

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday June 16, 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- Herb Koster, Henry Caldwell, Donald Roessler, John Gaddy, Chauncey Mason, Sandi Aldrich, Sue Wilson, Zoning Administrator Pamela Kenyon and Counsel Michael Muller

Absent- None

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

Herb Koster asked if there were any corrections to the May 19, 2011 minutes.

1. Sandi Aldrich, regarding application SPR11-05, page 2, 1st paragraph should read: "Herb Koster asked about the size of the actual sign. Eugene Baker stated that it is 24 square feet."

RESOLUTION

Motion by Don Roessler to accept the May 19, 2011 minutes as corrected. **Seconded** by John Gaddy. Herb Koster abstained. **All Others in Favor. Motion Carried.**

Note: All applicants received default approval from the WCPB due to a lack of a quorum at the WCPB meeting.

1. SPR11-07 McDONALD, FRANK & WILLIE BEA. To allow an agricultural use to remain in the RL3 zone, Seek Type II Site Plan Review to house goats and chickens. Section 156.00, Block 1, Lot 25.1, Zone RL3. Property Location: 236 Valley Woods Road. Subject to WCPB review. Subject to SEQR.

Willie Bea McDonald stated that she and Frank purchased this property about 4-5 years ago and their daughter lives there with her family. A 3 bedroom house and large garage/barn structure in the back sit on approximately 8 acres of land. The garage is 65' x 30' with a 62' x 10' run-in pole barn that extends behind.

Willie Bea McDonald stated that her daughter had asked about getting goats and chickens a few years ago and at the time she explained that it would be allowed in that zone under Site Plan Review. However, she apparently did not know what that meant because a few

months ago she ended up getting some without going through the Site Plan Review.

Willie Bea McDonald stated that she is only housing the goats and chickens in the pole barn in the back. There are some restrictions that you need to follow when you have animals but they far meet the requirements. Each goat needs 20 sq. ft.; she has 3 goats which would require 60 sq. ft and they have 275 sq. ft enclosed area. They also have a 1,300 sq. ft. exercise yard and they only need 450 sq. ft for three. For the chickens there is no set square footage required, but they have to have something that houses them adequately. Willie Bea McDonald stated that they have an open area. They also have a 35 sq. ft house that has shelves. They have 295 sq. ft. of inside area as well as 1300 sq. ft. of exercise area and as they get older they will be free range chickens.

Willie Bea McDonald stated that they are not building any structures; they are using what currently exists. The outdoor exercise area will not be increased in size but they may make it a better space to use year round in the winter by making it slightly enclosed.

Willie Bea McDonald stated that they will have a compost pile for the animal waste which is located 275' from the brook, 150' from the well and over 50' from the property line. They have 180 sq. ft. of inside storage for grain and hay. Willie Bea McDonald stated that they exceed all requirements regarding zoning for the animals that are there.

Don Roessler asked how many chickens are on the property. Willie Bea McDonald replied that there will be 14 total. Don Roessler asked what is the maximum number of chickens the applicants were seeking. Willie Bea McDonald stated that they are not seeking to sell eggs. She currently has 6 chickens and they are getting 2 roosters and 6 baby chicks. Don Roessler asked how many goats she intends to have. Willie Bea McDonald replied that she has 3 and that is all she wants. She stated that they also have a few ducks on the property as well.

Willie Bea McDonald stated that they are not seeking to have any larger animals on the property. They like the chickens and goats because they are relatively low maintenance. She stated that they have talked to the neighbors, who didn't know they were there and don't mind that they are there. Some of the other neighbors have horses so this would not be out of character for the neighborhood.

There was further discussion on limiting the number of animals on the property.

