

**Town of Bolton**  
**PLANNING BOARD**  
**Minutes**  
**Thursday May 16, 2013**  
**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, Donald Roessler, John Gaddy, Chauncey Mason, Kirk VanAuken, Sandi Aldrich, Gena Lindyburg, Counsel Michael Muller and Zoning Administrator Pamela Kenyon

**Absent- None**

The meeting was called to order at 6:07 pm.

**REGULAR MEETING**

Herb Koster asked if there were any changes or corrections to the April 18, 2013 minutes.

**RESOLUTION**

**Motion by** Gena Lindyberg to approve the April 18, 2013 minutes as written. **Seconded by** Don Roessler. **All in Favor. Motion Carried.**

- 1. SPR12-32 GRAMEGNA, JOHN.** Seeks Type II Site Plan Review to amend SPR11-28 approved on May 17, 2012 for large gatherings/events for up to 125 people. Specifically to revise the parking plan. 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 April meeting.*

Bob McNally provided a brief overview of what has taken place since the last meeting. He stated that this matter was adjourned at the last meeting for Counsel Muller to prepare findings of fact. That has since been amended and just provided to him tonight.

Counsel Muller explained that the findings of fact were presented to all of the Board members, Bob McNally and Melissa Lescault, who represents the Diamond Ridge HOA. He had asked all parties to review it and provide feedback. He stated that he did incorporate many of the suggestions offered by Melissa Lescault but also rejected a few. He noted that at the last meeting someone suggested issuing a permit with the condition that the applicant return in November to review the project to see how the summer went. He stated that there is no case law that supports this and it is not in the zoning code to grant preliminary approval. However he has included all of the things that the applicant has agreed to and put them into covenant form which will be recorded in the WC clerk's office and run with the land. It will bind the current and all future owners. This would provide enforcement capabilities for the Town and all adjacent property owners.

Counsel Muller stated that Melissa Lescault also suggested attaching the approved parking plan to the approve site plan which he agrees is a good idea. Henry Caldwell stated that he did not suggest an annual review but rather a site plan review. Counsel Muller stated that could be done, however it cannot be set up as a potential rescinding of the approval. The Town can enforce it through the Code Enforcement Officer to issue a citation. The PB does not have any jurisdiction to do that. Bob McNally stated that the applicant is aware that the Town has continued ability to enforce its jurisdiction over this plan. The Code Enforcement Officer has the right to review and enforce it.

Gena Lindyberg stated that she understood that the events were only to occur on the shoulder season and would not occur during July and August. Counsel Muller stated that if they would like they could add that to the findings of fact. However the TB was concerned with the characterization of events; this is not a site plan review for events, it has been a site plan review and these events are associated with a B & B. There was concern about going down the path of approving the events alone. He stated that the hours or times could be limited in the document. Gena Lindyberg stated that she just wanted clarification because Mr. McNally indicated that these events would not be occurring in the summer months. Bob McNally stated that historically the applicant holds these events on the shoulder season May, early June and then after Labor Day, October and November. Gena Lindyberg asked if any events are scheduled in July and August. Bob McNally replied yes in August this year but not typically.

Bob McNally requested time to review the amended findings of facts with his client while another matter is heard. Herb Koster stated that he has concerns that the Board is just seeing the amended version tonight as well. Counsel Muller agreed that it would be helpful to adjourn the item until later in the meeting.

#### RESOLUTION

Motion by John Gaddy to table SPR12-32 until the end of the meeting. Seconded by Sandi Aldrich. All in Favor. Motion Carried.

Review of this item was resumed after all other applications were heard.

Bob McNally stated that he had a few questions with regard to the findings of fact. Exhibit E, with regard to the use of the travel trailer. He clarified that the applicant will not be using the travel trailer for an office or living space. However he is concerned that the bathrooms are also trailers and will remain there. Counsel Muller stated that this will not limit the applicant's ability to use the bathroom trailer.

With regard to paragraph 6 of the conclusion, Bob McNally stated that maximum capacity should be maximum number of vehicles.

