

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday March 17, 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, Herb Koster, John Cushing, Henry Caldwell, Gena Lindyberg, Alternate Ann Marie Somma, John Gaddy & Kirk VanAuken, Zoning Administrator, Pamela Kenyon and Counsel, Michael Muller.

Absent:

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

Herb Koster asked if there were any changes or corrections to the February 18, 2016 minutes.

Henry Caldwell stated that it should read Herb Koster on page 10 as opposed to Herb Caldwell.

RESOLUTION:

Motion by Gena Lindyberg to accept the February 18, 2016 minutes as corrected. **Seconded by,** Sandi Aldrich. John Gaddy, Ann Marie Somma and Kirk VanAuken abstained. **All others in Favor. Motion Carried.**

REGULAR MEETING

1. **SPR16-03 FIGUEROA, HEIDI.** Seeks Type II Site Plan Review to amend previous condition of approval set forth by the Planning Board on March 27, 1986 when approving SPR86-02 for a beauty salon. The condition reads as follows: "The shop will employ only one additional person besides herself." Two additional people are now proposed. Section 171.19, Block 1, Lot 60.1, Zone RM1.3. Property Location: 14 Evergreen Lane. Subject to WCPS review. Subject to SEQR.

Heidi Figueroa presented the following:

- She would like to hire one more person.

Herb Koster asked if it was for another beautician. Ms. Figueroa replied yes, part time to start. He asked if the area would stay at the same square footage. Ms. Figueroa replied yes.

Gena Lindyberg asked if there was enough parking. Ms. Figueroa replied yes, and that she had to have 16 spaces when she went for her first approvals.

Henry Caldwell stated he was familiar with the set up there and he did not see any problems with this.

RESOLUTION:

Motion by Henry Caldwell to declare the Bolton Planning Board as lead agency for SPR16-01. **Seconded by,** Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by Henry Caldwell to accept SPR16-01 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. **Seconded by,** Sandi Aldrich. **All in Favor. Motion Carried.**

2. **SPR16-04 FOY, EDWARD JR. & JENNIFER. (The Chateau)** Represented by Atty. Jonathan Lapper and Gary Hughes. Seek Type II Site Plan Review to amend SPR13-07 approved by the Planning Board on June 27, 2013, specifically to renovate the Chateau. Section 171.15, Block 3, Lot 73, Zone GB5000. Property Location: 15 Allen's Alley. Subject to WCPS review. Subject to SEQR.

Atty. Jonathan Lapper and Edward Foy Jr. presented the following:

- They have been open for 3 years and the restaurant has been very well received.
- The upstairs which has always been proposed for 4 guest rooms has not been finished.
- They would like these minor changes approved so they can have it finished before the season starts this year.
- They were approved for 4 guestrooms and they would like to drop it to 3.
- He detailed the changes on the plans.
- They would like to connect the porch at the top of the stairs.
- They would like to add a roof over the stairs.
- They would like to add a small porch area at the bottom of the stairs to keep it separate from the restaurant.
- They would also like to add a window on the south side, which was not on the original plan.

Herb Koster stated they were also asking for a tent. Atty. Lapper replied not at this time.

Henry Caldwell asked if they had done any stormwater on the property. Atty. Lapper stated that they were not doing anything here that changes the stormwater as they are not adding any impervious surfaces. Henry Caldwell stated the parking lot was impervious. Atty. Lapper stated that was handled at the time the parking lot was put in. Henry Caldwell asked if this included the patios. Atty. Lapper stated this was all part of the approved Site Plan. Henry Caldwell asked if this meant they had not done any stormwater. Mr. Foy Jr. stated they did stormwater in the beginning as part of the original plan. Atty. Lapper stated the square footage did not require stormwater on the parking lot but they did it anyway. Herb Koster asked if the proposed roofs and deck would add additional impervious area. Zoning Administrator, Pamela Kenyon replied no. Atty. Lapper stated they are over the porch area and they are not new impervious.

