

**Town of Bolton  
PLANNING BOARD  
MINUTES  
Thursday July 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, Chauncey Mason, Sandi Aldrich, Sue Wilson, Donald Roessler and Zoning Administrator Pamela Kenyon

**Absent-** Counsel Michael Muller

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

Herb Koster asked if there were any changes or corrections to the June 17, 2010 minutes.

Donald Roessler stated that he was left off of the present members list again.

**Motion by** Donald Roessler to accept the June 17, 2010 minutes as corrected. **Seconded by** Sandi Aldrich. Herb Koster abstained. **All Others in Favor. Motion Carried.**

**1) SPR10-13 DREPS, JOHN & CERNIGLIA, PHILIP AND NOEL.** Represented by Barry Kincaid. Seek Planning Board approval to create a filtered view on Lot 11 of the Diamond Ridge Subdivision. Section 212.04, Block 2, Lot 11, Zone LC25. Property Location: Diamond Ridge Road south of Town. Subject to SEQR.

Barry Kincaid stated that he would like to create a filtered view for Lot 11 of the Diamond Ridge Subdivision. This filtered view will be created in the same way that he has been doing in other areas throughout town. He provided some pictures of what the view will look like as well as depictions of how the area would look from the lake.

Sandi Aldrich asked if this lot has been in for Site Plan Review yet. Barry Kincaid replied no. Henry Caldwell stated that his only concern is that there is no house there now and he would prefer to see this application come before the Board during or after a house is built. Barry Kincaid stated that he understands but this would allow for the applicants to either sell the lot or build for themselves and this view will help them better understand what they have.

Barry Kincaid stated that there is already an area that is flat which is where the house intends to be located. He stated that the area for the house also lends itself to a driveway area that will access the house site. However, all of that will come before the PB for Site Plan Review. Henry Caldwell asked why they would want to do that before the house was built. Barry Kincaid stated that the value of the lot will improve with or without a house.

John Gaddy stated that he loves the work that Barry Kincaid is doing but he agreed with Henry Caldwell that he feels that this is putting the cart before the horse. Having a Site Plan would lock someone into place and prevent more cutting. From a procedural point of view he feels that they may be setting the wrong precedent. Barry Kincaid stated that sometimes it helps to have a view in order to best place the house. John Gaddy stated that people that are looking to buy a lot like this probably have a lot on the ball and an imagination; they have made some money to afford a lot like this and he is sure that they could see how the lot would lay out. Herb Koster stated that they have learned their lesson from others in Town, but they have also learned a lot of lessons from Barry who does quality work. He does not feel that he should be punished for the wrong doing of someone else.

Barry Kincaid stated that he has another project that he wanted to talk to the PB about tonight. He stated that this other project does not require any site plan review at all, but he wants to keep a good relationship with the Town and to keep his clients in good standing. He stated that some of these filtered views do not even need to come before the PB. Barry Kincaid stated that in addition to the filtered view plan, they have included a deed covenant/restriction which he has provided to Pam Kenyon. In this covenant it indicates to the owner that any further cutting would require site plan review after he was done with the work.

Herb Koster stated that they are dealing with a reputable applicant. He stated that he does not feel that this would be necessarily setting a precedent for other people. Barry Kincaid stated that he could do trimming and pruning for his clients which would not trigger any zoning issues. He likes to come before the Board to set up trust and standards with the applicants and the Town. Sue Wilson asked if he even needed to be before the PB. Barry Kincaid replied that he could thin this area and provide the filtered view without having any site plan review. Herb Koster stated that the applicant is not required to come before the PB and is only doing them a favor. However, he does appreciate this type of application coming before the Board because it keeps them well informed.

John Gaddy asked if they should incorporate this into their zoning. Herb Koster stated that he would not like to go in that direction because then they would run into the situation of needing a permit to cut anything. However, he would like people to know that they appreciate applicants coming forward with these types of plans. He feels that the PB should appreciate that they are getting more from this applicant than is required.

Sue Wilson asked if this was subject to SEQR. Pam Kenyon replied that most site plan reviews are subject to SEQR, but in this case it would not be necessary. Don Roessler asked if they needed to grant approval. Herb Koster stated that it would be helpful to provide our support of this application and effort on behalf of the applicant.

