

Town of Bolton
PLANNING BOARD MINUTES
Thursday, April 14, 2022
6:00 p.m.
Town of Bolton Town Hall

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

Present: Chairman Herb Koster, Planning Board Members; David Smith, John Cushing, John Gaddy, Kirk VanAuken, Sandi Aldrich, Gena Lindyberg, Zoning & Planning Director - Richard Miller, P.E; Town Planner - Joshua Westfall, AICP, & Town Counsel – Brian Reichenbach

Absent:

The meeting was called to order at 6:00 PM

Public Hearing

- 1. SPR21-15 David Massaroni (Capri).** Represented by Studio A. Construction of three single family homes, two triplex townhouse units, and three single family residences from conversion of existing motel buildings. 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. *Continued from March 10, 2022.*

Atty. John Lapper stated at the last meeting they had been asked to submit a “beefed” up landscaping plan along the lake which they have done. They submitted to LaBella 6 weeks ago and the town has not received a response as of yet.

Kristen Catalieer of Studio A detailed to the Board the updated landscape plan that they had requested. They have incorporated a vegetative buffer between the plant areas and the shoreline. Additionally, they will be planting the rear side of the deck that is above the existing docks and incorporating a small walkway. They have added some trees between the units.

Chris Navitsky said they appreciate the renderings and feel that the project has moved along in a good direction. He questioned the grouping of trees on the shoreline of the existing beach that appear to be removed on the rendering. He wonders why the only trees on the shoreline have to be removed. They appreciate the shoreline buffer. He suggested adding a couple of trees to the shoreline buffer. They have some major concerns with the stormwater and are hopeful that it will be picked up by LaBella. They believe the project fails to reduce post-development stormwater volumes for the 10-year storm event as required by the Town of Bolton Stormwater Ordinance.

Matt Huntington of Studio A stated they have reduced the existing stormwater conditions by almost double what exists. They believe they fall within compliance of the 35’ setback for infiltration of Lake George.

Ms. Catellier detailed the landscape plans and stated that they were not proposing any tree removal along the shoreline or the north property line unless absolutely needed. The house on the north side will need site plan review where the Board can condition the amount of buffering.

Sandi Aldrich asked if the grouping of pines at the beach would stay. Mr. Massaroni said they would be right in front of the view of the house, and they would probably be removed and replaced with something else. Ms. Catellier detailed the buffering and planting on the plan.

John Gaddy asked if there was any information on when LaBella as to why they have not replied. Mr. Miller stated no, but they would check on it tomorrow. Herb Koster said they could reopen it if they are not happy with what LaBella says. Atty. Reichenbach stated they could deny the project, but they could not reopen the Public Hearing once it is closed. He said if they wanted to make a motion conditioned on what the engineering firm submits, they could, but the risk to the Board and applicant would be that if for some reason they did not get those conditions from LaBella within the 62 days their clock would run out. Herb Koster said he did not think it was fair that they were being held up by the Town's engineer. Sandi Aldrich asked what would be approved if the clock ran out. Atty. Reichenbach stated everything they had applied for in this application.

RESOLUTION:

Motion by Kirk VanAuken to close the Public Hearing for SPR21-15. Seconded by Gena Lindyberg. All in Favor. Motion Carried.

2. **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 186.06, Block 1, Lot 14.1 and Section 186.07, Block 1, Lot 13, Zone RM1.3 and RL3; Property Location: 4799 Lake Shore Drive. Subject to WCPA, SEQR and LWRP review. Continued from March 10, 2022.

This application was tabled at the applicant's request

Regular Meeting

Chairman Koster asked if there were any changes or corrections to the March 10, 2022 minutes.

RESOLUTION:

Motion by Gena Lindyberg to approve the March 10, 2022 minutes as presented. Seconded by Sandi Aldrich. All in Favor. Motion Carried.

Old Business

3. **SPR21-15 David Massaroni (Capri).** Represented by Studio A. Construction of three single family homes, two triplex townhouse units, and three single family residences from conversion of existing motel buildings. 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.

