

**Town of Bolton  
PLANNING BOARD  
MINUTES  
Thursday April 22, 2010  
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-** Herb Koster, Henry Caldwell, John Gaddy, Donald Roessler, Sandi Aldrich, Sue Wilson, Chauncey Mason, Zoning Administrator Pamela Kenyon and Counsel Michael Muller.

**Absent- none**

The meeting was called to order at 6:05pm.

**PUBLIC HEARING**

**1) SD06-03 MJ REAL ESTATE HOLDINGS, LLC.** Represented by the LA Group. Seek to merge those parcels designated as Section 124.00, Block 1, Lots 12 & 13 and Section 123.00, Block 2, Lot 57.1, then subdivide into 7 lots. Zones RL3 & LC45. Property Location: New Vermont Rd. Major Subdivision. Preliminary Plat. Subject to SEQR. Note: This item was tabled at the March 2010 meeting pending a public hearing and is in conjunction with SPR10-05.

**2) SPR10-05 MJ REAL ESTATE HOLDINGS, LLC.** Represented by the LA Group. In accordance with Section 125.13C1 of the stormwater regulations, seek Type II Site Plan Review for a major project to remove more than 15,000 square feet of vegetation. 639,800 square feet is proposed. Section 124.00, Block 1, Lots 12 & 13 and Section 123.00, Block 2, Lot 57.1, Zones RL3 & LC45. Property Location: New Vermont Rd. Subject to SEQR. This item was tabled at the March 2010 meeting pending a public hearing and is in conjunction with SD06-03.

Rob Frasier introduced Jeff Anthony principal of the LA Group, Dan Kauffman, Project Engineer with the LA Group and the applicants, John Cosella and Matt Langenmeyer. He stated that the applicants are proposing a 7 lot subdivision and to improve an existing logging road. He stated that the lots are spread over two different zones; two lots and a portion of a third will be in the RL3. The remainder of the other lots will be in the LC45 zone. He stated that the upper and lower lots have been clustered to try to minimize the impacts to the greatest extent possible.

Rob Fraiser stated that the project has had a thorough review by the Town Engineers as well as the APA. He stated that Tom Nace has submitted his approval letter to the APA and they are currently in their final review.

Rob Fraiser stated that pursuant to Don Roessler's request they have provided an additional hammerhead on the driveway and Tom Nace has approved that change. On April 2, the project received additional comments from the APA and those items were reviewed by Tom Nace and Pam Kenyon and Tom Nace granted approval of those changes as well.

Herb Koster asked if there were any comments from the public in attendance.

Chris Navitsky, Lake George Waterkeeper, provided a letter to all of the Board members. He stated that the Waterkeeper is requesting that the Town apply the Town regulations especially the stormwater management ordinance and consider the environmental impacts during their deliberations.

Chris Navitsky feels that alternatives should be considered to reduce excessive clearing and disturbance. Construction of the access road proposes earth work with 20' cuts and significant disturbance on steep slopes which is excessive and will have significant environmental impacts. They are suggesting using an existing jeep road which would require fewer disturbances. He stated that the road would be 300' longer to get to the cul-de-sac but the grades are similar to the 14% on the existing road. Clearing limits of 60' wide for the upper portion of the driveway should also be reduced further. Significant erosion exists on the upper portion of the driveway already with minimum disturbance so any reduction would benefit the project.

With regard to stream buffers, Chris Navitsky stated that the project proposes significant disturbance within 25' of the existing stream. They feel that the applicant should be required to maximize that separation. The LGPC has proposed stream corridor buffers of 100' and they feel that the project should maintain that 100' buffer and wherever that may be compromised they feel that mitigation should be provided.

Chris Navitsky stated that stormwater management does not comply with the ordinance for volume reduction. Section 125-5c states that the purpose and objective of the ordinance is to prevent any increase in the total annual volume of surface water run-off proposed from any site during and following development. They feel that the applicants have taken calculations which are based on final stabilization and not on the 150' disturbance along the corridor which would be clear-cut. They feel that the calculations should be looked at in a more conservative manner. They are also concerned that their 2 largest stormwater management facilities do not have infiltration.