In the findings of fact, paragraph F, is agreeable but the sound permits may not be obtained by the applicant. He is suggesting that it should state that the owner or his designee. Gena Lindyberg stated that her concern is that the applicant should be responsible to be sure that the deed is done. Bob McNally stated that the applicant is not a wedding planner so it will be the responsibility of those using the facility. John Gaddy stated he does not imagine that these

people are going to want to get involved in the process, he feels that it should be the applicants job to get the permits.

Sandi Aldrich asked about the TB's decision. Counsel Muller explained that it was tough for them to get through. Sue Wilson had made a motion to approve just May 11<sup>th</sup>, Cheryl Bolton felt as though they should approve all dates given the last minute notice, the individuals using the facility should not be penalized. Owen Maranville agreed that it was terrible for those individuals but he could not support a poor business decision of the applicant. The Board ultimately denied the sound permits for all events.

With regard to paragraph F Counsel Muller stated that the new ordinance does allow a designee to apply for a sound permit; the applicant or his representatives. There was an amendment to Paragraph F.

Bob McNally stated that letter 5A it indicates that there is a total # of 110 guests, however that does not count for staff or bed and breakfast. There would be 126 people maximum.

Sandi Aldrich asked if it is the intent to limit the amount of people to 110 people. There was discussion regarding the total number of guests allowed on the property. Counsel Muller asked if it is possible for the Carriage House and B & B to rent rooms to those not involved in the wedding. Sandi Aldrich stated that she understood it that the wedding party would have the B & B and Carriage House. Herb Koster stated that he recalls that the applicant indicated that they would not be renting rooms while weddings and events are going on.

Herb Koster stated that they have to make a decision on the number. John Gramegna indicated that he will be willing to live with 110 for guests and 10 for staff.

Bob McNally stated that one specific event, which has been scheduled for over a year, has 125 people. He asked if the board would be willing to allow this event and the remaining events will comply with the 110 guest limitation.

Gena Lindyberg stated that she is still concerned that this is still being advertised as a house rental. Bob McNally stated those websites have been changed or are in the process of being changed. Herb Koster stated that the applicant has been promising changes that have not taken place and has more sites than previously existed. John Gramegna stated that he has been trying to make changes and has even taken 3 sites down. He currently has 11 sites out there. John Gaddy stated that he does not see anything on the sites that states the information about renting rooms at the B & B.

Don Roessler stated that he has concerns that the applicant previously stated that there would be no weddings in July or August but now the applicant has indicated that he has an event planned on August 10<sup>th</sup>. There was further discussion on the dates. It was decided that the dates for scheduling of events will be September 15-June 15 and all other times of the year it will be operated solely as a B & B, with the exception for this year, for events on 8/10, 9/7, 9/14, 9/21 and 9/28. Counsel Muller amended the statement.

Counsel Muller stated that he is going to finalize this and then read it back to the Board.

## RESOLUTION

**Motion by** Herb Koster to accept Counsel Muller's findings of fact and approve SPR12-32 as presented. **Seconded by** Gena Lindyberg. John Gaddy and Henry Caldwell opposed. **All others in Favor. Motion Carried.**

2. **SPR12-31 NAVITSKY, BETH BARTON.** The Sembrich Museum. Seeks Type II Site Plan Review for an advertising sign greater than 4 square feet. Approximately 8 square feet is proposed. Section 171.15, Block 3, Lot 22, Zone GB5000. Property Location: 5012 Lake Shore Drive. Subject to WCPS review. Subject to SEQR.

Chris Navitsky stated that the Sembrich Museum is proposing a 26" x 47" wooden sign that is to be posted on their porch of the building located at 5012 Lakeshore Drive. He provided a rendering of the sign. The color will be same color as the existing sign at the museum. It will be the same size as the Lake George Mirror sign on the other side of the porch. The sign will have lighting but it will be downward facing and shielded. Chris Navitsky stated that the sign is to direct customers to the office for ticket sales, information about performances and for volunteering. Tickets are sold at the museum but the museum is not always open during the day.

