

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday August 20, 2015
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- Sandi Aldrich, John Gaddy, Herb Koster, John Cushing, Kirk VanAuken, Gena Lindyberg, Henry Caldwell, Alternate Ann Marie Somma, Zoning Administrator Pamela Kenyon and Counsel Michael Muller.

Absent:

The meeting was called to order at 6:05 pm.

Herb Koster asked if there were any changes or corrections to the July 16, 2015 minutes.

RESOLUTION:

Motion by Gena Lindyberg to accept the July 16, 2015 minutes as presented with the following change; page 3 item # 3 should read 48” not 48’. **Seconded by**, Henry Caldwell. **All in Favor. Motion Carried.**

REGULAR MEETING

1. **SPR15-15 BWM REALTY ASSOCIATES (JOHN KELLY).** Represented by Joseph Haines. Seeks Type I Site Plan Review for tourist accommodation of 75 or more units, specifically to demolish several buildings and relocate 58 lodging units into a hotel style building, reconfigure existing buildings into dining pavilion and maintenance facility, new in-ground pool, leach field and misc. site improvements. Section 200.06, Block 1, Lot 19.1, Zone RM1.3. Property Location: 4436 Lake Shore Drive. Blue Water Manor. Subject to WCPS review and APA approval. Subject to SEQR. Site Plan Review will also be required for a major stormwater project but has not yet been applied for. Conceptual review only. See V15-24 associated with this project.

John Kelly stated that they are here to find out everything the Board will require from them for this project. He stated that they are looking to clean up the property and eliminate all the deteriorating buildings. He stated that they are open and anxious to hear anything the Board has to say to make this a better project.

Joseph Haines presented the following:
The property is approximately 5.7 acres

- They currently have 84 units with a restaurant, banquet facility and indoor pool.
- Most of the units are made up of cabins of 2 or 4 units.
- They have a motel that consists of 22 units.
- These are spread out over the property.
- The renovations have mostly included the tavern kitchen and decks.
- They have also renovated 26 units so far along with the banquet facility.
- At this point they are looking to replace the indoor pool building with a hotel style building.
- They received all their variance approvals from the Zoning Board at Tuesday's meeting.
- He detailed all of the changes they made to accommodate the Zoning Board's requests.
- They are looking for input from this Board before they do all of their stormwater and engineering for the project.
- He detailed their overall plans with the different phases to the Board and explained that they here for conceptual only tonight and to make sure they are going in the right direction.
- He stated they are trying to put in their new structure without disturbing the natural habitat.

Sandi Aldrich asked if they planned on doing any blasting for the new pool. Mr. Haines replied that they were not. He detailed how they planned on achieving this to the Board.

Sandi Aldrich asked if the building would be seen from the lake. Mr. Haines said possibly if they were on the other side of the lake and had a good set of binoculars, they may get a glimpse through the trees. He stated they were setback 420' from the lake.

Mr. Haines submitted a letter from Dickinson Associates detailing the work that they have performed and stated the site will be able to meet the requirements for stormwater management and wastewater treatment.

Herb Koster stated he liked the concept but he would like to see all the engineering for stormwater and septic in place before they made any approvals. He stated he likes what has been done so far and the concept is great. Mr. Haines stated he understands that they need all of this but they are here tonight to get feedback from the Board as to everything they would like before they invest in the engineering.

Gena Lindyberg stated she believes the parking needs to be addressed. Mr. Haines stated that they increased the parking to 103 spots and they do have some off-site parking. Gena Lindyberg stated she had been on the property and the parking was horrible. Mr. Haines stated that right now parking is inefficient. Mr. Haines stated that it was determined at the Zoning Board that they did not need a parking variance. Zoning Administrator, Pamela Kenyon agreed stating it was a wash. Herb Koster stated that the applicant still has to satisfy this Board and their demands for parking. He explained that the lack of the need for a parking variance does not exonerate them from parking.

Henry Caldwell asked where the property line was to the New York State right of way. Mr. Haines detailed it on the map. John Gaddy stated it looked like this was used as a parking solution.

John Cushing asked if they had repaired any of the roads on the property yet. Mr. Haines stated only minor repairs were done and that they are waiting to do it after they have done all the work.

