

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday September 22, 2011**

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, Donald Roessler, John Gaddy, Chauncey Mason, Sandi Aldrich, Sue Wilson, Code Enforcement Officer Mitzi Nittmann and Counsel Michael Muller

Absent- Henry Caldwell and Zoning Administrator Pamela Kenyon

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

Herb Koster asked if there were any corrections or changes to the August 18, 2011 minutes.

RESOLUTION

Motion by Sandi Aldrich to approve the August 18, 2011 minutes as written. Seconded by John Gaddy. All in Favor. Motion Carried.

1) **SD09-06 LARKIN, RICHARD.** Seeks to amend prior subdivision approvals dated January 21, 2010. Specifically to create a seventh, wetlands and HOA commons lot as required by the APA. Section 184.02, Block 2, Lot 6, Zone RR5. Major Subdivision. Sketch Plan Review. Property Location: 863 East Schroon River Road. Subject to SEQR.

Richard Larkin stated that per the APA the driveway to access the river needs to be 15' wide from East Schroon River Road to the 7th lot. He stated that it is mapped out on the plan but he would like to reserve the right to move it slightly as lot 6 is developed. The only way to access the river is down the existing trail and it is large enough to drive a vehicle down. The APA wants the access to be initiated from the road through lot 6 to the river. The right-of-way will always be on lot 6, but as he develops this lot, the placement of the house and barn may affect the exact location.

Herb Koster asked if the applicant could provide a metes and bounds description of the easement when it is finalized. Otherwise it might leave an open door for future owners and he would like to have something concrete in hand. Richard Larkin replied yes. The APA was fairly insistent upon this being the access to the river. He stated that he is asking to conform to what is on the APA permit.

RESOLUTIONS

Motion by John Gaddy to declare the PB as lead agency for SD09-06. Seconded by Sandi Aldrich. All in Favor. Motion Carried.

Motion by Sue Wilson to approve SD09-06 as complete, waive a public hearing, having met the criteria set forth in the code, approve the amended sketch plan to convert to final plat and grant final approval of the project as presented with the following conditions: 1) that the applicant provide a metes and bounds description for the easement on Lot 6 to the Zoning Office when complete. 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) **SPR11-18 RAY, DAVID.** Seeks Type II Site Plan Review: 1) amend previous approvals of SPR97-01, specifically to change an art studio & mail order business back to a residential use and construct a guest cottage/deck 2) to enlarge accessory structure containing more than 1500 sq ft. of floor space. 2,220 sq ft exists, 3,220 sq ft proposed. Section 156.00, Block 2, Lot 82, Zone RCL 3. Property Location: 16 Fox Hollow Drive. Subject to WCPB review and SEQR.

David Ray stated that he has 2 structures on his property, the main house, which is his residence, and a structure closer to Route 9N. His wife used the second structure as an art studio and mail order business up until about 6 years ago. She has since moved her business so they no longer need the commercial use.

David Ray stated that his aunt suffered a mild stroke earlier in the year. They have been trying to move her up here for the past 7-8 years since she lives alone, but feel that it is even more important now. He stated that the stroke was mild and did not affect her mobility but he would like to keep a closer eye on her. She is currently living in a facility in Albany. They would like to add an addition on the second structure because she would like to live on her own. The addition would encompass 1 bedroom, a kitchenette, no stove, an ADA accessible bathroom, a living area and small deck.

RESOLUTION

Motion by Don Roessler to declare the PB as lead agency for SPR11-18. Seconded by Sue Wilson. All in Favor. Motion Carried.

Sandi Aldrich asked if the apartment will take up the whole floor or just the addition. David Ray replied that it will just take be in the addition. The existing building has a workshop in the first level and the second floor has an office and rec room.

John Gaddy asked where the current leach field and septic is for this building. David Ray indicated on the plan the location of the septic which is in the green area between the 2 driveways. The tank is 1500 gallons. There is a bathroom in the basement which is a pump up system. He has a letter from D.L. Dickinson indicating review and approval of

the condition of the system.

