

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday, March 24, 2005
6:00 p.m.**

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

Present: Chairman Herb Koster, Sandi Aldrich, Henry Caldwell, John Gaddy, Don Roessler,
Zoning Administrator Pam Kenyon
Town Counsel Michael Muller (arrived at 7:06 pm)

Absent: Chauncey Mason, Susan Wilson

H. Koster opened the regular meeting at 6:08 pm by asking for corrections to the Thursday, February 17, 2005 minutes. S. Aldrich asked that on page 12, paragraph 5 that the sentence "John went through stormwater findings per Section 125-14B1-5." be changed to "J. Gaddy went through stormwater findings per Section 125-14B1-5." S. Aldrich also asked that on page 12, paragraph 8, the items be numbered consecutively.

Motion by J. Gaddy to approve the February, 17, 2005 minutes as amended. Seconded by D. Roessler. Five in favor. Two absent. Motion carried.

Agenda Items #4, #11 and #14 were adjourned. The remaining Agenda Items were heard in numerical order.

1) SPR05-08 NOWAKOWSKI, EDWARD. For the construction of a proposed 112 square foot greenhouse, seeks Type I Site Plan Review for a land use within ¼ mile of the Schroon River. Section 184.4, Block 1, Lot 20.2, Zones RR5 and LC45. Property Location: 611 East Schroon River Road. The WCPB determined no County Impact. APA approval has been granted. Subject to SEQR.

Edward Nowakowski said he is seeking approval from the PB to construct an 18' X 14' ready-made greenhouse which will be built on top of concrete, topped with a couple layers of cinder blocks and covered with 2' X 8' waterproof lumber. He added that the location of the proposed greenhouse would be 20-25 yards from the existing house and the electricity is 100-110 volts and 20 amps to run the automatic vent and electric heater. Edward Nowakowski said the greenhouse will be for personal use only.

The PB found no concerns with Section 200-31A-D of the zoning ordinance and C1-C7 on the SEQR Form.

Motion by H. Caldwell to accept the application as complete, waive a public hearing, make a negative declaration, and grant final approval as presented. Seconded by D. Roessler. All in favor. Motion carried.

2) SPR05-09 CHURCH OF THE SAINT SACREMENT. Represented by Karl Brenneisen. Seeks Type II Site Plan Review for an advertising sign greater than 4 square feet. 36 square feet is proposed. Section 171.19, Block 1, Lot 24, Zone RM1.3. Property Location: 4877 Lakeshore Drive. No action was taken by the WCPB. Subject to SEQR.

H. Koster asked why the proposed sign is so big. Karl Brenneisen said that it is just the way the sign was designed. He said it is bigger than the sign that is there now and the proposed sign has a different installation set-up of two posts instead of one and the additional panel on the bottom was an afterthought the church had requested for advertising their functions and community events. P. Kenyon asked for clarification on the placement of the new sign as measurements for the current sign were taken with the post being approximately 6 ½' back from the wall. The application shows the post as being 21' from the wall. Karl Brenneisen said 21' is incorrect, in that the proposed sign would be 5 or 6' back from where the post for the existing sign is located.

J. Gaddy said the PB is concerned about the style and amount of lighting proposed and that the PB is looking to have downward lighting with the elements shielded so there is no glare. Karl Brenneisen said at the time he designed the sign, that he was not aware of any of the new lighting codes the PB may be instituting, but he would remember that for future signs. Karl Brenneisen said he normally installs the lights on a post 2' above the ground and 3-4' back from the sign, to afford proper lighting and visibility. He added that he will take the lights currently centered on the proposed sign, and place them parallel to the post that is closest to the road and position them toward the building and he will add extra aluminum shielding around the lights on the roadside to cut down on glare. H. Caldwell said the existing sign has downward lighting and asked if there was anyway the proposed sign could also have downward lighting. Karl Brenneisen said he cannot use downward lighting on the proposed sign without taking away from its elegance and the way he designed this particular sign, there is no way to mount any downward lighting. Had he known of the lighting requests prior to designing this sign, he would have taken it into consideration. He is planning on using 300 watt halogens on each side and a glaze coating could be put on the lenses as a diffuser. H. Caldwell suggested 150 watt lighting be used. Karl Brenneisen said the overall height of the sign is 11'. S. Aldrich said in addition to the overall size of the sign, she is concerned with the bottom half of the sign being so close to the ground, because it could block southbound drivers' visibility.

