

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday September 22, 2016
6:00 p.m.**

SEQR = State Environmental Quality Review
PB = (Town of Bolton) Planning Board
WCPS = Warren County Planning Board
APA = Adirondack Park Agency
LGPC = Lake George Park Commission
DEC = Department of Environmental Conservation

Present: Herb Koster, John Cushing, Gena Lindyberg, John Gaddy, Sandi Aldrich, Alternate Ann Marie Somma, Kirk VanAuken, Henry Caldwell and Town Counsel, Michael Muller

Absent: Zoning Administrator, Pamela Kenyon

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

REGULAR MEETING

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

RESOLUTION:

Motion by Sandi Aldrich to accept the August 18, 2016 minutes as presented with the modification that Kirk VanAuken was not absent from the meeting. **Seconded by, Gena Lindyberg.** Henry Caldwell Abstained. **All others in Favor. Motion Carried.**

- 1. SPR15-05 LOUBRIEL, RICHARD (ROGER MONROE).** Represented by Bret Winchip Engineering. 1) Seeks Type II Site Plan Review for a single family dwelling in the LC25 zone. 2) Seeks Type I Site Plan Review for any development within 100' of a wetland or stream. 3) Seeks Type II Site Plan Review for a major stormwater project involving more than 15,000 square feet of land disturbance. 74,300 square feet is proposed. Section 199.00, Block 1, Lot 13.12, Zone LC25. Property Location: Wall Street across from Monroe's auto shop. See V15-12 approved August 2016 associated with this project. Subject to SEQR.

Zach Monroe of Winchip Engineering presented the following:

- The entire road front of the property is traversed by a wetland.
- The will be regrading, resurfacing and raising the grade of the existing wetland crossing.
- They will be replacing the existing bridge with culverts and put in bottomless culverts at the existing road bed elevation to allow overflow when the water rises.
- They have stormwater retention areas for all the disturbed area and impervious surfaces, including the existing roadway.

- The project has been approved by the Town Engineer, DEC, Army Corp. of Engineers and the A.P.A. has reviewed it and is waiting for town approvals.

John Cushing asked if the A.P.A. was involved and had given approvals. Mr. Monroe stated that they were involved and would be acting on it once they received approvals from the town.

Herb Koster asked about the filter fabric under the bottomless culverts. Mr. Monroe stated it was essentially there so the water could flow through, it was not part of the road base.

John Gaddy asked if the field stone would be added to the sides of the length of the road as it crossed the wetland. Mr. Monroe said yes, they are essentially adding small retaining walls on each side so they would not be spilling fill into the wetland as they were raising grade.

Gena Lindyberg asked if there were 2 wells there. Mr. Monroe stated there was one and he detailed it on the plan.

Gena Lindyberg asked if there would be any blasting. Mr. Monroe stated that he did not anticipate any at this time.

John Gaddy asked if the clearing area had been reduced as requested by Tom Center of Nace Engineering. Mr. Monroe stated that they had reduced the clearing area as requested by the Zoning Board, and that is what he is seeing.

John Cushing asked if they had talked to anyone from the fire department about the crossing. Mr. Monroe stated they had not, but it did meet state building code and that is why they put the turn arounds in, on either side of the crossing. They could not make the wetland crossing any wider. They really only needed one turnaround, but they had put one in on each side.

John Cushing asked if there was another turnaround further up the drive. Mr. Monroe detailed on the map where they would be able to turnaround.

John Gaddy asked what the area of the wetland was. Mr. Monroe said a rough guess would be several acres.

Gena Lindyberg asked if there was a planting plan. Mr. Monroe stated they planned to reseed everything they disturbed. Gena Lindyberg asked how many trees would be coming down. Mr. Monroe stated they had not done a tree survey. It had been logged by the previous owner.

John Cushing asked about the proposed retaining walls and if they would be coming above the roadway. Mr. Monroe stated not really, just a little bit. The max height is 3.5' and tapers down. It does not extend up over the driveway.

Mr. Monroe stated the road needed to hold equipment and cement trucks so it will be able to withstand a firetruck. John Cushing asked if there were any shoulders. Mr. Monroe stated there were not, that is why they put in the turnaround areas.

Gena Lindyberg inquired about the swimming pool on the plans. Mr. Monroe stated the only plans it would be on, is the first and last pages. It would only be showing on the site plans, not the house plans.

John Gaddy asked if they planned to light the roadway. Mr. Monroe replied no.

John Gaddy asked if the area along Wall Street would be staying vegetated. Mr. Monroe replied yes, the existing roadway is essentially not going to change. They would just be doing a little regrading and shaping.

