

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday May 19, 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, Henry Caldwell, Gena Lindyberg, John Gaddy, Kirk VanAuken, Sandi Aldrich, Zoning Administrator, Pamela Kenyon and Counsel, Michael Muller.

Absent: Alternate Ann Marie Somma

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

PUBLIC HEARING

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. The public hearing remains open from the April 2016 meeting.

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

- They have made the architectural changes requested by the Board.
- They kept the building within the roof height requirements of the town.
- They have added shakes to break up the façade, and he detailed the changes.
- They have added some windows with window boxes.
- It will have a much nicer appeal from Route 9N.
- Now that the roof will be sloping in both directions they are adding two new drywells.
- He detailed how the new stormwater would work.
- He wanted to address Mr. Lucas's concern with the trees. These plantings are White Spruce, not Eastern White Pines. From day one they have been stated as White Spruce.

Ginger Allen from The Shack asked them to quantify the amount of activity that will be at this building.

Chris Navitsky, Lake George Waterkeeper stated the following;

I would like to recognize the stormwater improvements proposed by the applicant. Although the code may say the project is exempt, the code (200-29d) also says that the planning board has the ability to impose reasonable conditions and restrictions on the approval of an application such as regarding development considerations when water resources and adjoining properties are impacted by existing runoff, if the board does decide to approve such application. This condition

should become the normal practice for the planning board because the water quality of Lake George will never be any better and will not improve if existing impervious cover and development are continually allowed to be exempt from stormwater requirements.

I have a question whether this application is a special use permit since it has been determined to be a marina within the GB5000 district? If it is a special use permit, can the planning board set a time limit on the permit to have the applicant return to the board to review the application?

I agree with previous public comments that additional information should be required for the stormwater management plan including proposed final grades since there have been references to excavation and lowering grades; concerns about percolation rates in the existing compacted soils and at deeper depths; and will there be a maintenance plan and/or reporting requirement for the stormwater controls to prevent the siltation such as what has already occurred. Additionally, there is a concern regarding the ability for trees to successfully grow in the compacted soils. If the plan is approved, there should be a conditions requiring a maintenance guarantee on the screening planting that will require replacement if they do not survive.

Atty. Muller read an email from Warren Lucas to the Board with all of his concerns and requests.

Mr. Steves stated they would be anticipating an average of 10 trips per day in and out of the building.

The stormwater maintenance will be addressing much of the Route 9N runoff and they will be cleaning out and replacing the stone in the one existing drywell. They will be cleaning these basins out and maintaining them with an annual inspection.

Herb Koster asked who would be doing the annual clean out. Mr. Steves stated Bolton Landing Marina, but if the Board would like a representative from the Town of Bolton check them it would be fine.

Mr. Steves stated they had addressed the grade at the last meeting, and established them on the revised plan. He detailed the soil comments on the site plans.

Mr. Steves stated they would be maintaining and replacing any trees that need to be. He would suspect they will have to replace some of the soils due to the compaction.

Mr. Steves stated the color scheme and the gable ends have been addressed with the new plans, and the evergreens have never been White Pine, they have been White Spruce.

Henry Caldwell inquired if they would be using dark earth tones on Mr. Lucas's side. Mr. Steves replied yes, on the entire building. Henry Caldwell asked about the windows. Mr. Steves stated they had two rows of windows in the gable end, and stated they could put some windows in the back of the building he just did not think it was really suitable. John Cushing stated that would probably take away from the sound proofing. Mr. Steves agreed, but stated they could paint them dark and put the sound blankets over them if that is what the Board

wanted. Sandi Aldrich asked if they would be doing the same thing on the gable end. Mr. Steves said that they would.

