

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday September 16, 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, Donald Roessler, Henry Caldwell, Counselor Michael Muller and Zoning Administrator Pamela Kenyon.

Absent- John Gaddy

The meeting was called to order at 6:06pm.

Herb Koster asked if there were any corrections or changes to the August 19, 2010 minutes.

1. Sandi Aldrich, page 4, 2nd paragraph , 4th line should read: “Herb Koster asked if the 34,000 sq. ft includes the *regrading* of the slope.
2. Sue Wilson, page 8, last paragraph, 2nd sentence should read, “Sue Wilson stated that *she* would rather see the plans directly from the applicant rather than try to design it for them.”

RESOLUTION

Motion by Sandi Aldrich to accept the August 19, 2010 minutes as corrected. **Seconded by** Sue Wilson. Don Roessler abstained. **All Others in Favor. Motion Carried.**

1) BOLTON CHAMBER OF COMMERCE. Represented by Joe DiNapoli. As a condition of approval set forth by the Planning Board on April 23, 2009 when approving SPR09-07 for a sign, seeks to review the hours, LED letter size and colors. Specifically, the condition reads as follows: The applicant shall return in one year for review of the hours, LED letter size and colors. Section 171.19, Block 2, Lot 12, Zone GB5000. Property Location: 4929 Lake Shore Drive.

Joe DiNapoli stated that in the spring of 2009 the PB allowed the Chamber of Commerce to construct a new sign to replace the existing sign. He stated that at that time the LED lights were of concern and some PB members were not in favor of its use. He stated that the approval was granted some conditions were placed on the operation of the sign; hours of use, colors and the size of the lettering. Another condition was to come back to the PB after a year of use for review.

Joe DiNapoli stated that the sign has been lit in the red color for the last several days per request of the PB. He stated that Pam Kenyon called him and requested that they do so to see if there were any complaints or concerns raised. Joe DiNapoli stated that Pam Kenyon has indicated that she has not received any complaints or comments from anyone since they changed the lettering. He stated that even the most negative critics in the beginning have come

around and find the sign very tasteful. Joe DiNapoli stated that the LED on this sign is not as offensive as the school sign which was what created the increased concern in the first place.

Joe DiNapoli stated that he was there to discuss any issues or concerns that the PB members may have. He stated that since they have been running the red letters on the sign and have had no complaints he is also requesting that they be permitted to use the color red occasionally, which would require removal of that condition from the approval. He stated that they will continue to primarily use the color green and red would only be used for special events or certain graphics.

Sue Wilson asked if the current welcome lettering is larger than the 7" allowed. Joe DiNapoli stated that the sign was capable of doing 2 lines so he would think that it is at least 12". Sandi Aldrich asked if it could be reduced. Joe DiNapoli replied yes, they will only use one line. Sue Wilson stated that she did not find the sign offensive even with the larger letters. She asked if the sign is capable of doing pictures. Joe DiNapoli replied yes. Henry Caldwell stated that he does not find the sign offensive. He stated that the only negative would be that you can't always read the whole message. Joe DiNapoli stated that originally the sign they chose had a four line LED which would have allowed a larger message. However, they negotiated that down to a two line LED.

Herb Koster stated that part of their argument to have the four lines was so cars driving into town could read the sign. He stated that driving a car and trying to read the sign is dangerous. Joe DiNapoli stated that if they had a four line sign they would have been able to hold the message longer as opposed to have a rolling or scrolling sign. Herb Koster stated that would have made people want to read even more which was not what he feels this is meant for. He feels that it is more for the foot traffic that is in Town. Joe DiNapoli agreed. He stated that the sign is to promote the Town and local businesses.

Herb Koster stated that when they first approved this sign he did get some complaints. However, since it has been installed he has not heard anything. Joe DiNapoli stated that when they first started there was a lot of opposition. Now that the sign is in and people have seen what it does and realize what an improvement it is.

Sandi Aldrich stated that she never liked the idea. Even though this is less obnoxious than the school sign, she still does not like it. She also feels that the maximum 7" letter height is large enough and does not need to be increased.

Joe DiNapoli stated that he will continue to encourage keeping the oversized letters to a minimum.

RESOLUTION

Motion by Don Roessler to modify resolution SPR09-07 of April 28, 2009 by removing condition 3) "The maximum letter height for the LED be 7" and the color red will not be used for letters". **Seconded** by Henry Caldwell. Sandi Aldrich opposed. **All Others in Favor.**
Motion Carried.

