

**Town of Bolton  
PLANNING BOARD  
MINUTES  
Thursday August 19, 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, Chauncey Mason, Sandi Aldrich, Sue Wilson, John Gaddy, Henry Caldwell, Counselor Michael Muller and Zoning Administrator Pamela Kenyon.

**Absent-** Donald Roessler

The meeting was called to order at 6:08pm.

Herb Koster asked if there were any corrections or changes to the July 22, 2010 minutes.

**RESOLUTION**

**Motion by** John Gaddy to accept the July 22, 2010 minutes as written. **Seconded by** Chauncey Mason. **All in Favor. Motion Carried.**

**1) V10-29 SAGBOLT, LLC.** Represented by Attys. Benjamin Pratt and Jonathan Lapper. In accordance with Section 200-93A (other regulations applicable to Planned Unit Developments), seeks area variance to 1) add a porte-cochere to the Hotel; and 2) To renovate the existing Pavilion Restaurant. Section 171.16, Block 1, Lot 16, Zone PUD. Property Location: 110 Sagamore Road. Subject to WCPB, ZBA, PB, TB & APA review. Subject to SEQR.

Eileen Hayes represented the applicants and introduced Tom Guay, Bill Busch and Jeff Anthony. She stated that the applicants are seeking 2 minor PUD amendments. The first amendment is for the addition of a Porte-cochere, which is basically a car port. They will be extending the roof out over the current driveway at the entrance to the hotel. This will provide protection from the elements for their guests, which is a fairly common amenity to a hotel.

The second amendment is to alter and modify the Pavilion Restaurant along the shore. They intend to renovate the inside of the restaurant by moving the kitchen, adding 4 bathrooms and removing a third of the roof to provide a new deck for seating. In doing so they also intend to shore up the back end of the building. They will be clearing out some vegetation as well. There are no sanitation issues; they intend to tap into an existing line. These renovations will also include mitigation for stormwater run-off. Much of the run-off will be captured and discharged into the ground. The net increase of dining spaces will be 28. They will be losing some due to the movement of the kitchen and addition of bathrooms but they will be adding additional seating on the deck.

Eileen Hayes stated that they have already gone before the ZBA who have provided a favorable recommendation. Counsel Muller stated that the applicants have already held their

public hearing. He stated that the PB would be providing a favorable recommendation to the TB for approval of the PUD amendments.

Zandy Gabriels, representing Jane Gabriels and Gabriels Partners, stated that these changes are well suited for the hotel. They appreciate the Porte-cochere and problems with the incimate weather and hope that it may include snow at some point. The additions to the Pavilion Restaurant will be great aesthetically as well as environmentally.

John Gaddy stated that he had some questions about lighting. The dock system has been done nicely and he hopes that they will continue that trend. Jeff Anthony stated that they intend to use the same non-visible downcast light sources for this as project as well.

Henry Caldwell stated that he was under the impression that the dock was being built to be able to handle docking of the big steamboats. He stated that he had heard that this was now not going to happen and he felt as though they approved the dock with the assurance that the design would be able to handle the steamboats. Bill Busch, Director of Engineering, stated that they are still working on getting that done. He stated that they met with Bill Dow last week and his only concern was the size of the bumpers. Bill Dow indicated that if they got larger bumpers and moved them out another 2' they would be able to get in. He stated that after the season they are going to do a trial run to see if they even need these larger bumpers. If larger bumpers are required then they intend on adding them. Henry Caldwell stated that he is pleased to hear that.

Herb Koster asked about the drainage situation in front of the hotel. He asked if it was a capacity problem. Jeff Anthony stated that the current driveway is graded so that the water is drained towards the curb line and the water is picked up there. It is not a problem of the catch basin and piping system being able to handle it, but rather it is because the water comes towards the building and is interfering with people unloading their cars. To correct the problem, they will be removing the pavement and pitch the pavement away from the building and pick the water up in 2 catch basins on either end of this island and pipe the water back into the existing catch basin and pipes. All of this water goes to the north end of the island where there is a stormwater retention basin.

Henry Caldwell asked if NYS Office of Parks, Recreation and Historic Preservation had any problems with any historical aspects. Jeff Anthony stated that they have an approval from NYS OPRHP for both amendments.

There was further discussion of the design of the Porte-cochere.