Brian Allen asked if 10 trips were 5 out and 5 in or 10 trip; 10 out and 10 in. Mr. Behan stated 5 boats, 10 trips. Mr. Allen asked if there was any way to identify which cars from the marina were taking up public parking spaces along Route 9N rather than the marina. Mr. Steves stated that he believed that Route 9N was public parking for anyone, they can't control parking on a New York State highway. Mr. Allen said he wants to know how they will be controlling their customers from using parking on Route 9N. Mr. Steves asked, if Mr. Allen is asking if he is going to stand out on Route 9N and say don't park in this spot. Mr. Allen said exactly. Mr. Steves replied he was not. Mr. Allen stated that is his point. Henry Caldwell stated that it is 2-hour parking, which is not generally enforced. He does not believe the Town wants to start having parking permits like Lake George Village, but they may want to start enforcing the 2-hour parking, it would be a Town Board decision. Obviously Bolton Landing Marina should be encouraging the overflow customers to park behind the Town Hall. Mr. Steves agreed. Mr. Allen inquired how they were going to do that. Mr. Steves stated by advising and informing their customers. They would be giving the information out to the customers as they came in. Mr. Allen stated he is wondering how they are going to start being a good neighbor, because it has not happened in the past. Mr. Steves explained that they have stated in this application that on days of peak demand they would have a parking attendant. Mr. Allen said that was stated in previous applications and it never happened. Mr. Steves stated he apologizes but he was not part of the previous application, but he is a part of this one and he is stating there will be one. Mr. Allen asked if they don't see one should they call him? Mr. Steves replied absolutely and stated he would give Mr. Allen his cell phone number.

RESOLUTION:

Motion by Henry Caldwell to close the Public Hearing for SPR15-31. **Seconded by,** Kirk VanAuken. **All in Favor. Motion Carried.**

REGULAR MEETING

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

RESOLUTION:

Motion by Gena Lindyberg to accept the April 21, 2016 minutes as presented. **Seconded by,** John Gaddy. Sandi Aldrich abstained. **All others in Favor. Motion Carried.**

- 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. The public hearing remains open from the April 2016 meeting.

Gena Lindyberg stated she was still concerned with the parking spaces; she has not seen where they were counted out. Mr. Steves stated that as they explained before realistically they were in the 100 range with the 24 behind the Town Hall.

Henry Caldwell asked if the new boats were going to be put in and out the new building by trailer. Mr. Steves stated yes, and detailed how it would work, going down the north road on a trailer. He stated they would not be running the forklift up and down the road.

Gena Lindyberg asked if the 124 total parking included the Town Hall parking in the original plan. Mr. Steves stated that it did. He stated that the only way they could fit 124 cars on the site if they had to, would be to have a valet/parking attendant.

Herb Koster inquired about the annual inspection of the stormwater basins and a report sent to the Zoning Administrator. Mr. Steves stated they would have no problem with this and he would have an annual report sent from his office or Hutchins Engineering. He said they would also send report on the trees that are to be planted.

Herb Koster and Mr. Steves discussed the White Spruce and how well they worked, with pruning. They reiterated again they were not White Pine.

Henry Caldwell asked the colors they would be using on the building. Mr. Steves detailed the plans and stated they would be using a medium brown and a dark brown with an antique white trim. They would have a dark brown roof.

Gena Lindyberg asked if they would still have 191 boats maximum on site. Mr. Steves stated this was correct. Gena Lindyberg asked if they would have 10 wet berths. Mr. Steves replied 6.

Henry Caldwell asked about outdoor lighting. Mr. Steves stated they would be dark sky compliant and there would be 2 on the front of the building. John Gaddy asked that they repair the existing lights by the park. Mr. Steves replied that they would do this.

Gena Lindyberg asked if there was supervision after 9pm for boats pulling into the marina docks. Dan Behan stated that he did not have security on 24/7, previously when they were informed that they had a problem they had addressed it. They have recently added cameras to the property and to their knowledge they don't have a problem. Gena Lindyberg stated that this was not what the Board heard from the neighbors. Mr. Behan stated they would address any problems immediately. Gena Lindyberg asked what the number was to call if there were any problems. Herb Koster replied the Police Department. Mr. Behan stated that their numbers were also posted on the marina doors.

Henry Caldwell asked if they were using the north side road at night. Mr. Behan stated they could curtail this as much as possible. Herb Koster asked if they could lock the gate at night. Mr. Behan stated they can and they do, sometimes it gets open by people who have a right of way through it, but they will make more of an effort to keep it locked. Frank Parillo stated that the sign on the gate states that it is locked at 9pm and they do lock it. They have a key and the

Berkowitz have a key, if it is left open, it is not usually them. He stated that he has given the Berkowitz's his phone number and email if they have any problems with noise late at night they can contact him. He has never received call about noise at night. Since he has owned the marina, he does not know of any incidents where the police were called. He believes they are doing a good job.

Kirk asked the process going forward for knowing the need of a parking attendants on any day. Mr. Steves stated they know from people calling in to have their boats ready, and also from the historic usage from previous years for peak weekends. This only happens 3 or 4 times a year. Mr. Parillo stated they have 4 dock hands and 2 fork lift operators and they can use one of them if parking becomes a problem at any time.