Henry Caldwell asked if they planned on coming back to the Planning Board for the tent. Atty. Lapper stated that Mr. Foy Jr. was still trying to figure out what he wants to do with that, but they will come back with another application if they plan on doing it. This is not before the

Planning Board tonight. Henry Caldwell inquired if there would be anything else they would be doing. Atty. Lapper stated no, if he adds a tent that will be the only physical change.

Sandi Aldrich asked if there would be any lighting associated with the stairway. Mr. Foy Jr. replied overhead and facing down. Sandi Aldrich asked if this was true also for the two front balconies. Atty. Lapper replied they would also all be downward facing. Sandi Aldrich asked if there would be coach lighting on the building. Mr. Foy Jr. replied there was none planned.

Gena Lindyberg asked if they planned to leave it at three rooms, or would they want additional rooms. Atty. Lapper replied there would not be any additional rooms. They dropped it to three rooms to make them nicer.

John Cushing asked if they would be adding stormwater for the additional roofs. Atty. Lapper replied that they were not; there is stone on the side of the building that would be the typical infiltration for the water when it runs off the roof. John Cushing asked if the extensions would be changing the amount of stormwater. Atty. Lapper replied it would not, if anything it would slow it down. Gena Lindyberg asked if there were any gutters. Mr. Foy Jr. stated the building had gutters on it. Gena Lindyberg asked if they were for the required stormwater management. Atty. Lapper stated they were part of the original plan, but this application does not require stormwater because it is such a small amount of additional impervious to what exists. The engineer added infiltration under the parking lot and that was all that was needed. There is so much green space on this lot, and it is so little developed for the size of the parcel. Henry Caldwell said if you add in all of their impervious surfaces he does not think they are exactly accurate; it looks like three quarters of the lot is impervious. Atty. Lapper disagreed stating the whole grass lawn goes all the way to the lot. Henry Caldwell said yes; look at the map and the slate patios that come around the front of the house. Atty. Lapper said that is still very minor, look at the size of the lawn. All this was approved when they were here three years ago for the Site Plan Review, the only thing they are doing here is finishing the upstairs which does not have a stormwater impact, because they are building above already impervious downstairs, this is just to finish it.

Henry Caldwell stated that this application does not include a tent.

RESOLUTION:

Motion by Kirk VanAuken to declare the Bolton Planning Board as lead agency for SPR16-04. Seconded by, John Gaddy. All in Favor. Motion Carried.

Motion by Kirk VanAuken to accept SPR16-04 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; all lighting is to be dark sky compliant. Seconded by, John Gaddy. All in Favor. Motion Carried.

3. **SPR16-05 JUMBO REALTY, LLC. (CAMP WALDEN).** Represented by Peter Loyola of CLA Site. Seeks Type II Site Plan Review for a group camp. 1) Specifically to add a 1,330 square foot deck and awning to the dining hall; and 2) To discuss condition of approval set forth

by the Planning Board on December 17, 2015 when approving SPR15-23. Specifically the condition reads as follows: “No power boating activities such as skiing, tubing or banana boat rides on Mondays and Fridays.” The applicant is seeking flexibility of occasionally, if needed, switching days from Monday or Friday to a different day. Section 185.00, Block 1, Lot 32, Zone **RCL3**, LC25 and LC45. Property Location: 429 Trout Lake Road. Subject to WCPS review. Subject to SEQR.

Scott Miller & Peter Loyola of CLA Site presented the following;

- They are proposing a deck in front of the existing dining hall with an awning.
- He detailed the deck on the plans to the Board.
- The awning will be a metal frame structure with a brown canvas top.
- He detailed and passed out updated photos to the Board.
- The awning will essentially cover the entire deck which is 1,330 square feet.
- There is a portion of the existing deck near the door, so the awning will extend over this.

Herb Koster asked if they intended on removing this on a yearly basis or if it would be permanent. Mr. Miller stated it would be permanent, but the tarp would be removed for the winter.

Sandi Aldrich asked if this would be for extra seating in the dining hall. Mr. Miller replied yes, it would allow the campers to congregate outside and sit; it would also clean up the entrance and create a nicer entrance.