J. Gaddy said he would like to send the sign back for re-design with the emphasis on a smaller scale and downward lighting. J. Gaddy asked for clarification on lighting of the bottom portion of the sign. Karl Brenneisen said as shown on the drawing, the proposed sign has an electric sign box that lights up internally for the reader panel, which was requested by the customer. H. Koster said the PB has been voting against backlighting for quite a number of years. Karl Brenneisen said he could convert the reader panel into a flat painted panel, not lit internally and decrease the size of the panel to decrease the overall square footage of the project. H. Caldwell said the posts are not included in the calculations of the overall project and they need to be included in the square footage and it is a handsome sign but he said he would rather see a smaller sign. He asked if the sign was already made and Karl Brenneisen said it is in progress. H. Caldwell said Karl Brenneisen should have come to the PB first before beginning to build the sign. H. Koster said he is concerned with the height of the proposed sign as there is a safety issue with an 11' sign in that location, because the proposed sign would be 15-16' off the

elevation of the road. Karl Brenneissen said he could reduce the size of the reader panel to 2' in order to reduce the total square footage to 24' and drop the top of the sign by 2'. He added that the proposed sign will be 4-5' further back than the existing sign, so visibility would not be a factor. H. Caldwell asked if the sign could be reduced by 30%. Milo Barlow, for the church, said the church wants a sign that would enable them to advertise the church, parish house and community events at the church, and they want to incorporate the old sign as well. He continued, saying that the existing sign is 10' high, and the proposed sign does not need to be 11' high as created. Father Jim, for the church, said the most important factor is that the church wants a reader panel for advertising that can be read from the road, reducing the size of the sign is not a concern of the church and the church is willing to work with the town.

The PB found no concerns with Section 200-31A-D of the Zoning ordinance and C1-C7 on the SEQR Form.

Motion by J. Gaddy to accept the application as complete, waive a public hearing, make a negative declaration and grant final approval as presented with the following conditions: 1) there is a 30% overall reduction in the size of the sign; 2) the sign is a maximum of 9' in height; 3) there is no internal lighting; 4) any proposed lighting is downward-facing and shielded, with a maximum of 150 watt light bulbs on each side; and 5) the lower panel of the sign is reduced to 2' x 4'. Seconded by H. Caldwell. **All in favor. Motion carried.**

3) SPR05-13 EMMANUAL UNITED METHODIST CHURCH. Represented by Norm Crisp. Seeks Type II Site Plan Review for an advertising sign greater than 4 square feet. Approximately 12 square feet is proposed. Section 171.15, Block 1, Lot 70, Zone GB5000. Property Location: 19 Stewart Avenue. No action was taken by the WCPB. Subject to SEQR.

Norm Crisp said (1) they are looking to replace the existing sign with the proposed two-sided sign that would be placed at a 90 degree angle in order for visibility up and down the street, (2) the proposed sign is slightly larger than the existing sign, (3) the proposed sign would be oak brown stain with white and red accents for the church logo, (4) the proposed sign would straddle the hedge, (5) the overall height of the sign would a maximum of 8' and (6) there would be no lighting.

S. Aldrich asked how close the outside edge of the proposed sign would be to the edge of the sidewalk. Norm Crisp said the sign post is virtually at the edge of the sidewalk, which is currently a garden. He said the existing sign is 4.5' from the curb.

The PB found no concerns with Section 200-31A-D of the Zoning ordinance and C1-C7 on the SEQR Form.

