

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday July 22, 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, Sandi Aldrich, Kirk VanAuken, Gena Lindyberg, Chairman; Herb Koster, Director of Zoning & Planning; Richard Miller P.E

Absent: David Smith & Town Counsel; Michael Muller

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

REGULAR MEETING

Herb Koster asked if there were any changes or corrections to the June 17, 2021, minutes.

RESOLUTION:

Motion by Gena Lindyberg to approve the June 17, 2021, as presented. **Seconded by** John Gaddy. Kirk VanAuken abstained. **All others in Favor. Motion Carried.**

- 1. SPR 21-17 Michael Cyr.** Represented by Studio A. Seeks to construct a single-family residence with access driveway, on-site wastewater treatment system, on-site well and stormwater management plan. Section 200.14, Block 1, Lot 20.2, Zone RM1.3 and LC45; Property Location: Basin Shore Lane. Subject to WCPS and LWRP review.

Matt Huntington of Studio A presented the following:

- The only major change they have made to the approved subdivision plan is the wastewater system which has been changed from a conventional system to an enhanced treatment system.
- He detailed the plans to Board.
- They will be using the existing approved stormwater that was approved to the subdivision.
- This lot is next to 9N.
- They have shifted the house a little further away from the wetland to get a little buffer space.

- The overall impervious area stays pretty much the same.

Gena Lindyberg asked where the well was being placed. Mr. Huntington said it was not on the plans but that the separation line shows it outside of 100'. They will update that when they come for a certificate of compliance.

John Gaddy stated that there was nothing staked out on the property, so he had no idea what he was looking at or even where the lot was exactly. Mr. Huntington stated they could get someone out there to stake it out. The well is actually in the lower area and the house is almost 75' away toward Rt 9N.

Sandi Aldrich asked for clarification of the change in driveway. Mr. Huntington detailed it on the plans. She inquired about the turn around for emergency access. Mr. Huntington stated that it was still there. John Cushing asked what the width of the entrance road was. Mr. Huntington stated it looks to be about 20' to 22'.

John Cushing asked if this was lot 1 or lot 4. Mr. Huntington replied lot 4 and it is the southernmost lot. John Cushing inquired about the scenic byway. Mr. Huntington showed him the 75' setback line on the plans. John Cushing asked about tree removal. Mr. Huntington stated that they would be removing the trees 20' around the house area and everything else would remain. He detailed the plans to the Board.

Gena Lindyberg asked where the neighbors septic was. Mr. Huntington detailed it on the plans. Sandi Aldrich asked about the septic for the A-frame to the south. Mr. Huntington replied he was not sure how close it was located to this lot. John Cushing asked how close it was to the well. Mr. Huntington stated that it was almost 100' to the property line so the neighbor would have to be encroaching the property line to be an issue, but it would be something they would certainly verify. John Cushing stated the well and septic would definitely need to be verified. Mr. Huntington replied that this would not be a problem.

Gena Lindyberg asked how many bedrooms were proposed. Chris Jones of AJR stated there were 4 bedrooms. It is a single-family dwelling with a walk out basement. He said they were looking at neutral colors for the exterior. Gena Lindyberg asked if there would be any rooms over the garage. Mr. Jones replied no just storage.

Gena Lindyberg asked if there would be blasting. Mr. Huntington replied that it did not look like they would need any.

John Cushing asked for clarification on the increase of impervious cover noted in Mr. Navitsky's letter. Mr. Huntington stated that the impervious areas are in line with the approved subdivision, they have not gone over this. Gena Lindyberg asked if they would be coming up with new stormwater management plans. Mr. Hunting stated this was not their intention as the stormwater management plans were already approved in the subdivision. Herb Koster stated that the original stormwater plan was developed for the subdivision.

Gena Lindyberg asked about the exterior color. Mr. Jones stated that it would be a neutral color right now they were looking at greys and browns.

John Gaddy stated he would like to see downward facing and shielded lighting on all exterior lights.

John Cushing reminded the applicant that the subdivision stated that there were to be no trails or paths in the wetland area.

No County Impact

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR21-17.

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

Motion by John Gaddy to accept SPR21-17 as complete; having waived 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 wells and septic systems are to be located on the plans for the adjoining properties and submitted to the Planning Administrator and if they are insufficient distances this approval will be negated.
3. The owners are not to develop any pathways or trails through the wetlands.
4. House colors are to be neutral.

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

2. **SD21-03 35 & 37 Horicon Lane.** Represented by John Harris. Subdivision of a nonconforming lot containing two houses into two undersized lots each containing one house. Section 157.05, Block 1, Lot 3, Zone RCL3; Property Location: 35 & 37 Horicon Lane. Subject to WCPS, APA and LWRP review.

John Harris presented the following:

- They are not proposing any new construction. They are just asking for a line drawn on the map to separate these homes into 2 separate parcels.
- The APA has reviewed this and are ok with the result.
- This was originally Norwich Village property.
- They purchased 1 of the cottages and two other families bought the remaining 2.
- These structures were all on 1 lot.
- They lived here like this for 20 years and then one family decided to sell in the early 90's, so the remaining two owners bought them out and knocked down the cottages to build 2, year-round single-family dwellings on the lot.
- The 2 homes shared the septic, well and driveway.
- The other family owning the second house has now decided to sell.
- In order to stay where they are, under the operating agreement, they would have to buy out the family or sell the whole property.

