

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday January 20, 2011
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- Henry Caldwell, John Gaddy, Chauncey Mason, Sandi Aldrich, Sue Wilson, Zoning Administrator Pamela Kenyon and Counsel Michael Muller

Absent- Herb Koster and Donald Roessler

The meeting was called to order at 6:00pm.

Henry Caldwell asked if there were any changes or corrections to the December 16, 2010 minutes.

RESOLUTION

Motion by John Gaddy to approve the December 16, 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. This 7 lot major subdivision was approved by the Planning Board on April 22, 2010. Due to APA and DEC review, the date for which the mylars were to be filed has expired. The applicant is seeking to extend the filing date. Section 123.00, Block 2, Lot 57.1 and Section 124.00, Block 1, Lots 12 & 13. Zones RL3 & LC45. Property Location: New Vermont Road. *Note: This item is in conjunction with SPR10-05.*

Rob Fraser of the LA Group stated that the applicants were requesting an extension for the filing of the mylars with Warren County. He explained that they missed their original deadline because they were dealing with comments from the DEC and APA with regard to the stormwater pollution prevention plan. He stated that they were able to keep the Town involved with the APA and DEC review process and have received the necessary permit from DEC for stormwater and the permit from the APA for the subdivision. However, they received the permits about the same time as the original deadline for filing.

Sue Wilson asked if there were any major changes or alterations to the project. Pam Kenyon replied that there were changes as a result of DEC's review. However, she and Herb Koster reviewed all of these changes page by page and he did not feel that it needed

to go back to Tom Nace since DEC engineers had provided such a thorough review.

Henry Caldwell asked if they needed to redo SEQR. Counsel Muller replied no, it is purely administrative to extend the filing period.

RESOLUTION

Motion by Sandi Aldrich to extend the filing period for SD06-03 MJ Real Estate Holdings, LLC mylars for 60 days. **Seconded by** Sue Wilson. **All in Favor. Motion Carried.**

2) **SPR10-25 SAGBOLT, LLC.** Represented by Atty. Benjamin Pratt. Seeks Site Plan Review to restore the employees' dormitory. Section 171.16, Block 1, Lot 16, Zone PUD. Property Location: 110 Sagamore Road. Subject to WCPB & APA review. Subject to SEQR.

Ben Pratt explained the project. He stated that this building has existed for a long time and has not been used for residential purposes; it was either vacant or used for offices or storage. The proposal is to put a new building in the same spot. They will use the same dimensions, color, look, etc. except it will be of modern construction. He explained that it will be used as dormitory for temporary employees for the summer. The Sagamore has found that they need a significant number of employees for the summer who do not have lodging in the area. He stated that they have used other hotels on the main land for these purposes. However, they feel this will reduce the amount of overtime that is paid and to provide a residence for a very high quality worker on the island itself. This project seeks to remodel the building without changing the site.

Ben Pratt stated that they reviewed this issue with the Supervisor Conover, Counsel Muller and Zoning Administrator Pam Kenyon with regard to whether or not this constitutes a PUD amendment. It was believed that it would not constitute a PUD amendment because it is a restoration of a use that was originally allowed under the original permit issued for the Sagamore project. The APA permit 82-71 describes this Class A Regional Project as follows: "On Green Island Lake George, in the Town of Bolton, Warren County the restoration of the existing Sagamore Hotel, an existing employee dormitory, construction of 180 condominium units, etc..". Ben Pratt stated that it was originally approved and part of the PUD at the time that the application was made to the APA and the Town.

Ben Pratt stated that they have also contacted the NYS Office of Parks, Recreation and Historic Preservation since this is a historic building. He stated that they have been receptive to all of their other restorations on the property and does not see this being an issue with them. He stated that he has yet to receive confirmation of their approval of the project but does not anticipate having any difficulty.

Ben Pratt provided more details pertaining the building and structure. He indicated that the size of the structure will be the same as what exists currently. The materials and colors used will also be the same, but the windows will be changed. He stated that they will also be reducing the impervious material surrounding the structure. They plan to remove some of the pavement used for parking and re-work the entire area. This will allow them to reconfigure the parking as well as provide stormwater which currently does not exist. They will move the parking pad back from the building and provide an area for a drip line and plantings to help infiltrate the water. The other side of the building which is currently graveled will become a grass area with picnic tables and can be used as a recreation area for the employees.