Don Roessler asked if they considered putting in a ramp. David Ray replied no not at this time. She is currently not wheelchair bound, but she does have a walker. He stated that she does not go out at all other than just outside to smoke. She currently is all on one level and can go outside which is why they wanted the deck. If they need to do this in the future, he would need to come back for approval. However, they would meet the setbacks and would not require a variance.

There was no WCPB impact.

Don Roessler asked if there will be any outdoor lighting on the deck. David Ray replied that he had not thought about it but it would be downward facing and shielded. Herb Koster stated that he believes that they will have to have one there per code.

RESOLUTION

Motion by Don Roessler to accept SPR11-18 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 any exterior 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. **All in Favor. Motion Carried.**

3) **SPR11-19 NOROWAL MARINA INC.** Represented by Dave Decker and Alexander Gabriels. Seeks Type 1 Site Plan Review in accordance with Section 200-34 B & D, and Section 200-35 A & B. Specifically to suction dredge for the eradication of Asian Clams in the body of Lake George and disperse water from dewatering bags on land. Section 171.15, Block 3, Lot 36.1, Zone GB 5000. Property Location: 31 Norowal Road. Subject to WCPB review, APA, and SEQR. *To be heard in conjunction with SPR11-20.*

4) **SPR11-20 BECKLEY REALTY CORP.** Represented by Dave Decker and Alexander Gabriels. Seeks Type 1 Site Plan Review in accordance with Section 200-34 B & D, and Section 200-35 A & B. Specifically to suction dredge for the eradication of Asian Clams in the body of Lake George and disperse water from dewatering bags on land. Section 213.13, Block 1, Lot 48, Zone RM 1.3. Property Location: 36 Hayden Point Loop. Subject to WCPB review, APA, and SEQR. *To be heard in conjunction with SPR11-19.*

Dave Decker stated that he is representing the 25 members of the LG Watershed Coalition. One of their member is the Lake George Asian Clam Rapid Response team who have been chasing this invasive species since they were found it the lake 2 years ago. They have detected areas outside of the 5 acres in the Village; Treasure Cove, Boon Bay and Norowal Marina. While they have been finishing up the treatment in the

Village, which consisted of placing mats over 5 acres of the lake, they have determined that the 2 sites on the agenda up may lend themselves not only to the placement of mats but more appropriately be serviced by suction harvesting.

Dave Decker explained the process of suction harvesting. This is a diver assisted method which uses 4" suction hoses and they literally clean the bottom of the lake. They will collect down to 6" of material at these sites. The material will be collected in textile bags which will need to be placed somewhere and that is part of the permit process. These bags are 50-100' long and 20' in diameter, they are placed on a stone bed which will have a small berm around them. The hoses will pump the material 200-300' feet to the bags and the water will drain out back into the lake. They will have turbidity curtains in two areas to monitor the situation since this is the first time they are using suction harvesting. The bags will stay in place until the turbidity has subsided which should be approximately 4 weeks.

Dave Decker stated that they are hoping to receive their APA permits mid October and from that point the contractors will be on site and begin harvesting along the docks and shoreline. They have been finding the clams mostly in sandy shallow areas. He stated that once the dewatering process has stopped the bags will need to sit for 2-3 days. At that point they will come in and open the bags and remove the sandy material. That material will be moved off site and the Town has asked that it be used at the recreation fields. They are finding less infestation than what was found in Lake George.

John Gaddy asked if they have found any more clams to the north. Dave Decker stated that currently they are out surveying the rest of the lake and will be sampling many areas that they found were sandy areas over the next 3 weeks.

Dave Decker stated that the mats in the Village were difficult to maintain. In order for the mats to be effective they have to be sure that the mats hold their seal on the lake bottom. Due to the wave volume in this area it required a lot of maintenance throughout the process to be sure that the mats stayed in place. They are now in the process of taking the 700 mats out. Dave Decker stated that he would prefer the suction harvesting because it will be done quickly. He stated that the mats are proving to be effective with a 97-98% kill but not only are they killing the Asian Clams but also any native plants or mollusks as well. The suction harvesting will just involve the suction of certain areas and they will only be harvesting 6" deep because they have only found clams 4" deep.

