

Town of Bolton
PLANNING BOARD MINUTES
Thursday, May 11, 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: Planning Board Members; Chairman Herb Koster, John Cushing, Sandi Aldrich, John Gaddy, David Smith, Gena Lindyberg, Director of Zoning & Planning - Joshua Westfall, AICP & Town Counsel – Brian Reichenbach

Absent: Kirk VanAuken

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

Herb Koster asked if there were any changes or corrections to the April 13, 2023 minutes.

RESOLUTION:

Motion by Sandi Aldrich to approve the April 13, 2023 minutes as presented. **Seconded by** John Cushing. Gina Lindyberg, Herb Koster and David Smith abstained. **All others in Favor.**
Motion Carried.

Public Hearings:

1. **SPR23-02 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.

Atty. Stephanie Bitter presented the following:

- They are here to continue the revitalization of this project.
- They would like to add a new storage building.
- They have removed the entire motel cottage structures which drastically improved the permeability of the site to create single family residences.
- This parcel is 6 acres in size and in the RCH5000 zone.
- This building is not outside the intent of this zoning district and totally appropriate.
- Being a recreational area, it is understandable and common that the applicant has storage needs for his recreational vehicles.
- The single family dwelling lacks a basement and storage is not available in the residence.
- The deck of the proposed building is to accommodate the applicant's boat trailer.

- To minimize the visual impacts the structure has been designed to be built into the slope with a green roof which actually lowers the percentage of it being seen from Route 9N and the lake.
- There is a landscaping plan that is a part of the site plan amendment to provide a filtered view of the structure.
- No new access points are being proposed and the structure will be accessible over the existing curb cuts.
- The neighbors at Sunrise Shores and Northward Ho support this development.
- In the RCH5000 zone storage buildings are not limited in size or number.
- Even with this structure, the parcel will be over 70% permeable.
- There is no plumbing proposed for this structure.
- The driveway has been designed to address steep slopes and assist with the backing up of a trailer.
- The applicant will use as much stone as possible onsite for landscaping.
- This site has been inspected twice a week for stormwater controls by inspectors from the EPA.
- The lake is very important to the applicant.
- The applicant will use his best efforts to have the excavation and construction of the exterior completed by next June.
- They are anticipating landscaping and interior construction to occur from June 2024 through June of 2025.
- The applicant has made significant improvements to this property.
- This proposal completely complies with zoning regulations.
- The entire project has made the site much more compliant.

Matt Huntington stated they have provided a planting plan to buffer the building as requested. They have also received sign off from the Town Engineer regarding the stormwater design.

Brett Balzer of Balzer and Tuck presented visual impact renderings and detailed them to the Board. He explained that the flat green roof would have much less visual impact than a traditional gabled roof. There will be a fully planted green roof and the building will be tucked into the slope to mask it from 9N. He explained a more typical gabled storage structure would have more of a visual impact.

RESOLUTION:

Motion by David Smith to close the Public Hearing for SPR23-02. Seconded by Sandi Aldrich. All in Favor. Motion Carried.

Regular Meeting

2. **SPR23-02 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.

John Cushing asked about the setback requirements of the proposed building. Atty. Reichenbach explained that they are only considering this project tonight and this structure meets all the required setbacks.

Gena Lindyberg commented on her thoughts of the appearance of green roofs. Mr. Huntington said that due to the fact that it is being constructed in the side of the hill, it will be easy to maintain.

John Cushing asked about the stream that flows across the drive. Mr. Huntington stated that this work had already been done as part of the previous project. They have installed new catch basins and HDP culvert pipe and it is on the same flow path that it already was.

John Cushing asked how close to the absorption field this would be. Mr. Huntington said that the state requirement is 20' and they are way beyond that.

Sandi Aldrich asked if this building would require any blasting. Mr. Sasko of Teakwood Builders replied yes, it would require some and he detailed the area on the plans.

John Cushing asked about the separation of the absorption field and the new cut driveway. Director of Planning & Zoning, Josh Westfall explained that only the well needed to be 100' from the absorption field.

John Gaddy said he has concerns with the schedule of the conditions for blasting and situations that were not adhered to in the original conditions of approvals. This became a milling operation, and he wants some sort of controls for these conditions to be adhered to. He also wants downward shielded lighting. He stated that another condition he would like to see is that notes are placed on the drawings for the 8' wide strip for pedestrian access along 9N.

