

**Town of Bolton  
PLANNING BOARD  
MINUTES  
Thursday August 18, 2016  
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, John Cushing, Gena Lindyberg, John Gaddy, Sandi Aldrich, Alternate Ann Marie Somma, Kirk VanAuken, Zoning Administrator, Pamela Kenyon and Town Counsel, Michael Muller

**Absent:** Henry Caldwell.

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

**REGULAR MEETING**

Herb Koster asked if there were any changes or corrections to the July 21, 2016 minutes.

**RESOLUTION:**

**Motion by** Gena Lindyberg to accept the July 21, 2016 minutes as presented. **Seconded by,** Sandi Aldrich. **All in Favor. Motion Carried.**

- 1. SPR16-24 TOWN OF BOLTON (HHN).** Represented by A.J. Signs. Seeks Type II Site Plan Review for an advertising sign greater than four square feet. Specifically, 9.16 square feet is proposed. Section 171.15, Block 1, Lot 82, Zone RM1.4. Property Location: 11 Cross Street. Subject to WCPS and SEQR review.

Tom Wheeler of A.J. Signs presented the following:

- They are looking to upgrade all of their signs throughout the network.
- This will not be an illuminated sign.
- They shrunk it down to fit in with the neighborhood.
- They used Adirondack colors to fit into the location.

Kirk VanAuken inquired if there would be any lighting. Mr. Wheeler replied no.

**RESOLUTION:**

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SPR16-24. **Seconded by,** Gena Lindyberg. **All in Favor. Motion Carried.**

**Motion by** John Gaddy to accept SPR16-24 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 condition; 1) Any exterior lighting is to be dark sky compliant and downward facing and shielded. **Seconded by,** Gena Lindyberg. **All in Favor. Motion Carried.**

2. **SPR16-20 WOLGIN, I. ROBERT.** Represented by Gary Hill. Seeks Type II Site Plan Review to timber harvest an area greater than one acre in the RL3 Zone. Specifically, 3.5 acres is proposed. Section 156.00, Block 1, Lot 23. Property Location 58 Frank Cameron Road. Subject to SEQR.

I. Robert Wolgin presented the following:

- This is a 3.5 acre improvement cut on a 50 acre track.
- They will be removing mostly pine.
- They are just trying to take out the dead wood and do an improvement cut.

Gena Lindyberg asked if they were just taking out the dead wood. Mr. Wolgin stated it was an improvement cut so it was more than dead wood. It is not a timber harvest for value, it is strictly to improve the existing stand.

Gena Lindyberg asked what property adjoins this. Mr. Wolgin stated he owned the adjoining property. One parcel is 29 acres and the other is a 21 acre parcel making a total of 50 acres on the two adjoining lots. He is bounded by Frank Cameron Road to one side and Valley Woods Road to the other side.

Sandi Aldrich inquired who was to the east of him. Mr. Wolgin stated it would probably be Leombruno depending on where it hits the line. Sandi Aldrich stated all of the adjoining properties should have been designated on the map.

Kirk VanAuken asked if they would be taking it out on Valley Woods Road. Mr. Wolgin replied yes, there was an old header in there.

Herb Koster asked what the time frame was for the project. Mr. Wolgin stated it would definitely be done in the winter on solid ground.

## **RESOLUTION:**

**Motion by** Kirk VanAuken to declare the Bolton Planning Board as lead agency for SPR16-20. **Seconded by,** John Gaddy. **All in Favor. Motion Carried.**

**Motion by** Kirk VanAuken to accept SPR16-20 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) The harvest is to be done in the winter months when the ground is frozen. **Seconded by**, John Gaddy. Gena Lindyberg opposed. **All others in Favor. Motion Carried.**

- 3. SPR16-22 LAIACONA, NICHOLAS & CHRISTINA.** Represented by Barry Kincaid. Seek Type II Site Plan Review to bring back former view of Lake George and surrounding landscape on those parcels designated as Section 156.00, Block 2, Lots 26 & 28, Zone RL3. Property Location: 282 Federal Hill Road and being Lots 7 & 8 of the South Farm Subdivision. Subject to SEQ. One condition of approval set forth by the PB when approving South Farm Subdivision reads as follows: Planning Board will review building sites before any building is done to protect replanted and new growth vegetation.

Barry Kincaid presented the following:

- The intent is to bring back the original view of Lake George and to restore lost property values.
- The trees that have overtaken the view will be selectively removed as necessary which is crucial to restore the view.
- They will then reevaluate the view to prune others.
- The applicant bought the property in 2003 and he detailed the view at that time on photos.
- They own 3 lots and on the adjacent piece that he owns, his tax assessment went down in value \$29,600.00 due to loss of view.
- The house is a dark, earth tone brown.
- There are 3 large canopy trees in front of the house that will not be removed to help reduce the impact. They may only do some pruning on them.

John Cushing asked if this was part of the illegal clear cut from the Rolf Ronning development. Mr. Kincaid stated he believed it was, and he believes it has gone through its cycle. Herb Koster stated this was about 35 years ago.

Ann Marie Somma stated she visited the site and there were still ample views of the lake, especially from the deck. She stated that the pictures looked like they were taken at different levels. Mr. Kincaid replied that Mr. Laiacona stated he took the picture in 2003 from the lawn before the deck was built. Ann Marie Somma stated it seems different. Mr. Kincaid stated that when you line it up it is not that much of a difference.

John Gaddy stated he appreciated the Laiacona's enlisting Mr. Kincaid's services but he took issue with the applicant looking to reestablish the original views. He does not want to see this happen. He stated that he looked at the view that Mr. Kincaid had done for a client down below this property and the work was great. He does not want to go back to the stage of the illegally cut property, but he would support the fact that people are using Mr. Kincaid to do this work correctly. He would like to limit in some way, so it was not the original view. He is all for this, Mr. Kincaid stated it was very difficult not to go back to the view he originally had and restore

what he lost, because that is what the homeowners assessments were based on and why he bought there. This cut is really about managing what Mr. Laiacona has, back to what he originally had to bring the values back to the property.

