

**TOWN OF BOLTON
PLANNING BOARD
MINUTES
Thursday June 27, 2013**

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, Donald Roessler, John Gaddy, Chauncey Mason, Sandi Aldrich, Gena Lindyburg, Counsel Michael Muller and Zoning Administrator Pamela Kenyon

Absent- Kirk VanAuken **for public hearing**

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

PUBLIC HEARING

SPR13-07 FOY JR., EDWARD & JENNIFER. Represented by Atty. Jon Lapper. Seeks Type II Site Plan Review for a change in use. Specifically to convert a Bed & Breakfast into an Inn with an associated first floor restaurant that will not be owner occupied. Section 171.15, Block 3, Lot 73, Zone GB5000. Property Location: 15 Allen's Alley. Subject to WCPS review. Subject to SEQR. *Note: The retail store referenced in the application is no longer proposed. This item was tabled at the May meeting pending a public hearing.*

Project Atty. Jon Lapper spoke about adding a parking lot on site. Site designed for parking to accommodate up to 88 people to use the Inn without requiring a parking variance. Atty. Lapper explained that the parking lot would be nowhere near the lake. The lake side will stay grass with no parking and an outside patio area. Congers Point is a residential area but it is also zoned GB5000 and an Inn is permissible in this commercial zone.

Atty. Lapper referred to a letter from The Waterkeeper questioning whether the project was a major or minor stormwater project. Devin Dickinson addressed these questions in a letter that was sent to the Planning Board.

Atty. Lapper explained that the Attorney for the neighbors had brought up the issue of a deed covenant, which the Foy's had already addressed by having the property owners heir waive this covenant and recording it in the Clerk's Office.

Atty. Lapper brought up the question as to whether the site was a properly created lot in terms of frontage, which he believes was addressed by correspondence from Town Counsel Muller explaining that this lot was created and approved by the Boards in 1983 when the subdivision was approved. Atty. Lapper stated that Mr. & Mrs. Foy bought this pre-existing lot and are now attempting to make a major investment in Bolton. He stated that their intent is to do a first class business.

The final issue Atty. Lapper wanted to address before going to public comment was the notice from Craig's List that Town Counsel Muller had sent him stating they were doing large events. Atty. Lapper explained this was in the hopes of securing a top notch chef and that they knew that they were limited to 88 people as parking allows.

Atty. Lapper stated that they understood that there were practical issues and they were happy to talk about neighbors' concerns about deliveries.

Herb Koster asked why the difference in request from 54 people last month, 88 people now. Atty. Lapper explained that the town code allowed for this. Herb Koster asked if this was for the total number on site. Atty. Lapper replied yes; 30 spaces provided, 4 for bedrooms, 4 for up to 8 employees and 22 for restaurant for a maximum of 88 people. Herb Koster said that they had stated to the board that only 54 people could be seated in the restaurant. Edward Foy Jr. agreed that up to 54 people could be seated at one time for dinner.

Sandi Aldrich stated that the code read that any parking lot with more than 20 cars shall be effectively divided by an internal traffic island, and she did not see one in this plan. Atty. Lapper replied that they buffered the entire parking lot with shrubs, which was in the code. Donald Roessler stated that he would rather not see the traffic island as it would be a hindrance to fire trucks.

Gena Lindyburg asked Donald Roessler if emergency vehicles could get to the property right now, and he replied yes they have smaller vehicles that can maneuver down there.

Jim Senese from 3 Congers Point Way, representing the 16 homeowners in Congers Point, read his letter of opposition to the board with the following concerns; removal of the protective deed covenant, safety issues, excessive noise, lack of parking for large functions, increased boating traffic, potential negative impact on the value of homes in Congers Point, potential sanitation issues and the invasion of privacy and potential trespassing.

Chris Navitsky, Lake George Waterkeeper read his letter of concerns with site plan disturbance, definitely well over the 15,000 sq. feet, making it a major stormwater project. Dry well system is 15 to 20% less. He also stated removal of vegetation should be addressed as it will definitely make an impact.

Carol McCleery of Congers Point addressed Chris Navitsky asking if he took into consideration the new large terrace on water side of residence was that taken into consideration. He replied that he had not, as it was not on the plans. She then read her letter in opposition to the Board and asked them for their consideration to the many concerns they had.

Jan Whalen of 4 Congers Point read her letter with many concerns and opposition. One of her

major concerns is the fact that the project keeps changing.

