

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday October 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- 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 6:00 pm.

Herb Koster asked if there were any corrections or changes to the September 22, 2011 minutes.

- 1) Henry Caldwell, page 6, 3rd paragraph, the word “concern” was misspelled.
- 2) Sandi Aldrich, page 4, 2nd paragraph, the sentence should read as follows: “ The *curtains* will stay in place until the turbidity has subsided which should be approximately 4 weeks.”

RESOLUTION

Motion by Don Roessler to approve the September 22, 2011 minutes as amended.
Seconded by Sandi Aldrich. Henry Caldwell abstained. **All Others in Favor. Motion Carried.**

1) SPR11-16 DOMINICK DINOTA. Represented by Zachary Monroe of Cedarwood Engineering Services, PLLC. 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. 22,000 SQ FT is proposed. Section 198.04, Block 1, Lot 15.4, Zones RR5 & 10. Property Location: 6 Stone Place Road. Subject to SEQR.

Zachary Monroe stated that the applicant is proposing to build a single family home at the intersection of Stone Place Road and Wall Street. The proposal is for a modest single family dwelling with 3 bedrooms. They also proposed an on-site waste water treatment system, well location and driveway to access the site. The plans show stormwater controls for a major stormwater plan which has been reviewed and approved by the Town Engineer.

Sandi Aldrich asked if it will follow the existing driveway. Zachary Monroe replied yes.

Their numbers are based on the entire roadway so in essence the disturbance is less than that. Sandi Aldrich asked if it be visible from either of the roads. Zachary Monroe replied that he suspects it will be somewhat visible but well screened especially in the summer. The house location is over 100' from the property line.

RESOLUTION

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR11-16. **Seconded by** Don Roessler. **All in Favor. Motion Carried.**

Motion by John Gaddy accept SPR11-16 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.**

2) SPR11-17 COON, JEREMY. Represented by Tom Hutchins of 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. 21,600 SQ FT is proposed. Section 199.08, Block 1, Lot 13, Zone RL3. Property Location: Intersection of South Trout Lake Road and Coolidge Hill Road. Subject to SEQR and WCPB review.

Tom Hutchins stated that the applicant owns a 4 acre parcel on the east side of Coolidge Hill Road just south of the intersection of South Trout Lake Road. The site is predominantly wooded right now. The property has been staked to show the house and driveway location. The soils are dry and granular and the slopes are relatively low for on-site waste water treatment.

Tom Hutchins stated that they have proposed stormwater controls at the low area below the house. It will be a long berm to encourage infiltration and diversion into the stormwater controls. The on-site waste water system is designed for the 2,080 sq. ft living area with attached garage.

Pam Kenyon asked what the separation is between the wastewater and stormwater controls. Tom Hutchins stated that his stormwater controls are just over 50' from the wastewater system and the waste water system is about 5' upgrade within that 50'. So they have a 10% slope up to the absorption fields and he is confident that the stormwater controls will not affect the operation of the waste water system.

RESOLUTION

Motion by John Gaddy to declare the Bolton Planning Board as lead agent and to accept SPR11-17 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.

3) SPR11-22 LUDWIG, JIM. Represented by Don Russell. To alter non-conforming single family dwelling, specifically to construct a roofed enclosure over existing bilco entryway, seeks Type I Site Plan Review for new development within 100' of a wetland. Section 186.18, Block 1, Lot 29, Zone **LC45** & RM1.3. Property Location: 55 The Back Road. Subject to SEQR. Subject to WCPB review. *Note: Approvals are also required from the APA.*

Don Russell stated that this is a simple request to put a shed cover over the existing bilco doors. Mr. Ludwig is getting older and it is difficult for him to even open the doors. They would like to have a screen door access so that he can access his basement for storage and maintain his utilities. He stated that they are about 25' from the edge of the woods in the back yard; he is not sure where the wetlands start and end.

Sue Wilson stated that she is not sure where the wetlands begin and end either, but it is not a wet area.