Chris Navitsky stated that protective buffers should be provided along wetlands. He stated that they are not filling the wetlands but they have removed the buffer and will be grading right up to the wetlands.

With regard to individual Site Plan review, Chris Navitsky stated that typically with major subdivision the PB brings back each lot for SPR and they would like to encourage that. They are also requesting that they allow a public hearing for each as well because

some concerns arise during development and the public does not have the ability to comment.

Melissa Vito, Diamond Point, commended the applicant for the clustering of the lots in the subdivision because it will reduce road building and leaves larger areas of undeveloped land. However, she feels that there is a lot of grading and clearing for the project which she feels should be looked at. She stated that she understands that the applicants have been working on this project for some time but she believes that they could work on this a little longer. She feels that Earth Day is a great time to decide that they are going to take the time to look hard at the property and make sure that the project is environmentally conscious.

Melissa Vito agrees with the Waterkeeper in using the existing road which would reduce the amount of impact. This could potentially save a lot of money and disturbance in the end.

With regard to buffering the stream and wetlands, Melissa Vito feels that they should do a little more to protect them. She stated that there are a lot of steep slopes on this site and she is hoping that they could do more to protect the stream and wetlands. The wetlands protect areas especially in flood situations. She stated that the stream leads into the lake which is already in trouble with algae blooms.

With regard to site plan review, Melissa Vito hopes that there is individual site plan review for each lot so that she may have an opportunity to comment further on each development.

With regard to using the existing jeep road as suggested by the Waterkeeper, Rob Fraiser stated that they looked at the best possible access to the lots with the APA, PB and Town Engineer. The jeep trail is actually in worse condition. Additionally, there is also a property line that runs down the middle which would require getting an easement from the neighbor. The grading of the existing logging road will actually improve existing conditions because right now it gets washed out and it silts into the adjacent wetlands and streams. He stated that they have the road pitched off in the opposite direction with many check dams along the way. The stormwater basins are designed in accordance with the requirement of the ordinance and Tom Nace would not approve it otherwise.

With regard to alternatives, Jeff Anthony stated that they worked with the APA closely for the past 5 ½ years. He stated that the house sites were hand-picked with the APA staff. He feels that alternatives have not been overlooked. He stated that originally they had house sites up on the ridge line which was approved by the Town but the APA did not like the sites so they worked with them to relocate and cluster the houses which also reduced the length of the road by several hundred feet. Jeff Anthony stated that they feel that they have exhausted all of the alternatives. The Town Engineer feels that this project has met all of the criteria. The APA has had a few more additional comments/questions but he feels that they too are ready to grant their final approval.

With regard to stream buffers, Rob Fraiser stated that there are no jurisdictional APA wetlands or buffer zones that are regulated on this project. He stated that they have minimized the impact to the wetlands and stream to the greatest extent possible. They have also minimized their effect on the surrounding property and are within the regulations. Jeff Anthony stated that if they tried to move the road away from the wetlands/stream they would have disturbed the area further so they decided to work with the road as it exists. Rob Fraiser stated that erosion controls will remain in place throughout the construction. They are proposing a retaining wall on the other slopes that will require cuts, as required. Between what they proposed for the retaining walls and erosion control there will be less siltation and run-off on this site what exists now.

With regard to the accusation that the stormwater management plan does not meet the ordinance requirements for volume reduction, Rob Fraiser stated that they have been met and were approved by the Town Engineer. Herb Koster stated that the applicants do not have to address every item in Chris Navitsky's letter. He stated that the Town Engineer has already reviewed and approved the project. Jeff Anthony stated that he would try to summarize some of the comments that the Waterkeeper made. He stated that one of the comments indicated that the applicants misrepresented some of the facts because they designed for the operational phase of the project but that it what is required to do for stormwater management design. He stated that the Waterkeeper is correct that there will be a period of time when this project will be under construction and they will have to pay attention to stormwater management and erosion/sediment control. He stated that this will all be handled in the stormwater pollution prevention plan phase of the project which Chris Navitsky may not have a copy of. However, Tom Nace did review and approve this plan as well. He stated that normally they run this under the DEC's general permit, but they have agreed not to do that and instead have it reviewed under the DEC individual project permit which will have a more extensive review.