Motion by H. Caldwell to accept the application as complete, waive a public hearing, make a negative declaration, and grant final approval as presented. Seconded by D. Roessler. **All in favor. Motion carried.**

4) SPR05-14 VANdeVEERDONK, TOM. Represented by Dennis Dickinson. As part of subdivision (SD03-01) and stormwater (SPR03-31) approvals granted for the Wright's Farm Subdivision (Rolf Ronning) on February 26, 2004, seeks Type II Site Plan Review for a major stormwater project on Lot "8". Section 140.00, Block 1, part of Lot 5.1, Zone RL3. Property Location: West side of Federal Hill Road. No action was taken by the WCPB. Subject to SEQR.

This item was adjourned.

5) V05-05 JONES, STEVE. Represented by Chris Gabriels. Seeks use variance to alter existing dock as no primary use exists. Section 141.00, Block 1, Lot 14, Zone RL3. Property Location: Northwest Bay lot south of Steve Jones' log home - enter driveway just south of gray barn/carriage house. No action was taken by the WCPB. Subject to SEQR.

Chris Gabriels said Steve Jones owns two lots; one that has his summer home with a dock located on it and the second that is essentially vacant, with the exception of a pre-existing dock. He said Mr. Jones is seeking to alter the existing dock. He said Mr. Jones believes the property is more valuable to him in its natural state and that the dock is pre-existing, for which Mr. Jones has a right to maintain and use it. Mr. Jones is seeking a minor modification which would not increase the usage of the shoreline and would decrease the visibility of the improvement as it stands. H Caldwell asked if the lots would remain as two separate lots, for which Chris Gabriels responded yes.

The PB found no concerns with C1-C7 on the SEQR Form.

Motion by D. Roessler to forward the application to the ZBA with a favorable recommendation. Seconded by H. Caldwell. **All in favor. Motion carried.**

6) SD04-31 KINCAID, DANIEL & VERONICA. Represented by Matt Steves of VanDusen & Steves. Seek to amend a previously approved plat (SD95-04) approved by the Planning Board on March 23, 1995. Specifically to divide into 4 lots that parcel designated as Section 186.00, Block 1, Lot 40.1. Zone RL3. Property Location: Brookside Parkway off of Trout Lake Road. Minor Subdivision. Sketch Plan Review. Subject to SEQR. This item was tabled at the December 16, 2004 meeting pending additional information.

Barry Kincaid, representing Daniel and Veronica Kincaid, said they have re-designed the roadway by replacing the cul-de-sac with a hammerhead.

Town Counsel Michael Muller arrived at this point in the meeting (7:06 pm).

J. Gaddy said a cul-de-sac would work better for emergency vehicles. Barry Kincaid said there is no way a cul-de-sac would work in that area, as it would be located on a hillside, which is too steep and they would have to have it cut and grade back, with the revised plan, no cutting is needed. D. Roessler said in most cases a hammerhead is the best situation, but he said in an

emergency situation, emergency vehicles cannot maneuver in a tight or narrow area. Barry Kincaid said he could make the hammerhead larger, but he said he could not put a cul-de-sac in that or any other area.

H. Koster asked about the width of the driveway. Barry Kincaid said the whole driveway is 12' wide and wider at the hammerhead area. D. Roessler asked for the number of houses that could possibly be there, for which Barry Kincaid responded by saying there are two existing houses and the possibility for three more. D. Roessler suggested they make the radius greater and the hammerhead bigger. H. Koster said making the road at least 20' wide from the southwest corner of Lot 186.00-1-40.2 including the hammerhead, would make it so trucks can get by each other when they turn around.

The PB found no concerns with C1-C7 on the SEQR Form.