**RESOLUTION:**

**Motion by** Don Roessler to accept SPR10-13 as complete, waive a public hearing, finding no negative environmental impacts with all aspects favorable to the application as presented, grant final approval for Barry Kincaid to create a filtered view as proposed for Lot 11 of the Diamond Ridge Subdivision and to continue the work that he has done in the past. **Seconded by** Henry Caldwell. **All in Favor. Motion Carried.**

2) **Devinwood Subdivision Filtered View Maintenance Plan.** Presented by Barry Kincaid.

Barry Kincaid stated that Devinwood is a subdivision located across from Veteran's Park up on the hill. He stated that this application does not require approval from the PB but because of the work he has been doing he wants to work with the Town. His clients have asked him to re-establish the lake view to provide continued value to their property. He stated that some owners have deeded rights to maintain their lake views, which he provided a copy of.

Barry Kincaid stated that the four properties in the proposal will be worked on simultaneously due to the complicated nature, to prevent damage to structures from over hanging trees while trying to re-establish the value of the lake view. Barry Kincaid stated that through this process they will be going on to the other properties with all land owners in agreement. During this procedure KLC Property Enhancement will take all precautions towards preserving a nature view of the surrounding landscape while working on the lots altogether. He stated that they will prune and trim all necessary trees, removing only the selected trees that are essential to the view.

Barry Kincaid stated that KLC takes great pride in their work and integrity in their name for doing meticulous work with respect to the homeowner, public and lake. In conclusion of the project, they are confident that lots 2, 3 and 4 of the Devinwood Subdivision may enjoy their view for years to come.

Barry Kincaid provided pictures to show the area. The pictures showed the diminished views that currently exist as well as the vines and brush that have covered over the driveway. He also provide pictures of what they intend to re-establish.

Herb Koster stated that he does not feel that it is necessary to go before the PB every time he wants to provide a filtered view. He feels that it would be adequate to just to talk to Pam Kenyon and if she has any concerns, she can send it to the PB. Barry Kincaid stated that the project is along a scenic corridor and they are just trying to do the right thing. Pam Kenyon stated that Barry Kincaid usually comes to her for projects of this nature.

John Gaddy asked what kind of maintenance schedule would be required to keep up with a filtered view plan. Barry Kincaid replied that it can vary but usually it is somewhere between 3-5 years.

Herb Koster stated that he feels that as a Town they are going in the right direction but he does not want to get into over regulation. Barry Kincaid agreed. He stated that he would

rather teach stewardship to his clients. He stated that he tries to educate his clients the right way to do this type of project. He stated that if they do it the right way it will all work out in the end for everyone.

Herb Koster thanked Barry Kincaid for coming in and sharing this information and project with them.

### **3) Lake George Waterkeeper- “Do-It-Yourself Water Quality”**

Chris Navitsky thanked the Board for the opportunity to speak. He provided copies of “Do-It-Yourself Water Quality” to all of the Board members. He stated that they have been working on this project for about 18 months. This project is about teaching the public stewardship and they felt they needed to get some information out to the public so they can do it themselves.

Chris Navitsky stated that they did a lot of research on the impacts of land activities, land use and how we maintain our lands to water quality. They wanted to take the technical issues and break them down in detail and how they relate to everyday life. It breaks down a natural landscape to an altered landscape and how it is impacting the lake. They wanted to give the public ideas on how to improve or develop their property responsibly.

Chris Navitsky stated that there is a section of the publication strictly for development of land which provides hints and tips to work with the land’s contours and grades, maintaining natural vegetation and information of rain gardens. They also discuss septic systems and how to maintain them. The publication also discusses filtered views and buffers along the lakeshore. It also talks about pesticides and herbicides affects on the lake as well as providing a detailed list of native plants and vegetation that can be used.

Chris Navitsky stated that they have provided this publication to a wide range of people that might use this type of tool for their input. He stated that they are very proud of their publication and have been sharing it with the public in workshops. They are also giving copies of the publication to residents in the watershed free of charge.

Chris Navitsky stated that he hoped that the PB would find the publication informational. He stated that they would love to answer any questions, or receive any comments or input regarding the publication. They are still working on getting an interactive version of this publication on the website so that all sources cited could be linked to.

The Board thanked the Lake George Waterkeeper for his presentation.

The meeting was adjourned at 6:44pm