2)SPR10-11 VETRI, EDWARD & LOVELEE. Represented by Clark Wilkinson of Paragon Civil Engineering. Type II Site Plan Review is sought for 1) as conditions of approval set forth by the Planning Board on June 19, 2003 when approving SD02-03. Specifically, the conditions read as follows: a) There will be no additional clearing, other than the common driveway for Lot 6, 7 & 8 without site plan review for each lot, and b) each lot upon development will be subject to major stormwater specifications; and 2) to remove more than 15,000 square feet of vegetation in accordance with Section 125.13C1 of the stormwater regulations, 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. This item was tabled at the August 2010 meeting pending additional information.

Clark Wilkinson stated that at the previous PB the stormwater and sediment control issues were resolved at that time. However the approval was conditioned on the followings: 1) that the number of bedrooms was to specified to be sure that the septic was designed properly, 2) the colors of the house and roof was to be specified and the materials to be used on the structure, 3) the note for exterior lighting indicating that it will be downward facing and shielded and 4) provide the details for a planting plan.

Clark Wilkinson stated that he has submitted a revised planting plan to Pam Kenyon. He supplemented the plantings that were previously shown and increased the number significantly after discussions with the applicant. He also provided a copy of a letter from the applicants which addressed the concerns and questions from the PB. He stated that the plans were just revised this week which back up what is specified in the email.

Clark Wilkinson stated that the maximum height of the structure is 35' which has been agreed to and specified on the plan. The roof color will be an earth tone color and shingled. The applicants are leaning towards a forest green color and an architectural type of shingle. The entire exterior will be logged with the exception of the area underneath the deck where the basement is exposed for the walkout, which will be either cedar or stone. He stated that will depend on the budget but it really won't matter since it is below grade and would not have a visual impact. Clark Wilkinson stated that the finish on the logs will be pig-pen which has a grayish hue. He stated that all of the exterior lighting has been noted that it will be downward facing and shielded. With regard to the septic, it was designed for 6 bedrooms and the floor plan is showing 5 bedrooms. The plans also show that the garage has been moved to the north which reduces the amount of impervious surface that was previously approved. He stated that this is the same layout but he has reduced the pavement by about 1,250-1,500 sq. ft.

Henry Caldwell stated that he is concerned with the stormwater controls for the construction on the neighboring King property. Clark Wilkinson stated that he has not been up there a little while but was planning on going up after this rain. He stated that he will talk with Mr. King to make sure that they have erosion controls in place.

Henry Caldwell asked if the pig-pen color would be light or dark gray because it could be a big difference visually. Clark Wilkinson stated he believes that it is a darker tone. According to the deed restrictions the applicants are restricted to earth tone colors. However, earth tone is pretty broad because it can be any color found in nature. Henry Caldwell asked if the logs are

eastern or western logs. Clark Wilkinson replied that they are western logs direct from British Columbia. They will be pre-assembled at the site, then taken apart and shipped and re-assembled here.

Henry Caldwell stated that he is concerned that once the driveway, stormwater and septic are constructed they will not have a tree standing on this property. Clark Wilkinson stated that on the plateau there will be a minimal number of trees. However, he has supplemented the plantings by adding arborvitae and planting 6 trees. Since the garage has been moved they will also be able to save more trees to the south of the house. Sandi Aldrich stated that at the last meeting he indicated that he would be walking the driveway while it is being constructed to be sure that they save as many trees as possible. Clark Wilkinson stated that he has been contracted by the applicants to provide the construction inspection so he will be walking the driveway prior to installation to be sure that they save as many trees as possible. He stated that if they can keep some of the oaks and maples they should have some screening. The views from the lower and first floor will have filtered views but the second story will either be at or just above the canopy.

Henry Caldwell asked for some clarification of the stormwater for the driveway. Clark Wilkinson provided more details. He stated the applicants do plan to pave the driveway. He stated that this was all part of what was approved in the stormwater and sediment control last month. Henry Caldwell stated that this will be a tricky engineering project. Clark Wilkinson agreed. Henry Caldwell stated that it is the PB fault for approving parallel driveways going up this hill with 2 substantial houses on top of each other. Clark Wilkinson stated that looking at it in hindsight, his opinion is that they may have wanted to look at shared driveways for lots 1 and 2 instead of 2 and 3. He stated that he asked the applicants to ask the neighbor if it was possible to share the driveway with lot 1 but they put a ridiculous price tag on it which was higher than the cost of constructing their own driveway.

