

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday July 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: Herb Koster, John Cushing, Gena Lindyberg, John Gaddy, Sandi Aldrich, Alternate Ann Marie Somma, Zoning Administrator, Pamela Kenyon

Absent: Kirk VanAuken, Henry Caldwell and Town Counsel, Michael Muller.

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

REGULAR MEETING

Herb Koster asked if there were any changes or corrections to the June 16, 2016 minutes.

RESOLUTION:

Motion by John Gaddy to accept the June 16, 2016 minutes as presented. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

- 1. SPR16-18 HUCK, MICHAEL & MICHELLE.** Seek Type II Site Plan Review for an advertising sign greater than 4 square feet. Approximately 10 square feet 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.

John Cushing recused himself.

Michael Huck presented the following:

- Detailed the location of the placement of the sign.
- Handed out a sketch to the Board.

Gena Lindyberg asked for the colors of the sign. Mr. Huck presented the Board with a picture, stating the majority of it would be black with a red outline.

Sandi Aldrich inquired about additional lighting. Mr. Huck stated that he is in the process of looking for lights that would curve down and point at the sign. Sandi Aldrich inquired if they would be on all night long. Mr. Huck replied that they would not. He stated he hardly ever turns the existing lights on.

John Gaddy stated he would like all lighting to be downward facing and shielded.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR16-18. Seconded by, Gena Lindyberg. All in Favor. Motion Carried.

Motion by John Gaddy to accept SPR16-18 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. Seconded by, Sandi Aldrich. All in Favor. Motion Carried.

- 2. 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.
- 3. 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.

Mike Phinney of Phinney Design Group presented the following:

- It is a 3.22-acre commercial site.
- They would like to subdivide into to residential properties.
- The existing use is high density commercial.
- There are over 30 cottages on the site.
- There is an existing large residence and check in building.
- There is extensive asphalt on the property.
- There were 4 maintenance type buildings.
- There is an existing beach and boat launch.
- There is an existing large boat house and docks.
- They are proposing to remove a lot of the impervious area and make it pervious.
- They would revegetate and establish new soils and plantings.
- This will be creating a large area of disturbance so they need a major stormwater plan
- This will be 2 houses.
- They will be bringing in a large number of plantings back into the site, and create more extensive buffers.
- They are preserving some fairly large established trees.
- They are proposing pervious pavers.
- They are trying to go above and beyond with their stormwater controls

- This property will be a multi-generational property.
- They would like the footprint approved for a future 2-bedroom cottage.
- He detailed the site plans, landscaping, septic and erosion plans to the Board.
- They have an easement that goes through the property that will be deeded to both lots.
- The proposed houses will meet all required setbacks.
- This will divide the parcels into a 1.314 acre and a 1.602 acre lots
- Test pits have been done in the past and again recently.
- He detailed the color schemes to be used.
- He detailed the number of bedrooms for the two homes and the septic systems for them.
- They have been corresponding with the Town Engineer.
- They will be revegetating extensively.
- He detailed a row of trees and other areas on the site that would need to be thinned and replanted.
- This will be an extensive planting plan with a large variety of native species.
- The property is largely asphalt, gravel or sand right down to the lake and they are trying to remediate this.
- The homes will be a modern Adirondack style.
- He detailed the heights, building materials, colors and placement of the proposed homes.

John Gaddy asked if all the yellow flagged trees on the site would be coming out. Mr. Phinney stated he had not done the flagging so he could not answer that question correctly.

John Gaddy asked how the soil remediation would be done. Mike McNamara of Environmental Design stated that they would be using the New York State Stormwater Management Design Manual on how to remediate.

Herb Koster asked if they planned on building the rain gardens before the ripped down all the buildings. Mr. McNamara replied yes. Mr. Phinney stated that they would be building a large sediment trap area that would act as a temporary stormwater control before they disturbed the property.

John Cushing asked if they planned on removing the existing concrete slab in the lake. Mr. Phinney replied that they are not at this time. He detailed the site plan and stated they would not maintain any roadways to that area, but it would be used to launch kayaks and canoes.