Herb Koster asked if there will be any further stormwater controls on this project. Jeff Anthony stated that the Pavilion currently has no stormwater management. This proposal will pick up all of the land side roof water and any water from the new addition and putting it either a crushed stone French drain and/or rain tanks. The lake side will go into the lake because there is no way to deal with it. Jeff Anthony stated that Pam Kenyon indicated that they would be under the threshold for needing any stormwater management but as is typical of Sagamore style, they are dealing with stormwater as they are renovating.

Henry Caldwell asked if any concerns were raised at the ZBA public hearing. Eileen Hayes stated that there were no concerns. There were several individuals who spoke in support of the project including the Waterkeeper.

Herb Koster asked if they need to look at the stormwater for the restaurant. Counsel Muller stated that Pam Kenyon determined that this was under the threshold for requiring stormwater. However, if the applicant does it on their own, the PB can provide a favorable recommendation to the TB with the condition that stormwater is reviewed.

John Gaddy asked if they should look at it as separate stormwater for each amendment or is it a cumulative project. Counsel Muller stated that this proposal is clearly under the threshold. They could look it as cumulative based upon recent projects however, they don't know when the next project will be.

Henry Caldwell stated that he feels what they are doing makes sense and is a good project. Herb Koster agreed. He asked if the applicants would be opposed to having Tom Nace review the stormwater. Jeff Anthony replied no. He stated that Carl Schoder of Schoder River Associates is the structural engineer for this project. They are still refining the design based on the structural need and design. He stated that they will need to do some structural work to shore up the foundation of the building which will also include their stormwater additions. He stated that every stormwater precaution will be taken while the project is under construction. A silt fence will be installed as well as a floating boom in the lake as an additional measure.

## **RESOLUTION**

**Motion by** Henry Caldwell to make a favorable recommendation to the Town Board for application V10-29 with the following conditions: 1) any exterior lighting for either portion of the project is downward facing and shielded and 2) the Town Engineer reviews the stormwater management proposed. **Seconded by** John Gaddy. **All in Favor. Motion Carried.**

**2) SPR10-15 JUMBO REALTY, LLC.** Represented by Peter Loyola of CLA Site. To discuss conceptual plans for the recreation fields at Camp Walden. Section 185.00, Block 1, Lot 32, Zone RCL3. Property Location: 429 Trout Lake Road. Subject to WCPB review. Subject to SEQR.

Peter Loyola of CLA Site represented the applicant. He stated that they are proposing a slight expansion to the existing recreation area that exists at Camp Walden. They currently have a sketch plan with a few details; they just wanted to present the proposal and were seeking some discussion of the conceptual design. He discussed the existing conditions and stated that they are proposing to expand that area further to the west. The project will entail some grading and re-grading to allow for an additional multi-use field.

Peter Loyola stated that they will be disturbing approximately .8 acres or 34,848 sq. ft. During excavation they intend to add silt fencing and perimeter fencing to be sure that they don't impact any downstream conditions. The overall project is a good project but it will require a

bit of excavation. He stated that they plan to re-use a lot of what is taken out of the excavated area to create some interest between the fields.

Pam Kenyon asked when the other fields were created. Peter Loyola explained what the project started when Mark Bernstein originally purchased the property. He stated that Mark Bernstein did some excavation and changes to the fields back in the fall 2007-spring 2008. Herb Koster asked if the 34,000 sq. ft includes, regarding of the slope. Mark Bernstein stated that if they look at it all as one project from 2007 to what they are proposing now it would be 34,848 sq. ft. Peter Loyola stated that even if they use some of the material and use it to grade out the existing field and create some swales he still feels that they will be under the acre. There are some downstream channels, but there is also a lot of buffer area between this and Trout Lake. Peter Loyola stated that they will still need to do some calculations to see if the drainage swales will be able to handle the disturbance but he feels that it will be minimal.

Herb Koster asked if this was just conceptual approval. Pam Kenyon stated that they just wanted to come in to discuss the concept but the applicant still needs to submit stormwater. She stated that she has not even sent this to the County yet because there was not enough information to send. Peter Loyola stated that it would be helpful to get some kind of conceptual approval. He asked if they had enough to at least go through the process. Counsel Muller asked if they saw anything wrong. Herb Koster stated that he does not see anything wrong with it but he does not want to be nailed down to conceptual approval which automatically means absolute approval later down the line.

