

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday, April 27, 2006
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, Chauncey Mason, Don Roessler, Susan Wilson, Town Counsel Michael Muller, Zoning Administrator Pam Kenyon

Absent: None

PUBLIC HEARING: None

REGULAR MEETING:

H. Koster opened the regular meeting at 6:04 pm by asking for corrections to the March 23, 2006 minutes.

Motion by Donald Roessler to approve the March 23, 2006 minutes as presented.
Seconded by Chauncey Mason. **All in favor. Motion carried.**

- 1) **SPR06-17 CHURCH OF SAINT SACREMENT.** Represented by Milo Barlow. Seeks Type II Site Plan Review for an advertising sign greater than 4 sq. ft. Specifically 30 sq. ft. is proposed. Section 171.19, Block 1, Lot 24, Zone RM1.3. Property Location: 4877 Lake Shore Drive. Subject to WCPB REVIEW. Subject to SEQR.

Milo Barlow, representing Church of Saint Sacrement, gave an overview and said they are seeking permission for a sign for the church thrift shop.

S. Aldrich asked if the proposed permanent sign is the same size as the previous banner at that location and Milo Barlow said no, the proposed sign is a lot smaller and meets the Town's regulations.

No County impact.

H. Caldwell said he has a few reservations in that, (1) he doesn't think the proposed sign fits the same mold as the church aesthetics, (2) the existing sign in the front fits in better, (3) the proposed sign is real big. Milo Barlow responded by saying (1) the thrift shop is named for the woman who lived there, (2) the community needs a thrift shop—it is about a community effort, (3) the proposed sign is 100 ft. off the road and the colors chosen are to make the sign, look more earthy and (4) he thinks anything less than 30 square feet won't be seen from the road.

S. Wilson asked if the colors of the proposed sign would match those of the existing sign in the front and Milo Barlow said yes, both signs are designed/made by the same person. S. Aldrich asked if the proposed sign would have any lighting and Milo Barlow said no, the thrift shop is only open 10am-2pm on weekdays so no lighting is needed.

H. Koster asked, if the proposed sign needs to be that large if the thrift shop is also advertised on the existing sign in the front and Milo Barlow responded by saying (1) yes, the proposed sign size is legitimate for what is needed and is a lot smaller than the previous banner. H. Caldwell asked if it would be possible to decrease the proposed sign size to 2.5 ft. x 8 ft. and Milo Barlow answered by saying, that measurement isn't much smaller than that proposed and (2) the 30 square ft. proposed sign size came from the Town's banner discussion. H. Caldwell said (1) the old banner was considered a sign, so the applicant would have to come before the PB for site plan review and (2) the PB asked the church to make the sign by the road smaller, the church agreed and the existing sign in the front came out nice. Counsel said (1) based on the ZBA's determination a banner is now considered a sign and (2) banners are allowed if applicants come before the PB for site plan review and are approved.

Milo Barlow said the church wants to offer more to the community so it will need to advertise. H. Caldwell said the proposed 3 ft. x 10 ft. sign would be one of the biggest in Town and asked if the applicants plan on taking it down in the winter. Milo Barlow said if the PB approves the proposed sign as a permanent sign, then it would stay up year-round. S. Wilson asked if it is correct that H. Caldwell would like to see the sign much smaller and H. Caldwell replied by saying yes, 2.5 ft. x 8 ft. is a compromise.

Regarding banner size, Counsel said (1) 24 square ft. is a maximum sign proposed in the proposed Town Ordinance for temporary signs/banners—it is not a law yet, but it is going to come before the Town Board on the first Tuesday in May. P. Kenyon said that is correct, a public hearing at the Town Board meeting has been scheduled. S. Wilson asked if the proposed sign would be in keeping with the 30 square ft. and Counsel said (1) yes, the applicant is here for a permanent sign.

J. Gaddy said that (1) in different parts of the country, local legislation has required businesses to have smaller signs and they have been able to carry on and do business, (2) the church is doing a great service with the thrift shop, but he feels it would be better to keep the sign in line with the size the Town is looking to impose. H. Caldwell suggested the proposed sign size be changed to 3 ft. x 8 ft. or 24 square ft. Milo Barlow said (1) he is only one member of the church board, so he can't solely make that decision and (2) he thinks the church has tried very hard to get along with things in regard to the banner situation, where they have taken their banner down where others in Town haven't to date, (3) the church has worked hard in coming up with the proposed sign design/size and (4) he would have to go back to the full church board to get a decision on changing the proposed sign size. H. Caldwell said he thinks the proposed sign is an improvement over the banner.

C. Mason asked if the proposed sign would have a matte finish and Milo Barlow said he is unsure. C. Mason asked if the proposed sign material would reflect sunlight and Milo Barlow said no, he doesn't think so, as that would defeat the purpose.

H. Caldwell asked if it is correct that if the PB makes a recommendation of a 3 ft. by 8 ft. sign they would be denying the application as presented for a 3 ft. x 10 ft. sign and Counsel said yes, that would be a denial. Milo Barlow said he is not saying that a 3 ft. by 8 ft. sign wouldn't be sufficient, but he would have to take that back to the church board for discussion and a decision—he can't make that determination on his own.

S. Aldrich asked if there is a potential for a 24 sq. ft temporary sign, would that be acceptable on some of the buildings in Town—even in the right-of-way and Counsel answered by saying (1) the 24 square ft. is as proposed under the newest version of an ordinance that is yet to be enacted that calls it a temporary sign—the applicant is here for a permanent sign and (2) temporary signs are not restricted to façades, it could be other things. S. Aldrich said (1) there are buildings in Town that have façades that are currently in the right of way which would mean a banner put on the façade would conceivably be in the right of way and (2) the proposed sign is only 6 square ft. bigger and located 100 ft. off the road. H. Caldwell said the PB hasn't approved a new sign this big in a long time.

S. Wilson asked if the PB were to approve a 3 ft. x 8 ft. sign and the applicant brought it back to his committee, would the applicant still have the recourse to come back before the PB to ask for a larger sign and H. Koster said it would be turning down the applicant's application, which can't be done without a public hearing. P. Kenyon said the PB could table the item until next month giving the applicant time to go back to his committee members and Counsel agreed.

Milo Barlow said the advertising for the thrift shop isn't good right now as it is barely visible. H. Caldwell said (1) the next PB meeting is May 18, 2006, so if Milo Barlow goes back to the church board and they agree to the 3 ft. x 8 ft. sign, they are ready to go and (2) if the church board doesn't agree to that sign, the church would have to come back before the PB.

