

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday October 21, 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, Kirk VanAuken, Sandi Aldrich, Gena Lindyberg, David Smith, Chairman; Herb Koster, Director of Zoning & Planning; Richard Miller P.E & Town Counsel; Michael Muller

Absent:

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

REGULAR MEETING

Herb Koster asked if there were any changes or corrections to the August 19, 2021 minutes.

RESOLUTION:

Motion by Sandi Aldrich to approve the August 19, 2021 as presented. **Seconded by** Gena Lindyberg. Kirk VanAuken **Abstained. All in Favor. Motion Carried.**

- 1. SPR21-15 David Massaroni.** Represented by Studio A. Construction of three new single-family homes, two new triplex townhouse units, and two new duplex townhouse units, and the conversion of two existing motel buildings into two single-family homes: totaling 15 dwelling units. The pool and patio area are to remain. On-site wastewater treatment system and stormwater management practices are proposed. Section 213.13, Block 1, Lot 51/52/35, Zone RCM1.3. Property Location: 3926 Lake Shore Drive. Subject to APA, WCPA, SEQR and LWRP review. Last reviewed informally by the Planning Board August 19, 2021.

Matt Huntington of Studio A presented the following:

- They were here 2 months ago for discussion of the proposed plans.
- He depicted the plans to the Board.
- They have been working with Chazen to address any concerns.

- Since the last meeting they have changed some of the infiltration basins near the lake.
- He detailed how these infiltration basins would work.
- Wastewater will be pumped up and across Rt 9N away from the lake.
- They have increased some of the area on the upper basins and have scheduled additional test pits on the site.
- Wastewater will be pumped up and across 9N.

Kirk VanAuken asked what the number of existing rental units was. Mr. Huntington stated 78 and they would be coming back with 44. Herb Koster asked if that was before the fire. Mr. Massaroni replied that it is the total after the fire.

John Cushing asked if they would be increasing the building footprint on the site. Mr. Huntington replied yes, slightly, but they have increased the stormwater management to accommodate the increase. John Cushing asked if they would be increasing the amount of test pits on the site per recommendations. Mr. Huntington replied yes.

Kirk VanAuken asked about the maximum number of bedrooms in the town houses and in the houses. Mr. Huntington stated they were designing them with a maximum of 3 bedrooms in the townhouse units. The houses were 3 to 4 bedrooms maximum. They bedrooms will have to be limited to accommodate the wastewater system.

Gena Lindyberg asked if they were proposing 2 triplex units and 2 duplex units. Mr. Massaroni replied yes. The one near the water is a triplex. Gena Lindyberg asked about overflow parking. Mr. Massaroni stated that some of the garages will be detached. Gena Lindyberg stated that they have discovered that the need for overflow parking. Mr. Massaroni explained that they have an HOA requirement for parking across the street.

Gena Lindyberg asked for clarification on the site plans. Jeff Anthony explained that it was a demolition plan.

Herb Koster asked about the hammerhead across the road between the garage and the house. He asked about making it larger. Jeff Anthony stated they could make it larger.

Kirk VanAuken asked if they would be using pervious pavement on the driveways. Jeff Anthony stated they would be paving. Mr. Huntington stated that there were many issues with impervious pavement, and they prefer to stay away from it for longevity.

Kirk VanAuken asked about the existing overall impervious cover on the site. Mr. Huntington replied that they would be reducing overall impervious cover on the site, but he did not have the exact number right now. The site as it stands now, has little to no stormwater mitigation at this time. He explained that the stormwater had been designed for the post construction conditions to attenuate what theoretically would have been there if this was just woods.

John Cushing asked about disturbing the ground within 75' of the lake to add rain gardens. Mr. Huntington said ideally, they would prefer to keep grass buffer strips there, but that does not work code wise, but they have erosion control and sediment plans for both normal and winter conditions, so that anything disturbed upslope will be caught. They are also required to get a

DEC stormwater permit which will require biweekly inspections due to the proximity to Lake George. This means they will be on site twice a week to monitor these controls. John Cushing asked who did these inspections and paid for them. Mr. Huntington replied that they would be doing the inspections as certified inspectors and the client would pay for them.

Kirk VanAuken asked if there would be an HOA for all of the buildings on both sides of the roads. Mr. Anthony replied yes.

Sandi Aldrich stated that there had been a question at the last meeting about the minimum lake frontage needed for the primary structures and that Director of Zoning & Planning; Richard Miller P.E said he needed to calculate it. She asked if he had done that, he replied that he had not. Mr. Anthony said he believed that question was about contractual access to the lake, which would be contractual access for offshore lots that were being provided access on to the lake shore. This is a designed community which does not have offshore lots being provided access to the lake shore. He believes they determined this did not apply. Atty. Muller said that the on-premises properties on the shoreline lot do not usually get controlled by the contractual access section of the code. Mr. Anthony stated that each of the individual owners of each of the buildings will own part of the property so they would have the right to access the shore. Sandi Aldrich cited the section in the previous minutes where Mr. Miller was going to calculate this. Atty. Muller said they would calculate it.