Henry Caldwell asked what the anticipated construction schedule would be. Mr. Haines replied that they would like to put the pool in within the next year and the hotel construction 2017 – 2020. They would like to do it sooner if they receive all of their approvals.

Herb Koster asked if all the other improvements would affect the roads. Mr. Haines stated that they would maintain the roads for the customers.

Gena Lindyberg stated that stormwater management needed to be part of each phase of the plan. Mr. Haines stated they would do stormwater for the pool at the time of construction.

Herb Koster stated that they would like to see the stormwater management started before they start on construction phases. Mr. Haines stated the first stage is to remove the cabins and the pool building to clean up the property. He explained that the stormwater would be implemented when they built the hotel. Herb Koster stated that the stormwater would need to be done on the lower part of the property before they got started. Mr. Haines stated he would look into all the regulations and they would work to implement it as needed.

Henry Caldwell stated that stormwater management during construction phases is very critical. Mr. Haines stated they were trying not to disturb the site as much as possible, and detailed the proposed construction entrances.

Kirk VanAuken stated that they would like to see a planting plan showing existing trees and what mitigation they would be doing after the removal of trees for construction and what they would be putting back. They will want a buffer for the neighboring properties. He stated that it is prudent to have the stormwater management phase for each portion of the project so it is not retroactive. He stated they would like to see what the lot coverage was now and what the final coverage would be. He stated the parking will need to be shown on the plans. Mr. Haines stated that they would be removing the tennis courts and basketball court. He stated that they would work on this with the engineer.

Herb Koster stated that they are looking to see the upgraded stormwater plan to the existing structures by the lake previous to any construction as he is sure they do not meet the existing regulations. Atty. Muller stated the Board's must be reasonable to the project and the applicant has the ability to stand their ground with respect to what they already have. He stated concessions could be made along the way. Mr. Haines stated they understand the Board's concerns and if there is an opportunity to implement the stormwater they would.

John Gaddy stated that it was interesting to see the number of people in support of the project at the Zoning Board meeting and that the Fund for Lake George was pushing the project as a low impact development project and he believes the concerns to get the stormwater up front is good. Herb Koster stated that the project certainly has his endorsement because the town has been losing tourist accommodations on a yearly basis and this is a fantastic project. He stated everything that has been done so far is fantastic, and he just wants them to understand that the Board wants stormwater implemented in the correct fashion.

John Gaddy stated he was happy to see the overall height was lowered and that dark sky compliant lights were used. He asked if the new structures were also compliant. Mr. Haines stated that they were. He stated they have been working with Chris Navitsky to make sure this project is done correctly.

John Gaddy asked about the State land would be interested in the improvement for a sidewalk area, and who they should contact. Atty. Muller stated DOT.

Henry Caldwell stated they should be careful, as the State in their infinite wisdom put sidewalks in from Bixby Beach to the library, eliminating 36 parking spots for the Town of Bolton.

Gena Lindyberg asked about the Warren County denial. Atty. Muller stated this was due to the fact that Warren County misquoted the size of the building and the parking variance was not required. Atty. Muller stated it was an unfortunate misfortune, and they could not have a denial without prejudice.

John Cushing asked if they had talked to the fire company at all about access. Mr. Haines replied that they had and it was part of their approvals at the ZBA. Sandi Aldrich stated they had received an email from the fire chief. Mr. Haines detailed the fire chief's concerns and the remediation that they had done to meet his requests.

2. **SPR15-18 LARKIN, RICH.** Seeks Type I & Type II Site Plan Review for a Campground. Section 184.02, Block 2, Lots 6.1 thru 6.7, Zone RR5. Property Location: 863 East Schroon River Road. Subject to WCPS review and APA approval. For discussion purposes only.

Rich Larkin presented the following:

- They were allowed the use of two campers on the property last year by the Board.
- They have been asked by many people to camp there.
- He has been talking with the Zoning Office about placing a camper park on his property.
- He did not realize that he did not need a full engineered plan to come to the Board.
- He did not want to spend a ton of money on these plans before coming to the Board.
- He feels that he has been encouraged by Mr. Conover to proceed with this project.
- The investment will be substantial so he would like the Board's input.
- They are looking for 125 fully serviced RV/Camper sites.
- They will have some tent sites.
- There are many aspects involved.