With regard to protective buffers along the wetlands, Jeff Anthony stated that the APA did not take jurisdiction of them. However, they do fall under the Army Corp of Engineers jurisdiction. The Army Corp has 0' buffer required for wetlands. Although they are grading right up to the wetlands in a few areas for stormwater management, those grades are one on three slopes and will be re-vegetated right away.

With regard to individual site plan review, Jeff Anthony stated that they would agree to that if necessary. However, they would like to make the case that in designing this project for the Town and APA to review they had to design each individual lot like it was an individual site plan. The APA wanted to see every driveway location, house sites, grading, etc. He stated that if they were to remove each one of these lots and put them on a separate piece of paper they would essentially have a site plan for each lot. He stated that each of these lots will get another review when they are ready for development. Pam Kenyon will be looking at each lot as before they are developed to be sure that there are no changes and she has the option at the time of issuing a permit to have the Town Engineer or PB review it again.

With regard to the Waterkeeper's comment about rain gardens, Jeff Anthony stated that they used a 5 inch/hour perc rate where the soils are 3 inch/hour. He stated that they did this because soils will de-rate over time in a rain garden. He stated that they designed in anticipation of a worse perc rate, which means that their rain gardens are bigger.

There were no further comments from the public in attendance.

## **RESOLUTION**

**Motion by Don Roessler to close public hearing for SD06-03 and SPR10-05. Seconded by Sue Wilson. All in Favor. Motion Carried.**

## **REGULAR MEETING**

Herb Koster asked if there were any changes or corrections to the March 18, 2010 minutes.

**Motion by Sue Wilson to accept the March 18, 2010 minutes as written. Seconded by Sandi Aldrich. All in Favor. Motion Carried.**

**1) SD06-03 MJ REAL ESTATE HOLDINGS, LLC.** Represented by the LA Group. Seek to merge those parcels designated as Section 124.00, Block 1, Lots 12 & 13 and Section 123.00, Block 2, Lot 57.1, then subdivide into 7 lots. Zones RL3 & LC45. Property Location: New Vermont Rd. Major Subdivision. Preliminary Plat. Subject to SEQR. Note: This item was tabled at the March 2010 meeting pending a public hearing and is in conjunction with SPR10-05.

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Herb Koster stated that he is not sure if it is necessary to have individual site plan review because the APA has already set these sites and the stormwater is already designed for it. Pam Kenyon stated that their present practice is that each lot would be required to return for a major stormwater project. However, that would be their call. Rob Fraiser stated that all of the lots, with the exception of lot 7, do not have any wiggle room with the house location because the APA was so site specific. He stated that they are requesting that at least lot 7 have the ability to adjust his footprint. One of the applicants is intending to retain that lot and the current house footprint would require additional cuts into the slope behind the house and they are considering moving the house approximately 85' west for a better location. Herb Koster stated that as long as the house is in the footprint shown on this plan he does not see any reason to come back because the

stormwater was designed for the location of the house as presented. Pam Kenyon stated that 4 of these lots fall into LC45 which requires stormwater for each of the lots.

Herb Koster asked how wide the hammer heads were as well as the turning radius. Rob Fraiser stated that the hammerheads were approximately 20' wide with a 25' turning radius off of New Vermont Road as well as for each hammerhead. Jeff Anthony stated that they will be sure that the plans show that the hammerheads indicate that they are 20' wide with a 25' turning radius. Herb Koster reminded the applicants that this does not put any liability on the Town; these are steep driveways and road and there are no guarantees that the Town will be able to get up to this site in the middle of the winter.

