

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday March 22, 2012
6:00 p.m.**

SEQR = State Environmental Quality Review
PB = (Town of Bolton) Planning Board
LC-LGRP = Lake Champlain/Lake George Regional Planning Board
APA = Adirondack Park Agency
LGPC = Lake George Park Commission
DEC = Department of Environmental Conservation

Present- Herb Koster, Henry Caldwell, John Gaddy, Donald Roessler, Sandi Aldrich, Chauncey Mason, Kirk VanAuken (as a non-voting member), Zoning Administrator Pamela Kenyon and Counsel Michael Muller

Absent- Gena Lindyberg

The meeting was called to order at 6:10 pm.

PUBLIC HEARING

1) SPR11-28 GRAMEGNA, JOHN. Seeks Type II Site Plan Review to amend SPR00-28 approved on October 12, 2000 for a bed and breakfast. Specifically to allow an additional bedroom and large gatherings/events for up to 125 people. Section 213.17, Block 1, Lot 9, Zone RCM1.3. Property Location: 3841 Lake Shore Drive known as Somewhere in Time Bed & Breakfast. Subject to WCPS review. Subject to SEQR. *NOTE: This item was tabled at the January 2012 meeting pending additional information and a public hearing.*

Note: Henry Caldwell recused himself. Kurt VanAuken sat in Henry Caldwell's place.

Peter Murray stated that the applicant is seeking an amendment of an existing site plan review from 2000 that converted the property to a bed and breakfast. The application includes the request to add an additional bedroom which the applicant no longer seeks to do. The sole request is to allow a gathering facility to accommodate up to 125 people. The zone allows for the existing use of tourist accommodation. Part and parcel with tourist accommodations are gathering locations for the tourists. The applicant looks at this as a relatively straight forward application to allow the use of the property to allow the use for gathering services and locations for the customers. He requested to move forward with the public hearing.

Herb Koster explained to the public in attendance that they have one recusal on the Board because of his association with another project that the Lake George Land Conservancy is involved with. However, they do have an alternate who is able to review and vote in his place.

Ben Pratt representing the Diamond Ridge HOA who has the 15 lots above the proposed project on the private road owned by the HOA across which the applicant has certain easement rights.

Ben Pratt stated that the HOA opposes the project from procedural and substantive grounds. With regard to procedural grounds, under SEQRA a project being reviewed by a Board is not supposed to be segmented. In this case there was an original review for the pavilion and the applicant is back for the pavilion to be reviewed as a mass gathering facility. This is allowing the project to be reviewed separately and SEQRA requires that it be reviewed in its entirety. In this situation there are some significant environmental issues under SEQRA that they feel should be handled together.

Procedurally, Ben Pratt stated that this is a substantial change in use for this facility. The applicant currently has a bed and breakfast with 5 bedrooms; the impact of which should not increase more than a house having several guests. This proposal is creating more impact by adding a banquet hall or party house for weddings and events, all of which will be held outdoors. Because the change in use is so severe he feels that this requires a use variance and not a special use permit. Ben Pratt stated that in RCM1.3 the only permitted use is for a detached single family home. There are Type I and Type II special uses under a special use permit. However those activities include a tourist accommodation under type I and a restaurant is under type II. Neither of those would rise to the level of what is being proposed with 125 people in a banquet hall outdoors with music, food, etc. Ben Pratt stated that the HOA feels it is a huge change in the neighborhood. Taverns and restaurants are allowed in other zones but not in RCM1.3. They feel that there should be an application for a use variance.

Ben Pratt stated that if the Board does decide to review this tonight. Under SEQRA they need to address the following; 1) traffic and noise levels, 2) impairment of the character of the existing community, 3) substantial change in the intensity of use and 4) the comparison of the amount of people this proposal will encourage or attract to the number of people who would come to such place absent the action. He feels they need to postpone the project and require an EIS. There needs to be a more thorough review of all the issues involved.

Ben Pratt stated that if the Board decides to review this proposal on the merits they would urge that the project be denied for all the same reasons. They feel there is going to be a significant change in use and intensity; there will be a lot more people and noise and they need to address traffic and parking issues. Additionally it is a use that is out of character with the neighborhood in which this bed and breakfast is located. Ben Pratt stated that the HOA has no objection to the bed and breakfast nor did they object to the pavilion because there was no specification of use in the original application. He requested that this be looked at as a use variance rather than a special use permit and if they consider it he feels that it will require EIS.