Henry Caldwell stated that he is surprised that they are asking for another 42 rooms since they have worked for 2 years to get the 51 room spa addition. Ben Pratt stated that he is not sure if it is still on the docket to build that building. He stated that Sagbolt has been evaluating their priorities and what will be best for the hotel at this point. He stated that right now, they do not intend to build that building, but he is not sure if that would be in the future.

Henry Caldwell stated that they added 34 rooms last year to the hotel and now they are looking to add another 42 rooms. He stated that some people that live down stream from the sewer plant don't think that it works too well and he is concerned about adding to the system. Ben Pratt stated that is a Town issue and the PB is just to review the site plan. He added that they did meet with the Town Water and Sewer who agreed that this would not have an impact on the system.

Henry Caldwell asked how they are going to get around knocking the building down since it is a historical building. Ben Pratt explained that it is something that is being discussed with the Office of Parks, Recreation and Historic Preservation. He stated that they have not had any issues with them in the process of the other restorations. He stated that he has not received the official okay, but if there are any changes that need to be made then they will have to come back to the Town with those changes anyway.

Henry Caldwell asked if the storm water retention areas would be able to handle these additional rooms. Jeff Anthony provided details of the site plan and storm water controls. He stated that the retention area that was intended to be used for the spa addition is more than capable of handling this project.

Henry Caldwell asked if the APA will be reviewing this. Ben Pratt stated that since this is not a PUD amendment, it would only be a Town issue. He stated that he is awaiting non-jurisdictional letter from the APA.

Sue Wilson asked about what the SPDES permit would allow. Pam Kenyon replied that she was not sure but John and Tom looked at these plans and found that this would not

have an effect on the Town systems.

Pam Kenyon asked Ben Pratt if the Sagamore could renovate each of these rooms without PB approval. Ben Pratt replied yes, but that is not their intent.

John Gaddy asked if the hotel has given any more thought to replacing the lighting on the bridge to downward facing and shielded. Ben Pratt stated that he has relayed his information and the Sagbolt people have given it consideration, but it comes down to dollars and cents. However, this is not part of this project and would ask for this not to be conditional of this approval. John Gaddy provided information to Ben Pratt to provide to the applicants regarding the lights and the different manufacturers that provide this type of lighting. Ben Pratt stated that he has and will continue to relay this information to the applicants. He stated that they are aware that this is something that they need to address. He added that the applicants have been more than willing to use this type of lighting on all of their recent projects and will continue to do so with any future projects.

John Gaddy asked if they also intend on changing out toilets in the main hotel. Ben Pratt replied that every time they do a project they install low flow toilets and this project is no different. Jeff Anthony indicated that the applicants have agreed in their application to change out an additional 25 guest or public toilets to low flow toilets as well.

Zandy Gabriels, neighbor of the Sagamore, stated that he does feel that this does warrant a PUD amendment and it should go through the proper channels in the Town so that the public can properly review the plans and make comments if necessary. However, he does not feel that this is a controversial amendment. He asked for a copy of the site plan to review with his mother, Jane Gabriels, who is also a neighbor. He stated that he does not feel that this would be of concern to either him or his mother.

Zandy Gabriels stated that he is concerned that this will have an impact on the water and sewer which at times during and after heavy rain events is a problem. He stated that he has seen first hand, the stormwater after an event coming off the island is flowing at a heavier rate than it should be. He stated that there has been a problem for many years but they have not been able to pinpoint where when investigated. He recommended that the Town and the Sagamore take a look at the storm water after a heavy rain event to see what he is talking about.

Ben Pratt stated that the reason this is not a PUD amendment is because it is not changing the use or the footprint of the building. With regard to the stormwater, they have met with the Town who has indicated that they do not feel that this will have an impact. He stated that they have also provided stormwater controls for the building which were not there before.

Ike Wolgin stated that he has no objection to the project. For clarification of the

procedural record, with regard to the findings of fact that Ben Pratt provided, no official drawings or use for this building were part of the PUD package or plat. Ike Wolgin stated that neither the Town nor the APA looked at this as part of the PUD. Ben Pratt agreed that there were never detailed plans for this space.