Motion by D. Roessler to table the application pending further information as follows: 1) on Map S-2, the applicant must show a road width of 20' going a distance of 100' from the "T" intersection in all directions; and 2) the radius on the southwest and southeast corners of the intersection is to be increased to 25'. Seconded by S. Aldrich. **All in favor. Motion carried.**

7) SPR05-12 KINCAID, DANIEL & VERONICA. As a condition of sketch plan approval for a 4-lot subdivision (SD04-31) set forth by the Planning Board on 12/16/04, seek Type II Site Plan Review for a major stormwater plan. Specifically, the condition reads as follows: A major stormwater design for the cul-de-sac and the retention basin are to be provided. Section 186.00, Block 1, Lot 40.1, Zone RL3. Property Location: Brookside Parkway off of Trout Lake Road. No action was taken by the WCPB. Subject to SEQR. This application is to be heard in conjunction with SD04-31.

This item was tabled pending a revised stormwater plan reflecting the above-referenced changes requested by the Board.

8) SD04-36 SEMBRICH PLACE (SCOT TRIFILO). Represented by Jim Miller of Miller Architects. Seeks to divide into 4 lots that parcel designated as Section 186.07, Block 1, Lot 6. Zone RCH5000. Property Location: 4818 Lake Shore Drive, formerly known as Victorian Village. Final Plat. Subject to SEQR.

Jim Miller said they made all the changes requested by the PB at the last meeting. He also said (1) they submitted an original major stormwater application to Tom Nace which was returned with changes/suggestions, and (2) they made the suggested changes and have resubmitted a new major stormwater application, which has been signed-off by Nace Engineering, to the PB.

H. Koster said the final plat shows a notation that the north driveway is to be shared. He said they need to add to the drawing that no large trucks or equipment will go in or out of the northern entrance. H. Koster also said they need to add to the drawing that the hours of construction will

be 8:00 am to dusk in peak season, which is July 4 through Labor Day and 9:00 am to dusk on Sundays in peak season.

S. Aldrich asked for the location where the stone work topsoil will be stock piled. Jim Miller said for each lot, any topsoil would be put to the rear portion of where each house would be put during each individual phase.

H. Caldwell asked if they contacted the Sembrich Association regarding the use of the name Sembrich. Scott Trifolo, applicant, said he received a letter from the Sembrich Association stating that they did not have any objection. He added that if the Sembrich Association feels differently in the future, there is no issue to change the name. D. Roessler requested Scott Trifolo send the letter to the PB so it is on file in case of future inquiries, to which he agreed.

J. Gaddy said the Waterkeeper said the project needed a SPEDS permit and asked if it had been applied for. Jim Miller said that is a DEC permit and once they submit a notice of intent for this project, which is over 5 acres, they will also submit a stormwater pollution prevention plan, which is part of their report and drawings, and the SPEDS permit is an automatic permit.

The PB found no concerns with C1-C7 on the SEQR Form.

Motion by D. Roessler to accept the application as complete, make a negative declaration and grant final approval as presented with the following conditions: 1) construction vehicles making deliveries or removing demolition debris must use the center entrance only and not the northern entrance; 2) construction times are from 8:00 a.m. to dusk Monday - Saturday and 9:00 a.m. to dusk on Sundays from July 4th to Labor Day; and 3) any proposed lighting is downward-facing, shielded and of low wattage. Seconded by J. Gaddy. **All in favor. Motion carried.**

9) SPR05-16 SEMBRICH PLACE (SCOT TRIFILO). Represented by Jim Miller of Miller Architects. In accordance with Chapter 125.13C1 of the stormwater regulations, seeks Type II Site Plan Review for a major project, specifically to remove more than 15,000 square feet of vegetation. 107,662 square feet is proposed. Section 186.07, Block 1, Lot 6, Zone RCH5000. Property Location: 4818 Lake Shore Drive, formerly known as Victorian Village. No action was taken by the WCPB. Subject to SEQR. This application is to be heard in conjunction with SD04-36.

J. Gaddy, on behalf of the PB said:

Based upon the materials submitted and accepted as part of the record, our findings are as follows:

- (1) The project meets the design requirements and performance standards set forth in the Code.
- (2) The project will not have an undue adverse impact regarding the criteria set forth in the Code.

