

**Town of Bolton
PLANNING BOARD
MINUTES**

Thursday December 20, 2012

6:00 p.m.

SEQR = State Environmental Quality Review

PB = (Town of Bolton) Planning Board

WCPS = Warren County Planning Board

APA = Adirondack Park Agency

LGPC = Lake George Park Commission

DEC = Department of Environmental Conservation

Present- Herb Koster, Henry Caldwell, John Gaddy, Chauncey Mason, Kirk VanAuken, Sandi Aldrich, Gena Lindyburg, Counsel Michael Muller and Zoning Administrator Pamela Kenyon

Absent- Donald Roessler

The meeting was called to order at 6:02 pm.

Herb Koster asked if there were any changes or corrections to the November 15, 2012 minutes.

Gena Lindyberg stated that she was not present for the meeting.

RESOLUTION

Motion by Henry Caldwell to approve the November 15, 2012 minutes as amended. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

1. V12-44 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) for **1)** redesign the docks at the boat museum/warehouse to enable the Morgan to be docked there perpendicular to the shore; and **2)** to relocate and redesign the dock where the Morgan currently docks in the summer. Boat rentals are proposed in this area. Existing dock to be removed. Section 171.16, Block 1, Lot 16, Zone PUD. Property Location: 110 Sagamore Road. Subject to WCPS, ZBA, PB, APA and TB review. Subject to SEQR. Note: This application replaces V12-01 as it pertains to the berthing of the Morgan.

Ben Pratt stated that in 2011 the applicant sought approval for a variety of projects including a variation of what is being proposed in this application. This PUD amendment has been approved by the ZBA. Since the approval 2 things happened. With regard to the Morgan they went to the LGPC for a permit. However the LGPC dove at this site and found that there was not enough depth on a year round basis and therefore suggest docking perpendicular. They have approved this position rather than the parallel position. He stated that they are now here seeking approval of the PUD amendment that was previously approved.

Ben Pratt stated that the new Morgan location was of concern to FR Smith because they were concerned that they would not have access to those slips. However that has been addressed because a separate entity has purchased that property.

Ben Pratt stated that overall Sagbolt is reducing the square footage and number of boat slips.

With regard to the current dock of the Morgan, Ben Pratt stated that area was to be used for the Chir's

Marina operation. However the neighboring property owners, Cryst, Blesser and Baum had some concerns and started litigation. That has since been resolved with a stipulation. The neighbors are now content with this proposal and they will be moving the dock further away from the property line. This will move the rental operation away from the main part of the hotel.

Ben Pratt stated that in terms of boats, the agreement they have with the neighbors is that they will have no more than 20 boats in that location.

Herb Koster stated that this property is under 2 different titles. If they recommend approval and the applicants sell the property they will be dealing with the issue of Sagamore property infringing upon someone else's riparian rights. Ben Pratt stated that historically the Sagamore had a lease agreement with FR Smith for dry docking of the Morgan. That lease or a similar lease may or may not survive for various reasons. Herb Koster stated that the lease has not been signed yet and asked if they can allow approval to berth a boat on someone else's property. Ben Pratt stated that Sagamore Storage LLC is the owner of the FR Smith property and will allow for dry docking to occur. If Sagamore Storage no longer owns the property then that right may no longer exist. Herb Koster stated that he would like to see it in writing that this lease exists. He would recommend that the TB not do anything until a lease is shown.

Ben Pratt stated that the Sagamore Storage could grant an easement. Herb Koster stated that he would like to protect the potential next buyer of the property.

Henry Caldwell stated that when this was first presented he felt that there was no question as to allow the Morgan to dock where it has always docked in the winter months for the past 25-30 years. Now the LGPC has found this to be too shallow.

Henry Caldwell asked if the docks will be wood crib docks for both locations. Ben Pratt replied yes. They will be removing the existing dock and cribbing in both locations.

Herb Koster asked where the Morgan will load passengers. Ben Pratt replied that passengers will be picked up at the steamboat dock. The back dock will be used to dock and service the Morgan.

Henry Caldwell asked what will happen if the dry dock will need to be used. Ben Pratt stated that he is not sure how that will work or if there is any agreement that still exists to use the dry dock. However it is not something that couldn't be worked out.

Ben Pratt stated that there are no lights on the dock and the problematic ones on the building have been removed. He continued that any additional exterior lights will be downward facing and shielded.

Herb Koster stated that he would like to see more detail with regard to construction of the cribbing and dock. Ben Pratt stated that he would imagine that they would use Chris Gabriels as they always do. Henry Caldwell stated that if they choose not to use wooden docks they will have to come back to them.

Herb Koster stated that he noticed that the applicants are seeking to have the rental docks 7' wide. Ben Pratt replied yes they felt that it was safer for people loading and unloading boats.