Henry Caldwell asked what their construction time table would be. Mark Bernstein stated that he would like to have it done by next June. They would like to start in the fall and finish it in the spring. He stated that he is not doing this work on his own, he has guys lined up to do the work once approval has been granted. Herb Koster stated that it is possible to have this done by next summer, but it is a matter of getting your stormwater plans in to the Town engineer. Henry Caldwell stated that he would like to see it done so that they can get grass to grow by next season. Peter Loyola agreed.

John Gaddy asked if there was any lighting proposed on the fields. Mark Bernstein replied that no lighting will be used on the fields.

John Gaddy asked how far was the new field was from Trout Lake Road. Mark Bernstein stated that it is probably over ¼ mile. These fields are up at the top of the property.

The Board agreed that they did not see any issues with the concept and urged the applicant to submit an application for the stormwater.

Mark Bernstein stated that these fields will also benefit the school and Town. Herb Koster agreed.

**3) SPR10-11 VETRI, EDWARD & LOVELEE.** Represented by Clark Wilkinson of Paragon Civil Engineering. In accordance with Section 125.13C1 of the stormwater regulations, seek Type II Site Plan Review for a major stormwater project to remove more than

15,000 square feet of vegetation. 52,933 square feet is proposed. Section 171.14, Block 1, Lot 5.2, Zone RL3. Property Location: Lot 2 of the Lake Ridge Subdivision. Subject to SEQR.

Clark Wilkinson of Paragon Civil Engineering represented the applicants. He stated that the applicants are seeking to construct a single family home on Lot 2 of the Lake Ridge Subdivision. He provided details for the proposal. This site will be accessed by a shared driveway. The driveway will climb a significant grade of 18-20% at its max and cuts across the hill to minimize cuts and fills along the hill to access the house location.

Clark Wilkinson stated that they have provided for a septic system in an area that has good soils. Stormwater has been designed to handle any future development. They are trying to construct a berm off the top of the hill before the steep slope. This would trap the stormwater and utilize the existing ground for filtration. He stated that they tried to keep as many trees as possible and tried to minimize the grading on the west side of the property. Clark Wilkinson stated that the new house run-off will head towards the entrapment area. Below the house, and the driveway will flow into another berm and embankment to create another stormwater pond.

Clark Wilkinson stated that he received an email from the Lake George Waterkeeper regarding the use of rain gardens. Clark Wilkinson stated that he agreed and explained where he could provide placement for the rain gardens. He stated that they will do whatever they can to mitigate stormwater. He stated that he would like to avoid grading as much as possible to avoid disturbing the existing foliage and trees in the area. Another reason they will be avoiding grading is because this is a vacation home and the applicants do not want to have the responsibility of having to maintain a lawn. They intend to use ground cover which acts as a better agent against stormwater run-off.

Clark Wilkinson provided details for the driveway. He stated that he will be pitching it off to the southwest into a stone lined ditch and under that will be a 2' x 2' stone trench that will cut back on the velocity coming down the hill. Since he also designed the neighboring property this property will be sharing a portion of the stormwater basin which will be enlarged.

John Gaddy stated that one of his concerns for this site is that the conditions in Section 200-32 for development considerations it talks about adjoining and nearby land uses. He stated that the King house is devoid of any significant vegetation at this point and the house to the north has had a lot of vegetation removed. He is concerned that this will open up another swath of land that will be continuous along these three homes. He understands that there is a ridge behind these houses, but he is concerned with the berm, how much vegetation behind the house is being taken down to create this berm. Clark Wilkinson replied that on the majority is taken 5' off the top of where the property drops off.

Sue Wilson asked what a view easement entails. Counsel Muller explained that he is not sure what this easement entails, but typically it is an agreement that details the private right to a view, how it will be maintained, that it will not be blocked, etc. Herb Koster asked if they allowed such view easement or cut area. Counsel Muller stated that they cannot over rule the private covenant or right. Herb Koster asked if this view was created or if it naturally existed.

Counsel Muller replied that he did not know. He stated that if this is coming out of a covenant from a subdivision, there are view sheds or view easements which are defined by area and are specific to what the legal requirements are. He stated that some are very specific while others are very vague. Clark Wilkinson stated that the applicants' attorney has indicated that it does specify a certain diameter not to be cut and it is restricted to a specific area. John Gaddy stated that he is concerned because the PB cannot override a protective covenant, especially if they did not allow the cutting in the first place. Counsel Muller stated that he is assuming that this view easement was created in a covenant by the developer. Herb Koster stated that the plan indicates that no trees over 10" in diameter will be cut but it is only for the applicant's property and not the view easement property on Lot 1. Counsel Muller stated that the covenant may be stricter. Herb Koster asked if they could make it stricter. Counsel Muller replied yes.