Counsel (1) asked if the applicant would accept a conditional approval that whatever it is that comes out of the PB tonight might sound less than 30 ft. and the PB conditions it upon the applicant to get his committee to agree and if for some reason the church committee cannot agree, then the item can be brought back and the applicant could continue to go for the maximum size the church committee feels it needs and (2) said that he wants the applicant to know that probably in the early part of May, Bolton will have different sign ordinance for temporary signs where an applicant doesn't have to go through the process of presenting it to the PB—you go to the Zoning Administrator, put in an application, pay a \$10 fee, and then the applicant would be entitled to have a temporary 24 square ft. sign for a period of time—30 days, (3) this means that if the applicant is still going for a permanent sign, which hasn't been approved yet, the applicant can actually get a temporary banner for \$10 and (4) it is a little confusing,

because the Town of Bolton has a lot of ordinances that are being conceived at this point—not necessarily law yet.

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

Motion by Henry Caldwell to accept the application as complete, waive a public hearing and grant approval as presented with the following conditions; 1) The sign is to be no larger than 24 sq. ft. 2) There is to be no lighting. 3) The same colors are to be used as presented to the Planning Board. 4) If the committee members do not consent to the conditions, the applicant can return to the Planning Board without prejudice. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by John Gaddy. All in favor. Motion Carried.**

2) SPR06-20 THE MICHAELS GROUP. Represented by John Michaels & Kevin Hastings. Seeks to amend major stormwater project for the Bluebird Cottages Subdivision (SPR04-03), approved by the Planning Board on March 18, 2004. Specifically to reconfigure the sediment basin on lot 5, diverting run-off to the common area. Section 186.14, Block 1, Lots 87 & 91, Zone RCH5000. Property Location: Bluebird Way. Subject to WCPB REVIEW. Subject to SEQR.

John Michaels representing The Michaels Group, gave an overview and said (1) the structure has moved, (2) after the winter, the ledge led to flooding of the road, (3) the Town Engineer and designers went to the site to find a way to mitigate the situation and (4) The LA Group designed a new plan to address the issues.

Kevin Hastings of The LA Group said (1) the original drainage plan had a slight retention area in front of Lot 5, (2) this proposal would offer equivalent storage volume, so they would not be changing the detention or the water treatment calculation, but simply moving it to the other side of the road and (3) Town Engineer Tom Nace was on the site in February and the plan proposed tonight reflect Tom Nace's suggestions from that visit.

J. Gaddy asked if the subsurface conditions would allow this to function properly and Kevin Hastings said yes, the ledge rock that is present near Lot 5 in a test hole excavation along the walkway, they found a pocket of granular soil where the dry well is proposed.

D. Roessler asked if there is any problem with excessive run-off to the neighboring property to the north and Kevin Hastings said no, they managed that as part of the approved plan and have retained all the details of that original plan, so they have controlled and will continue to control any run-off to the north, so that remains unchanged. S. Wilson asked if Town Engineer Tom Nace has seen these plans and John Michaels said yes, they sent a copy of the plans to P. Kenyon for distribution to Tom Nace. Kevin Hastings said this proposed plan is based on Tom Nace's suggestions given after he visited the site.

No County impact.

Kevin Hastings said that they talked with the Lake George Waterkeeper, Chris Navitsky, and will make an adjustment per the Waterkeeper's suggestion of adding a slight depression area on the side of the road to offer some pre-treatment.

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

John Gaddy said there is a consensus to approve this major stormwater project and (2) based upon the materials submitted and accepted as part of the record, the 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 stream bank erosion and will not pollute Lake George, its tributaries or streams with run-off.

Motion by John Gaddy to accept the application as complete, waive a public hearing and grant approval as presented. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by** Donald Roessler. **All in favor. Motion Carried.**

Although not part of this application, the street lighting along Bluebird way was discussed. It was agreed that the lighting approved as part of the subdivision plan would be incorporated.

3) SPR06-15 MLN HOLDING CORP. Represented by James Palazzo. As a condition of approval when approving the Christmas Tree subdivision (SD00-10) on 11/16/2000, seeks Type II Site Plan Review for a 24 ft. x 24 ft. garage (excluding overhangs) & vegetative cutting on lot 4. Section 156.00, Block 1, Lot 20.4, Zone RM1.3. Property Location: 187 Federal Hill Rd. Subject to WCPB review. Subject to SEQR.

James Palazzo, representing MLN Holding Corp, gave an overview and said that what is being proposed is basically a 24 ft. x 24 ft. garage to match the existing house with the same siding.

J. Gaddy asked if there would be any lighting and James Palazzo said yes, just one outdoor light, probably motion activated, located in the center above the two doors.

S. Aldrich asked if the well location is at the bottom of the sand bank the applicant filled in and James Palazzo said yes, on the bottom side. S. Aldrich asked if the supply line is running underneath the proposed garage to the house and James Palazzo said no, the supply line comes in from where the well is and runs around the backside. S. Aldrich asked what the 4-inch PVC pipe on the backside of the sand swale is for and James Palazzo replied by saying that is from the footer drains. S. Aldrich asked if the original stormwater retention basin shown on the original plans in the front of the house near the septic has now been removed since it is not shown on the current plans and James Palazzo replied by saying that (1) the water line runs along the backside and the footer drains and (2) there is a stormwater retention basin in the location she is asking about. S. Aldrich said there is quite a collection of water down there now and James Palazzo said there always was water there. S. Aldrich said the PVC pipe is adding to the water if that is the applicant's footer drains and James Palazzo replied by saying (1) that is part of it, (2) they have always had a problem with water in that area, (3) he put three container loads of gravel underneath it and (4) they are not adding to the water, it is just existing.

No County impact with the condition that clarification on the amount of vegetation to be removed and that stormwater and erosion control measures to be used are all to be noted on the plan.

P. Kenyon asked if there is less than 1,000 square ft. of impervious surface and James Palazzo said yes, it is 576 square ft. P. Kenyon said that means the project is exempt from the Town's stormwater regulations and asked if there is only one tree that needs to be removed. James Palazzo said yes, and that tree is within 20 ft. of the house—no additional vegetation has been taken out.

J. Gaddy asked if this project is exempt from stormwater regulations or if this project becomes cumulative and Counsel said that cumulative is a very persuasive argument. J. Gaddy asked if there is a way this could be tied into the stormwater issue, given the fact that there is a wet spot that is an engineering challenge and it is in a 1.3 zone and the Town will be dealing with neighbors' wells and neighboring drainage issues. James Palazzo said that (1) originally this site was the wettest of all of them and (2) they took a lot of junk out of there and brought in truck loads of gravel in order to get the lot to where it was right. J. Gaddy said that his opinion is that this stormwater shouldn't be exempt, but should be guided somehow to be managed on-site. James Palazzo said that he always puts two ft. of drip line around the house and crushed stone.