RESOLUTION

Motion by Don Roessler to accept SPR11-07 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 applicants are allowed a maximum of 20 chickens, 6 goats and 6 ducks. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by John Gaddy. All in Favor. Motion Carried.**

2. SPR11-08 STUPP, ROBERT. Represented by Pamela Stupp. For the construction of a two car garage with workshop and storage above, seeks Type II Site Plan Review for an accessory structure greater than 1,500 square feet. 1,800 square feet is proposed. Section 200.18, Block 1, Lot 50, Zone RM1.3. Property Location: 67 Hemlock Point Road. Subject to WCPB review. Subject to SEQR. *See V11-14 associated with this project.*

Pam Stupp stated that they would like to construct a detached two car garage with a workshop area with an unfinished storage loft above. The HOA does not have any concerns with this project.

Henry Caldwell asked if they are planning on doing any stormwater management for the project. Pam Stupp replied yes, they met with the LG Waterkeeper and discussed adding 7' width by 30' length and 6" depth rain gardens on the north and south sides of the garage. This would give 212 cubic feet of rain gardens that would handle the stormwater for the structure.

John Gaddy stated that he did not see anything about the lighting on the plans and asked that they be downward facing and shielded. Pam Stupp agreed.

Herb Koster asked if Tom Nace needed to look at the stormwater. Pam Kenyon replied no. The variance was granted for the setback with the condition that minor stormwater be required.

Sandi Aldrich asked if there will be any water or bathroom facilities in the garage/workshop area. Pam Stupp replied no.

RESOLUTION

Motion by Don Roessler to accept SPR11-08 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) that any exterior lighting used in the project is to be downward facing and shielded and 2) minor stormwater, as presented by the applicant, will be installed. 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.**

3. SPR11-09 DENEEN, DOUGLAS. Seeks Type II Site Plan Review for an advertising sign greater than 4 square feet. 6.55 square feet is proposed. Section 171.19, Block 2, Lot 2, Zone GB5000. Property Location: 4936 Lake Shore Drive known as "Trees". Subject to WCPB review. Subject to SEQR.

Doug Dineen stated that they are looking to install a new sign for the Trees store. It will be designed and installed by Ed Osteberg who has designed and installed many of the signs in town. They feel that their sign will be in keeping with the downtown. He explained that the sign would hang in the peak of the structure, mirroring the Mrs. Whizzy Fizz-Pops sign.

Doug Dineen stated that there are two existing spotlights which would light the sign. Henry Caldwell stated that they would rather see downward facing lights, but he understands the use of the existing lights. Doug Dineen stated that they are the existing lights and they have had them on at various time of the year. They seem to be pointing directly at the sign and building and have not been an issue yet. Sue Wilson asked if they were adjustable. Doug Dineen replied that they seemed to be adjustable but they do point exactly where the sign will be.

Henry Caldwell asked if they ever thought about moving the sign to a different position on the property. Doug Dineen replied no because they want the sign to be seen from both directions and this seems like the most logical spot.

RESOLUTION

Motion by Don Roessler to accept SPR11-09 as complete, waive a public hearing, having met the criteria set forth in the code, grant final approval of the project as presented. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented.

Seconded by Chauncey Mason. **All in Favor. Motion Carried.**

4. V11-23 SAGBOLT, LLC. Represented by Atty. Benjamin Pratt. In accordance with Section 200-93A (other regulations applicable to Planned Unit Developments), seeks area variance (PUD Amendment) to 1) Convert the existing indoor pool to an outdoor pool with amenities. 2) Create 16 new guest rooms. 3) Increase the size of Shelving Rock Terrace by approximately 2000 square feet and enclose it pursuant to previous approvals. 4) Remove impervious areas and install landscaping around all newly renovated locations to improve stormwater management. And 5) modify existing docks to move the cruise ship Morgan's primary berthing from the south to the west side of the island and rental boats from the front of the hotel to the former Morgan dock area.

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.

Ben Pratt stated that they are seeking to amend the PUD to encompass a couple of changes with respect to the continued development and improvement of the hotel. The role of the PB is to make a recommendation to the TB with respect to the amendment.

With regard to the Shelving Rock area, Ben Pratt explained that currently it is a patio with a tent on it. In 2004 they received permission to enclose that space for indoor banquet space which was never acted upon. That permit was renewed by the APA in 2008 and remains in effect. They are proposing is to do that same enclosure but to expand it by approximately 2,000 sq. ft in its footprint. The expansion is along both sides to incorporate kitchen functions that have been performed all over the hotel, which are very inefficient, as well as provide additional restrooms and better ADA accessibility including an elevator.

