

Town of Bolton
PLANNING BOARD MINUTES
Thursday, March 16, 2023
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, Kirk VanAuken, Gena Lindyberg Sandi Aldrich, David Smith, John Gaddy, Zoning & Planning Director - Joshua Westfall, AICP & Town Counsel – Brian Reichenbach

Absent:

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

Regular Meeting

Chairman Koster asked if there were any changes or corrections to the February 16, 2023 minutes.

RESOLUTION:

Motion by Gena Lindyberg to approve the February 16, 2023 minutes as presented. **Seconded by** John Cushing. **All others in Favor. Motion Carried.**

1. **SPR 23-02 Bonnie View.** Represented by Studio A Landscape Architecture & Engineering, D.P.C. Applicant seeks revised Site Plan Approval for the construction of an 80' x 40' storage structure. Stormwater will be reviewed as an addendum to approved major stormwater plan. The applicant proposes to use an existing curb cut along NY-9N. Zoning District RCH5000. SBL 185.114-1-52,31. Location: 4654 Lake Shore Dr. Subject to APA, WCPS, SEQRA and LWRP Review.

Matt Huntington of Studio A presented the following:

- The applicant decided he would like a storage building to house his boats and yard maintenance materials.
- Everything else from the site has already been permitted and part of the DEC SPEDES permit and weekly inspections.
- The stormwater had a full review by the EPA.
- The storage building is in an area where they had no proposed development which he detailed on the plans.
- They plan to use the existing curb cut.
- They will not be adding much additional impervious area.

- They will be using a green roof.
- They have revised and amended the stormwater retention plan to account for this building.
- He detailed these revisions to the Board.

John Cushing asked what the advantage was to the new driveway and curb cut. Mr. Huntington stated it separates it from the rest of the construction and they have some steep slopes in this area and will create less disturbance using the existing curb cut.

John Gaddy asked why this was only meeting an 8' set side yard setback. Mr. Huntington stated that it meets the setback in the code.

John Gaddy asked what type of apron they would have come out of the proposed building. Mr. Huntington replied gravel which is considered impermeable for stormwater calculations. John Gaddy said he did not see any planting plans and he would like some consideration to the neighbors to the north as this is a big space that was not going to be used before. Mr. Huntington said there were existing trees, and it was a healthy buffer between this and the first neighboring cabin. This building would be utilizing a green roof to help camouflage it. He said they could look and see if they could add some additional plantings. John Gaddy stated he would like that.

John Gaddy asked about an existing infiltration system where a culvert goes off the property to the neighboring property. Mr. Huntington detailed it on the plans and stated that it went under or adjacent to the infiltration basin. John Gaddy stated it was an active flow that is running. Mr. Huntington stated it trickles all the time.

Gena Lindyberg asked if there would be additional blasting. Mr. Huntington stated that as they excavate, they will need some. Gena Lindyberg asked if they would have any bathrooms in the garage. Mr. Huntington replied no, there would be no plumbing in this building.

Gena Lindyberg asked what would be happening to all the rock and dirt that is stacked up there. Mr. Huntington stated that they were being utilized on the site and/or trucked off site. He said one contractor was crushing it and using it elsewhere, they would not leave it onsite. Kirk VanAuken stated that they did not want a mining operation. Herb Koster stated that was what it was in the beginning. Gena Lindyberg stated there were many, many loads on the site. Herb Koster stated that they had been crushing it on site and they did not want this happening again.

Kirk VanAuken inquired about the sideline setback. Director of Planning & Zoning, Josh Westfall explained that RC5000 zone only requires an 8' side yard setback. Kirk VanAuken said he had an issue with them using the buffer from the neighbor. Mr. Huntington stated they could come up with a planting plan.

Gena Lindyberg asked for clarification as to where the nearest neighboring houses were to the proposed building. Mr. Huntington detailed it in the plans. Kirk VanAuken asked if this would be built into the hill to hide it. Mr. Huntington detailed it in the plan.

Gena Lindyberg inquired how many garages in total this would be for the property.

Brett Balzer of Balzer and Tuck Architecture stated that there was one for the main house and due to the complications with the site they have no basements for storage. This building will help with storage. Sandi Aldrich stated they had 2 other ancillary buildings on the lake and asked why they could not use them for storage. Mr. Balzer stated one was a rec building and used year-round, the other was just an outdoor structure. Sandi Aldrich stated this seemed like an awful large building for a single family. Herb Koster stated that the Board had set a standard for single family dwellings which was 3 parking spaces for cars and 2 parking spaces for boats. They already have a 3-car garage and now they want another 12 parking spaces in this building, which seems excessive. He asked if they could design something smaller. Mr. Balzer stated they were not all parking spaces; it was also storage. He said the goal was to essentially bury the building in the hill, so it was not seen. They could build a smaller structure, but he does not think the proposed building will seem so big once it is tucked into the hillside.

