

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday December 18, 2014
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, Henry Caldwell, Sandi Aldrich, Kirk VanAuken, John Gaddy, John Cushing, Zoning Administrator, Pamela Kenyon and Counsel Michael Muller.

Absent: Gena Lindyberg & Ann Marie Somma

The meeting was called to order at 6:03 pm.

Herb Koster asked if there were any changes or corrections to the November 20, 2014 minutes.

RESOLUTION:

Motion by John Gaddy to accept the November 20, 2014 minutes as presented. **Seconded by,** Sandi Aldrich. **All in Favor. Motion Carried.**

REGULAR MEETING

1. **SPR14-23 PARROTTA, ROBERT.** Seeks Type II Site Plan Review to amend a condition of approval for SPR08-25 set forth by the Planning Board on November 20, 2008 for a marina. Specifically the condition reads as follows: There shall be no more than 12 rental boats. 25 rental boats are proposed. Section 171.11, Block 2, Lot 12, zone RCM1.3. Property Location: 5102 Lake Shore Drive. Subject to WCPS and SEQR review.

Robert Parrotta presented the following:

- He is seeking to increase the amount of pontoon rentals from 12 to 25.
- He is not looking for any more dock space.
- This increase will take place in over a period of 5 years.
- He would be eliminating renters for his docks each year in the amount of new boats he purchased.
- He does not believe it will increase anymore traffic.
- They have not had any problems at the site in the 5 years they have been renting.

John Cushing asked if they have had any boat accidents there. Mr. Parrotta replied they had not other than bumping the dock. He stated that they did have one accident at Norowal Marina, which they took care of.

John Gaddy asked how many docks they presently rent. Mr. Parrotta stated 11.

Henry Caldwell asked how many boats he had in total. Mr. Parrotta stated 21.

John Gaddy asked how they would phase it over the 5 years. Mr. Parrotta replied that he would probably do it 3 at a time. He stated he would do 3 this year, then 3 more next year etc.

Sandi Aldrich asked if they had 21 slips, where would they put the other boats. Mr. Parrotta replied that he would put the other 4 on trailers and take them to Norowal to launch.

Henry Caldwell asked if he would be trying to get a launch for his own boats. Mr. Parrotta replied that he would like to. He stated he would probably try to do this next year.

John Gaddy asked if there was a number for the amount of boats to a mooring. Herb Koster stated he believed it was one to a mooring.

Henry Caldwell asked how many parking spots were required. Mr. Parrotta replied he believed he needed 1 per spot. He stated he had 23 up in the old restaurant parking area and 21 down at the lake so there was more than ample spots.

Sandi Aldrich asked if they currently keep 2 boats on the mooring balls. Mr. Parrotta stated yes.

John Gaddy said he is still concerned with the water running down the lake. He said he would like to see more vegetation and additional planting to catch some of the stormwater before it drops into the lake. Mr. Parrotta stated he continues to plant trees and he had made berms next to the lake to direct the water toward his trees.

John Gaddy asked if he would be converting the basketball court. Mr. Parrotta replied no. John Gaddy stated he liked the winter storage there.

John Gaddy asked if the lot to the north of the entrance to the lake would be additional storage. Mr. Parrotta replied yes. John Gaddy asked how they would be surfacing the parking area. Mr. Parrotta stated he would not be changing it.

John Gaddy stated he would like to schedule a public hearing due to the change from 12 to 25 boats.

Mr. Parrotta inquired if he would have to have an attorney present for this. Atty. Muller replied that it was in his best interest to have someone at the meeting to represent him and answer any questions if he would not be here.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR14-23.
Seconded by Henry Caldwell . All in Favor. Motion Carried.

Motion by John Gaddy to schedule a public hearing for SPR14-23 at the January 2015 meeting. **Seconded by** Henry Caldwell. All in Favor. Motion Carried.

2. **SPR14-26 WINTER, HANS.** Seeks Type II Site Plan Review for an advertising sign greater than 4 square feet. Approximately 6 square feet is proposed. Section 186.14, Block 1, Lot 3, Zone RCH5000. Property Location: 4571 Lake Shore Drive. Subject to WCPS and SEQR review.