No County Impact.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR15-05. **Seconded by**, Kurt VanAuken. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SPR15-05 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 dark sky compliant and downward facing and shielded. 2) The applicant must follow the specifications submitted for re-grassing the disturbed area. **Seconded by**, Kurt VanAuken. Sandi Aldrich opposed. **All others in Favor. Motion Carried.**

- 2 . SPR16-26 JUMBO REALTY, LLC. (CAMP WALDEN).** Represented by CLA Site. Seeks Type II Site Plan Review for a group camp. Specifically, to construct girls cabin G22/23. 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 and Peter Loyola presented the following:

- Mr. Miller detailed the placement of the cabin on the site plan.
- It is just over the 1,300 sq. ft.
- It is basically the same size as the previously approved cabins.
- The color will match the existing cabins in the camp.
- The lighting will be dark sky compliant.
- The septic will be handled by the existing approved sanitary system, which he detailed to the Board.
- Mike Shaw from DOH is reviewing this now.
- Stormwater will be handled with a dry well.
- This cabin will be covered under the facility wide stormwater permit.
- They are proposing hemlocks for screening.
- They have implemented the plantings that they had indicated they would be updating.

John Gaddy asked if this cabin could be a darker color. Mr. Loyola stated this cabin would be a dark green with a white trim and dark shingles.

John Cushing asked if they had been updating existing cabins or putting in new ones. Mr. Miller stated they were updating the existing cabins and they have also added new cabins. John Cushing stated his issue was the number of cabins and if they would consider removing some of the older, junkier cabins when they put up new ones. Mr. Miller stated he needed all of the cabins to house the campers. He stated they would not be any plans to tear down a cabin to put this one up. John Cushing asked if this meant they would be increasing the number of campers. Mr. Miller stated yes, they would increase the campers to an additional 26 and 6 counselors. Mr. Loyola stated that they had submitted this number in the master plan. John Cushing asked if they had the number of buildings on the site. Mr. Loyola stated it was on the master plan. Mr. Bernstein stated this was the last cabin on the master plan.

Henry Caldwell asked what magic number of campers would be with the added campers. Mr. Loyola stated he did not have the summary of the master plan with him, but it matches up with what they submitted on the master plan.

Sandi Aldrich asked about the imposed stipulations for parking concerns and boat usage on the lake. Atty. Muller stated that there were complaints that were not discussed with the applicant. The group had discussed the whole process with the Zoning Administrator, the Liaison and Atty. Muller and there was nothing specific that they felt they should act upon. No violations, but there were complaints about noise. Sandi Aldrich inquired if the applicant abided by the no boat stipulation on Monday and Friday. Atty. Muller stated there were complaints but there were no specific complaints that they could act on. Sandi Aldrich stated that before she acts on the additional campers, she would like to know that things have gotten better on the property. Atty. Muller stated he did not know if things had gotten better, but he can tell them that they had voiced concern with the process, as in why are they not noticed of these meetings. He informed the group that there would not be any notification of this meeting unless the Board chose to hold a Public Hearing. He explained to the Board that there was definitely public interest in this item.

Mr. Loyola stated that they had pointed out at the last meeting that they understood that the lake was at capacity. He wanted to reiterate that these 26 additional campers would not increase the traffic on the lake and water front. He does know that the road traffic was way down in terms of the parking. Mr. Bernstein stated they had put in a mechanical gate at the back parking lot so they would be off the road, which has worked out very well. There were one or two small occasions when someone parked on the road, but they tracked them down and had them move the vehicle. He stated that they had adhered to the boating conditions that the Planning Board requested. They have changed the lighting to dark sky compliant and they have implemented the planting plans.

Henry Caldwell asked about the loud speakers. Mr. Bernstein stated they had removed one speaker facing the lake and lowered the volume.

Kurt VanAuken asked about future projects on the master plan. Mr. Miller went to the site plan and detailed all the projects that were done or in the process of being completed. Kurt

VanAuken asked when they planned to complete these projects. Mr. Bernstein stated financially they needed to be spaced out over a number of years. Mr. Loyola stated that last year was as crazy as it will ever be with the undertaking of the lodge in terms of construction. He stated that there is also another maintenance building they will be looking for in the future.

Herb Koster stated that they would need to schedule a Public Hearing. Mr. Loyola stated they would bring the master plan to the next meeting.

Herb Koster asked about the plantings. Mr. Loyola stated that they had implemented the planting plan. Herb Koster stated they could put the proposed trees on this site plan.

John Gaddy stated he would like to see lower reaching bushes along the lower perimeter. Mr. Loyola stated there was not much room due to a small retaining wall, deck and a path.