P. Kenyon said she has a bit of a concern about J. Gaddy's position because she treats each project separately, so if somebody does something and they totally do all the stormwater on it, the grass is growing, everything is done and they come back to her with another project, she treats it separately—not as a continuation of the first. J. Gaddy said that on a piece of property where there has been a stormwater design for an existing or proposed structure and it is working, he would think the addition of "x" number of square ft. may make the whole stormwater system fail, conceivably. P. Kenyon agreed saying it would if you dump it into the existing stormwater control, because it is based on a certain

square footage. J. Gaddy said he is looking at this as being the first of nine houses to be built in that area. Counsel said that the PB is the decision maker on if something should be segmented or cumulative and then it falls equally from that point forward for every lot in that subdivision and every sub-divider.

James Palazzo said that his understanding was that anything under 1,000 square ft. doesn't fall into the stormwater regulations and P. Kenyon replied by saying that if it is less than 5,000 square ft. of land disturbance, less than 1,000 square ft. of impervious service, she is of the position that it is exempt under the stormwater regulations. Counsel said that (1) P. Kenyon would be right if that stands alone, but J. Gaddy's question, which is a valid issue, is that it may need to be considered that the house and the garage—cumulatively—are over the top and over 5,000 square ft. and (2) the PB has to take a position on this matter.

H. Caldwell asked if crushed stone and a drip line would work and P. Kenyon said (1) yes, if it is sized properly, (2) addressing stormwater on this project is not an issue if the applicant agrees to do some stormwater and (3) the issue is clarifying the procedure for the office to make sure the office is treating everyone equally. Counsel said he is not sure if what exists and what is to be built are still under the threshold of constituting a minor and P. Kenyon said she would have to research it further. Counsel said that (1) if it is minor, it is just more paperwork and only before P. Kenyon who gives it a blessing and it works and (2) if it is over 15,000 square ft. cumulatively, then it is another presentation to the PB.

H. Caldwell said the PB could make the approval conditional and P. Kenyon clarified by saying conditional in that the applicant agrees to do stormwater on the proposed garage. James Palazzo said he has no problem with that.

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

Motion by Donald Roessler to accept the application as complete, waive a public hearing and grant approval as presented with the following conditions; 1) Exterior light be downward facing and shielded with low wattage bulbs used. 2) Stormwater regulations must be complied with; the calculations are to be based on the cumulative effect of all impervious surface created and or land disturbance taken place. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by** John Gaddy. **All in favor.**
Motion Carried.

4) SPR06-22 NITTMANN, MITZI. dba Mohican Canvas Co. Seeks Type II Site Plan Review for a cottage industry less than 2,500 sq. ft. Specifically to manufacture custom boat covers, tops and light upholstery. Section 123.00, Block 2, Lot 20, Zone RR5. Property Location: 315 New Vermont Rd. Subject to SEQR.

Mitzi Nittmann dba Mohican Canvas Co., gave an overview and said (1) the business is currently located at Norowal Marina which has been sold, (2) the business has been in existence for 20+ years by other owners and she has solely owned it for the last 13 years, (3) the business is making custom boat covers and light upholstery which doesn't make a lot of noise, (4) most of her equipment is inside—sewing machines, drills, press, sanders, saws, etc., (5) she has had as many as three boats in front of her shop at one time when she did that full-time, but doesn't anticipate that many at her residence now since she does it part-time, (6) the largest boat she has ever done was 10 ft. wide and 38 ft. long, (7) she anticipates having 1-2 boats per week at her residence in the summertime, (8) she has parking allotted for eight vehicles and plenty of more lawn space for parking if needed and (9) she doesn't do any motor maintenance or boat storage.

J. Gaddy asked what the hours of operation would be and Mitzi Nittmann answered by saying (1) 2-3 nights per week until 7:00pm and Saturdays 9:00am-4:00pm and (2) she would not be working on Sundays.

D. Roessler asked if the applicant plans on increasing the parking area or if what exists is sufficient and Mitzi Nittmann said that (1) she has never had more than four customers at her shop at one time plus her boats, so the max she has ever needed parking for is seven, (2) she doesn't anticipate needing anymore parking and (3) she will use the existing driveway for parking and any additional parking needed will take place on the grass.

D. Roessler asked if the applicant anticipates working on larger boats over 38 ft. or if the plan is to work on smaller boats and Mitzi Nittmann replied by saying (1) most of her boats are between 16 and 25 ft., (2) the only large boats like the one D. Roessler referenced is when she does a race boat and that would take up to 10 days to build, but most of the time because of the amount of fabric needed to cover them, the boat is indoors and (3) between 18 and 24 ft. is the average size boat she will be working on at this location, but boats at this location could be a maximum of 28 ft. D. Roessler asked if the applicant would agree to a 28 ft. maximum boat size and Mitzi Nittmann said that it is a possibility that she could get a boat as big as 38 ft. at that location, which would take 10 days to complete.

D. Roessler asked how many boats the applicant anticipates she'd be working on at one time—that would be parked up there and Mitzi Nittmann said that three would be the maximum number of boats and if it were a 38 ft. boat it would only be the one.

J. Gaddy asked if the operation would require any more lighting and Mitzi Nittmann said (1) no, the business is open in daylight hours only, (2) she doesn't anticipate having a sign right away, (3) her house was basically designed to have her shop inside in the winter and (4) it would be from about April 1 to Thanksgiving where there would be stuff outside.

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

Motion by Donald Roessler to accept the application as complete, waive a public hearing and grant approval as presented with the following conditions; 1) Maximum of 3 boats allowed. 2) No boats on property that exceed 38 ft. in length. 3) No mechanical or body work allowed. 4) Hours of operation are daylight hours only, Monday – Saturday. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by** John Gaddy. **All in favor. Motion Carried.**

5) SD90-08 DIAMOND RIDGE SUBDIVISION (Jeffrey Tennent) To discuss condition of approval set forth by the Planning Board on March 28, 1991 when approving the Diamond Ridge Subdivision. Specifically the condition reads as follows: The developer is to hire an engineering firm to implement the subdivision plan as presented. A report of this implementation is to be presented to the Planning Board before the first CO is issued. Section 212.04, Block 2, Lot 16, Zones RCM1.3 & LC25. Property Location: Diamond Ridge Rd. South of Town.