Henry Caldwell asked if they could provide a construction schedule for the roadway since this is a one of the largest roads that they have ever planned for a subdivision. He stated that a lot of stormwater needs to be handled especially during the construction phase. Herb Koster asked if their intention was to have the stormwater basins in place while they are building the road. Rob Fraiser stated that stormwater will be set to handle the construction phase of the project. Jeff Anthony stated that they will be building the basins but they will be plugged to catch the silt. He stated that after construction it will be cleaned and then restored back to a operable basin with infiltration. Rob Fraiser provided details of the draft construction schedule that will be attached to their DEC permit. He stated that they have this designed according to Tom Nace's review and approval. Henry Caldwell asked if there will be a construction entrance on New Vermont Road. Rob Fraiser replied yes, it will be the first thing that they will address.

With regard to the Waterkeeper's comments about a planting plan and rain gardens, Jeff Anthony stated that they have been working on that and they will provide a planting plan with the final set of drawings as well.

Herb Koster asked how they were doing with their HOA. Rob Fraiser replied that they provided a draft that has been reviewed by the project attorney and it is ready to be submitted to the Attorney General. Herb Koster stated that is a long process. He asked if there are any provisions in the HOA to make sure that the stormwater controls and basins are taken care of. Rob Fraiser replied yes they will be responsible for maintaining the stormwater basins. Herb Koster asked if they will be to enforce the action on the homeowners. Rob Fraiser replied yes. He added that the APA heavily scrutinized the HOA agreement very carefully.

Sandi Aldrich asked if there will be any blasting. Rob Fraiser replied that it will not be necessary at this time.

John Gaddy stated that in the HOA declarations he noticed that there are provisions for house color, roof color, etc, but he did not see anything about exterior downward facing, shielded lighting. He stated that he would request that they add that provision into that section. Rob Fraiser stated that he would not have a problem with that; the APA also wanted that provision as well.

John Gaddy asked if they had a letter from Tom Nace indicating his review and approval of the project. Rob Fraiser replied no, due to the time constraints he stated that he had discussion with Tom Nace over the phone about the APA's comments. He stated that Tom Nace had sent an email and provided a verbal okay to the APA's requested changes.

With regard to the SEQR form, John Gaddy stated that he noticed a discrepancy regarding an answer originally provided about utilities to the lots and the current plan. Rob Fraiser stated that originally they were going to run the utilities overhead for lots 1-5 but that has since changed and all services will be underground. Herb Koster stated that he would like to see that stated on the final plans.

Counsel Muller read through the SEQR Long Form as follows:

**Part 1**

**Project Name-**New Vermont Road Subdivision

**Lead Agency-** Bolton Landing Planning Board

**Applicant Sponsor-** MJ Real Estate Holdings LLC

**Action-** Propose to subdivide approximately 236.7 acres into 7 residential lots, ranging in area from 2.34 acres to 84.5 acres. The project proposes to improve an existing log road that currently provides access to the site from New Vermont Road. The improved road and all stormwater easement areas associated with proposed lots 2-7 will be maintained pursuant to Article 6 of the HOA Declaration of Protective Covenants, Conditions, Restrictions, Easements, Charges and Liens. Lot 1 will have access directly from New Vermont Road, separate from the project's access road to lots 2-7. Each of the proposed lots will have independent septic systems and wells. Local electric/utility and/or cable providers will install all underground services. The project will have no impact to wetland area. A comprehensive field survey was conducted in accordance with NYNHP Guidelines, the results of which found no threatened or endangered species. According to OPRHP the project will have no impact upon cultural resources.

**A.Site Description-**

1. Land use-The present land use is forest and existing hunting camp with 236.92 acres.
2. It is principally forested at 225.5 acres and after completion will represent 211.4 acres of forest land.
3. Soil Types- Well drained 70%, Moderately well-drained 20% and poorly drained 10%.
4. Bedrock outcroppings- depth to bedrock averages 0-6+ feet.
5. Slopes- 0-10% 25% of project, 10-15% 25% of the project, 15% > 50% of project
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? No
8. What is the depth of the water table? 1.5-6 feet
9. Is site located over a primary, principal, or sole source aquifer? No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?  
No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? No