Paul Bushea, stated that he has been coming to Lake George all of his life and worked for many prominent businesses in the area including the Lake George State Million Dollar Beach, the Lake George Steamboat Company and Lake George Opera Festival. His 12 years with the LG Opera Festival is what brings him here tonight. He provided a history of the parcel. In 1952 Donald Johnson procured this property and established a training center for young singers called

The Studio of Song. In 1954-1955, in the rear of this property an amphitheater was created the remnants of that theater remain. In 1962 a gentleman named Fred Patrick founded and established the Lake George Opera Festival on this property. In the course of 3 years, they enclosed the amphitheater and installed 230 seats and the company presented productions from 1962 through 1964. The company then moved from there to the Queensbury School, Mr. Patrick died and David Lloyd became the General Director until 1980. Paul Bushea stated that after the opera left, the building was used as a bar restaurant called the Back Stage Tavern or Canteen and a few years later the same kind of business was run under the Red Rooster. He stated that for the past 60 years this property has been known historically as a gathering place.

Paul Bushea stated that he met the applicant about a year and a half ago. He has found the applicant to be an honest man who has been following the rules and is trying to preserve the significant history of this property. He stated that there have been a number of wedding at this site over the last decade so he would question whether this would be considered a new use or change of use. It is simply an enhancement and restoration of activities and gatherings that have been occurring on the property for the past 60 years.

Con Burke stated that he has been doing much of the construction and work on this property. He feels that the applicant has put a considerable amount of thought, time, effort and money into enhancing and preserving this property. He feels that once the construction is done they will see a nice environment that blends well. As a business man in the community, businesses stand to be able to generate economic stimulus from different vantage points. He sees this as an opportunity for restaurants doing catering, wine and liquor store, flowers, etc being able to sell their products for these events. Con Burke stated that this will not be used daily for 125 people; it won't even be used 12 months of the year.

Scott Gunther stated that the applicant approached him with regard to wildflower gardens and stormwater management. The applicant had already done stormwater before the Lake George Waterkeeper spoke with him. He is in tune with native species and looking for professional advice how to install and handle other stormwater issues. Prior to the applicant taking over the property, it was starting to look distressed and the applicant has done a tremendous job restoring it. The applicant has been very conscientious and responsible in his development of the lot so far. Scott Gunther feels that any type of growth we can get in this area is welcome and it is business that could help the community.

Pete LoPiccolo, neighbor, is not opposed to the project and the applicant has done a beautiful job with the property so far. He stated that he would like to see a buffer put up between the properties if there is going to be parking adjacent to his property. With regard to music he would like to see some sort of restriction or enforcement of the ordinance. With regard to lighting he would like to see some sort of buffer to block lights because some of the current lighting floods into his home.

Peter LoPiccolo stated that he would also like to see some type of management with the guests with regard to accessing the lake. He would like to see some type of organization so that guests are not walking on other people's property.

Con Burke stated that he and the applicant have been discussing buffering the entire side along the property with trees, shrubs and other vegetative cover.

Peter LoPiccolo stated that he knows there is a retention basin across from the driveway and when they get massive floods it flows right across his property.

Counsel Muller read the following letters:

- Letter from Jane E. Bozzone, neighbor in Diamond Ridge Subdivision, opposed to the project.
- Letter from Vernon Wetmore opposed to the project.
- Email from John Dreps, neighbor in Diamond Ridge Subdivision, opposed to the project.
- Email from Lawrence and Carolyn O'Connell, adjoining neighbor, opposed to the project.
- Letter from the Lake George Waterkeeper, raising the following concerns 1) review of adequacy of waste water system, and determination of whether the applicant needs a SPDES permit, 2) require stormwater management and 3) requiring parking plan which includes traffic flow, slopes and vegetation.
- Letter from Robert Millham opposed to the project.
- Letter from Alex Jeyschune Diamond Ridge HOA president opposed to the project.

With regard to the comments about the maximum number of people allowed at the facility, Scott Gunther stated that any public or private business has a maximum occupancy and it is done by calculation and required by state law. The applicant would have to adhere to that number and would not allow more than that.