Michelle Froehlich from 7 Allen's Alley read her letter of opposition to the project. She stated that they had bought the home 11 years ago, and Mr. Wilson had made it known to them that his property would always be a residence and that he had taken measures to insure that. She feels that the noise would be 24 hours a day completely ruining the tranquility of their home. She also feels as though the Foy's had never offered them the courtesy of notice on the changes in the plans from being a B & B to a Restaurant and Inn.

Jean & Daniel Carnese of 2 Congers Point read letter in strong opposition of the project. They stated that they were in support of the application when it was just a Bed and Breakfast, now it has grown in to a multi event place. She wanted to know what was to stop the Foy's from coming back again next year for another change to the application asking for even more. They believe that it is in violation of the NYS fire code. They urged the board to ponder the NYS fire code before they approved this project and consider all of their concerns.

Mark Roden of Trout Lake stated he was a 57 year round resident of Bolton and he wanted to speak in favor for this project. He talked about how the town was shrinking and there was a need for more year round residents. He stated that the board should approve this application and this would be a great asset to the Town of Bolton.

Edward Foy Jr. addressed George & Michelle Froehlich and apologized for the lack of communication between them. He also stated that he too was affected by Hurricane Sandy, and they had many personal issues that contributed to their lack of communication.

George Froehlich of 7 Allen's Alley read a letter of opposition, stating all of the deed restrictions and changes that have been made for the former Wilson property. He stated that his property would probably be the most adversely affected, and that he and his wife had invested a lot of time and money in upgrading his property and that they were promised in his deed that the Wilson property would only be used for residential purposes and not for commercial business when they bought it. He stated that the property will now drop in value due to this new project. He asked the Planning Board to please take the correct actions so that they did not have to deal with all the problems that other projects of this type have had.

Kathy Spahn read her letter of opposition to the Board. She talked about the various projects that the Foy's have been applying for, and the way they have changed them from what they initially had asked for. She stated that Congers Point Association contains 16 homes in the GB5000, but the Town had approved them for residential zoning and many of them had been there for 35 years and that their concerns should be considered as they were not the new kids on the block. She asked that the Board reject the project.

Atty. Melissa Lescault stated she was attorney for Congers Point HOA and the Froehlich's. She wanted to point out that the actual application states that this is an Inn with retail use and does not indicate a restaurant or the amount of people that were going to frequent it. She

discussed the parking plans stormwater and she believes that the Town Engineer should have to review and sign off on this project as she does not believe the square footage that has been submitted matches what they state. She believes that the applicant should have to submit long SEQR form. She read a letter from the file written by Hugh Wilson concerning his wish to subdivide his property and request a variance to turn this into a residential property. She stated that the applicant is not doing the town a favor by doing a parking plan, it's not an option, it is required. She also commented on the fact that the Town had previously approved this for residential purposes. Atty. Lescault could not believe the Board would approve a commercial use with a 15 foot entry way off a main highway corridor. Atty. Lescault stated that for site plan review you must take into consideration the public health, safety, the general welfare of the public and the comfort and convenience of the public in general and the residents in the immediate neighborhood. Atty. Lescault asked if they did not deny this application on the many previously discussed issues, that they would restrict this approval with the following in mind:

Limited hours of dining; last seating at 9pm.

Limited hours for bar; to close at 10pm.

Delivery & garbage trucks must access property after 8am.

A limited number of people on site which can be enforceable by the Town.

Noise restrictions

No activities on the lawn

No fireworks

Limited use of docks

Mr. Foy's boat slip in the HOA, not to be used by guests.

No trespassing on neighboring shoreline, docks or property.

Mark Roden asked why the HOA did not come to the board and get their zoning changed to residential.

Kathy Spahn replied that in the HOA, all deeds say that they cannot become commercial.

Henry Caldwell stated it is all historically residential

Mary Joe Round asked Edward Foy Jr. if property is being used for a bed and breakfast, to which he replied no.

Edward Foy Sr. stated Mr. Senese made absurd statements and that he has a personal vendetta against the Foy's.