Henry Caldwell asked if they were doing any stormwater on this project. Mr. Miller replied they were proposing it and detailed figure 1. There is already existing impervious area under it, so the net increase of impervious cover is about 300 sq. ft. so they under the stipulations of the stormwater regulations. John Gaddy stated the question comes up of when does a little bit of stormwater keep adding up to a cumulative effect and they can't keep looking at these as individual items on their own when they are part of a large project. Mr. Miller stated they have a comprehensive storm water plan for this site. He looked at the overall stormwater hydro cad model and added the additional 300 sq. ft. of impervious surface into that and subtracted out 300 sq. ft. of lawn area and it doesn't change anything at the discharge point. Henry Caldwell stated he was up there this week and they have stormwater problems across from the dining hall with silt all over the road, and the green silt socks had not been maintained and have blown out. This is a v-shaped lot and all the water is funneling down into that one area, and he believes they need to refresh there stormwater implements. Mr. Miller stated they would make sure the sediment traps were cleaned out and the area that is contributing to that is stabilized and seeded properly to fix this situation. Herb Koster asked if they were aware of the area they were talking about. Peter Loyola stated that when they were doing the stormwater management plan during construction they maintained all the silt socks and once they sodded it, it looked very good. They got a sign off on the construction and that it was stabilized on this and he was unaware of any runoff, although he had not been up there all winter. Henry Caldwell stated there was a big pile of silt across from the lodge where it had washed down from up above and also problems by the silt socks. Mr. Loyola stated he was unaware of this, it may have something that occurred over the winter, but they could get in there and clean this up. He stated that all the inspections that were done up until the lawn area was sodded seemed to be capturing

everything. Henry Caldwell told them to check it out. Mr. Bernstein stated that this was pre-sod, in between topsoil and sod going down the heavy storms washed it down and they had to re-topsoil it again. Most of it all ended up in the fire pit. Mr. Loyola stated that they would take a look at it.

Gena Lindyberg asked if the deck would be framed around the existing tree. Mr. Miller stated they were not able to do this because of the awning. They would have to remove that one tree. Gena Lindyberg asked if they would only be removing the one tree. Mr. Miller stated that was correct. Mr. Loyola stated to mitigate this they planted evergreens in front of the deck. Mr. Bernstein stated they would be planting two to replace the one.

John Gaddy detailed an area where he would like them to look at more plantings. Mr. Loyola stated that they have already planted that, it just is not shown on the schematics. There is planting on the whole side on the back. He detailed the new grading of the steep slopes in the area of the lodge and dining area on the plans. He detailed the stormwater that is already in place for the dining hall and how it works.

Kirk VanAuken inquired about the Master Plan. Mr. Miller detailed the number of the deck on the plan. Herb Koster stated that it did not include the awning. Mr. Loyola stated there was one that exists now. Herb Koster replied it was not over the deck.

Gena Lindyberg asked if they would be keeping the awning over the blue stone patio. Mr. Loyola stated yes, it was a roll that was used for rain.

Gena Lindyberg asked if they would be increasing their seating. Mr. Loyola stated yes, they already come out to the picnic area and this would be to get them out. Mr. Bernstein stated this area was also where they liked to sit out and play games at night.

Herb Koster asked if they were separating out the two items on the application. Atty. Muller stated they would have to. Herb Koster stated the second item was a result of a Public Hearing and they would have to have another Public Hearing to make any changes to it. Atty. Muller stated this was correct.

Sandi Aldrich asked if they would be adding any lighting to the awning. Mr. Miller stated that it had not been decided as of yet, but if they did it would be dark sky compliant.

Henry Caldwell asked if the trusses would be galvanized. Mr. Miller replied yes, they would be similar to the one at Frederick's.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR16-05.

Seconded by, Henry Caldwell. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SPR16-05 as complete; waive the Public Hearing, having met the criteria set forth in the code, grant final approval of item #1 in application; the deck and awning portion of this project as presented. This motion includes a SEQR analysis and findings

of no negative environmental impacts with all aspects favorable to the 1,330 square foot deck and awning addition to the dining hall portion of the application as presented on drawings A101 with the following condition; all lighting is to be downward facing and shielded. **Seconded by, Gena Lindyberg. All in Favor. Motion Carried.**

Herb Koster asked the applicant to present item two on the application.

