

Town of Bolton
PLANNING BOARD MINUTES
Thursday, June 16, 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; John Cushing, John Gaddy, Kirk VanAuken, Sandi Aldrich, Gena Lindyberg, Acting Zoning & Planning Director - Joshua Westfall, AICP, & Town Counsel – Brian Reichenbach

Absent: David Smith

The meeting was called to order at 6:00 PM

Regular Meeting

Chairman Koster asked if there were any changes or corrections to the April 14, 2022, minutes.

RESOLUTION:

Motion by Sandi Aldrich to approve the April 14, 2022, minutes as presented. **Seconded by** Gena Lindyberg. **All in Favor. Motion Carried.**

Chairman Koster asked if there were any changes or corrections to the May 12, 2022, minutes.

RESOLUTION:

Motion by Gena Lindyberg to approve the May 12, 2022, minutes as presented. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

Old Business

- 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.

Atty. Lapper presented the following:

- They have the stormwater sign off letter from Labella as requested.
- They need approvals from the town so they may get approvals from DEC and DOH.
- This project has 15 buildings including 2 existing SFD's.

John Cushing asked about an open septic tank on the property and asked that they cover it for safety reasons. He also asked that they lock up the pool house with the chemicals. Mr. Massaroni stated he would do that right away.

Herb Koster asked about the test pits that have not been done yet. Mr. Huntington stated the test pits have been completed and they are fine. He stated that they have also located the neighbors well as requested.

Gena Lindyberg asked about the 2 bio retention basins referenced in the Lake George Waterkeepers letter. Mr. Huntington stated that they do not discharge directly into the lake, they discharge into a vegetative buffer 50' to 60' away from the lake. Additionally, the buffer is the outlet structure of the bio retention basin so in order for water to come out of it, it would go through a whole filtration process first. They are not piped into the lake. This was thoroughly reviewed by the towns engineering firm.

Gena Lindyberg asked if the HOA had been created yet. Atty. Lapper stated they would be doing this after the approvals. They would submit it to the town when it was done. Gena Lindyberg inquired about the septic systems. Atty. Lapper stated the HOA would be taking care of the communal system. Herb Koster asked if this would include the house across the street. Atty. Lapper replied yes.

John Gaddy asked about the plantings to be utilized in the project and a performance standard to replace any dead or diseased vegetation to be replaced in kind as feasible. Jeff Anthony stated they had written a standard for tree maintenance and submitted it at the previous meeting which would include all trees. The Board may also want to add a condition that any trees that die will be replaced in kind.

Sandi Aldrich asked if they would be back before them for site plan review of each of the buildings. Atty. Lapper stated yes, for the single-family dwellings. The triplex's have already been approved.

John Cushing stated he had a concern with overdevelopment in an environmentally critical area.

Gena Lindyberg asked about blasting. Mr. Huntington stated that this would all be done during regular working hours. He stated that only single-family residents may need blasting. Herb Koster stated that if the applicant does not follow the blasting conditions, he will recommend that this Board sends them to the Town Board for enforcement.

John Gaddy asked if the whole project would be done in one phase. Atty. Lapper replied yes.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR21-15.

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

Motion by John Gaddy to accept SPR21-15 as complete; having held a Public Hearing, having met the criteria set forth in the code, grant final approval of the project as presented with the following conditions:

1. Final sign-off from the Town Engineer will be required.
2. This project will be completed in one phase.
3. 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.
4. Maintenance shall be performed as needed on all stormwater management facilities and areas.
5. 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.
6. HOA Covenants shall stipulate that no hot tubs, spas, or garbage grinders are permitted.
7. Town Counsel shall have the opportunity to review any HOA agreements/ covenants as desired.
8. Further site development will require Site Plan Review.
9. All engineering fees shall be paid in full prior to any issuance or permits and/or before the Planning Board considers any Site Plan Review applications.
10. Blasting & Drilling will only occur Monday – Friday from 8AM to 5PM with no work on Saturday or Sunday.
11. Construction will only occur Monday – Friday from 8AM to 5PM with no work on Saturday or Sunday.

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 David Smith. John Cushing opposed. All others in Favor. Motion Carried.**

2. **SPR22-10 Hens, James.** Applicant seeks Site Plan Approval for the construction of a single-family residence and garage. On-site stormwater management practices are proposed. Section 171.16, Block 1, Lot 7. Zone GB 5000. Property Location: 24 Sawmill Lane. Subject to WCPA, SEQR and LWRP review.

Mike Phinney of Phinney Design Group presented the following:

- They were asked to look at adding additional trees which they have done, and they have an updated rendering of the view from the lake to the property.
- They have submitted the deed and survey as requested to clear up questions about the right of way.
- There are two ways in and out to Sagamore Road in the deeded right of way.

- They have added 3 trees and they will leave the large pine on the corner.
- They would like to have an arborist look at the pine during construction, to make sure it is not diseased or dangerous. It is a massive tree.