- (3) That the stormwater control measures proposed will function as designed and constitute the best possible methods feasible and practicable for the project site.
- (4) Adequate and sufficient provisions are presented as part of the plan to assure future function or responsibility in the event of failure.
- (5) The project will not contribute to flooding, siltation or streambank erosion and will not pollute Lake George, its tributaries or streams with stormwater runoff.

The PB found no concerns with Section 200-31A-D of the Zoning ordinance and C1-C7 on the SEQR Form.

Motion by J. Gaddy to accept the application as complete, waive a public hearing, make a negative declaration and grant final approval as presented and approved by Town Engineer Tom Nace. Seconded by D. Roessler. **All in favor. Motion carried.**

10) SD05-04 MYERS, DOUG. Seeks to amend previously approved plats (Mohican Heights Section II and Lake Ridge Subdivision). Specifically to create a lot line adjustment between those parcels designated as Section 171.15, Block 1, Lot 9 & Section 171.14, Block 1, Lot 5.4. Zones RL3 & RM1.3. Property Location: Lake Ridge Road & 25 Morningside Circle. Sketch Plan Review. Subject to SEQR.

Doug Myers said he has owned his lot for approximately 4 years and he recently acquired Lot 4 of the Lake Ridge Subdivision. He said he would like to cut off a half acre from Lot 4 (Lake Ridge) and add it to his lot in Mohican Heights in order to enjoy a stream running through the property.

The PB found no concerns with C1-C7 on the SEQR Form.

Motion by D. Roessler to accept the application as complete, waive a public hearing, make a negative declaration and grant final approval as presented. Seconded by S. Aldrich. **All in favor. Motion carried.**

11) SD05-05 LAVIT, HENRY & ELIZABETH. Seeks lot line adjustment between those parcels designated as Section 139.00, Block 1, Lots 70 & 71. Property Location: 416 & 394 County Route 11. Zones RR10 & LC45. Sketch Plan Review. Subject to SEQR.

This item was adjourned.

12) SPR05-15 RONNING, TERESA. Represented by Rolf Ronning. Seeks Type II Site Plan Review for a land use within 250' of the Lake George shoreline, specifically to construct an open-sided boathouse. Section 156.16, Block 1, Lot 2, Zone RCM1.3. Property Location: 117 Bell Point Road. No action was taken by the WCPB. Subject to SEQR.

Rolf Ronning said Teresa Ronning is proposing to cover an existing dock to make it into an open-sided boathouse. S. Aldrich asked if there would be any lighting, to which Rolf Ronning responded by saying there is none there now, but if lighting is added, it will be downward and low voltage. H. Koster asked if approval from the LGPC was received. Rolf Ronning said (1) it was applied for approximately a month ago, (2) letters were sent out to the neighbors and (3) he is not sure if the LGPC has approved it yet, but the process is in place. P. Kenyon said the LGPC has changed their process, in that they want to hear from the PB first to see if the PB is going to approve a project, before the LGPC issues its permits.

The PB found no concerns with C1-C7 on the SEQR Form.

Motion by D. Roessler to accept the application as complete, waive a public hearing, make a negative declaration, and having found the application meets the criteria of Section 200-31, grant final approval as presented with the condition that downward-facing, shielded lighting with low wattage bulbs is utilized. Seconded by J. Gaddy. **All in favor. Motion carried.**

13) SD04-32 WESTWOOD FOREST EAST (ROLF RONNING). Seeks to divide into 8 lots that parcel designated as Section 139.00, Block 1, part of Lot 8. Zones RIL3, RR10, and LC25. Property Location: Intersection of County Route 11 and east side of Hendricks Road. Major Subdivision. Preliminary Plat. Subject to SEQR.

Rolf Ronning said for the 8 proposed lots, 5 are in the residential zone with each lot size being between 10 and 14.5 acres and 3 are in the industrial zone with each lot size being approximately 3 acres. J. Gaddy apologized for not having supplied information to Rolf Ronning on downward and shielded commercial lighting and he said he would follow through in getting that information to him. Rolf Ronning said the lots in the industrial zone could be used for residential as well, but he said he is going to market them as they are currently zoned, which is industrial.