Herb Koster inquired how many windows they would be proposing on the north side of the building. Mr. Steves proposed 8 windows, 4 on the upper side and 4 on the lower side. Herb Koster stated he did not believe he needed that many, the bottom would be screened by the trees. Mr. Steves stated they would do 4 windows across the top. Henry Caldwell stated that sounded good to him, they were trying to keep Mr. Lucas happy. Mr. Steves stated they would be larger windows. Herb Koster asked if they would be insulating the windows and doors. Mr. Steves stated they would do the windows and they could look at something for the doors that would not impede them.

Herb Koster stated he liked the design changes they made on the building and he thinks it is a tremendous improvement. Mr. Steves stated they had listened to the comments and they hope they addressed all the concerns.

Sandi Aldrich asked if they would have window boxes and if so would they be using real plants. Mr. Steves stated they would have a mixture of both so it would look nice. Herb Koster stated he would imagine the second story boxes would not be real.

Mr. Parillo stated the new Tier 4 forklift had arrived last week and it is a huge improvement, compared to the old forklift. Sandi Aldrich asked where this would be used. Mr. Parillo stated the main building.

John Gaddy asked if there would be a forklift going up and down the road from the new building. Mr. Steves stated they would be loading the boats on the trailers with the forklift and using a trailers to move the boats up and down the road, not a forklift. John Cushing asked if it would be one of the older forklifts and if it would stay right there. Mr. Steves replied that it would be correct.

Sandi Aldrich inquired about whether they would be painting the existing building to match the new one. Mr. Steves replied they would not.

John Gaddy reviewed the SEQR short form with the Board and after much discussion on items #2, 3 and 4 they came up with the following:

State Environmental Quality Review

Short Environmental Assessment Form

Part 2 – Impact Assessment

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? **No, or small impact may occur.**
2. Will the proposed action result in a change in the use or intensity of use of land? **No, or small impact may occur. (The Board discussed this at great length and John Cushing was opposed).**
3. Will the proposed action impair the character or quality of the existing community? **No, or small impact may occur**
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? **No, or small impact may occur.**
The Board members discussed this at great length and stated this was an improvement to the stormwater from what exists due to the new stormwater and plantings that are being added to the project. Also 25 boats would be moved further back from the lake and under cover as opposed to out in the open. (John Cushing & Gena Lindyberg opposed).
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? **No, or small impact may occur.**
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available opportunities? **No, or small impact may occur. (John Cushing stated it would be an increase).**
7. Will the proposed action impact existing:
 - a. public / private water supplies? **No, or small impact may occur.**
 - b. public / private wastewater treatment utilities? **No, or small impact may occur.**
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? **No, or small impact may occur.**
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? **No, or small impact may occur.**
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? **No, or small impact may occur.**
11. Will the proposed action create a hazard to environmental resources or human health? **No, or small impact may occur.**

Part 3 - Determination of Significance

With the Boards' objective "hard look" at the overall project as proposed by the applicant and taking into consideration that there are impacts caused by the project in the CEA area of the 500 ft. buffer/shoreline and their voiced concerns as to the level of intensity of use, these impacts are now small, and only "may" occur. It is determined that the impacts are not moderate to large. Also each of the perceived small impacts are properly addressed by color choices, facade choices, design of the building, annual stormwater inspections and proper traffic patterns of control along with sufficient plantings and a quiet, less intensive "noise" from a state of the art forklift. It is also determined that there will be no increase in the number of boats at Bolton Landing Marina, it will be "capped" at 191 vessels on land and in the water. Based on the information and analysis above and any supporting documentation, the proposed action WILL NOT result in any significant adverse environmental impacts.

RESOLUTION:

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

Motion by John Gaddy to accept SPR15-31 after establishing lead agency and going through the Environmental Impact Assessment short form; the review of items 1-11 had a concern with item #2, with one vote for moderate to large impacts and #4 that had 2 votes for moderate to large impacts, the conditions that the Board would like to add to this application will address these 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,** Kirk VanAuken. John Cushing opposed. **All others in Favor. Motion Carried.**