John Gaddy stated if it was determined to be a dangerous tree and removed, he would like to have it replaced. Mr. Phinney said this was fine.

Gena Lindyberg asked about where they had moved the new foundation 2'. Mr. Phinney stated it was moved 2' away from the lake to make it more compliant.

John Cushing asked about the removal of a Norway Spruce. Mr. Phinney stated aesthetically they did not like it and they feel the other trees are better. They are putting in a very large vegetative buffer along the shoreline that does not exist now.

No County Impact

RESOLUTION:

Motion by David Smith to declare the Bolton Planning Board as lead agency for SPR22-10.

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

Motion by David Smith to accept SPR22-10 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. At a minimum all plantings as shown on final plans shall remain as shown on the plan or be replaced in kind, as feasible and to the satisfaction of the Planning and Zoning Office.
2. An updated complete plan shall be submitted to the Planning and Zoning Office, inclusive of sheet L-4.10.
3. Routine maintenance shall be performed as needed on all stormwater management areas (rain gardens).
4. All lighting shall be downward facing and shielded, except as otherwise required for safety. There shall be no light trespass on adjacent properties or Lake George.

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.**

New Business

3. **SPR22-11 Massaroni, David.** Applicant seeks Site Plan Review and Approval for the conversion of an existing marina from storage and operation of two tour boats to berthing of 14 seasonal boats within two existing docks and associated boat house from an existing lot. Section 213.13, Block 1, Lot 52. The property address is: 3926 Lake Shore Drive. The zoning district is the RM 1.3 District. Subject to WCPA, SEQR, LGPC, and LWRP review.

David Massaroni stated he was here to receive approval for the existing docks. He was forwarded the existing permit from John Famosi, and he has paid the fees. Herb Koster explained to Mr. Massaroni that this is a change of use of the existing docks and that is why it needs to come before this Board. Acting Director of Planning & Zoning, Joshua Westfall stated that Mr. Massaroni is just looking to rent the docks out this summer while the property is under construction. This is a change in the type of marina which requires our permission so that the LGPC can move forward and grant a permit.

John Cushing asked if they would be storing boats during the winter. Mr. Massaroni replied, no. He asked if they would be doing any maintenance, storage/selling of fuel or cleaning of the boats on the property. Mr. Massaroni replied, no. Gena Lindyberg asked if there were any restrooms available to the renters. Mr. Massaroni replied yes.

Sandi Aldrich asked about parking, bathroom facilities, garbage and lighting. Mr. Massaroni stated they had all of those.

Gena Lindyberg asked how long he wanted to do this. Mr. Massaroni stated for the summer.

RESOLUTION:

Motion by Kirk VanAuken to declare the Bolton Planning Board as lead agency for SPR22-11. Seconded by John Gaddy. All in Favor. Motion Carried.

Motion by Kirk VanAuken to accept SPR22-11 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 condition: All lighting shall be downward facing and shielded, except as otherwise required for safety. There shall be no light trespass on adjacent properties or NY-9N. 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 Cushing. All in Favor. Motion Carried.

- 4. SPR22-12 Zervas, Gary D.** Applicant seeks Site Plan Review and Approval for the construction of a single-family dwelling on an existing lot. Section 200.14, Block 1, Lot 20.3. The property address is: 12 Basin Shore Lane. The lot is split zoned between the RM 1.3 District (roadside portion) and the LC-45 District (shoreline portion). The proposed single-family dwelling is wholly within the RM 1.3 District. Subject to WCPA, SEQR, LWRP review and a Stormwater Management Permit.

Devin Dickinson presented the following:

- They are looking to build a 1 story single family dwelling on lot 2 of the approved Cotton Point Subdivision.
- The house will be grey with board and baton siding.
- The lot has been approved for a single-family dwelling.
- The building site has already been cleared under the SWIFT from the subdivision.

- The original subdivision approval included the stormwater management for this lot in particular for the driveway and house.
- They will be adding extra treatment for stormwater which he detailed on the plans to the Board.
- They have designed an onsite wastewater treatment system for a 4-bedroom home which meets town regulations.

Gena Lindyberg asked for clarification of the clearing envelope of the lot. Mr. Dickinson explained that there is a large undeveloped wetland area that goes all the way to the lake. Gena Lindyberg asked if the lot to the north was developed. Mr. Dickinson stated the lot that borders this lot to the north is undeveloped the lot to the south is under construction.

John Gaddy stated that the subdivision had been approved but the clearing was not approved by them. He said he would like a planting plan submitted to reestablish trees along the property lines. Mr. Dickinson stated they would not have a problem with this. Herb Koster stated they were supposed to leave the plantings along the property lines, and they did not. Mr. Dickinson stated they did have a buffer but was open to adding more. He detailed the plantings already included in his plans. Sandi Aldrich asked that they beef up the 50' buffer zone along Route 9N. Mr. Dickinson stated that could be done.