Ike Wolgin provided some additional details with regard to the original 2 buildings. Sue Wilson asked if there was a basement. Jeff Anthony replied yes, under one of the structures. However, it will only be used for storage and to house the utilities for the building.

RESOLUTION

Motion by Sue Wilson to accept SPR10-25 as complete, waive a public hearing, having met the criteria set forth in the code, grant final approval of the project as presented with the following conditions: 1) low flow toilets are used in the proposed building, 2) the applicants will replace approximately 25 toilet fixtures used as public and employee bathrooms within the hotel with new low flow fixtures, and 3) any exterior lighting is downward facing and shielded. 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.**

3) **SD10-03 DONNELLY, BONNIE.** Represented by Willie Bea McDonald. Seeks to divide into 2 lots that parcel designated as Section 171.15, Block 2, Lot 42. Zone GB5000. Property Location 4963: Lake Shore Drive and 4 Stewart Avenue. Minor Subdivision. Sketch Plan Review. Subject to WCPB review. Subject to SEQR. *Note: This application is in conjunction with V10-55 and SPR10-24.*

4) **SPR10-24 DONNELLY, BONNIE.** Represented by Willie Bea McDonald. Seeks Type II Site Plan Review to replace an existing 2 unit apartment building with a single family dwelling. Section 171.15, Block 2, Lot 42, Zone GB5000. Property Location 4963: Lake Shore Drive and 4 Stewart Avenue. Subject to WCPB review. Subject to SEQR. *Note: This application is in conjunction with V10-55 and SD10-03.*

Note: Items 3 and 4 were heard together.

Willie Bea McDonald provided some details about the history of the building and how it was used prior. She indicated that the applicant was seeking to subdivide the lot which would allow her to separate the building from the house. The store structure will not change in any way. They will be moving the propane tanks and some utilities for the store, which are currently on the other side of the house, next to the building which makes more sense anyway. She stated that they will also create a space for 3 cars to park, which is what already exists.

As for the home, the applicant would like to tear down the existing structure and rebuild a

single family dwelling. Willie Bea McDonald stated that the old structure is not user friendly and is old and outdated. The applicant is seeking to move back to the area and would like to make this her permanent residence. She has found an idea of the type of structure and style that she would like. However, she has not chosen an exact layout or design. Willie Bea McDonald stated that the house will be moved away from the store structure, but will stay within a certain building envelope not to exceed 57' x 40' rectangle. She stated that the building envelope includes a garage as well.

Sue Wilson asked how they can approve since this didn't get the necessary variances on Tuesday. Counsel Muller stated that it could be approved conditional that they get the necessary variances from the ZBA. However, he is more concerned that they do have the exact dimensions of the house since they would exact amounts necessary for the variances. Willie Bea McDonald stated that she thought that she could come in with a building envelope not to exceed. She stated that once the applicant decides on a size and design, if it is less, they would come back for re-approval or review. Counsel Muller stated that the applicant will need to have a formal presentation for the ZBA, because the ZBA cannot grant a variance on approximate dimensions. The variance is particular to the need and needs to be a minimum.

Henry Caldwell asked if the 2 lots comply with the GB5000 zone. Willie Bea McDonald replied no they will need a variance. She stated that even though the variances are significant this project is not uncharacteristic for the neighborhood. She stated that the applicant wanted to be sure that she could do this before going forward with any formal architectural or engineered plans since it is costly. Pam Kenyon stated that typically an applicant does not go before the ZBA until they have their exact plans. She stated that this is not the typical protocol. Willie Bea McDonald stated that in prior applications such as Blue Bird Cottages, the applicant came with building envelopes and they all required setback variances. However, they came with a few different design plans that would fit within that building envelope. Therefore she thought that she would be allowed to do the same since the applicant is not sure exactly what house she was looking to put there. The applicant does not want to demolish the current house if she is not going to be allowed to do this.

Counsel Muller stated that at the ZBA level, standards of proof require analysis by ZBA members that prove that this is the most feasible project, consideration of all other alternatives have been considered and are not as good as this option and they need to be sure that this is the minimum relief being sought. He stated that it could be okay at the PB level, but it will not work at the ZBA level. He stated that if the PB grants approval it would still be conditional upon the applicant receiving all necessary approvals, including the variances.

