

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday, September 21, 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 = LGPC
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 6:10 pm by asking for corrections to the July 20, 2006 minutes.

Motion by Susan Wilson to approve the July 20, 2006 minutes as presented. **Seconded by** Sandi Aldrich. **All in favor. Motion carried.**

H. Koster asked for corrections to the August 24, 2006 minutes.

1. J. Gaddy said on page 16, paragraph 2, sentence 1, number (7), should read as follows: "... (7) when people hike up they don't want to go back the same hiking trail, so they wind up walking down his property across his driveway, which is a *liability* to him—there is a lot of activity happening on that ledge that the PB may not be aware of."

2. P. Kenyon said on page 3, paragraph 4, sentence 3 should read as follows: "H. Koster said he thinks the 15% grade is an arbitrary number used for driveways in the past simply for emergency access, but the PB has never dealt with a driveway that is **4,233 feet** long and the PB needs to determine if this is a road or a driveway."

Motion by John Gaddy to approve the August 24, 2006 minutes as amended. **Seconded by** Sandi Aldrich. **Six in favor. One abstained (D. Roessler, as he wasn't present at that meeting). Motion carried.**

Note: The agenda items were heard in the following order: 10, 1 through 9, and 11 through 17.

1) **SPR06-44 BURKE, CORNELIUS & SUSAN.** Seek Type II Site Plan Review for an advertising sign greater than 4 sq. ft. Specifically 20 sq. ft. is proposed. Section 186.14, Block 1, Lot 5, Zone RCH5000. Property Location: 4587 Lakeshore Drive known as "the Huddle Market and Deli". Subject to WCPB REVIEW. Subject to

SEQR. *Note: This is an amendment to SPR03-03, approved by the Planning Board on 2/27/2003.*

Cornelius Burke gave an overview and said (1) in 2003 they proposed signage at 17.5 square feet, which the PB approved, and (2) now a new sign measuring 20 square feet was constructed instead of the 17.5 square foot sign and they are looking for PB approval for this new size.

H. Caldwell asked if the new sign will also be next to the building—not to be moved to another location and Cornelius Burke said yes. S. Wilson asked if the only change in the sign is the size of the square footage and not the size of the lettering and Cornelius Burke said yes. S. Aldrich asked for specifics on the new sign's lighting and Cornelius Burke responded by saying that the new sign will have downward facing shielded lighting that will only be on during business hours. D. Roessler asked if the red deli sign can be taken down and Cornelius Burke said yes, he would take it down.

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

Motion by Sue Wilson 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. This is an amendment to SPR06-03. **Seconded by** John Gaddy. **All in favor. Motion Carried.**

2) **SPR06-16 SHEPANZYK, DEREK.** Represented by Dennis Dickinson of D.L. Dickinson Associates. For the construction of a proposed single-family dwelling, seeks Type II Site Plan Review for a new land use within 250' of the lakeshore. Section 213.13, Block 1, Lot 51, Zone RCM1.3. Property Location 3932 Lake Shore Drive known as the Monaco Motel. Subject to WCPB REVIEW. Subject to SEQR. *Note: This item was adjourned at the August 2006 meeting pending additional information. The WCPB determined no county impact with the condition that the plans identify the capacity of the septic system and water supply system in regards to maximum capacity of usage.*

Motion by Henry Caldwell to table this application as nobody arrived by meeting adjournment to present this item. **Seconded by** John Gaddy. **All in favor. Motion Carried.**

3) **SPR06-40 SKYE FARM CAMP.** Represented by Carl Schoder of Schoder River Associates. For the construction of a proposed guest residence building, seeks 1) Type I Site Plan Review for a new land use within ¼ mile of the Schroon River. 2) Type II Site Plan Review for a group camp and accessory structure greater than 1,500 sq. ft. of floor space. Section 138.02, Block 2, Lot 3, Zone RR10. Property Location: 1884 East Schroon River Rd. Subject to WCPB REVIEW & APA REVIEW. Subject to SEQR. *Note: This application is in conjunction with V06-35.*

Carl Schoder of Schoder River Associates, representing Skye Farm Camp, gave an overview and said that (1) they are proposing an overnight housing facility (adult retreat center) with the potential of accommodating 56 on-site guests, (2) they anticipate a three-year project timeframe to be done in phases, (3) the project was subject to a variance request of 180 feet, (4) the applicant received Bolton ZBA approval of this application on Monday, September 18, 2006 and (5) the project is subject to APA review.

H. Koster asked if the existing seepage pits would fail sometime in the future and Carl Schoder said any outside wastewater system at some point in the future would wind up clotting, but that they are not showing any indication of failure at this time, but they will need to think about it in the future and in doing so, build it to capacity at this point. H. Koster said that it seems that in the past the only place seepage pits worked was in the Schroon River Basin because the soils are excellent for it and Carl Schoder replied by saying that the soils on this site are sands that are relatively clean. H. Koster said that if seepage pits can be used as partial for the existing Ogden Lodge then a number of trees can be saved and Carl Schoder responded by saying that (1) the problem is hanging your hat on a seepage pit being an effective means of treatment and (2) with the depth of the ground water they are finding, he thinks it would be better to raise the systems up in deference to losing a few trees.

H. Koster asked if the 2-3 year time frame includes adding the new dining hall and Carl Schoder said yes. H. Koster asked where proposed Units 1 and 2 would eat until the dining hall is built and Carl Schoder said they would use the existing Ogden Lodge for dining.

H. Caldwell asked what the total square footage of disturbance would be and Carl Schoder replied by saying that (1) the disturbance would be about 1 to 1 ½ acres which would be construction limits, (2) the project would be subject to a NYSDEC SPEDES permit and (2) the erosion control plan would be given to both the APA and NYSDEC.

J. Gaddy asked for specifications on proposed lighting and Carl Schoder said all lighting will be downward facing and shielded because they want to keep the natural country setting.

D. Roessler asked if Ogden Lodge is the only existing building on the parcel in question and Carl Schoder said yes. S. Aldrich asked if the Main Office is on a separate parcel and Carl Schoder said yes.