Hans Winter presented the following:

- He is asking for 2 extra sq. ft. on his sign.

Sandi Aldrich asked if it was a flat sign or 3 dimensional. Mr. Winter replied that it would be flat.

John Gaddy asked that lighting was to be downward facing and shielded. Mr. Winter replied the lighting is already there. John Gaddy explained that he does not want any light that would interfere with drivers.

RESOLUTION:

Motion by Henry Caldwell to declare the Bolton Planning Board as lead agency for SPR14-26. **Seconded by**, John Gaddy. All in Favor. Motion Carried.

Motion by Henry Caldwell to accept SPR14-26 as complete, waive a public hearing, and having met the criteria set forth in the code, grant final approval of the project. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by** Kirk VanAuken. All in Favor. Motion Carried.

3. **SPR14-27 BOLTON LANDING MARINA, LLC.** Represented by Atty. Robert Sweeney. Seeks Type II Site Plan Review to amend SPR07-24 & SPR86-03 approval for a marina/dry stack facility. Specifically, to add an addition to the existing boat storage building to increase the storage capacity of an additional 56 boats. Section 171.19, Block 2, Lot 3, Zone GB5000. Property Location: 4932 Lake Shore Drive. Subject to WCPS and SEQR review. See V14-50 associated with this project.

Atty. Robert Sweeney presented the following with the LA Group:

- This is a pre-existing, non-conforming use.
- The building is 280' long, and current zoning limits it to 120'.
- The application is for a vertical increase going straight up in the boat storage building on site.
- He described the procedural setting and approvals they would need to receive.
- They are not proposing to change anything else on the sight and everything else will stay the same.
- It will be the same impervious surface.

- He suggested that the Planning Board continue to act as lead agency for this project.
- They are looking for 3 variances from the Zoning Board.
- They are required by the zoning law to get two additional variances even though nothing else is changing.
- A critical factor is the LGPC permit limits the number of boats out of this marina at any one time to 100.
- There are currently 171 boat storage spaces at this time and they are proposing to add a fourth rack level to accommodate an additional 56 boats.
- They would like to do an additional 20' in height to the building.
- This would add another rack to the boat storage vertically.

Herb Koster inquired about the need for 20' for one rack of boats. Atty. Sweeney replied that the bays in the levels are adjustable and the demand for taller boats has increased and that is why they need the 20'.

- There are 124 existing parking spaces on the site and they are not proposing to increase this. He stated they have sufficient parking and access rights to the town lot.
- The driveway on the north side of the building is a right of way or road open to the public which requires a variance.
- Mark Tabor of the LA Group presented a power point presentation with photo simulations from different viewpoints and detailed them to the Board.
- He reiterated that he is asking the Board to continue to act as lead agency.
- The average daily number of boats out of the marina during July and August of 2014 is 32.
- The highest recorded number of boats out was 62, which shows that they do not even come close to the amount allowed by their LGPC permit.
- The original approval has been amended over time.
- He stated that the ZBA asked them to bring photos showing the trees without leaves.

Herb Koster asked if they could take photos from the neighbors to the north properties.

Herb Koster asked Atty. Muller if they should go through SEQRA and make a recommendation to the ZBA. Atty. Muller stated that the ZBA had not asked for a recommendation, but they were welcome to give them some guidance. He stated the first order of business would be for the Board to declare themselves as lead agency. Atty. Sweeney stated that there was a full Environmental Assessment Form.

Kirk VanAuken stated they would want photo simulations of the winter season views.

Henry Caldwell asked about the ½ a parking space per boat and if it was based on the total 247 boats. Atty. Sweeney replied that it was, and it was based on a study in the 1980's. He stated that there was not a parking standard in the Town's Zoning Law. He stated the parking is a product of the LGPC in prior site plan approvals. Herb Koster stated 7 or 8 years ago they had transferred some of their parking for outside boat storage and he wanted to know how they could add another 57 boats to it. Atty. Sweeney stated if their average daily use was 30 boats for the whole day, the answer is yes they do with that type of usage. He detailed on the plan where there is boat storage and parking combined. He believes they have plenty of parking.