There was no WC PB impact.

RESOLUTION

Motion by Don Roessler to declare the Bolton Planning Board as lead agency for SPR11-22. **Seconded by** Henry Caldwell. **All in Favor. Motion Carried.**

Motion by Don Roessler to accept SPR11-22 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** Sandi Aldrich. **All in Favor. Motion Carried.**

4) SPR11-21 BOLTON CROSS PROPERTIES. LLC. Represented by Anthony Maney. Seeks to amend previously approved SPR to modify the front façade of the building. Section 171.15, Block 1, Lots 74.1, 74.2, 74.3 and 74.4, Zone GB5000. Property Location: 2, 4, 6 and 8 Cross Street. Subject to SEQR. Subject to WCPB review.

Anthony Maney stated that it was brought to their attention as they were proceeding with the construction, that the façade was a fairly extensive negotiated item between the applicant and PB. He was not aware of that; they have done a lot of projects in the past and they often make field changes.

Anthony Maney provided both the old and new plans. He stated that they added a roof over the front door because as previously designed the water coming off the entry would have caused a very uncomfortable situation. So they added a roof as a field design with

the approval of the architect and WC Building inspector.

Anthony Maney stated that the second and fourth windows would have been impossible to put on in accordance with the original design because they sit right in the middle of the second floor. Secondly the garage door on the fourth unit on the original plan does not exist, so there were some things that were flawed from the beginning.

Anthony Maney stated that they have stopped the construction on the façade of the house and he is seeking some input as to what changes the Board would like to see. He would like to keep the windows and entryway roofs because he does already have 3 interested parties that are happy with the current design. He provided a few different proposals for the Board's review, most of which showed two different designs for the garage doors, fronts doors and vents in the gable. He stated that he was hoping that this would be appealing to the Board because it would be something that makes sense and could easily be worked with.

Herb Koster stated that he does not have any concerns with the changes that were made because they are improvements.

Sandi Aldrich stated that their intent was to have the units all look different. The original sketch has a lot more diversity than what he is presenting tonight. Anthony Maney stated that it presents a dilemma because it boils down to personal taste.

Henry Caldwell asked to see the original plans. The PB reviewed the original plans and had some discussion as to what they would like to see.

Don Roessler asked if the garage doors could be the same color as the front doors. Anthony Maney stated that they have upgraded the garage doors so they can be painted. He added that there have been a significant number of upgrades.

Don Roessler stated that he noticed on the plan the 2 center units have shutters on the upper windows; he asked if the outer units will have shutters as well. Anthony Maney replied that they just did that to make it look different but he is open to suggestions.

Don Roessler stated that if they provided 2 different garage doors that match the front doors; it would be enough diversity for him. Sandi Aldrich disagreed; she liked that the original design had 4 separate colors and designs.

Bill Bashant, McDonald Real Estate, stated that they represented Rob MacEwan with the original proposal. He stated that Rob MacEwan explained that it was a concept that was presented and that they didn't have to follow all of it. He stated that he looked at the minutes and they seem to be vague and non-specific. He stated that the Board was basically trying to break up the concept so he suggested to Anthony Maney to break up the design for every other unit. Pam Kenyon stated that the PB never did specify colors or design. Sue Wilson read the following from the minutes: "All PB members agreed

that they are happy with the architectural changes that have been made. Herb Koster asked if what is to be built will be similar to the plan and not pinned down to the color picture presented. Rob MacEwan said yes their intent is that what is built will be similar and not drastically different from the drawing.”

Sandi Aldrich stated that she is not opposed to the colors being presented. However, she does object to the overall look, she feels that it is too cookie cutter. Anthony Maney stated that he has been developing for 20 years and he has never had an architectural review with such specificity. He would like to work with the PB and come to an agreement of what will work. He stated that they have had a great response to what is in the new plan because he already has 3 buyers. He is concerned that if he is asked to make this drastically different he will have to approach the buyers to see if it is something they like.

