

**Town of Bolton  
PLANNING BOARD  
MINUTES  
Thursday March 25, 2021  
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:** John Cushing, John Gaddy, Ann Marie Scheidegger, Chairman; Herb Koster, Kirk VanAuken, Director of Zoning & Planning; Richard Miller P.E. & Town Counsel; Michael Muller

**Absent:** Sandi Aldrich

The meeting was called to order at 6:05pm.

**REGULAR MEETING**

Herb Koster asked if there were any changes or corrections to the January 21, 2021 minutes.

**RESOLUTION:**

**Motion by** Gena Lindyberg to approve the February 25, 2021 minutes as presented. **Seconded by** John Gaddy. **All in Favor. Motion Carried.**

- 1. SPR21-01 Bonnie View, LG LLC.** Represented by Studio A Landscape Architecture & Engineering, DPC. Seeks to demolish the existing hotel structures and to build a single family residence with a guest cottage, lakeside pavilion building, boathouse/recreation building and tennis court. Section 186.14 Block 1, Lot 52, 31; Zone RCH5000. Property Location: 4654 Lake Shore Drive. Subject to APA, WCPS and LWRP review.

Jeff Anthony and Kristen Catellier of Studio A Landscape Architecture and Trevor Flynn of Balzer and Tuck presented the following:

Atty. Jon Lapper presented the following:

- They received the requested area variances earlier in the week.
- They have made a few refinements to the plan.
- He detailed the allowable, existing and proposed uses of the property.
- Landscaping will be substantial especially down by the lake.
- There will be ample stormwater mitigation and wastewater will be moved up near Route 9N

- They feel this is a lot less than what is allowed on the site and very positive for the lake and the town.

Kristen Catellier of Studio A Landscape Architecture presented the following:

- She detailed the plans showing the buildings to be removed and the structures to remain.
- Within the existing buildings to be removed, there are multiple units in each.
- They will maintain the existing curb cut at Route 9N
- They will maintain the existing drive while narrowing it a little as it is currently wider than needed.
- They are proposing to restore the landscape to a pastoral setting with a combination of wildflowers, lawn and wooded area with a lot of buffering along the north and south property lines.
- They will resurface the existing tennis court.
- At the main residence they are proposing a parking area and stabilized lawn for fire vehicles.
- There is a water feature and a covered structure for parking and a garage.
- Both the main residence and guest cottage will have a walkout basement with a patio.
- There will be patio to the north of the main residence with hot tub and fire pit.
- They will access the waterfront on paths.
- The stairs will be relocated for easier use and narrowed.
- They will maintain the beach area, recreation building and pavilion.
- The recreation building is an existing motel unit that they will convert.
- They are stabilizing disturbance and mitigating stormwater by planting additional vegetation at the shoreline.
- There are 174 existing trees on the entire site, and they propose to remove 25 mostly because they are either dead, dying or diseased. 4 of which are in the shoreline area.
- The 174 trees depicted are over 6" in caliper.
- They will be adding 81 trees in their planting plan.
- They are proposing to heavily vegetate the shoreline.
- They are proposing a green roof over the recreation building which will produce additional pervious cover within the shoreline setback.

Matt Huntington of Studio A Landscape Architecture presented the following:

- Simply by reducing the impervious cover on the site, they will have met the Town and States goals for water quality and quantity management, however in the interest of providing a benefit to the lake, they have provided a series of rain gardens that are proximal to each structure to capture most of the runoff close to each source.
- He detailed the stormwater implements on the plans.
- Along the lakeside it will be heavily vegetated.
- This will be a vast improvement as currently there is no stormwater management on the site.
- The wastewater field will be up as far away from the lake as possible.
- Each structure will have a grinder pump that will pump up to wastewater field.
- This is an enhanced system with increased quality of effluent.
- He explained the installation and treatment process to the Board.

Trevor Flynn and Brett Balzer of Balzer & Tuck detailed the plans presented the following:

- There will not be any expansion to the structures along the lakeshore.
- They will be maintaining the existing structures.
- They are reconstructing the 4 unit cottage to a recreation building.
- They are introducing a green roof on the recreation building and treats the water and prevents it from running into the lake.
- They need to bring it up to today's code to make it compliant.
- They will abandon the existing stone wastewater holding tank located under the building and put in a whole new wastewater treatment field for all proposed structures up along Route 9N.
- They will configure the rec building and capture all stormwater that currently sheds into the lake.
- They are introducing more wood and less glazing for an overall improved visual impact from the lake.
- He depicted the images of the views to the Board from the neighboring properties.
- They went to their neighbor at Northward Ho and looked to see if the proposed boathouse would obstruct their view.
- The boathouse is LGPC jurisdiction.
- They have located the main house and guest cottage well back from the shoreline.