John Gaddy asked how they could connect the \$29,000.00 loss of value to the loss of a view. Atty. Muller stated it was definitely inherent with the lake view. Mr. Kincaid stated it was a drop in assessment. Gena Lindyberg stated she was on the Board of Assessment Review and does not remember it being lowered for lack of lake view. Atty. Muller stated it was not lowered by the Board of Assessment Review, it was just lowered. Gena Lindyberg stated that she could be wrong but she does not believe it was lowered for a lost view. She asked which piece of property they were here for. Mr. Kincaid stated the piece of property with the house on it, they are cutting on the adjacent property. He was using this to show the loss of property values. Gena Lindyberg asked if they had lost any value on the parcel with the house on it. Mr. Kincaid stated he was not sure. Atty. Muller stated it was certainly inherent with the evaluation of any potential lake view that if it has a view the value certainly goes up.

John Gaddy asked if it was legal to state that they wanted the work to be done by Mr. Kincaid's firm. Atty. Muller stated that it was not but the Board could indicate that an approval could be based on representations that Mr. Kincaid has made. If someone else does the work, they would have to do the plan submitted by Mr. Kincaid. Mr. Kincaid asked if the Board could say if the applicant does not use Mr. Kincaid; they would need to come back with their new representative. Atty. Muller stated they could.

Gena Lindyberg stated her concern was the comment to bring back the former view. John Gaddy stated he was more comfortable with the term filtered view. He does not necessarily want it back to the scorched earth policy, they need to work on this. Ann Marie Somma agreed.

Gena Lindyberg asked if they were going to cut both lots. Mr. Kincaid replied yes.

Atty. Muller asked if Mr. Kincaid could use different terminology instead of clear cut. Mr. Kincaid stated they had never seen the terminology clear cut in his projects. Atty. Muller stated this was true, but the original project done by Mr. Ronning was clear cut. Mr. Kincaid stated that it was so difficult to say what the percentage of how it was going to be laid out was. Atty. Muller stated that restoring it back to what it was 35 years ago was not very favorable to the Town.

Herb Koster stated that there was a question of what height the different pictures were taken, so there is a question of the view. The Board agreed. Gena Lindyberg stated they were at different angles too.

John Gaddy asked if they could allow selective thinning, but not to the levels of the original South Farm Development.

The Board spoke amongst themselves about different phases and terms.

Ann Marie Somma stated this was a challenge for the Board, because they were going to have more and more of these. John Gaddy stated his concern was that people would be doing this on their own as opposed to using Mr. Kincaid who has been doing it very well. Gena Lindyberg asked if they should put in stipulation a that they could approve a certain percentage of cutting and go from there. John Gaddy stated he would prefer that the Board come up with better language that they can use. He stated he would not like to have someone else coming in and presenting the type of work Mr. Kincaid does and then not following through with it. Ann Marie Somma stated that there are different interpretations for filtering. Mr. Kincaid stated there were also different levels of filtering. Gena Lindyberg asked about marking the trees. Mr. Kincaid stated he could not mark all these trees. This was a layer of work to get these views.

Sandi Aldrich said she got the feeling it was a process to do this view. Mr. Kincaid stated it was.

The Board talked about selective thinning and having inspections by the Planning Office. Mr. Kincaid stated he was good with checking at 50%, 75% and 100%. If this was the best way for them to get a handle on a project, he was fine with this. Gena Lindyberg stated if this was going to be their guideline they should use it going forward.

Herb Koster asked if Mr. Kincaid could do projected views in the future for the Board. Mr. Kincaid said he did not really have the technology but he could certainly try.

Ann Marie Somma stated her problem was this was a clear cut piece of property that was all growing at the same rate and it will need to be maintained over the next several generations so that it does not always look like a clear cut piece of property. She believes Mr. Kincaid has the talent and ability to do this. It is very hard for the Board to put this in specific terms. Mr. Kincaid detailed how he worked the process and explained the way he could do this project correctly.

Ann Marie Somma stated she would feel better if they identified the trees that would be allowed to grow and would always stay.

## **RESOLUTION:**

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SPR16-22.  
**Seconded by,** Sandi Aldrich. **All in Favor. Motion Carried.**

**Motion by** John Gaddy to accept SPR16-22 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) The property is not to look like the submitted 2003 photo of the view. 2) Mr. Kincaid will selectively thin the appropriate vegetation to enhance the view of the property while maintaining cover to develop future filtering. 3) 1 week prior to the 50%, 75% and 100% cutting completion, Mr. Kincaid will contact the Bolton Planning Office to come look at the project. **Seconded by,** Kirk VanAuken. John Cushing opposed. **All others in Favor. Motion Carried.**

4. **SPR16-23 FORTUNA, RICHARD.** In accordance with Section 200-47G3 (Regulations of mobile homes outside of transient mobile home courts or campgrounds), seek Type II Site Plan Review to place a construction trailer on that parcel designated as 186.00-1-40.111. Zone RL3. Property Location: 18 Brookside Parkway. Subject to WCPS and SEQR review. Note: This is an amendment to SPR15-17 approved by the PB on July 16, 2015 with the following condition attached: If the applicant needs the trailer more than one year, they will need to come back to the PB for approvals.

Richard Fortuna presented the following:

- They have a travel trailer on the lot they occupy while they are there while building their new home.
- They are looking to renew their permit while they finish building.
- It is a 3 season trailer and they still reside in New Jersey.

Gena Lindyberg asked if they had a timeline of completion. Mr. Fortuna replied the spring of 2017.

John Gaddy asked if one more year would be enough. Mr. Fortuna replied absolutely.

#### **RESOLUTION:**

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SPR16-23. **Seconded by,** Gena Lindyberg. **All in Favor. Motion Carried.**

**Motion by** John Gaddy to accept SPR16-23 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) This approval is good for one year. **Seconded by,** Sandi Aldrich. **All in Favor. Motion Carried.**

5. **SD16-05 FOY, EDWARD.** Represented by Joseph Haines. For a proposed 3-unit townhouse project on individual lots, seeks to divide into 3 lots that parcel designated as Section 171.15, Block 3, Lot 28, Zone GB5000. Property Location: 4992 Lake Shore Drive. Minor Subdivision. Sketch Plan Review. Subject to SEQR. See SPR16-16 and V15-45 associated with this project. To be heard only if a successful variance is granted.