Anthony Maney proposed to have all front doors the same with different garage doors but paint the garage and front door to match. Henry Caldwell asked what they will do with the second floor. Anthony Maney replied that he could do shutters on each one that match the color of the garage and front door. For the third floor they could change the color of the gable to match the garage door.

Herb Koster stated that he likes the proposal of matching the gable, garage door and front doors and having each unit a different color but he is not sure that all of the Board is in agreement. There was further discussion of the design.

RESOLUTION

Motion by Don Roessler to declare the Bolton Planning Board as lead agency for SPR11-21 **Seconded by** Sue Wilson. **All in Favor. Motion Carried.**

Motion by Don Roessler to accept SPR11-21 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) Each garage door be a different color and style and the main door be same color as the garage door, 2) all 2nd floor windows will have shutters which will match the corresponding garage and front door, 3) the gable ends have two circles in the center and a cross on either end, and 4) any outdoor lighting is to be 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** John Gaddy. Sandi Aldrich opposed. **All Others in Favor. Motion Carried.**

5) SPR11-23 GORDON, PAUL. Represented by Chris Gabriels. Seeks Type II Site Plan Review for an accessory structure (boathouse/dock) greater than 1,500 square feet of floor space. Section 213.09, Block 1, Lot 11, Zone RM1.3. Property Location: 4044 Lake Shore Drive. Subject to WCPB review. Subject to SEQR.

Chris Gabriels stated that the applicants currently have a permit for a dock and

boathouse. They are seeking an amendment to the dock layout. Currently the dock is 5' wide and they would like to make it 6'. It meets all the Town regulations and has LGPC approval.

RESOLUTION

Motion by Don Roessler to declare the Bolton Planning Board as lead agency for SPR11-23. **Seconded by** Sue Wilson. **All in Favor. Motion Carried.**

Motion by Don Roessler to accept SPR11-23 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** Sandi Aldrich. **All in Favor. Motion Carried.**

6) SD11-03 WOLGIN, IKE. Represented by Nancy Williams of the LGLC. Seeks to divide into two lots that parcel designated as Section 108.00, Block 1, Lot 1 and merge lot 2 with that parcel designated as Section 107.00, Block 2, Lot 8.2, Zone LC45. Minor subdivision. Sketch Plan Review. Subject to SEQR.

Henry Caldwell recused himself from the application.

Nancy Williams, stated that this has been a very long process with 3 owners. They are finally ready to seek approval for a subdivision plan. The original proposal was to purchase the west side of Padanarum Road minus a small piece to the north and that is the same plan. They have applied and received their APA permit. She also provided a copy of the draft Conservation Easement that the State will impose upon the additional 452 acres. They will have 452 acres on the bottom portion and purchasing 43 acres on the top portion. They are asking that these 2 pieces be merged and the Easement will go over all 495 acres.

Nancy Williams stated that they have the right to run a trail from their land into and up to High Nopit. They will also have a parking area and canoe/kayak ramp. They are eager to use this whole area for school programs for nature studies. There are existing snowmobile trails on the property. They do abut some State lands. They have 6400' of road frontage on Padanarum Rd. and 200' on the 43 acre lot. There will be 1,700' on the 22 acre lot that will be retained by the current owner.

Nancy Williams stated that there is an area that they are showing for a possible position for a cabin which would obviously need to come before this Board and the APA for approval. Nancy Williams submitted a SEQRA long form because eventually the property will involve State money.

RESOLUTION

Motion by Don Roessler to declare the Bolton Planning Board as lead agency for SD11-03. **Seconded by** John Gaddy. Henry Caldwell abstained. **All Others in Favor.**

Motion Carried.

Counsel Muller reviewed the SEQRA long form that was submitted by the applicant.