H. Koster said (1) he has no problem with the concept and (2) the applicant will have to come back before the PB for stormwater. Carl Schoder said that all stormwater would be handled on-site. Counsel said that if the PB likes what it sees, then it could approve the application subject to all of the further requirements that the applicant will submit as required for stormwater management which would require an additional separate site plan review and another choice is if the PB wants something changed then the PB would need to discuss what it wants changed and request the applicant resubmit the application at the

next meeting. H. Koster said he doesn't have any concerns and asked how far the application could proceed this evening and Counsel said the application could proceed 100% but it will still be subject to APA review and still require mandatory stormwater management. H. Koster asked if a public hearing is necessary and Counsel said that the PB could waive a public hearing on this application. H. Koster asked if the public hearing could take place at the stormwater application process and Counsel said yes and added that the ZBA granted a variance for this project and gave a favorable unanimous approval. J. Gaddy said that this could conceivably still work if the applicants had a slight split between the walkways whereas they wouldn't even need a variance and Counsel said yes. Carl Schoder said that the intent of the connection points is to provide and facilitate access and handicap access to both sides—a gap in the middle would make it tough to accommodate that.

D. Roessler asked if the proposed adult retreat center would be for year-round use and Carl Schoder said yes. H. Caldwell said that he thinks the reason the Town of Bolton limits building size to 120 feet is because of fire problems with a bigger building and asked if that has been addressed at all and Carl Schoder responded by saying (1) yes, all of the buildings will have sprinkler systems and (2) they are providing fire access on both sides of the structures. H. Caldwell asked where the closest place is by the site where the Fire Dept. can get water and Carl Schoder said the Schroon River. J. Gaddy said that there is a standpipe on Schroon River Road. H. Koster asked where the water supply would be coming from for the sprinkler system and Carl Schoder said the sprinkler system would be supplied water by an underground system and/or water storage tanks.

The WCPB determined no County impact.

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 condition that a major stormwater project be applied for. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented.

Seconded by Sue Wilson. **All in favor. Motion Carried.**

- 4) SPR06-39 MORAMARCO, SALVATORE & ANNA.** Represented by Red Pitkin. In accordance with Section 125-13C1 of the stormwater regulations, seek Type II Site Plan Review for a major project to remove more than 15,000 sq. ft of vegetation. 15,755 sq. ft. is proposed. Section 156., Block 1, Lot 45.2, Zone RL3. Property Location: Valley Woods Road and being lot 2 of the Jeff Tennent Subdivision. Subject to SEQR. WCPB determined no county impact.

J. Gaddy said it appears that this lot has already been cleared and he is not sure if the clearing plan has been approved and he would like that addressed before the presentation is made. Red Pitkin, representing Salvatore and Anna Moramarco, said that they have been involved in the project for two years and he guesses that whatever was done was

done in the initial subdivision of Tennent. J. Gaddy described the site in detail saying that the building site has mature forest all around, but from the clearing he assumes is the building site down toward the lake side there are at least 30-40 mature trees just laying there, that wasn't recently done, but there is an area of mature forest that is open with blackberries bushes. There is also a similar situation above as the road goes around.

From the public, Frank McDonald said that Mr. Barstow was the previous owner before Mr. Tennent and all of the prior clearing that was done was approved. H. Koster said that the PB needs to deal with this one specific lot as listed on the application tonight and Red Pitkin gave an overview of the proposal.

S. Aldrich said she couldn't find the site when she was on Valley Woods Road and Red Pitkin responded by saying that it is the dirt right-of-way that goes up to the left. S. Aldrich asked if the applicant received notification when the application was submitted that the site had to be flagged and Red Pitkin said he did not recall receiving notification to that effect, but if he did, it is his mistake. S. Aldrich asked if there is a view of the site from the lake and Red Pitkin said yes. S. Aldrich asked if electric will be run and Red Pitkin responded by saying yes, electric would be run along the existing roadway. S. Aldrich asked if clearing for the electric has been taken into consideration for the stormwater and Red Pitkin said yes.

J. Gaddy (1) asked what the procedure is for establishing a sequence of events for the existing clearing and (2) said that he is reluctant to go forward with this application until the existing clearing situation has been clarified. Counsel responded by saying (1) in a manner of speaking, with the PB's discretion, allowing the application to proceed and that is that at any time in even prior to the filing of this application, had there been any indication that there might be a violation by any person and it was reported to the Code Enforcement Officer, she would investigate it and if she made a finding that there was clearing without any approved plan which would be a violation of the code it would be mandated for alternative remedies and go before the Town Board—at that time a stop work order could be issued, (2) his sense is that he understands what J. Gaddy saw, but there is clearly no answer as to if the existing clearing is a violation or not, (3) giving the applicant the benefit of the doubt, he (Counsel) would recommend the PB to allow this application here tonight to succeed or fail on its merits and (4) with respect to what is the other issue, someone needs to give the information to Code Enforcement Officer Mitzi Nittmann. Counsel said he presumed the clearing was on the same spot and H. Koster said no, the clearing goes down from the house towards the lake. P. Kenyon said that on January 25, 2002 of clearing, so it could be fine but she needs to research it. H. Koster said that the driveway was revamped through those lots at that time. H. Caldwell asked when the stormwater regulations were adopted by the Town of Bolton and Counsel said 1997-1998. H. Caldwell said that (1) the subdivision was done after that time and (2) it sounds like permission was given for the road but not for clearing lots.

Frank McDonald said that he is not sure of the current lot, but Mr. Tennent did do an application for clearing on another lot to be used as a spec. lot. P. Kenyon said she had it written as site plan review required to remove more than 15,000 square feet of vegetation.