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)? No  
Describe:
13. Is the project site presently used by the community or neighborhood as an open space or recreation area? No
14. Does the present site include scenic views known to be important to the community?  
No
15. Streams within or contiguous to project area:  
a. Name of Stream and name of River to which it is tributary- unnamed, intermittent stream to Indian Brook.
16. Lakes, ponds, wetland areas within or contiguous to project area:  
b. Size (in acres): There are approximately 6.52 acres of forested wetlands.
17. Is the site served by existing public utilities? No  
a. If **YES**, does sufficient capacity exist to allow connection? Yes No  
b. If **YES**, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL and 6 NYCRR 617? No
20. Has the site ever been used for the disposal of solid or hazardous wastes? No

## **B. Project Description**

1. Physical dimensions and scale of project  
a. Total contiguous acreage owned or controlled by project sponsor: acres.  
b. Project acreage to be developed: acres initially; 25.3 acres ultimately.  
c. Project acreage to remain undeveloped: 211.4 acres.  
d. Length of project, in miles:  
e. If the project is an expansion, indicate percent of expansion proposed. %  
f. Number of off-street parking spaces existing ; proposed  
g. Maximum vehicular trips generated per hour:?  
h. If residential: Number and type of housing units:  
One Family Two Family Multiple Family Condominium  
Initially 2- one family  
Ultimately 7-one family  
i. Dimensions (in feet) of largest proposed structure: 35' height; 75' width; 75' length.  
j. Linear feet of frontage along a public thoroughfare project will occupy is? 700 ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? none
3. Will disturbed areas be reclaimed? Yes  
a. If yes, for what intended purpose is the site being reclaimed? Disturbed areas bordering the access road driveways, single family homes and septic systems will be landscaped.  
b. Will topsoil be stockpiled for reclamation? Yes  
c. Will upper subsoil be stockpiled for reclamation? Yes
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? Approximately 13 acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project? No

6. If single phase project: Anticipated period of construction: months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated 3

b. Anticipated date of commencement phase 1: Immediately upon approval

c. Approximate completion date of final phase: approximately 2 years from commencement.

d. Is phase 1 functionally dependent on subsequent phases? No

8. Will blasting occur during construction? unknown

9. Number of jobs generated: during construction 50; after project is complete-0

10. Number of jobs eliminated by this project.

11. Will project require relocation of any projects or facilities? No

If yes, explain:

12. Is surface liquid waste disposal involved? No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount

b. Name of water body into which effluent will be discharged

13. Is subsurface liquid waste disposal involved? No

14. Will surface area of an existing water body increase or decrease by proposal? No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? No

16. Will the project generate solid waste? Yes

a. If yes, what is the amount per month? Approximately 1-1/2 tons/month

b. If yes, will an existing solid waste facility be used? Yes

c. If yes, give name ; Bolton Sewage Disposal Plant

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes

e. If yes, explain: recycling of cardboard, glass and plastics

17. Will the project involve the disposal of solid waste? Yes

a. If yes, what is the anticipated rate of disposal? 1- 1/2 ton/month.

b. If yes, what is the anticipated site life? years.

18. Will project use herbicides or pesticides? No

19. Will project routinely produce odors (more than one hour per day)? No

20. Will project produce operating noise exceeding the local ambient noise levels? No

21. Will project result in an increase in energy use? Yes

If yes, indicate type(s) electric and fossil fuel

22. If water supply is from wells, indicate pumping capacity gallons/minute.

23. Total anticipated water usage per day 450 gallons/day.

24. Does project involve Local, State or Federal funding? No

If yes, explain:

**25. Approvals Required:**

Type Submittal Date

City, Town, Village Board-No

City, Town, Village Planning Board Yes, Site Plan Review, Subdivision an Stormwater

City, Town Zoning Board Yes- received waiver for access road grade

City, County Health Department- No

Other Local Agencies- No  
Other Regional Agencies Yes -NYSOPRHP  
State Agencies Yes –APA, DEC, DOH, NYSNHP  
Federal Agencies Yes Army Corp of Engineers