## RESOLUTION

**Motion by** Don Roessler to accept SPR 12-31 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** John Gaddy. **All in Favor. Motion Carried.**

3. **SPR13-05 NOWAKOWSKI, EDWARD.** Seeks Type I Site Plan Review for a new land use within ¼ mile of the Schroon River. Specifically to place a second story guest cottage above the garage, construct a root cellar, bird coop, enlarge ponds, and add deck by pond. Section 184.04, Block 1, lot 20.2, Zones **RR5/LC45**. Property location: 611 East Schroon River Road. Subject to WCPS and APA review. Subject to SEQR.

Edward Nowakowski provided a detailed presentation of the project. The parcel is approximately 82 acres. The house was constructed 10 years ago and the applicant is looking to provide some additional space and items to increase the enjoyment of the property. The area that is described as a guest cottage will be a room for exercise. It will be built over the existing garage and deck. It has an added benefit, the existing slab over the garage leaks. The architecture will match the existing house.

The applicant is also seeking to build a root cellar. Currently, a garden exists and he has plants, shrubs, flowers, etc. are all throughout the property. However they would like to put it all in one location in a traditional root cellar. He provided further details on the design of the structure.

Edward Nowakowski stated that he is also requesting permission to build a bird coop, 10' x 8' in size, approximately 100' from the house. Henry Caldwell asked if they would be domestic wild birds. Edward Nowakowski replied yes but he would only have birds that are native to the area. He further explained that birds are raised for half the year and then let go. He is looking to get 10-20 birds. John Gaddy asked what the total amount of birds he was looking to house. Edward Nowakowski replied that it could vary depending on the type of birds he receives he may not keep them all, additionally some birds may die and some may go off on their own but he imagines it would be anywhere from 10-30 birds.

Herb Koster stated that it looks like the applicant is seeking to expand his pond. Edward Nowakowski replied that when he built the pond it was kidney shaped, he made it narrow to build a bridge over it. He stated that it ended up being larger than what was originally proposed. It is lined and landscaped around the pond. He stated that the pond is actually smaller now because the sprinkler system works off the pond. With regard to the deck, he built a low deck on the ground and was not aware that he needed a permit.

Sandi Aldrich asked if this has APA approval. Pam Kenyon replied no not yet. Edward Nowakowski replied that he got a letter from the APA who indicated that they will make a decision after the Town makes their decisions.

## **RESOLUTIONS**

**Motion by Don Roessler to declare the Bolton Planning Board as lead agency for SPR13-05. Seconded by John Gaddy. All in Favor. Motion Carried.**

**Motion by Don Roessler to accept SPR 13-05 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 John Gaddy. All in Favor. Motion Carried.**

- 4. 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 Way. Subject to WCPS review. Subject to SEQR. *Note: The retail store referenced in the application is no longer proposed.*

Jon Lapper stated that the applicants are proposing to change the B & B which was previously approved and under construction into an inn. They would like to keep the 4 bedrooms upstairs but to replace the master downstairs with a kitchen to create a restaurant. It is in the GB5000 district and is a permitted use.

Jon Lapper stated that all of the changes are on the street side away from the lake. Nothing is being done to the exterior of the building or expansion of the footprint of the existing building. They propose to use the existing garden space to create a parking area for 30 cars. Compared to other commercial uses in Bolton there are many that can't accommodate their own parking

where this project will. The parking lot will have adequate parking and with compliant stormwater management.

Jon Lapper stated that the applicant feels that it will be an asset to the town with a classy inn and will not be of an impact to the Town because they will be able to handle the traffic on their site.

Henry Caldwell stated that other than the Indian Tepee everything else is surrounding the property is residential. Jon Lapper stated that he understands that Congers Point exists due to a use variance; it was not originally residential, it was a rental property and motel. Congers Point exists in the GB5000 zone.

Gena Lindyberg asked about the stormwater plan. Jon Lapper provided some details about the stormwater plan. A minor stormwater plan was prepared by Devin Dickinson; the project will include 13,500 sq. ft of disturbance.

Sandi Aldrich asked about the amount of lake shore the property has. Jon Lapper replied 84' which is compliant with the variance that they received in September 2012.

