

**Town of Bolton**  
**PLANNING BOARD MINUTES**  
**Thursday, August 10, 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, Gena Lindyberg, Mr. Peck Director of Zoning & Planning - Joshua Westfall, AICP & Town Counsel – Brian Reichenbach

**Absent:** Kirk VanAuken & David Smith

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

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

**RESOLUTION:**

**Motion by** Sandi Aldrich to approve the July 13, 2023 minutes as presented. **Seconded by** Gena Lindyburg. **All in Favor. Motion Carried.**

**Regular Meeting**

- 1. SPR 23-06. 528 3rd Partners** Represented by Studio A Landscape Architecture & Engineering, D.P.C. Applicant seeks Type II Site Plan Approval for the construction of three townhomes in two buildings and a three-car garage. Stormwater management and landscaping are proposed as well as parking on stabilized lawn area. Served by municipal water and sewer. Variances approved by the Town ZBA (V22-25) Zoning District RM 1.3. SBL 171.19-1-75. Location: 25 Goodman Ave. Subject to WCPS, SEQRA and LWRP Review.

Atty. Lapper presented the following:

- They have changed this project since they were last here.
- They have received approvals from the ZBA for requested variances for 3 residential units and 3 garages.
- They have LGPC and Town Engineer signoffs on stream corridor protection and stormwater.
- The project includes stream protection.
- They have incorporated all the conditions of the ZBA approvals and conditions of the LGPC and Town Engineer.

Jeff Anthony of Studio presented the following:

- He detailed the plans to the Board.

- There are 3 existing residential structures on the site.
- They are proposing to build a free standing townhouse further from the stream in place of the house that is hanging over the stream.
- They will be replacing the existing duplex structure with another two unit townhouse.
- They will be adding a 3 car garage in the back of the two unit building.
- They have reconfigured the parking area, so it meets the criteria of the LGPC stream corridor regulations.
- They have also resolved all of the LGPC stormwater concerns.
- They have moved the new structure further back from the stream than what was requested by the Zoning Board.
- There is a landscape plan and stormwater management plan.
- The pavement is all permeable.

Gena Lindyberg inquired about parking. Mr. Anthony replied that there are 2 spaces per unit with an additional 5 parking spaces on the stabilized lawn area.

John Cushing stated he had an issue in that none of the buildings, density or setbacks have been met on this project and it makes him very uncomfortable when they need 15 variances for this project to work right. Atty. Lapper stated that it was all approved by the Zoning Board. John Cushing stated it did not meet any code or any regulations. Mr. Anthony explained that most of the variances came from the fact that they are townhouses with zero lot lines, which is a typical problem with townhouse projects under the present Bolton Code. Atty. Lapper stated that the new code will recognize this.

John Cushing said the stormwater does not meet code. Mr. Anthony stated that he misunderstood this. The 100% means the land under the building itself, it is not the whole lot, the variance is for the footprint of the building, the rest of the site meets the permeability and percolation along with required open space. It meets the 15%.

John Cushing stated that he still feels it is over development of the site and asked what they were doing to protect the stream from pollutants from the site. Mr. Anthony stated that the LGPC thoroughly reviewed the plan for this very issue and found the project as designed met their criteria and would protect the stream. Secondly, they were requested to remove the invasive vegetation along the stream corridor and restore it with native vegetation. Atty. Lapper stated that they were making the lot significantly more compliant. John Cushing asked what they were doing to remediate pollution into the stream. Mr. Anthony stated that they would be putting in vegetation to attenuate stormwater runoff. The rain gardens have a filtered material that cleans the water as it filters through. They also have porous pavement to attenuate stormwater. John Cushing asked how close to the stream the stormwater basins were located. Mr. Anthony stated they were outside the required 35'.

Sandi Aldrich asked about the remediation of the Japanese Knotweed. Mr. Anthony replied that it was impossible to just rip out of the ground and they will be establishing new and better vegetation that will hopefully take over the Knotweed. First they will remove it and then plant indigenous vegetation, which will require maintenance which they have established a plan for.