### **C. Zoning and Planning Information**

1. Does proposed action involve a planning or zoning decision? Yes  
If Yes, indicate decision required: Site Plan, Subdivision and other  
Zoning amendment Zoning variance New/revision of master plan Subdivision  
Site plan Special use permit Resource management plan Other
2. What is the zoning classification(s) of the site? RL3 and LC45
3. What is the maximum potential development of the site if developed as permitted by the present zoning? RL3- 10 acres 4% of proposed development Lots 1-3, LC45 227 acres- 96% of proposed development lots 4-7.
4. What is the proposed zoning of the site? No changes
5. What is the maximum potential development of the site if developed as permitted by the proposed zoning? N/A
6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes
7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action? Residential
8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? Yes
9. If the proposed action is the subdivision of land, how many lots are proposed? 7
  - a. What is the minimum lot size proposed? 2.11 acres
10. Will proposed action require any authorization(s) for the formation of sewer or water districts? No
11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection? Yes
  - a. If yes, is existing capacity sufficient to handle projected demand? Yes
12. Will the proposed action result in the generation of traffic significantly above present levels? No
  - a. If yes, is the existing road network adequate to handle the additional traffic. Yes No

### **Part 2-Project Impacts and Their Magnitude**

#### **Impact on Land**

- 1) Will the proposed Action result in a physical change to the project site. Yes, it is small or moderate.
- 2) Will there be any effect to any unique or unusual land forms found on the site? No.

#### **Impact on Water**

- 3) Will proposed action affect any water body designated as protected? No.
- 4) Will Proposed Action affect any non-protected existing or new body of water? No.
- 5) Will Proposed Action affect surface or groundwater quality or quantity? No.
- 6) Will Proposed Action alter drainage flow or patterns, or surface water run-off? Yes but it is adequately mitigated by the stormwater proposed.

#### **Impact on Air**

- 7) Will Proposed Action affect air quality? No.
- 8) Will Proposed Action affect any threatened or endangered species? No.

9) Will Proposed Action substantially affect non-threatened or non-endangered species? No.

**Impact on Agricultural Land Resources**

10) Will Proposed Action affect agricultural land resources? No.

**Impact on Aesthetic Resources**

11) Will Proposed Action affect aesthetic resources? No.

**Impact on Historic and Archaeological Resources**

12) Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance? No.

**Impact on Open Space and Recreation**

13) Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities? No.

**Impact on Critical Environmental Areas**

14) Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area established pursuant to subdivision 6NYCRR 617.14(g)? No.

**Impact on Transportation**

15) Will there be an effect to existing transportation systems? No.

**Impact of Energy**

16) Will Proposed Action affect the community's sources of fuel or energy supply? No.

**Noise and Odor Impact**

17) Will there be objectionable odors, noise, or vibration as a result of the Proposed Action? No.

**Impact on Public Health**

18) Will Proposed Action affect public health and safety? No.

**Impact on Growth and Character of Community or Neighborhood**

19) Will Proposed Action affect the character of the existing community? No.

20) Is there, or is there likely to be, public controversy related to potential adverse environment impacts? No

Counsel Muller stated that the PB needs to declare themselves as lead agency and make a determination with respect to the impacts. Based upon the answers it seems that the project would not result in any large or important impacts and will not have a significant impact on the environment and a negative declaration is declared.

The Board further discussed whether or not they would like the applicant to come back for individual site plan review which would include major stormwater. The Board decided that they would like each of the lots to return for SPR, but would waive stormwater unless changed significantly or if they were located in the LC45 zone.

## **RESOLUTIONS**

**Motion by** John Gaddy to declare the Town of Bolton Planning Board as lead agency for SD06-03 and SPR10-05 and that after a public hearing and review of the full SEQR form have determined that project will have no significant negative impact on the goals of the Bolton Planning Board objectives. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented.