Counsel Muller read the following letters into the record:

1. E-mail letter from Pat Cianci in opposition to the application.
2. Letter from Barbara & Richard Moccia in opposition to the application
3. Email from Peter Nachbur in opposition
4. Email from Dan & Jean Carnese in opposition.
5. Letter from Gloria Gallo in opposition

6. Letter from Devin T. Dickinson – D.L. Dickinson Assoc. in response to the LG Water keeper's letter of concern.

Herb Koster asked how the legal deed covenant could be removed. Town Counsel Muller replied: A court of law must make this determination not the Planning Board, as this was a civil issue. He stated that if the Board found favor with this application, they could add conditions.

Town Counsel Muller stated that Mr. Conover has never been involved in decisions of the Planning Office, and he is not a decider in their issues.

Herb Koster stated that he took offense to that statement too, and that each Board acts on its own.

Jennifer Foy stated that the job posting was not an advertisement it was a job posting and they do realize that it will be for only 88 people. She stated that they are trying to establish a classy establishment, not a late night party facility. They came to Bolton to celebrate family history in this community, not ruin it. She wanted to assure them that it is 88 people, not 250.

Jon Lapper made a brief comment on the fact that this property was in the GB5000 Zoning district, and this was a permissible project in this zone

Carol McCleery asked when they were projecting to open the restaurant. Edward Foy Jr. says as soon as possible and they are anticipating opening the rooms this year. She asked if they foresee just running the restaurant and not the rooms. Mr. Foy replied, no. Carol McCleery asked when they would build balcony's and if they would close restaurant to build them, Mr. Foy's answer was no. She stated that the terrace was not noticed on the plans. Edward Foy Jr. stated they had brought in big boulders, other than that, the patio was the same. She then asked if the soil for the terrace was used from basement, and if there was a full basement in the house. Mr. Foy replied no, the soil was too rocky from the basement and that the basement was enlarged to accommodate the heating systems. She asked what functions were intended for the front lawn. Edward Foy Jr. Replied they intend to use the inside and the outside to its fullest potential, and he does not envision anything that is not classy.

Town Counsel Muller replied they are permitted to get an amplified music permit for the season, but this is only until 10pm and not over 75 decibels.

Kathleen Spahn said, I have no air conditioning so amplified music is not acceptable and requests that it be seriously restricted. Mike Muller said it is not only music it includes amplified sound. He stated that the Town Board issues this and takes into consideration homeowners with 500'

Jean Carnese asked the board to consider the possibility of the decline of their property values before any decisions was made.

Gretchen Saurwald had questions about swimming. Edward Foy Jr. said he did not have any thoughts on that subject at this time.

Carol McCleery said that regarding swimming, it is a great concern. If you put out buoys, we would not be able to get in and out of docks.

Atty. Jon Lapper, said if they had swimming it would be determined by DEC. Herb Koster stated that this was an issue for the NYS Board of Health and Don Roessler agreed. Kathleen Spahn wanted to know if NYS Board of Health would notify neighbors. Don Roessler replied that he had no idea, it had nothing to do with the Planning Board, and they should contact the NYS Board of Health. Kathleen Spahn stated that she has concerns that they don't receive mailings on all issues.

Herb Koster said they would try to include all issues in their determinations.

Bill Bashant says that no one seems to see the economic issues, it will help a lot of business people if this new business brings 88 people to the town 3 or 4 times a week.

Chet Oliver stated that he sees nothing but good from all our commercial establishments. He commented that it was very rare that we have trouble from businesses but it is commercial property and all he sees is good for the Town of Bolton.

Kathleen Spahn disagreed and stated she had already called the police this year for noise issues, and it is important for the businesses to deal with these items.

Edward Foy Sr. agreed that there are some problems with the noise from other establishments late at night and he says it annoys them as much as it annoys her.

RESOLUTION:

Motion by Henry Caldwell to close the public hearing **SPR13-07**. **Seconded by** Donald Roessler. All in favor. Motion carried.

The Planning Board took a 15 minute recess between public hearing and regular meeting.

REGULAR MEETING

Kirk VanAuken present.

SPR13-07 FOY JR., EDWARD & JENNIFER. Represented by Atty. Jon Lapper. Seeks Type II Site Plan Review for a change in use. Specifically to convert a Bed & Breakfast into an Inn with an associated first floor restaurant that will not be owner occupied. Section 171.15, Block 3, Lot 73, Zone GB5000. Property Location: 15 Allen's Alley. Subject to

WCPS review. Subject to SEQR. *Note: The retail store referenced in the application is no longer proposed. This item was tabled at the May meeting pending a public hearing.*

Atty. Jon Lapper reminded the board that this is a permitted use in this zone and that this is a classy project, done in good taste and intended to be an asset for downtown Bolton.

