

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday January 21, 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- Sandi Aldrich, John Gaddy, Herb Koster, John Cushing, Kirk VanAuken, Henry Caldwell, Gena Lindyberg, Alternate Ann Marie Somma , Zoning Administrator, Pamela Kenyon and Counsel, Michael Muller.

Absent:

The meeting was called to order at 6:01pm.

Herb Koster asked if there were any changes or corrections to the December 17, 2015 minutes.

RESOLUTION:

Motion by Gena Lindyberg to accept the December 17, 2015 minutes as presented with the following amendment; page 7, first sentence, second paragraph is to say “John Gaddy stated the Town was a partner in clearing the road which is no fault of Camp Walden and there were other trees removed for safety reasons.” **Seconded by,** John Gaddy. **All in Favor. Motion Carried.**

REGULAR MEETING

1. **SPR15-31 BOLTON LANDING MARINA.** Represented by VanDusen & Steves Land Surveyors. Seeks Type II Site Plan Review to amend previously approved Site Plan Reviews (SPR86-03 & SPR07-24) for a dry stack facility. Specifically to construct a 35’x 100’ boat storage facility. Section 171.19, Block 2, Lot 3, Zone GB5000. Property Location: 4932 Lake Shore Drive. Subject to WCPS and LGPC review. Subject to SEQR.

Matt Steves from VanDusen & Steves Land Surveyors presented the following:

- Handed out and detailed a new packet of lighting details and renderings of the existing conditions and proposed building to the Board.
- It is an existing gravel parking lot that is currently used to store the trailers during the summer.
- This will improve the flow and clean up the site a little bit.
- It will have a shed style roof sloping to the back.
- Hutchins Engineering did all the test pits and drew up stormwater criteria for the project.
- Mr. Hutchins proposed a 5’ wide by 4’ deep 100’ long trench along the back of the building to accommodate this stormwater.
- The Town Engineer had no issues with the proposed storm water.

- He detailed the views on the photos to the Board with the proposed building.
- The views toward the lake don't really change very much.

John Cushing asked about the north side setback from the property line. Mr. Steves stated it would be 17' and it conforms to all of the required zoning setbacks.

John Gaddy asked if there were any plans to plant on the west side of the building between Frank's and the structure. Mr. Steves replied they would have no issue with placing some plantings in this area stating it would not affect the use of the building.

Henry Caldwell asked if the drain detail was for the stormwater and where it would be draining to. Mr. Steves replied yes and it would be absorbed into the proposed trench and then percolate into the existing ground. He detailed the proposed stormwater engineered by Hutchins Engineering. Henry Caldwell asked where the over flow would be going. Mr. Steves replied the size of the trench is more than suitable to accommodate the 100 year storm coming off that roof as are the soils underneath it. Henry Caldwell stated they show a pipe on the plans. After looking at the plans they realized that it was on the architects drawings who did not do the stormwater plan.

Sandi Aldrich stated that Performance Marine was granted permission to build a similar building between Frank's and the proposed building which would make almost a solid wall of buildings. She stated they have not built it yet.

Kirk VanAuken stated the confusion was with the C1 building drawing as it shows a drainage pipe. Mr. Steves explained they were the architects design of what he thought would work for the stormwater, but the applicant decided to have it properly engineered by Mr. Hutchins.

Henry Caldwell asked if they were going to level off the 3' or 4' grade and not build it into the bank. Mr. Steves stated they would be using the little swale at the edge of the gravel. He said they would utilize where the edge of the gravel starts to roll off as the eve trench and not cut into the bank.

Henry Caldwell asked if the boats would be brought up the north side of the building. Mr. Steves replied they would be brought up the north side of the main building into this building.

Gena Lindyberg asked how many boats they could store now and what the total would be. Mr. Parillo stated they were proposing 35 boats in the new building and he believes the number is 182 in the existing building. He explained they would be launching the boats with a trailer and they would not be running a fork lift up and down from the lake.

Gena Lindyberg asked how many levels of storage there would be. Mr. Parillo stated 3 levels.

Henry Caldwell asked if they would be lifting them off the trailer with a fork lift in the building. Mr. Parillo said yes and explained that they would be using a smaller fork lift for this which would remain up at the proposed building.

Gena Lindyberg asked how many parking spaces were presently on the property. Mr. Parillo stated there were over 100 and they met the LGPC requirements, but he was unsure of the exact amounts.

Gena Lindyberg asked where the trailers would be stored. Mr. Parillo stated they would only be using 1 trailer to move the boats. Gena Lindyberg asked what would happen with the trailers that had been stored in the area where the proposed building was going. Mr. Parillo replied they would be stored off site with the exception of the one they would be using to haul boats. Herb Koster asked if they would be stored in the Town of Bolton. Mr. Parillo replied no.

John Gaddy asked if the Town Engineer, Tom Nace had signed off on the project. Zoning Administrator, replied yes.

John Gaddy inquired if the neighbors had made any complaints on the noise from the moving of boats during the current operations. Zoning Administrator, Pamela Kenyon replied no recent complaints, years ago yes.