Kirk VanAuken inquired about changes to the docks and boathouse. Mr. Anthony stated that there are no changes to the beach and docks or boathouse at this time. Any modifications would have to go before the LGPC. He said the applicant has already determined the method of assigning dock spaces to each of the units.

John Gaddy asked if they had a complete rendition of what all the buildings will look like. Mr. Anthony stated they were working with a company to have architectural guidelines and controls which will be a part of the HOA documents.

Atty. Muller asked how much shoreline they had. Gena Lindberg stated that Mrs. Famosi had said 397' at the previous meeting. Herb Koster asked if the 397' included the peninsula. Mr. Anthony stated that they follow the path of the shoreline.

Atty. Muller said if it applies, Section 200-37(4) of the code would require 125' linear feet for the first dwelling and 10' for each of the next 14 lots, so this would fit.

Herb Koster asked if this was a major or minor stormwater project. Mr. Miller replied that it was a Major Project. He asked if Mr. Miller had looked at it yet. Mr. Miller replied, no.

Jeff Anthony stated they were looking to have the Board declare themselves as Lead Agency and to schedule a Public Hearing for the Major Stormwater.

RESOLUTION:

Motion by Kirk VanAuken to declare the Bolton Planning Board as lead agency for SPR21-15. Seconded by Sandi Aldrich. All in Favor. Motion Carried.

Motion by Kirk VanAuken to schedule a Public Hearing at the November 18, 2021 meeting for SPR21-15. **Seconded by** John Cushing. **All in Favor.** Motion Carried.

2. **Referral from ZBA.** *ZBA Application V20-22 528 3rd Avenue Partners.* Represented by Studio A. Seeking area variances for one townhouse building with four townhouse units (Building A). Section 171.19, Block 1, Lot 75, Zone RM1.3. Property Location 25 Goodman Avenue. Subject to LWRP, WCPA, and SEQR review.

Requested Variances are as follows:

1. Overall density on the site for Buildings A: 1 principal building is allowed on the 0.69-acre site, 4 principal buildings are proposed.
2. Overall setbacks for Building A – front setback 50 feet is allowed, 4 feet is proposed; side setback 20 feet is allowed, 12 feet is proposed; shoreline setback 75 feet is allowed, 54 feet is proposed.
3. Individual units in Building A
 - a. Unit A-1 – Minimum lot area 1 acre (43,560SF) is required, 1080SF is proposed; Front setback 50 feet is allowed, 0 feet is proposed; side setbacks (each side) 20 feet is allowed, 0 feet is proposed; rear setback 20 feet is allowed, 0 feet is proposed; percent building cover 15% is allowed, 100% is proposed; Minimum lot width 125 feet is required, 24 feet is proposed; and minimum lot depth 150 feet is required, 45 feet is proposed.
 - b. Unit A-2 – Minimum lot area 1 acre (43,560SF) is required, 1080SF is proposed; Front setback 50 feet is allowed, 0 feet is proposed; side setbacks (each side) 20 feet is allowed, 0 feet is proposed; rear setback 20 feet is allowed, 0 feet is proposed; percent building cover 15% is allowed, 100% is proposed; Minimum lot width 125 feet is required, 24 feet is proposed; and minimum lot depth 150 feet is required, 45 feet is proposed.
 - c. Unit A-3 – Minimum lot area 1 acre (43,560SF) is required, 1080SF is proposed; Front setback 50 feet is allowed, 0 feet is proposed; side setbacks (each side) 20 feet is allowed, 0 feet is proposed; rear setback 20 feet is allowed, 0 feet is proposed; percent building cover 15% is allowed, 100% is proposed; Minimum lot width 125 feet is required, 24 feet is proposed; and minimum lot depth 150 feet is required, 45 feet is proposed.
 - d. Unit A-4 – Minimum lot area 1 acre (43,560SF) is required, 1080SF is proposed; Front setback 50 feet is allowed, 0 feet is proposed; side setbacks (each side) 20 feet is allowed, 0 feet is proposed; rear setback 20 feet is allowed, 0 feet is proposed; percent building cover 15% is all wed, 100% is proposed; Minimum lot width 125 feet is required, 24 feet is proposed.