Herb Koster asked about a right of way between Skip Lower and the Foys. Atty. Lapper and Edward Foy Jr. said this has been tabled at this time.

Henry Caldwell asked if locust trees were to be removed. Edward Foy Jr. said that 2 locust trees will be removed in the front entrance, but stated that he would prefer not to take the trees down if at all possible.

Herb Koster asked how wide the entrance from Route 9 was. Edward Foy Jr. replied 15.5 feet per the surveyor.

Henry Caldwell asked what types of events they foresee having. Edward Foy Jr. replied high class events for people who could afford them, it is to be an expensive venue. Henry Caldwell asked how many people they anticipated, and Edward Foy Jr. replied only 88 people.

Herb Koster and Henry Caldwell asked if the 88 people included staff and Atty. Lapper disagreed and said 8 employees, 8 Inn guests and 88 restaurant guests equals 104. Atty. Lapper stated that they would have up to 104 total people on premise at any one time.

Gena Lindyburg asked what the hours of operation were going to be. Edward Foy Jr. replied 7am with last dinner seating at 10pm. Herb Koster asked when bar would be closing. Edward Foy Jr. answered 12am. He stated that they intend have a controlled seating, but that might not happen.

Herb Koster asked if they intend to have guests come by boat. Edward Foy Jr. answered absolutely. Herb Koster asked what the lake frontage was and Edward Foy Jr. replied 84.58 feet.

Herb Koster asked if they intended to have swimming on beach for their guests. Edward Foy Jr. said it would be for the Inn guests only and would be done by whatever the regulations were required.

Henry Caldwell asked Donald Roessler if the fire company needed to look at the application, to which he replied they would not make a decision as this is an existing road and they have no legal right to make one. He stated it was an existing building and the fire company would do whatever they needed to if an issue arose and that there was a nearby fire hydrant along with the lake in near proximity. He also commented again on the barrier in the parking lot and the fact that it would be detrimental to the fire company.

John Gaddy asked if the Board could make conditions on noise permits. Town Counsel Muller replied that the Town Board had exclusive jurisdiction on sound permits, but they could make recommendations and express their concerns to them. Donald Roessler said he believes the Town Board would take careful consideration of the noise portion as it pertains to the neighbors.

John Gaddy stated in regards to the stormwater, he was informed by Zoning Administrator, Pam Kenyon that the town accepts the applicants engineered calculations, to which Town Counsel Muller replied that was correct, we do accept it as true.

John Gaddy asked about the signs, and what they were proposing. Atty. Lapper replied no signs are proposed as of yet, due to whether or not they are able to acquire land, but it would be addressed in the future.

Donald Roessler asked if there were any rights for customers to drive onto Congers Point HOA property, and Edward Foy Jr. replied absolutely not, there is a chain link fence and vegetation in place all the way down the property line. Herb Koster stated that the parking is very tight in this area and asked if they intended to eliminate any of the vegetation to accommodate this. Edward Foy Jr. replied that this was not an issue as they would not be disturbing any green area between their property and Congers Point according to engineered documents that the Board has. He also stated that there would be no parking on the south side of the property.

Donald Roessler wanted to know what type of lighting would be used for parking area and Edward Foy Jr. replied it would be all low lighting. Devin Dickinson explained that the plan showed low 42 inch downward facing lighting so people could see to walk.

Edward Foy Jr. stated that the fence was not on their property.

Sandi Aldrich asked about their statement that there would be a maximum of 88 people on the property at one time. Mr. Foy replied that Atty. Lapper had clarified this to 104 people. She asked about the amount of traffic, to which Atty. Lapper replied it would be a maximum of 22 vehicles in the parking lot at one time.

Donald Roessler asked counsel about fireworks on the property, Town Counsel Muller advised that the State of New York is the only one who permits fireworks. The State has exclusive jurisdiction over them. They could make a condition about the fireworks but the Town of Bolton could not regulate or issue any permits for them, the State has exclusive jurisdiction on them.