Joseph Haines presented the following:

- He was in front of the Board in June for an advisory opinion.
- The Zoning Board approved the project this past Tuesday.
- They meet all the regulations for stormwater and the Town Engineer has signed off on the project.
- They have 1 stipulation about overflow.

- The propane tanks are going to be buried in the front, 10' from the property line.
- He detailed the location of the condensers and the screening of them.
- They have removed the wrap around porch on the north side and shifted the building 5' to the north.
- They have submitted a landscape plan for screening of the neighboring properties and he detailed it to the Board.
- They will create an HOA if they receive approvals.
- They spoke with Chris Navitsky and made changes by raising the elevation of the parking lot to satisfy his concerns.
- The easements will all be done upon approvals.

Gena Lindyberg asked about the location of propane tanks. Mr. Haines stated that they were told they would need to be 10' from the property line. He stated they were 250 gallon tanks for each of the homes. Herb Koster asked if they could bury a 250-gallon tank. Mr. Haines replied yes, he had checked into it.

Kirk VanAuken inquired about the distance of the State right-of-way. Mr. Haines stated that it was to the property line. The State had taken their right-of-way when they put the sidewalks on their property. Kirk VanAuken asked if they were being buried, how did they plan on filling them. Mr. Haines stated there would be a top cap that would be exposed. Ann Marie Somma asked if the propane truck would be able to fill the tanks from the back and not off of Route 9N. Sandi Aldrich stated they should be able to reach it from Norowal Road.

John Gaddy asked if it would be possible to relocate 2 of the condensers to the north side. Mr. Haines stated they could. Ann Marie Somma inquired if they would need an easement for the condensers. Mr. Haines stated they show an easement for them on the drawings.

John Gaddy stated he would like to see the number of trees doubled up in the section by the neighbors. Mr. Haines stated they would choke each other out. John Gaddy stated he would like to see them placed there now and they can selectively cut them out after 8 years if they needed.

John Gaddy said the drawings show no vegetation on the 9N side of the structure. He would also like to see all the big trees on the Norowal side to be kept during the construction phases. Mr. Haines stated he did not believe that they would be able to keep them. He stated there was an 8" maple they would be keeping, and there may be a 12" maple that could be kept. John Gaddy stated he would like them to keep whatever trees that they possibly could along that border.

Herb Koster asked if the stormwater overflow directed on other properties would be taken care of in the HOA. Mr. Dickinson stated they would not be directing any stormwater overflow onto the adjoining properties. He detailed the controls to the Board.

Gena Lindyberg asked where the rainfall from the gutters would go from the middle unit. Mr. Dickinson stated it would not be guttered and would shed in sheets. Gena Lindyberg asked where the runoff from unit 2 would flow. Mr. Dickinson stated it would flow into the porous pavement and in the front yard it would sheet off the roof on to the steps and garden. He stated they may be able to convert the planter into a depressed area to trap the water.

John Gaddy asked about the observation wells. Mr. Dickinson stated they were to observe if there was any sediment in them. Gena Lindyberg asked if maintenance for this was going to be in the HOA. Mr. Dickinson stated it would. He stated the porous pavement should be low maintenance. Ann Marie Somma stated sanding it in the winter would not be good for the pavement. Mr. Dickinson agree and stated there would need to be provisions in the HOA to maintain this.

John Gaddy asked about elevations on the drawings and the level of the pavement. Mr. Dickinson said it was just below the finished elevation of the garage. John Gaddy asked if this 9' above lake level. Mr. Dickinson said it was. John Gaddy stated this seems high compared to what the lake is. Mr. Dickinson stated he thought it gradually sloped down to the lake.

Kirk VanAuken inquired what the building time frame would be. Mr. Haines stated it would probably be next spring. Edward Foy Sr. stated that if they got approvals tonight, they would like to demolish the house after Labor Day weekend and he would like to start after that is done. He would love to be inside by the winter. Sandi Aldrich asked if that was doable. Mr. Haines stated it would be depend on when they received approvals and permits.

Gena Lindyberg asked if the easements would take extra time. Mr. Haines stated he did not think so. Herb Koster asked if they had an easement from the town. Atty. Muller stated it was in the works. Herb Koster asked if the State would be involved with it. Atty. Muller stated they would not.

The Board discussed a few of the items they would like to see as conditions of approval amongst themselves.

Herb Koster asked if they could downspout the runoff from the roof of the middle unit directly onto the porous pavement. Mr. Dickinson stated absolutely. Kirk VanAuken asked if they could split flow for both front and back. Mr. Dickinson detailed how it could be done. Herb Koster stated he would like to see a gutter over the front steps of the middle unit.

Ann Marie Somma inquired about storage on the front porch. Mr. Haines stated it was a condition of approval by the ZBA that there was to be no storage in this area.

Herb Koster inquired if the applicant was willing to double up the trees on the south end. Mr. Haines stated they were.

John Gaddy stated he would like to see extra effort to save the existing trees on the northern end. Mr. Foy stated he would like to save whatever is possible. Mr. Haines stated they would try their best. John Gaddy stated it looked as though there was enough room to get around some of those existing trees, and he would like them to be screened and protected during the construction process.

John Gaddy stated he wanted the trees doubled up on the south side along the retaining wall. He would like them doubled up and staggered, with a 5 year moratorium on cutting them.

John Gaddy said that all outdoor lighting is to be dark sky compliant.

Herb Koster asked if the Zoning Board conditions of approvals would be included on the final plans. Zoning Administrator, Pamela Kenyon stated that they did.

**Motion by** Kirk VanAuken to declare the Bolton Planning Board as lead agency for SD16-05. **Seconded by,** John Gaddy. **All in Favor. Motion Carried.**

The Board went through questions 1-11 Part II of the SEQRA Review.