- He feels that Winchip engineering will be able to handle anything needed for this project.
- Originally this site was approved for building sites.
- Financially this is not feasible at this time.
- He has had many people that would be happy to pay a seasonal rate to place their campers on the property. He would have some daily use sites to.

Herb Koster asked if he was looking for 110 campsites. Mr. Larkin stated he only believes he will have 100 full service sites and 10 rustic sites. He stated the 10 acres along the river will stay a recreational area with no campsites. He stated that this area was in the flood zone. Herb Koster stated that there are only 92 sites plotted on the map and he is asking for another 18. Mr. Larkin stated there were additional sites plotted on the other side of the road, and they are looking at a hand drawn map that he had prepared himself. He stated he does not feel that they could accommodate 125 full service sites on the property. Herb Koster asked if he was planning on using lots 1 and 2 for the project. Mr. Larkin replied that this was correct.

Kirk VanAuken asked what the plans would be for the house. Mr. Larkin stated that at this point in time they are going to leave lot 1 alone, because as soon as he includes this lot he will need to chlorinate the well. He stated that in the long run he would like to see the house becoming a facility for the campground, but for now his tenants will be living there.

Kirk VanAuken asked what lots they are looking at to use. Mr. Larkin said he would like all of them to be included with the reservation that lot 1 would not be a part of the initial build.

John Gaddy stated that they would need to incorporate the entire plan for this discussion so they are aware of how this project would be at the end. Mr. Larkin stated he wants it to be a part of it, and the property should all be one piece at some point in time, meaning it should all be part of the whole facility.

John Gaddy stated that as a condition of approval lot 6 was to have the meets and bounds description to the easement on the map. Mr. Larkin stated this refers to a path that the Board allowed him to do when he developed this property. He did not build the barn or the house so no meets or bounds have been put in place.

John Gaddy asked about section 247-2e for the plan for trees to shade the neighbors or for shading of the lots. Mr. Larkin stated they would be putting leaf bearing trees by each site and they would also be shielding the road. He stated that there was a road and entryway approved on lot 6 and he is proposing two in and two out entryways and exits with everything else screened appropriately.

John Gaddy asked if the site was located in a 100 year flood plane. Mr. Larkin replied that it is at the bottom of the bank, but he would get back to the Board if it was anywhere else.

Mr. Larkin commented on his project promoting the tourism trade in Bolton.

John Gaddy asked how they would be dealing with generators on an RV. Mr. Larkin stated that this was the reason they would be supplying electricity, water and sewer on each site. He stated

they are looking to make sites 40' x 70' so it is not crowded. He detailed how he would like to do things differently than many of the other RV parks.

Kirk VanAuken asked about item 14 on the environmental assessment form and if there was another wetland other than the one next to the water that he would be impacting. Mr. Larkin stated that there is an old privy down by the water, which he will be removing, and hopefully he will be adding a gazebo. He stated that this is the only thing he can think of and he was not sure why he checked that off on the form.

Kirk VanAuken asked if they would be using the 100' setback from the residence and would like it depicted on the map. Mr. Larkin stated he did not feel he would have any problems with the setbacks. He also stated he anticipated putting bath houses on the north and south ends.

Mr. Larkin talked about having one of the few campgrounds that would be completely up to code in the state, by the time he is done.

Herb Koster stated that the Board is not familiar with campgrounds but they will get into it.

Mr. Larkin talked about the property and this was a way of using it to accommodate many people from all over. He stated he believes the Town made a mistake when they created the laws. He detailed his opinion on this matter to the Board. He gave a letter to the Town Atty. detailing his concerns.

John Gaddy asked if Mr. Larkin had concerns with the Zoning Board as it stands is limited the roads. Mr. Larkin replied yes.

Gena Lindyberg stated that with the approvals he is looking for the Board needs to use the regulations as they stand. Mr. Larkin replied that he understood that.