**Seconded by** Henry Caldwell. **All in Favor. Motion Carried.**

**Motion by** John Gaddy to accept SD06-03 and SPR10-05 as complete, having held a public hearing, having met the criteria set forth in the code, grant final approval with the following conditions: 1) that a construction entrance is installed and maintained during

the construction phase to minimize the movement of materials off the site, 2) the HOA declaration shall include that the any exterior lighting is downward facing and shielded, 3) that the utilities are underground for all lots and that it is indicated on the final plans, 4) a \$400 recreation fee is applied to each lot, 5) site plan review is required for each individual lot with the exception of major stormwater which will be waived unless changed from the original approved stormwater plan and 6) that no work is to commence until all approvals are final and received by the Planning Office, including approval of the HOA declarations from the Attorney General's Office. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by Don Roessler. All in Favor. Motion Carried.**

**3) SPR10-04 CLINE, DOUGLAS.** Represented by Mountain Aire Management. As a condition of approval set forth by the Planning Board on June 19, 2003, when approving SD02-23 Lake Ridge Subdivision, seeks Type II Site Plan Review for a filtered view clearing. Specifically, the condition reads as follows: There will be no additional clearing, other than the driveway for lots 6, 7 & 8 without site plan review for each lot. Section 171.14, Block 1, Lot 5.7, Zone RL3. Property Location: Lake Ridge Road and being Lot #7 of the Lake Ridge Subdivision. Subject to SEQR.

Jeff Tennent stated that he is seeking similar approval for what he did with lots 5 and 6. He stated that he has not started the work on those lots and was waiting to get this approval so that he can do the work all at one time which would result in less disturbance. He is seeking to provide a filtered view for this lot. It is similar to the work that he has done in Diamond Ridge with limited and selective cutting.

John Gaddy asked if there were any buildings proposed for lots 5 or 6 yet. Jeff Tennent replied yes and he showed a draft of a building that is proposed for one of the lots.

John Gaddy asked Pam Kenyon if there are any other contractors like Jeff Tennent and Barry Kincaid that approach her about this type of clearing. Pam Kenyon replied no.

Henry Caldwell asked if they will be using heavy equipment. Jeff Tennent replied that they anticipate using a cable to drop and pull it out of the site.

John Gaddy stated that he was hoping that Jeff and Barry Kincaid could craft some language to reflect the style of work that they are doing. He stated that this could help the Town develop some sort of standard for future development. Jeff Tennent stated that he plans to take pictures after the cutting. He stated that they follow certain criteria when providing filtered views. John Gaddy asked if he could put these elements of design into writing for them so that they can have a standard for the Town. Jeff Tennent stated that he would talk to Barry Kincaid about this and they would provide something to the Town.

Don Roessler asked if Barry Kincaid will be doing the work. Jeff Tennent replied he is not sure, it will depend on timing and schedule. He stated that he is very capable of doing this type of work on his own and has done so on a previous application.

## RESOLUTION

**Motion by** Don Roessler to accept application SPR10-04 as complete, waive a public hearing and having met the criteria set forth in the code, grant final approval with the following conditions: 1) that the applicant will continue the selective clearing that has been done in the past. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented.

**Seconded by** Henry Caldwell. **All in Favor. Motion Carried.**

**4) SPR10-07 BURKE, CORNELIUS.** Seeks Type II Site Plan Review for an advertising sign greater than 4 square feet. Specifically 20 square feet is proposed. Section 186.14, Block 1, Lot 5, Zone RCH5000. Property Location: 4587 Lake Shore Drive known as Baer Necessities. Subject to WCPB review. Subject to SEQR.

Con Burke stated that he is proposing a sign for the business that is leasing a space in his building. He provided a copy of the proposed sign and provided details to the placement of the sign. He also provided a rendering of the building with the sign.

Henry Caldwell asked if there will be a free standing sign. Con Burke replied that there is a certain amount of space on the current sign. However, he does intend to eventually replace that sign as well but they are still working on a better design for it.

Sue Wilson asked if the font size and style would be the same as the rendering. Con Burke replied yes. Don Roessler asked if the sign would be the same size as the Fitzgerald's Deli and Market sign. Con Burke replied yes.