Herb Koster asked for a schedule of the storage building. Mr. Sasko stated they would be pushing it out to the fall. Herb Koster asked if he had spoken with the neighbors to the north. Mr. Sasko replied that he had, and he had walked the property with them to help clarify location and visibility.

John Cushing asked about the projected completion of the whole site. Mr. Sasko stated that the completion of projection is for the fall of 2025. Next summer most of the work will all be inside.

Sandi Aldrich said her personal opinion is that this structure is a huge overreach. Herb Koster stated that it fits within the ordinance and does not require any variances.

John Cushing asked about a special use permit. Josh Westfall stated that this is a Type II Site Plan Review. This is a permitted use and we do not have special use permits in Bolton. This meets our code requirements.

John Gaddy said he would like to make sure the drilling and blasting conditions are adhered to.

Mr. Sasko stated that he could assure them that they would be followed and there would not be any weekend construction. They have installed a cable so that this site will be locked on weekends so that there will be no entrance.

RESOLUTION:

Motion by John Gaddy to accept SPR23-02 as complete; having held a public hearing and having met the criteria set forth in the code, grant conditional approval of the project as presented with the following conditions:

1. Construction and drilling and blasting of this project is not to start until after Columbus Day 2023.
2. All lighting is to be kept minimal and downward facing and shielded.
3. The town shall be notified before any drilling or blasting occurs.
4. All blasting or drilling shall be conducted Monday – Friday, 8am to 5pm with no blasting or drilling on Saturday or Sunday.
5. Exterior construction shall be conducted Monday – Friday, 8am to 5pm.
6. The site is to be gated on weekends and after hours of construction.
7. Carting or processing cannot be done on weekends.
8. Additional test pit information will be submitted to the Town Planning and Zoning Office and the Town Designated Engineer for their approval.
9. The applicant shall update drawings to indicate an 8’ wide strip across the front of the property adjacent to Route 9N for a pedestrian walkway.
10. No milling of rock shall be permitted onsite.
11. A final sign-off from the Town Engineer will be required.
12. All engineering fees must be paid prior to issuance of any permits.

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 others Favor. Motion Carried.**

3. **SPR22-24 Bernstein (Jumbo Realty).** Represented by CLA SITE. Applicant seeks Type II Site Plan Review for the construction of a 120’ x 80’ accessory structure (open-sided gymnasium). Section 185.00, Block 1, Lot 32. Property Location: 429 Trout Lake Road. Zone: RCL3, LC25, and LC45. Subject to APA, WCPA, SEQR, LWRP review. Last Reviewed November 2022.

Peter Loyola of CLA Site presented the following:

- They met with DEC on the SWIPP permit and they have agreed that they are in compliance with permits, but this project has been in process so long that they have requested that they submit under a new NOI, which they have agreed to.
- There is no change to the design work.
- They have not had time to complete the final SWIPP yet.

- They are asking for approval for the project tonight conditioned with the SWIPP being completed.

Sandi Aldrich asked when they would be constructing the building. Mr. Loyola stated in the fall.

RESOLUTION:

Motion by David Smith to accept SPR23-03 as complete; having held 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. Lighting shall be downward facing and shielded.
2. Updated SWPPP should be provided to the Town Engineer and Planning and Zoning Office. A sign-off from the Town Engineer will be required.
3. All engineering fees must be paid prior to issuance of any permits.
4. Construction shall not be started until September.

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.**

4. **SPR23-05 ADK Real Estate Holdings.** Represented by Studio A Landscape Architecture & Engineering, D.P.C. Applicant seeks Site Plan Approval for the construction of single-family residence, driveway, onsite wastewater treatment system and major stormwater management. Zoning District RCH5000. SBL 186.14-1-56. Location: 4644 Lake Shore Dr. Subject to APA, WCPS, SEQRA and LWRP Review.

Matt Huntington of Studio A Landscape Architecture & Engineering, D.P.C presented the following:

- The site has a relatively long existing driveway easement.
- They do not need any zoning variances for this project.
- They are proposing stormwater management for the project.
- There will be a new driveway on the site and a single family dwelling with garage.
- They will be using the rock outcropping so there will be a need for minimal blasting.
- They have moved the wastewater system away from the lake and he detailed the system on the plans.
- They will be using a Presby enhanced treatment system for wastewater.

