilson said that the PB wants to make sure the tradeoff is not going to create a greater flow at a faster pace. J. Gaddy approached the map to clarify the PB's request for Mr. McCarthy.

**Motion by** John Gaddy to table the matter pending a revised storm water plan to be reviewed and approved by Town Engineer, Tom Nace. **Seconded by** Chauncey Mason. **All in favor. Motion Carried.**

- 11) To discuss the definition of Subdivision found in Section 150-3, wherein in part it states "this shall not apply to the sale of a small amount of land to correct the boundary of a lot if such sale or exchange does not create additional lots. Specifically, does this Board want to consider granting the Zoning Administrator the authority to sign plats involving lot line adjustments?"

H. Caldwell said that it seems like the Zoning Administrator could do that and if the Zoning Administrator had any problems, could refer it on to the PB. Counsel said that is true and in addition, it is better than a good idea—it is in the code. P. Kenyon said that they found it in the code, but before she started doing it, she wanted to make sure it was okay with the PB, because the PB have a history of always doing lot line adjustments. H. Caldwell agreed and said that obviously, if there is anything that is at all unusual about the lot line adjustment, then he thinks the PB ought to look at it. Counsel said that (1) he thinks they agree, (2) it is mandatory—it is not even a question of can it be applied—anything that causes a non-conformity with the code, you cannot do that, so no non-conformity or additional lot can be created—it is a safe harbor and a great place to let the Zoning Administrator exercise this power, (3) when that comes to some unusual anomaly the Zoning Administrator will bring it back before the PB and (4) if it was a controversial one or a touchy one, it should come to the PB, otherwise there will be an awful lot of routine ones that are just to move a little line and the PB spends way to much time having to review it, when in fact the code does not require it. P. Kenyon said she wants to make sure that for example, if Saddlebrook subdivision, when and if it gets approved, should the developer want to do some lot line adjustments, then they'd be coming to her, unless the PB wants to see them. H. Caldwell said that obviously the PB would want to see those, especially if the lot line adjustment has anything to do with stormwater, wetlands, etc., then the PB needs to look at it. P. Kenyon asked if anytime there is a subdivision that has been approved by the PB if they want to see it and H. Caldwell said no. S. Wilson asked if P. Kenyon is speaking of subdivisions with lot lines that have been established. P. Kenyon said that another example would be tonight's agenda item for Roger Monroe, where somebody just wants to do a simple lot line adjustment and asked if the PB would want to see that. H. Caldwell said no. P. Kenyon said that she should use her own discretion then and H. Caldwell said yes.

Meeting adjourned at 9:27pm.

Respectfully submitted by  
Jennifer Torebka  
Recording Secretary  
08/16/07