Specifically 22,000 square feet of vegetation is proposed to be removed for a driveway. H. Koster said that there could have been a subsequent application put in by Mr. Tennent for site plan review since then. P. Kenyon said again that this is the first time this is being brought up and she needs more time to research it. Counsel said that if everybody has a different recollection of what might have happened but it is not manifested in the minutes then it didn't occur. H. Koster said (1) he doesn't believe anybody can determine how long ago the clearing was done and (2) he thinks the PB has to take this application as presented and if any determination is made in the future there can be a stop work order issued. Counsel agreed and said that he can't give the PB a comfort zone as to if the PB actually has a grasp as to what is the actual area of concern with stormwater management. Red Pitkin said that the view existed two years ago when his clients bought the property. Tom Jarrett, project engineer, said that (1) they treated the stormwater plan they developed based on the existing condition of the meadow and the brush in the house site and (2) they did not go back and research any preexisting condition some years ago, so their stormwater plan is based on what is there now. J. Gaddy asked if they included the area up over the edge of the slope towards the lake and Tom Jarrett said yes, as it was impacted by construction, but they didn't go back and treat any areas down slope of the house—that is not being impacted by construction now. H. Caldwell asked how the proposed house would overlay the clearing that had been done and Red Pitkin replied by saying that there are only two mature trees in the house footprint.

J. Gaddy said that he would like to table this application because there is clearing in question that was not done by the present owner. H. Koster asked how the PB can possibly punish the current owner if he didn't do the clearing and J. Gaddy replied by saying (1) he doesn't want to punish anybody and (2) he thinks the Town of Bolton should have a degree of responsibility for the clearing that was done. Counsel said (1) there is a possibility that the clearing was done remote in time and (2) it is hard to nail down when the statute of limitations starts—in New York State, unless it is murder, the statute of limitations on a felony is five years. H. Koster asked what the timeframe is in getting that cleared up and Counsel responded by saying that (1) he has asked the consultant working on the Zoning Code to try to specify a statute of limitations—some are 10 years, 5 years, 6 years, some argue that it never ends because it is a continuing wrong, (2) one of the very important points due recognition that this is a lot that has suffered the consequences of someone clearing, it wasn't this applicant who did it and (3) asked if J. Gaddy is going to report the situation to Zoning Enforcement Officer Mitzi Nittmann. J. Gaddy said yes, he would report it to M. Nittmann and Counsel said the Town of Bolton would research the matter.

Red Pitkin suggested that if the Town of Bolton could research it within the next couple of weeks, they would like to proceed with the paperwork on this application, but they would hold off on breaking ground. Counsel said (1) yes, it can be done and (2) J. Gaddy will report this to M. Nittmann tomorrow then he (Counsel) will discuss the matter with M. Nittmann. S. Aldrich asked if the PB could put a condition on of no further clearing on the site. Counsel said yes and asked what the PB wants the applicant to refrain from doing. S. Aldrich said she would want the applicant to refrain from clearing where it has already been cleared, like in the blackberry area. H. Koster said that if the applicant re-

clears the location down the hill, then it would be out of the applicant's area for stormwater management being applied for now. Tom Jarrett agreed and said that Map C2 shows the disturbance limits and there would be no clearing beyond those limits without coming back before the PB.

Motion by J. Gaddy to table the application. There was no second to the motion. The motion was denied.

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

H. Caldwell said (1) 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 constitutes 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 Henry Caldwell to accept the application as complete, waive a public hearing and grant approval as presented with the condition that Jarrett Martin Engineers make periodic inspections of both the stormwater and wastewater systems and provide the Town of Bolton with written certification that the construction conforms with the plans and design intent of the plans. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by Sue Wilson. John Gaddy Opposed. All others in favor. Motion Carried.**

- 5) **SPR06-46 LETENDRE, NORMAN & ANITA.** Represented by Tom Hutchins of Hutchins Engineering. In accordance with Section 125-13C1 of the stormwater regulations, seek Type II Site Plan Review for a major project to remove more than 15,000 sq. ft. of vegetation. 25,700 sq. ft. is proposed. Section 140.00, Block 3, Lot 31, Zone RL3. Property Location: Cedar Ridge Lane and being part of the Helen Grace Subdivision. Subject to WCPB REVIEW. Subject to SEQR. *Note: This is a continuation of SPR04-30 (Major project for driveway approved 9/16/2004).*

Tom Hutchins of Hutchins Engineering, representing Norman and Anita Letendre, gave an overview and said (1) they propose to construct a 30' X 44' log structure, (2) the site is a wooded parcel, (3) they propose to site the residence on the northeast side of the lot

with the drive to the south side, (4) the soils are good and (5) there will be a long infiltration trench wrapping around the driveway for stormwater.

J. Gaddy (1) said it is a nice site and (2) asked why the infiltration area is shown on the southwest and also asked if that area was going to be cleared. Tom Hutchins replied by saying the proposed infiltration area on the southwest is to make the driveway work well. S. Aldrich asked if vegetation is going to be cleared from that area and Tom Hutchins said yes. S. Aldrich asked if the proposed residence will be visible from the lake and Tom Hutchins said no.

The WCPB determined no County impact.

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

J. Gaddy said that he would like to see all lighting downward facing and shielded and Tom Hutchins agreed.

J. Gaddy said (1) 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 constitutes 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** Sandi Aldrich. **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 1) Type II Site Plan Review for a new land use within 250 ft. of Lake George shoreline. Specifically to construct multiple structures, and 2) 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. 146,868 sq. ft. is proposed. Section 156.20, Block 1, Lot 39, Zone RCM1.3. Property Location: 5274 Lake

Shore Drive. Subject to WCPB REVIEW. Subject to SEQR. *This item was adjourned at the April 2006 meeting and has not yet been heard by the WCPB.*

Peter Gluck, project architect, representing DJMD Bolton NY, LLC, gave an overview and said (1) the proposal is for three buildings and a boathouse to be used as a family retreat compound, (2) the proposed disturbed area is about 55,000 square feet, (3) the intention is to submerge the buildings and build a good deal of the square footage into the hill then cover the roofs with green roofs, (4) there is a power line that goes across the site now that they intend to bury and (5) they have reduced the height in order to reduce the impact.