Motion by John Gaddy to accept SPR15-31 as complete; having closed the Public Hearing, and 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 proposed building will be constructed with the details as shown on the drawing received May 6, 2016 stamped by the Planning Office with the colors of the dark brown roof, medium brown upper story and a medium brown lower level with the addition of four windows are to be installed along the north side of the building. Each of these window along with the windows on the west side facing 9N will incorporate blanketed noise attenuating insulation.
- 2) White Spruce are to be planted on the east, west and north side of the building, and any trees that do not survive must be replaced to insure screening to the neighbors.
- 3) Any exterior lighting is to be dark sky compliant.
- 4) Any concerns with parking are dealt with by using marina personnel on the larger volume weekends to ensure smooth access to the property without congestion to the neighbors.
- 5) The gate at the north access is to be locked at night after the marina is closed with more attention to the control of this entrance.
- 6) An annual inspection and certification of the stormwater basins is to be submitted to the Town.
- 7) The building is to be used for only 25 or 26 boats.
- 8) Boats are only to be moved to and from this building by trailer.
- 9) There will be 4 windows on the upper level with noise attenuating blankets
- 10) The total cumulative number of boats for Bolton Landing Marina on land or in the water is to be 191 at all times.
- 11) The applicant has a policy to inform and encourage their customers to not use the northern driveway at all.

Seconded by, Kirk VanAuken. John Cushing opposed. **All others in Favor. Motion Carried.**

2. **SPR16-10 MARANVILLE, JON & MARGARET.** Represented by Curtis Dybas. Seek Type II Site Plan Review for a proposed single family dwelling. Specifically, to

demolish existing garage and replace with a single family dwelling on the second floor and garage space on the first floor. Section 171.15, Block 3, Lot 31, Zone GB5000. Property Location: 4988 Lake Shore Drive. Subject to WCPS review. Subject to SEQR. See V16-11 associated with this project approved April 18, 2016.

Curt Dybas presented the following;

- They are looking to demolish and replace an old barn on the property.
- The structure is past its useful life at this time and not worth remodeling.
- There were seasonal living quarters on the second story of this old structure with a dormer, which he detailed in the pictures.
- They would like to tear it down and enlarge it by 2' on two bays to the west and 4' on the center bay.
- They will be designating a space on the south side for 1 parking spot along with 1 interior bay for the apartment upstairs.
- This apartment will be for family use; they have no desire to rent.
- This is a two-bedroom apartment.
- The ridge height increase is less than two feet.
- There is an increase in footprint, primarily for a legal stairway on the south side of the building for access to the apartment.
- They will be addressing the stormwater as part of the project with gutters directed to a dry well.
- He detailed the stormwater to the Board on the site plan.
- Municipal water already exists and the sewer easement goes through the property which they will be tying into.
- They will be implementing plantings to shield the neighbors.

Sandi Aldrich asked if there was any exterior lighting and if there was, she would like it to be dark sky compliant. Mr. Dybas stated they would have residential lighting on the front of the building and he hadn't thought about dark sky compliant.

Herb Koster stated it was an improvement over what was there. Henry Caldwell stated it was well thought out plan.

RESOLUTION:

Motion by Henry Caldwell to declare the Bolton Planning Board as lead agency for SPR16-10. Seconded by, Gena Lindyberg. All in Favor. Motion Carried.

Motion by Henry to accept SPR16-10 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 downward facing and shielded. Seconded by, Sandi Aldrich. All in Favor. Motion Carried.

- 3. SPR16-11 SUNRISE HOLDINGS LLC. (BRIAN HART).** Represented by Hutchins Engineering. Seeks Type II Site Plan Review for a major stormwater project to create more than 15,000 square feet of land disturbance. 19,000 square feet is proposed. Section 171.18, Block 1, Lot 3, Zone RL3. Property Location: Sunrise Lane in the Mohican Heights Subdivision. Subject to SEQR.

Lucas Dobie of Hutchins Engineering. presented the following;

- This is a 4-bedroom design on a 2.2-acre parcel which used to be two lots and has since been combined.
- This is a major stormwater project which they have worked through the Town Engineer.
- They are proposing permeable asphalt for the driveway on the flatter areas.
- He detailed the stormwater details to the Board.
- They do not require any variances for this project.

John Gaddy inquired about the need for the well that is closer to the lake on the east side and expressed his concern about the amount of clearing needed for this area. Mr. Dobie stated that unfortunately when the original well was drilled, it was not the best location for it. They needed 100' from the septic area and this is the only decent area on the site that they could place it. He stated it was fairly well cleared in that area right now and it is all that they have to work with. This was a real struggle.

John Gaddy inquired about the 3 trees, and asked if they would not disturb them. He stated he would like to see some type of protection installed for them because they were the only lot in the subdivision with trees. Mr. Dobie replied they would be staying.