Zandy Gabriels stated that Boon Bay has about 5 acres and the plan is to mat that sometime in the spring. The suction harvesting is something that has not been used in the past and they are trying it in these smaller areas to see about its efficiency and effectiveness. After that they make a determination for Boon Bay as to the method to be used.

Don Roessler asked how long it will take the clams to die once they are harvested. Dave

Decker replied that the mats needed to be down for 45 days in order to get the 97-98% kill. The suction harvesting should be instantly; he does not feel that the clams will be able to survive the pumping action. However, they will be out of the water for 3-5 days which will kill them if they were to survive the pump.

Sue Wilson asked if the suction harvesting is less expensive. Dave Decker replied that the initial outlay of money is more for the suction harvesting than the mats. The mats are less expensive and they did a lot of the work with volunteers so they are weighing that option now. They have to see how efficient the contractors are. They put a lot of contingency into their bids because they have strict standards of what is being accomplished.

Herb Koster asked how they will know if it is more successful method. Dave Decker replied that after 1-2 days they will allow the water to settle and will go back out with divers to resurvey the area and they will have to determine if they need to take corrective action.

Sandi Aldrich stated that the area they are harvesting is rather large and is concerned that they will not be able to get all of the material into just one bag. Dave Decker replied that they will have 2 bags. Don Roessler asked where the bags will be. Dave Decker replied that they will be right on the boat launch ramps so that it is close enough to the water as they can.

Don Roessler asked how long Norowal Marina will be closed down. Dave Decker stated that it will be approximately 3 weeks. He stated that it will be different from Beckleys who will be taking the docks out. Don Roessler stated that Norowal should publicly note their closure so that the public is aware. Zandy Gabriels stated that they will be sure to do that.

Zandy Gabriels stated that the APA has not approved the suction harvesting method but it has been applied for. Dave Decker stated that the APA was waiting to hear what action the PB would take.

Sue Wilson stated that this really requires cooperation of the property owners. Dave Decker replied it does and Ken Beckley is co-applicant for the action. Zandy Gabriels stated that any neighbor or commercial property owner is on board and looking to find the fastest solution.

Don Roessler asked who will be moving the sand. Dave Decker replied that Beckley is interested in the sand on his property. Absent that, the Town has indicated their interest in the sand and will provide vehicles to move it up to ball fields.

Mitzi Nittmann asked if they had researched anything about the electrical current killing the clams. Dave Decker stated that he has read about it is not that familiar with the

technology behind it. He stated that since they have made this discovery they have been advised of several different technologies. He stated that they do not have enough information on the use of electrical current or technologies to make a decision to use them.

Don Roessler asked if the clams survive in the winter. Dave Decker stated that is part of the problem, they are not supposed to. These are warm water clams and the scientists are trying to figure out how they are surviving. They are finding their largest populations of clams around dock with bubblers. He is not sure if that is because the bubbler provides enough heat or kinetic energy to survive or if the bubbler is allowing more sunlight in these areas which is warming the water. He stated that another lake that is not State regulated has 160 acres of Asian Clams and their solution is lower the lake 4' so they are going to freeze the clams.

Don Roessler asked if there will be any odor from the sand or material pumped out of the lake. Dave Decker replied no there was odor with the exception of when they suctioned Harris Bay which had a lot peat and black silt. Zandy Gabriels stated that this material is mainly sand so there will be no odor.

Don Roessler asked if there will be a lot of noise. Dave Decker replied it would sound like a generator running outside of someone's home. Don Roessler asked if the hours of operation will be limited. Dave Decker replied that it will strictly be daylight hours 5 days a week. The APA has required that there be a full time environmental monitor on site.

Sandi Aldrich asked if there will be any other wildlife that could be affected. Dave Decker replied yes any native plant life and nature fresh water mollusks living within those 6" harvested. He stated that is why the APA is involved, these areas are considered a deep water wetland. If there was no vegetation they would not have jurisdiction.

Don Roessler asked if they are aware of any plants on the bottom that are endangered. Dave Decker replied that they have not detected any. The APA has done a plant survey. Zandy Gabriels stated that the APA has acknowledges this same concern and the Darrin Fresh Water Institute is doing a survey of the area right now.