Peter Gluck gave details on the proposed buildings, boathouse and road by pointing out their proposed locations and specifications on the 3-dimensional display and said (1) they are trying to have the proposed boathouse appear smaller from the lake by having a series of platforms going up to the roof, (2) they are trying to keep cars out of the lake side area and they propose a road that comes down with a big turnaround for fire trucks, (3) the buildings will be steel and concrete and the façade from the lake will be wood with wood shutters, (4) there will be glass that will be shielded by the wood shutters, and (5) the proposed roads will be 12 feet wide with gravel (crushed stone)—no blacktop.

H. Caldwell said that (1) the Lake George area has a strong history of Adirondack style homes and boathouses, (2) if the proposed houses stood out there may be public opposition and (3) because the houses won't be seen excessively from the lake except for the boathouse, he is okay with the proposal. Peter Gluck said the Adirondack style buildings tend to be quite tall and they are trying to lower the impact of the buildings from the lakeside, which is why they are proposing their design. H. Caldwell said that he likes what the applicants are doing and he thinks it is going to be a very interesting project.

H. Koster asked why the applicants are proposing such a large boathouse if it is to be for only one boat slip and Peter Gluck said that (1) in addition to the one boat to be stored, it includes storage area for canoes, kayaks, etc. and (2) they have talked to the LGPC who seems to like the boathouse design. S. Aldrich asked if there is a question or problem with access bridges to boathouses. H. Caldwell said that a land bridge is usually a LGPC problem, not so much a Bolton PB problem. H. Koster said that the applicants show a completely different boathouse on the house plans than the one shown on the sheet presented tonight. Peter Gluck said that the sheet presented tonight is updated.

H. Caldwell asked about the construction timeframe and Peter Gluck responded by saying that they would like to begin this winter and will use local subcontractors, but they (the architects) will have their staff on-site to run the project.

H. Caldwell asked about the amount of blasting required and Peter Gluck said that there would be a considerable amount of blasting required. S. Aldrich asked if the results of the blasting will remain on site and Peter Gluck said no, it would be taken elsewhere.

S. Aldrich asked if the Bolton Fire Dept. had looked at the plan for the driveway as recommended by Town Engineer Tom Nace for the proposed road and Tom Jarrett said that he spoke with Pam Kenyon and he believes that the PB needs to make that request tonight for the plan to go to the Fire Dept.

S. Wilson asked if the proposed design has reduced the percentage of glass and Peter Gluck replied by saying that he doesn't know if it is reduced or not, but they have a lot of wood covering the glass.

H. Koster asked for the maximum grade of the driveway and Peter Gluck said it is 1 to 6. H. Koster said that would equate to about 15% grade and asked if the applicants will use fabric on the whole driveway. Peter Gluck said yes, they plan on using fabric on the whole driveway.

H. Caldwell what type of vegetation will be used for the roofs and Peter Gluck said that it would be a low ground cover that will be something that can be walked on and played on.

J. Gaddy asked what the proposed wall height of the recreation building is and Peter Gluck said six to seven feet at its highest.

J. Gaddy asked what type of glass would be used and Peter Gluck said it would be insulated glass. S. Aldrich asked about light coming from the house at night toward the lake and Peter Gluck responded by saying that the shutters would mitigate that. S. Wilson asked if the shutters travel on tracks and Peter Gluck said yes. H. Caldwell asked if there would be a problem with the tracks freezing in the winter and Peter Gluck responded by saying that (1) he doesn't believe there will be much use of the buildings in the winter and (2) the shutters will be used to close the buildings up.

S. Aldrich asked if the existing garage would remain and Peter Gluck said (1) yes, it will be used for storage and possibly one vehicle if one is in that area to keep it hidden from lake side view and (2) most of the parking will be up above.

Tom Jarrett said that regarding stormwater, (1) they are reusing the existing driveway with some slight widening—mostly stabilization, (2) they are proposing 14 small stormwater basins along the driveway, (3) there won't be any stormwater going into the stream at the upper reach of the road, and (4) they are reutilizing the existing road ditch system.

H. Koster said the Bolton PB could not give the applicants a definitive ruling without the WCPB's ruling and Counsel agreed. D. Roessler said that he would like for Town Engineer Tom Nace's review of this project. P. Kenyon said that (1) the project has been reviewed and approved by Tom Nace, (2) Tom Nace recommended the project go to the Bolton Fire Dept. for review of the driveway and (3) she would recommend that the Tom Jarrett, Engineer make periodic inspections on this project and sign off on this project. Tom Jarrett said it is done and there are notes on the drawings already. S. Aldrich asked if these are considered three principal buildings and not one principal with two accessory structures. P. Kenyon said yes, they have the density and lakeshore for it.

Peter Gluck said he is hoping this is an agreeable project to the PB and H. Koster replied by saying that (1) this project is extremely unfamiliar to this PB and (2) there is great reluctance with this project—not because they don't like it, but because it is difficult to visualize since it is a new concept to what the PB is used to. Peter Gluck said (1) he understands how different this is, (2) they have a nationwide reputation and the reason they build their own buildings is to have control over the project to ensure it turns out as presented or better, (3) his clients, his architects and the PB all want the same thing—a good project—and they will not undercut it in any way and (4) the purpose is to build a project that has a low impact and is consistent with the environment and land.

Motion by Henry Caldwell to table the application pending additional information as follows. 1) The applicant is to seek input from the Fire Department as it pertains to the driveway. 2) WCPB Review. **Seconded by John Gaddy. All in favor. Motion Carried.**

7) **SPR06-42 LINDER, CLARENCE.** Represented by Thomas Sargent Jr. of Fountain Forestry. Seeks Type II Site Plan Review to timber harvest an area greater than 1 acre on one parcel in the RL3 Zone. Section 141.00, Block 1, Lots 2.1 & 2.3, Zones RL3 & LC25. Property Location: 5751 Lakeshore Drive. Subject to WCPB REVIEW. Subject to SEQR.