Gena Lindyberg, as a result of a neighbor's letter, inquired about the leach field in the area where the pool and building would be removed. Mr. Huntington replied that the pool and building would be removed, and a specified soil mix will be created to be similar to what is existing on the site now. Herb Koster asked if they would be compacting the soil when they put it in. Mr. Huntington replied yes, but not too much. They would not be creating a compaction area. Gena Lindyberg asked if they would be filling the old wastewater system. Mr. Huntington said they would be removed from the site and disposed at a certified site and filled with a similar soil structure of what is on site. John Cushing inquired how close the grinder pumps were to the lake. Mr. Huntington stated 60' maximum and there was some leeway. Herb Koster asked if they had a grinder pump down by the lake at the recreation building. Mr. Huntington replied yes. Mr. Flynn replied that there is an existing wastewater system at the lake that is failing which is being replaced. John Cushing said his concern was the proximity to the lake in case of any failure. Mr. Huntington explained that there was an automatic shutoff in the event of any failure. John Cushing asked if there was any chance of groundwater getting in. Mr. Huntington replied that it is watertight. Herb Koster asked what the size of the pump station by the lake was. Mr. Huntington replied that it was about 2' in diameter and whatever depth it would need to be. It would be an additional 80 gallons of storage above the pump level, but they are not looking for storage of wastewater down there. He explained how the system would work.

John Cushing asked about a pipe at the stairs by the lake. Mr. Huntington stated that would be removed.

John Gaddy asked about the pedestrian passageway along Route 9N. Mr. Esler said he has not decided what they would be putting there yet, but they had the same concerns. They can make a wide shoulder there.

John Gaddy said it was an incredible plan and he loved the tree protection and construction entrance details. He wonders if there were quick growing trees that they could use to be considerate to their neighbors to the north and south. Ms. Catellier stated they were proposing evergreens buffers along the property lines and would love to put in mature buffering. Mr. Esler stated as residents, they had the same concerns.

John Gaddy stated that with construction, drilling and blasting they have time limits and with no working on Saturday and Sundays or construction before 8:00am and after 5:00pm. Mr. Flynn stated the current construction schedule is after the season.

John Gaddy inquired about the removal of any trees on Studio A's drawing L2.10. Mr. Anthony stated this is done prior to construction and during site prep and erosion control is set in place before removal. Herb Koster asked if the three stormwater ponds would be installed before construction. Mr. Huntington explained they were rain gardens, but they had erosion and sediment controls measures that would be installed before construction to catch anything.

John Gaddy wondered if they would need a Public Hearing due to the neighbor's concerns. Atty. Lapper stated that it was Boards prerogative, but they had Chris Navitisky's support and only 2 of the neighbors participated in the ZBA meeting and they don't see this as controversial. Gena Lindyberg stated they had received a letter from Mr. Navitsky suggesting a Public Hearing.

John Gaddy said he appreciated the way the plans depicted the view shed for the boathouse.

John Cushing inquired of the number of stairs at the lake. Mr. Balzer said they would be smaller and moved. They would not be galvanized steel.

John Cushing asked about the addition to the rec building. Mr. Flynn stated it was away from the lake and does not fall within the side yard setback. John Cushing asked who the lead agency was. Herb Koster stated they were the lead agency. Atty. Lapper stated that once they had the variance, they were allowed that addition in the back, which they received. Mr. Flynn explained that it still needed APA review too.

John Cushing asked about the guest cottage and if it would be better to call it a guest house. Herb Koster explained that they were keeping it as one lot and they would need to call it a guest cottage. Mr. Flynn said it is currently a kitchenette without a stove or range. Atty. Muller stated that a guest cottage shall not have a kitchen which has been interpreted that means a stove. This property has sufficient area to have two principal dwellings. The applicant is allowed to have an additional principal building on this parcel under §200-8 as long as it does not run afoul of the density issue. Herb Koster inquired about the building at the lake. Atty. Muller stated it was not a residence. Mr. Esler stated it was also only a grill.

The Board discussed whether or not to have a Public Hearing. Ann Marie Scheidegger stated she did not see any reason to hold a Public Hearing.