Gena Lindyberg inquired about the driveway exceeding the easement and damage to her driveway. Mr. Huntington stated they would look at that and could address this and pull it in. He was unaware of the damage, but any incidental damage during construction will be addressed by the contractor at the end of the project.

David Smith stated that he recommends that the drilling blasting be limited to the fall. The Board agreed.

Sandi Aldrich asked about access on the road for construction and fire vehicles. Mr. Huntington said that there is nothing in the code stating that a single family dwelling needs an area large enough to turn a fire truck around in. They have room to drive down and stage in. Gena Lindyberg stated that there is difficulty with the water system there. Mr. Huntington stated that unfortunately they have no control over the town's water system. They would need Town Board approval to drill a well in the water district.

John Cushing asked for the width of the access road. Mr. Huntington replied 12'. Gena Lindyberg stated that the 12' has not been adhered to. Mr. Huntington stated this was due to the construction phase and would be corrected as part of the final project.

Sandi Aldrich asked if the town water system would be in the easement. Mr. Hunting replied yes it would follow down the easement road.

Gena Lindberg inquired about the engineer's report. Josh Westfall replied they have been working back and forth with them and they have been addressing the comments.

John Cushing inquired about the electricity and the infiltration system by the lake. Mr. Huntington detailed it in the plans and said they would be relocating an existing utility pole that the electric would be coming off from. He detailed the information on the plans for the infiltration basin.

Gena Lindyberg asked if there would be any blasting. Mr. Huntington replied there would be minimal blasting.

Gena Lindyberg inquired about the house colors. Mr. Huntington stated they would be shades of green and brown.

Sandi Aldrich asked about non-reflective glass on the lakeside. Mr. Huntington replied that it was less than the 30% that is allowed, and non-reflective glass could certainly be a condition of approval.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR23-05. Seconded by David Smith. All in Favor. Motion Carried.

Motion by John Gaddy to accept SPR23-05 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 shall be downward facing and shielded.
2. A Stormwater Control Maintenance Agreement shall be filed with the Town Planning and Zoning Office.
3. Updated plans should be provided indicative of the Town Engineers' comments.

4. A final sign-off from the Town Engineer will be required before any permits are issued.
5. Any significant change to the layout of the site plan, including those pertaining to septic will need to come back before the Planning Board prior to final approval.
6. All engineering fees must be paid prior to issuance of any permits.
7. Any blasting or drilling shall be conducted Monday – Friday, 8am to 5pm with no blasting or drilling on Saturday or Sunday.
8. Exterior construction shall be conducted Monday – Friday, 8am to 5pm.
9. No blasting shall be conducted until after Columbus Day.
10. No more than 30% glass and only non-reflective glass is allowed on the east side.
11. Any damage to the existing 12’ right of way must be repaired.
12. Any damage to the neighbor’s well must be repaired.

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. **SPR 23-07 Pagano** Represented by Darron Pagano. Applicant seeks Type II Site Plan Approval for the construction of a 40’ X 72’ Accessory Structure. Zoning District RCL3. SBL 199.07-1-6. Location: 385 South Trout Lake Road. Subject to APA, WCPS, SEQRA and LWRP Review.

Darron Pagano stated that this is a replacement of an existing barn in the front of the property.

Gena Lindyberg asked which barn was coming down. Mr. Pagano said the one next to the garage and he would be placing the new building 120’ off the road.

Sandi Aldrich inquired about the color. Mr. Pagano stated they were trying to keep it the same color as the existing house.

Gena Lindyberg asked about stormwater. Josh Westfall replied that it was not required.

RESOLUTION:

Motion by John Cushing to declare the Bolton Planning Board as lead agency for SPR23-07. **Seconded by John Gaddy. All in Favor. Motion Carried.**

Motion by John Cushing to accept SPR23-07 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.

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.**

6. **SPR 23-08 Russell.** Represented by Don Russell. Applicant seeks Type I Site Plan

Approval for the construction of an event venue exceeding 2,500 sq. ft. Zoning District RR5. SBL 184.04-1-9.3. Location: 737 East Schroon Road. Subject to APA, WCPS, SEQRA and LWRP Review.