**Motion by** Gena Lindberg to accept SD16-05 after establishing lead agency and going through the Environmental Impact Assessment short form; the review of items 1-11 with no or small concerns. Based upon taking an extremely hard look at this project the overall impact for this project will be no or small impact. **Seconded by,** John Gaddy. **All in Favor. Motion Carried.**

**Motion by** Kirk VanAuken to accept SD16-05 as complete; waive the Public Hearing, having met the criteria set forth in the code, approve the sketch plan as presented, convert it 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 with the following conditions 1) The HOA is to have a porous pavement maintenance plan included in it. 2) An easement agreement is submitted for lots 1 & 2 for access to their homes with the Town of Bolton and any of the lots that they are required from. **Seconded by,** John Gaddy. **All in Favor. Motion Carried.**

6. **SPR16-16 FOY, EDWARD.** Represented by Joseph Haines. For a proposed 3-unit townhouse project on individual lots, seeks Type II Site Plan Review for multifamily dwellings. Section 171.15, Block 3, Lot 28, Zone GB5000. Property Location: 4992 Lake Shore Drive. Subject to WCPS review. Subject to SEQR. See SD16-05 and V15-45 associated with this project. To be heard only if a successful variance is granted.

Warren County Planning stated to the Zoning Administrator that they had not denied the project.

#### **RESOLUTION:**

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SPR16-16. **Seconded by,** Kirk VanAuken. **All in Favor. Motion Carried.**

**Motion by** John Gaddy to accept SPR16-16 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. The 2 condensers on the south side are to be reduced into one and the second condenser moved to the north side.

2. The mix of trees be planted along the south side of the retaining wall are to be doubled to 8 and staggered with a survival replacement clause and in 2021 they may thin them out with after discussing with the neighbors
3. The large trees on the north side be protected with fencing so they may be maintained during and after the construction process.
4. Any exterior lighting is to be dark sky compliant and downward facing and shielded.
5. The applicant is to add gutters to the front and back of unit 2 and increase the capacity of the flower gardens to accept this water flow.
6. The easement for the condenser is covered in the HOA.

**Seconded by, Kirk VanAuken. All in Favor. Motion Carried.**

- 7. SPR16-17 GREEN FLASH HOLDINGS.** Represented by Trevor Flynn and Brandon Ferguson. Seek Type II Site Plan Review for a major stormwater project to create more than 15,000 square feet of land disturbance. 132,000 square feet is proposed. Section 200.18, Block 1, Lot 7, Zone RM1.3. Property Location: 4178 Lake Shore Drive. Subject to WCPS review. Subject to SEQR. See SD16-16 associated with this project.

Paul Rutherford discussed his love for the lake and its history and his hope to continue his own history on the lake in the years to come.

Mike Phinney of Phinney Design presented the following:

- The stormwater has been updated to accommodate the detail of the stormwater retention during the initial stages of the project.
- He detailed these changes on the plans.
- The soil remediation to DEC standards has been added to the sheets.
- The lighting will be dark sky compliant.
- The 6' high fencing has been pulled back 60' and is now in compliance.
- The sludge remediation has been addressed and added to the plans.
- The flagging on site had been put there by the surveyor and they are not for tree removal.
- They have clarified the removal by using different flagging.
- They are adding 10 more trees.
- He detailed the trees to be saved and the additional trees they will be planting on the new site plan.
- They have added some taller shrubbery along the edges.
- A survival and replacement clause has been added to the plans.
- The existing cottage will be relocated and shall only be used purely as a studio.
- The blue marked trees will be removed; the green marked trees will be relocated to other areas on the site.
- They have marked all the trees to be removed.
- The rain gardens will be installed in phases and he detailed them on the plans.
- They updated the photo simulation to show the large trees and taller shrubbery.

Gena Lindyberg asked if the yellow area was a conservation mix. Mr. Phinney stated it was and detailed this on the plans stating it was drought tolerant and did not grow as fast. Everything in the front of the house would be cut occasionally and the other area would be allowed to reforest. Gena Lindyberg asked what would be done in the area by the waterfront. Mr. Phinney stated they would be using a recommended mixture of grass that does not require irrigation, which is different than what is used for the areas that will be lawn.

Sandi Aldrich stated she was pleased to see the number of trees that would be staying now from what they initially indicated. She inquired about a few other trees along the right-of-way and if they were staying. Mr. Phinney stated they would be if they were not tagged. He detailed the trees that would be staying on the plans.

John Gaddy asked how many trees they planned on transplanting. Mr. Phinney stated 3 that were about 6 to 8 caliber.

Ann Marie Somma asked if there were any plans to add trees in front of the southernmost house to filter the view from the lake. Mr. Phinney stated they put a lot of filtering trees on the edges.

Sandi Aldrich inquired if there was a patio on the northeast corner of the second home. Mr. Phinney replied yes.

Gena Lindyberg asked if they had a stormwater management plan. Mr. Phinney replied that there was and the Town Engineer had approved it. She inquired if there was language to manage it. Mr. Phinney stated the owner would be required to maintain it.

Sandi Aldrich asked about question 12 on the short environmental assessment form. Mr. Phinney stated it was their understanding that the entire Lake George basin is considered an archeological area but it is not a known archeological site. Sandi Aldrich inquired about question 15. Mr. Ferguson stated that DEC maps indicate that the entire Lake George basin was an endangered species habitat, but none exist on this site.

Sandi Aldrich inquired if the septic system would be using any part of the old system. Mr. Phinney stated they would not.

Gena Lindyberg inquired if they had taken care of the Town Engineer's concerns. Mr. Phinney stated that they had.

Sandi Aldrich inquired about the proposed construction time frame. Mr. Phinney stated it would be a 14 to 18 month schedule that they would like to start the foundation work in the fall contingent on approvals.

Gena Lindyberg asked if they would have protection for siltation in place throughout the winter. Mr. Phinney replied yes, they would be doing stormwater controls congruent to construction and he detailed them to the Board.

Gena Lindyberg asked if they would be doing any planting during construction along the perimeters. Mr. Phinney replied they would not be.

John Gaddy asked if the Town Engineer had signed off on the project. Zoning Administrator, Pamela Kenyon replied that he had. Gena Lindyberg stated that the only recommendation from him was for a pond liner.