Sandi Aldrich stated that her biggest concern is the safety in that bay. Within 500' of that boat there are 6 marinas. She has huge concerns with the Morgan backing out into that bay; it is the busiest bay. Ben Pratt stated that they would have preferred to have docked parallel but this was the LGPC decision. He stated that this is a 5mph zone and it will be pulled in and out of there twice a day. Sandi Aldrich stated that she does not believe where the Morgan is depicted is accurate. She feels that it will stick out another 25-30' further beyond the dock. The boat is 72' long and the dock is only 50'. Ben Pratt stated that is correct but the warehouse is over the water. Henry Caldwell stated that is of concern as how long the stern will still be out into the bay. Ben Pratt stated that he was not involved in the drawings but he would imagine that the LGPC reviewed these plans as well.

Gena Lindyberg asked if the captains of the Morgan were made aware of the new docking position. Ben Pratt stated that the captains were involved in the process.

Herb Koster stated that he would like to have more information about the width and length of the boat, length of the area where the boat will be docked, as well as the depth of the water. He doesn't understand how the LGPC can take away the parking in front of the building which it has been there for 25 years. Ben Pratt stated that he agrees but this is a battle between the Town and the LGPC. Herb Koster stated that he thinks they may have a problem with this boat sticking out in the lake but he wouldn't know that because there are no dimensions. He would like to see some verification that the Morgan will fit here. Henry Caldwell stated that he thinks that the Morgan will be sticking out 20-25'.

Herb Koster stated that he does not feel they can make a recommendation to the TB without further information. Ben Pratt asked if they could split it up because the Board does not seem to have a problem with the Chic's docks. Herb Koster replied that he would rather wait because they are taking away dock space there to accommodate the new operation. If they do not get approval to move the Morgan to the proposed location they may need to keep it where it is. Ben Pratt stated that he is not concerned with that because he believes that there is enough square footage to accommodate the Morgan.

Henry Caldwell asked if there will be any lighting on the Chic's docks. Ben Pratt replied the operation only runs from 9am-6pm and any lighting will be downward facing and shielded.

Henry Caldwell stated that he would like to see more information on the exact position that the Morgan will be docked in, depths in that area, details regarding the cribbing and docks, language easement, note on drawing with regard to the lighting.

RESOLUTION

Motion by Henry Caldwell to table application V12-44 pending further information on the following: 1) the exact position of the Morgan on the proposed new dock, 2) provide depths in the area where the Morgan will be docked, 3) details for the cribbing that will be used for the docks, 4) provide easement language between Sagbolt, LLC and Sagmore Storage, LLC, and 5) the information regarding lighting to be indicated on the plan. **Seconded** by John Gaddy. **All in Favor. Motion Carried.**

2. SPR 12-30 BOLTON FIRE DISTRICT. Represented by Rich Kober. Seeks Type II Site Plan Review for an advertising sign greater than 4 square feet. Approximately 15 square feet is proposed. Section 156.00, Block 1, Lot 35, Zones RL3 & LC25. Property Location 87 Finkle Road (Highway Garage). Subject to WCPS review. Subject to SEQR.

Rich Kober, Deputy Chairman of the Bolton Fire Commissioners stated the Fire District currently owns 2 properties; the firehouse on Lakeshore Drive across from Stewarts and the second is the 10% ownership of the Bolton highway Dept garage on Finkle Road. The western end of the building is owned by the Fire Department and they would like permission to put up a sign showing that it is owned by the fire district.

Rich Kober provided a copy of the design of the sign. He stated that it will be approximately 14 sq. ft. The sign will indicate "Bolton Fire District Station 2".

Sandi Aldrich asked if there will be any lights. Rich Kober replied there will be no lights.

RESOLUTIONS

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR12-30. Seconded by Henry Caldwell. All in Favor. Motion Carried.

Motion by John Gaddy to accept SPR12-30 as complete, waive a public hearing, and having met the criteria set forth in the code, grant final approval of the project as presented. This motion includes a 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. V12-47 ABBATIELLO, JOSEPH & CAROL – BEGGS, GREG – JAQUEWAY, DEBORAH – HIATRIDES, JAMES & FLORY – JANSON, HERBERT – SWOPE, ANN – LOKUS, RONALD – O'REILLY, JAMES & TERESA. Represented by Frank McDonald. In accordance with Section 200-93 (other regulations applicable to Planned Unit Developments), seeks area variance (PUD Amendment) to allow 5 patios to remain, extend one patio and construct 2 additional patios. Section 157.05, Block 1, Lots 88.34, 88.37, 88.32, 88.33, 88.36, 88.35, Zone PUD. Property Location: Lagoon Manor. Subject to WCPS, ZBA, PB, APA and TB review. Subject to SEQR.

Frank McDonald stated that he is representing these 7 homeowners at Lagoon Manor who are seeking to keep or build walk-out patios underneath their existing decks. These are the only 7 units that have walkouts in Lagoon Manor. Five of these units are after the fact because people just put them in. The patios are nothing more than dry laid blocks laid flush with the ground. However one of the homeowners put up 2 little walls which can be removed. Frank McDonald stated that he has heard from the APA who indicated that this is non-jurisdictional.