Henry Caldwell asked how many seats can be occupied in the restaurant. Edward Foy replied 54; 30 inside and 24 on the porch. Henry Caldwell asked about the hours of operation. Edward Foy explained that they will be serving coffee and pastries in the morning so it would be open at 7am. They would like to do some wine tasting and pairings in the afternoon and then 5 star dining in the evening. He anticipates the last seating to be around 9 or 10pm. Henry Caldwell asked how long the bar will be open. Edward Foy replied that their intent is for it to be an early crowd and would anticipate approximately 11pm. They anticipate a more affluent customer looking for a fine dining experience. Don Roessler asked if the inn will be open year round. Edward Foy replied yes.

Sandi Aldrich stated that this will be open to the public and asked if there will be a property manager on site. Edward Foy replied that between his property manager, himself and his wife as well as another individual they have just recruited, someone will be onsite full time. For the time in between closing and opening of the restaurant he will be on call to attend to the guests needs.

Henry Caldwell stated that he has concerns with traffic exiting onto 9N. Jon Lapper stated that they have worked with the neighbor to the north and the existing driveway will be expanded from 15.5' to 18' from 9N through the first 50' section of the driveway, which the applicant would be willing to stipulate. The remainder of the driveway widens to an appropriate width.

Sandi Aldrich asked about emergency vehicle access. Don Roessler stated that widening the road will assist with the access. However in the summer they would probably work off the boat. Edward Foy stated that there is a fire hydrant in the driveway as well. Jon Lapper added that there is a fire truck turn around on the property. Gary Hughes stated that the building will have a sprinkler system installed.

Don Roessler asked about signage. Edward Foy stated that they will have a high class sign that will indicate parking and the inn. Jon Lapper stated that the sign is not part of the proposal and

is something they still need to work out with the neighbor. Edward Foy stated that they have ordered pedestrian crossing signs for the end of the driveway and are considering a speed bump closer to 9N. He stated that he is very aware and conscious of the safety concerns for pedestrians and exiting out onto 9N.

Gena Lindyberg asked if there is a landscaping plan. Jon Lapper replied no. He noted that they are not changing anything on the lakeside. Additionally the vegetation that is being removed from the gardens will be put elsewhere on the property. Gary Hughes stated that they also agreed with Congers Point to keep the existing buffer and increase it. Edward Foy provided more details. Gena Lindyberg asked if the applicant has spoken with Congers Point. Edward Foy replied no not since the last meeting but some correspondence has been received. He stated that they intend to keep the buffer as thick as possible to provide an exclusive and private experience for the guests.

Sandi Aldrich asked if they will be able to accommodate someone arriving by boat. Edward Foy replied that they can only comfortably accommodate 4 boats. He will be taking up one spot with his boat because he will be commuting by boat so there are only 3 spots that could be taken. It is not something that will be advertised. He stated that they are looking to provide an experience of being on the lake for someone that does not have a boat.

John Gaddy asked Pam Kenyon if she did the stormwater calculations. Pam Kenyon replied no. Jon Lapper explained Devin Dickinson provided a certified plan. The calculations were done very conservatively and he assumed additional space for the calculations.

Don Roessler asked about the applicant's timeframe for opening. Edward Foy replied that they would like to open the inn by July and then complete the rooms to be open for winter.

Sandi Aldrich asked about the parking surface. Gary Hughes replied that they are anticipating using pervious pavement; there are 5 tanks to capture and treat the water beneath the surface.

Gena Lindyberg asked about the existing cottages on the property. Jon Lapper stated that one is being removed completely and the deck will be removed from the other and left on site. Edward Foy stated that they decided to keep it for character.

John Gaddy asked about the lighting for the parking area. Tom? explained that the lighting will be running up the length of the driveway and on the corners. The lighting will be downward facing and shielded.

John Gaddy asked if Tom Nace has reviewed the stormwater. Pam Kenyon replied no. Jon Lapper stated that they could condition the approval with Tom Nace's review and approval.