John Cushing asked if the water well had been tested in the last month. Mr. Phinney stated it had not, they planned on drilling 2 new wells.

Ann Marie Somma asked if they had calculated the overall stormwater credit for pervious surface. Mr. Phinney stated it would be over a 54% reduction of impervious area. He detailed this on the plans.

Gena Lindyberg asked if there would be easements. Mr. Phinney stated there were and they were shown on the proposed subdivision plan, which he detailed to the Board.

Ann Marie Somma asked if the existing boathouse would be renovated to match the new structures. Mr. Phinney stated it would.

## **RESOLUTION:**

**Motion by** John Gaddy to accept SPR16-17 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 the stormwater findings that this Board uses. 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 condition; 1) The applicant follow all of the conditions they have supplied to the Planning Board as they requested at the July 2016 meeting. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

John Gaddy read the following stormwater findings of fact for the project: that in terms of the stormwater he would like to add that based on the materials submitted to them they have found that this project meets the design requirements and performance standards set forth in the code. The project will not have an undo adverse impact regarding the criteria set forth in the code. The stormwater control measures proposed will function as designed and constitute the best possible methods feasible and practical for this project site. Adequate and sufficient provisions have been presented as part of the plan to insure future function and responsibility in the event of failure and that the project will not contribute to the flooding, stream bank erosion, siltation or pollute Lake George or its tributaries with stormwater runoff.

- 8. SD16-06 GREEN FLASH HOLDINGS.** Represented by Trevor Flynn and Brandon Ferguson. Seek to divide into two lots that parcel designated as Section 200.18, Block 1, Lot 7. Zone RM1.3. Minor subdivision. Sketch Plan Review. Property Location: 4178 Lake Shore Drive. Subject to WCPS review. Subject to SEQR. See SPR16-17 associated with this project.

## **RESOLUTION:**

**Motion by** John Gaddy to accept SD16-06 as complete; waive the Public Hearing, having met the criteria set forth in the code, approve the sketch plan as presented, convert it 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 with the conditions that have been submitted with the drawings to the Planning Board. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

- 1. SPR16-19 DANIELS, JOHN & CONSTANCE.** Represented by Hutchins Engineering and Cifone Construction. Seek Type II Site Plan Review for **1)** an accessory structure greater than 1,500 square feet of floor space. Approximately 4,240 square feet is proposed; and **2)** a major stormwater project to create more than 15,000 square feet of land disturbance. 23,500 square feet is proposed. Section 213.05, Block 1, Lot 9, Zone RM1.3. Property Location: 4110 Lake Shore Drive. Subject to WCPS review. Subject to SEQR.

Tom Hutchins of Hutchins Engineering and Matt Cifone of Cifone Construction presented the following:

- This building is proposed to replace a building lost in a 2014 fire.
- It is essentially the same size and in the same location with a slight adjustment.
- The accessory building on the lot is not a guest house, it is being used for storage and as a garage.
- They will be turning the storage area into a bath house.
- They have provided a landscape plan of the project area as requested.
- They have mixed conifer and deciduous trees along with assorted shrubbery.
- They are agreeable to dark sky compliant lighting.
- The Town Engineer signed off on the project when it was first presented.

John Gaddy asked if the damaged large pines that were being removed would be replaced. Mr. Hutchins stated they will be putting smaller plantings in to replace the damaged trees. He detailed this on the plan. John Gaddy asked if the neighbors to the north would be screened. Mr. Hutchins stated they have a number of conifers in that area just for that purpose.

## **RESOLUTION:**

**Motion by** Kirk VanAuken to declare the Bolton Planning Board as lead agency for SPR16-19. **Seconded by**, John Gaddy. **All in Favor. Motion Carried.**

**Motion by** Kirk VanAuken to accept SPR16-19 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) Any exterior lighting is to be downward facing and shielded 2) the accessory structure marked as a garage is only to be used as storage/bathhouse. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

- 9. V16-35 BROOKHILL DEVELOPMENT/JERRI WOODARD.** Represented by Kirsten Catellier and Corrina Martino. In accordance with Section 200-93 (other regulations applicable to Planned Unit Development), seeks area variance (PUD Amendment) for an alternative location for proposed townhouse building 800. Section 157.05, Block1, Lot 6.1, Zone PUD. Property Location: Rudy Lane-Lagoon Manor. Subject to WCPS, ZBA, PB, APA and TB review. Subject to SEQR.

Kirsten Catellier and Corrina Martino presented the following:

- They are looking for a positive recommendation from this Board.
- This is a 228-acre PUD.
- 22.5 acres of this parcel are located on the east side of Route 9N.
- It is currently a 1.89-acre vacant lot.
- They have approvals for a 4-plex town home, that includes an access drive, parking and connections to the existing water and sewer services.
- They are proposing to relocate the access drive as well as move the building to the east.
- She detailed her plans to the Board.
- The building size is not going to change.
- They are reducing the 310' long driveway to 115' long.
- This results in a 22% reduction of impervious area on the site.
- They will be able to also significantly reduce the amount of rock removal.
- By pulling the building forward they are able to reduce blasting and allow for a walk out basement.
- They have made upgrades to the stormwater plans which they detailed to the Board.
- They have added dark sky compliant lighting.
- They have a hedge row planned to buffer the neighboring views.
- They could go forward with construction as is, but they are looking to lessen the impact and reduce the clearing, blasting and environmental impacts.

John Gaddy asked to be shown where the original building was approved, and the area they would like to move it to. Ms. Martino detailed it on the plan and stated they would be moving it 35' to the east. John Gaddy asked if the footprint of the building was the staked out area. Ms. Martino replied it was.

Gena Lindberg asked about the septic systems and the capacity of it. Ms. Martino stated that they have a previously approved engineered septic system for the entire Lagoon Manor, which she detailed to the Board. Jeff Anthony stated the system currently meets all DEC requirements and was approved in the original construction and design in 1989.