John Gaddy stated that he appreciated the sidewalks, but he is not so sure about permeable pavement. He stated that they would like the detail of the specifics and component layers of the permeable pavement areas for the project. Mr. Anthony stated that they were proposing to use the same permeable pavers that they have used for the LGPC's new office. John Gaddy stated he would like the details. Herb Koster asked about the maintenance. Mr. Anthony stated that there will be a maintenance plan for this, and he will provide the details Mr. Gaddy has requested.

Sandi Aldrich asked about the 3 mature trees they would be losing with the new configuration. Mr. Anthony stated it was due to the requests by the Zoning Board. The ZBA asked them to move the townhouse back 10' more.

John Gaddy asked about the requirements for parking. Mr. Anthony explained that they would be providing 2 spaces per unit including the garage, which meets the 6 spaces per code. The ZBA asked for 1.5 additional spaces per unit, which is 4.5, and they have 5 spaces. John Gaddy asked if there were any provisions for plantings for protection of lights from cars pulling into the garages for the neighbors. Mr. Anthony stated that the garage would provide a barrier and any exterior lighting would be downward facing and shielded.

Gena Lindyberg asked if these would be rental units or HOA. Atty. Lapper stated that there would be a HOA and at least two of the owners would be building a home for themselves. Sandi Aldrich asked if they would be short term rentals. Atty. Lapper stated that they had a right to do what they wanted but two of the homes would be for themselves. Gena Lindyberg asked if the upkeep would be a part of the HOA. Atty. Lapper replied that the HOA would be responsible for all the property maintenance. Herb Koster asked if the HOA would take care of the cleaning of the permeable pavement too. Atty. Lapper replied yes, it would be part of the HOA requirements. Gena Lindyberg asked if they would be considered individual lots under the units. Atty. Lapper replied yes.

John Gaddy stated he wanted specs and details for the permeable pavement included on the map. Herb Koster asked for a cross section too.

## **RESOLUTION:**

**Motion by** Gena Lindyberg to schedule a Public Hearing for SPR23-06 for September 14, 2023.  
**Seconded by** John Gaddy. **All in Favor. Motion Carried.**

- 2. SPR 23-16. Western View LLC** Represented by Studio A. Applicant seeks Type II Site Plan Approval and Major Stormwater approval for the upgrade of, and improvements to a logging road. Driveway will be 2,200'+/- in length and feature a hammerhead turnaround for future development. The site will feature onsite stormwater mitigation. District RR5, RR10 and LC25. SBL 212.00-1-20. Location: Dickinson Hill Rd. Subject to APA, WCPS, SEQRA and LWRP Review.

*\*This item was tabled at the applicant's request\**

3. **SPR 23-17. Barry & Kim Zaiser** Represented by Hutchins Engineering. Applicant seeks Type II Site Plan Approval for the construction of a single-family home and an accessory structure to replace two existing cabins. The proposal includes onsite wastewater and stormwater management, and landscaping. District RCH 5000. SBL 186.10-1-16. Location: 19 Sunrise Shores Loop. Subject to APA, WCPS, SEQRA and LWRP Review.

Tom Hutchins of Hutchins Engineering presented the following:

- This is a 2 acre parcel that borders Huddle Beach Road.
- There are 2 aged cabins on this parcel that they would like to remove and construct a 4 bedroom single family dwelling with an attached garage.
- They are trying to avoid rock excavation.
- It is primarily a wooded lot, and they are minimizing any tree removal.
- At the completion of the project the lot will be 92% permeable.
- This will meet all setbacks and have state of the art wastewater system and stormwater controls.
- The driveway footprint stays essentially the same.
- The existing residence is seasonal, and they would like to make this a year round residence.
- It will be accessed through Sunrise Shore Loop by an easement and is not part of the Sunrise Shores HOA.
- There is a small bunkroom above the garage.

John Cushing inquired about the accessory structure. Mr. Hutchins explained that it was a small shed that is already there and will be relocated on the site.

John Gaddy asked about shifting the building further back from the property line. Mr. Hutchins replied that this may be doable.

Sandi Aldrich stated this was a concern for her as well and she did not want them to encroach on the privacy of the beach. Mr. Hutchins stated that they were trying to minimize the number of trees that would be removed, and they could shift the house slightly to the south.