Mr. Miller stated that the septic systems were good and would need to go to Town Board acting Local Board of Health, and he would work with the neighbor.

John Cushing stated that he would like a letter from Mr. Miller stating that the stormwater controls were acceptable.

Herb Koster suggested that they address the requested information on the septic with the Planning Office before the next meeting.

**RESOLUTION:**

**Motion by** Gena Lindyberg to schedule a Public Hearing for SPR21-01 at the next Planning Board meeting. **Seconded by** Ann Marie Scheidegger. Kirk VanAuken & Herb Koster opposed. **All others in Favor. Motion Carried.**

- 2. SPR 21-05 4934 Lake Shore Drive LLC, N. Somma:** Represented by The Environmental Design Partnership. Seeks to construct a commercial building that includes a 5,435 sq. ft restaurant and 9 rental units on 0.33 acres with parking for nine cars, public sewer and water and on-site stormwater management. Section 171.19, Block 2, Lot 9, Zone RM 1.3; Property Location: 4934 Lake Shore Drive. Subject to WCPS and LWRP review.

*This application was tabled by the applicant*

- 3. SPR 21-06 Jennifer Hogan & Scott Murphy:** Represented by Tom Jarrett, Jarrett Engineering, PLLC. Seeks to demolish existing guest cottage and rebuild, install a new septic system, add a new covered dining porch to principal structure, install a new driveway, stormwater management systems and significant modifications to the waterfront structures. Section 213.50, Block 1, Lot 7.1, Zone RM 1.3; Property Location: 4122 Lake Shore Drive. Subject to WCPS, APA and LWRP review.

Andy Allison of AJA Architecture presented the following:

- The existing condition of the lake edge has a long stone patio which they would like to restore. They are not increasing or decreasing the size of it.
- They are adding a handicap accessible ramp to the waterfront from the upper lawn.
- It will be built over some existing foundation walls.
- They will be adding a landscape bed to capture some stormwater.
- The existing driveway will be removed, and they will install a new one.
- He depicted and explained the plans to the Board.
- They will be adding a turnaround loop with grass paver systems for cars to park.
- Walkways will be a grass paver system.
- He showed the proposed changes they wanted to make to the cabins on the plans.
- The accessory structure footprint has been kept small.

John Gaddy asked about the direction on the plans, and Mr. Allison said the plan was mislabeled and clarified them to the Board.

John Gaddy asked about a strip of property on the north side of the property. Mr. Jarret explained that it was a lakeshore easement with dock rights. It was a part of the subdivision approval in 2005.

Tom Jarrett, Jarrett Engineering, PLLC. presented the following:

- There are 2 antiquated septic systems on the property for the main house and guest cottage.
- They will be removed, and 1 main enhanced system will be installed which will be the equivalent to an enhanced system.
- He detailed them to the Board.
- They are rebuilding the waterfront patio.

Herb Koster asked what a grass paver. Mr. Jarrett replied that it was a plastic grid that provides structural support which they fill with topsoil and plant grass on it. It is good for a reinforced area for traffic.

John Gaddy asked about the influence of water from the southern neighbor due to the elevation change. Mr. Jarret explained that he has been there for many rain events and has not seen any significant water, but they will watch that and address it if need be.

Gena Lindyberg asked how close the leach field was to the property line. Mr. Jarret explained that it was on the line and they would be going to the Town Board for a variance for this. He explained that they were looking to get as far back from the lake as they could. Herb Koster asked if the ends of the pipe were 10' away from the property line. Mr. Jarret replied that they were not, hence the reason they would be going to the Local Board of Health for approvals.

Gena Lindyberg asked for the location of the neighboring well. Mr. Jarret explained that it was part of the condition of the 2005 subdivision that the old well was to be abandoned and not use and they understand that is the way it exists. The Hogan-Murphy water supply is a new drilled well in front of the guest cottage, away from the leaching system.

John Cushing inquired about old wiring. Mr. Jarret stated it would be buried. John Cushing asked about the old tri-plex feed from the last pole to the house. Mr. Jarret stated it was a good catch and he would look at it.

John Cushing asked about the septic design taking care of the 70 guests they have mentioned. Mr. Jarret stated this would be very infrequent, but they have oversized the system for to handle this.