Henry Caldwell stated that they look at a gravel parking lot as an impervious surface and Mr. Sweeney is looking at it as a pervious surface and he can't do that. Atty. Sweeney stated they are not proposing to change any of this and they have stormwater controls in place right now.

Henry Caldwell asked how they can tell someone that they can't go out on their boat if they hit the 100 boat limit. Atty. Sweeney replied they have never met it, but they would have to say no. Kirk VanAuken asked if they were looking to change the 100 boat limit. Atty. Sweeney replied no.

Henry Caldwell asked the hours of operation for the marina. Dan Behan replied 7 days per week from the week before Memorial Day through October 15. He stated he was not the manager but believes 9am to 6pm in the springtime and in the summer 9am to 8pm tapering back to 9am to 6pm in the fall. After Labor Day it went to 9am to 5pm. Herb Koster asked what they did for the boaters that wanted to go out at 6am. Mr. Behan stated they put them in the night before. Henry Caldwell asked how many boats they stored in the winter. Atty. Sweeney replied 171 inside and 20 outside which is to capacity.

Henry Caldwell asked about fire prevention. Atty. Sweeney replied that they had a dry sprinkler system. Henry Caldwell said it is obviously not a heated building then. Atty. Sweeney replied that was correct.

John Cushing asked if the batteries were unhooked during storage. Mr. Behan replied that they were disconnected during winter storage, but not during the season. He stated they had never had an incident or a fire and it was a clean operation from day one.

Kirk VanAuken asked the typical time period to retrieve a boat and put it in or take it out of the water. Mr. Behan replied a long wait would be 7 to 10 minutes but typically it would run 3 to 4 minutes.

John Gaddy asked about the mitigation of sound from the machinery on the last application and how the technology of this has changed over time and if there are quieter machines now. Dan Behan stated they are working with the same trucks that they have had for the past few years and they have the sound quieting packages on them. He stated that to his knowledge nothing new has changed in the industry.

John Cushing asked when the sprinkler system was tested last. Mr. Behan stated it was tested and certified annually by Warren County Fire Inspection.

Sandi Aldrich stated that she noticed a few very large boats and asked how they relate to the 100 boats allowed on the lake. Mr. Behan replied through their operating permit from the LGPC, they are allowed to have 6 boats in the water as part of their numbers. Sandi Aldrich asked if these were counted as part of their 32 for the day. Atty. Sweeney replied they would count as part of the 100 boat limit only if they had left the dock.

John Cushing asked if they could potentially triple the amount of boats that they put out there with the 100 boat limit. Atty. Sweeney replied yes they could and he feels comfortable about not

ever turning away the 101st person because it's about the usage limit. John Cushing asked what was to stop them from coming back in 5 years for another layer on. Atty. Sweeney replied that nobody envisions that right now. Mr. Behan stated that the fork trucks would only accommodate the one more row.

Atty. Sweeney explained that this is a membership marina and they are not storing transient boats, which will help with the potential hazard of invasive species.

Mr. Behan stated that the building is pre-engineered and has been looked at by engineers who have stated that it would only handle one more row.

Herb Koster asked if the Board should go through the long form now or later. Atty. Muller replied that the Board would have to review all the information first and then go through the analysis. He stated the Board should ask the applicants for all the additional information they are looking for.

Herb Koster asked if the Zoning Administrator was ok with the existing stormwater on the site. She replied that she was. Atty. Muller stated the Board should let the applicant know what they expect. Herb Koster stated his biggest concern he had was the fact that they were going beyond the height limit. He stated that some of the largest flack the Board has received is the warehouse look of the building from the lake and they will get more feedback from a public hearing as to what the sentiment of the public is.

Sandi Aldrich asked if an independent engineer was needed to make sure that the footings were adequate. Atty. Muller replied that it was the applicant's obligation to make sure it would comply to building codes.