John Gaddy stated that he shares a lot of the same concerns of this Board regarding the driveway access, but it seems to be well planned out. He stated that this was on schedule to open as a B & B and it is now going to be an inn which is a change in use. There is also an aggressive schedule. He is concerned that there are a lot of letters from neighbors and feels that they should consider a public hearing. Jon Lapper stated that they did anticipate that they may be facing a

public hearing. However it would be surprising since this is in the GB5000 zone. Edward Foy stated that if they are delayed another month they will be not be able to open up for the season. He stated that he feels that have made a responsible plan that is done right. Their intent is to create year round jobs. He is looking to give back in the community that he grew up in. He stated that he grew up on this lake and loves it as everyone does. He has bought a house in Treasure Point and drinks the lake water. He has an appreciation of the environmental concerns and that is why they have gone overboard with the stormwater.

Edward Foy stated that their intent is to build a business in the business district. They did this to offer up a 5 star experience which he feels that Town is lacking. The Town needs to add to the community's business district. This property was on the market for a long period of time, anyone could have bought it. He stated that he and his wife came forward and took the risk. The plan looks organized because they planned very seriously. He stated that they are not asking for any variances. This project and its plans took more money to plan properly. The facility proposed is a 5 star restaurant with high class accommodations, not a bar.

Herb Koster stated that this is in GB5000 zone. Henry Caldwell agreed but it is surrounded by expensive residential homes and they received a lot of letters of concern. Gena Lindyberg agreed that the neighbors have the right to be heard. Edward Foy stated that he thought his biggest problem would be the LGPC. The property is on town sewer, looking at it as a business plan he saw little risk. They are in a commercial zone with residential homes living in a commercial zone. He stated that they have to figure out how to co-exist.

Herb Koster that they also have to think about the master plan. The commercial properties in this town are going by the wayside of second homes. The applicant is bringing a business to this Town in the GB5000 zone where it needs to be. The people living in the GB5000 should understand the risk when they bought that they could potentially be living near a business. He stated that he does not see the need for public hearing.

Edward Foy stated that before he purchased the property he did his research. He spoke with the Supervisor and Town officials. He stated that he has worked with this neighbor and followed the town vision. He did not expect to have any problems.

## **RESOLUTION**

**Motion by** Henry Caldwell to hold a public hearing for SPR13-07. **Seconded by** Gena Lindyberg. Herb Koster, Chauncey Mason and Don Roessler opposed. **All Others in Favor. Motion Carried.**

Don Roessler suggested that the applicant get a sign application ready for the next month.

- 5. V13-11 ADIRONDACK DESIGNERS & BUILDERS.** Represented by Hutchins Engineering. To expand/convert motel into a single family dwelling, seek area variance to alter a pre-existing non-conforming structure in accordance with Section 200-57B(1)(b). Section 186.07, Block 1, Lot 6.4, Zone RCH5000. Property Location: 4824 Lake Shore Drive. Subject to WCPS review. *Note: The Zoning Board of Appeals is seeking a recommendation from the PB.*

Bob McNally presented the proposal. This matter was referred to the PB because an application was made for a variance regarding a side setback. This property consisted of 4 lots, lots 2 and 3 have since been combined and are currently under construction. The fourth lot currently has the hotel units. The applicant is proposing to keep the upper unit which is being occupied by the Demalta's who hold a life estate. The applicant is also proposing to keep a part of the hotel unit closer to the lake that will be used to add onto and construct a single family home. They have chosen to use the existing structure because it is ideally situated and there already is a foundation and basement in place. Use of the structure which would lessen the cost of the project. The property is in a zone that has more than ample land around it. The property will be served by its own septic and will receive Town water.

Bob McNally stated that the lower structure is what they are seeking the variance for. The existing wall will remain and he is only asking for a variance to keep that which is only 4' off the line. Herb Koster asked if the setback was due to the roof overhang. Bob McNally replied yes, the wall is at 5'. Bob McNally stated that Bill Pfau has indicated that they have no objection. There is mostly green space between the properties and the applicant is going to supplement that and add some additional trees staggered along the property line. This is not a self created hardship, it was existing and there is no issue or hardship in the neighborhood.