Sandi Aldrich asked if they would need to blast. Mr. Hutchins stated that they are hoping to pin it to the ledge, and he detailed it on the plans.

Gena Lindyberg asked if there would be a kitchen in the bunkroom over the garage. Mr. replied no, just a bathroom.

Sandi Aldrich asked where the well was located. Mr. Hutchins detailed it on the plans.

John Cushing asked how much fill would be needed. Mr. Hutchins stated there was not a tremendous amount. Mr. Hutchins stated they tried to fit the house into the existing landscape as much as they could.

John Cushing asked how many trees they anticipated losing. Mr. Hutchins replied 8 to 10. There are a number of trees between the house and the lake that will be staying in place. They do need to do some clearing for stormwater.

Gena Lindyberg asked about the right-of-way. Mr. Hutchins explained that they would utilize the existing right-of-way.

John Cushing stated the town road there was prone to flooding and they do not want them to add to this.

Sandi Aldrich stated that the lakeside windows needed to be less than 30% and non-reflective glass. Mr. Hutchins agreed.

Gena Lindyberg asked about an area for the fire apparatus to turn around. Mr. Hutchins stated they did not have control over the right-of-way. They would have to back into the new house.

John Cushing asked about the stormwater conveyance pipe questioned by the Lake George Waterkeeper. Mr. Hutchins said he was not overly concerned with this, and they have stormwater controls that would pipe it down through a closed pipe, so it does not concern him, but he will look at it.

Sandi Aldrich asked if they could replace the trees that are being removed with new ones. Mr. Hutchins stated that they could certainly look at this and they would definitely be adding trees.

Sandi Aldrich asked about the stockade fence. Mr. Hutchins stated that it belonged to the neighbors.

## **RESOLUTION:**

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SPR23-17.

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

**Motion by** John Gaddy to accept SPR23-17 as complete; waive 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) All exterior lighting is to be downward facing and shielded.
- 2) A sign-off from the Town Engineer will be required.
- 3) Septic Review will be required from the Town Planning and Zoning Office.
- 4) Any changes to the Plan shall require re-review by the Town Planning Board.
- 5) Replacement of trees that are removed when there is a significant loss of trees.
- 6) Stormwater basin is to be moved further away from Huddle Beach Road.
- 7) Less than 30% and non-reflective glass is to be used facing the lake.

- 8) All blasting or drilling shall be conducted Monday – Friday, 8am to 5pm with no blasting or drilling 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 Sandi Aldrich. All in Favor. Motion Carried.**

- 4. SPR22-28 Galeano Campground.** Represented by Brandon Ferguson, EDP. Applicant seeks Type II Site Plan Approval for the construction of a four-site campground. The proposal includes onsite wastewater and stormwater management. District RR10 and LC 25. SBL 123.00-2-1. Location: 193 Hendrick Road. Subject to APA, WCPS, SEQRA and LWRP Review.

Brandon Ferguson of EDP presented the following:

- The project site is 14.12 acres and located on the west side of Hendricks Road.
- The property is split between the RR10 and LC25 zones.
- All development is within the RR10 zone.
- He detailed the plans showing an existing seasonable use cabin on the property.
- The applicant is proposing a 4 site campground which includes 3 glamping sites and the existing cabin.
- They will be using an existing wood road crossing over Alder Brook.
- Each site will have 2 parking spaces.
- They are proposing a drilled well for potable water for the units.
- Each unit will have an individual septic system as well.
- Stormwater management will be managed on site.
- This is not within the Lake George basin however it has been designed to meet DEC and Town of Bolton criteria and regulations.
- They are waiting for the Fire Department to weigh in on the project.
- This does not have municipal water and does not need to comply with NYS Fire Code.

John Cushing said that he was there last month and there is no way the road over the culvert pipe will receive approvals from anyone as the road entering the campground is unsafe for public use as far as he is concerned. Mr. Ferguson said they will be using this for access to the campsites and it meets the regulations. John Cushing stated they could use it all he wants but he is saying it is unsafe for public use. Mr. Ferguson inquired why. John Cushing replied that if you turn your head for one second you could be off the culvert into the stream. Mr. Ferguson asked if he would like a guard rail system. John Cushing replied at a minimum and he believes it is unsafe.