RESOLUTION

Motion by Don Roessler to accept SPR10-11 as complete, waive a public hearing and having met the criteria set forth in the code, grant final approval of the project as presented. This motion includes a SEQOR 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.**

Herb Koster stated that he feels that one day the condition of earthen tones for a house will come back to haunt them. Counsel Muller agreed. Herb Koster stated that he would like to see it be defined as dark earthen tones eliminating white, bright colors. Counsel Muller stated that earthen tones close to earth would probably be a better description because it would be dark browns, greens and grays that they are hoping for. There was further discussion of providing a better definition. Clark Wilkinson stated that he would suggest having the TB define it because once it has been defined then it can be enforced. Counsel Muller agreed and stated that they are working on it. Herb Koster stated that he would like to make a formal recommendation to the TB.

Motion by Donald Roessler to recommend to the Town Board that earthen tones and colors should be defined as dark earthen tones eliminating light, bright, pastel or any reflective materials or colors. **Seconded by** Henry Caldwell. **All in Favor. Motion Carried.**

3)SPR10-14 TRUBILT INC. Represented by Glenn Trudell and Jim Hutchins. Type II Site Plan Review is sought for 1) as a condition of approval set forth by the Planning Board on June 17, 2004 when approving SD03-09. Specifically, the condition reads as follows: Site Plan Review is required for removal of any vegetation for future house locations; 2) to remove more than 15,000 square feet of vegetation in accordance with Section 125.14 of the stormwater regulations 20,000 square feet proposed; and 3) a single family dwelling located in LC25 zone. Section 185.00, Block 2, Lot 35.3, Zone LC25. Property Location: Off Coolidge Hill Road and being Lot B of the Alpine View Subdivision. Subject to SEQ. R.

Zack Monroe of Hutchins Engineering represented the applicant. He stated that they are proposing a 4 bedroom single family dwelling on the property with an attached garage. There will be approximately 20,000 sq. ft. of disturbance with approximately 6,800 sq. ft. of new impervious surface for the driveway and house, including the decks and porches. The house site was already cleared from the previous owner but they have used it in their calculations for stormwater purposes.

Sandi Aldrich stated that she had difficulty figuring out where the house will be placed because it was not well marked. Glen Trudell stated that he owns the lot and often has trouble finding it. Sandi Aldrich stated that there has been some selective cutting that was done by the previous owner. She stated that there are still a lot of nice trees standing and asked if they would all be removed. Glen Trudell stated that they intend to provide a 20' disturbance limit around the house. Zack Monroe stated that the house will sit in the cleared area. They will have to take some trees out of that area and provided more details as to where the majority of clearing would occur. However, there will be minimal clearing towards the lake from the house point so they will keep the same view that they have now which means that they will not be visible from the lake.

Zack Monroe stated that the house colors will be dark earthen tone and the exterior lighting will be downward facing and shielded. Glen Trudell stated that they intend to use all natural siding. Henry Caldwell asked if this was spec house. Glen Trudell replied yes it is a spec house and they are going to put it up for sale but for now it is a vacation house for them.

Henry Caldwell asked for some clarification on Jim Hutchins report because with regard to the pre-construction analysis. Zack Monroe stated that it is called pre-construction because originally it was a single sub-catchment design. Often on their bigger projects it would have multiple nodes on that page. He stated that this is how they standardize their stormwater reports.

Zack Monroe stated that Tom Nace has reviewed and signed off on stormwater. Henry Caldwell stated that the driveway has held up well. Sandi Aldrich stated that Rueben Ellsworth put that driveway in.

Don Roessler asked how tall the structure will be. Zack Monroe replied that the overall height is 33' at the tallest point of the peak.

Herb Koster stated that he thought they were not to accept plans that were stamped as preliminary. Zack Monroe stated that in previous experiences they have submitted plans to a Town which were not stamped preliminary. Copies went to the owner who showed them to the contractor who ended up with the set of plans. The plans got changed by the Town, but the contractor ended up building off the old set of plans. He stated that this makes sure that no one out there has a set of plans that has not been granted final approval. Herb Koster stated that he wants to make sure that they provide a final set of plans. Zack Monroe stated that they will submit final plans to the Zoning Administrator. Counsel Muller stated that the applicant will not get a certificate of compliance until final plans are submitted.

RESOLUTION

Motion by Sue Wilson to accept SPR10-14 as complete, waive a public hearing and having found that it meets all the design requirements set forth in the code, grant final approval of the stormwater plan as approved by Tom Nace. 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.**

Motion by Sue Wilson to accept SPR10-14 as complete, waive a public hearing, having met the criteria set forth in the code, grant final approval as presented with the following conditions: 1) that any exterior lighting be downward facing and shielded, and 2) the colors to be used on the house are as indicated on the plans submitted. **Seconded by Don Roessler. All in Favor. Motion Carried.**

4)SD10-02 THE ROCKS- NORTH BOLTON ROAD. Waterhouse, Lawrence.