Harold Berger presented the following:

- This is a seasonal event venue.
- No food prep would be available on site.
- This was a previously approved subdivision in 2014.
- He detailed the plans to the Board.
- They will be reconfiguring the lot lines of the subdivision to better suit the project.
- APA has been involved from the start and asked that they delineate the wetlands.
- They will draw up plans for engineering review.
- They have submitted a copy of the overall plan which he presented to the Board.
- The existing house will remain on one of the lots.

Sandi Aldrich asked for corner markers and the pink placard marking the site. Mr. Russell said that would not be a problem. Sandi Aldrich asked that they designate the road too.

John Cushing said it was a beautiful piece of property and wondered about flooding from the Schroon River. Mr. Russell stated that he has never seen water that high there and he does not believe that it is an issue.

Mr. Berger said the area of disturbance for this property is about 2 acres so they will prepare the SWIPPP and include it in the submission.

Sandi Aldrich inquired about garbage removal. Mr. Russell explained that they would have maintenance crews remove it after every event.

Herb Koster inquired about restrooms. Mr. Russell passed out floor plans and detailed them to the Board.

Sandi Aldrich stated she thought the project would look very nice in that area.

David Smith said he would like to see stormwater, septic and parking as well as delineation of flood plains and separation distances to adjacent properties, roads and stormwater devices on the site plans.

Herb Koster inquired about the wetlands. Mr. Russell stated that they would be going through the whole process with the APA.

Sandi Aldrich stated they would require all exterior lighting to be downward facing and shielded.

John Gaddy asked what the height of the barn would be. Mr. Russell replied 34'.

Sandi Aldrich said they would need to address the lighting for the parking area. John Gaddy explained that it would need to be downward facing and shielded.

RESOLUTION:

Motion by David Smith to table SPR23-08 for additional information. Seconded by John Cushing. All in Favor. Motion Carried.

7. **SPR 23-09 Larkin.** Represented by Stefani Bitter, Bartlett Pontiff Stewart & Rhodes PC. Applicant seeks Site Plan Approval for the placement of a 4’x10’ sign. Zoning District RR5. SBL 184.02-2-6.1. Location: 863 East Schroon River Road. Subject to APA, WCPS, SEQRA and LWRP Review.

Stefani Bitter, Bartlett Pontiff Stewart & Rhodes PC. presented the following:

- They have Site Plan approvals and APA approvals for the campground.
- They have the APA permits.
- They need approvals for the sign.
- The sign will be in a primitive structure with a roof and located 20’ off the road at the southern access point.

Rich Larkin detailed the area where the sign would be located on the plans and would be painted by local artist Sara Calzada. This will be a one sided primitive sign and the lighting will be dark sky compliant. He showed some renditions to the Board.

John Cushing asked if this was 20’ off the road. Mr. Larkin replied yes, he had measured from where 20’ from the edge of the asphalt as the APA had told him to.

Sandi Aldrich asked when they would be installing the sign. Mr. Larkin replied hopefully by the 4th of July.

RESOLUTION:

Motion by David Smith to declare the Bolton Planning Board as lead agency for SPR23-09. Seconded by John Gaddy. All in Favor. Motion Carried.

Motion by David Smith to accept SPR23-09 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.
- 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.**

8. **SPR 23-10 Levins.** Represented by Gavin Vuillaume, EDP. Applicant seeks Type II Site

Plan Review for proposed construction of fifteen townhouse units and two single family homes. Zoning District RL.3. SBL 140.00-1-53. Location: North Bolton Road. Subject to APA, WCPS, SEQRA and LWRP Review.

Gavin Vuillaume of EDP presented the following:

- This is a 3 lot subdivision of 186 acres that they are finalizing.
- The soil testing shows very good drainage for the area they plan to develop.
- He detailed the building envelope on the site plan to the Board.
- They have done the wetland delineation for the APA.
- There are approximately 13 acres of wetlands mainly along the road.
- The majority of the development will occur beyond the wetlands in the back.
- There will be one single family dwelling along North Bolton Road.
- There is an old logging road they would be using to gain access to the back of the property that will be developed, which will allow for only 1/10 of an acre of new disturbance.
- They are anticipating one septic field for each building.
- The buildings will be either 2 or 3 units.
- He handed out elevation drawings and detailed them to the Board.
- They are fairly modest buildings.
- They have 2 stormwater management areas to the south and west of the proposed cul-de-sac.
- The cul-de-sac has been designed in accordance with the town code.
- They will have approximately 5 to 6 acres of disturbance on the 75 acres of this parcel.
- They still need to mark all the locations of the proposed structures and the centerline of the road.