Josh Westfall stated that the Planning Office recommends that upon any approval, the following should be agreed to and indicated on the plans:

- This project will be completed in one phase.
- At minimum all plantings as shown on final plans shall remain as illustrated or be replaced in kind, as feasible and to the satisfaction of the Planning and Zoning Office.
- An updated plan shall be submitted indicating for what structures blasting will be required for.
- Blasting shall be in conformance with all current local laws and regulations.
- Maintenance shall be performed as needed on all stormwater management facilities and areas.
- All lighting shall be downward facing and shielded, except as otherwise required for safety. There shall be no light trespass on adjacent properties, NY-9N, or Lake George.
- HOA Covenants shall stipulate that no hot tubs, spas, or garbage grinders will be permitted.
- Further site development will require Site Plan Review.
- Some trees could be added to large building on the northerly side to obscure it a little bit.

Kirk VanAuken stated he would like them to keep the clump of trees on the beach front until the Board knows what will be going up there when they come back for the individual buildings. Atty. Lapper stated understood.

John Gaddy inquired about any anticipated blasting. Mr. Huntington explained there were only two building that may require blasting. It all depended on if they would have basements. John Gaddy said he had concerns for blasting for the neighbors during the vacation season. Mr. Huntington stated it was not major blasting. Sandi Aldrich asked if it would possibly done in the fall. Mr. Huntington stated they way it was going now it was very possible. Gena Lindyberg inquired about neighboring wells and blasting. Atty. Lapper stated the blasting companies had all the required insurance in case of any issues that affect the neighboring properties.

John Gaddy said he would like to see a long-term enforceable replacement program developed for the trees on the site. Ms. Catellier stated they could add this.

RESOLUTION:

Motion by Kirk VanAuken to table SPR21-15 to the May 12, 2022 meeting for additional information. Seconded by David Smith. All in Favor. Motion Carried.

4. **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 186.06, Block 1, Lot 14.1 and Section 186.07, Block 1, Lot 13, Zone RM1.3 and RL3; Property Location: 4799 Lake Shore Drive. Subject to WCPA, SEQR and LWRP review.

This application was tabled at the applicant's request

New Business

5. **SPR22-06 Nahaczewski.** Represented by Studio A. Applicant seeks Site Plan Approval for the construction of a 1,090 sq./ft. single-family residence and retaining walls. Stormwater management practices and an on-site wastewater treatment system are proposed. Contingent on area variances. Section 171.07, Block 1, Lot 42. Zone RL-3. Property Location: 20 Horicon Valley Lane. Subject to WCPA, APA, SEQR and LWRP review.

Matt Huntington of Studio A presented the following:

- This site is steep with approximately 30% slope across the majority of it.
- It is a prefabricated structure that will be assembled on site.
- They had to create a series of retaining walls to form level areas to build on, which they have received variances for.
- The existing driveway is pushing 25% to 30% and in order to bring this down and make it somewhat manageable they needed to create the retaining walls.
- He detailed the retaining walls on the plans.
- They will have a walk-in basement.
- They are using an enhanced Presby type system for the wastewater.
- The stormwater was looked at as a major project by them even though it qualifies as a minor.
- He detailed the stormwater mitigations on the plans and although minor stormwater mitigation is all that is required, they looked at it as a major project.
- They will be using gutters for the roof that will be directed to drywells.
- They created riprap lined swells along the edge to mitigate any runoff coming off the hillside which would reduce what exists.
- This is a relatively modest house of approximately 1,000 sq. ft.

John Gaddy asked if they could step the retaining wall to avoid the 12' height. Mr. Huntington stated they had in some areas, but it was not feasible in other areas. The 12' area occurs in about only in about 10 linear ft.

John Cushing asked how far the wall and driveway was from the property line. Mr. Huntington replied that the driveway varies and starts at about 10' and goes to about 30'. The wall is about 10' off the property line, which they received a variance for.

Herb Koster asked if the retaining walls had tiebacks. Mr. Huntington stated these walls were designed not to have tiebacks. He detailed how they worked to the Board.

John Gaddy asked how deep they were into bedrock. Mr. Huntington replied that based on what he saw there really was not much, it would be helpful if there was some.

John Gaddy stated the lot looked like the site had been cleared for a while. Mr. Huntington stated that it had been cleared before the owners purchased it and the new stormwater would help mitigate much of the existing stormwater runoff.

Sandi Aldrich asked if they had any plans to replace trees. Mr. Huntington stated that they were not retained to do a planting plan, but it was certainly something they could present to the Board.