The PB found no concerns with C1-C7 on the SEQR Form.

Motion by D. Roessler to accept the application as complete, waive a public hearing, make a negative declaration, and grant final approval as presented with the condition that site plan review is required for light industrial uses in the RIL3 zone. Seconded by S. Aldrich. **All in favor. Motion carried.**

14) SPR05-10 WESTWOOD FOREST EAST. Rolf Ronning. In accordance with Chapter 125.13C1 of the stormwater regulations, seeks Type II Site Plan Review for a major project, specifically to remove more than 15,000 square feet of vegetation. 3.71 acres is proposed. Section 139.00, Block 1, part of Lot 8. Zones RIL3, RR10, and LC25. Property Location: Intersection of County Route 11 and east side of Hendricks Road. No action was taken by the WCPB. Subject to SEQR. This application is to be heard in conjunction with SD04-32.

This item was adjourned, as revised stormwater plan was submitted after the application due date.

15) SD04-16 SADDLEBROOK SUBDIVISION. Rolf Ronning. Seeks to amend previously approved plats (SD03-19 & SD04-05 formerly known as Mowery/High Meadow Farm), specifically to divide into 24 lots that parcel designated as Section 139.00, Block 1, Lot 48, Zone RL3. Access is proposed to be gained through Section 139.00, Block 1, Lot 46.1. Property Location: 83 High Meadow Farm Road. Major Subdivision. Sketch Plan Review. Subject to SEQR. This item was tabled last month pending additional information.

Rolf Ronning said he has provided all information the PB has requested. He said the road in the vicinity of the 120,000 gallon fire pond has been increased to 30' in width and a turn-in has been added so fire trucks can fill up at the pond. H. Koster asked for the radius of the cul-de-sac and the width of the road going to the cul-de-sac. Rolf Ronning said the radius from the center to the outside edge of the right of way is 70' and the road to the cul-de-sac is 20' wide. He added the whole road is designed to be 20' wide. J. Gaddy referenced map S-4 and asked what the diagonal line is that goes through the lot that is labeled "lands of Bruce Mowery." Rolf Ronning said he does not know and will find out. J. Gaddy referenced map S-1, saying the layout of the road being so close to Indian Brook, especially the roadway in the area by lots 3, 6, 12 and 25 there is a really tight center line. He said he is looking into whether there are shoreline setback requirements from wetlands for a road and he said he is unsure of the answer but he said in the shoreline regulations it states "There shall be neither the removal of vegetation or any grading within 10' of the top of any streambed or drainage way." J. Gaddy felt the road should be moved more to the right. Rolf Ronning said there are no cuts and fills and no raising and lowering in those areas, so there will be no steep banks. He added that when the fire pond was designed, he was told the fire pond needed to be close to the stream so it would feed from the stream. Rolf Ronning said moving the road up will require more disturbance and cutting. J. Gaddy disagreed, as he feels the road needs to be moved over. He added that he is looking at the cumulative effect. H. Caldwell asked if the DEC regulated the stream as a trout stream and Rolf Ronning said it was not. H. Caldwell asked if the center line had been moved and Rolf Ronning said it was moved approximately 10 to 15'.

Rolf Ronning said he put the existing small red barns in the common area, so they can be used by the town if it takes over the maintenance of the road or when the association takes over the common area, they will own the barns which will be on a strip of land without a main structure. He added that there is precedent for that, but he will attach the barns to a lot if necessary.