RESOLUTION:

Motion by John Gaddy to close the public hearing. Seconded by Sandi Aldrich. All in Favor. Motion Carried.

REGULAR MEETING

Herb Koster asked if there were any changes or corrections to the February 16, 2012 minutes.

RESOLUTION

Motion by Sandi Aldrich to approve the minutes as written. Seconded by Don Roessler. All in Favor. Motion Carried.

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bedroom and large gatherings/events for up to 125 people. Section 213.17, Block 1, Lot 9, Zone RCM1.3. Property Location: 3841 Lake Shore Drive known as Somewhere in Time Bed & Breakfast. Subject to WCPS review. Subject to SEQR. *NOTE: This item was tabled at the January 2012 meeting pending additional information and a public hearing*

Peter Murray addressed the comments and concerns by the residents and neighbors. With respect to septic concerns, there is no more concerns since the engineer for the applicant as well as the Town engineer have reviewed the possibility of portable toilets to be utilized during any event at the pavilion. With regard to parking, Peter Murray stated that they have 45 designated spots which were also reviewed by the 2 engineers and they determined that it was adequate and acceptable parking for the events to be held at the facility.

With respect to concerns of noise and light, Peter Murray stated that the Town has a noise ordinance which limits the hours and the applicant will inform all guests of those obligations. The pavilion will have some lighting on the inside of the facility aiming inward. There will be some goose neck exterior lighting with shades which again will deflect downward.

With regard to use, Peter Murray stated that the use contemplated is clearly included within the Town's code for the zoning district. A tourist accommodation in this zoning district in the Type I permitted use is a facility, hotel or resort for over 75 units. These gathering facilities are part and parcel of these types of operation. Paul Bushea spoke about the history and how the opera house had a seating capacity of 230 people. The 125 is an estimate maximum for events, the applicant does not anticipate having that large of events regularly.

Peter Murray stated that the applicant is only providing a space for his guests to gather with some tables and chairs and portable toilets. The applicant is not providing food service, alcohol, music, flowers, etc for any of the events. It would be organized by the customers who would hope to utilize local businesses. He stated that this clearly falls under the permitted uses for the code and will not be subject to the ZBA for a use variance. In December 2011 the Zoning Administrator determined that this application requires Type II Site Plan Review. If there was a problem or challenge to that interpretation it should have been done at the ZBA level and not appropriate to bring it up here. With regard to the allegations being raised by the HOA's attorney, he feels that they are not supported. However, he would like the opportunity to respond in writing. If the Board wanted these items addressed he requested to adjourn this matter so that the applicant would have an opportunity to respond to the legal issues.

Herb Koster stated that he has no legal issues with the application.

Don Roessler stated that he has 2 concerns; both have to do with parking. On the south side of the driveway, there is quite a steep bank and it poses quite a danger. He also is concerned with spots 34, 35, 36 and 37 in the driveway because it would be difficult to get emergency vehicles to the site if cars are parked there. He knows the engineers have looked at it, but he is

concerned with the parking mainly for safety.

John Gaddy stated that he is concerned with the lights that already exist and the noise. If parking spots 1-10 require removal of vegetation, he asked what type of vegetation would be installed to accommodate parking and a buffer. John Gramegna stated that the south side of the road slopes back into a pond which goes down to the culvert at the end of the road. If there was any paving done it would be sloped to the pond and a buffer could be put in. He stated that all of that dirt has been packed down over 50 years; it was a driveway that used to come in off 9N. He stated that they have a good tree buffer already and they will not be taking any down. He stated that they can add more vegetative buffer or a fence as well. With regard to lighting, John Gramegna stated that he thinks it is coming from his pool side and he will make sure that they are on a timer switch.

John Gaddy asked for the applicant to address the guest access to the lake. John Gramegna explained the designated area. He stated that the bed and breakfast guests have access but the events would not have access to the lake.

John Gaddy asked how the stormwater from Diamond Ridge was put on his property. John Gramegna stated that he is unsure but it is. Pam Kenyon replied that it was that way to begin with. Herb Koster added that the original developer held title to the subject parcel as well. He asked if they will provide a buffer on the west side of the property due to the concern from neighbors' correspondence. Peter Murray replied that the applicant is under contract to purchase the lot immediately to the west of his, strictly to create a buffer. It is a 12 acre lot with significant wetlands.