Henry Caldwell commended the applicant on his previous project. He stated that has been done so neatly. However, he was surprised that the applicant wouldn't want to move the building off the line for compliance and stormwater. Kevin Maschewski stated that it has a solid foundation 8' into the ground, to move it 4' would involve a lot of disturbance and added cost. The flooring system and foundation are solid, he does not see it being economically feasible. Henry Caldwell asked if this would be guest house. Kevin Maschewski replied no he intends to sell it with a contract to build a single family dwelling. He envisions it being cohesive to his design. Herb Koster stated that he remembers when that foundation was put in and it is solid. He can understand why the applicant would not want to go forward with demolishing and removing the foundation just for the 4'.

Sandi Aldrich asked if the subdivision had the condition that the house would be located 140' from the lake. Pam Kenyon replied that she does not recall that being a condition. Herb Koster stated that the original developer had a vision of moving the homes further back but it was never a condition.

John Gaddy stated that he agrees that the applicant did a nice job on the previous project. He asked if he would consider providing a vegetative buffer between the houses and the shoreline.

Gena Lindyberg asked about the septic systems. Tom Hutchins replied that there is a waste water system on the site. The septic tank and pump station are relatively new and would remain but a new compliant absorption field would be installed and another separate septic system would be constructed for the cottage.

Sandi Aldrich asked if the cottage that the Demalta's are in will be associated with this property after the Demalta's are gone. Bob McNally stated that if they receive subdivision approval it

will not be associated with this property. Kevin Maschewski stated that ultimately he imagines that the individual that would purchase this lot would have an interest in that property. However for the time being it will be owned by him. Sandi Aldrich asked if another large house can be built there. Kevin Maschewski stated that he does not intend to develop this lot any further. Additionally it is pinned into the site and would be dealing with setback issues if they were to expand.

Bill Pfau owner of Carey's provided a brief history. He stated that the hotel unit that is looking to remain was moved to that location with the solid foundation approximately 20 years ago and believes it to be in good shape. With regard to the variance request, it is his opinion that building off the existing building will be less of a disturbance than starting over.

Bob McNally asked about the lakeside buffer suggestion. John Gaddy stated that he is asking the applicant to provide a buffer between the properties and down to the lake. He stated that it is in an effort to protect the water quality. Bob McNally reminded the Board that this application is here just for a recommendation and not approval of the site plan. John Gaddy agreed but wanted to provide a suggestion to the ZBA.

## **RESOLUTION**

**Motion by** John Gaddy to make a favorable recommendation for V13-11 and suggested the following condition of approval :1) that applicant include a lakeside buffer to prevent any pollution problems. **Seconded by** Henry Caldwell. **All in Favor. Motion Carried.**

- 6. SD13-04 ADIRONDACK DESIGNERS AND BUILDERS.** Seeks to divide into 2 lots that parcel designated as 186.07, Block 1, Lot 6.4, Zone RCH5000. Minor subdivision. Sketch Plan Review. Subject to SEQR.

Bob McNally presented the proposal. At the ZBA meeting John Michaels had suggested subdividing the DeMalta cottage so that it could remain as it is with a kitchen. It is zoned appropriately to meet requirements. This property as a whole had been approved for a 4 lot subdivision the applicant merged 2 of the lots so essentially this is still only the 4<sup>th</sup> lot. It will have its own water and septic system.

Henry Caldwell stated that it makes sense to him. However he has concern of what happens to it once the DeMalta's are gone. Bob McNally stated that this is relatively small lot with a modest home. Even if someone wants to buy it, this Board would still have jurisdiction over what goes on that lot. Additionally, there is a right-of-way that will affect the front yard setback and the area to build is relatively small. Kevin Maschewski provided further details. He stated that the house currently just meets the 30' front and back yard setbacks, so if there was an expansion they would need approval for it.

There was discussion about the septic system.

Gena Lindyberg asked if there were any conditions from the previous subdivision approval. Bob McNally stated that there were only 3 conditions imposed at the time: 1) that construction

vehicles use the central entrance, 2) construction time limitations and 3) lighting was to be downward and shielded.