Mr. Bernstein stated that in order to appease the town they agreed to have no power boating activities such as skiing, tubing or banana boat rides on Mondays and Fridays. He stated they agreed to that without looking at their schedule or calendar and now they are hoping for 4 dates that they could swap out for a different day. He detailed examples of why they would need to do this. In general Mondays and Fridays are fine. The hard thing is, it will be different dates each year. They would like to be able to have the flexibility to determine what two days they decide to use during each week for no boating. Herb Koster stated they would have to hold a Public Hearing because the decision the Board made was based on the public's input and their complaints about Camp Walden's utilization of the lake in comparison to the size of their lake front. This is the reason this Board made the decision it did. Mr. Bernstein asked even if they kept the same number of days. Herb Koster stated the Board's decision was based on a Public Hearing and they can't revise this decision without having another Public Hearing. Atty. Muller stated this was correct, they would re-open the Public Hearing and the Planning Office would give notice. Herb Koster told them to put the specific dates they were looking to change in the new application. Mr. Bernstein asked if he would have to go through this process each year. Herb Koster replied yes, simply because this was a result of the Public Hearing. Mr. Bernstein asked if they were given flexibility at the Public Hearing would it be possible to vote that it would not have to specific every year as long as it was two days a week. Herb Koster stated that would be up to the Board at that time. Henry Caldwell said they would like to hear what the neighbors say. Herb Koster stated they would like the input of the neighbors. He said they could put in their application that they could would like flexibility.

Sandi Aldrich asked when the Planning Office would need to know, so they would have ample time for notifications. Zoning Administrator, Pamela Kenyon stated she would need to know by March 28th. Mr. Bernstein asked if the Public Hearing would be on the April meeting. Zoning Administrator, Pamela Kenyon stated yes.

Mr. Bernstein asked if the agreement they have from the previous meeting will still be in place. Sandi Aldrich replied yes. Herb Koster stated that legally the Board had to have a Public Hearing. Mr. Miller stated that they are already starting plantings in the spring. He wanted them to know that the winter runoff is much less than it has been in previous years.

RESOLUTION:

Motion by Henry Caldwell to schedule a Public Hearing for item #2 on application SPR16-05. Seconded by, Kirk VanAuken. All in Favor. Motion Carried.

4. **SPR16-06 ADORNO, TROY.** Represented by Hutchins Engineering. Seeks Type II Site Plan Review for 1) A major stormwater project to create more than 15,000 square feet of land disturbance – 24,500 square feet is proposed; and 2) as a condition of approval set forth by the Planning Board on June 17, approval is also sought for clearing and stormwater. Section 156.00, Block 2, Lot 73.2, Zone RM1.3. Property Location:

Lot #4 of the Moccasin Rock Subdivision (Mitchel Angel). Subject to WCPS review.
Subject to SEQR.

Tom Hutchins of Hutchins Engineering presented the following:

- This is lot #4 of the Angel subdivision which was done in 2004 and modified in 2011.
- He detailed the lot on the plans.
- They have taken the concept house location and shifted the house to the north allowing them to shorten the driveway to a great extent making it much flatter.
- The original road grades did not make sense so they went back to reshoot the road so they have accurate as-built's of the road now.
- They have graded the entire project out.
- Disturbance wise they are at 24,500 sq. ft.
- They have tried to keep it as tight as they reasonably can.
- They left a strip of trees between the stormwater controls and the project which will provide some filtering.
- There is healthy vegetation in the area which the applicant has assured him he would keep.
- This provides filtering for any runoff.
- They have formed a vegetated berm area at the low side which will essentially capture runoff from the entire project.
- He detailed the wastewater system on the plans, stating there is rock in the 2' to 3' range.
- Some hard ledge and very difficult to dig with a small excavator.
- They did 4 test pits.
- They have shown a stabilized fill system for wastewater.
- This is a chalet style house.
- He detailed the materials to be used.
- Colors are to be browns and burgundies.
- All lighting will be dark sky compliant.