Herb Koster asked if there were any concerns from the neighbors north of the property for the proposed project. Zoning Administrator, Pamela Kenyon stated she spoke with one neighbor who had a concern for the backup beepers on the equipment. Henry Caldwell stated they would not be using the fork lift to bring the boats up and down from the lake, which will help.

Henry Caldwell stated he thinks the Board schedule a Public Hearing on this application.

RESOLUTION:

Motion by Henry Caldwell to schedule a Public Hearing at the February 18th Planning Board meeting for SPR15-31. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

Herb Koster asked that they have the drain detail be removed from the plans and have a planting plan implemented. Henry Caldwell stated they should come up with a picture from the sidewalk. Gena Lindyberg stated she would like the parking detail to be added. Herb Koster asked for colors to be added too. Mr. Steves stated they would be using the same colors as the existing building unless the Board had a different preference.

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR15-31. **Seconded by**, Kirk VanAuken. All in Favor. Motion Carried.

2. **SPR15-29 ARANCIO, ROBERT.** Represented by Barry Kincaid. Seeks 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 23 & 24, Zones RL3 & RM1.3. Property Location: 60 South Farm Road. Subject to SEQR. This item was tabled at the December 2015 meeting.

Barry Kincaid presented the following:

- He handed out packets to the Board.

- There were questions last month if his client would change the color of his home.
- The applicant is willing to change the color and make it a little darker.
- He detailed a planting plan for the Board showing where they would be adding 2 large trees by the outside parts of the garage and a lower one in the middle.

John Gaddy stated that it seems as though they would be blocking part of the view if they planted in front of the generator and he is looking for planting on the corner to break it up. Mr. Kincaid stated that the applicant was not concerned with that area and he detailed where they would be placing it.

Mr. Kincaid stated that the applicant had a lake view when they bought the property and he would like to restore their view the best way he can. He explained the red & blue outlined areas on the photos, stating they depicted the two different parcels. He said that he could top off all the trees like many others do, but he would rather restore the view by thinning it out and stagger the tree lines to look more natural.

Henry Caldwell stated that they appreciated the fact that he brought this in to the Board because an awful lot of people are not bringing these issues to the Board. Mr. Kincaid stated it was a tough one and he understood that it was a touchy subject. He explained the applicant has lost his views making his property values go down. He stated that they were not looking to make a lawn there and it would not be a clean swipe. It would be substantial cutting though.

Herb Koster stated that they would need to leave a lot of young stuff there to make a filtered view. Mr. Kincaid agreed that there would be young stuff but he explained that filtered was not quite right. Henry Caldwell explained that this was because it was not tight to the house. Mr. Kincaid agreed and detailed it on the plans and explained due to the cutting done years ago it is all the same size. He explained that the applicant is willing to plant trees and repaint the home.

Gena Lindyberg inquired how many years ago the picture in the packet was taken. Mr. Kincaid stated the applicants bought the home about 15 years ago.

John Cushing stated that Mr. Kincaid put the Board in a difficult position; he realizes Mr. Kincaid is in a difficult situation as the contractor, but he put the Board in a difficult situation when originally the land was cleared illegally, the owner was fined for it and now they want to restore that view. He said it is hard for the Board to say yes, and go ahead and give him the illegal view back. Mr. Kincaid stated he totally understood this and he is trying to change some of the practices of the public and homeowners to show them they can do this the correct way. He understands this is a tough situation because of the spot and the way it grew.

Henry Caldwell stated Mr. Ronning cut every tree, Mr. Kincaid is not. He asked if they would leave some of the hardwood. Mr. Kincaid stated he would leave vegetation on the parcel, it's just hard to say what he would be removing. He is hoping there will be some nice hardwood that he can leave. He won't be clear cutting, but it will be heavily thinned. He told the homeowner that he would not do the project without coming to the Planning Board first.

Gena Lindyberg asked about the clearing on the photos. Mr. Kincaid detailed them to her.

Sandi Aldrich asked if there were already trees located at the south east corner of the house and if not would they plant one. Mr. Kincaid stated there was not, and he could certainly ask them to plant one but they did not seem real keen on it when he asked before. He said he can certainly recommend that. Herb Koster stated he thought they were breaking up the outline of most obtrusive part of the building, which was the garage. Mr. Kincaid said the garage was the highest and the roof of the main house breaks it up too.

John Gaddy stated the lights are great and they have done a lot up there.

John Gaddy stated that this was a difficult situation, but people are chopping the tops off trees all over the place without coming into the Planning Board. If there was a way they could get a plan showing how the cutting happens correctly. Herb Koster stated it was trust. Mr. Kincaid stated in most cases he could mark the trees he is cutting, but not all sites or customers were the same. He explained that it is getting the clients to work with the Board.