#### **RESOLUTION**

**Motion by** John Gaddy to declare Bolton Planning Board as lead agency for SEQRA Review of application SD13-04. **Seconded by** Don Roessler. **All in Favor. Motion Carried.**

**Motion by** John Gaddy to accept SD13-01 as complete, waive a public hearing, and having met the criteria set forth in the code, convert to final plat and grant final approval of the project as presented. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

7. **SPR13-12 KINCAID, BARRY.** Seeks Type II Site Plan Review for an agricultural use. Specifically to sell and load landscaping chip and mulch to the general public and to construct a 15'x 15'3" loading ramp. Section 186.00, Block 1, Lot 35, Zone RL3. Property Location: Trout Lake Road. Subject to WCPS review. Subject to SEQR.

Barry Kincaid stated that he is looking to construct a 15' x 15', 3' high loading dock for mulch. He provided basic details of the proposal.

#### **RESOLUTION**

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SEQRA Review of application SPR13-12. **Seconded by** Henry Caldwell. **All in Favor. Motion Carried.**

**Motion by** John Gaddy to accept SPR13-12 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** Don Roessler **All in Favor. Motion Carried.**

8. **SD13-03 SMITH, ROBERT & PATRICIA.** Represented by D.L. Dickinson Associates. Seeks to divide into two lots that parcel designated as Section 212.00, Block 1, Lot 6, Zones RR5, RR10 and LC25. Property Location: 235/237 Dickinson Hill Road. Minor Subdivision. Sketch Plan Review. Subject to SEQR.

Pat Smith stated that they have a 53 acre lot that they are looking to subdivide. There are 2 structures and they are looking to separate the houses. There will be no change to the houses.

#### **RESOLUTION**

**Motion by** John Gaddy to table until end of meeting. **Seconded by** Don Roessler. **All in Favor. Motion Carried.**

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SEQRA Review of SD13-03. **Seconded by** Henry Caldwell. **All in Favor. Motion Carried.**

**Motion by** John Gaddy to accept SD13-03 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** Sandi Aldrich. **All in Favor. Motion Carried.**

9. **SPR11-12 ROEMER, JAMES. (Summer Wind Lodge).** Seeks Type II Site Plan Review for 1) a land use within 250' of Lake George. Specifically to construct a single family dwelling/garage; and 2) a major stormwater project involving more than 15,000 square feet of land disturbance. Approximately 32,000 square feet is proposed. Section 171.11, Block 2, Lot 1, Zone RCM1.3. Property Location: 1 Braley Point. Subject to WCPS review. Subject to SEQR.

James Roemer explained the proposal. He stated that he contacted Dave Wick to assist in coming up with a solution for the water discharging from 9N. He provided further details.

Zack Monroe explained the stormwater engineering. It has been reviewed and approved by Tom Nace. Gena Lindyberg asked if all of Tom Nace's comments were addressed. Pam Kenyon replied yes, the applicant has been working on this for almost 2 years.

Sandi Aldrich asked how far the house has been moved back. Zack Monroe replied 60' from the previous foundation.

Sandi Aldrich stated that she would like a planting plan with regard to what is being removed and what will be replaced. John Gaddy agreed and asked about providing a buffer along the retaining wall to break up the large mass of retaining wall.

There was further discussion on the design of the project.

## **RESOLUTION**

**Motion by** Sandi Aldrich to table SPR11-12 until a planting plan is submitted. **Seconded by** Gena Lindyberg. Chauncey Mason, Herb Koster, Henry Caldwell, John Gaddy and Don Roessler opposed. **Motion Failed.**

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for application SPR11-12. **Seconded by** Don Roessler. **All in Favor. Motion Carried.**

**Motion by** John Gaddy to accept SPR11-12 as complete, waive a public hearing, and having met the criteria set forth in the code, grant final approval of the stormwater project as presented with the following condition: 1) a planting plan is submitted to the Planning Office within 6 months. 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. Gena Lindyberg opposed. **All others in Favor.**

**Motion by** John Gaddy to accept SPR11-12 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 condition: 1) that any exterior light lighting is downward facing and shielded. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by** Henry Caldwell. **Motion Carried. All in Favor. Motion Carried.**

Minutes respectfully submitted by Kristen MacEwan.  
Meeting Adjourned at 10:15 pm