Jeffrey Tennent, developer of Diamond Ridge Subdivision, gave an overview and said (1) he is here regarding the condition put on the subdivision and its approval in the early 1990s requiring that an engineer be hired to supervise the road construction so it meets the requirements per the plan that was approved on the original subdivision application, (2) he feels they have come to that point, reports were submitted to P. Kenyon and (3) he is asking for PB approval regarding these requirements.

H. Caldwell asked how the applicant got around the second condition regarding the developer putting in the road meeting Town specifications prior to any house construction. Jeffrey Tennent replied by saying (1) there were two subdivisions with three lots on the very southern portion of the land (Lots 88A, B & C) which was a previous subdivision in 1989 that did not have these conditions on them, (2) he opted to include those lots and have them use the same road since they access the same road and include them in the HOA because it made sense since they will use the road and (3) the road was originally expected to be connected through Lake George, which didn't happen, so they redesigned the cul-de-sac at the end to make a better turnaround and (4) the conditions on those three lots (Lots 88A, B, & C) are different than the conditions put on the 15 lots of the subdivision done in 1993.

P. Kenyon said correspondence was provided to PB members from Timothy Coon, Highway Superintendent, regarding his inspection of the road and his opinion that it meets Town specifications.

Motion by Donald Roessler to determine that the condition imposed by the Planning Board on March 28, 1991, when approving the Diamond Ridge Subdivision, has been complied with. Specifically the condition reads as follows: The developer is to hire an engineering firm to implement the subdivision plan as presented. A report of this implementation is to be presented to the Planning Board before the first CO is issued. **Seconded by** Henry Caldwell. **All in favor. Motion Carried.**

6) SPR06-18 DJMD BOLTON NY, LLC. (Daniel Lewis, Managing Partner).

Represented by Holly Chacon of Peter L. Gluck and Partners, Architects. Seeks Type II Site Plan Review for a new land use within 250 ft. of Lake George shoreline. Specifically to construct multiple structures. Section 156.20, Block 1, Lot 39, Zone RCM1.3. Property Location: 5274 Lake Shore Drive. Subject to WCPB REVIEW. Subject to SEQR. (conceptual approvals only).

Peter Gluck, Architect, representing DJMD Bolton NY, LLC, gave an overview and said (1) his firm, Peter L. Gluck and Partners, is designing a project for the Lewis family on a 21-acre parcel of land bought to build a family compound consisting of two houses (a guest house, a house for the family) and a separate building that will be a recreation building containing a kitchen, dining room, athletic facilities and an indoor swimming pool, (2) they are trying to do a green project where the buildings will be let into the earth so a portion (the back) of the buildings will be basically in the grade, (3) the roofs of the buildings will be green roofs so there will be no really impervious materials or areas on the site, (4) they will be improving the road, which will probably be the only impervious area to consider, (5) they have talked with an engineer who visited the site, regarding locations for the septic, (6) they are trying to have buffers of trees and to cut as few trees as they can to have a filtered view from the buildings to the lake and (7) there is an existing building on the site very close to the lake which they will be taking down and (8) they have been working on the project for about four months and are present to get an early reading from the PB on its feelings about the project.

S. Wilson asked if it is correct that two buildings would be taken down—the house and the boathouse and Peter Gluck said no, the house will come down and the boathouse may be replaced or removed—it is yet to be determined. H. Koster said the applicant has the boathouse listed to be demolished and Peter Gluck said that in all likelihood it is going to be demolished, but it hasn't been fully addressed yet. S. Wilson asked how much shoreline is there and Peter Gluck answered by saying 450 ft.

Peter Gluck said (1) they have done projects around the country, (2) they are trying to avoid the “monster house” feel, (3) the firm is often hired by people doing large projects who don't want it to feel like a huge mansion and (4) in all likelihood they will do a geothermal drilling process for both cost and intellectual reasons in making a minimal impact.

S. Wilson asked if the photo on the firm's website is similar to the proposed guest house and Peter Gluck said (1) yes and added that in approaching the buildings from the back you virtually wouldn't see them and from the front the materials would be either a wood or dark brown or copper, (2) they did a project in Lake George recently that dealt with the same type of issues as this project and (3) they design their buildings and they also build them, so his firm would have probably two people on the site full-time during the construction—they manage the construction as construction managers, the reason being if there are technical problems they can be addressed directly and so the firm can maintain control of the project.

H. Koster said (1) the PB has never had a project like this in front of it before, (2) there is a 120 ft. envelope—he realizes the building is less than 120 ft., but there is a continuation of a retaining wall that makes it appear to be part of the building and (3) asked if the PB is to consider the building as it is without the retaining wall, because if you took the retaining wall off the building meets the building envelope in the ordinance. Counsel asked what the remnant of the retaining wall is and H. Koster replied by saying that he doesn't have an exact measurement. H. Caldwell said it shows a 93 ft. building with a 78 ft. 6 inch retaining wall attached to the building. Peter Gluck said that (1) the purpose is so that it doesn't read like a building, but an earth form and (2) if they were to chop the retaining wall off, the perception would be that you have a big building, which is what they are trying to avoid. Counsel said (1) in their discussion, he and the PB are trying to intellectually chop the retaining wall off and (2) the PB can take the position if it can accept this that the retaining wall is not part of the structure, that supplements and constitutes a retaining wall that just happens to be connected to the structure and (3) if the PB does that the PB is stuck with that on future applications, but he thinks the PB can justify it. H. Koster agreed and added that it doesn't include living area—it is a visual thing from the lake and the original ordinance was created for houses visible from other places. Counsel said (1) comprehensively, a conventional structure in terms of its overall length, (2) they had a couple of houses that has a serpentine retaining wall coming up to the house and nobody ever bothered to think that was part of the structure of the house and (3) here it is just that it looks comprehensively together, but he thinks intellectually you can separate them and architecturally they remain joined.

S. Aldrich asked how much of the walls facing the lake on any of the buildings would be glass and Peter Gluck answered by saying that the glass areas will also have a series of sliding trellis shutters which will be of the same design of the portions that don't have glass. Holly Chacon and Peter Gluck then pointed out the proposed glass areas on the model.

H. Caldwell asked if the project would require a lot of blasting and Peter Gluck said yes, some blasting would be needed. H. Caldwell asked if the buildings would be concrete frames and Peter Gluck replied by saying yes, the back of the buildings would be a concrete retaining wall and the roofs would probably steel and concrete followed by other materials topped with dirt—it is a hydrotech system. H. Caldwell asked if snow load would be a problem and Peter Gluck said no, the snow load is not as bad as the potential for having a lot of people—from a structural situation, the people load is greater than the snow load.