Gena Lindyberg said there has already been so much excavation on this site and the disturbance required for a building this size is huge. Jim Sasko of Teakwood builders stated that what they are observing today is what is left of the blast rock that came out of the ground for the main structure, rec building and the utilities that came up the center of the site. Yes, there was a point in time when there was a rock crusher on site so they could utilize the material. There is no clear way to determine the amount of blasting that is needed for these structures, trucking costs were excessively high, and they thought it would be a good idea to crush and manufacture backfill material on the site to lessen the truck traffic. 90% of this material was used on site and some was hauled off site, but nothing was being sold. This was not a mining operation and they are planning to use as much of the remaining rock for landscaping materials and the rest will be hauled off. There is no clear estimation of the amount of rock that will be used for landscaping. Gena Lindyberg stated there were many truckloads that went by her house. Mr. Sasko said he agreed with her and that is why they tried repurposing as much material as possible. They are not going to crush anymore of the rock. They will be using what they can, and the rest will be trucked off site.

Gena Lindyberg asked if they were updating the Town with all their processes. Mr. Sasko said they have gotten all their permits, but they don't go back for each step of the operation.

Kirk VanAuken asked if there was an estimated time of completion. Mr. Sasko stated they anticipate they will be working there until 2025. He said that many of the products have a wait time before they will receive them. Gena Lindyberg asked what building would be completed first. Mr. Sasko replied the 2 buildings at the lakeside would be completed first. The house would be next. The house is the longest project and would be a 3-year project not counting demolition. Gena Lindyberg asked if they would be finishing the house before they started the garage. Mr. Sasko stated that was not the plan, at some point there would be a lap over. He does not have an exact answer.

Herb Koster asked if they had asked for a time schedule for the original project. He said that the neighbors have talked to them, and this seems a little excessive. Mr. Sasko stated that once the building is closed in, it will be a different project. He has tried to update the neighbors whenever they are blasting or doing loud construction. Kirk VanAuken stated this is just a little mind boggling that this is a residence that is going to take this many years. Herb Koster stated that this

site has businesses as neighbors that are trying to operate and they have a small window in which to do this, so for the construction to go on so long is a hardship for them.

Gena Lindyberg said this is a very visible site and it has been a mess for 2 years now and he is saying it will be a mess for another 3 years. Mr. Sasko replied that site work will start commencing this summer and their plan is to complete all the landscaping by next summer. He stated they will be using some of this rock down at the lakeside. He said that he is willing to speak to anyone that has concerns.

Kirk VanAuken asked what the timeline would be for this proposed building. Mr. Sasko stated that it was up to the owner. He said the owner wanted to put the 2 boats he has in a building. Herb Koster stated this is 12 extra spaces and this looks like a commercial building, and he does not like it. Sandi Aldrich agreed. Mr. Sasko asked if it was the size or the architecture that was bothering them. The Board said the size.

Gena Lindyberg asked if the stormwater is being properly managed. Mr. Sasko replied that they have had 2 inspections per week along with an inspection from the EPA and they have not had any concerns. Every effort has been made and they are always open to suggestions.

Kirk VanAuken inquired about the SWIFT. Mr. Huntington stated that it has been under review for the original project, and they also have a DEC SPEDES permit. He said the EPA did a site visit and reviewed the SWIFT and all the inspection reports. Kirk VanAuken said he was up to his ankles in mud on the site and a silt fence was laying on the ground. Mr. Huntington stated that they had silt sock down. Kirk VanAuken replied the mud was to the top of the silt sock. Mr. Huntington stated that they repair issues when they see anything that is not working.

John Gaddy stated that his biggest concern right now is the impact on the neighborhood. There were specific conditions put on the approval for construction and they were obviously ignored. He shares Herb Koster's concern for the disturbance to the neighbors who are trying to make a living. He supported and approved this project as it is an improvement to the existing wastewater management. This is something they had not anticipated on this scale. He understands blasting is needed, but it is minimal compared to the drilling and other aspects of this project. To have this proposed on top of the existing project is a tremendous burden to be borne by the neighbors. When he spoke to the Planning Office and there were not many formal complaints, but from previously speaking to the neighbors, they were just being neighborly. They knew this was a big project, but it was an improvement. It is an issue to him that this project is going on for so long and he would like to hear what the public has to say about it. The Board agreed and said they wanted a public hearing scheduled.