Pam Kenyon stated that if any pavement is added to the south side for parking she will review it for stormwater.

Sandi Aldrich asked if they deleted those 4 parking spots on the driveway would it reduce their maximum occupancy total. Peter Murray stated that would have to be answered by the engineers. However he would expect it to decrease. Sandi Aldrich asked if the reduction would cause a problem for the applicant. John Gramegna replied no, but he would prefer to have the max permitted and would more than likely come back to the Board with the 4 additional spaces. Herb Koster stated that if this did get voted on, those parking spaces would be eliminated because they like to work with the fire and emergency services. Pam Kenyon stated that if they were to reduce those 4 parking spots that it would be reduced by 16 people.

With regard to the portable toilets, John Gaddy stated that they can be done so that they are not unsightly. John Gramegna stated that he could build a shed type facility over the portable toilets along the garage so they wouldn't be seen. He understood that he would need Board approval if he were to do that.

John Gaddy stated that it seems that noise is a consistent concern with the neighbors. He stated that they do not want the sound to be a detriment to the existing residents. Even though the applicant has done things the right way it seems to still be a major issue with all of the neighbors.

Don Roessler asked how many events the applicant plans to do a year. John Gramegna replied that he feels that it would be 12-16 events.

Don Roessler asked if there will be any curtains on the facility. John Gramegna replied not at this time but it has been built and rated to do so if he wanted to. He stated that he has a 2' overhang around 3 sides and a 6' overhang across the back. In the event of bad weather or wind they may have to address it but he had not planned on it. Don Roessler stated that he is asking because in the past people have asked to build porches for outdoor use and then suddenly there is a roof over it and it is enclosed. John Gramegna stated that he understands that he would have to come back before this Board if he wanted to close it in. He stated that he has put a tremendous amount of money into this project to cover it up. The beauty and integrity of the structure would be lost.

Peter Murray stated that the applicant would like an opportunity to go back to the engineers to see if they can come up with relocating the 4 parking spots.

The Board provided the applicant with their concerns that they would like addressed at the next meeting. John Gaddy stated that he wanted to see the lights downward facing and shielded. Sandi Aldrich stated that she would like to see the traffic flow addressed. John Gaddy stated that he would like to see some information regarding the HOA's concern about the public using the driveway. Peter Murray stated that he would do some research to provide to the Board.

RESOLUTIONS

Motion by John Gaddy to table SPR11-28 at the applicant's request in order to develop alternate parking plan for spots 34-37. **Seconded by** Don Roessler. **All in Favor. Motion Carried.**

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR11-28. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by John Gaddy to recommend that the SEQRA short form is adequate for the review of SPR11-28 since the Planning Board has not seen or heard of any environmental issues that would be of concern. Additionally the concerns about traffic or whether or not the project is in harmony with the general purpose of the Zoning Ordinance and neighbors are covered in the short form. The Board requested the following from the applicant: 1) to further review and provide clarification of the driveway easement with Diamond Ridge Subdivision as defined by deed specifically regarding public use; and 2) any existing or new exterior lighting is to be

downward facing and shielded. **Seconded by Don Roessler. All in Favor. Motion Carried.**

2) **V12-01 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 amend V11-23 to berth the Morgan at the dock extending from the north end of the former boat museum rather than parallel to the shore. Section 171.16, Block 1, Lot 16, Zone PUD. Property Location: 110 Sagamore Road. Subject to LC-LGRP, ZBA, PB, APA and TB review. Subject to SEQR. *NOTE: This portion of the application was tabled at the February meeting pending additional information.*

Note: This item has been tabled at the applicant's request.

3) **SD12-01 SALAMONE, KEN.** Represented by the Phinney Design Group. Seeks to amend previously approved plat (SD05-23 Wide Water Subdivision), specifically to create a lot line adjustment between lots 1 and 2. Section 213.05, Block 1, Lots 6.1 & 6.2, Zone RM1.3. Property Location: 4124 Lake Shore Drive. Subject to SEQR. *NOTE: To be heard only if a successful variance is granted for a deficient lot width (V12-02).*

Mike Phinney stated that the last time they were before the PB they received a positive recommendation to the ZBA with some requirements. The question about the deed restriction about the house placement was brought up at that meeting. However, the applicant's attorney felt as though it was redundant given the fact that the lot already has legal restrictions regarding tree cutting and any improvements requiring site plan review. Herb Koster stated that they are looking for the offset from the lake as a deed restriction. Mike Phinney stated that he feels that any location of any structure would fall under site plan review. Herb Koster stated that they would like to have that. Mike Phinney stated that they could take a look at that a little later in the presentation.