- They scrambled and tried to find another family to fill the spot and could not and they were advised that they may potentially be able to subdivide the property, which would allow it to be sold and the new owner would be able to get a mortgage.
- In order to buy the property on a temporary basis so they could subdivide, and a new owner could get a mortgage, they borrowed from their retirement funds so their family could continue to stay in their existing dwelling.
- The current property would remain as is, with 2 families in 2 separate dwellings on the same property.
- This would allow his family to continue to use this property as they have for the last 50 years.

John Cushing stated that the biggest concern is the shared well and septic. Mr. Harris stated that each home has a 1000 gallon septic tank. They both feed to a shared pump which pumps the effluent up to the absorption field. It is built big enough to handle the combined 6 bedrooms. They contacted Engineer Tom Hutchins to see if they should separate and he told them this system was the best configuration considering the constraints on the property. If they tried to build an absorption field for the other house it would not work because the slope is too steep on that side of the property. There would also not be one far enough from the lake. He also said if the existing field failed it should be excavated and refilled. John Gaddy asked if the sewage disposal area was behind the concrete wall. Mr. Harris replied it was. He explained how the system worked, stating it flowed between the two houses, up to a pipe that emerges from under the driveway up into the absorption bed. John Gaddy asked if the disposal area had a tank or if it was just material for absorption. Mr. Harris stated it was material only and the cement wall was 6' high and they had used the hill as the back wall. The side walls just go back up into the hill. John Gaddy stated that the Town of Bolton has a new BSIP program and wanted to know how they would proceed. Mr. Miller stated that a BSIP had already been done and it passed. John Gaddy asked how they would enforce this if there were two lots, and the system was only on the one homeowners' lot. Mr. Miller stated that they would need easements and an operational plan. Mr. Hutchins has stated the septic field was sized larger than necessary for 6 bedrooms. Herb Koster asked if Atty. Muller had looked this project over. Mr. Miller said he had talked to him about it and he was aware of the situation, but he was not aware of how the septic field was set up, he thought it was toward the front of the house, but is in the back and over 150' from the lake. Herb Koster stated his concern was that the shared systems would not stay with these two families forever and if these agreements will work down the road from now. Mr. Miller stated it would have to carry over in the deeds. The tanks are more than adequate. There are alarms in the pump station, so they know if there is a problem. Mr. Hutchins has signed off and said this was an acceptable system for these two houses at this point and he has stated that there is no other place to locate another field. John Gaddy said this is a critical area near the lake and they are trying to upgrade difficult situations near the lake. Mr. Miller said he is 158' away from the lake.

Gena Lindyberg asked who inspected the septic systems. Mr. Harris stated that it was inspected by Hometown Sewer for the BSIP. John Cushing said it could fail with extra people if it is rented out, and if it fails it could put effluent in the lake. He stated he had never seen a septic agreement in his 6 or 7 years on the Board. Mr. Miller stated that they had one over on Sherman Lake. Mr. Harris stated that they would face the same problem if it was not rented out.

Gena Lindyberg asked if they could put a deed restriction to stop them from renting. Herb Koster stated they could not do that. Mr. Miller stated they could but a deed restriction on the maintenance and yearly inspection of the septic.

Sandi Aldrich said she is concerned with the residences going from seasonal to year-round which would put a bigger strain on the septic system. Herb Koster said that the septic system has been verified as adequate for the number of bedrooms year-round.

The Board discussed at length how they would like these agreements drawn up and how they would be enforced indefinitely. Herb Koster said he would like input from Atty. Muller on these agreements for maintenance and replacement costs. This is too close to the lake. Mr. Harris stated they would have no problem with that.

John Cushing inquired about the black membrane on the absorption system. Mr. Miller said he was told that it was to prevent plants from growing into it. John Cushing said he understands it as there is a need for the sun to hit for percolation and evaporation. This is a 30 year old system and they have life spans.

Gena Lindyberg inquired about the 1 dock. Mr. Harris said that would go with the northern property and would not be shared.

Gena Lindyberg asked if there were easements for the roadway. Mr. Harris stated that it was shared by 4 property owners and went through the Clesceri property.

John Gaddy said they need 175' of lake frontage per lot. Mr. Miller stated there are many lots down there that are much less than that.

John Cushing asked if they have ever had any back up of the septic system. Mr. Harris replied no, never and there is an alarm that would let them know right away if it wasn't functioning.

Gena Lindyberg asked who maintains the roadway. Mr. Harris stated he was not positive, but he believes that on their portion it would be the two houses with support from the other two parcels. Gena Lindyberg stated that should be in the deed.

Kirk VanAuken stated that they would not know about the septic system until it failed. Now with the shared system they would need a maintenance and cost sharing agreement for both parties that was iron clad.

Rich Miller said that the APA says they have no problems with this subdivision. He stated the Zoning Board is basically looking for a recommendation as to whether the subdivision is feasible.

John Cushing said he had problems with the leach field failing and landing in the lake.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SD21-03.
Seconded by Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by John Gaddy to recommend to the Zoning Board of Appeals that a written, iron clad agreement for all shared systems such as the well, septic and driveway including maintenance and replacement costs along with the document where they will reside with the property in perpetuity, are to be submitted to Mike Muller for approval before this application receives any variance approvals. **Seconded by** Sandi Aldrich. John Cushing opposed. **All others in Favor.** Motion Carried.

Sandi Aldrich inquired if the zoning applications could be updated with the 13 items under legal in 200-28 from the code so the applicants would know what was required. She also stated that on September 22, 2016, she had made a motion that applicants stake out the buildings. Herb Koster stated they can't force them to stake out the buildings until the Town Board amends the code. The Board did agree that they would like to see the applications updated.

The meeting was adjourned at 7:11PM

Minutes respectfully submitted by Kate Persons.