Thomas Sargent Jr. of Fountain Forestry, representing Clarence Linder, gave an overview and said that they are proposing a 120-acre timber harvest.

H. Koster asked if the applicant intends to do the project through this winter and Thomas Sargent said (1) yes, it is a lot better to harvest in the wintertime to reduce soil damage—most of that land is rocky, so he doesn't see a problem with that—another portion of it could be done at another time of the year and (2) they are waiting on a jurisdictional determination from the APA.

H. Caldwell asked where the header would be located and Thomas Sargent replied by saying that (1) one header would be in the area just past the front corner and there would be another behind the wetland area as designated on the pre-harvest plan map.

H. Caldwell asked about the cut setback from the Pond and Thomas Sargent said (1) the APA is not considering that a wetland but are requiring a setback of 35 feet—he will be staying back 35 feet or more—150 feet in some spots. H. Koster said that the map says there will be a 30-foot to 200-foot buffer and Thomas Sargent agreed. H. Caldwell asked if the applicant is proposing a 15-year to 20-year cut and Thomas Sargent said yes.

The WCPB determined no County impact.

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. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by** Sandi Aldrich. **All in favor. Motion Carried.**

- 8) **SPR06-41 SMITH, WAYNE.** Seeks 1) Type II Site Plan Review for commercial boat storage. 2) To discuss/amend conditions of approval set forth on January 22, 2004 when approving (SPR03-43) for commercial boat storage and indoor boat maintenance facility. Minimal maintenance was allowed as part of the approval. 3) Type II Site Plan Review for an agriculture use. Specifically to have farm animals. Section 123.00, Block 2, Lot 59, Zone RL3. Property Location: New Vermont Road, approximately 1 mile east of Alder Brook Road. (Directly across from 501 New Vermont Road. Subject to SEQR. *Note: This application is in conjunction with V06-38*

Attorney Sue Millington, representing Wayne Smith, gave an overview and said that (1) they have three separate issues tonight involving her client's property on New Vermont Road: (A) an increase of boat storage which was allowed in 2003, (B) the increased use of the boat building on that property as far as boat maintenance is concerned and (C) agricultural uses on the property, (2) they were in front of the ZBA earlier this week regarding the boat storage request and the ZBA felt the need to get the PB's recommendation on the boat storage before taking any action on it because it is such a large increase requested, (3) her client made an application for a use variance on this property in December 2003 to allow for a boat storage and to use an existing building on the property for boat and maintenance connected with his marina located in downtown Bolton Landing—that application was approved in January 2004 and at that time the PB resolved that her client could use his property for 7,000 square feet of boat storage (4,000 feet outside and 3,000 feet inside the existing building), (4) her client is requesting an increase from 7,000 square feet to just over 17,000 square feet to accommodate an additional 35-40 boats and (5) the property drops away from the road and is filtered by trees and not visible from the road so it would be an ideal location for the requested boat storage.

P. Kenyon said that the ZBA is looking for the PB's recommendation on the proposed storage. H. Koster said that he thinks the PB should take all the issues together because there are overlapping interests between the farm and boat storage.

Wayne Smith said (1) a few years ago he was granted split use of the property by the Bolton PB and Bolton ZBA, (2) he is done with the back part except for the center section that he needs to fill in a few small potholes in, and (3) he agreed to let the Town of Bolton dump blasted material from the major storms onto his property to help the Town out, (4) he'd like to read from the paperwork he submitted to P. Kenyon's office today to explain his thinking on the request, (5) he is currently allowed to store 35 boats on 502 New Vermont Road and he would like to get that raised to outside storage of 85-100 boats depending on boat size, (6) last year he stored a total of 28 boats inside and

out—he has had requests from 50 customers this year for storage and if approved, storage would increase year by year, (7) a very crucial point for him, his family, and he believes the Town of Bolton, is that his spring and summer plan would be to bring the remainder of the stored boats from the marina to 502 New Vermont Road, which would free up space (almost 50% more space) for much needed parking at his family’s marina at 5024 Lake Shore Drive and (8) since the sale of Norowal, the use of the public launch has increased (tripled) and finding space for parking has been a major problem for him and it has basically been put on his family’s business to provide the parking.

H. Koster asked if 502 New Vermont Road would be used for dry storage for boats inside and out on a daily or weekly basis and Wayne Smith said that (1) it is basically for winter storage and (2) there will be some activity in the summer in and out to pick up boats. H. Koster asked if they would be hauling boats in and out for people who don’t have dock spaces. Wayne Smith said (1) there would be no quick launch and (2) it wouldn’t be a full-fledged marina. H. Koster said that the PB’s concern is that it doesn’t want the applicant to have a quick-launch facility. Wayne Smith said he already has a few that would be using the facility but if the PB wants to limit him he is willing to take any PB suggestions to have this request approved, as it is crucial to their operation at the marina in order to grow and to provide parking.

J. Gaddy asked if the applicant also has boat storage on Route 9N and Wayne Smith said yes, he believes his family has had control over that Saw Mill Bay property for over 20+ years. J. Gaddy asked how many boats are at that location and Wayne Smith said 35-40 boats could fit there. H. Koster asked if the applicant would be willing to give up winter storage at the Main Street location if the PB is willing to approve the applicant’s request for the proposed storage at 502 New Vermont Road and Wayne Smith replied by saying that the Main Street business is family property—he can’t solely make that decision. H. Caldwell asked how many total boats would be at 502 New Vermont Road and Wayne Smith said 85 to 100—it would never be more than 100 boats outside the building in the back area and he doesn’t plan on getting to that point for two to three years.