Henry Caldwell asked if this cabin would be hooked into the new sewer system put in to the Admin 2 building. Mr. Miller stated it would and detailed it on the plans. He stated these plans were currently in front of the Department of Health.

RESOLUTION:

Motion by Henry Caldwell to schedule a Public Hearing at the October 20, 2016 Planning Board meeting for SPR16-26. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

3. **SPR16-27 KHAZEN, ANATOLY & TATYANA.** Represented by Hutchins Engineering. To demolish and rebuild single family dwelling, seek Type II Site Plan Review for a major stormwater project to create more than 15,000 square feet of land disturbance. 26,250 square feet is proposed. Section 200.07, Block 1, Lot 16, Zone RM1.3. Property Location: 42 Fish Point Road. Subject to WCPS review. Subject to SEQR.

Tom Hutchins of Hutchins Engineering presented the following:

- They are removing an existing older residence and replacing it with another.
- They are removing 2,600 sq. ft. of structure and replacing it with a 2,850 sq. ft. structure.
- He detailed the demolition sheet.
- This is a significantly wooded shoreline, which they do not propose to alter.
- The woods line will remain essentially the same.
- They will be removing some larger danger trees.
- There will be no cutting within the shore line buffer area.
- The walkout basement is facing away from the lake.
- The lower elevation is what is exposed to the lake.
- They have a new waste water system and stormwater controls.

John Gaddy asked if the boathouse would be done over. Mr. Hutchins replied yes.

John Gaddy stated the area by the pump station cover was a wet area. Mr. Hutchins agreed and stated they would be bringing it up a little bit. They would also be constructing a connecting permeable drive across there.

Sandi Aldrich inquired about the elevations facing the lake side. Mr. Hutchins detailed them explaining the front of the house would have the walk out basement.

Sandi Aldrich asked if they would need to excavate for the basement. Mr. Hutchins replied no.

Mr. Hutchins stated that they had included a planting plan.

John Gaddy asked how far out the clearing area was on the lakeside portion of the house. Mr. Hutchins replied 45'. John Gaddy stated 45' seems to be more than the clearing limits the town has. He asked if they could tighten it up. Mr. Hutchins stated this clearing already exists.

Kurt VanAuken inquired about the drive. Mr. Hutchins detailed it on the plans.

John Gaddy asked about the letter of concerns from the Lake George Waterkeeper. Mr. Hutchins stated he would take a look at the comments and consider them.

Gena Lindyberg asked what the required separation from the septic system and the lake was. Mr. Hutchins replied 200'. He stated the field itself was 200' from the lake.

John Gaddy asked where the existing system was. Mr. Hutchins detailed it on the plans.

Henry Caldwell asked about the soil types. Mr. Hutchins stated the soils were granular sands and gravels with a few rocks and boulders and the soils were well drained.

Sandi asked for the demolition/construction schedule. Mr. Hutchins stated they planned to start this fall. Sandi Aldrich inquired if they would be blasting. Mr. Hutchins stated he does not anticipate any blasting, but it is possible it may be needed.

John Cushing asked if there was a maintenance schedule for the permeable pavement. Mr. Hutchins replied that it was in the stormwater maintenance agreement.

Gena Lindyberg stated she was confused with the Waterkeeper's statement about not being in compliance with the town code. Mr. Hutchins stated they were in compliance with town code and the Town Engineer concurs with that. John Cushing stated that Mr. Navitsky must have figured his calculations on the taper of the system. Is he 200' from the lake including the taper. Mr. Hutchins stated he was 200' from the lake with the bed itself. The taper is not 200'

John Gaddy stated that as they have projects like this that are definitely improving septic systems that may have been there 30 or 40 years, they don't want to stifle people that are ready willing and able because they are afraid the Board is going to squash something that is an improvement. This is definitely an improvement to what already exists.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR16-27.
Seconded by, Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SPR16-27 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 exterior lighting is to be downward shielded and dark sky compliant. 2) Drilling and blasting is to be done Monday – Friday, 8am to 5pm. No work on Saturday or Sunday. 3) The lake side pre-clearing photo in the application is to be submitted to the Planning Office as a matter of record. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

- 4. SPR16-28 RUTHERFORD, PAUL.** Represented by Trevor Flynn and Brandon Ferguson. For the construction of a proposed single family dwelling and guest cottage, seeks Type II Site Plan Review for a major stormwater project to create more than 15,000 square feet of land disturbance. 26,230 square feet is proposed. Section 200.17, Block 1, Lot 4 Zone RL3. Property Location: West side Lake Shore Drive across from 4178 Lake Shore Drive. Subject to WCPS review. Subject to SEQR.