Herb Koster stated that he does not have any issue with the small walls, he wouldn't see a reason to take them down. Sandi Aldrich stated that because there is a deck above them it shouldn't have any effect. Pam Kenyon stated that the ZBA was a little concerned about the stormwater since it was not included in the master storm water calculations. Frank McDonald stated that John Michaels was hoping to have some sort of stone trench by the patio. Herb Koster stated that the applicants could also install a French drain to help with absorption as well.

Herb Koster stated that he is not concerned with the additional stormwater. There is additional lawn there and it is not a large enough space to do much with plantings. Frank McDonald stated that one of his drawings he remembers seeing patios and decks for these buildings but he could not locate it when he started this application process.

RESOLUTION

Motion by Henry Caldwell to make a favorable recommendation to the Town Board for approval of the PUD amendment for V12-47. **Seconded by John Gaddy. All in Favor. Motion Carried.**

4. SPR12-28 JUMBO REALTY LLC. (Camp Walden) Represented by Peter Loyola of CLA Site. Seeks Type II Site Plan Review for **1)** to amend approvals for a Group Camp. Specifically for the construction of a proposed 2,230 square foot staff housing building (Admin. 11) and Boys cabin B2 ½; and **2)** an amendment to a major stormwater project to include an additional .4 acres. Section 185.00, Block 1, Lot 32, Zones **RCL3**, LC25 and LC45. Property Location: 429 Trout Lake Road known as Camp Walden. Subject to WCPS review. Subject to SEQR. See V12-46 for 6' cuts associated with this project.

Peter Loyola provided details of Phase 3 for the project. They have submitted all of their plans to DOH and they are waiting for them to review the plans.

Peter Loyola stated that they will be taking some of the cabins around the admin 2 building and adding them to the new septic system. This is all part of their stormwater management plan. They have amended the plan to include phase 3. All stormwater will be handled with dry wells for all the buildings and have a drainage swale and bio-swale on the side of the building to handle the extra impervious surfaces. They have good soils and infiltration rates. They have already gone before the ZBA to get a variance for the retaining walls on the back of the building. Mark Bernstein stated that the building itself has entrances in front and back that meet all fire code. They are working with DOH to meet code with regard to fire code without having to install sprinklers throughout the entire building due to the cost. They have put in extra staircases, fireproof sheetrock as well as other things in hopes to get a variance for the sprinklers.

Henry Caldwell asked if he will have to insulate this building. Mark Bernstein replied yes because he will want to air condition the building.

Herb Koster stated that we try to eliminate segmentation and he is not against what the applicants are doing but this applicant has approached them several times in the past few years. Counsel Muller stated that they could ask the applicant about future plans. Mark Bernstein stated that he has always been very open about what they are doing in the future. Peter Loyola stated that the applications have been for new buildings and modifications however most of it was previously disturbed area or redevelopment in the same footprint. He stated that they have talked about a master plan but these are mostly infrastructure improvements. Herb Koster stated that he is just looking for advice from legal counsel to protect the applicant. He stated that he understands that projects change based on cash flow and design.

John Gaddy stated that this will be seen from the lake and he asked how it will be lit. Peter Loyola explained that they would use downward facing shielded lighting. Herb Koster stated that they need to be sure that the lights are coded for safety on the stairs. John Gaddy asked what colors will be used for the siding. Mark Bernstein replied that they will be doing log siding.

Gena Lindyberg asked if the septic is sized adequately. Mark Bernstein replied yes. Peter Loyola stated that Mike Shaw from the Health Dept has been out to do review the septic system and this is

more than adequate capacity. Gena Lindyberg asked what the occupancy would be for the Admin building. Mark Bernstein replied 1-2 people per room.

Henry Caldwell asked what the construction schedule would be. Mark Bernstein replied that the smaller cabin will be done for the season but more than likely the admin building will have to wait until fall.

Henry Caldwell stated that he knows that the applicant needed to take the trees down but asked about the trees being replanted. Mark Bernstein stated that they will start to be planted this spring. There are also planting around the basketball courts and cabins as well. Peter Loyola stated that once they get the main office lodge and infirmary plans in place they will be sure to have a master planting plan in place. They will continue to add to the vegetation. Mark Bernstein stated that they also have shielded all of the lights to cut down on the light pollution.

Kirk VanAukin asked what other phases they anticipate. Mark Bernstein replied that the main office building will be replaced, they are considering a maintenance building and replacing the infirmary. As well as continue to upgrade the cabins.

John Gaddy stated that the Board has had discussion with regard to the applicant's segmentation of this process and discussed the practical difficulty with doing that at this time. The applicant will provide a master planting plan in the coming year. He stated that he would like to see a master planting plan by September 2014.

RESOLUTIONS

Motion by John Gaddy to declare the PB as lead agency for SPR12-28 and accept as complete, waive a public hearing, and having met the criteria set forth in the code, grant final approval of the project as presented with the following conditions: 1) any exterior lights are downward facing shielded, and 2) A master planting plan will be provided by September 2014. 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.**

The meeting was adjourned at 7:32pm.

Minutes respectfully submitted by Kristen MacEwan