With this part of the proposal they intend to pick up the majority of the stormwater that is not being picked up now. Even though the agenda states that they will removing more than 15,000 sq. ft. of vegetation; 35,000 sq. ft. is proposed. The total area of disturbance is 35,000 sq. ft which includes the footprint of the building. In reality they are creating about 8,000 sq. ft more of pervious area.

With regard to the pool, Ben Pratt stated that the proposal is to remove the roof over the indoor pool. The existing supports will remain and will be turned into a trellis that will be part of the landscaping surrounding the pool. This pool will be for adult use only. The outdoor pool has become so popular especially with the kids that the guests have requested to have an area for adults only. There will be certain amenities that will go along with this; there is already a kitchen and they plan to add a bar and some tables to the patio area.

Ben Pratt stated that in the same wing where the pool is now they plan to add 16 guest rooms with all the usual environmentally conscious plans. They will also reconfigure the workout space to make it more ADA accessible.

Ben Pratt stated that they will be terracing the lake front and they plan to move the Morgan to the Sawmill Bay part of the island. They will change the dock structure in the area of the warehouse so that the Morgan can be serviced and supplied in this area. Currently this is all done in front of the hotel and they would prefer to do this type of operation out of sight of their guests. The Morgan will continue to load at the steamboat dock. Ben Pratt stated that they plan to move Chic's rental boat operation away from the

swim area and over to where the Morgan formally docked. Both sets of docks will not change in their square footage but they will change slightly in formation.

Ben Pratt stated they have applications with APA, LGPC, OPRHP and WCPB. The WC PB did not have a quorum, but everyone else they have talked to regarding this application have found it favorable. They do not view them as significant either environmentally or developmentally. Ben Pratt feels that it is a significant improvement both aesthetically and environmentally.

Ben Pratt stated that they will have 7 cabanas between the pool and lake. They will be 10' sq. ft. wooden platforms, which will be tented and only used seasonally. This will provide an additional profit center for the hotel and provide guests and families day use for the pools and other recreation in front of the hotel.

With regard to the modern bathroom fixtures, Herb Koster asked about the switching out some of the older units with these same low flow fixtures. Ben Pratt stated that as they have made improvements to the hotel they have swapped out the additional toilets. He stated that it is not completely changed out, but they are working on this gradually. Herb Koster stated that their water usage has increased largely over the last few years. Ben Pratt agreed, but every time they have added rooms or made additions they have cleared it with the Town Water and Sewer departments. The only increase to the water use is in those 16 rooms. Herb Koster stated that it is only in the summer which is when they might experience difficulties so they cannot work off of averages for the year. Ben Pratt stated that any time they have talked to the water and sewer departments they have used numbers that would reflect daily use and not averaged use over the year.

Herb Koster asked if Tom Nace will need to review this. Pam Kenyon replied that Tom Nace reviewed the stormwater, but for the most part they rely on Chet Dagles with regard to water use and treatment. Ben Pratt stated that historically with a couple of these approvals they agreed to change out some additional fixtures.

Henry Caldwell stated that he is concerned that they are adding more rooms. He stated that the point is to reduce the amount of water used and even with switching out the fixtures adding more rooms is not going to reduce their water use. Ben Pratt stated that he relies on the Water and Sewer Departments. He stated that it is his understanding that some of the sewer line has been slip lined and according to the staff at the Sewer plant this has made a significant difference. He stated that they go to them first before moving ahead with the project. They have always told them that this kind of load that they are getting from these 16 additional rooms is insignificant to what they are getting overall. They seem to be very comfortable with what they were proposing.

Barry Kimble, of Ocean Properties stated that they are changing the current bathrooms in the Shelving Rock as well so overall they feel they will be using a lot less water. Don Roessler asked what percentage of toilets are low flow toilets now. Barry Kimble replied approximately 30%.