Represented by VanDusen & Steves. Seeks to divide into 4 lots that parcel designated as Section 140.00, Block 1, Lot 59, Zones RL3 & LC25. Final Plat. Minor Subdivision. Subject to SEQR. This item was tabled at the June 2010 meeting pending additional information and is in conjunction with SPR10-12.

5)SPR10-12 THE ROCKS- NORTH BOLTON ROAD. Waterhouse, Lawrence.

Represented by VanDusen & Steves and Hutchins Engineering. In accordance with Section 125.13C1 of the stormwater regulations, seeks Type II Site Plan Review to remove more than 15,000 square feet of vegetation, 38,000 square feet proposed. Section 140.00, Block 1, Lot 59, Zones RL3 & LC25. This application is in conjunction with SD10-02. The Warren County Planning Board determined no county impact. Subject to SEQR.

Lucas Dobie, of Hutchins Engineering represented the applicants. He stated that at the June 2010 meeting Matt Steves gave the overview of the project. The project site contains 17 acres on the North Bolton Road which currently has an old farm homestead with several out-buildings along the road. All of the current structures on the site are non-conforming. The applicants are seeking a 4 lot subdivision with a shared driveway. The driveway is 785' long and 20' wide. They have designed the stormwater for an asphalt surface but are not sure if it will be a paved surface.

Lucas Dobie stated that he understands the Town allows four lots on a shared driveway without a homeowners association as long as the fourth lot has road frontage through a waiver. He stated that is what is being proposed to minimize the road cuts for the project. He stated that they have 2 standard lots by the road each 2.4 acres and 2 flag lots in the back, with 50' of road frontage with a common property line down the shared driveway. There will also be a 30' wide easement which will allow access for all 4 lots.

Lucas Dobie stated that the applicants intend to retain all of the lots for family. They will develop them in a reasonably short amount of time. They will be reviewed by the APA under a Class A Regional project due to the subdivision of wetlands. He stated that he has met with the APA on the site and flagged out the wetlands which is contiguous with Indian Brook and forms the easterly property line in the center. There are a fair amount of wetlands before the brook so the wetlands will provide some benefit of filtering the stormwater run-off. Herb Koster stated that usually the APA does not allow the splitting of wetlands and would prefer that they are kept to one lot. Lucas Dobie stated that the APA may end up forcing them to do that, but for now they would like to proceed with this proposal. He stated that they used to do that to avoid APA jurisdiction but since the APA changed their regulations any property lines within 200' of wetlands is considered jurisdictional so they decide to work with a layout that they would prefer and see what happens. Sandi Aldrich asked if they could move all of the wetlands onto one lot and still have the room for the minimum lot size. Lucas Dobie replied yes.

Lucas Dobie stated that each of the houses are designed for 5 bedrooms with 5,000 sq. ft. footprints. They have a 100' hammerhead at the end of the driveway for emergency vehicle access. The soils are better than most for Bolton with decent slopes in the area of the proposed septic. The upper lots will have shallow systems due to the ground water table and will be built up approximately 2 feet. The bottom lots will be conventional in the ground.

Lucas Dobie stated that stormwater will be captured along the driveway to keep an open channel. He stated that it will have a lot of surface area to infiltrate in. They will also have roof gutters from the gutters to the retention basins. He provided more details to the stormwater system. He stated that Tom Nace has reviewed the project and signed off on it.

Lucas Dobie stated that he did see one error with regard to the agenda for item 5. With regard to the removal of more than 15,000 sq. ft of vegetation, the agenda calls for 38,000 sq. ft. However, they will be disturbing 2.6 acres for the total project and the 38,000 sq. ft is the new impervious area on the four lots after construction.

Lucas Dobie stated that there are some steeper slopes on the lot but they are trying to avoid them. The slope of the driveway ranges from 1-7%. Don Roessler asked if the 100' emergency vehicle turnaround noted on the plan is the radius for the driveway on lot 3. Lucas Dobie replied no it is the distance from the center point between the driveways with 100' to the end of the driveway. He stated that the radius is approximately 25 feet.

Don Roessler asked if the structures on lot 4 will remain. Lucas Dobie replied that the proposal is for them to remain during construction and will be used as a staging area but they will be removed when lot 4 is developed.

Sue Wilson asked about the waiver for the driveway. Counsel Muller stated that it is something that the code allows. Counsel Muller asked how wide the area will be. Lucas Dobie replied that they are proposing 20' of driveway surface with 2' shoulders on each side before they construct the ditches. Counsel Muller stated that they should discuss this because their zoning code and subdivision code do not jive when it comes to driveways. However, a waiver is acceptable.