Henry Caldwell inquired about the proposed blasting. Mr. Dobie detailed on the site plan how they planned to achieve this to the Board. He stated they were very cognizant about sensitivity to the neighbors. Gena Lindyberg asked what the square footage of blasting would be. Mr. Dobie stated 3,500 sq. ft. to 4,000 sq. ft. Gena Lindyberg asked how deep it would be. Mr. Dobie replied approximately 10 ft. on the north side and it would fade to 4' to 6' on the south.

Henry Caldwell asked when they would be doing the drilling. Mr. Dobie stated it would be a fall project. He stated they would be conducting a pre-blast survey of the neighboring property to minimize any inconveniences. John Gaddy asked what the length of the drilling would be. Laurie Florian of Alpha Drilling & Blasting stated that it depended on the size of the footprint but typically for a foundation it was a week for drilling and a week the blasting a foundation. Herb Koster asked if they would be doing all the drilling first. Ms. Florian replied typically they try to do all the drilling first, but inevitably they have to re-drill some holes if they get lost in the blasting. Sandi Aldrich asked if this meant it could take 10 days to 2 weeks. Ms. Florian stated she doubted it would take that long, but she has not seen the plans yet.

Gena Lindyberg asked if there was another way to place the house with less blasting. Mr. Dobie stated in his opinion, no. He detailed on the site plan why it would not work.

John Gaddy asked how far out the proposed natural boulder roll was on the east side of the

project. Mr. Dobie replied approximately 20' off the face of the house.

John Cushing asked how Mr. Dobie would categorize this project as an engineer. Mr. Dobie stated it was a difficult, intensive and expensive project.

John Gaddy asked what the effects of blasting were on the existing trees. Ms. Florian stated the existing trees are far enough away that she did not believe they would be effected at all on this project.

Sandi Aldrich asked about the colors they would be using on the house. Mr. Jung stated they would be using earth tones and the roof would be dark greens or grey.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR16-11. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by John to accept SPR16-11 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) All notes/details supplied on Hutchins Engineering sheet 29939-0-S1, S2 & S3; dated 2/17/16 be complied with.
- 2) Drilling and blasting are to be done Monday – Friday, 8am to 5pm. No work on Saturday or Sunday.
- 3) Blasting area is to be in the neighborhood of 4,000 sq. ft. and a maximum depth to be removed at an approximate of 10 ft.
- 4) Measures are taken to protect the trees on the east side of the project as you would protect the neighbors on the other side.

Seconded by, Gena Lindyberg. **All in Favor. Motion Carried.**

4. **SD16-03 O'ROURKE, WILLIAM.** Represented by VanDusen & Steves. Seeks to divide into 2 lots that parcel designated as Section 123.00, Block 2, Lot 53.1. Zone RL3. Property Location: 401 New Vermont Road. Minor Subdivision. Sketch Plan Review. Subject to SEQR.

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

- They are proposing to divide the 42-acre parcel into two lots.
- One lot would 19.75 acres and the other would be 22.425 acres.

Gena Lindyberg asked if the one lot would be a buildable with all the wetlands and streams. Mr. Steves replied yes, it would have to meet the 100' setback requirements. It would require Site Plan Review and at this time there is nothing proposed construction wise.

Henry Caldwell inquired if they were putting all the wetlands and streams on one lot. Mr. Steves replied yes.

Mr. Steves stated they had sent a Jurisdictional Inquiry form to the A.P.A and they are waiting for a response.

Gena Lindyberg inquired if this was subject to A.P.A. review. Mr. Steves replied yes.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SD16-03. Seconded by, Henry Caldwell. All in Favor. Motion Carried.

Motion by John Gaddy to accept SD16-03 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. Seconded by, Henry Caldwell. All in Favor. Motion Carried.

5. **SPR16-12 WUN, JOEL & PAULA.** Represented by Stephen Adler. For the construction of a proposed single family dwelling and detached garage, seeks Type II Site Plan Review to discuss condition of approval when approving SD05-11 (Mayfair Subdivision). The condition reads as follows: “Specifically on Lot 5, any construction to the east side of the proposed building envelope needs to come back for site plan review and approval from the Planning Board.” Section 186.14, Block 1, Lot 60.5, Zone RCH5000. Property Location: Lot 5 Mayfair Subdivision. Subject to SEQR.

Stephen Adler presented the following;

- They would like to include a deck and detached garage.
- He handed out photos to the Board.
- They have been approved for their stormwater by the Town Engineer.