Herb Koster asked Edward Foy Jr., logically speaking you want to seat 88 people, and then get them out and reseal another 88 people and it is just not viable. Atty. Lapper replied that they were just going by what the Town code allowed. Herb Koster stated that they were not figuring in the overlap. Edward Foy Jr. replied that traffic flow is going to be an issue no

matter what. Edward Foy Sr. wanted to explain that he envisions that many of the Inn's guests will be from the Sagamore Hotel and they would shuttles their people over and drop them off. He said that you can't put a number on the cars that are coming through there, and that there will obviously be walking traffic too.

Herb Koster stated that they went from 54 to 88 people in one month and that is a 70% to 80% increase in what they were asking for. Edward Foy Jr. replied that the restaurant seated 54 guests but the site parking plan was always for 88 people. Herb Koster asked if they minded if there was a condition for only 54 people in the restaurant. Edward Foy Jr. replied that he did in fact mind, he has had his integrity questioned and he does not want to commit to something that he cannot realistically control. Donald Roessler stated that even if they put a restriction on the number of people allowed in the premises, the NYS Department of Health would measure the building and determine how many people were allowed. He explained that could be less than what the Board determined. Edward Foy Jr. stated they intended to adhere to whatever restrictions were placed on them.

Atty. Lescault asked about the Sembrich event and asked where the parking would be for all of the guests. Edward Foy Jr. replied that they would only be parking where allowed.

Gina Lindyburg asked if they would only be parking in the parking lot and not in the driveway or on the grass. Edward Foy Jr. said they would only use the parking lot and they would agree to this as a condition of approval.

Gina Lindyburg asked about the recommendation to put in a larger fence, and if they were willing to do this. Edward Foy Jr. said no, a fence would not help, they would be using the existing and added vegetation. They want to cover all open space along the fence with vegetation on the property.

Herb Koster asked if they intended to hold any events with tents outside. Edward Foy Jr. replied they may as needed. Herb Koster asked if they would maintain the 88 people on site. Edward Foy Jr. replied yes, the tents were only for planned, organized events and they were much easier to maintain and manage. Gina Lindyburg asked if this would be kept to 88 people. Edward Foy Jr. replied yes 88 people.

Gina Lindyburg stated one of her concerns was that she would like to see the proper guidelines put in to respect the surrounding property owners. Henry Caldwell explained that the Board was supposed to respect property values and some of them may go down being next to a restaurant. Edward Foy Jr. stated that he did not know he was not a real estate expert and wanted to know if that was a fact. Henry Caldwell said that Bolton Landing was a unique town with many valuable residential properties. Atty. Lapper replied that the simple answer was that this was a permitted use in this area and they are spending so much money on this building to make it a very high end use and the restrictions the Board plans on placing on this project should protect the neighbors. Herb Koster added that it was all subjective.

Donald Roessler explained that they get many applications before them and that they try to

judge each one on its own merit, but they also keep in mind the past and what people have done. He feels that they should not be judging Edward Foy Jr. on something he has not done and they should give him a chance. Herb Koster agreed and explained they try to do the best they can and that this project was an allowable use.

John Gaddy asked if deliveries would be wheeled in. Edward Foy Jr. answered that any big trucks that came in could not get down the road. Edward Foy Sr. explained the problem with delivery trucks is that no matter how much you complain to the companies, the truck driver turn-over rate is so great that you cannot control what they do. The Town Board and business owners have been working on trying to get this issue under control, and it's a situation they are trying to control. Edward Foy Jr. said he agrees that this is an issue that seriously needs to be addressed by the community and he was willing to get his deliveries wherever it would not create a problem for everyone else.

Herb Koster asked if anyone else had any more questions.

RESOLUTION

Motion by Donald Roessler to declare the PB as lead agency for **SPR13-07**. Seconded by Henry Caldwell. All in Favor. Motion Carried.

Counsel Muller reviewed the SEQRA long form.

Part 1- PROJECT INFORMATION

Name of Action - The Chateau SPR13-07

Location of Action - 15 Allen's Alley Bolton landing

Name of Applicant - Edward Foy Jr. and Jennifer Foy

Address- P.O. Box 1, Bolton Landing, Warren County New York 12814

Phone- (518) 644-2500

Description of Action-

Install required parking area sufficient for guests and employees.

Install stormwater management facility to treat runoff generated by newly created impervious surfaces.

Change in use by Site Plan Review – residential that has permission for B & B to be changed to an Inn and restaurant.