PART 1--PROJECT INFORMATION

Name of Action: Subdivision of 517 acres into 2 lots
Location of Action: Padanarum Road and Trout Falls Road, Bolton, New York, Warren County.
Name of Applicant/Sponsor: Nancy Williams, LG Land Conservancy, Inc.
Address: 4905 Lakeshore Drive, P.O. Box 1250, Bolton Landing, NY 12804
Name of Owner: Norman Wolgin 2002 Indenture Trust, I. Robert Wolgin, Trustee
Address Lakeshore Drive, Bolton Landing, NY 12814
Description of Action: Subdivision of a 517 acre parcel into 2 parcels; Lot 1 will have 22 acres and Lot 2 will have 495 acres. They are then seeking to merge the two lots together.

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

- 1. Present Land Use: Forest
- 2. Total acreage of project area: 517 acres.

APPROXIMATE ACREAGE	PRESENTLY AFTER COMPLETION	
Forested	317 acres	317 acres
Wetland	200 acres	200 acres

- 3. What is predominant soil type(s) on project site?
 - a. Soil drainage: Moderately well drained 62 % of site. Poorly drained 38% of site
 - b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? acres (see 1 NYCRR 370).
- 4. Are there bedrock outcroppings on project site? Yes
 - a. What is depth to bedrock (in feet) varies
- 5. Approximate percentage of proposed project site with slopes: 0-10% - 38%, 10- 15% - 40% and 15% or greater- 22%
- 6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? No
- 7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? No
- 8. What is the depth of the water table? varies
- 9. Is site located over a primary, principal, or sole source aquifer? No
- 10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes
- 11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? No
- 12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations? No

13. Is the project site presently used by the community or neighborhood as an open space or recreation area? Yes

If yes, explain: it is passively used by some local families and the Bolton Sportsman’s Club adjacent to the property.

14. Does the present site include scenic views known to be important to the community? Yes, many residents enjoy the view of wide wetlands and wildlife.

15. Streams within or contiguous to project area:

a. Name of Stream and name of River to which it is tributary- headwaters to Indian Brook.

16. Lakes, ponds, wetland areas within or contiguous to project area: no named features

b. Size (in acres): 200 of the total

17. Is the site served by existing public utilities? No

a. If **YES**, does sufficient capacity exist to allow connection? Yes No

b. If **YES**, will improvements be necessary to allow connection? Yes No

18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? No

19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? No

20. Has the site ever been used for the disposal of solid or hazardous wastes? No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

a. Total contiguous acreage owned or controlled by project sponsor: 517 acres.

b. Project acreage to be developed: 0 acres initially; 22 acres ultimately.

c. Project acreage to remain undeveloped: 495 acres.

d. Length of project, in miles: (if appropriate)

e. If the project is an expansion, indicate percent of expansion proposed. %

f. Number of off-street parking spaces existing ; 0 proposed

g. Maximum vehicular trips generated per hour: (upon completion of project)? N/A

h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially	0	0	0	0
Ultimately	1	0	0	0

i. Dimensions (in feet) of largest proposed structure: height; width; length. Unknown.

j. Linear feet of frontage along a public thoroughfare project will occupy is? 1697 ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? N/A

3. Will disturbed areas be reclaimed N/A

a. If yes, for what intended purpose is the site being reclaimed?

b. Will topsoil be stockpiled for reclamation? No

c. Will upper subsoil be stockpiled for reclamation? No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? Less than 1 acre.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project? No

6. If single phase project: Anticipated period of construction: months, (including

demolition) N/A

7. If multi-phased:

a. Total number of phases anticipated (number)

b. Anticipated date of commencement phase 1: month year, (including demolition)

c. Approximate completion date of final phase: month year.

d. Is phase 1 functionally dependent on subsequent phases? Yes No

8. Will blasting occur during construction? No

9. Number of jobs generated: during construction; 0 after project is complete

10. Number of jobs eliminated by this project. 0

11. Will project require relocation of any projects or facilities? No

If yes, explain:

12. Is surface liquid waste disposal involved? No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount

b. Name of water body into which effluent will be discharged

13. Is subsurface liquid waste disposal involved? No

14. Will surface area of an existing water body increase or decrease by proposal? No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? No

16. Will the project generate solid waste? No

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? No

18. Will project use herbicides or pesticides? No

19. Will project routinely produce odors (more than one hour per day)? No

20. Will project produce operating noise exceeding the local ambient noise levels? No

21. Will project result in an increase in energy use? No

If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity gallons/minute.