Herb Koster asked if they were drilling a well for each campsite. Mr. Ferguson stated that there would be one well that would serve all the sites. There is a well house that will pump to each site. They are not a public water supply and have less than 5 sites, so they are not regulated by DOH.

Gena Lindyberg asked if the existing cabin had an existing well. Mr. Ferguson replied, no they just have a water tank at this time.

Herb Koster asked if the well site was located on the plans. Mr. Ferguson replied yes on sheets 3 & 5.

Gena Lindyberg asked about parking. Mr. Ferguson stated that they allotted 2 parking spaces for each site. The existing cabin has parking space on the lawn next to it.

John Gaddy asked if there was power to the house. Mr. Ferguson replied yes.

Gena Lindyberg inquired about power to the tents. Mr. Ferguson stated that there would be.

John Cushing asked how close to the brook the infiltration systems were. Mr. Ferguson replied over 35'.

Gena Lindyberg inquired about an easement. Mr. Ferguson stated they could request an official one from the neighbor.

### **RESOLUTION:**

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SPR22-28.  
**Seconded by** Gena Lindyberg. **All in Favor. Motion Carried.**

**Motion by** John Gaddy to accept SPR22-28 as complete; waive 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. All lighting shall be downward facing and shielded.
2. A sign-off from the Town Engineer will be required.
3. Septic Review will be required from the Town Planning and Zoning Office.
4. Any changes to the Plan shall require re-review by the Town Planning Board.
5. An easement is to be established for road.
6. Guardrails are to be added over the culvert.
7. The Town Engineer is to review the road for compliance.

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. SD23-04 POV Dock, LLC Subdivision.** Represented by Studio A Landscape Architecture + Engineering, D.P.C. Applicant seek Class A - Regional Subdivision (Minor Subdivision) of a 50.79-acre parcel into three conforming lots. Zoning District LC 45 and RCH5000. SBL 186.18-1-31. Location: 75 Shallow Beach Rd. Subject to APA, WCPS, SEQRA and LWRP Review.

Atty. Lapper presented the following:

- They bought this property to have access to their home on Clay Island.
- They are proposing to sell 45 acres to the LG Land Conservancy to keep it Forever Wild.
- This is APA jurisdictional subdivision.

- All lots are conforming.
- The driveway lot and the lot to the first dock will be owned by the applicant.
- The third lot has a bunch of docks that are subject to easements for neighboring properties which they are hoping they will purchase.
- No buildings whatsoever are proposed.

Sandi Aldrich inquired about the number of easements to lot 2. Atty. Lapper stated closer to 12 and whatever easement they have will run with the property. They will continue to have those rights.

Gena Lindyberg asked who would own lot 2. Atty. Lapper stated that they were hoping that the neighbors that have the easements would want to purchase lot 2 and fix it up.

Gena Lindyberg inquired about the amount of parking. Mr. Anthony stated that there is room for about 8 vehicles.

John Cushing asked if the APA had a code that did not allow the subdivision of wetlands. Atty. Lapper explained that wetlands are jurisdictional by the APA. John Cushing asked if the town had jurisdiction over it. Atty. Reichenbach explained that the Planning Board did not have jurisdiction to approve the subdivision. The APA would make the decision as to whether to approve the subdivision because it was Class A. The Planning Board needs to tell the APA whether they had a problem with this subdivision or not.

Sandi Aldrich asked if the wetlands were on lot 3. Director of Planning & Zoning Josh Westfall explained that some of the wetlands were on lot 1.

Gena Lindyberg asked if the subdivision was approved, would lot 2 still have a right-of-way through lot 1? Atty. Lapper replied yes, they had a right to get to their docks.

Atty. Reichenbach stated that this subdivision was not subject to SEQRA.

#### **RESOLUTION:**

**Motion by** John Cushing to accept SD23-04 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. Applicants must return to the Planning Board for Site Plan Review for the construction of the new home.

This subdivision is not inconsistent with Chapter 150 Subdivision and includes an 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.