A. Site Description:

1. Present Land Use- Commercial & Residential(suburban)
2. Total acreage of project area - 1.7 acres.

<u>Approximate Acreage</u>	<u>Presently</u>	<u>After Completion</u>
Meadow or Brushland (non-ag)	N/A	N/A
Forested	N/A	N/A
Agricultural	N/A	N/A
Wetland	N/A	N/A
Water Surface Area	N/A	N/A
Un-vegetated (rock, earth or fill)	N/A	N/A
Road, buildings, other paved surfaces	.09	0.29
Other (landscaped & improved)	0.22	1.7

3. What is predominant soil type(s) on project site? Loamy prime sand and sand
 - a. Soil drainage: well drained 100% of property.
 - b. No agricultural land involved.
4. Are there bedrock outcroppings on project site? no.
5. Approximate percentage of proposed project site with slopes? 0-10% = 100%
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 in feet? 7+ feet.
9. Is site located over a primary, principal or sole source aquifer? No.
10. Does hunting, fishing, or shell fishing opportunities presently exist in the project area? No.
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? No. Site is fully developed.
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? No.
14. Does the present site include scenic views known to be important to the community? No.

15. Streams within or contiguous to project area: No
16. Lakes, ponds, wetland areas within or contiguous to project area: Lake George
17. Is the site served by existing public utilities? Yes.
 - a. If yes, does sufficient capacity exist to allow for connection? Yes.
 - b. If yes, will improvements be necessary to allow for connections? 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? Yes.
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-
 - a. Total contiguous acreage owned or controlled by project sponsor. 1.13 acres.
 - b. Project acreage to be developed: .50 acre initially; .50 acre ultimately.
 - c. Project acreage to remain undeveloped: .63 acres.
 - d. Length of project, in miles: N/A
 - e. If the project is an expansion, indicate percent of expansion proposed. N/A
 - f. Number of off-street parking spaces existing 4; proposed 30.
 - g. Maximum vehicular trips generated per hour: 10 upon completion of the project.
 - h. If residential: Number and type of housing units: N/A.
 - i. Dimensions (in feet) of largest proposed structure: 35' height; 46' width and 66' length variable as per code.
 - j. Linear feet of frontage along a public thoroughfare project will occupy is? 15.5 ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 60 +/- cubic yards.
The Board asked for clarification on the soil removed from the project.
3. Will disturbed areas be reclaimed. Yes
 - a. If yes, for what intended purpose is the site being reclaimed? Residential use and associated utilities, driveway, septic and well.
 - b. Will topsoil be stockpiled for reclamation? Yes.
 - c. Will upper subsoil be stockpiled for reclamation? No.
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0.2 acres.

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: 10 months.
7. If multi-phased: N/A
8. Will blasting occur during construction? No.
9. Number of jobs generated: 12 during construction; 10 after project is complete.
10. Number of job eliminated by this project: 0.
11. Will project site require relocation of any projects or facilities? No.
12. Is surface liquid waste disposal involved? No.
13. Is subsurface liquid waste disposal involved? No.
14. Will surface area of any existing water body increase or decrease by proposal?
No.
15. Is project or any portion of project located in a 100 year flood plain? No
16. Will the project generate solid waste? Yes.
 - a. If yes, what is the amount per month in tons? 30 yards of household refuse
 - b. If yes, will the existing solid waste facility be used? Yes, the Bolton Transfer Station.
 - c. Will any waste not go into a sewer disposal system or into a sanitary landfill? No.
17. Will the project involve the disposal of solid waste? No.
18. Will project use herbicides or pesticides? Yes
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? Yes.
 - a. If yes, what type? Minimal electrical usage.
22. If water supply is from wells, indicate pumping capacity. No.

23. Total anticipated water usage per day. 3,000 gallons per day
24. Does project involve Local, State or Federal funding? No.
25. Approvals Required:
 - City, Town, Village Board- No
 - City, Town, Village PB- Yes
 - City, Town Zoning Board- No
 - City, County Health Department- No
 - Other Local Agencies- No
 - Other Regional Agencies- No
 - State Agencies- No.
 - Federal Agencies- No

C. Zoning and Planning Information:

1. Does proposed action involve a planning or zoning decision? Yes, Site plan approval.
2. What is the zoning classification(s) of the site? GB5000
3. What is the maximum potential development of the site if developed as permitted by the present zoning? 2 residential dwellings or 9 commercial buildings.
4. What is the proposed zoning of the site? N/A
5. What is the maximum potential development of the site if developed as permitted by the proposed zoning? N/A
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? Commercial and Residential.
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? N/A
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, and 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? Yes small to moderate impact.
2. Will there be an effect to any unique or unusual land forms found on the site? No.