Jeff Anthony of Studio A presented the following:

- The project site is on Goodman Avenue.
- Currently there is a two family and a one family unit on the site.
- There is a stream which comes through the property.
- The proposed density will go from 3 existing units to 4.
- The number of variances really should be calculated on the overall building and its relation to the property lines and the yard dimensions.
- He explained how their calculations work in the current zoning law, which does not have any variance allowances for townhomes at this time.
- He believes the new proposed zoning code will be addressing this issue.
- He detailed the variances requested.
- The overall proposed building is roughly in the proximity of the 2 family building on site.
- They will be eliminating the 1 unit hanging over the creek on the 2 family dwelling that exists.
- They are proposing 1 driveway to the garages, which will be located in the back of the building.
- Each proposed unit will have 4 parking spaces, 2 outside and 2 in the garage, which is well above the requirement.
- The rest of the site will remain green.
- There is 0 stormwater management on the site at this time.
- They are proposing stormwater management for the site.
- Water and sewer will be municipal.
- The building will not exceed the 35' height limit.
- They are asking for a recommendation to the ZBA for the requested variances.

Herb Koster asked if the remaining property site would be under an HOA. Mr. Anthony replied either a HOA or managed by a management company.

Sandi Aldrich asked if they could move the building back a little bit further from the street. Mr. Anthony replied yes. Gena Lindyberg said she would like to see this.

Kirk VanAuken inquired about a shed. Mr. Anthony stated it belonged to the adjoining property.

Gena Lindyberg asked about limiting it to 3 units which would respect the side yard setbacks. Mr. Anthony said that the applicant wants 4. Sandi Aldrich stated she would like to see 3 units as opposed to 4.

John Gaddy stated that there are 3 structures there now and they are asking for 4. He would like to see some infiltrating pavement options for the increased parking area and driveway since they are so close to the stream. Mr. Anthony stated they were in the hamlet which was where the APA, town and other agencies prefer the concentration of the development. More density in the urban area is an attitude that he believes is correct. Kirk VanAuken stated that he was not sure he agreed with this analogy. Mr. Anthony said they could use pervious pavement and as much

of some form of infiltration as possible for stormwater controls. John Gaddy stated he would like for them to look into suitable paving materials that might be able to be used in this area.

John Gaddy inquired about the plantings and if they would be adding additional buffers at the property lines. Mr. Anthony stated they could definitely look at this. He depicted some ways they could add landscaping and stormwater.

John Cushing said it is his opinion that they don't meet any of the setback or density requirements for 1 house and they want to build 4. He has talked to some of the neighbors, and nobody wants this project.

Gena Lindyberg said if they stuck with 3 units, they would have a chance.

Kirk VanAuken inquired if they would be removing the large trees on the site. Mr. Anthony said they are not that far in the project yet, but they always try to save trees if they can.

David Smith stated that the original proposal was 6 and he is sure 4 was chosen for a reason. Going to 3 may not be financially feasible. He said he believed that they should look at the structure as one large building as opposed to 4 individual structures. Herb Koster said they have to deal with what the ordinance states for setbacks. Mr. Anthony stated the overriding factor is, does the building fit the site. Atty. Muller stated this is a zone that permits this type of use of the property and yet it does not comport with the setback requirements. He believes it is before the Planning Board tonight so that they have some say in if it conceptually sits well with them and if there are any changes they would like to see.

Gena Lindyberg said her recommendation would be to move it back a bit from the road. Herb Koster stated he would like to see it moved back too, but he does not want it moved back if the trees would need to be removed as they are the best form of stormwater existing on the site. Kirk VanAuken agreed.

Kirk VanAuken stated he would like to see it dropped to a 3-unit structure. Gena Lindyberg agreed. Sandi Aldrich stated she would like the building reduced in size if they reduce this to a 3-unit structure. John Cushing said he can see some giving relief from some of the setbacks, but he feels that people are overreaching on many of these projects before them. The Board discussed setback requirements and density.

Mr. Anthony asked to table the application with updated plans addressing some of the concerns.

RESOLUTION:

Motion by Sandi Aldrich to table the application for revisions. **Seconded by** Gena Lindyberg. **All in Favor.** Motion Carried.

Discussion requested by applicants:

- 3. SD21-02 Twin Bolton Residential Sub-division, Twin Bolton, LLC.** Represented by Studio A. Subdivision for six townhouses (two triplex units) and 15 single family lots. Section 186.6, Block 1, Lot 14 and Section 186.7, Block 1, Lot 13, Zone RM1.3 and RL3; Property Location: 4799 Lake Shore Drive. Subject to WCPS, SEQR and LWRP review. Applicant seeks Planning Board Resolution to set a public hearing for next scheduled Planning Board meeting.
Last reviewed informally by the Planning Board August 19, 2021.