Henry Caldwell stated they would need a public hearing before he went too far. Mr. Larkin stated that if they had a Public Hearing that the neighbors would be happiest if it was left as a field. He talked about the increased traffic that is already occurring on East Schroon River Road.

Herb Koster stated that the Board needed something more concrete to work with. Mr. Larkin stated that the Town Board had a lot of work to do before they proceed.

John Gaddy asked about the land adjacent to river and what the improvements were to be. Mr. Larkin stated improvements would be a gazebo with some lighting, porta potties and improve the bank to slow down the erosion.

Herb Koster asked if Mr. Larkin should be going to the Town Board for changes in the ordinance. Atty. Muller stated that Mr. Larkin needed to be very specific about what he hopes to put as his best plan and project so when he goes before the Zoning Board they can understand exactly what he wants and variances he may need and at that point they may understand what changes may be necessary. He stated that Mr. Larkin really needs a detailed plan with the exact

dimensions on it. Herb Koster stated that he really needed to put the specifics on the drawings so they could move forward. He stated that the Board could not discuss changing the code, this had to be done at the Town Board level.

Mr. Larkin questioned the lack of a campground permit. Atty. Muller stated they were not stonewalling him, the Town does not have one. Pamela Kenyon stated that the code states what is required for a site plan application. Atty. Muller stated that Mr. Larkin could draw it all out to scale by himself to see what the Board would need.

3. **SPR15-19 TROUT LAKE CLUB INC.** Represented by Andy Roden. Seeks Type I and Type II for Tourist Accommodations, specifically to construct 1 additional rental cottage. Section 185.15, Block 1, Lot 4, Zone RCL3. Property Location: 1 Trout Lake Club Road. Subject to WCPS review and APA approval. See V15-28 associated with this project. To be heard only if a successful variance is granted.

Amanda Roden passed out packets to the Board.

Andy Roden presented the following:

- They were incorporated in 1924 by his grandfather.
- The piece of property they would like to build on never got developed prior to 1973.
- The privately owned cottages can rent through them and use their facilities.
- Two out of the three of the homeowners have decided not to rent.
- A family that has been renting one of them on the lake for 40 years will no longer have a rental.
- They don't have any place to put them and they do not want to turn them away.
- They bring many friends and family to the resort.
- They do not want to tell them they can't come back after all this time.
- He can't use this lakeshore without coming before the Board
- This is 22' from the road and 60' from the lake.
- They currently own the adjoining cottage.
- They intend to take the existing septic from this adjoining cottage and the new cottage and combine them.
- They will pump the effluent from these cottages up across the upper road, away from the lake.
- He detailed where the leach field will be placed and stated that this will be the best location to use.

John Gaddy asked if the line would be going between the Sence and Eposito cabins and if it was cobbly, sandy soil. Mr. Roden stated that it is a little bit of dirt and rocks. He stated it would be engineered to meet all requirements.

John Gaddy inquired about the lighting. Mr. Roden stated they would use dark sky compliant lighting.

Gena Lindyberg asked if they had done any studies on the soils for the septic. Mr. Roden stated he had not, but he is not anticipating any problems. He stated if an engineer can't design one there, he won't be building.

Herb Koster asked if this was previously arranged as a beach access to accommodate other houses. Mr. Roden stated in his lifetime it has never been proposed to be anything else and nobody has a deeded right or easement.

Sandi Aldrich asked if the footpath was to access the dock. Mr. Roden stated he rents space so that the neighbors can access their docks. He stated he has talked to all of them and he has no intentions of adding another dock for the new cottage and the neighbors will continue to use them as they have been.

Herb Koster stated there will be a stipulation on the deed. Mr. Roden stated no there would not. He stated he owned the property and he wanted to build a rental cottage to accomodate up for the loss of the rental properties that will not be renting next year.

John Gaddy asked if there were any density issues. Zoning Administrator, Pamela Kenyon replied no.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR15-19. **Seconded by**, Henry Caldwell. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SPR15- 19 as complete; waive the public hearing, 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 with the following conditions; 1). All exterior lighting is to be downward facing and shielded. 2). The septic plans are to be submitted to the Zoning Administrator for approvals. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

The meeting was adjourned at 7:54.

Minutes respectfully submitted by Kate Persons.