John Gaddy asked about proposed tree removal between building 800 and the lake. Jeff Anthony stated that the Lagoon Manor PUD has a filtered view development program as part of the PUD approval which is inspected once a year by the A.P.A as it's being implemented. This is a new building and new filtered views would have to be cut in accordance with this program. John

Gaddy asked who was the developer for this program. Mr. Anthony stated Brookhill Development and they use KLC Trees LLC.

Gena Lindyberg asked what the square footage for blasting would be. Ms. Martino stated they have not determined this as of yet, it depends on the placement of the building.

John Gaddy asked about additional plantings on the north side of the property. Mr. Anthony stated there would be 12 hemlock trees along the north property line to block the view from the Clesceri property. Mr. Anthony stated they use the same standard planting plan that has been approved for all of the buildings.

John Gaddy stated that typically there are conditions on the timeline with drilling and blasting. Ms. Martino stated she understood this.

John Gaddy asked about the clearing limits on the northwest corner of page C3 and if it could be tightened up at all. Ms. Martino stated it was graded on a 3 on 1 which is ideal to prevent erosion, and explained how it was accomplished and maintained.

Ann Marie Somma asked if the Town Attorney reviewed the PUD amendment language. Atty. Muller stated did not, it was done by resolution of the Town Board. It would incorporate all this Board's findings and recommendations.

Sandi Aldrich asked if it would be in the Planning Boards purview to request that the applicant update the stormwater to meet today's code and not use what was previously approved. Zoning Administrator, Pamela Kenyon stated that it was previously determined years ago that they comply with the existing stormwater from the time of approval. She stated that the applicant can change it, but the town will not require it. Ms. Martino stated that the stormwater meets all DEC standards. Ms. Martino stated they are disturbing less than an acre so it is not a DEC permit. They are meeting all major permit requirements for the Town of Bolton in terms of retention and volume control as well as providing additional treatment. Gena Lindyberg asked if these met today's code. Ms. Martino replied that they did.

The Board discussed the amount of blasting that would be required with Mr. Anthony and he went through it with them.

Gena Lindyberg inquired if there were any communications regarding this project to the Planning Board. Atty. Muller stated that there was not, but there was on the application of the variance. There was quite a bit of comment and communication at the ZBA level.

## **RESOLUTION:**

**Motion by** John Gaddy to send this on to the Town Board with the following recommendations;

- 1) The clearing for the views is done to limited thinning standards that have been done for the project before by Mr. Kincaid.
- 2). Drilling and blasting are to be done Monday – Friday, 8am to 5pm. No work on Saturday or Sunday and it is to be done after Labor Day.

3). Exterior lighting is to be dark sky compliant and downward facing and shielded.  
**Seconded by, Kirk VanAuken. Gena Lindyberg abstained. All others in Favor. Motion Carried.**

**10. SPR16-25 COOPER, ANTON.** Seeks Type II Site Plan Review for after the fact timber harvesting involving the clearcutting of an area greater than one acre on one parcel. Section 185.00, Block 1, Lot 17, Zone LC45. Property Location: Off Lamb Hill Road. Subject to SEQR.

Atty. O'Connor presented the following:

- They are asking for an after the fact, timber harvest permit.
- A timber harvest plan was prepared by Chris Geerwar of Lake George Forestry.
- This is a 169-acre parcel that approximately 4 acres was clear cut on.
- The forester used a computer program to measure the area that was clear cut.
- This area is where Mr. Cooper would like to establish an orchard.
- He will clean up the area and plant fruit and nut trees.
- He would like to establish a farm over a period of time on this entire property.
- He has spoken to many different agencies and there does not seem to be any specific regulations as to establishing an orchard.
- There does not appear to be any exemption for orchards which surprises him that there is not an exemption for clearing lands for farming.
- There is an exemption from stormwater regulations for forestry.
- The site is very remote.
- They are here due to a long standing feud between neighbors concerning a right-of-way.
- This is basically a timber harvesting project that needs a permit, that he should have gotten before doing any work.
- Mr. Cooper has future plans to do more timber harvesting for a field to raise beef cattle.
- These two areas are the only areas to be clear cut.
- He detailed the code for harvesting areas in the Town of Bolton.
- He stated this standard was unique to the Town of Bolton.
- The 14 acres for the cattle will have the trees and the stumps taken out.

John Gaddy asked what Mr. Cooper's reluctance was to coming in and speaking to the Planning Office about this project. It is not from ignorance, Mr. Cooper is an intelligent man and understands what they do in this town. Atty. O'Conner stated that Mr. Cooper has been doing forestry over 30 years and has never been asked to get a permit, and he did not know that it was needed. They do not have an excuse for not getting a permit.

Gena Lindyberg asked if there were any streams running through the property. Atty. O'Conner replied that there was not. He said the report from Warren County Soil & Water stating there were no streams or wetlands.

Herb Koster stated he did not have a problem with this, the farming will be done in an area where it will not be seen by anyone or interfere with them. He does have a problem with not getting a permit before moving forward with the project.

John Gaddy said he had a problem with someone else coming in and saying, what's the downside of going out and clear cutting the side of a hill. This is the second time this has happened. They pay a \$150.00 fine, which is chump change. Atty. O'Conner stated that since this has happened, Mr. Cooper has gone to Soil and Water and US Agriculture and Markets. Atty. O'Conner stated he had gone to DEC 3 times. He stated the Town of Bolton regulations were odd, in the fact that they say that to have a good harvesting plan, it has to be either approved by DEC or Warren County Soil & Water, who both say they don't approve plans. Warren County Soil & Water makes recommendations; they won't give you a plan. Warren County Soil & Water actually visited the site and gave recommendations for good management practices moving forward in their report, but there was nothing saying corrections were needed. Even though Mr. Cooper was wrong, he has not done any harm to the environment or the town. Maybe the town needs an education program that forestry requires a permit for forest operations. Bolton is not the only town that runs into this. John Gaddy asked if he was trying to say that people did not have any idea that the town has regulations on the books for forestry. Atty. O'Conner stated he believes that if they think it is a permitted use, they do not need a permit. John Cushing stated that is why it is called a permitted use. Atty. O'Conner stated that you don't need a permit to build single family homes which are permitted uses. The Board disagreed with him. They stated that you had to go to the Zoning Office.