J. Gaddy asked how much prep work would be needed on the road to get the cement trucks to the location and Peter Gluck answered by saying that (1) the road would need to be stabilized for traffic, (2) they don't have the intention of making it blacktop, because that's not the feeling that they want and (3) it's not like the road is going to get a lot of use. Peter Gluck pointed out areas on the model to the PB members.

S. Aldrich asked if it is feasible to move the recreation building back, because in her mind it would read less like a wall of buildings all the way across the property if the

recreation building was stepped back closer to the guest house. Peter Gluck responded by saying that it gets a little steeper the further they get back and (2) they could move it back a bit, but the owners' intentions is to be close to the lake.

S. Aldrich said that (1) the proposal is looking at, between the houses and the cuts in back of it, disturbing about $\frac{3}{4}$ acre pretty close to the lake and (2) she knows there will be stormwater, but she would feel better if it were moved back a little. Peter Gluck said (1) they could conceivably move it back a little bit, (2) they are disturbing it, but he doesn't think they are making it a lot worse and (3) they are planning on starting construction at the end of the summer with most of the earth work done after the season and it would probably be phased.

H. Koster asked if they have test borings and Peter Gluck said (1) no, they haven't done borings, but they hardly need borings because they know what is there—it is pretty rough and (2) they have done testing for the septic and (3) the engineer has done probes and said they do have a place for the septic. H. Koster said (1) the PB's concern is the amount of blasting that might have to occur as the PB has dealt with situations before where blasting has been done for a house site then the house was never built and (2) asked how the PB prevents something like that from happening again. Counsel said (1) you get a bond, a surety, a third-party guarantor with sufficient indemnity and in the event it was an abandoned project, the Town would be paid whatever the agreed upon amount was for the indemnity then the surety would chase the wrong-doer and (2) he guesses the Town would have money sufficient to remedy the problem.

D. Roessler asked if the proposed roof system would have a lot of stormwater run-off and Peter Gluck said no, there would probably be less run-off than there is now, because essentially they would have roofs with 8-9 inches of soil to absorb the rain as opposed to now where it is ledge. H. Koster asked if the applicant anticipates being able to absorb all of the water that falls on the roofs with 8-9 inches of soil and Peter Gluck said no, he is not saying it is going to absorb that, but the condition right now where there is a lot of ledge, the rain hits that and runs right into the lake, but with the soil on the roofs the rain will hit the roof, run back and eventually get to the lake over a much longer period of time—basically the roofs are natural retention areas.

H. Koster said there would obviously need to be stormwater design on this project and Peter Gluck said yes, there is going to be a lot of stormwater design, which is one reason they do their own construction, because they are responsible for this project and they want to make sure when they build a project like this that all subsurface drainage is done properly.

C. Mason asked what the projections coming out of the retaining walls toward the lake are and Peter Gluck answered by saying that they have put some low landscape lighting, but they haven't spent a lot of time on landscape lighting at this point.

S. Wilson asked for additional PB member comments on the existing boathouse and S. Aldrich said she'd like to see it go. Peter Gluck said he doesn't think there is any doubt that the existing boathouse will be going.

C. Mason asked if the retaining walls will have rock facing and Peter Gluck said yes, they would probably be rock—some dark material.

S. Aldrich asked if there are any intermittent or continual streams on the property and Peter Gluck said yes and pointed it out on the model.

C. Mason said on A1-11 the applicant shows a façade on the building of wood, glass or metal and asked what type of building materials are proposed. Peter Gluck said the materials would be trellis-like wood or copper and glass—no stucco or anything light—but materials that are going to look like shadows. C. Mason said he wants it to keep looking as natural as possible and Peter Gluck said that is their intention.

S. Wilson asked what percentage of the façade would be glass and Peter Gluck said he would say 20%, but he is not sure. S. Aldrich asked what the County regulation is for glass facing the lake and P. Kenyon said it is not a County thing, but rather a condition of approval that the PB used to put on certain subdivisions and she believes it is 30% glass—it is just a condition of subdivision approval. Peter Gluck said (1) he would propose to show elevation when they come back rather than a percentage because it is a matter of how the glass is designed and the nature of the façade and (2) they are sensitive to the question and see why the PB is asking. H. Koster said that on the living area of the main house it shows 9 ft. high glass on the first floor for the whole total living area on both sides. Peter Gluck agreed and said this is all very schematic at this point and asked what the concern is, as they have been looking into non-reflective glass. S. Aldrich said glare is part of the PB's concern. H. Koster said he thinks many of the questions are coming up simply because the PB hasn't dealt with anything quite designed like this before. H. Caldwell said if there are trees in front of the glass they will reflect and hide things, but if the trees aren't there the glass will really reflect out onto the lake. Peter Gluck said they don't want to take trees down, as their concern is privacy and people viewing the houses from the lake, just as the PB is concerned with visibility from the lake. S. Aldrich asked if non-reflective glass affects the view outward and Peter Gluck said (1) no, he is not saying they are going to definitely use it, but they are looking into it and (2) the reflective nature of glass is not a bad thing, provided the glass has something to reflect.

H. Koster said his main concerns are (1) the amount of ledge to be blasted, (2) the depth of blasting, (3) the amount of glass in the house, (4) the interior drapes at night and the amount of lighting in the house if the drapes are not drawn at night, because that would light up the lake like a Christmas tree at night with 9 ft. of glass completely encompassing two sides of the house.

J. Gaddy said (1) his initial concern was taking a look at the property and trying to avoid some suburbanization of Lake George where each of these wooded lots becomes a poster

for chem-lawn, (2) with selective cutting he is sure the applicant can get the views and still let this blend in as much as possible and (3) he thinks it is an ambitious project. H. Koster said it is a lot less density than the neighboring property to the north.

S. Wilson said her only concern is the existing boathouse, as she would like it to be removed.

S. Aldrich said she would like to see the recreation building moved back so the buildings are more staggered.

D. Roessler asked what kind of siding is proposed and Peter Gluck said they are thinking it of being wood, but whatever it would be a rain screen where the material is off the wall so the air is moving up, so it will look like individual slats—not like horizontal or novelty siding and (2) if it is metal it would be perforated so it wouldn't be a mass, but meant to not seem solid.

H. Caldwell asked if it is correct that the PB is to approve a concept and site plan review since it is within 250 ft. of the lake and Counsel said yes, it is, but he thinks the applicant just seeks some larger conceptual comments from the PB, so they can go back and master a plan that they think and intend to succeed as a site plan review. S. Aldrich asked if the applicant is looking solely for PB input and not a ruling and Peter Gluck said yes. Counsel said it is almost like a sketch plan—a bit of sharing of information, borrowing of ideas, then it is sort of like a homework assignment for the applicant as to what the PB thought needed to be answered and how the applicants are going to approach what was discussed.