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 groundwater quality or quantity? No.
6. Will Proposed Action affect drainage flow or patterns, or surface water runoff? Yes small to moderate impact. Property mitigated by the stormwater plan.

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 land resources? No.

Impact on Aesthetic Resources

11. Will Proposed Action affect aesthetic resources? Yes, Small to Moderate Impact. By maintaining the existing vegetation buffers.

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? Yes. Potential Large Impact
Applicants plan is to access deliveries on an agreed schedule and method that does not cause road access congestion.

Impact on Energy

16. Will Proposed Action affect the community's source 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? Yes,
Small to Moderate Impact. No outdoor dumpster, compliance with noise ordinance, proper exhaust for food odors. Applicant will be limited to a management schedule for method of operations.

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? Yes

Part 3- EVALUATION OF THE IMPORTANCE OF IMPACTS

1. Transportation, pedestrian, vehicle, access concerns expressed by the public and the Planning Board has a potential large impact. (Planning Board vote 3 yes, 3 no and 1 abstain) so this has a "potential" large impact.

2. Mitigated by Site Plan Review, approved conditions on methods of operations that regulate maximum capacity of patrons, staff, deliveries, facility vendors and a “cap” on hours of operations. Conditions of approval in Site Plan Review approval adequately address potential impacts to properly mitigate perceived access and egress congestion.
3. The impact potential is important but considered in the proper context that most of the existing congestion in GB5000. This project will not substantially negatively impact hamlet area as mitigated the Site Plan Review conditions.

This board in review and analysis of the applicants Part 1 of the Full Environmental Assessment Form and consider each potential impact whether they are likely, significant or neither.

The Board finds that in analyzing Part II that the applicant has provided satisfactory mitigation aspects of the project plan including:

- a. downward, shielded lighting
- b. satisfactory existing landscape buffers
- c. satisfactory parking
- d. appropriate plans and contingencies for limitations on occupying, hours of operation and methods of operation of the Inn in relation to the reasonable expectations of nearby residential neighbors
- e. deliveries not by tractor trailers or large trucks to the site.
- f. abide by appropriate noise control should be addressed by the applicant to the Town Board.

The sources relied upon by this board in reaching the conclusion that potential and likely impacts are properly mitigated include applicants project plans submitted in support of the change in use, the stormwater calculations of D.L. Dickinson, based upon the record of this public hearing which include statements, e-mail, and letters submitted for and against this applicant. These sited sources support the conclusions of the Board that there are no substantial negative environmental impacts that are not properly mitigated and that a proper balance has been arrived at by considering all aspects of the diverse comments and positions presented at the public hearing.

RESOLUTION:

Motion by Donald Roessler to make a negative declaration. **Seconded by** Gena Lindyberg .
All in Favor. Motion Carried.

RESOLUTION:

Motion by Donald Roessler to accept the application SPR13-07 as complete, having closed the public hearing and having found no concerns with section 231 A-D, grant final approval with the following conditions:

- 1) **Maximum amount of people on site at one time to be no greater than 104. This includes restaurant patrons, Inn guests and staff members.**
- 2) **A total of 31 indoor seats and a total of 24 outdoor seats for restaurant, for a total of 55 dinner seats.**
- 3) **Restaurant operation to start at 7:00am and have the last seating at 10pm.**
- 4) **The bar is to be closed at 12:00am.**
- 5) **The maximum of 4 boats at the dock.**
- 6) **No parking on Allen's Alley or on lawn areas.**
- 7) **All exterior lighting to be downward facing and shielded.**
- 8) **All deliveries to be between the hours of 8:00am and 6:00pm.**
- 9) **No dumpsters, trailers, outside storage of garbage or recyclables to be onsite.**
- 10) **All garbage removal to be done between the hours of 8:00am and 6:00pm**
- 11) **Must maintain existing vegetation buffer on entire perimeter of property and add vegetation to 15 foot section of the south east corner of the lot.**

Seconded by Gena Lindyburg. **Sandy Aldrich opposed. Chauncey Mason Abstained.**
All others in Favor. Motion Carried.

The meeting was adjourned at 10:40pm.

Minutes respectfully submitted by Katie Persons.