J. Gaddy said that (1) the purpose of this zone is to enhance the natural setting and condition of low density residential areas of Bolton, (2) he understands the applicant’s need for boat storage, but it is a substantial increase to do it all at once and (3) he is also concerned with the operation of quick-launch and corresponding traffic. Wayne Smith said that he would agree to not have quick-launch facilities on the property, but he is obligated to five people currently and would be willing to limit the quick-launch to 5 or 10 at the 502 New Vermont Road location. J. Gaddy said that the Main Street property could be used for quick-launch and Wayne Smith responded by saying (1) no, because he has to free that up for public parking in the summer, (2) that road has basically been deserted to by the Town of Bolton—he and his family have plowed it and have done all road maintenance other than what the Sewer Dept. takes care of and (3) when he needs something he goes to Town Highway Supervisor Tim Coon who fixes it, but there is nobody collecting money for the launch or no Town officials directing the launch—that is what he has to do.

H. Koster asked what the applicant's plan is for animals on the property. Atty. Millington said (1) her client bought the property 14 years ago and at that time started raising animals on the property, (2) 13 years ago her client was told he had to ask the Town of Bolton for approval, which he did, and the application was for agricultural use and said that the property was currently being used for agricultural use, but the way it was approved was for 38 Scottish highland—the application was not clear on that, and (3) apparently at that time there were already other animals living on the property—like chickens and pigs. H. Koster asked what animals the applicant wants to put on the property, so the PB can weigh the number of animals against the number of boats the applicant is requesting in regards to what the land can accommodate. Wayne Smith said (1) he would like to have a 30 animal limit and (2) a maximum of 10 cows (he has 4 now), 6 pigs, 60 fowl, 4 sheep and 2 goats. Atty. Millington said that it should be noted that the animals are slaughtered at the end of the season so they wouldn't be there all the time. Wayne Smith said he is looking for approval for the 65-80 additional outside boats to be stored outside. H. Koster asked if the applicant intends on keeping the animals over the winter and Wayne Smith said no, because it would be used as a family farm where the animals are raised for meat and slaughtered at the end of the season. Atty. Millington said that none of the animals would be kept over the winter except the chickens, which would be inside. S. Aldrich said that Codes 200-42 for husbandry requires shelter for animals, drainage around the area, dry storage for feed and manure needs to be taken care of and tie stalls or enclosed stalls/pens. Atty. Millington replied by saying that the pigs and chickens are in enclosed pens and the cows are in a pasture, which she supposes can be considered a closed pen. S. Aldrich said the code has specific requirements for each type of animal that the applicant does not have. Atty. Millington asked if the Town of Bolton requires that all cows in the town have an stable or place to go into every night and S. Aldrich said the code says "...shelter shall be provided for all farm animals according to their individual needs...". D. Roessler asked how many cows were permitted previously and Wayne Smith answered 38 Scottish Highland, which is what he was raising at that time. D. Roessler asked if any other animals were allowed at that time and Wayne Smith said (1) no, not that this PB had given him approval for, (2) up to a few months ago, Code Enforcement Officer Mitzi Nittmann told him he was in compliance because he had the agricultural approval and (3) he had hogs and chickens on the property before the cows. S. Wilson asked if the applicant had pigs and chickens there for 14 years and Wayne Smith said yes.

H. Koster asked what type of boat maintenance the applicant will be doing and in what location. Wayne Smith said (1) the PB already gave him approval to work inside the building doing shrink wrap, strength wrap, and changing oils without running the boat or washing the boats outside, (2) he is asking for permission to wash the boats outside and (3) he has put in a very good drainage area in that location, (4) water is already on the property for the animals, (5) very little electricity is needed for what he wants to do there and (6) he is very sensitive to the noise issue of running boats, which is why he wants to do that inside the building and washing outside the building. H. Koster said that (1) if the applicant wants to do complete boat maintenance at 502 New Vermont Road then he will have to come in with a plan for drainage with a separator device to separate the oils, antifreeze, etc., details on where the water will be recharged in, so that part of the

application is incomplete right now and (2) the PB needs to deal with the issues of the request for increased boat storage and the animal issue.

D. Roessler said that the applicant would like permission for a maximum of 10 cows, 6 pigs, 60 fowl, 4 sheep and 2 goats. J. Gaddy said that according to Code 200-42, the applicant has to have sufficient shelter for all of these animals. Wayne Smith asked if the stalls have to be fully enclosed in a barn. Counsel said that the standards for accommodations for animals that are not specifically covered by 200-42 will be determined by the Town of Bolton PB with the help of the Warren County Cooperative Extension Service. Atty. Millington said that the applicant would basically be reducing his use. H. Koster said that the PB has heard it all and has to make a decision—the applicant has to stop talking—he (Koster) doesn't want to hear any more stories.

H. Koster said that there would need to be barns for some of the requested animals and Counsel said yes, it is mandatory. H. Koster said that the applicant has no barns in front of the PB right now, so that issue is dead. Atty. Millington said that the pigs and chickens have shelter. H. Koster said that the cows need shelter. Wayne Smith said that the cows are on pastureland. H. Koster said that the cows need shelter and if the applicant wants to have cows on the land then the code requires barns to shelter them—that is why the PB needs to know everything the applicant wants, so it can determine what can fit on this property. Atty. Millington said that she assumes her client needs to submit a plan for what his shelter is going to be for these cows and H. Koster said yes, a plan needs to be submitted for shelter for all of the animals the applicant wants to have. Counsel said that the applicant needs to conform to 200-42—it is true that the applicant will get to a point where there are no definitive language as to what is needed, which is when the Bolton PB with the help of the Warren County Cooperative Extension Service will tell the applicant the specifics. Atty. Millington said that technically her client is in violation at the moment and asked that they have the opportunity to design the structures and come back to present it to the PB. Wayne Smith said Warren County Water and Soil has a farming program and asked if a letter of approval from them will suffice. H. Koster said that the PB wants the applicant to present to them what he wants to put in and what fits and if the PB determines what is presented doesn't fit, then the applicant would be turned down. Wayne Smith asked if the Warren County Water and Soil farm program recommendation would be good in addition to the PB's approval and H. Koster said no, not necessarily, (2) for the time being, the PB has to put off this application until it knows the total amount of buildings that are going on this site and (3) he recommends the PB makes no recommendation at this point to the ZBA until additional information is received.