Herb Koster stated that he did not want to discourage farming.

Sandi Aldrich asked if they were asking after the fact approval for the area that had been cleared or for the additional 14 acres they want for cattle. Atty. O'Conner stated both.

John Gaddy asked what the remediation would be needed to remove all of the trees that are laying around. Atty. O'Conner stated all the debris would be cleaned up and chipped and mulched. John Gaddy asked for the schedule of reestablishing vegetation in these areas. Atty. O'Conner stated he was told it was cash flow driven and it would be done as soon as the applicant could afford to do it. This is a small operation, and the intent is to get in there and clean up the debris and plant the trees. As to the pasture, it would be completed in 2 years.

Gena Lindyberg asked how many acres had been cleared already. Atty. O'Conner stated 4. Gena Lindyberg stated the document stated 10 acres had been clear cut. Zoning Administrator, Pamela Kenyon stated that was just an approximation.

Chris Geerwar stated that the quantifications in the report were based on information taken in the field with a GPS and downloaded into the computer. He uses software which calculates the acreage. The map drawn in the report is computer oriented. The Board discussed the report amongst themselves. Gena Lindyberg stated the report does not say what 1 area had been cleared. Herb Koster stated that Mitzi Nittman took a walk up there and guessed it was 10 acres. Mr. Geerwar went in and did it with a GPS and he is saying it is 4 acres. Atty. O'Conner stated it was 4 acres that had been cleared, there may be some confusing because he did not believe that

the Red Pine area by the landing had been included in the calculations. He stated the Red Pine had some type of disease and were taken down to improve the growth of the forest.

Gena Lindyberg asked if the field area was just a field. Atty. O'Conner stated it still had trees in it.

Ann Marie Somma asked if this land was zoned for farming. Zoning Administrator, Pamela Kenyon stated agricultural uses were allowed in that zone, Mr. Cooper was here tonight because more than one acre was clear cut.

Ann Marie Somma inquired if they were approving the entire plan tonight and not just what was cut. Zoning Administrator, Pamela Kenyon stated yes.

John Cushing inquired if Mr. Cooper was selling the trees that he was taking out. Mr. Cooper said yes. John Cushing asked if he planned on having fruit trees creating an orchard and raise cattle up there. Mr. Cooper relid that he was. He stated he would also have wood pastures for the cattle. The cattle he is bringing in will survive very well in this environment. John Cushing asked if all the cattle and trees going in and out of there had to cross on his neighbor's property. Mr. Cooper replied yes, he has a right-of-way there given to him though a court order. Atty. O'Conner stated it was a 20' right-of-way from the public road. John Cushing asked to be shown where it was on the map. Atty. O'Conner detailed it and stated that there was another family that uses the same right-of-way too.

Gena Lindyberg asked how many acres would be cleared for the cattle. Atty. O'Conner stated 14 acres for a total of 18 acres. Gena Lindyberg asked if the 14 acres had been done yet. Atty. O'Conner stated not yet.

John Gaddy asked if this action was subject to a fine. Zoning Administrator, Pamela Kenyon stated a \$150.00 Civil Penalty had been paid.

Kirk VanAuken wanted clarification on what the applicant was here for; the after the fact issue or the ability to clear the additional 14 acres. Atty. Muller stated they were here for both items. He stated that 4 acres had already been cleared and 14 acres that were to be cleared. The use is not an issue.

Ann Marie Somma asked about erosion control for the remainder of the project. Atty. O'Conner stated that forestry was exempt from stormwater and erosion controls by the Town of Bolton regulations. He believes that when they get to the point that they can replant the fruit and nut trees along with the grass, he will. That area has to be re-stabilized, so there would be grass planted in that field.

Ann Marie Somma questioned the stop work order that referenced the stormwater and erosion control. Atty. Muller stated he was not sure that the work order was in effect, but at an early point, it was not clear as to what Mr. Cooper was doing. The plan has gelled as results of discussions about the fact that he may be subdividing, he may be making the subdivision lots available for a developer. There wouldn't have been a code moratorium. This is not what he

was doing. Zoning Administrator, Pamela Kenyon stated the stop work order is valid. Mr. Cooper was cited for the stormwater regulations because he did not have an approved plan by Warren County Soil & Water which would have exempted him from the regulations. Atty. O'Conner stated that Warren County Soil & Water does not you an approved plan. Zoning Administrator, Pamela Kenyon stated that they give you a recommendation, they do review the plans. Atty. O'Conner stated that was not the language of the ordinance. It says that they need an approved plan by Warren County Soil & Water, which they do not do. Zoning Administrator, Pamela Kenyon stated that they review the forestry plan. Atty. O'Conner stated that Warren County Soil & Water has been on the site, reviewed the forestry plan and they have made recommendations.

Atty. O'Conner stated they now have a report from Warren County Soil & Water which they will comply with.

John Gaddy questioned item #9 pertaining to the Best Management Plan in the Warren County Soil & Water report and asked if this had been done and did the Board have it. Atty. O'Conner detailed this in the submitted plan by Mr. Geerwar.

Ann Marie Somma asked if there was any proposal at this time to build a barn, add water or electricity. Atty. O'Conner stated there was not. There were other things that Mr. Cooper would need to come back for after this was cleared up and make out an application.

Gena Lindyberg inquired about the Warren County Soil & Water recommendation #12 and if this was being done at this time. Atty. O'Conner stated it was not being done for the area that will be the orchard, because it is not disturbance of the soil. They are leaving the stumps in place. It will be done in the field area because they will be removing the stumps in there. Mr. Cooper stated he would be grinding up all the debris in the orchard and leveling the stumps to the ground. They would be doing the reseeding in the field area with the recommended seed.

Herb Koster asked if the applicant was here only for the area that was cut. Zoning Administrator, Pamela Kenyon stated that is all that she has him on the agenda for. Atty. O'Conner stated they had submitted the plan for the 14 acres and all the applications stated this. He said she would be putting them through a lot of hassle to come back for the same thing they just presented here. Atty. Muller stated that Mr. Cooper has a plan that he is proposing to the Board showing the 4 acres he needs after the fact approval for and 14 acres for cattle in this application. Do not make him do another application. If this Board thinks it is lacking some information that they would like to see to support this application, then they should say so.