Jeff Anthony and Matt Huntington of Studio A presented the following:

- This is similar to the Capri Village project.
- They are looking for the Planning Board for lead agency and to schedule a Public Hearing.
- They were here 2 months ago for a discussion, and nothing has changed on the design end of the project.
- They have received a review letter from Chazen, and they are working with them at this time.
- They need clarification as to which permit, they fall under for DEC.

Herb Koster asked if this was a Major Stormwater project. Mr. Huntington replied yes. Herb Koster stated that when they claim lead agency, they have to review the stormwater regardless to what the state says. Atty. Muller stated he had discussed this with Supervisor Conover, and if DEC makes the decision that they are going to go the independent evaluation and permit route, his advice was to instruct the Board that Town of Bolton will still be fully involved and should not consider any possibility of a final approval subject to DEC solving those problems on their own. The Town wants to look at what DEC determines, but the Town Engineer and Boards still need to evaluate it as part of the approval process. The Town will not be giving approvals subject to DEC approval, as our local ordinance has some stricter requirements. Mr. Huntington said they understood that the Town would certainly be reviewing this in conjunction with DEC. Atty Muller explained how the stormwater regulations were adopted by the Town of Bolton. He explained that they were updated last year.

Atty. Muller said that the applicant's attorney wanted to move the project further and have the Planning Board open it up for a Public Hearing.

Town Planner, Joshua Westfall, AICP said he thought that it was a little preliminary to push this to a Public Hearing at this stage with so much up in the air. He would like to see a little more certainty with this project before moving forward. Herb Koster stated if they wanted a Public Hearing, they would need to agree to an extension on the timeline of a Public Hearing. The Board agreed. Atty. Muller stated if they agreed with that extension it would need to be in writing. He explained that Mr. Westfall's point is that the project is preliminary, and in many towns, when a project is in the preliminary stage, the applicant sits down with the Planner, and he sets the mile posts along the road pointing them in the right direction. The Board does not necessarily have to do that and certainly the public shouldn't be doing it at this early juncture. This is the first time the Town has had a certified planner.

Sandi Aldrich asked if the public had the ability to come in and talk to about the project. Joshua Westfall, AICP replied yes.

Gena Lindyberg said she would prefer that the Planner review the project. Herb Koster stated that he was agreeable for them to meet with the Planner. Mr. Huntington stated that they were willing to sit with the Planner, but they were also looking for some public input on other aspects of the project. They could do both in conjunction. Atty. Muller said if they did this, they would need an agreement in writing that the applicant agreed to extend the time once the Public Hearing was open. Mr. Anthony detailed the history of the property. He stated they had all types of different information on many other issues than what are being brought up by the Town Engineers. The applicants would like this Public Hearing early. John Gaddy stated he was very encouraged that the Town of Bolton has made the effort and commitment to have a professional Planner, and if this is the request by him for the first this big project that has been going on for so many years, he would like to back him up on this. Herb Koster said he would like to see a combination of both. David Smith asked what Mr. Westfall's objection was to be doing them both at the same time. Joshua Westfall, AICP stated that it was up to the Board, but it is early, and this will be a long open Public Hearing. Herb Koster stated he was just interested in the public being involved. The applicant was trying to save some time and get the engineering cost and time down. John Gaddy said the public would have a chance to be involved and for the first time they have a professional Planner, which is long overdue in a town that has a tremendous development pressure. If this is the Planners suggestion, he supports it. It would be nice to have a plan that comes to the Board that has been planned.

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SD21-02. Seconded by Sandi Aldrich. All in Favor. Motion Carried.

Motion by John Gaddy to not open a Public Hearing for SD21-02 and continue the review of this project after Town Planner; Joshua Westfall, AICP can meet with the applicants and review the project. Seconded by Gena Lindyberg. Dave Smith, Herb Koster and Kirk VanAuken Opposed. All others in Favor. Motion Carried.

The Board discussed the clearing on the Cotton Point Subdivision and asked how it got to be clear cut. Mr. Miller stated that they were within the allowed cutting with the houses and septic systems. John Gaddy said obviously, this is why they need a Planner. Herb Koster said they left a nice buffer along 9N. Mr. Miller said he could pull out the maps. John Gaddy said he would like him to do that. He said the Board puts in the time to make sure that projects are aesthetically pleasing, and they end up not being the way the Board envisions when granting approvals. Sandi Aldrich agreed and said when the Cotton Point project was presented to them it appeared as though there would be vegetation between each lot and between each house which is why she voted for it. She did not expect the lot to be clear cut from Cotton Point south. John Cushing said he concerns with the cutting getting close to the swamp. He does not like them getting closer to the wetlands. John Gaddy said they spend all this time on projects, only to be ignored.

The meeting was adjourned at 7:47PM

Minutes respectfully submitted by Kate Persons.