H. Koster said his understanding is that Rolf Ronning is still involved in a property line dispute. Rolf Ronning said he is not disputing with anybody and he said his survey by Dennis Dickinson is correct and his lines are right. H. Koster asked Counsel how the PB should proceed on this project where a road is being proposed on a very tight area that is being disputed. Counsel said before he can advise the PB, the following problems must be identified: (1) the boundary points on Dennis Dickinson's map are unclear and (2) there is another map by Dennis Dickinson where the area Rolf Ronning says is unequivocally his, shows boundaries drawn with points coming together. He added that he could not show the discrepancy tonight based upon a map being

unavailable. H. Koster said the PB cannot rule on property that is under dispute and not legally Rolf Ronning's property and suggested the PB table the item until all four maps are presented together. Rolf Ronning said he will try to get all four of the maps from Dennis Dickinson and will pay for a survey of the area along the stream where the proposed culvert will be placed, without conditions imposed, to be done by a town chosen surveyor in order clarify the boundaries in order for him to move forward in proceeding with the proposed project. Counsel said he will work on getting a surveyor for the town.

J. Gaddy asked Rolf Ronning for verification of correctness on the numbers for several of the cuts and fills on the centerline profiles and he questioned the fill at several stations as well as streams being omitted from the maps. J. Gaddy asked how the water will be held and Rolf Ronning said it will feed into a stagnant pond. Rolf Ronning said on the maps, he will (1) move the road away from the stream as much as possible and (2) give more details on the cross sections wherever the cuts and fills come close to natural drainage or a stream. He said he will provide the new maps to the PB well in advance of the next meeting. Rolf Ronning asked the PB to set a date for a public hearing and H. Koster said no, there is too much still to be done on this project and it is not ready for a public hearing.

J. Gaddy asked what the APA's determination on whether or not the proposed project is jurisdictional based upon the wetlands and if it is considered Class A or Class B. Rolf Ronning said he asked the APA for a non-jurisdictional letter, the time has expired and he has gotten no response. He said his lawyer told him if they have gotten no response, then they are all set. H. Koster said that is inaccurate and he said there has been a court precedent set that the APA is allowed to go over the original stated time-frame because they are overworked. Counsel said he will contact Dan Smith and Ellen George at the APA, find out the status and report back to the Zoning Administrator, the PB and Rolf Ronning.

Motion by J. Gaddy to provide additional information on the cross sections in the areas where the road is too close to the stream, specifically Lot 6 Station 70. As per Section 200-37B6, the road may need to be relocated so there is no land disturbance within 10' from the top of the slope of any streambed or drainage way. Seconded by D. Roessler. **All in favor. Motion carried.**

Motion by D. Roessler to hire an engineer at the applicant's expense to survey the area along the stream where the culvert will be placed. Seconded by J. Gaddy. **All in favor. Motion carried.** It was agreed that Town Counsel would select said surveyor.

During the Valley Woods Subdivision discussion, it was noted that the Saddlebrook Subdivision roadway must be widened to 22'.

16) SD04-27 VALLEY WOODS SUBDIVISION. VAJ Inc., LLC. Represented by Joe Pfau. Seeks to divide those parcels designated as Section 140.00, Block 1, Lots 1 & 3 into 15 lots. Zones RL3 & LC25. Property Location: Valley Woods Road and County Route 11. Preliminary Plat. Major Subdivision. Subject to SEQR. On August 19, 2004, a resolution was passed whereby lots 140.00-1-1 & 3 were merged and the application was tabled pending additional information.

Joe Pfau said there are two existing ponds on the site that carried wetlands beyond the ponds so they re-laid the subdivision out and sent it back to the APA for approval. He said they received a new jurisdictional determination letter from the APA that said they could proceed with the subdivision, but they could not convey proposed Lots 3, 11 and 13 at this time, since they contain the wetlands and would need APA permits. Joe Pfau said they are now proposing; (1) a 10% maximum grade for all the driveways, (2) a 100' setback along all existing roadways and (3) an 18' wide cul-de-sac (with a radius of 60') with stone swales on both sides and.