John Cushing said he took a ride up there and he knows this was an approved subdivision but he would like to go on record to say that he feels that the road is an unsafe road for that whole new section of that subdivision. He stated that from Route 9N up it is dangerous in multiple spots all the way to the top. He also finds it funny that you have to put your vehicle in 4-wheel drive 2 feet off 9N to get up the hill. He would like to know how they expect any bigger truck to get down off the hill without getting hung up. Mr. Hutchins stated it was steep but he actually thought the surface of the road has held up quite well over the winter and it does not show any evidence of erosion. He detailed an existing section of the driveway stating there was no transition. John Cushing stated it was ridiculous, there has to be some State and County rules or regulations for this. He stated he was not an engineer but this is ridiculous. Henry Caldwell asked if cement trucks could get up this road. Herb Koster stated that cement trucks were all wheel drive, concrete trucks were the last thing you need to worry about. Mr. Hutchins stated it is steep. Herb Koster explained to Mr. Cushing that there are no specific rules in the Ordinance for driveways. They have specific rules for roads but not driveways. John Cushing asked if that whole road from 9N was a driveway. Herb Koster replied yes. Sandi Aldrich

stated it was a shared driveway. John Cushing asked if that meant there were no rules or regulations for it. Zoning Administrator, Pamela Kenyon replied that was correct. Herb Koster explained that it is all up to this Board. Atty. Muller stated that it had already been decided. John Cushing stated in his opinion that it is flat out wrong, if you flip a truck over and kill somebody up there, I guess it is their worry, but it is not right what's going on there.

John Gaddy stated he liked what was being done with the vegetation between the berm area and the septic area. He wanted to know what the depth to rock was up there. He stated he would like a condition that, this area had to maintain vegetation. Mr. Hutchins stated he discussed this with the applicant and he was fine with it. He wants natural vegetation. He does want a filtered view.

Gena Lindyberg asked about blasting and rock excavation. Mr. Hutchins stated there will be some rock excavation for the construction of the house, but they did not plan to excavate for stormwater. He detailed some highpoints in the drive that might need to be knocked down a little bit. They will need to do some rock excavation in an area in the rear of the house, but they have discussed various methods to minimize this. So yes there will be rock excavation but they are trying to minimize it. Gena Lindyberg asked if they had any idea what the square footage of this would be. Mr. Hutchins stated that the square footage area of the building footprint was just over 2,000 sq. ft. He would estimate about 1,500 sq. ft.

Gena Lindyberg stated that there are 3 spots for lawns. Mr. Hutchins stated that it would be field grass area. Most of this is over the waste water system. He explained that you don't want trees here. Gena Lindyberg inquired about the lawn area right next to the house. Mr. Hutchins replied that this was a field grass area that was a low mow area. Gena Lindyberg asked if they had a planting plan right now.

Gena Lindyberg asked what the tree removal would be. Mr. Hutchins detailed it on the plan stating it was essentially 2,400 sq. ft.

John Gaddy asked if they would be grading and replanting with topsoil, seed and erosion control blankets on the fill slope of the absorption field. Mr. Hutchins replied this was correct. He explained that they do need fill material for a waste water system and they really try to grade these out so they get very long because you are trying to get a maintainable slope. John Gaddy asked if there was any intention of planting anything besides grass on the slope. Mr. Hutchins detailed where they could do additional plantings. John Gaddy stated he would like to see this.

Gena Lindyberg asked if the plans were for the garage to be underneath. Mr. Hutchins replied yes.

RESOLUTION:

Motion by Henry Caldwell to declare the Bolton Planning Board as lead agency for SPR16-06. **Seconded by,** Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by Henry Caldwell to accept SPR16-06 as complete; waive the Public Hearing, having met the criteria set forth in the code, grant final approval of the project as presented. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented with the following conditions;

1. All construction is to be maintained as detailed on the Engineers notes on drawing 29982-01-S1.
2. The wooded area as on the drawing is to be maintained on a year round basis.
3. A planting plan will be submitted at the time permits are requested.
4. There is to be a filtered view only.
5. All lighting is to be dark sky compliant.

Seconded by, Sandi Aldrich. John Cushing opposed. **All others in Favor. Motion Carried.**

The meeting was adjourned at 7:14.

Minutes respectfully submitted by Kate Persons.