Mike Phinney stated as per the PB request they had the stormwater plan reviewed by the Town Engineer. Pam Kenyon made a determination that this was a minor stormwater project after consulting with the Town Engineer. There were some comments from the Tom Center that Mark Tabor has responded to and since received approval. Mike Phinney stated that architecturally the project hasn't changed. Mark Tabor will be explaining the minor stormwater changes.

John Gaddy asked that since the two lots were owned by the same owner, was the stormwater calculations run for the 2 lots together. Counsel Muller stated that it may make some sense to do that but they have a specific project here and perhaps could be considered redundant because they also require it on the vacant lot which will come back again under site plan review. Mike Phinney replied that any area of disturbance has been looked at comprehensively which includes the small area of the existing lot 2.

Mark Tabor, LA Group, stated that originally they based their stormwater calculations on the existing house and gravel driveway which was included in the impervious area. That totaled 9,000 sq. ft of existing impervious area. Taking into account measures such as a green roof and permeable pavers, they would be significantly decreasing the amount of impervious area on the site, so much so, that they would not be required to do any stormwater management on the site. However, the applicant volunteered to treat a ½” of rainfall that would fall on the roof which is typical of a re-development project. They created a rain garden and had Tom Center review the plan.

Mark Tabor stated that Tom Center suggested they look at the property as though the house was never there, which brought their existing impervious area down to 5,310 sq. ft. The proposed impervious area is 5,370 square feet so there is a net increase of 60 sq. ft. When that is used in the calculation for minor stormwater they are required to handle 12 cubic feet of stormwater. He stated that they decided not to make any changes to the stormwater plan since they had already oversized their rain garden which can hold 300 cubic feet of stormwater. Mark Tabor stated that Tom Center did make another suggestion of using some deep sumps on some of the catch basins as overflow devices in the permeable pavers. Other than the addition of some construction details the changes to the stormwater plan are minimal.

Henry Caldwell stated that he is concerned with these permeable pavers and doesn't see how this is going to work with the compacted substrate. He is not sure where all the water is going to go. Mark Tabor stated that the existing ground is not compacted. They will excavate what is required off the top which is approximately 18” and replace with several layers that will not compact. He provided more details about the permeable paver system. He stated that they are not looking to store additional water but rather reduce some of the impervious area that exists. Their perc tests showed 2”/hour and 12”/hour which is well above the DEC minimum requirement of ½”/hour. Herb Koster stated that he understands that you cannot compact stone or sand. However it is being used as a parking surface and he is unsure how it will not affect the compaction of the ground underneath. Mark Tabor replied that the pavers stay flexible; they will reach a certain compaction level for the stone but it is not the same as clay soil.

John Gaddy asked if there is an outlet from the rain garden to the lake. Mark Tabor stated that there is no pipe in the bottom of the rain garden. It is designed to collect up to 6 inches and in the event of an overflow a weir is set up so that the water can sheet flow across the grass.

Herb Koster stated that their concern is for the placement of the house on lot 2 with a distance beyond a certain point. The concern is that future Boards change members and it might be permitted by a future Board and feels that it would be best achieved by a deed covenant. Counsel Muller stated that it can be done by that and it is the only way to protect their interest.

Mike Phinney understands what they are saying and the applicant was agreeable to this however they are concerned with making the lot line approval contingent that this was the exact plan and

location of the house. He suggested that they require that no primary structure be built below grade line 345' which is significantly further back from the lake at 125'. This would be legally binding and anyone that might purchase lot 2 it is a stipulation on that lot as well as site plan review. To change that would take action from this Board. If they make it a deed restriction it would make it an action of the TB, which would get 2 boards involved. Herb Koster stated that he wants to be sure that the buyer would not be able to build any closer to the lake.