Mr. Kincaid stated

John Gaddy stated to the Board that he personally knew of trees cut illegally by neighbors or neighbors working together and he does not see how this Board could be tree police. Herb Koster stated they could not hold that against Mr. Kincaid because he has always been straight with the Board and they had to give him a little bit of trust. John Gaddy agreed and stated that they need to look for a performance standard for the future as opposed to trying to keep track of every tree. Mr. Kincaid stated he has lost clients who would not come before the Board as he requested and they have done as they pleased. He stated the public needed education to see that they could have a phenomenal view with a filtered cut.

John Gaddy asked if there was a way he could reword the application from saying “to bring back former view of Lake George and surrounding landscape” to say to “enhance the view of Lake George”. Mr. Kincaid said sure.

John Cushing stated he wanted to bring up the point that when you look at the areal map of this lot (and he is not saying it was Mr. Arancio) the lawn established on the front and the back of this house is massive, and this is the type of guy that you don't want building a house in the Adirondack Park and this is not what they look for as a model house.

Gena Lindyberg inquired how many acres the property entailed all together. Herb Koster said one piece is 2.13 acres and the other was .68 acres. Mr. Kincaid he was not sure how far down the property he would have to go until he started cutting.

Gena Lindyberg asked if this is something they could decide in steps. Herb Koster stated this would make the Board a watchdog agency. Henry Caldwell stated it would have to be a condition of approval that Barry Kincaid's company had to do the work. Herb Koster said there were plenty of contractors out there that would not even come to the Board for approvals.

John Gaddy inquired if the Board had to declare themselves Lead Agency. Atty. Muller replied that if the Board is accepting the proposition that it is restoring the property to sort of a base

line photo view, they would not to do a SEQRA. Gena Lindyberg asked if they wanted to word it as restore or enhance. The Board agreed on enhance.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR15-29.

Seconded by, Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SPR15- 29 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 applicant is to paint the house a darker shade so it will blend into the background as proposed.
2. The planting plan to break up the expanse of the house is to be implemented.
3. The trees are alive and if not alive after 2 years, they are to be replaced.
4. This work is to be performed by Mr. Kincaid and his company KLC Enhancement, LLC or the project must return to the Planning Board for further review.

Seconded by, Henry Caldwell. John Cushing opposed. **All others in Favor. Motion Carried.**

3. **SPR15-32 HUCK, MICHAEL & MICHELLE.** Seeks Type II Site Plan Review for commercial boat storage less than 5,000 square feet in APA Low Intensity Use areas, not visible from the public right-of-way or lake. The storage of 20 boats is proposed. Section 171.06, Block 1, Lot 13, Zone RL3. Property Location: 180 Finkle Road. Subject to WCPS and LGPC review. Subject to SEQR.

Herb Koster inquired why the LGPC was involved with property that not on the lake. Atty. Muller stated the LGPC point of view is to regulate or limit the quick launching of boats from off lakeshore sites. He stated the municipalities have home rule. He stated that municipalities have a superior position as they have home rule and their land use ordinance should prevail. State agencies should not be tampering with something like this. He stated that in the effort to get along, there has been a lot of cooperation between the Town of Bolton and the LGPC.

Michael Huck presented the following;

- He is looking for outside boat storage behind his boat maintenance facility.

John Gaddy asked if there would be any lighting. Mr. Huck replied only what was presently existing.

Henry Caldwell asked Mr. Huck to describe his planting plan. Mr. Huck stated on the west side of his shop he would have set buffered areas so boats would not be seen from the road. On the east side it is more compact and not noticeable, but he would be putting a 6' high by 30' long fence up to block it. Henry Caldwell asked if he would want trees there instead. Mr. Huck replied the fence would also double as security.

Sandi Aldrich asked if they would be driving around the south side of the building and if there

was any reason why he could not put some more trees on the northwest side. Mr. Huck stated he could. He stated he put the 6 there but was open to more.

Henry Caldwell asked if they could plant more trees in the front by the road. Mr. Huck explained that when he initially built the building he had planted 7 sugar maples out there and salt from the plow trucks wiped them out. He was going to replant them the second year and the school called and asked if they could do a bus turnaround in that area so that took up the whole front of his driveway. The third year there was a large water main break, so he has talked to the Planning Office about attempting more trees, maybe closer to the building.

Sandi Aldrich asked about screening from the Water Plant Road and stated he could put more evergreens back there behind his storage area. Mr. Huck explained that there was a thick stand of pines back there, but if that was something he needed to do he would. Herb Koster stated that for a small storage area like this, he would rather see more planting in front.

RESOLUTION:

Motion by Kirk VanAuken to declare the Bolton Planning Board as lead agency for SPR15-32. **Seconded by**, Sandi Aldrich. John Cushing recused himself. **All others in Favor. Motion Carried.**

Motion by Kirk VanAuken to accept SPR15- 32 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. More screening is to be put up front.
2. Any lighting is downward facing and shielded.

Seconded by, Gena Lindyberg. John Cushing recused himself. **All others in Favor. Motion Carried.**

The meeting was adjourned at 7:02.

Minutes respectfully submitted by Kate Persons.