H. Koster asked how the PB should handle this and Counsel replied by saying that (1) it stands tabled at this point, (2) he hopes the applicant can leave here tonight with some specification as to what the PB's concerns were, (3) the PB spoke its concerns and the applicant heard them, (4) if the PB has shared all of the ideas, then the PB can make a motion to table it for further submission to the applicant and then the applicant would do all the homework and start submitting things that constitute site plan review requirements.

H. Caldwell said he would like to see some sort of a concept on engineering on stormwater too. Counsel said he'd like to see the applicant do something on septic too. Peter Gluck said they would address both items.

Motion by Henry Caldwell to table the application pending additional information as follows; 1) A buffer is to be maintained between the building sites and the lake. 2) Proposed use for existing boathouse. 3) The recreation building to be moved to the west, further back from the lake. 4) Approximate cubic yards of blasted material to be removed. 5) Deepest cuts required for the placement of structures. 6) Engineered plans for septic and stormwater. 7) Amount and type of glass to be used. 8) Exterior colors. 9) siding, rain screen. 10) The building and clearing limits to be staked out. **Seconded by Chauncey Mason. All in favor. Motion Carried.**

7) SD06-05 OBERER, ERNEST. Represented by Joseph Fuerst PLS. Seeks to divide into 3 lots that parcel designated as Section 171.00, Block 1, Lot 6, Zone LC25. Sketch Plan Review. Minor Subdivision. Subject to SEQR.

Note: PB Member S. Wilson recused herself from this item as her son owns neighboring property to that of the applicant.

Joseph Fuerst, representing Ernest Oberer, gave an overview and said (1) they are here for sketch plan review for the proposed subdivision of a 75-acre parcel into three 25-acre lots and (2) they propose three houses that would use the existing road to service the houses.

H. Caldwell said the applicant is here for a subdivision and the PB is looking at a road and three houses. Counsel said the PB could comprehensively look at everything. S. Aldrich asked if it is correct that all the PB would be approving would be the subdivision.

P. Kenyon said that her opinion is that the first thing the PB has to decide is whether this is going to be considered a subdivision road or a private drive (right-of-way) for the three houses that would not have to meet Town standards. S. Aldrich asked how long the road/drive is and Joseph Fuerst said it is approximately 2,000 ft. H. Koster said quite a bit of it is over a 20% slope. Joseph Fuerst said the current plan is to keep it a private road to service the three lots. H. Koster asked if the applicant has thought about the possibility of emergency vehicles having to get up there and Joseph Fuerst responded by saying it would be a private road with emergency vehicle access.

J. Gaddy said (1) in looking at the sensitive nature of this property, he was looking at some of the cluster development laws proposed to preserve the natural scenic qualities of the open land and it says "...it shall be required if slopes of greater than 15% occupy 50% of the site or slopes greater than 25% occupy 25% of the site and all sites exposed to views from Lake George...", (2) the spot the applicant is looking to build from is probably the spot that is most interested in being protected in that it is a natural view from Lake George and from many other spots in Town and (3) he would be in favor of getting the proposed houses down off the ridge. Joseph Fuerst replied by saying (1) they are certainly open to suggestions and (2) the applicant walked the property and considered the proposed sites as the optimum sites and (3) the house sites can be moved around. H. Caldwell said it is 25-acre zoning and all three houses are on top of one another. Further discussion ensued on house locations.

H. Koster said access to the road/drive is on the side of the mountain and would be visible from the lake regardless if it were a private driveway or built to Town specifications. Joseph Fuerst said that the road/drive is drivable in the summer, it is steep and it would need to be approved. H. Koster said (1) there are slopes that are 22%, 23%, 25% and (2) he doesn't see how this PB could approve anything with that great of a slope on it. Ernest Oberer, Jr. said that with proper engineering it could be changed.

J. Gaddy said in looking at the applicant's environmental assessment, he is concerned with (1) Question #8 regarding if the project would have a major effect on the visual character of the community or scenic views as this is important to the community, the applicant answered "no", but he feels that yes it would, (2) Question #12 regarding if it would regularly cause objectionable odors, noise, glare or vibration, he is concerned with the lighting there, and (3) Question #15 regarding if there would be public controversy concerning the project, he imagines there would be. H. Caldwell said Question #13 regarding if the project would have any impact on public health or safety, he thinks it would because getting a fire truck or ambulance up there is part of public safety.

J. Gaddy said that (1) he walked the road/drive and it was pretty narrow and (2) he doesn't know what kind of change in width would need to be made to make some of those turns. Joseph Fuerst replied by saying that (1) they have preliminary thought about it, (2) you can drive a vehicle up there as the road/drive is today—a pick-up truck, (3) they would like to get through this first sketch plan then engineering wise figure out if they can or cannot meet the PB's requirements and (4) without further engineering he cannot answer some of these questions and they cannot do further engineering until the sketch plan is approved. H. Koster said that (1) he would like to see all of the grades of the road/drive at 15% or less, but on the same token, he is worried about the amount of new disturbance that would be created in doing that and (2) he imagines some of the new disturbance will be seen from the lake. Joseph Fuerst said that the proposed house sites would be seen from the lake. H. Caldwell said it would be a major stormwater and Joseph Fuerst agreed.

J. Gaddy said that (1) with the Comprehensive Plan that was adopted in accordance with the Zoning Ordinance, there are a number of references that are specifically related to the scenic and highly visible spots from the lake, the major roads and the ridge line, (2) in the matter of ridge line development, he thinks this project is a case he wouldn't want to see happen, (3) from the applicants' viewpoint he can see where they may say "other people have had this before", but he (J. Gaddy) thinks the Town of Bolton has gone through such a tremendous growth that the PB needs to look at things in a different light—just because business has been carried on in a certain way doesn't mean it should keep being done that way—he feels this is a project he couldn't approve, just on those type of grounds to protect the long-term view, (4) he thinks the Town of Bolton is protecting its economic base by protecting how it looks from the lake also and (5) this is not a project that is going to do anything that will help Bolton keep its mountain hillsides.

Joseph Fuerst said he understands J. Gaddy's concerns and asked if the PB would consider the project if the applicants were to propose different house locations. J. Gaddy said that (1) he would take a look at it, but he is now looking at elevations around 1,000 ft. and (2) when you have a backdrop of a mountain behind a house, it is pretty easy to hide it. Ernest Oberer, Sr. said that the current house locations are so that there is mountain behind them and trees around the houses—they aren't going to clear-cut. J. Gaddy said (1) somehow or another trees get dropped along the way—he is not saying the applicants would do it, but it is the practice he has watched and (2) everybody comes

with the best intentions and the PB gets all sorts of promises, but everything starts getting thinner and thinner along the way.