John Cushing inquired about the pipes running into the lake by the boathouse. Mr. Phinney replied he believes they would be removing them and putting in two new wells, but if they do not yield good water they will have to keep them.

Herb Koster asked how they planned to remediate sludge while drilling the wells. Mr. Phinney replied that they will have sedimentation and erosion controls around the area and the sludge will be moved off the site.

Gena Lindyberg inquired about a cottage that they would like to save. Mr. Phinney detailed where it would be moved and stated it would be an art studio for the owner and would not be used as sleeping quarters or lived in.

Sandi Aldrich stated there was nothing in front of either of the houses to break them up from the lake on the planting plans. Mr. Phinney stated that there was a fair amount of trees and he detailed them on the plan. He stated that there would be a fair amount small plantings and brush on the edges. They were trying to keep the front open for the view. Sandi Aldrich stated that they would like the houses screened from the lake.

Gena Lindyberg stated that they had an awful lot of grassed areas. Mr. Phinney stated that they had a lot of plantings going in and they have done a fairly extensive job trying to balance it.

Herb Koster asked if they could save any of the trees on the southeast side. Mr. Phinney stated that he did not know how it would work, but they can go back and look at it and see if they could be saved. Herb Koster stated there were some nice mature trees in there and it would take quite a while for new trees to mature. Mr. Phinney stated they could talk to the applicant about that. Herb Koster stated he was sure the Board would like to see that. Mr. Phinney stated that there would be a total net count of 33 extra trees. John Cushing stated that they would like them to get back to the Board about the yellow tagged trees and what the plan is for them. Herb Koster stated that the mature trees help with the stormwater management. Sandi Aldrich stated there were a couple of nice trees down below too. Mr. Phinney stated the demolition activities may impact them, and it may be difficult to save them. He said they needed a temporary area for sediment controls during construction but they could look at that.

Sandi Aldrich asked if they could look at possibly shifting the driveway to the south to save some of the existing trees. Mr. Phinney stated they had looked at this and they had pushed it as much as they could, but due to the septic fields and the slopes they could not move it any further south. The existing drive is a straight drop, so they are trying to create a drive that does not run straight toward the lake, which he detailed on the plans. This is one of the reasons they looked at such an extensive planting plan.

John Gaddy asked about the existing drainage wells and how they would be dealt with. Mr. Phinney stated they would all be removed.

Ann Marie Somma asked Mr. Phinney to point out which trees would be removed in the front of the lake. Mr. Phinney detailed them on the plans. Mr. Phinney detailed where they would be putting a rain garden in to grab runoff, stating this is another reason for tree removal.

John Gaddy asked if the rain garden on the south side was above or below the neighbors. Mr. Phinney stated the actual finished bottom of the rain garden would be below the neighbors.

Gena Lindyberg asked about the privacy fence as opposed to plantings. Mr. Phinney stated they would be putting in both as it was a fairly active area with cottages. Gena Lindyberg asked how high the fence would be. Mr. Phinney stated 6'. Herb Koster asked if the fence would be going

down to the lake. Mr. Phinney replied yes and pointed where it would end on the plans. Gena Lindyberg inquired where they would be planting the trees. Mr. Phinney stated on the inside.

John Gaddy asked how far off the property line the fence could be. Zoning Administrator, Pamela Kenyon stated that they could put it on the property line, but they suggest that they place it a few feet off the property line. John Gaddy asked if the fence was being placed right on the property line. Mr. Phinney stated it would be a few feet off. John Gaddy asked if they were allowed to place a fence right down to the lake. Zoning Administrator, Pamela Kenyon stated they were only allowed 100 sq. ft. of fencing within the shoreline setback. Mr. Phinney stated they had not completely designed the fencing yet and would be taking this into consideration.

John Gaddy stated that he would like more plantings tighter to the corners of the structures to break up the ends of the buildings and soften it up so there is not one big expanse.