Sandi Aldrich stated that the PB has reversed conditions of previous Boards, which they are permitted to do. Mike Phinney stated that the applicant intends to hold onto to this lot for a long time. If he were to sell it, the new owner would have to come for site plan review and there is a contingency on lot line adjustment; they are not going to be successful with going any closer to the lake. He feels that if they add another layer they will devalue the lot and add another step for approval. Herb Koster stated that they would not need to take another step unless they wanted to move the house closer to the lake. He stated that they are increasing the value of lot 1 by allowing a lot line adjustment. In doing so they are narrowing lot 2 down so much that they would be out of range for the minimum width of lots. The Board wants to insure that the house is back far enough.

Mike Phinney asked if they could change the language to reflect the grade line. He understands the Board's concern with making a narrow lot but this is intentional to provide a better layout between the houses so they will not have 2 houses close to the lake. He feels this is a great improvement to the property overall with regard to protection of the lake. Counsel Muller stated that he can understand why the applicant's attorney would have advised against it because it does not allow for any wiggle room. Mike Phinney stated that the applicant did not say that they wanted wiggle room.

John Gaddy stated that he feels that the stormwater that they are providing is top notch. However with regard to Section 125 definitions, development area of the site indicates that any parcel, property or lot or combination of contiguous lots of common ownership should be looked at cumulatively. Counsel Muller stated that they could be. However, he accepts the fact that they may be segmenting but in reality all of the proposed development is on this lot and all stormwater has been provided. Additionally the Board has bound the other lot to be seen under site plan review and storm water specific to that development.

Herb Koster stated that they have segmented these types of projects since they are within a subdivision and even though they are reviewed comprehensively they would end up coming back for review for a larger house than originally proposed for the lot. Counsel Muller stated that along the course of trying to apply stormwater he recalled 8-10 years ago the Waterkeeper brought a lawsuit against the Town. He stated that they entered into a consent order and agreed that when there are subdivisions that there would be provisions made for the master plan and specific stormwater for specific sites as specific lots were developed.

John Gaddy stated that he would like to keep this building expanse broken up and he wanted a clause that trees/vegetation would be replaced for those that naturally fall down because he would like to see that kind of buffer kept. Mike Phinney replied that he feels that it would be difficult to manage. John Gaddy stated that the applicant showed a picture of what the buffer will look like and he would like to see it kept somehow. Mike Phinney stated that they did require that permanent vegetation would remain to break up the mass of structure on the south side of the house. He reviewed the tree survey that was done by the LA Group.

Mike Phinney stated that Phinney Design is a sustainable design firm that incorporates cutting edge technology with regard to stormwater. He stated that his firm does what they can for less impact to the lake. They feel this project is a good example of responsible design.

John Gaddy stated that it seems the big issue is to deal with the deed restriction. Sandi Aldrich stated that she is not comfortable with the lot line adjustment without the deed restriction for house location on lot 2. There was further discussion regarding placement of the house on lot 2. Mike Phinney stated that he was to be careful in crafting this deed restriction so that it is not misinterpreted later or dealing with stricter or different requirements.

Don Roessler asked Counsel Muller for wording. Counsel Muller stated that the primary structure must be beyond a certain amount of feet from the high water mark. This would not limit the stormwater or accessory structures. The covenant would run with the land and could not be changed by a future PB or ZBA.

RESOLUTION

Motion by Don Roessler to declare the Bolton Planning Board as lead agency for SD12-01.

Seconded by Henry Caldwell. **All in Favor. Motion Carried.**

Motion by Don Roessler to accept SD12-01 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 a deed covenant for Lot 2 be required which shall require that no primary structure, built upon lot 2, be closer than 175' from the mean high water mark of Lake George. This covenant shall run with the land in perpetuity, at the benefit of both lot owners and the Town of Bolton. 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.**

4) **SPR12-03 ADORNATO, MICHAEL & CELESTE.** Represented by Hutchins Engineering. To demolish and rebuild single family dwelling, seek Type II Site Plan Review for a major stormwater project to remove more than 15,000 square feet of vegetation. 24,800 square feet is proposed. Section 213.05, Block 1, Lot 10, Zone RM1.3. Property Location: 4108 Lake Shore Drive. Subject to LC-LGRPB review. Subject to SEQR.

Tom Hutchins stated that the applicants have owned the property since 2009 and there is currently a seasonal residence located on the property, with a driveway and deck. This is a 1.2 acre property and is a long and narrow lot. They have a 126' along the shoreline which is buffered. The applicants are seeking to replace the existing camp with a new residence. They are proposing a 2 story with a basement, 5 bedroom residence with a 2 car attached garage. The house will be built in compliance with all setbacks from all sides including the 75' from the lake. Tom Hutchins stated that he believes they are proposing a house that fit's the applicants' needs and is in conformity with the code.