D. Roessler said he'd like to see the road width be increased from the proposed 18' to a width of 22' with a 5' shoulder on each side, so fire apparatus can pass on the road in the event they need to get in there. He asked what the driving surface is going to be. Joe Pfau said Item 4 is the proposed driving surface. D. Roessler said in speaking with the fire department, they would like to see anything greater than a 5% grade paved. Joe Pfau asked the fire department's reasoning for a road totaling 32' wide. S. Aldrich said if you have two trucks passing one another, the width of each truck is 8.5-9' then the length of the mirrors need to be added for the total width. D. Roessler said one truck weighs about 28 tons and part of the problem is that if the trucks have to go off the main driving surface onto the shoulder and if the shoulder is soft, the truck can roll over. J. Gaddy said he likes the canopy effect and that having 5' shoulders on each side of a road is taking away a lot of the visual character of a road. D. Roessler said he understands keeping the canopy but he said the problem with the canopy is that no sun gets on the road and the road cannot warm, so the road will be icy. He said if the road is wider and plowed it makes it easier to get in and out and said safety needs to be a concern. H. Koster said the fire department may possibly send a letter to the town saying that they will not respond to certain situations they deem are unsafe and the PB needs to address the fire department's concerns. H. Koster said if an area is completely flat, then a 20' wide paved road would be sufficient. He said when cuts and fills are added, the situation changes. D. Roessler said, with this particular proposed project, he would be agreeable to a 22' wide paved driving surface with reinforced swales and no shoulders. Joe Pfau said he was proposing the road to be 18' wide with a 1' shoulder on each side and a 2' ditch on each side. D. Roessler said he would be agreeable to a 20' wide roadway being entirely paved going right into the ditches.

H. Koster asked if power lines would be added on County Route 11 to accommodate the subdivision. Joe Pfau responded by saying no, all power would be underground coming in at each end of the property.

J. Gaddy asked if the subdivision would be an association or individual lots. Joe Pfau said they submitted a draft for the road maintenance agreement and he is unsure if it requires an HOA or not. Counsel said it does not require an HOA, just a roadway agreement. Joe Pfau said he does provide some deed restrictions.

J. Gaddy asked Joe Pfau if he is aware of the recreation fee, where the developer can either come up with a recreation area or there is a \$400 town recreation fee charged to the buyer of the lot at the time of purchase. He suggested a trail system through the subdivision. Joe Pfau said he hadn't looked into it, but he said he would probably leave the recreation fee up to the buyer, due to liability issues.

H. Caldwell said on the map, the clearing limits are shown at a 25' maximum and the clearing limit should be a 20' maximum.

The PB found no concerns with C1-C7 on the SEQF Form.

Motion by D. Roessler to accept the sketch plan as complete, convert it to preliminary plat with the following revisions: 1) the clearing limits around the houses are to be reduced from 25' to 20'; 2) the travel surface of the road is to be widened to 20' and paved, then going right into ditches (no shoulders required). A public hearing is schedule for 6 pm April 28, 2005. Seconded by S. Aldrich. **All in favor. Motion carried.**

17) SPR04-35 VALLEY WOODS SUBDIVISION. VAJ Inc., LLC. Represented by Joe Pfau. In accordance with Chapter 125.13C1 of the stormwater regulations, seeks Type II Site Plan Review for a major project, specifically to remove more than 15,000 square feet of vegetation. 7.05 acres is proposed. Section 140.00, Block 1, Lots 1 & 3 into 15 lots, Zones RL3 & LC25. Property Location: Valley Woods Road and County Route 11. The WCPB determined no County impact with the condition that the applicant work with Warren County Soil & Water Conservation District in regards to stormwater and erosion control measures for the removal of the vegetation, road and driveway development, as well as other agencies as needed (DEC, APA). This application is to be heard in conjunction with SD04-27.

Motion by H. Caldwell to table the stormwater application until such time Town Engineer Tom Nace reviews and approves the plans. Seconded by D. Roessler. **All in favor. Motion carried.**

Meeting adjourned at 10:22 pm.

Respectfully submitted by
Jennifer Torebka
Recording Secretary
04/04/05