John Cushing asked if they had received variances for the ramps within the 50' setbacks. Mr. Jarret replied that they had. John Cushing asked about the seawall. Mr. Jarret explained that the intent was to rebuild the seawall in the original location. He stated that he believed Mr. Navitsky was challenging that. He explained that this would be resolved by Mr. Miller and the APA and Army Corps of Engineers. There is no intent to grab more lakeside and they would abide by the resolution of these agencies. John Cushing asked how they would build the wall. Mr. Jarret stated it would be essentially dry laid by hand and machine.

John Cushing asked about a fire pit he saw on the wall. Mr. Jarret said he would look at that. Ms. Hogan replied that it was there when they bought the property.

John Gaddy asked if there would be plantings along the southern border. Mr. Jarret said they had not planned that, but it could be considered. Ms. Hogan said she was not averse to plantings. John Cushing asked about rain gardens for stormwater mitigation. Mr. Jarret depicted them on the plans.

Kirk VanAuken asked if there would be much tree removal or vegetative disturbance with the relocation of the driveway and cul-de-sac. Mr. Jarret replied that only 1 large tree needed to be removed.

John Cushing asked if the driveway would be gravel or asphalt. Mr. Jarret replied it would be gravel for the driveway.

John Gaddy inquired about the large trees to the north of the house and the need for developing a view. He said he believes they could be trimmed out for this and not removed. Mr. Jarret said that the intent was to trim as needed and not remove them.

Herb Koster asked about the septic variance. Mr. Jarret replied that they would be going before the Local Board of Health for the wastewater variances.

John Gaddy stated that there were construction and blasting hours allowed. Mr. Jarret stated they would adhere to those regulations.

Atty. Muller said that Mr. Navitsky believes there is a need for a variance in the replacement of the dilapidated wall. He believes Bolton's determination on this should be fact finding, that is that the Army Corp of Engineers decision would be very persuasive in telling them where it is. If it is still a controversy after that they will have the Zoning Administrator do a determination.

## **RESOLUTION:**

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SPR21-06.  
**Seconded by** Gena Lindyberg. **All in Favor. Motion Carried.**

**Motion by** John Gaddy to accept SPR21-06 as complete; having held a Public Hearing, having met the criteria set forth in the code, grant final approval of the project as presented. This motion includes a SEQR & LWRP 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 dark sky compliant and downward facing and shielded.
2. The applicant must adhere to the Town of Bolton hours of operation regulations for construction and drilling and blasting with no exterior work on Saturday and Sunday.
3. The applicant look at planting buffers on the southern property line.
4. This approval is conditioned on a favorable grant of variance from the Town Board acting as the Local Board of Health on the septic system.
4. The seawall is to be restored to its original position after being reviewed and approved by the Army Corp of Engineers, Town Engineer and applicants Engineer.

**Seconded by** Gena Lindberg. **All in Favor.** Motion Carried.

- 4. SD21-01 Valley Woods Minor Subdivision; Fedele Holdings, LLC:** Represented by Pierrzak & Pfau Engineering. Seeks to reconfigure 2 lots into 3 lots. Section 140.00, Block 3, Lot 25&26, Zones RL 3. Property Location: Northside of Valley Woods Road and Wood Hollow Road. Minor Subdivision. Subject to SEQR, APA and LWRP.

Joe Pfau of Pierrzak & Pfau Engineering. presented the following:

- They are taking 2 lots that they created in a subdivision several years ago and reconfigure them so they both have access and frontage on Woods Hollow Road.
- This will take it from 8 lots on the private road to 9 lots.
- The roads, electric and stormwater facilities have already been constructed.
- Everything is in the same location as approved on the original plan.
- They are simply looking to create a third lot in the rear of the cul-de-sac.
- They have done the density calculations and they will still be well under what is allowed.
- There will be no site disturbance at this time.

John Gaddy asked if the lots come back for site plan review when ready for building. Mr. Pfau replied that it depended on the lot.

**RESOLUTION:**

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SD21-01.  
**Seconded by** Gena Lindyberg. **All in Favor. Motion Carried.**

**Motion by** John Gaddy to accept SD21-01 as complete, waive a public hearing, and having met the criteria set forth in the code, convert to final plat and grant final approval of the project as presented. This motion includes a SEQR & LWRP analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented with the following conditions:

1) Future development by the purchaser requires Site Plan Review for each of the lots. It is hereby determined that the action to be taken is consistent with the Town of Bolton Local Waterfront Revitalization Program policies and standards. **Seconded by** Gena Lindyberg. **All in Favor.** Motion Carried.

The meeting was adjourned at 7:54pm

Minutes respectfully submitted by Kate Persons.