After some discussion the PB decided that they would like to have formal site plan review after the ZBA meeting next month. Sue Wilson asked if the applicant planned to

have formal plans for the ZBA. Willie Bea McDonald replied no she had not because she was not looking to build for another year or year and half. She stated that the applicant provided this building envelope to see if she was even able to do this subdivision. She stated that she did not want to go to the expense of formal plans if this would not be approved. The applicant has an idea of the type of house and style that she wants but it would all fall within the building envelope. She stated that more than likely the setbacks will be better than what is being asked for on the west and south side.

Willie Bea McDonald asked what they would need for the variance and site plan review next month. Pam Kenyon replied that they would need the dimensions of the footprint, look and style of the house and elevation.

RESOLUTION

Motion by John Gaddy to accept SD10-03 as complete, waive a public hearing, having met the criteria set forth in the code, grant final approval of the project as presented with the following condition: 1) that variance V10-55 approval is obtained. 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.**

RESOLUTION

Motion by John Gaddy to table SPR10-24 pending elevation drawings and an accurate site plan. **Seconded by** Sue Wilson. **All in Favor. Motion Carried.**

5) **SPR10-23 UPPER HUDSON WOODLANDS ATP, LP.** Represented by F&W Forestry Services, Inc. Seeks Type II Site Plan Review to timber harvest 52 acres. Section 124.00, Block 1, Lot 38, Zone RL3 & LC45. Property Location: Padanarum Road. Subject to SEQR.

Tom Sergeant of F&W Forestry stated that this property was formally owned by Finch Pruyn and a couple of years ago it was purchased by the Nature Conservancy who sold it to Upper Hudson Woodlands ATP. He stated that F & W is managing the land for them. He stated that the Nature Conservancy holds a Conservation Easement and there are 100' buffers along the main streams which are mapped on the property and there is a 75' setback from the road for aesthetics and to protect the view shed from the road. He stated that the only spot that will not maintain that setback is the header to access the property.

Tom Sergeant stated that the 52 acres have not been harvested since this site plan review process has been in place. He stated that Finch did not want to harvest pine and previously there were a lot of restrictions so they avoided harvesting the site. He stated that they are dealing with over mature pine and the land owner is trying to bring the basal area down so that they can grow some good quality timber.

Tom Sergeant stated that since there is a Conservation Easement there will be no development to 52 acres. It can only be used for timber harvesting or recreation. The owner is looking to harvest above 60 basal area, so it is not a clear cut. Sue Wilson stated that the code wouldn't allow that anyway. Pam Kenyon agreed.

Tom Sergeant explained the topography map and the details for the cut and buffer areas. Sandi Aldrich asked if he will cross the brook anywhere. Tom Sergeant replied no.

Henry Caldwell asked what time of year the harvesting would take place. Tom Sergeant replied in the winter. He explained that they have a cut to length system which reduces the footprint on the ground. He stated that rather than pulling it out with a skidder they cut it up and load it onto a forwarder and bring it out. This causes less rutting than skidders because all of the wood is elevated.

Ike Wolgin asked where this lot was located. Sandi Aldrich explained that it is on the west side of Padanarum Road before Trout Falls Road.

Sue Wilson asked for clarification about the pre-salvaging of ash logs before the advance of the emerald ash borer. Tom Sergeant explained that any ash that would be a saw log now, the land owner has the intention to cut them before the ash borer comes into this area and quarantines the whole area. He stated that ash is a minor component to this stand. John Gaddy asked when it is predicted that the ash borer is in the area. Tom Sergeant stated that is the question being asked now. He stated that a lot of it has been spread from the moving of firewood. They have found it close to New York City. He is going to a professional meeting next week where they plan to devote a lot of time to the emerald ash borer, so he hopes to have more information soon.

RESOLUTION

Motion by John Gaddy to accept SPR10-23 as complete, waive a public hearing, having met the criteria set forth in the code, grant final approval of the project as presented with the following condition, 1) the 100' no cut buffers along the brooks are maintained, and 2) that the property is logged in the winter. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded** by Sue Wilson. **All in Favor. Motion Carried.**

Minutes respectfully submitted by Kristen MacEwan.