

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday November 20, 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(arrived 6:25), John Cushing, Ann Marie Somma, Zoning Administrator, Pamela Kenyon and Counsel Michael Muller.

Absent: Gena Lindyberg

The meeting was called to order at 6:02 pm.

Herb Koster asked if there were any changes or corrections to the October 16, 2014 minutes.

RESOLUTION:

Motion by John Gaddy to accept the October 16, 2014 minutes as presented. **Seconded by,** Kirk VanAuken. Ann Marie Somma abstained. **All in Favor. Motion Carried.**

REGULAR MEETING

1. **SPR14-15 F.R. SMITH & SONS.** Represented by Chris Gabriels and Jarrett Engineers. Seek Type II Site Plan Review for 1) Commercial boat storage not visible from the public right-of-way; and 2) a major stormwater project involving more than 15,000 square feet of land disturbance. 71,080 square feet is proposed. Section 171.00, Block 1, Lot 10, Zones **RR5** and LC45. Subject to SEQR, LGPC, WCPS, DEC and APA review. *Notes: This is an amendment to SPR87-08 approved by the PB on 4/30/87 for commercial boat storage. To be heard only if a successful variance is granted. See V14-26 associated with this project. This item was tabled at the July meeting.*

Atty. Killeen stated the following:

- This project has been here on 3 prior occasions for different phases of review.
- The ZBA approved 3 variances and he detailed them out to the Board.
- They were here the last time so this Board could make a recommendation to the ZBA.
- This stormwater plan has been approved by the Town Engineer.
- They are seeking to construct a total of 12,000 sq.ft. of covered storage and a boat wash station.
- For 20+ years this property was used as both an indoor and outdoor storage area because the operators of the marina were unaware of the condition prohibiting the outdoor storage.

- The most significant change to this project is that it will enable the applicant to relocate its boat washing station to be removed from the lake.
- If any boats are contaminated they will be sent to the LGPC boat washing stations.
- He addressed correspondence received from Atty. Cathy Radner.
- He stated he wanted to be clear that the application has always been able to store 125 boats.
- This will allow a good many of them to be stored inside.
- The project is essentially the same use for the property that has been there for 20+ years.
- The traffic impact is minimal.
- This is not a service facility.

Tom Jarrett of Jarrett Engineering stated:

- A stormwater plan has been put together that contains all stormwater on site within the footprint of the disturbed area.
- This plan has been vetted through the LGPC and the Town Engineer and they have signed off on the plan.
- The list of comments from the LGPC dealt with maintenance and protection issues not regarding the design.
- Boat washing will be here as opposed to the lake front.

John Cushing asked if the cleaning agents to be used on the boats would be considered an industrial waste. Mr. Jarrett replied not so far as DEC is concerned. Mr. Cushing inquired if these cleaning agents would be handled and purified by the proposed wash area. Mr. Jarrett replied yes, essentially the organic and biodegradable materials would be removed by the organic filter. Mr. Cushing asked if the chemicals coming off the boat would kill the organic material. Mr. Jarrett replied they would not. He stated the cleaning agents were vastly different from what was used years ago. Mr. Cushing asked if they would be using oxycylic acid to clean the boats. Mr. Andersen replied no.

Kirk VanAuken asked if anything had changed with regard to the design. Mr. Jarrett replied no.

Atty. Killeen stated that outdoor storage had a plan for additional screening to be implemented. Mr. Jarrett stated the original approved plan did not require stormwater on the site, but they are providing stormwater on the whole site and not just for the new modified area.

Herb Koster asked about the screening plan and when the planting plan would be instituted. Mr. Jarrett stated it was drawing L1 in the Board's packet and detailed it to them. Atty. Killeen stated it would be done simultaneously with construction of the project.

Atty. Killeen stated that there were no sanitary or waste water of any kind for the project. They did not need water for the 1987 approval because they had no intention to wash boats on the site at that time.

Ann Marie Somma asked if the existing and proposed buildings would be connected. Mr. Jarrett replied that they would be connected and detailed it on the plans. Mrs. Somma inquired how

many boats were to be stored inside and outside. Atty. Killeen said 75 inside and about 50 outside. Mr. Jarrett replied there would be a maximum of 125 boats on site.

John Gaddy arrived at 6:25

Herb Koster asked if they planned on stacking any of the boats. Atty. Killeen replied no they would all be on one level.

Mr. Jarrett stated that they did not see the need for lighting, but if it is mandated they would be dark sky compliant.

John Gaddy asked if there had been any discussion about additional screening. Mr. Jarrett replied they had discussed it and explained that it was detailed on drawing L1.

John Cushing asked if the 50 boats would be shrink wrapped at the site. Atty. Killeen replied that they would.

Kirk VanAuken inquired about the amount of land disturbance. Herb Koster stated 71,080sq. ft. Mr. Jarrett replied it was actually 40,000sq. ft. for phase I. He detailed it on the drawings to the Board.

Mr. Jarrett stated that they have a DEC SWPPP prepared and ready to be filed and it has been reviewed by the Town Engineer.