## RESOLUTION

**Motion by** Henry Caldwell to accept application SPR10-07 as complete, waive a public hearing and having met the criteria set forth in the code, grant final approval. **Seconded by** Don Roessler. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **All in Favor. Motion Carried.**

**5) SPR10-06 TROUT LAKE CLUB, INC.** Represented by Andy Roden. Seeks Type I Site Plan Review for a commercial use involving more than 2,500 square feet. Section 185.18, Block 1, Lots 1, 3 and 5. Zone RCL3. Property Location: South Trout Lake Road 100' south of Trout Lake Club entrance. Subject to APA review. Subject to SEQR.

Andy Roden stated that his son Chris graduated from college with a degree in gunsmithing. He stated that he has an existing building on his property that has been used as a cabinet shop by his neighbor for the last 20 years. He stated that the neighbor is no longer renting the building and it is already set up as a shop so Chris would like to open a gun smith shop at this location. There would be no change to the site other than a different business.

Herb Koster asked if the exterior of the building would remain the same. Andy Roden replied yes. Herb Koster asked if there will be any signage for the business. Andy Roden replied yes, on the building itself. He stated that there will not be a sign on the street. Herb Koster stated that if they do intend to have a sign larger than 4 sq. ft they will have to come before the PB.

Don Roessler asked if the weapons would be discharged on site. Chris Roden replied only test firing, but he would need to build a booth which would contain everything. Don Roessler asked when they anticipate opening. Andy Roden replied as soon as they receive approval from the PB and the FFL and receive the permits from New York.

Don Roessler asked if the APA has responded to this application. Andy Roden replied that he mailed them a jurisdictional inquiry on April 8<sup>th</sup> and has not heard anything back yet.

John Gaddy requested to add the condition that a firing booth is established for the business. He asked if there was any particular industry standard. Chris Roden stated that he is not sure who regulates it but essentially it is a safe room to test/discharge weapons. It will be well sound proofed and has a water trap to fire into. He stated that it would all be contained and controlled.

## **RESOLUTION**

**Motion by** Don Roessler accept application SPR10-06 as complete, waive a public hearing and having met the criteria set forth in the code, grant final approval with the following condition: 1) that a firing booth is established for the testing that goes along with the business. 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.**

**6) V10-15 O'REILLY, JAMES; BEGGS, GREGORY; LOKOS, RON & BROOKHILL DEVELOPMENT** (Lagoon Manor). Represented by Frank McDonald. In accordance with Section 200-93A (other regulations applicable to Planned Unit Developments), seek area variance to expand 4 decks on building 700. Section 157.05, Block 1, Lots 88.35, 88.36, 88.37 and 88.38. Zone: PUD, Property Location: 36, 38, 40 and 42 Lagoon Manor Drive. Subject to ZBA, PB, TB, WCPB and APA review. Subject to SEQR.

Frank McDonald stated that the applicants are residents of Building 700 and they are seeking to extend their decks out 8' but will remain with the same width. He stated that the original decks were irregularly shaped and have made the use of them difficult.

Frank McDonald stated that the PB approved the same thing last year for Building 600 and they want this building to look the same. He stated that he has already received APA approval of the amendment.

Sandi Aldrich stated that these are not visible from the road or the lake. Frank McDonald added that it will also not affect neighboring properties. He stated that each of these units has selective lake views and each will be maintained as such.

John Gaddy requested that as these are altered he would like to see the exterior lighting modified to downward facing and shielded. Frank McDonald stated that he was sure that the applicants would agree to that.

## **RESOLUTION**

**Motion by** John Gaddy accept application V10-15 as complete, waive a public hearing, and having met the criteria set forth in the code make a favorable recommendation to the TB for approval of the PUD amendment with the following condition: 1) that the exterior lighting is modified to be downward facing and shielded for each of the units. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by** Don Roessler. **All in Favor. Motion Carried.**

Don Roessler thanked all of the PB members that attended the meeting with the Fire Department. The Board thanked Don Roessler and the Fire Department for their time and information.

The meeting was adjourned at 8:09pm

Minutes respectfully submitted by Kristen MacEwan