Herb Koster asked if they were all 3 unit buildings. Mr. Vuillaume stated they were at this time but they may be reduced to 2 units.

John Cushing said it looks like they are building a road through the wetlands. Mr. Vuillaume said the road already exists there and that they would be making it a little wider. He stated they would not be building the home in the wetland area.

Sandi Aldrich mentioned that this would be a perfect area for some affordable housing. Mr. Vuillaume stated they could look at this. John Cushing asked if they were all rental properties. Mr. Vuillaume replied that they were. Mr. Levins stated that they would be long term rental units.

John Gaddy stated that this property is adjacent to public land that the LGLC and New York State owns, and they are looking for any recreational opportunities where trails could connect to this development and the existing state trails. Mr. Vuillaume stated that they were amiable to that.

John Gaddy said they are looking for the following:

1. Major Stormwater Plan.
2. Septic Plans and Details.

3. Location of wells.
4. Separation distances between structures and wetlands (considerations for shoreline separations).

RESOLUTION:

Motion by David Smith to table SPR23-10 for additional information. Seconded by Sandi Aldrich. All in Favor. Motion Carried.

9. **SPR23-11 Bolton Property Holdings, LLC/Goewey.** Applicant seeks Type II Site Plan Approval for the replacement of exiting single family residence, a use with 250' of the Lake George shoreline. Variances approved by the Town ZBA (V22-02). Zoning District RCM 1.3. SBL 171.11-2-9. Location: 41 Hidden Hills Drive. Subject to APA, WCPS, SEQRA and LWRP Review.

Jane Goewey presented the following:

- They have owned this camp for approximately 30 years.
- This is a rebuild of the existing camp that is in need of major repairs.
- They have received the variances from the ZBA and approvals from the APA.
- The proposed camp will be more compliant than the existing camp.
- She detailed the plans to the Board.
- They will be reducing the footprint.
- They are moving further away from the lake.
- It meets height requirements at 32'.
- This is less than 5000 sq. ft. of site disturbance.
- They are using all natural colors.
- They feel this is a big improvement to the neighborhood.

Sandi Aldrich asked if this would require blasting. Eric Sandblom, P.E. of SRA Engineers stated that they may, but at this time they are not expecting it. The current wastewater system is 3 holding tanks buried under the house at a total depth of 5' suggesting that it is not an issue.

They will be developing a stormwater plan and an erosion and sediment control plan for the new construction. They are not required to get a stormwater permit, but they are so close to the lake that they will be adding the mitigations anyway. They will be working with LaBella but there is not a performance standard that needs to be met.

Sandi Aldrich asked if blasting is not needed, will this raise the house and impede neighbors' views. Ms. Goewey stated that they would not be blocking any views. John Cushing asked for the difference in the height of the existing and proposed structure. Mr. Sandblom replied 8'.

John Cushing inquired about the wastewater system. Mr. Sandblom stated that there was no increase of bedrooms and the existing system is sufficient and working fine, but the intent is to upgrade at some point.

RESOLUTION:

Motion by David Smith to declare the Bolton Planning Board as lead agency for SPR23-11.
Seconded by Gena Lindyberg. **All in Favor. Motion Carried.**

Motion by David Smith to accept SPR23-11 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. If drilling and blasting is required, the applicant must notify the Planning Office prior to starting and Drilling and Blasting shall only be conducted Monday – Friday, 8am to 5pm with no blasting or drilling on Saturday or Sunday.
2. Exterior Lighting shall be downward facing and shielded.
3. The applicant shall provide a minor stormwater plan to the Planning and Zoning Office for approval.
4. Test pits shall be performed and submitted to the Planning and Zoning Office.
5. Final revised plans shall include temporary erosion and sediment controls measures to be used during the time of construction.
6. Applicant shall depict a temporary staging area to be used at the time of construction.
7. Applicant shall include temporary protection measures to protect the area of the septic field from compaction during construction.
8. All engineering fees must be paid prior to issuance of any permits.

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** Gena Lindyberg. **All in Favor. Motion Carried.**

The meeting was adjourned at 8:13 PM.

Minutes respectfully submitted by Kate Persons.