Sandi Aldrich asked if they have to deal with any historical issues. Zandy Gabriels replied yes they will have to do that for both Treasure Cove and Norowal. Dave Decker stated that they also need to get permission from the NYS OGS who own the bottom of the lake. Herb Koster asked if the Army Corp of Engineers has any jurisdiction. Dave Decker replied due to the small size of this they have delegated their authority to the DEC to sign off on it.

Don Roessler asked if the office building and lounge will be protected from the dewatering process at Norowal. Dave Decker replied that there will be a berm around the

bags and there is a plastic liner that will retain the additional water and direct it back into the lake.

Herb Koster asked if the larva from the clams can escape the bags. Dave Decker stated that has to be determined and why they have the second set of turbidity curtains to trap it. However, he does not feel that they will be able to survive the pumping process.

Don Roessler stated that there has been a lot of press about this and asked if the Board felt that it is something they should have a public hearing on. Herb Koster asked if he sees any detrimental results from this. Don Roessler replied no but he is that he was just going over the short form and is wondering whether the public would have any concerns. Zandy Gabriels stated that he does not feel that there would be any public controversy. They have approached all of the property owners that would be affected by this and they are all on board with the project. However, there is a need for continued public education. He stated that they will continue to work with the property owners to accommodate any concerns.

Mitzi Nittmann asked what would happen if they do nothing. Zandy Gabriels stated that their approach is looking at Lake Tahoe who found Asian Clams in 2002 and they did nothing. In the 8 years since then it has spread from a 5 acre infestation to over 200 acres of infestation. In Lake George they are concerned with that large of an infestation; they will consume the nutrients and will create larger algae blooms. Dave Decker stated that a distant cousin is Zebra Mussels and they have been very successful in dodging the Zebra Mussels because they have very low calcium levels in the lake. One of the concerns is that if the Asian Clams were to overpopulate they would create an environment for the Zebra Mussels to return.

Bob Weisenfeld stated that as he sees it, the only public issue would be the closure of the ramps and felt that they may want to require immediate notice that the ramps are closing. Dave Decker stated that they did something like this in Lake George with signage. The signage indicated their work area, time frame and contact numbers for responsible parties. Additionally marina owners also made their customers aware.

Don Roessler asked if this could be placed in the newspapers. Dave Decker replied yes they have a news release every month. Zandy Gabriels stated that he does not feel that they will be getting the suction harvesting started until Halloween, which is when Norowal closes. Don Roessler stated that he would like to take a proactive approach and be sure to notify the public. Zandy Gabriels agreed. Sue Wilson asked if they have notified the Norowal neighbors. Zandy Gabriels replied yes and they are all on board.

Zandy Gabriels stated that a point was raised earlier about cost of the suction harvesting versus matting. He stated that the matting used a tremendous amount of volunteers. He stated that if they were to do this with contractors, it would require a tremendous labor hours to deal with and pay for. He stated that they will need to find out how much those

hours would equate to in order to have a true comparison of the cost analysis between the methods. John Gaddy asked what Tahoe is spending a year to control the Asian Clams. Zandy Gabriels stated that it is in the millions.

Counsel Muller asked if this is a Class A Regional Project. Dave Decker yes. Counsel Muller read from the Code regarding Class A Regional Projects Section 200-34B & D and 200-35 A & B.

Don Roessler asked if they wanted to put any conditions or limitations on their hours of operation. Herb Koster replied that he would rather see this open for them to do what they need to do. Their intent is to work 5 days/week. Sue Wilson stated that she would rather leave it open especially since they are not in the height of the season.

RESOLUTION

Motion by John Gaddy to recommend approval of SPR11-19 and SPR11-20. After the presentation and questions from the Board they have reviewed items in Section 200-31 A-D and find these projects in compliance. The environmental concerns of SEQR C1-7 have been addressed and the Planning Board recommends approval as presented. With these projects as Class A Regional projects they have also read, understood and made their positive statement based on their review of 200-34 B & D and 200-35 A & B.

Seconded by Don Roessler. Chauncey Mason abstained. **All Others in Favor. Motion Carried.**

The meeting was adjourned at 7:15pm.