John Gaddy stated he would like all exterior lighting be downward facing and shielded. Mr. Phinney stated they work with dark sky compliant lighting

John Gaddy asked if they would be all docks not boathouses. Mr. Phinney detailed the new docks on the plans stating they were not boathouses.

John Gaddy asked about the schedule for demolition. Mr. Phinney stated that no construction was proposed until after Labor Day. John Gaddy asked if they anticipated any blasting on the property. Mr. Phinney stated not at this time, but they do not know as of yet what will be needed. He stated they were trying to avoid it.

Ann Marie Somma asked for the timeline of the project. Mr. Phinney stated that they are hoping to do it in conjunction with each property and detailed this to the Board. They do not want to wipe the entire site clean all at once. They will be moving a lot of the cottages right away. They are investigating all of their opportunities right now.

Gena Lindyberg asked if they had a timeline for the start of construction. Mr. Phinney stated there would be at least 2 months of removals, prepping and site work, so major construction activities will be approximately in late October and early November. Total schedule is about 15 to 18 months. Gena Lindyberg asked if the heavy building would be completed by next June. Mr. Phinney replied no, He stated the ground would be stabilized but the houses would still be under construction.

John Gaddy asked who had jurisdiction over trees on the shoreline. Zoning Administrator, Pamela Kenyon stated the Town of Bolton had jurisdiction on the land. John Cushing asked if they would be removing the tree stumps on the shoreline or cutting them flat to the ground. Mr. Phinney stated they would be cutting them flat to the ground and grind them down flush.

John Cushing asked if they planned on putting in a new sea wall near the boathouse to shore it up. Mr. Phinney replied there was not, they had proposed a fair amount of vegetation in that area. The existing seawall would be cleaned up.

Ann Marie Somma asked if there were additional stormwater management efforts they could add to the project for the significant amount of disturbance they are proposing to this area. Mr. Phinney stated they feel as though they have added a lot and they have met all of the required stormwater controls while adding much more than is required. Much of the disturbance is to remove impervious pavement and surfaces to be replaced with pervious surfaces. They are reducing the pervious area by 54% from what currently exists.

John Cushing asked if the pictures were accurately depicting the plants on them. Mr. Phinney stated they were. A gentleman spoke about them from the audience.

Gena Lindyberg asked if it was mainly bushes near the water and not trees. Mr. Phinney stated there are some new trees going in there with the bushes and ground cover. Gena Lindyberg stated there does not appear to be any trees in this area and asked if they could plant trees in there. Mr. Phinney stated that this could be possible. John Gaddy stated he would also like more trees up by the upper house to break up the expanse of it. Mr. Phinney said ok.

John Gaddy stated he admired the extensive use of plantings. Mr. Phinney stated unfortunately right now the site has a lot of asphalt and there are trees that over time have been choked out.

Herb Koster stated that it would be nice if they saved some of them on the south end. Mr. Phinney said ok.

John Gaddy asked who the neighbor to the north was. Mr. Phinney stated it was Chelka Lodge.

John Gaddy stated he was not sure what the yellow ribbons meant on the trees. Mr. Phinney stated he had not done this and did not know why they were tagged. Sandi Aldrich stated if they could identify the trees to be removed it would be very helpful. Mr. Phinney stated they could verify this.

Herb Koster asked if they had looked into moving the house closest to the lake back further. Mr. Phinney stated they had. John Gaddy stated that it met all the setbacks now. Herb Koster stated he was looking to save some of that buffer. Mr. Phinney stated they could look at the trees in more detail.

Ann Marie Somma asked that they add the soil restoration details in as well. Mr. Phinney stated they would be happy to do that.