With regard to stormwater, Tom Hutchins stated that the applicants were concerned with having an environmentally friendly wastewater system. There is space available to allow for a conventional absorption bed system. However, the applicants are proposing a peat bio-filter system which is a giant step up for added protection to the water quality. The peat bio-filter is a good low maintenance system that works well in a place that gets seasonal use.

Tom Hutchins stated that the challenge with this lot is that it is all rock with very shallow soil. He stated that there will be a fair amount of rock excavation required in order to get the house in. They are dealing with a tight building envelope and to meet setbacks they have had to rotate the house slightly. They are trying to minimize the amount of excavation but they have struggled with setting the elevation of the house to minimize rock excavation and stay within the height requirements. The lower they set the house the easier it is to meet the height requirement.

With regard to stormwater, Tom Hutchins stated that they are proposing a few rain gardens as well as pervious pavers with layers of stone, gravel and rock underneath it, which will act as somewhat of a filter and somewhat an infiltration device. They are not counting on much infiltration but rather an aide to the run-off rate. He stated that it will also have hydraulic relief that will seep out over a broad area, 150' from the lake and over a vegetated area. As the Board is aware, to meet some of the setbacks for stormwater requirements between the wastewater system, the lake, the house and well it becomes a challenge but he feels that they have a system that works well without impacting the neighbors.

Sandi Aldrich asked if there will be blasting. Tom Hutchins replied yes. Sandi Aldrich asked if it will be similar to the amount of excavation for Schermerhorn property because that created huge holes. She stated that it seems that there has been a lot of these blasting projects and the giant holes are filled in with a 3 story house and she does not want to see them marching up the lake. Tom Hutchins stated that they will have to excavate rock within the footprint of the house primarily and then there is a small area for a portion of the driveway.

John Gaddy asked about the stone wall that is labeled to be removed. Tom Hutchins stated that it is holding up the driveway and that will be removed. He stated that the lower stone wall will be kept with the exception of a small part that will be removed to install a rain garden.

John Gaddy asked about the landscape plans between the house and lake. Tom Hutchins replied that it is rough grass for quite a ways then there is a nice buffer at the shoreline. He stated that the applicants want to keep the buffer but will remove some of the smaller stuff to provide a filtered view.

Henry Caldwell asked how long the house was. Tom Hutchins replied that it is long but it does fit within the allowable length. Henry Caldwell asked what the height was. Tom Hutchins replied that it is proposed at 34' 10".

Sandi Aldrich asked how many trees would need to be removed. Tom Hutchins replied approximately 10-20 trees. He stated that there are some trees behind the existing house that they are going to lose. Sandi Aldrich stated that she would like to see some put back. Tom Hutchins replied that they have no problem planting some trees along the sides or in the front for screening.

Henry Caldwell stated that is he concerned that there isn't much that they aren't going to disturb on that lot. Tom Hutchins replied that they are not disturbing the shoreline and they are not within the setbacks. Henry Caldwell stated that the driveway is right up along the neighbor. Tom Hutchins stated that it was designed that way so a car can get in the garage. The applicant looked at a front load garage but it didn't work with the grade.

John Gaddy asked if the applicant would be opposed to the condition of lighting be required to be downward facing and shielded. Tom Hutchins stated that he had no problem with that condition.

Sandi Aldrich asked about the materials would be used for the exterior of the house. Tom Hutchins replied that it is cultured stone. Henry Caldwell asked what the construction schedule would be. Tom Hutchins replied that it would be after the summer season because the applicant needs to get a builder lined up. Henry Caldwell stated that it would be better since they will have to do blasting.

Herb Koster asked if the applicant could provide a planting plan to the Zoning Administrator. Tom Hutchins replied that he would have no problem with that. John Gaddy asked if they could come up with wording to ensure that the planting would be put back if something were to come down. Counsel Muller stated that it could be done in a covenant. Tom Hutchins stated that he will provide a planting plan and denote that it is to remain.

Sandi Aldrich stated that her opinion is that 20 trees are removed, 20 trees are replanted. Tom Hutchins stated that they will do a reasonable planting plan and probably end up with more trees.