Herb Koster asked if any of the plans indicate the handling of the driveway maintenance. Lucas Dobie stated that he is not showing that on any of the plans. Currently they are showing a 30' easement and he feels that the APA is going to be asking the same question. He stated that they will need to get some legal assistance regarding this issue. Since this is going to be a family compound they will take care of it themselves. Herb Koster stated he understands the intention but they have to protect themselves with future owners who may or may not be family members. Herb Koster stated that if he is trying to avoid going before the Attorney General's office the applicant will need to provide some sort of covenants with regard to the maintenance of the shared driveway.

Herb Koster stated that he does not take any issue with what they are doing but he would like to see some sort of language on the plan and in the deed. Don Roessler asked if they should approve this or should they wait for the covenant. Counsel Muller stated that they can condition the approval. He feels that they need to address this now because all of this is subject to the APA. He stated that the plan could be changed, which would mean that the applicant would need to return.

Counsel Muller stated that they need to address the waiver for the 20' wide driveway and 2' shoulders. Herb Koster stated that he would like to allow the waiver because it would eliminate more clearing. If they go by the Town specifications the driveway will have to be wider. Counsel Muller stated that he feels that this is appropriate to call this a waiver but they need to be specific to what the waiver is.

Herb Koster asked if the dead end hammerhead would be adequate for emergency vehicles or fire truck. Don Roessler stated that it would be wide enough but more than likely if there is an incident they would stay in the main driveway. Sandi Aldrich asked if all of the driveways have the 25' radius. Lucas Dobie replied that he does not have that on lot 1 or 4 but thinks that it is a minimum of 20 feet. Don Roessler stated that he does not see any problems with ingress and egress with emergency vehicles. Herb Koster stated that in their waiver they can add the condition that the driveways all have a minimum of 25' turning radius.

Don Roessler asked what the Town specifications are for driveways. Herb Koster stated that it is 22' paved surface, 2' shoulders and then drainage swales. Counsel Muller stated that the Waterkeeper's position is that their subdivision limitations on the overall width of the driveway is not to exceed 16 feet. It also has the provision that allows them to waive the requirements.

Herb Koster stated that they would support a waiver to allow a 20' wide shared driveway with 2' shoulders for the safe access of emergency vehicles. The safety, health and welfare concerns override the concern about too much clearing.

RESOLUTION

Motion by Don Roessler to allow 1) a waiver for a driveway instead of a subdivision road, and 2) a waiver from the 16' maximum width of a driveway and allow the 20' driveway with 2' shoulders on each side and stormwater swales that the applicant is applying because it meets the Town's requirement to allow access for emergency vehicles for the safety, health and welfare of the public. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

Counsel Muller stated that they still need to discuss the subdivision overall. He stated that the applicants are aware that any changes that may occur to the plan will require them to come back to the PB. He stated that one major change may be the fact that the applicant is proposing to subdivide the wetlands. Herb Koster stated that he could never understand their reasoning it, but the applicants are still preserving it.

Lucas Dobie asked if the PB is to condition the approval with the requirement of 25' driveway turning radius would he need to come back to the PB. Herb Koster stated that whatever restrictions that may be placed on this will be put on the plans and reviewed by the Zoning Administrator.

There was further discussion of the covenant for the driveway maintenance. Lucas Dobie stated that the intent is to have a covenant and not to create a HOA. Herb Koster stated that they would like to see that one person is responsible for the driveway until they come up with an agreement between the 4 lots. Counsel Muller suggested that they choose the chief lot that will have the burden for the maintenance but will have the opportunity to seek contribution from the others to use the driveway.

Don Roessler asked if they should have the covenant language first. Herb Koster stated that he would prefer that but hates to hold up the applicant. Lucas Dobie stated that they are still a few months out from getting APA approval. Herb Koster stated that the problem is that they are at final approval. Sue Wilson asked if they could waive the time frame. Counsel Muller replied yes but it has to be in writing. Lucas Dobie stated that he would be willing to waive the 62 days pending approval of the covenant.

RESOLUTION

Motion by Henry Caldwell to table applications SD10-02 and SPR10-12 pending the change of the radius for each driveway to 25 feet and further information regarding the covenant for the maintenance of the shared driveway. **Seconded by** Don Roessler. **All in Favor. Motion Carried.**

(Note: Representative for applicant signed a waiver from the 62 days from approval of the preliminary plat to final plat approval.)

The meeting was adjourned at 7:33pm.

Minutes respectfully submitted by Kristen MacEwan.