Ernest Oberer, Sr. said they could do some relocation of the houses if that would be agreeable to the PB. H. Caldwell said that (1) if the applicants relocate the houses then they'd probably have to change some of the lot lines and (2) he thinks in this configuration it is a hard project to do.

Joseph Fuerst asked about relocating the houses to areas he pointed out on the map and J. Gaddy said (1) that is still not the kind of project he is looking for, (2) it still doesn't seem to eliminate the steep grades on the road and (3) the road is awfully narrow as it is now and the amount of disturbance is definitely going to be a big consideration. H. Koster said the 1,300 ft. contour puts the applicant right about on the peak.

Counsel suggested that in the sketch that comes back that there be some specification by the applicant as to what part is roadway and what part is driveway, because then it would be known as to what sections apply in terms of the requirements for driveways and roadways. H. Koster said (1) the applicant is applying for a driveway and (2) even if the PB agrees that it would be a driveway, it doesn't mean the PB can't put restrictions on the grade of the driveway. Counsel said (1) the PB can put reasonable restrictions on a driveway and (2) a roadway has restrictions defined in the Ordinance. H. Koster said a roadway would put them in a position of having an extreme amount of disturbance no matter where it was.

Counsel said someone has to make a decision as to what this thing is that gets you to the dwellings. Joseph Fuerst said they are proposing it to be a driveway. Counsel said the PB has to make a determination based on some facts and some criteria, (2) if it is serving all three lots, at some point from the beginning of Edgcomb Pond Road to, at some point where it is still serving all three lots, arguably it is a roadway, but if the PB doesn't want to call it a roadway and the applicant doesn't chose to call it a roadway, then there has to be some understanding as to why it is a driveway, (3) the PB needs to decide what are going to be its reasonable expectations as far as how this driveway is designed and (4) it's a long driveway if it's all driveway—a really long driveway, in fact it might be the longest driveway the PB has ever reviewed and approved as a driveway.

S. Aldrich asked if there is any limitation in the code as to the length of a driveway. Counsel said (1) no, there are not a lot of regulations as to what driveways are, but the PB would need to apply it with reasonable criteria available from what the PB members see on the site, (2) if for some reason part of this is a roadway, then the PB needs to tell the applicant if that is what the PB is so inclined, that there are specifications in here, (3) if there are reasons the PB doesn't want it to be a roadway because of all of the clearing and land disturbance it may bring about, the PB is free to make that decision too and (4) it is an issue that needs some decision making.

H. Koster said that (1) he would prefer it remain a driveway to limit disturbance and (2) he would like to see no more than 15% grade on this driveway and (3) the driveway

would have to be wide enough to accommodate fire trucks and ambulances and include some turn-arounds.

Ernest Oberer, Sr. asked the difference between the width of a roadway and a driveway and H. Koster answered by saying that the width of a roadway in the Town Ordinance is 22 ft. wide plus 2 ft. shoulders on each side with 4 inches of Item #4 on it. Additional discussion ensued on roadway/driveway width.

D. Roessler said the grade of the road is the biggest concern as there is no way with the length and width of the road that the Fire Company is going to be able to save anyone on top of that mountain. H. Koster said the Town standard on the grade of a road is 12% and Counsel agreed and said there are no standards on a driveway.

H. Koster said (1) he disagrees with Counsel a bit regarding dictating a roadway or a driveway, (2) he doesn't want to be the applicants' engineer for them, (3) if the applicants can show him a driveway that can access emergency equipment for the health and welfare of the people that would live up there as a driveway or they can show it as a road, with a 15% grade on a driveway and (4) he doesn't want to dictate or tell them whether to make it a road or a driveway, as the applicant might be able to engineer something on a road or a driveway to address the PB's concerns. Counsel said he understands, but he doesn't want the applicant leaving without some instruction of what the PB expects. H. Koster said the applicants know the PB's concerns. Counsel asked the applicants if that is true that the applicants know what the PB is looking for and Ernest Oberer, Sr. said yes. H. Koster said (1) the PB's concerns are great for the safety of the Fire Department and for the people who will be living up there, (2) this project is probably five times longer than any driveway the PB has ever approved so the PB is going way beyond what it has done before and (3) in addition to people's safety, the PB is also looking to not wreck the land at the same time in regards to sky-lining with buildings and new disturbance.

Motion by Henry Caldwell to table the application pending engineered plans for the road/driveway, stormwater controls, etc. **Seconded by** Sandi Aldrich. **All in favor.**
Motion Carried

8) SD06-04 JEHM HOLDING CORPORATION. Represented by the LA Group. Seeks to divide into 3 lots that parcel designated as Section 186.14, Block 1, Lot 20, Zone RL3. Property Location: Trout Lake Road. Minor Subdivision. Sketch Plan Review. Subject to SEQR. This item was tabled at the March 23rd meeting pending additional information.

Note: PB Member S. Wilson returned to the PB bench for the remainder of the agenda items.

Note: Items 8 and 9 were presented and heard together.

Jeff Anthony of The LA Group, representing JEHM Holding Corporation, gave an overview and said (1) they addressed the PB's previous concerns, (2) they submitted a stormwater management report, (3) they have done the engineering for the sewer and water systems and (4) they have done a grading and draining plan for construction on the whole road and driveway and (5) as a result of discussions with the Lake George Waterkeeper, they will be moving the well locations on Lots 1 & 2 further from the stream, but they will still comply with setbacks from the wetlands and the sewer disposal systems located on the property.

H. Koster asked if it would meet the Town requirement of 200 ft. downhill and Jeff Anthony said yes and added that per the Lake George Waterkeeper's request they will be providing additional detail showing a standpipe into the infiltration pipe to accommodate infiltration during winter months.

Jeff Anthony said this proposal is for a three-lot development and each of the three homeowners will have in their deed a requirement to cooperate and contribute money for the maintenance of the driveway, which will include stormwater devices. H. Koster asked if it would be a formal association or a deeded agreement and Jeff Anthony replied by saying they are trying not to do a Homeowner's Association, but to do it by deed. H. Koster said the problem the PB has with deeded agreements is that it is very difficult for the Town to enforce if there is a problem with the stormwater or with the road decaying. Jeff Anthony said that if the PB wishes, he would instruct their client that there will be a small HOA for the single purpose of maintaining the driveway and stormwater.