Sandi Aldrich asked if the driveway will follow the pre-existing dirt road. Clark Wilkinson replied that it will at the start of the driveway. However, he does diverge from the trail because it is steeper and he wanted to cut across the hill to minimize impact. Sandi Aldrich stated that there are some large oak trees and hard woods and asked if they would be saved. Clark Wilkinson stated there were less than a handful of trees that are of any substance that will need to be cut. During construction he intends to walk the driveway with the contractor in an effort to save as many trees as possible. He stated that applicants would like to save the big trees to retain the canopy. Their biggest concern is the underbrush and lower cover which is hard to see through and wanted to eliminate that completely. Clark Wilkinson stated that he has told the applicants that they need both for proper mitigation. John Gaddy stated that he is concerned with the underbrush, because if they clear-cut anything under 10" they will be dealing with stormwater issues due to the steepness of the slope.

John Gaddy asked if the proposed house will be the same height as the northern neighbor. Clark Wilkinson replied no it will be 4' less.

Sue Wilson asked if there were any restrictions on grade for single driveways. Pam Kenyon replied that there are no restrictions for a single driveway. Herb Koster stated that they try to keep it under 15%. Sandi Aldrich asked if the 18% was just in a small area or was it for the entire driveway. Clark Wilkinson replied that it is a portion of the driveway and he tried to keep the steepest part straight so that it was easier to climb. There was discussion of the width of the driveway. Clark Wilkinson stated that the main driveway is 30' and that this driveway would not be any wider than that.

John Gaddy asked if there was any exploration of putting the septic in a different location. Clark Wilkinson replied yes they explored other areas but there were not suitable soils. John Gaddy stated that he is concerned with current layout of the plot there will be a tremendous amount of clearing, which is next to 2 lots that already have a tremendous amount of clearing.

Counsel Muller stated that in 2004 there was some correspondence between his law office, another law office, which represented a perspective purchaser of lot 2, Jeff Tennent and his attorney regarding the view easement. He stated that in 2004 Jeff Tennent was creating something that they were not sure would be up for PB review. At the time, Counsel Muller stated that he reviewed the subdivision section of the code he found 150-9C "Modification to

Design Improvements”, which anticipates that there may be changes necessary or desirable to modify the location of design. Upon review, he instructed the Zoning Administrator that she has full authority to authorize such modifications “provided that these modifications are within the spirit of Planning Board’s approval and does not amount to a waiver or substantial alterations.” He stated that he indicated that the Zoning Administrator would need to determine if this was a minor or major alteration. The final analysis of this proposal was deemed to be a minor change. Jeff Tennant sent a letter agreeing that this was not a matter of review by the PB because it was not something that changed the final subdivision approval. The letter also indicated that although a map was filed to outline the view easement it did not affect the conditions of approval set forth in the subdivision. Herb Koster stated that he would like to see a note that the property owner will need to come to the Zoning Administrator when it comes to cutting or maintaining the view easement. Clark Wilkinson agreed to add this note to the map.

Pam Kenyon read her letter to Jeff Tennant back in 2004. There was further discussion of the cutting allowed on the view easement lot and whether or not it would require SPR. The Board decided the plan should read that before any cutting is to occur on Lot 1 for the view easement, the applicant will be required to have the proposed cutting reviewed by Zoning Administrator for determination.

Sandi Aldrich commented that she feels that the applicants can really have a nice filtered view on this property and still retain a lot of vegetation. Clark Wilkinson agreed. He asked if the Board would like to see more detail for the cutting plan. He is proposing a filtered view which will include selectively cutting trees and vegetation. John Gaddy stated that he would like to see what is being proposed for cutting and planting.

There was further discussion regarding cutting limits on this lot. The Board agreed that the plan would omit the current note on the plan which states that no tree over 10” is to be cut because they could eliminate everything else. Clark Wilkinson stated that he would be willing to apply a note about going to Pam Kenyon prior to cutting anything outside of the cutting limits shown on this plan which would then cover the entire lot. The Board agreed and indicated that they wanted the other note removed.