John Gaddy asked about the red stakes. Mr. Gabriels stated that they were buildings stakes that were put out for the A.P.A. and they were for both Phase I & II. Mr. Jarrett stated that this included the area to be replanted and explained there would be buffer to the back wall of the building now.

Ann Marie Somma asked for clarification of the stream setback. The Zoning Administrator stated 200' and explained that it was a granted variance from an earlier approval.

RESOLUTION:

Motion by Kirk VanAuken to declare the Bolton Planning Board as lead agency for SPR14-15. **Seconded by** John Gaddy. Sandi Aldrich & Henry Caldwell abstained. All others in Favor. Motion Carried.

The Board discussed the conditions of approval they would like as part of the motion.

John Gaddy inquired about the effectiveness of the organic treatment filter for the industrial waste water. Mr. Jarrett replied they would be putting in an organic filter and move it away from the lake which would be a vast improvement. John Gaddy stated that the applicant had a variance for 60' from the stream where 200' would normally be required. Mr. Jarrett stated that state of the art treatment has historically been sand filtration which they will have as a minimum and they would amend it with to make an organic filter out of it. If it fails it will pond water

which is part of the maintenance plan to address that. Mr. Jarrett stated they will have routine annual inspections through the LGPC and a 5 year renewal on the permit.

Atty. Muller inquired about a public hearing, and the Board discussed their thoughts on whether or not to schedule one.

Motion by Ann Marie Somma to schedule a Public Hearing for SPR14-15 F.R. Smith & Sons. **Seconded by** John Gaddy. Herb Koster, Kirk VanAuken opposed. Sandi Aldrich & Henry Caldwell abstained. All others in Favor. No Action Taken.

John Cushing inquired if Jarrett Martin Engineers would be supervising the boat wash and stormwater areas. Mr. Jarrett replied that he would certifying to the LGPC that the stormwater system is built correctly, but it was up to the applicant to send a report to the LGPC on a 5 year basis. Mr. Cushing asked if the requirement was only every 5 years. Mr. Jarrett replied to report to the LGPC yes, but an annual inspection by the applicant would need to be kept on file so the LGPC could look at it at any point. He stated they could send the report to the town every 5 years. Zoning Administrator, Pamela Kenyon stated that the Town also required a stormwater report every 5 years. Mr. Cushing asked if water pooling would indicate that the filter was not working properly. Mr. Jarrett replied yes. Mr. Cushing stated that it just seemed funny to him that they would have the applicant supervise themselves. Mr. Jarrett replied on an annual basis the applicant would be checking and calling for repairs if needed, but on a 5 year basis it would be certified and officially reported to the LGPC and the Town. Mr. Andersen stated that in all his dealings with the LGPC he is sure they will require annual documentation and if they don't like what they see, they will make them do more.

Atty. Muller read the SEQRA short form into the record and the Planning Board had no concerns with it.

Motion by Kirk VanAuken to accept SPR14-15 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 with the following conditions:

1. Must maintain yearly inspection with the LGPC on the boat washing containment system.
2. All lighting is to be dark sky compliant lighting
3. No restrooms on site
4. A maximum storage of 125 boats.
5. Hours of operations are to be from 8am – 7pm only.
6. There are to be no sales display or area on site.
7. There is to be no repair facility on site.
8. The planting schedule shall follow submitted drawing L1.
9. All boat washing agents to follow LCPC standards.
10. Any vegetation that parishes from the planting plan must be replanted immediately.
11. The building color is to be dark brown.
12. The existing west side buffer vegetation will be supplemented, maintained and replanted as needed for screening and the north side shall be screened as proposed by the applicant.
13. No potable water to be on site.

14. No wastewater on site.

Seconded by, John Gaddy. Sandi Aldrich & Henry Caldwell abstained. All others in Favor. Motion Carried.

Motion by John Gaddy to accept SPR14-15 as complete, waive a public hearing, and having met the criteria set forth in the code, grant final approval of the stormwater 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** Ann Marie Somma. All in Favor. Motion Carried.

This item was heard first on the agenda

2. **SPR14-24 ROBERTS, DEANNA.** Represented by Donald Roessler. To allow an apartment to remain in the prior day care center, seeks Type II Site Plan Review for a multi-family dwelling. Section 171.15, Block 1, Lot 69, Zone GB5000. Property Location: 15-17 Stewart Avenue. Subject to WCPS review. See V84-4 for previous approvals to convert an existing garage into 1 apartment and 1 day care center. See V14-44 for deficient density associated with this project. To be heard only if a successful variance is granted.

John Gaddy was not present for this item.

Donald Roessler presented the following:

- They would like to change the use of the property
- They would like to continue to use the former daycare as an apartment.
- This will be less impact to the area, water, sewer and property.
- Previously there were 16 kids on the property every day.

Henry Caldwell stated this is such a less intense use of the property that he has no problems with it.

RESOLUTION:

Motion by Henry Caldwell to declare the Bolton Planning Board as lead agency for SPR14-24.

Seconded by Kirk VanAuken. All in Favor. Motion Carried.

Motion by Henry Caldwell to accept SPR14-24 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** Ann Marie Somma. All in Favor. Motion Carried.

The meeting was adjourned at 7:26.

Minutes respectfully submitted by Kate Persons.