23. Total anticipated water usage per day gallons/day.

24. Does project involve Local, State or Federal funding? Yes

If yes, explain: NYS Office of Parks, Recreation and Historic Preservation funding will ultimately be used. NAWC funds as well.

25. Approvals Required:

Type Submittal Date 9/16/11

City, Town, Village Board No

City, Town, Village Planning Board Yes

City, Town Zoning Board No

City, County Health Department No

Other Local Agencies No

Other Regional Agencies no

State Agencies Yes, APA on 9/27/11

Federal Agencies No

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? Yes

If Yes, indicate decision required: Planning Board Subdivision and Site plan

2. What is the zoning classification(s) of the site? LC45
3. What is the maximum potential development of the site if developed as permitted by the present zoning? 11 lots
4. What is the proposed zoning of the site? LC45
5. What is the maximum potential development of the site if developed as permitted by the proposed zoning? 11 lots
6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes
7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?
8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? Yes
9. If the proposed action is the subdivision of land, how many lots are proposed? 2
 - a. What is the minimum lot size proposed? 22 acres
10. Will proposed action require any authorization(s) for the formation of sewer or water districts? No
11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection? No
12. Will the proposed action result in the generation of traffic significantly above present levels? No

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Impact on Land

1. Will the Proposed Action result in a physical change to the project site? No
2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.) No

C Specific land forms:

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL) No
4. Will Proposed Action affect any non-protected existing or new body of water? No
5. Will Proposed Action affect surface or ground water quality or quantity? No.
6. Will the Proposed action alter drainage flow or patterns, or surface water runoff? No

Impact on Air

7. Will Proposed Action affect air quality? No

Impact On plants and Animals

8. Will Proposed Action affect any threatened or endangered species? No
9. Will Proposed Action substantially affect non-threatened or non-endangered species? No

Impact on Agricultural Land Resources

10. Will Proposed Action affect agricultural land resources? No

Impact on Aesthetic Resources

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.) NO

Impact on Historic and Archaeological Resources

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance? No

Impact on Open Space and Recreation

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities? No

Impact on Critical Environmental Areas

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?
No

Impact on Transportation

15. Will there be an effect to existing transportation systems? No

Impact on Energy

16. Will Proposed Action affect the community's sources of fuel or energy supply? No

Noise and Odor Impact

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action? No

Impact on Public Health

18. Will Proposed Action affect public health and safety? No

Impact on Growth and Character of Community or Neighborhood

19. Will Proposed Action affect the character of the existing community? No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts? No

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Motion by John Gaddy to make a negative declaration for SD11-03 having reviewed the SEQR long form and having found no negative impacts for the project as proposed.

Seconded by Don Roessler. Henry Caldwell abstained. **All Others in Favor. Motion Carried.**

Motion by John Gaddy to accept SD11-03 as complete, waive a public hearing, having met the criteria set forth in the code, approve the sketch plan, convert it to final plat and 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** Sandi Aldrich. Henry Caldwell abstained. **All Others in Favor. Motion Carried.**

7) SD11-04 KENZIE PROPERTIES, LLC Represented by Jeff Tennent. To discuss subdivision requirements pertaining to that parcel designated as Section 171.15, Block 2, Lot 51, Zone GB5000. Property Location: 5023 Lake Shore Drive.

This item was tabled at the applicant's request.

The meeting was adjourned at 7:23pm.

Minutes respectfully submitted by Kristen MacEwan