The Board discussed restrictions of blasting with Tom Hutchins. Tom Hutchins replied that they are okay with any limitations or restrictions.

RESOLUTION

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR12-03. Seconded by Don Roessler. All in Favor. Motion Carried.

Melissa Vito urged the Board to consider a public hearing. She stated that this is a very large house and complicated storm water plan and it would allow neighbors and other professionals to look at and comment on the plan. She stated that it is a very unusual house design. Additionally there will be a lot of blasting and excavation involved which is horrible. Herb Koster stated that he does not feel that this single family dwelling requires a public hearing. Melissa Vito replied that each house has a cumulative effect on the lake. She stated that it would like to give the opportunity to public and professionals to speak on the matter. She stated that Chris Navitsky provided a letter with some serious concerns and questions about the project. Herb Koster stated that Chris Navitsky writes a lot of serious letters and that is his job. Melissa Vito stated that this is not her job but it is something that she cares about. Herb Koster agreed that this is not his job but what he cares about too.

John Gaddy stated that having worked with Tom Hutchins in the past the efforts done to come up with septic systems that are state of the art and knowing that he has done his research to provide the necessary answers to questions that the PB asks. He stated that this is a very different kind of development then he sees now then from 10 years ago. John Gaddy stated that the developers and engineers have done a tremendous job educating themselves and trying to make or exceed the marks. He stated there is no question that any project down by the lake will have an impact just as any other house that it located by a stream. Tom Hutchins has provided them with responsible development. Melissa Vito stated that she is more concerned about the effect on the lake. John Gaddy replied that he agrees however this is a state-of-the-art approach to this project. He would like to see a smaller house as well but they don't always see eye to eye with the applicant but the applicants have their rights to build a certain size house.

Motion by John Gaddy to accept SPR12-03 as complete, waive a public hearing, having met the criteria set forth in the code, grant final approval of the project as presented with the following conditions: 1) a deed covenant is to be developed, drafted and reviewed by the applicant, Town Attorney and Zoning Administrator to maintain a vegetative buffer between the neighbors, 2) that the natural vegetation is kept at the shoreline, from the proposed stone wall removal down, as presented on the plan, 3) any exterior lighting will be downward facing and shielded, and 4) the drilling and blasting hours are restricted to Mondays through Fridays between the hours of 8am and 5pm and Saturdays between 9am and 5pm with no drilling or blasting on Sundays. 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 opposed. **All Others in Favor. Motion Carried.**

5) **SPR12-05 BOLTON FREE LIBRARY.** Represented by Vincent Palazzo. Seeks Type II Site Plan Review for an advertising sign greater than 4 square feet. Specifically 12 square feet is proposed (excluding roof and posts). Section 171.19, Block 2, Lot 14, Zone GB5000. Property Location: 4922 Lake Shore Drive. Subject to LC-LGRP B review. Subject to SEQ R.

Vincent Palazzo stated that the library would like to erect a bulletin board in front of the Library to provide a simple and clean way of posting notices of their own as well as other community events. This will replace the method of posting these signs to the front door. The bulletin board will be 3' x 4' on posts set to the right of the staircase going into the Library. It will be a simple box with a small roof overhang and painted in colors to match the Library. Henry Caldwell asked if it will face the street. Vincent Palazzo replied yes.

Sandi Aldrich asked if there would be lighting. Vincent Palazzo replied yes it would be a low light bulb to only illuminate the box itself. Sandi Aldrich asked if it would be on all night. Vincent Palazzo replied that it could be on a timer so that it would not be disturbing later at night.

Sandi Aldrich asked if there would be plexi-glass covering. Vincent Palazzo replied yes so the Librarian could have control over what gets posted on the Board. Sandi Aldrich asked if this will block the window. Vincent Palazzo replied that the lower half of the window would be blocked.

Pam Kenyon stated that there was no correspondence or LC-LGRP B impact.

RESOLUTIONS

Motion by Don Roessler to declare the Bolton Planning Board as lead agency for SPR12-05. **Seconded by** Henry Caldwell. **All in Favor. Motion Carried.**

Motion by Don Roessler to accept SPR12-05 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 SEQ R 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.**

The meeting was adjourned at 9:00pm

Minutes respectfully submitted by Kristen MacEwan.