Brandon Ferguson presented the following:

- The existing site is approximately 2.1 acres of wooded area with some rock outcroppings.
- Access to the site is through an existing driveway that has been maintained for a number of years.
- The proposed project is for a single family home and a guest cottage.
- They property will be used for extended family and guest of the owner.
- They are extending and improving the existing driveway.
- They will be doing a drilled well and septic system.
- They are providing stormwater for the increased impervious area from the house and driveway.
- They will have a retaining wall on the rear of the property.
- He detailed the vegetation on the site plan.
- The house is approximately 30' above the road.

Gena Lindyberg asked if the two buildings were identical. Mr. Ferguson stated they were and the colors will be earth tones with downward facing and shielded lighting.

Sandi Aldrich asked if they would be visible from the road or the lake. Mr. Ferguson stated they would not be.

Gena Lindyberg asked to be shown where the proposed well would be located. Mr. Ferguson showed her where it was located on the plans.

Sandi Aldrich asked about a possible existing septic system or leach field. Mr. Ferguson stated they have not found one.

Gena Lindyberg asked about a planting and tree removal plan. Mr. Ferguson stated they did not have a planting plan. He stated there are some large trees that will be removed in the area that the structures will be built.

Sandi Aldrich inquired about debris where the septic field would be. Mr. Ferguson stated it would all be removed.

Gena Lindyberg asked which building would be the permanent house. Mr. Ferguson stated the second one would be the guest cottage. It would not have a stove, so it would not be an actual kitchen. Gena Lindyberg asked if it would have a dishwasher. Mr. Ferguson stated he was not sure, but with talking to the Zoning Administrator, he was informed that the stove is what qualified it as a kitchen.

John Cushing asked if there were any plans to do anything across the road. Mr. Ferguson replied no.

Sandi Aldrich asked for the construction schedule. Mr. Ferguson stated if not this fall, definitely in the spring.

Sandi Aldrich asked if they anticipated any blasting. Mr. Ferguson stated they did not anticipate it, but there is a chance that it may be needed.

Gena Lindyberg asked if there were any garages proposed. Mr. Ferguson replied no.

Gena Lindyberg asked if there were basements in either building. Mr. Ferguson stated part basement and part crawl space in both of them.

Gena Lindyberg inquired about the loft area. Mr. Ferguson stated it was not officially a bedroom.

Sandi Aldrich asked if it would be a gravel drive. Mr. Ferguson replied yes.

No County Impact

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR16-28.
Seconded by, Henry Caldwell. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SPR16-28 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 SEQOR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented with the following conditions;

- 1) All exterior lighting is to be downward shielded and dark sky compliant.
- 2) Drilling and blasting is to be done Monday – Friday, 8am to 5pm. No work on Saturday or Sunday.
- 3) All conditions on the submitted plans are to be followed.
- 4) The structures are to be dark earth tone colors.
- 5) A planting plan to stop erosion is submitted to the Planning Office

Seconded by, Sandi Aldrich. **All in Favor. Motion Carried.**

Sandi Aldrich stated it is becoming a concern that applicants are not staking or flagging out the 4 corners of the buildings for Site Plan Review applications as had been requested by this Board to the Planning Office several years ago. She stated this makes it much easier for the Board Members to understand where the applicant is proposing to build.

Motion by Sandi Aldrich requesting that any applicant for Site Plan Review either stake or flag out the 4 corners of any buildings for Planning Board Reference. **Seconded by**, John Gaddy. **All in Favor. Motion Carried.**

Herb Koster read a letter from McPhillips, Fitzgerald and Cullum LLP., requesting the release of a \$10,000. escrow account for lot #3 in the Northwest Bay Partners Subdivision.

Gena Lindyberg stated that the property was up for sale.

Mitzi Nittmann asked which lot #3 they were discussing of the three Northwest Bay Partners subdivisions. Atty. Muller stated he did not know.

Henry Caldwell asked if the applicant would be required to come before the Board before proceeding with developing the lot. Atty. Muller stated they could certainly make this a condition of approval.

Sandi Aldrich asked that a tax map number be attached to this property. Atty. Muller stated he would have an agreement with the correct tax map number between the owner and the town.

Motion by Henry Caldwell to release the funds being held in escrow for lot #3 in the Northwest Bay Partners Subdivision to the owner, with the stipulation that any future development of this parcel is to come before the Planning Board for Site Plan Review. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

The meeting was adjourned at 7:40.

Minutes respectfully submitted by Kate Persons.