Gena Lindyberg inquired about the well placement. Mr. Dickinson detailed it on the plans.

Sandi Aldrich asked if there were any restraints in the code for adding plantings in the 50' buffer from the road. Atty. Reichenbach replied, no.

Gena Lindyberg asked about the lot to the south. Mr. Dickinson stated that it was under construction and all the lots had been sold. The first house is completed and has a C/O.

RESOLUTION:

Motion by David Smith to declare the Bolton Planning Board as lead agency for SPR22-12.

Seconded by Kirk VanAuken. **All in Favor. Motion Carried.**

Motion by David Smith to accept SPR22-12 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) Septic and stormwater provisions are acceptable to the Town Planning & Zoning Department.
- 2) All lighting shall be downward facing and shielded, except as otherwise required for safety. There shall be no light trespass on adjacent properties or NY-9N.
- 3) A compliant planting plan is to be submitted and approved by Joshua Westfall AICP, before a signoff is received.
- 4) There is to be no construction or landscaping to the lake in the wetlands.

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.**

5. **SPR22-13 Sheridan, Jodi and Dan.** Applicant seeks Site Plan Review and Approval for the construction of a single-family dwelling on an existing lot. Section 199.00, Block 1, Lot 35. The property address is: 15 Woodview Lane. The lot is split zoned between the RR-5 District (northerly portion) and the RR-10 District (southerly portion). Subject to WCPA, SEQR, LWRP review and a Stormwater Management Permit.

Matt Huntington of Studio A presented the following:

- This house is the last lot on Woodview Lane off from Trout Lake Rd.
- This will be a 3-bedroom house.
- They have a deeded easement across the existing lot.
- He detailed the stormwater for the driveway and the structure on the plans.
- There will be a plant bed and a grass lawn in the back with a small fire pit.
- The septic will be using a Presby Enhanced System to give it a better wastewater treatment due to the topography.
- The clearing limits are contained pretty much to the building envelope.

John Cushing asked for clarification to where the house would be. Mr. Huntington detailed it on the plans. He stated it would be hard to see from the existing house in the subdivision.

Gena Lindyberg asked if there was a right of way over the neighboring property in the deed. Mr. Huntington replied yes.

Gena Lindyberg inquired about the number of bedrooms. Mr. Huntington replied 3.

RESOLUTION:

Motion by Kirk VanAuken to declare the Bolton Planning Board as lead agency for SPR22-13. **Seconded by David Smith. All in Favor. Motion Carried.**

Motion by Kirk VanAuken Cushing to accept SPR22-13 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 condition:

- 1) All lighting should be downward facing and shielded, except as otherwise required for safety. There shall be no light trespass on adjacent properties.

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 David Smith. All in Favor. Motion Carried.**

6. **SD22-01 Bolton Carmela, LLC.** Applicant seeks a Minor Subdivision for the subdivision of an existing lot, tax map parcel no. – Section 156.00, Block 2, Lot 67 consisting of 3.39± acres, into two compliant lots. Proposed lot #1 would be 1.74± acres in area; and proposed lot #2 would be 1.61± acres in area. The proposed action also includes a boundary adjustment with the adjoining lot to the east of the referenced parcel

that would convey .04 acres to the owner of tax map parcel no. – Section 156.00, Block 2, Lot 70. The resulting adjustment, if approved would be compliant with all relevant zoning regulations. The zoning district is the RM 1.3 District. The property address is: 14 North Bolton Road. The proposed action is subject to minor subdivision, WCPA, SEQR, and LWRP review.

Gena Lindyberg inquired about driveway access to lot 2. Matthew Webster of VanDusen Land Surveyors said currently there was not driveway access to proposed lot 2. He stated they would be using a shared driveway and have deeded access from the existing driveway on the adjacent lot. He detailed this on the plans.

Herb Koster asked about the current boundary line. Mr. Webster detailed it on the plans.

John Gaddy stated that he would want downward facing and shielded lighting and darker colors on the house with no light trim. He stated the house to the east can be seen for miles.

Sandi Aldrich asked about the limitation of 30% glass facing the lake. Josh Westfall stated this was a condition on the original subdivision.

Sandi Aldrich asked if this would make the adjoining lot slightly larger to get the line over for the driveway. Mr. Webster replied, yes.

Mr. Webster stated he would drop off the updated plot plans to the Planning Office.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SD22-01.

Seconded by David Smith. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SD22-01 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 with the following conditions:

- 1) All lighting should be downward facing and shielded, except as otherwise required for safety.
- 2) The applicant is to retain as many trees as possible, particularly along property lines and NYS 9-N.
- 3) Any houses constructed shall be of dark earthen tone colors.
- 4) The conditions of the original subdivision approval shall apply.

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 7:27 PM

Minutes respectfully submitted by Kate Persons.