P. Kenyon said referenced a condition on March 23, 2006 on a motion by D. Roessler that said "**Motion by** Donald Roessler to table the application pending additional information as follows; 1) cul-de-sac to be shown. 2) Homeowners association must be formed for maintenance of stormwater controls and the road. 3) The road is considered a shared drive way with a road width of 12 ft. plus 2 ft. shoulders on each side. 4) Major stormwater plan. **Seconded by** Sue Wilson. **All in favor. Motion Carried.**" Jeff Anthony said he forgot that condition and they agree to that.

H. Caldwell asked if there are any old right-of-ways through that property and Jeff Anthony said (1) no, the surveyor hasn't found anything to date and (2) this project is non-jurisdictional by the APA, as shown in the APA's non-jurisdictional letter submitted last month.

D. Roessler asked if there is an existing building on the property at this time and Jeff Anthony replied by saying the existing building is not part of this property and it has its own driveway.

S. Aldrich asked if Town Engineer Tom Nace has reviewed the stormwater on this project and P. Kenyon said no, she didn't feel it needed to be sent to him.

H. Koster asked if there will be a cul-de-sac and Jeff Anthony said it will be the cul-de-sac. S. Aldrich said there are two different maps and Jeff Anthony said it will definitely be the cul-de-sac.

H. Koster asked if Counsel reviews the HOA or if it is to be reviewed by the Attorney General and Counsel replied by saying that if the Attorney General approves it then it is fine for the Town. Jeff Anthony said he didn't know if it would go to the Attorney General. Counsel said (1) he is not sure the HOA will go to the Attorney General since it is so small—he thinks there is a statutory threshold of five or more lots and (2) he will suggest there be one covenant in the HOA that says the agreements can be enforceable by the municipality as well.

Motion by Donald Roessler to table the application pending additional information as follows; 1) Changes as agreed upon between the LA Group and the Waterkeeper to be shown on the plans, and 2) The stormwater control facility maintenance agreement be provided for Town Council's review. **Seconded by** Sue Wilson. **All in favor. Motion Carried.**

9) SPR06-19 JEHM HOLDING CORPORATION. Represented by the LA Group. In accordance with Section 125.13C1 of the stormwater regulations, seeks Type II Site Plan Review for a major project to remove more than 15,000 sq. ft. of vegetation. 42,969 sq. ft. is proposed. Section 186.14, Block 1, Lot 20, Zone RL3. Property Location: Trout Lake Rd. Subject to WCPB REVIEW. Subject to SEQR. *Note: This application is in conjunction with SD06-04 tabled at the March 23rd meeting pending additional information.*

Motion by Donald Roessler to table the application pending additional information as follows; 1) Changes as agreed upon between the LA Group and the Waterkeeper to be shown on the plans, and 2) The stormwater control facility maintenance agreement be provided for Town Council's review. **Seconded by** Sue Wilson. **All in favor. Motion Carried.**

10) SD06-03 MJ REAL ESTATE HOLDINGS, LLC. Represented by the LA Group. Seek to merge those parcels designated as Section 124.00, Block 1, Lots 12 & 13 and Section 123.00, Block 2, Lot 57.1, then subdivide parcel into 7 lots. Zones RL3 & LC45. Property Location: New Vermont Rd. Major Subdivision. Sketch Plan Review. Subject to SEQR.

Jeff Anthony of The LA Group, representing MJ Real Estate Holdings, LLC, gave an overview and said (1) this is non-jurisdictional wetland per the APA, (2) they are not subdividing the wetland either and (3) the owners are looking to build two homes here for their own residences with a shared drive and the remaining five lots would be for sale.

H. Koster asked if the applicants want to maintain the centerline as it is since it appears to be on the property line on Lots 3, 4 and 5, which would need an easement. Jeff Anthony said (1) no, that road can be manipulated to be a relatively easy roadway to use and (2)

unless there is a problem with the road being close to the property line as it exists now, they are not proposing to change it except to smooth it out, grade it, put some driving surface on it and do stormwater management. H. Koster said it appears to be right on the property line and if there isn't an easement the PB would not be approving anything. Jeff Anthony said (1) he will find out by going back to a real survey on this and (2) if it isn't on the property they will move it so it is.

H. Caldwell asked if the APA takes jurisdictional over certain elevations and Jeff Anthony said that is for being over 2,500 ft.

D. Roessler asked what the length of the road is and Jeff Anthony said he doesn't know. D. Roessler asked what the grade of the road is and said that he would like to see more road detail. Jeff Anthony said he would provide further road detail on the next maps. H. Koster said the road is about 4,500 ft.

S. Aldrich asked if the Prosser, Jensen or Smith properties were ever part of this piece of property in regard to density used and P. Kenyon said she'd research that and report back next month.

S. Aldrich asked if there is only one stream and the wetlands associated with it and Jeff Anthony said yes. J. Gaddy said he'd like the applicants to address minimizing of any of the increase of discharge to the stream and to keep any disturbances to a minimum. Jeff Anthony said a major stormwater report would be submitted.

S. Wilson asked if there is any more detail needed before determining the length of the road and H. Koster said (1) yes, he would like to see the percentage of grade, (2) find out about the agreement of where the driveway appears to be on the property and (3) it is a 7-lot subdivision so he would suggest that it would almost have to be a road up through Lot 5 with a cul-de-sac. P. Kenyon said she believes the PB can make the determination for up to three lots on whether it would be a road or a driveway.

Matt Langenmayr, owner, said that they were considering the possibility of the two lower lots accessing New Vermont Road directly and then the driveway with the easement being used to access the other three lots, then maybe the Jeep trail being used to access the upper lots once it is moved over and complies with any existing ordinances. H. Koster said this is a 7-lot subdivision and the PB would be remiss if they didn't require a road for a good portion of it and Matt Langenmayr said that is no problem at all. H. Koster said there is a portion of the driveway up by the houses that are over 20% and the PB will be looking for no more than 15% on that driveway portion.

Motion by Donald Roessler to table the application pending additional information as follows: 1) Length and grade of the roadway. 2) Locate the road in the area where it straddles the property lines on lots 3, 4 and 5. 3) The roadway will be classified as a "road" up to and including lot 5; driveways thereafter. 4) A cul-de-sac must be provided at the end of the "road" on lot 5. 5) Engineered plans for stormwater and septic. 6) The "driveway" is to be no more than 15% grade. 7) House location for lots 6 and 7. 8) A

\$400.00 recreational fee will be imposed. 9) Road frontage along New Vermont Road for lot 2 must be shown. **Seconded by Sandi Aldrich. All in favor. Motion Carried.**

Meeting adjourned at 9:55 pm.

Respectfully submitted by
Jennifer Torebka
Recording Secretary
05/10/06