Herb Koster stated that this subject has been brought up several times as these projects have come about. He asked if the applicants would be willing to change all of the existing fixtures to low flow. Currently, they have less than 40% that are low flow and this has been a request over several years. He feels that now is the time to address this issue. Ben Pratt replied that he does not have the authority to agree to that tonight but he feels that between now and the TB meeting they can have that answer.

Henry Caldwell asked if they will be reconfiguring the Morgan dock. Mark Tabor, LA Group, replied that the dock will be reduced slightly in size, with a slight reconfiguration. Henry Caldwell asked how many rental boats do they anticipate and asked where they will be refueling. Mark Tabor replied 18 and they will continue to refuel at Chic's. Sue Wilson asked if they have increased the amount of boats. Ben Pratt replied no. Henry Caldwell asked if the boats will remain there overnight. Ben Pratt replied yes. Henry Caldwell asked if they will be utilizing the docks where Chic's boats were previously. Ben Pratt replied that they may have a type of docking club that would allow dining patrons to dock their boat in front of the hotel while they have dinner.

John Gaddy stated that their letter talks about how their organization is an environmental leader and he is looking for the lights to be downward facing and shielded on the Morgan dock as well as all others parts of this proposal including the bridge. He stated that just like with the water usage, they have asked 2-3 times about addressing the lights on the bridge.

Barry Kimble stated that the flood lights will be removed at the Morgan dock and they only plan for some pedestrian lighting for safety. They are not adding any lights to where they are moving the Morgan and if they do it will be minor. Little by little they have addressed the lighting on the island. John Gaddy agrees that they have done a nice job with all of the replacement lighting but the bridge lights are glaring exceptions to the lighting plan. He stated that there are so many different options. Barry Kimble stated that they can talk about the bridge lights but he is not sure that they have 100% complete control over that. Henry Caldwell stated that they do have complete control because they own the bridge. He stated that all they are doing is asking them to save money by cutting the wattage. He stated that those lights make it difficult to pass under the bridge. Barry Kimble stated that they will take a look at this issue but they may need to address

some DEC and State right-of-ways. Ben Pratt stated that when this issue was raised before they have talked about it and it is certainly on their list but it has not been a priority. He stated that they will take their request to move this up their priorities list.

With regard to being environmentally sensitive, Ben Pratt stated that they will be adding a green roof to the Shelving Rock roof. It will now have gardens which will pick up the storm water.

John Gaddy stated that the PB has been very favorable to the requests that the organization has made and they are trying to improve the town as they go along. So as they are start to deal with the degrading quality of the water, they need to see more action because they would love to see this business do as well as possible. Ben Pratt stated that they would convey this information more strongly than in the past. They will still need to address State concerns and safety. Don Roessler agreed that if they can make the lighting a little more subdued it would be nice, but the number one priority should be safety and that cannot be compromised.

Sandi Aldrich asked what lighting will be used at the warehouse where the Morgan will be moving. John Gaddy stated that there are a few lights that are downward facing but there are a couple of wall packs that some of the neighbors have complained about. Barry Kimble stated that they will be sure to address the lighting on this building.

Ben Pratt stated that part of moving the Morgan will allow them to narrow the pavement driveway area. They will be putting supported turf in there to allow emergency access but it will be a pervious surface. They pavement will be reduced to approximately 8' for pedestrian access in front of the hotel.

Sue Wilson asked if they planned to move forward with the previous approval for the spa. Ben Pratt replied that this building has not been on the plans for redevelopment at this point. Henry Caldwell asked if they had any plans for the Nirvana Farm property. Ben Pratt replied not at this time they will continue to use it for employee housing. Henry Caldwell asked if they have purchased the Blesser property. Ben Pratt replied no and there are no discussion at the present time.

Sandi Aldrich stated that they will be removing trees in the cabana area and asked if they plan to replant any vegetation. Mark Tabor replied that they will be improving this entire area with vegetation so it looks and functions more like a natural shoreline. There are few trees planned in other areas as well as on the roof garden.