Atty. Millington asked if the PB could make a recommendation to the ZBA on the boat storage and H. Koster said no, not at this time because the PB needs more information in regard to a total picture of what is going on this site—all of the requests are interrelated.

Motion by Donald Roessler to withhold a decision to the ZBA pending additional information as follows:

- 1) Consideration must be given to Section 200-42 (Animal Husbandry Rules),

- number of animals, enclosures, waste management, accommodations, etc.
- 2) Number of boats proposed for boat storage.
- 3) Consideration must be given to oil/water separator, type of work to be performed, how the water will be recharged, etc. as it pertains to an indoor boat maintenance facility.

Seconded by Sandi Aldrich. All in favor. Motion Carried.

- 9) **SD06-11 REED, IVA.** Represented by Matt Steves of VanDusen & Steves. Seeks to divide into 2 lots that parcel designated as Section 171.15, Block 1, Lot 62, Zone GB5000. Property Location: 4959 Lakeshore Drive. Sketch Plan Review. Minor Subdivision. Subject to SEQR. *Note: This application is in conjunction with V06-36.*

Matt Steves, representing Iva Reed, gave an overview and said that they are looking to make this location into two individual lots.

The PB had no questions or comments.

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

Motion by Sue Wilson to accept the application as a completed sketch plan, convert the sketch plan to final plat, waive a public hearing and grant final 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.**

- 10) **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: This item was adjourned from the August 2006 meeting pending additional information. Also, the Planning Board must determine if the roadway is considered a road or a shared driveway.*

Peter Loyola of CLA Site, representing Ernest Oberer, gave an overview and said that (1) they would like to establish a day for the PB members to visit the site so they can further explain the project and answer any questions and (2) they are still waiting on a response from Chief Butch Lagoy regarding the proposed specifications for the road/driveway. PB members agreed to make a site visit on September 25, 2006.

Motion by John Gaddy to table the application pending a recommendation from the Fire Department. **Seconded by Donald Roessler.** Sue Wilson recused herself. **All others in favor. Motion Carried.** *A site visit was scheduled for September 25, 2006, at 4:00 pm.*

- 11) **SD06-13 SELLERS, VICTORIA.** Represented by Rolf Ronning & Tesha Brown. Seeks lot line adjustment between those parcels designated as Section 171.15, Block 1, Lots 75 & 76, Zone GB5000. Property Location: 18 Goodman Avenue. Sketch

Plan Review. Subject to SEQR. *Note: This application is in conjunction with V06-39.*

Rolf Ronning gave an overview and said that he and Tesha Brown bought this cabin from Victoria Sellers, (2) the Sellers family owns the adjoining lot, (3) part of the agreement of the sale was that if they (Ronning and Brown) received Town of Bolton approval, then they could extend the lot line back to the public parking lot like the other parcels and (4) the ZBA granted the required variance needed.

D. Roessler asked what the purpose is for the right-of-way and Rolf Ronning said it is to get a car or vehicle to the back and it is for use by both properties.

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 a completed sketch plan, convert the sketch plan to final plat, waive a public hearing and grant final 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** Sandi Aldrich. **All in favor. Motion Carried.**

12) SD06-14 RONNING, ROLF & LEONE, MICHAEL. Seek lot line adjustment between those parcels designated as Section 139.00, Block 1, Lots 48.1 & 36.1, Zone RL3. Property Location: New Vermont Road, approximately 2000 ft. north of County Route 11 intersection. Sketch Plan Review. Subject to SEQR. *Note: This application is in conjunction with SD04-16, Saddlebrook Subdivision.*

Rolf Ronning handed out a revised map to all PB members, P. Kenyon and Counsel. H. Koster said that the PB would be referencing the old map with the contour lines for this application.

Rolf Ronning, representing himself and Michael Leone, gave an overview and said that they are looking for a lot line adjustment.

H. Koster asked if the PB needs to deal with the request as a whole with Saddlebrook or separately. Counsel said that it was presented as a separate issue and the PB has to consider some punitive impact. H. Caldwell asked if it is correct that this is not carved off from Saddlebrook and Counsel said yes, that's correct. H. Caldwell asked what happens if Saddlebrook doesn't go through and Counsel said that this stands and is committed—it's done. H. Koster said that the applicant would be subdividing it off of Lot 9 of Saddlebrook. Counsel said that (1) approval of the lot line adjustment would impasse upon the Saddlebrook subdivision and (2) on the hypothetical that Saddlebrook is not approved—it isn't a good plan if Saddlebrook is not approved. S. Wilson asked if the lot line adjustment would give access to the entire Saddlebrook parcel. D. Roessler said that Lot 9 doesn't even exist at this point. Counsel said that you can do a lot line adjustment, but what he thinks is the end result here is that you will create a bigger

aggregated piece for Mr. Leone and took away from the larger parcel and create access to the larger parcel. H. Koster said that he would rather do a minor subdivision and give the applicant Lot 9 tonight with the stipulation that there be no access given to the neighbor's property through Lot 9. Counsel said that he doesn't have a substantive problem with that, but he does have a procedural problem with that, in that nobody has advertised it as a minor subdivision.

Motion by Henry Caldwell to table the application SD06-14 to remain pending and carried forward to be considered in conjunction with larger subdivision as will be presented as part of SD04-16: Saddlebrook Subdivision. **Seconded by Donald Roessler. All in favor. Motion Carried.**

12a)RONNING, ROLF. In accordance with Section 200-22 of the zoning ordinance, seek Type II Site Plan Review for an advertising sign greater than 4 sq. ft. Specifically 32 sq. ft. is proposed. Section 139.00, Block 1, Lot 8.1. Zone RL3. Property Location: Hendricks Road, Westwood Forest West Subdivision. Subject to SEQR.

Rolf Ronning gave an overview and said (1) the proposed sign is identical to the Wright's Farm Sign and (2) the proposed sign would be 10 feet from the edge of the road.