Henry Caldwell stated his biggest concern was going over 35' height limit. Herb Koster stated it even went over the A.P.A.'s restriction of 40'. Atty. Muller stated that actually the A.P.A. explained that they don't have a 40' limit, but if it exceeds 40' it will require a permit from them.

John Gaddy stated the visual impact seems to be the biggest concern here, and he was surprised with the numbers and there was a lot of room for additional capacity to reach that limit. Atty. Sweeney stated they were not trying to increase the 100 boat limit.

John Cushing stated in his opinion it was a big ugly eyesore building and he was concerned with a fire hazard. He stated if they say they have not had any accidents in all these years they have a good record, but if they do have a problem it will be significant. He stated as a fireman you look at in the worst case scenario.

Atty. Muller asked the Board if they need any additional information with regards to visual impact. Herb Koster stated they wanted additional winter photographs and from property owners to the north. John Gaddy stated that the rest of the views were cropped and he would like more of a view.

Atty. Muller asked if Atty. Sweeney envisioned this Board would have done all of its work regarding the SEQRA before they returned to the ZBA. Atty. Sweeney replied that they did not and they would hope that the ZBA would proceed with the application and schedule a public hearing but they understand they could not vote until this Board, as lead agency makes a SEQRA determination. He stated that they were hoping to progress the both applications through the process aspect.

Herb Koster stated that the Board would like to see everything before they go through the SEQRA. Atty. Muller and Atty. Sweeney agreed.

John Gaddy asked if a public hearing at the Zoning Board eliminated the opportunity for a public hearing before this Board. Atty. Muller replied no it would not.

Herb Koster stated this building was originally approved in 1986, which was before stormwater management rules were in place. He asked if they would need the Town Engineer to look at the project as they were changing the building because the ordinance states that it stormwater needed to be brought up to date. Atty. Muller stated it was not needed but if the Board wanted to request it, they it could. He stated that he agreed with the Zoning Administrator's analysis as the whole impervious surface would not be increased by one square inch it's just going up. Henry Caldwell stated there were no stormwater regulations in 1986 and he believes they should have to comply with the new ordinance as they are making a change. Atty. Muller stated he would say that when the stormwater regulations come in there is a base line on a site and if a project will increase the impervious surfaces they would be thrown into that issue, but if the base line is not increased then stormwater compliance is not an absolute requirement. Henry Caldwell asked if they would be grandfathered. Atty. Muller replied yes, but he wanted to state that he is not is not Bolton's stormwater expert but he does not see where the impervious surface is increased here. Herb Koster stated that the stormwater regulations state that even if you just change the building you need to look at stormwater. Atty. Muller stated that if the Board would like the Town Engineer to look at stormwater, just say the word and it will be done. Herb Koster stated he would like him to look at it even though there is no volume change he wants to be thorough.

John Gaddy quoted 125-10 Section F of the stormwater ordinance wherein it stated stormwater should be looked at. Atty. Muller stated they would have the engineer look at it.

John Cushing asked if there was existing stormwater on the site at this time. Atty. Sweeney replied yes there are engineered dry wells on the site that are maintained annually.

Henry Caldwell asked if this needed to be presented to the fire company. Atty. Sweeney stated they would be contacting them.

John Gaddy stated that one of the neighbors' concerns was how did the marina control the use of boats that were docked outside if the owners were not present. Herb Koster stated that there was not supposed to be anyone sleeping on the boats overnight as a condition of a previous approval. Herb Koster stated he did not know how to deal with it but it was an enforcement issue.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR14-27.
Seconded by Sandi Aldrich. All in Favor. Motion Carried.

Motion by Henry Caldwell SPR14-27 to table this application until the January 2015 meeting for additional information to include visual impact, stormwater and consultation with the fire company concerning the third rack. **Seconded by**, Sandi Aldrich. All in Favor. Motion Carried.

The meeting was adjourned at 7:37.

Minutes respectfully submitted by Kate Persons.