Herb Koster asked if they intended to redesign the garage. Mr. Huntington stated that if it was a request of the Board, they could go back to the drawing board. Herb Koster stated that there are concerns about the size of the building by him and some members of the Board. He did not want them to have a Public Hearing to only be denied by the Board and waste their time.

John Gaddy asked if all the blasting could be done prior to the tourist season. Herb Koster asked if they were done blasting. Mr. Sasko replied that the blasting is completed at this time, and they

are not anticipating anymore blasting. Herb Koster asked if they would be blasting for the proposed garage. Mr. Sasko replied yes. Sandi Aldrich inquired about an area that was ready for blasting. Mr. Sasko stated it was already completed.

John Cushing asked about the overall master plan for the stormwater. Mr. Huntington stated that it is pretty much as anticipated. The erosion and sediment controls are in place and working quite effectively. John Cushing asked about the drainage way by the proposed storage area. Mr. Huntington stated that work was already completed as part of the initial project.

David Smith stated that the timeline for this project is reasonable given the size of the project. In terms of adding things to this site it is important to recognize the efforts to hide this building into the hill, the efforts of using a green roof. It is also important to also recognize they have site inspections twice a week. As inconvenient as it is to the neighbors and as ugly as the site looks right now, he feels it is important for the Board recognize that they are doing their due diligence to follow all the rules and regulations that are in place right now before they make a decision.

Herb Koster asked if they wanted to move forward and schedule the Public Hearing or resubmit a smaller building. The applicants conferred and decided to move forward.

Don Roessler of 4648 Lakeshore Drive, being the property and business owner to the south stated that Teakwood Builders have been very helpful and informative about all phases of the project. He said the blasting had been very professional. He stated they have been going out of their way to be good neighbors. He explained that the one weekend where work was done was an error by a subcontractor who was unaware of the restrictions. The site is a mess, but they do clean up. He has not seen anything run into the lake. They have been a dream to work with and they take care of any issues immediately. If they are going to give them approval for the building, let them do it now rather than later. He believes they are doing a fantastic job and he does not have a problem with any of it.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR23-02. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by John Gaddy to schedule a Public Hearing for SPR23-02 at the April 2023 meeting. **Seconded by** John Cushing. **All in Favor. Motion Carried.**

1. **SPR23-03 Lapham.** Represented by Phinney Design Group. Applicant seeks Site Plan Approval for the construction of a new single-family residence. The new construction will also include a garage, and a reconstructed deck with permeable pavers. Will include on-site wastewater treatment, private well and stormwater controls. Section 200.07, Block 1, Lot 8. Property Location: 16 Lapham Rd. Zone: RM 1.3. Subject to APA, WCPA, SEQR, LWRP review.

Jeff Anthony of Studio A presented the following:

- The project involves the demolition and rebuilding of an existing structure.
- The site is about 1.4 acres and is one of 2 parcels owned by the applicant.
- There is a shared driveway for access to both parcels.
- They will be installing a brand-new wastewater system at the far west end of the property, and this is the best possible location due to the soil and proximity to the lake.
- It will be situated as far back from the lake as possible.
- This is a minor stormwater project.
- He detailed the stormwater on the plans.
- There will be an addition of a new gravel driveway coming off the existing drive.
- They are replacing the existing wood deck on the front of the house with permeable paver deck.
- They will only be removing 2 trees.
- They are not moving the building much because it would be right in the existing natural drainage area.
- There are also existing trees that will not need to be removed by keeping the structure where it is proposed.
- There is a full landscape plan for the project and a stormwater management report has been sent to the town engineer for approval.
- This has been presented to the APA and there were no comments received from them.

Mike Phinney of the Phinney Design Group presented the following:

- He detailed the design plans to the Board.
- The big deck on the front has been removed and replaced with pervious pavers.
- They are moving the structure back about 10' from the lake from what currently exists.
- This has all new wastewater system and stormwater controls.
- They want to make this a year-round facility, so the 2 car covered garage is a necessity.
- They have pushed the garage back as far as possible to make it as compliant as possible.
- They have blended the house in with the environment as much as possible to make it less intrusive.
- They will be using all earth tone colors.

Sandi Aldrich asked if they would be using non reflective glass. Mr. Phinney replied yes.

John Gaddy asked if the old deck would be occupied by the permeable pavers on the proposed structure. Mr. Phinney replied that they would be using permeable pavers around the existing deck.

John Cushing asked about the increased square footage. Mr. Phinney said that the basement crawl space and garage is included in the square footage. Sandi Aldrich said that they did not actually have 5,000 sq. ft. of usable space. Mr. Phinney agreed.