John Gaddy asked that there be language for survival and replacement clauses for the trees. Trevor Flynn stated that the Landscape Architect has detail on the replacement of all trees.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR16-17 & SD16-06. **Seconded by**, Gena Lindyberg. **All in Favor. Motion Carried.**

Motion by John Gaddy to table SPR16-17 & SD16-06 for the following information;

1. Specifications for temporary stormwater retention during the initial grading and demolition stages of the project.
2. A soil remediation plan and the NYS regulations that specify them.
3. Downward facing & shielded lighting for all exterior lights.
4. Fencing along the south side of the property be revised to meet Town of Bolton regulations of no more than 100 sq. ft. of fencing within the lakeshore setbacks.
5. Plans for remediation of any sludge produced in the development of the new wells.
6. Inclusion of additional plantings to the edges of the proposed buildings to soften the edges.
7. The addition of a survival and replacement clause for the proposed plantings
8. Language to specify that the cottage will be for studio use only and is not to become a residence.
9. Clarification from the applicant of the trees to be removed and that they will be marked on the site.
10. An alternative plan for the lighter cutting of trees on the south side with a planting plan to provide for new tree growth to replace any that will be removed.
11. The rain gardens are to be installed as early as possible.

Seconded by, John Cushing. All in Favor. Motion Carried.

4. **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:

- In November 2014 an accessory structure was destroyed by fire on this property.
- They would like to replace this structure with some minor differences.
- The yellow flagged trees on the property are fire damaged and will be removed.
- The prior building was approximately 3,200 sq. ft.
- The proposed building is 3,500 sq. ft.
- The new building is marginally larger than the one it is replacing.
- The new project proposes an outdoor pool.
- There will be 3 bedrooms on the second floor of the structure.
- There will be a wastewater system.
- There will not be a kitchen.
- He detailed the site plan to the Board.
- They are proposing to dig a new well for this structure.
- The old well will be used for irrigation only.
- The will be well within the setbacks.
- This area is flat and level and sort of disturbed from the previous building.

- They will not be doing a bunch of clearing.

Gena Lindyberg asked if there would be a kitchen in the new structure. Mr. Hutchins stated that there was not. Gena Lindyberg stated that there was one shown on the plans. Matt Cifone stated he had spoken to the Zoning Administrator and she stated that because they did not have a stove, it was not considered a kitchen.

John Gaddy stated he did not check the visual impact from the lake. Mr. Hutchins stated he had and it would be seen briefly from the lake.

Gena Lindyberg asked where the septic for the existing house was. Mr. Hutchins detailed where it was on the map stating it was on the north side.

Sandi Aldrich asked if this would be considered a second guest cottage for the property because of the bedrooms. Zoning Administrator, Pamela Kenyon asked the applicant if there was already a guest cottage on the property. Mr. Hutchins stated that there was. Zoning Administrator, Pamela Kenyon stated that they were only allowed one. Herb Koster said they were recreating something that had burnt down. Sandi Aldrich stated the structure that burned down did not have bedrooms in it. Gena Lindyberg said according to the Zoning Rules it was not allowed. Zoning Administrator, Pamela Kenyon stated that it was an interpretation from the Zoning Board a couple of years ago. Mr. Cifone stated the building in question was a storage building now. Gena Lindyberg stated the plan said it was a 1 story wooden frame house. Sandi Aldrich stated she believed they would need clarification before moving forward. Herb Koster stated that the Zoning Administrator would have to look at it and see if it was a guest cottage. Zoning Administrator, Pamela Kenyon asked if the applicant planned to continue using it as storage or if they would be using it as a guest cottage. Mr. Cifone stated he was not sure. He stated that it was pretty much rotted. Gena Lindyberg inquired if it had a bathroom. Mr. Cifone stated he had not been in it and did not know. Herb Koster stated they would need a determination from the Zoning Administrator.

Mr. Hutchins asked if there was anything else the Board would like to see. John Gaddy stated he would like to see all lighting to be downward facing and shielded. Gena Lindyberg stated she would like to see a planting plan. Mr. Hutchins stated there would be landscaping done to the site, but it would be possible to get some information on the plantings.

RESOLUTION:

Motion by Sandi Aldrich to table SPR16-19 for further information. Seconded by, Gena Lindyberg. All in Favor. Motion Carried.

The meeting was adjourned at 7:31.

Minutes respectfully submitted by Kate Persons.