Kirk VanAuken asked about house location. Mr. Adler stated that they were restricted to the location directly specified by the L.A. Group on lot 5. The whole site is basically rock. They would be putting in a stormwater system to control stormwater that has always been coming off the rock. They would like to have a deck which would not necessitate more clearing and garage that is outside the allowable footprint. They would be removing about 14 trees. they are moving the asphalt sidewalk on their property and it will continue off the lot. National Grid will be removing the pole on the lot too.

John Gaddy inquired about the elevations. Mr. Adler detailed them on the plans stating north was really east on the plan.

Gena Lindyberg asked about the restriction of the building envelope. Mr. Adler stated they had downsized the house and overhangs to fit with in the footprint allowed. Gena Lindyberg inquired about the decks being outside the footprint. Mr. Adler stated that the decks were allowed outside this footprint as well as the garage.

Sandi Aldrich stated that a condition of the previous approval was that anything done to the lot to the east of the house needed to come back to the Board.

John Gaddy inquired about some markings on the plans. Mr. Adler stated they were infiltration systems and detailed them on the site plan. He detailed the clearing limit as well.

Gena Lindyberg asked about the setbacks. Mr. Adler stated they were marked on the plans. 8' from the side lines, 30' from the centerline of the road and 67' from the rear. He stated the home will not be visible from the dock area.

Sandi Aldrich inquired if the size of the deck was close to the size of the house. Mr. Adler stated it was not, it was 17' long and he detailed it on the plans.

Kirk VanAuken stated the deck measurements seemed off on the site plan, compared to the floor plan. Mr. Adler stated that they had done the site plan a few times so this could be true. Gena Lindyberg stated the deck looked to be the same size as the house on the plan.

Herb Koster asked the dimension on the deck from the house out. Mr. Adler stated it was 12' 1" and 13/16ths.

Herb Koster asked the dimension was out from the house on the short side. Mr. Adler stated that was about 7' 6".

Herb Koster stated the Board would like to have plans with the dimensions on them.

Gena Lindyberg asked what the square footage of the deck was. Mr. Adler said it was about 400 sq. ft. Gena Lindyberg asked the square footage of the foundation of the house. Mr. Adler replied it was just under 1,500 sq. ft.

Zoning Administrator, Pamela Kenyon and the Board discussed the lack of a correct scale on the map and the difference between the site plan and the elevation drawings. Kirk VanAuken stated there was definitely a discrepancy between them. Herb Koster stated that both drawings had a scale on them but they don't match up. Gena Lindyberg asked if the applicant should come back with correct plans.

Herb Koster stated they would like to see the deck no more than 8' from the house on the short side. Mr. Adler stated the deck was correct on the site plan. Kirk VanAuken stated they do not match up.

RESOLUTION:

Motion by John Gaddy to table SPR16-12 for more accurate plans. Seconded by, Gena Lindyberg. All in Favor. Motion Carried.

SD16-02 STREET, KELLY. Seeks to discuss condition of approval set forth by the Planning Board on May 19, 2011 when approving SD11-02. Specifically, the condition reads as follows. “Lot 2 must come into compliance with either the construction of a primary structure or the removal of all accessory structures within 5 years and shall become a deed restriction.” To date this condition has not been complied with. Section 171.11, Block 1, Lot 49.1 & 2, Zone RM1.3. Property Location: 110 Horicon Avenue. Subject to SEQR

Kelly Street presented the following;

- She is basically asking for a little more time to comply with the previous condition of approval.

Herb Koster asked how much more time. Ms. Street replied 3 or 4 years.

Ms. Street stated she had dragged her feet and she thought she could just think about it. She finally put it up for sale. She would hate to tear it down.

Herb Koster stated that it was a deed restriction that they remove the buildings or build a house, so she would not be able to sell it as is, unless the buyer built a house, which require them to come back before the Board.

Atty. Muller explained that the lot had been created with an accessory structure without a primary structure. He stated that the new buyer would have to build a primary structure to become compliant, which would require approvals from the Planning Board. He stated this boils down to the applicant needing more time.

RESOLUTION:

Motion by Henry Caldwell to declare the Bolton Planning Board as lead agency for SD16-02. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by Henry Caldwell to accept SD16-02 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 to extend the previous approval for lot 2 for an additional four years from this date. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

The meeting was adjourned at 8:53.

Minutes respectfully submitted by Kate Persons.