Gena Lindyberg asked the size of the wastewater system. Mr. Huntington stated it was sized for a 3-bedroom house. Gena Lindyberg asked if they planned on using the playroom as a bedroom.

Mr. Huntington stated that it was designed for 3 bedrooms as shown in the plans. Mr. Phinney stated that there is a crawl space for the basement and so this area is for a rec room for the kids.

Sandi Aldrich asked about wells for the neighboring properties. Mr. Huntington stated they draw from the lake.

Sandi Aldrich inquired about easements for the new driveway. Mr. Phinney replied that they would have them. Jeff Anthony explained that they have also designed separate wastewater systems for the two properties too so if it is decided in the future to sell the property there would not be an issue.

John Cushing asked how close they would be to the drainage area with the garage and driveway. Mr. Anthony detailed the plans and showed how the drainage channel worked. Mr. Anthony stated that they were not interfering with the drainage area at all. Mr. Anthony stated they were about 20' to 25' from the approximate center line of drain way. Mr. Huntington stated they were designed to meet the stormwater code. Mr. Phinney stated they approved of the existing stormwater. John Cushing asked about the existing blacktop on the shore. Mr. Phinney stated that they needed it to be wheelchair accessible. He said they could possibly use permeable pavers in this area.

Gena Lindyberg asked for the intent of the second level of the garage. Mr. Phinney replied that it was for storage.

John Gaddy asked about the driveway material. Mr. Anthony stated they were using a crusher dust surface.

Kirk VanAuken asked if they were keeping the trees on the southern property line. Mr. Phinney replied yes.

John Gaddy asked if there were any proposed docks. Mr. Phinney replied that there were no plans to change anything that is already there.

John Cushing stated that he had concerns with the environmental assessment forms.

John Gaddy stated they had transposed answers to 10 & 11 on the short form.

No County Impact

RESOLUTION:

Motion by David Smith to declare the Bolton Planning Board as lead agency for SPR23-03. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by David Smith to accept SPR23-03 as complete; waive a public hearing, having met the criteria set forth in the code, grant conditional approval of the project as presented with the following conditions:

1. All exterior lighting is to be downward facing and shielded.

2. A Stormwater Maintenance agreement is to be filed with the Planning and Zoning Office.
3. Non reflective glass is to be used.
4. Asphalt is to be removed for the pathway to the north property line and replaced with pervious pavers.
5. A sign off from the Town Engineer is required.

A stormwater maintenance agreement is to be filed with the Town Planning and Zoning Office. 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.** John Cushing opposed. **All others in Favor. Motion Carried.**

6. **SPR 23-04 Farley.** Represented by Hutchins Engineering, PLLC. Applicant seeks Site Plan Approval related to the construction of a new three-bedroom single-family residence with attached garage, screen porch, driveway, and on-site wastewater treatment, private well and stormwater controls. Section 185.16, Block 1, Lot 10. Property Location: 36 Lapham Rd. Zone: RCL 3. Subject to APA, WCPA, SEQR, LWRP review.

Tom Hutchins of Hutchins Engineering, PLLC presented the following:

- This is a vacant 5.06-acre lot, which they propose to construct a 3 bedroom residence near the geometric center of the parcel.
- This is a high and dry relatively flat parcel with good well drained soil and no bedrock.
- This is a very wooded site with a lot of downed trees.
- The Pine Acres HOA has reviewed and approved the plans.
- The HOA has much stricter setback requirements than the Town.
- There is a basement, but it is not a walkout basement.
- This structure is 3 bedrooms with a partial second floor.
- They will be modifying the driveway width by the garage at the suggestion of the Lake George Waterkeeper.
- They have proposed compliant stormwater mitigations.

John Cushing inquired about the ribbons and stated that the required placard was not in place. Mr. Hutchins stated the ribbons were approximately where the site is located.

RESOLUTION:

Motion by Kirk VanAuken to declare the Bolton Planning Board as lead agency for SPR23-04. Seconded by John Gaddy. All in Favor. Motion Carried.

Motion by Kirk VanAuken to accept SPR23-04 as complete; waive a public hearing, having met the criteria set forth in the code, grant conditional approval of the project as presented with the following conditions:

1. All exterior lighting is to be downward facing and shielded.
2. A Stormwater Maintenance agreement is to be filed with the Planning and Zoning Office.
3. A sign off from the Town Engineer is required.

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.**

John Gaddy asked Director of Planning and Zoning Josh Westfall about having staked out the proposed building sites and placing the placards out for the Board. Josh Westfall stated moving forward they should all be aware of this process.

The meeting was adjourned at 7:37 PM.

Minutes respectfully submitted by Kate Persons.