Herb Koster stated he did not have any issue with the applicant using his land to farm on.

John Cushing stated that the way it came across to him was, they had an applicant who admits they have never gotten permits for decades cutting wood all over Bolton, and nobody knows about it. Atty. Muller stated assuming this was true, and he thinks it was represented that way, but it should not be the impasse, they need to consider the mass plan. What if they were to say no, where is he supposed to go with this, he is entitled to do this. They just don't like the way it started. The applicant acknowledges it was not a great start. Herb Koster stated that it was

possible for people to make mistakes. He is here looking to right his mistake and move forward. Atty. Muller stated that there will be people against the applicant having cattle, but he has a right to it under the zoning code.

Ann Marie Somma stated her concern was any sort of erosion control during the clearing of the field. She would like to know if this would be happening in stages. Atty. O'Conner described the terrain stating it had to go over 169 acres to get to the Schroom River and the Hudson River basin.

John Gaddy asked about establishing undisturbed buffers between clear cut areas. Atty. O'Conner asked what the benefit there would be to have 100' wide strips going vertical to that incline would be. The slope is not that long. Mr. Cooper stated that there was rock underneath the slope. It was not going to go anywhere. John Gaddy asked if he was putting an orchard on top of rock. Mr. Cooper stated not exactly. He would be putting them where the removed trees and all the chips from the debris would be going over the field increasing the soil amount. John Gaddy asked about the time line for doing this. Mr. Cooper stated the fine material has already dropped to the ground as time goes by more and more of it goes down into the soil. He is hoping to grind it this fall after the birds and animals leave. He has brought chips home for many, many years and it makes great soil.

Gena Lindyberg inquired about the 30 acres stated in the Warren County Soil & Water report. Mr. Cooper stated that this was over a period of time. Atty. O'Conner stated these were estimates. They are going by the forestry report done by Mr. Geerwar. The approval they were looking for was for the 4 acres for the orchard and the 14 acres for the field. If that changes they will come back.

Herb Koster asked what would happen if they turned this down. Atty. Muller stated they are still left with the proposition that the applicant can do the use that he wishes to engage in. He is here for an after the fact approval for what he has started. He asked the Board what they wanted to prove that he can do it right. They can certainly condition the approval and limit it to what was specified in this application 4 acres plus 14 acres, and if it is to be further expanded he must come back. He is certainly on notice. Another concern may be that he may tear up the ground for a pasture and it will be a runoff problem. If so they must address this and find out what he can do to prevent it. He urges them that the code says he can do what he wants to do. John Gaddy stated the code says that there are supposed to be design standards for this kind of clearing on certain types of slopes. Atty. Muller stated that is true, and yet most of that anticipates that the land is going to be developed with structures and roadways. None of this is in the cards here. It is all basically converting the use of the land to another purpose.

John Cushing asked if what Atty. Muller was saying was, that basically when clear cutting you did not need a forestry plan. Atty. Muller stated he needed something from Warren County Soil & Water as an alternative. Gena Lindyberg stated that the applicant had the 12 recommendations from Warren County Soil & Water. Atty. Muller said the applicant has stated he will be following them all and if the Board thinks he is going to follow them beyond the 18 acres, he has represented here tonight that he won't, that he can't and he shouldn't. The Board should put in a stipulation that he shall not.

**RESOLUTION:**

**Motion by** Ann Marie Somma to declare the Bolton Planning Board as lead agency for SPR16-25. **Seconded by,** John Gaddy. **All in Favor. Motion Carried.**

**Motion by** Ann Marie Somma to accept SPR16-25 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) The 12 items identified in the Warren County Soil & Water report are to be followed. 2) The timber harvest plan that was submitted is followed for area #3; the field area for 14 acres and area #5; the 4-acre orchard. No additional land is to be developed at this time. **Seconded by,** Gena Lindyberg. **All in Favor. Motion Carried.**

Atty. O’Conner stated the town should look at their definition of clear cutting. It was overly strict. Herb Koster stated they obviously did not take farming into effect when they wrote them. Atty. O’Conner stated even for timber harvesting.

**11. SPR16-21 SWIFT, DANIEL.** Represented by Matthew Huntington. For the construction of a proposed single family dwelling and detached garage, seeks Type II Site Plan Review for a major stormwater project to create more than 15,000 square feet of land disturbance. 1.63 acres is proposed. Section 140.00, Block 1, Lot 32.13, Zone RL3. Property Location: 71 Sawmill Road. Subject to WCPS and SEQR Review.

Matthew Huntington presented the following:

- This is a modest single family residence on Sawmill Road.
- He detailed the proposed driveway on the plans.
- 1.6 of the 15 acres would be disturbed.
- He explained the stormwater detail to the Board.
- It is designed to accommodate every type of storm.
- They have proposed a retaining wall which he showed on drawing C2.
- There will be a wall on top of the wall.
- South of the wall is the location for the shallow trench septic system.
- He detailed the planting plans to the Board.

John Gaddy inquired about an existing driveway area. Mr. Huntington stated it was an area put in by the realtor and showed where the proposed driveway was located.

Gena Lindyberg asked if the utilities would be underground. Mr. Huntington replied yes.

Gena Lindyberg asked if there would be any blasting. Mr. Huntington replied maybe, but not at this time. The test pits did not indicate any bedrock, so hopefully there would not be.

John Gaddy asked if the project would be coming back for Site Plan Review for the proposed house. Mr. Huntington replied that this was the Site Plan Review for the stormwater, next would be a building permit for the house.

Sandi Aldrich stated the code required that the adjacent properties be shown on the plans. Mr. Huntington stated he would take care of that.

**RESOLUTION:**

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SPR16-21. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

**Motion by** John Gaddy to accept SPR16-21 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) Any exterior lighting is to be dark sky compliant and downward facing and shielded on any future home. **Seconded by**, Gena Lindyberg. **All in Favor. Motion Carried.**

The meeting was adjourned at 10:15.

Minutes respectfully submitted by Kate Persons.