John Gaddy stated that he would love to see some sort of performance standard that could be applied for these filtered views. Herb Koster stated that adding this statement to the plan is the only way to protect them. They have no way to enforce a performance standard, plus each lot is different so they cannot take a cookie cutter approach.

Herb Koster asked if temporary stormwater would be installed when the driveway is put in. Clark Wilkinson replied yes it is all part of the erosion control plan. He provided more details.

John Gaddy stated that he does not see anything about exterior lighting on the plans. Clark Wilkinson stated that he was not the architect but they could put a condition on the approval indicating downward facing shielded lighting.

John Gaddy asked how many bedrooms are being proposed. Clark Wilkinson replied that he designed the house and septic for 6 bedrooms. However, the Waterkeeper has raised a concern that some of the additional rooms could be turned into bedrooms in the future and questioned whether or not the septic would be able to handle the additional load. He stated that he can see his concern and indicated to the applicants that he would recommend having a septic to handle 8 bedrooms specifically for that reason. However, the applicants did not opt for the larger system, so he noted on the plan that the septic was only designed for 6 bedrooms. Clark Wilkinson stated that if the approval tonight is for a septic that is designed for only 6 bedrooms then he would be willing to condition the approval that any future addition of bedrooms would need to have SPR. John Gaddy stated that he appreciated that but it would be difficult to enforce.

Herb Koster stated that he is not sure what materials are being proposed for the construction of the house. Clark Wilkinson stated that he was not aware of what was being proposed in the way of materials. Herb Koster stated that none of the plans provide details either.

John Gaddy asked if this project will come before the PB for SPR because the agenda is just calling for stormwater review. Pam Kenyon replied that it is for both stormwater and SPR. John Gaddy asked if they have any building heights or any specs on the house. Herb Koster stated that they do not have any details for the house itself. John Gaddy stated that he is not comfortable with approving something that does not have any specs. Clark Wilkinson asked if the color would be part of the SPR for the house. John Gaddy replied yes especially when it is visible from the lake.

Herb Koster asked if they can separate the stormwater from this application pending more information on the site plan for the house. Pam Kenyon stated that she is not sure because she does not want to get into any segmenting. She read the conditions of approval for SPR of the subdivision. She stated that she felt that all of their concerns were addressed then. There was further discussion of separating the stormwater and SPR of the house. Counsel stated that he does not see why they could not segment the two.

Clark Wilkinson stated that the applicants are under a contract to purchase this lot. Contingent to the contract is site plan approval in accordance with the subdivision approval. He appreciates Counsel Muller's suggestion because if they can get stormwater approved they could move forward to closing. Counsel Muller stated that the applicants need to understand that the site plan of the structure is still hanging in the balance and will included review of the structure height, color and lighting. Clark Wilkinson stated that he agreed and had no concern with that being incorporated into a motion.

There was further discussion of the design of the house. Sue Wilson stated that he would rather see the plans directly from the applicant rather than try to design it for them. Sandi Aldrich agreed. John Gaddy asked Counsel Muller if there would be any issue to approving just stormwater tonight. Counsel Muller replied that he does not see a down side to it. However, they need to make the applicant aware that the site plan for the house will need to be completed and approved before moving forward with the stormwater. Pam Kenyon stated that

it would be okay to separate the stormwater and site plan review of the house. However, she will not issue any permits until both approvals have been received.

## **RESOLUTIONS**

**Motion by** John Gaddy accept application SPR10-11 as complete, waive a public hearing, having met the criteria set forth in the code, grant final approval for the stormwater management plan. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented with the following conditions: 1) the approval is contingent upon site plan review of the house, and 2) removal of the note that states “The area below house is to be selectively cleared. No trees over 10” diameter shall be removed or replaced.” and replace with the following language “Any clearing for Lots 1 and 2 will be reviewed by the Zoning Administrator prior to commencement.” **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

**Motion by** John Gaddy to table site plan review for SPR 10-11 pending more information on the following:

- 1) Amount of bedrooms so that they can be assured that it has the proper number of bedrooms that the septic is designed for.
- 2) Colors of the house and roof;
- 3) Materials to be used on the structure;
- 4) Note for exterior lighting indicating that it will be downward facing and shielded;
- 5) Details for a planting plan.

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

The meeting was adjourned at 7:00 p.m.

Minutes respectfully submitted by Kristen MacEwan