Sandi Aldrich inquired about the SEQRA form question 17a. Mr. Huntington stated technically it will, because stormwater flows off the site and across the road, but it is mitigating it to be less than what is coming off now. This will not be somebody else's problem.

John Cushing inquired if this was an approved subdivision. Josh Westfall stated that it was approved in 1971 and revised in 1987.

John Gaddy stated he would like to see some sort of a planting plan submitted and downward facing, shielded dark sky compliant exterior lighting.

Josh Westfall said that the Planning Office would recommends a row of plantings along the property line to address some concerns from a letter sent to the ZBA from the adjacent neighbors in opposition of the project, specifically with concerns for privacy.

No County Impact.

RESOLUTION:

Motion by David Smith to declare the Bolton Planning Board as lead agency for SPR22-06. Seconded by John Gaddy. All in Favor. Motion Carried.

Motion by David Smith to accept SPR22-06 as complete; waive the Public Hearing, having met the criteria set forth in the code, grant final approval of the project as presented with the following conditions: 1) A Planting plan including privacy plantings along the northwest property line is to be submitted to the Planning Office for approval. 2) All exterior lighting is to be dark sky compliant, downward facing and shielded. This motion includes a SEQR & LWRP analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. Seconded by John Gaddy. John Cushing Opposed. All others in Favor. Motion Carried.

6. **SPR22-07 Huddle Properties.** Represented by Louis DeSantis. Applicant site plan approval for the reuse of former winery tasting room to be converted into a restaurant use. Section 171.15, Block 2, Lot 36.1. Zone GB 5000. Property Location: 4973 Lake Shore Drive. Subject to WCPA, SEQR and LWRP review.

Andrea Rice stated this application is to replace an existing sign and change the existing use to a restaurant and full bar with a maximum capacity of 49. The sign would be 40 x 30. John Cushing stated it was supposed to be 12 x 12.

Gena Lindyberg asked if this building was being used as currently built. Ms. Rice replied yes.

Sandi Aldrich asked how they came up with the number of 49 maximum capacity. David Smith stated this was the number given by the county fire inspector. It is done by the square footage. Gena Lindyberg asked if this included the employees. Ms. Rice replied yes. Sandi Aldrich stated she counted 41 seats. David Smith stated it was based off the square footage, not the seating shown.

Sandi Aldrich asked if there would be any outside seating. Ms. Rice replied, no.

Gena Lindyberg asked if they owned the whole building. Ms. Rice stated she believes so.

Herb Koster asked where the sign would be going. Ms. Rice stated they would be placing it in the existing brackets that previously held the winery sign.

Josh Westfall stated that he had gone to the site and this approval would be for a change in use and a new sign. The sign would be located in the existing location of the winery sign with the lights oriented the same way. There will be no outside seating. They have previously received density, parking and outside dining variances for this parcel.

Herb Koster asked if they knew what the size of the new sign would be. Ms. Rice stated it would be similar in size to the existing sign.

John Gaddy inquired about the sign blocking any neighboring signs. Ms. Rice stated she did not believe so, but the neighboring businesses were owned by the same family.

Josh Westfall said that the sidewalk should be kept clear at all times with no encroachment or signage in the sidewalks, and they will need to come back to the Planning Board for any proposed awnings.

John Gaddy spoke about the Board starting to think about better pedestrian access in this area.

Gena Lindyberg asked if this would be a year-round restaurant. Ms. Rice stated at this time they would hope to be. She said the hours are undetermined at this time. Sandi Aldrich asked what time of food would be served. Ms. Rice said it was hard to explain, but it would be simple and perfect.

Gena Lindyberg asked if there would be alcohol served. Ms. Rice replied yes.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR22-07. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SPR22-07 as complete; waive the Public Hearing, having met the criteria set forth in the code, grant final approval of the project as presented with the following conditions: 1) Exterior lighting is to be downward facing and shielded. 2) There is to be no encroachment into the sidewalks. 3) Any improvements to the outside are to come back to the Planning Board for approvals. This motion includes a SEQR & LWRP analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

The meeting was adjourned at 7:14 PM

Minutes respectfully submitted by Kate Persons. 4/18/2022
Reviewed by Joshua Westfall, AICP 3/22/2022