Henry Caldwell asked if the pool configuration will change. Ben Pratt replied that the

current pool will be the same, they are just removing the roof. However the pool deck will change to be able to withstand the elements.

Henry Caldwell asked when they plan to start. Ben Pratt replied that they would like to start the day after Labor Day and end by Memorial Day.

Don Roessler asked how many guest rooms are in the hotel. Ben Pratt replied with these additional rooms they will have 152 rooms.

There was further discussion regarding setting up a time line to change out the fixtures. Ben Pratt reminded the Board that they do not own all of the condos so they will not have control over the fixtures there. He stated that they own approximately 95 condos. The Board stated that they would like to see all Sagamore owned property changed out within the next 2 years.

Herb Koster told the applicants the Board feels that this project is a great improvement and but they do need to look out for the town. With the improvements that they are making he does not feel toilets and shower heads will be tremendous expense to them and it would be a tremendous help to the Town. Ben Pratt stated that they will convey it in that spirit.

RESOLUTION

Motion by Don Roessler to make a favorable recommendation to the TB for the overall application of V11-23 with the request that water usage and lighting be addressed. Specifically to change the toilets and shower heads to low flow fixtures for the remaining hotel rooms and Sagamore owned properties; half of the remaining fixtures to be switched out this year and the remaining half to be changed by the end of 2012. With regard to lighting the following is recommended: 1) to remove the spotlights at the existing Morgan dock and any replacement lights be downward facing shielded, 2) that the existing lighting on the museum's south, north and west side be replaced and/or modified to be downward facing and shielded, and 3) the bridge lights are changed to downward facing shielded lights. **Seconded by** John Gaddy. **All in Favor. Motion Carried.**

5. SPR11-10 SAGBOLT. LLC. Represented by Atty. Benjamin Pratt. In accordance with Section 125.13C1 of the stormwater regulations, seeks Type II Site Plan Review for a major stormwater project to remove more than 15,000 sq. ft. of vegetation. 35,450 sq. ft. is proposed. Section 171.16, Block 1, Lot 16, Zone PUD. Property Location: 110 Sagamore Road. Subject to WCPB review. Subject to SEQ. *See V11-22 for deficient shoreline setbacks between infiltration devices and Lake George associated with this*

project.

Herb Koster stated that the record should reflect that the 35,000 sq. ft includes the building. Ben Pratt stated that they have approval from Tom Nace. They also have a letter from the LG Waterkeeper which they have addressed. Herb Koster stated that the Waterkeeper does not have any authority in this Town.

Pam Kenyon stated that she wanted the Board to note that there have been a few changes to the plan for the stormwater. Mark Tabor explained that they are very minor. As part of the review with Tom Nace there were some discrepancies on the plans with regard to the invert elevations of some of the pipes for the rain tanks. He has since fixed those so that it matched the data that he was presenting to review engineer. Additionally they have provided test pit information to Nace Engineering who asked that they put it on the drawing itself which they complied with.

Sandi Aldrich stated that there seems to be a large pipe goes down the Shelving Rock bank. Mark Tabor explained that is an existing drainage pipe that collects storm water from a catch basin above and pipes it to the lake. They are proposing to capture stormwater and redirect it to an infiltration chamber where it can infiltrate into the ground as part of a typical storm event. In larger storm events there are over flow pipes in the infiltrators and they will install a new pipe that will discharge in the same exact location. Sandi Aldrich stated it is very bare in that area and asked if they will vegetating it. Mark Tabor replied yes they plan to re-vegetate this area once the project is complete. Herb Koster asked when the infiltration device will overflow. Mark Tabor replied that it is designed to overflow at a 10 year storm event. He stated with all of these improvements they will be collecting over an acre of impervious area that currently is not treated.

RESOLUTION

Motion by John Gaddy to accept SPR11-10 as complete, waive a public hearing, having met the criteria set forth in the code, grant final approval of the project as presented. 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.**

The meeting was adjourned at 7:20pm.

Minutes respectfully submitted by Kristen MacEwan.