D. Roessler asked if there would be any lighting on the sign and Rolf Ronning said no.

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 condition that no lighting is allowed. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by Sandi Aldrich. All in favor. Motion Carried.**

13)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 48.1, Zone RL3. Access is proposed to be gained through Section 139.00, Block 1, Lot 28.1 & 36.1. Property Location: High Meadow Farm Road. Major Subdivision. Preliminary plat. Subject to SEQR. *Note: This application is in conjunction with SPR05-11 and was tabled at the August 2005 meeting pending additional information.*

Rolf Ronning said (1) the changes the PB requested have been made and (2) the road and the fire ponds have been clearly flagged.

H. Koster (1) said the problem is whether or not the APA is going to have jurisdiction and (2) asked if the applicant has received the APA's determination. Rolf Ronning

replied by saying (1) he sent a second jurisdictional inquiry form to the APA via registered return receipt mail and (2) all of the wetlands maps have been flagged and approved by the APA staff. H. Koster said (1) he doesn't agree with all the APA rules and doesn't like catering to them, but at the same time he doesn't like the Bolton PB reviewing the applicant's plans if the APA is going to change them, which would mean starting over again and (2) until the APA makes a determination and lot lines are accepted, he doesn't feel the PB should review the application. Rolf Ronning said (1) they have spent a couple of years going through this process, (2) the APA people have mapped and approved the wetlands—the APA is not the most cooperative agency, (4) he believes there is no jurisdiction on APA's part, because he believes all of the wetlands are in the common area—there are no wetlands on any lots and (5) he would like to go forward. Counsel said (1) he thinks H. Koster's approach is very practical and direct, (2) it is a note well-taken that the PB can proceed, but if the APA comes back with ruling a line is jurisdictional then the applicant will be back to square one, (3) he hopes the applicant gets a non-jurisdictional letter and (4) the APA letter dated September 14, 2006 says that they haven't heard from the applicant on this matter since 2005.

Rolf Ronning asked if the application could go to a public hearing and H. Koster said no, he wouldn't even entertain a motion for a public hearing until the APA jurisdictional determination is received.

Motion by Donald Roessler to table SD04-16 & SPR05-11 pending a jurisdictional determination from the APA. Seconded by John Gaddy. All in favor. Motion Carried.

14) SPR05-11 SADDLEBROOK SUBDIVISION. Rolf Ronning. In accordance with Section 125.13C1 of the stormwater regulations, seeks Type II Site Plan Review for a major project, specifically to remove more than 15,000 sq ft of vegetation. 30 acres proposed: total build out is 30 acres, road alone is 12 acres. Section 139.00, Block 1, Lot 28.1, 36.1 & 48.1, Zone RL3. Property location: High Meadow Farm Road. Subject to WCPB REVIEW. Subject to SEQR. *Note: This application is in conjunction with SD04-16 and was tabled at the August 2006 pending additional information and recommendation from the WCPB.*

Motion by Donald Roessler to table SD04-16 & SPR05-11 pending a jurisdictional determination from the APA. Seconded by John Gaddy. All in favor. Motion Carried.

15) 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. *Note: This application was tabled at the August, 2006 meeting pending additional information. In accordance with Section 150-27 "waiver of requirements" the applicants are requesting relief from the Town road standards in order to minimize site disturbance. By revising the initial entrance*

grade of 3% increased to 5% for approximately 175 ft., and the maximum grade of 12% increased to 13% - 15%, the applicant has the ability to access the hillside closer to the existing grade thus minimizing site disturbance.

Jeff Anthony of the LA Group, representing MJ Real Estate Holdings, LLC, gave an overview and said (1) they have a letter from the Bolton Fire Dept. and EMS (requesting an 18 foot over carriage with 2 foot shoulders on each side and two hammer head turnarounds) stating the 14% grade is acceptable, which they submitted with this month's application and (2) they addressed the other PB concerns from the last meeting as well.

Peter David, LA Group Project Manager, referenced the maps and said that (1) tonight they are asking for relief getting into the site, (2) if they are allowed to enter the site at 5% grade and go up the existing grade to 14% as requested, the site disturbance would be minimal, (3) at station 7 they are able to continue up the road at town standards until they get to the cul-de-sac and (4) the proposed houses are not on the ridgeline. J. Gaddy said that on sheet L3 he does not see the 1,600-foot elevation, so it seems like the houses are on the ridge. Peter David said the proposed house locations could be moved.

Jeff Anthony said that they are only looking for relief of the road gradient tonight for the first 700 feet. H. Koster asked if the applicants walked the property with the Fire Dept. and Jeff Anthony said yes. H. Koster asked if the Fire Dept. agreed to the 14% grade and Jeff Anthony said yes. H. Koster asked (1) if there is any proposal for something between the 12% and 14% grade, as the 14% grade is his concern for such a long distance and (2) what the deepest cut was on the 12% grade going to Town standards and Peter David said that it was over 22 feet. H. Koster asked if there would be about an 11 foot cut if they went to 13 feet. Jeff Anthony said (1) yes, splitting the difference and (2) his understanding is that the Bolton Fire Dept.'s concern was not the 14% grade, but it was that they wanted the geometry of the road looked at, the 22-foot wide carriageway, the 2 hammerheads and the cul-de-sac. Matt Langemeiger, property owner, said that he spoke with members of the Bolton Fire Dept. and their concern wasn't the grade, but the width of the road and the ability for trucks to pass one another without the mirrors hitting.

Jeff Anthony said that (1) even at the steepest point the driveway is at 12% grade, (2) the graphic depictions are misleading because they are graduated so they can measure, (3) the map shows the difference between grading the existing grade and putting gravel in to achieve the final grade—the road would be slightly higher than the surrounding edges and (4) this proposal would enable minimum site disturbance. H. Koster asked if the Bolton Fire Dept. wanted a 22-foot driving surface and Jeff Anthony said they propose 18 feet with two-foot shoulders on each side equaling the 22 feet requested by the Fire Dept. H. Koster asked what would be used for road cover and Jeff Anthony said they would use Item 4.

J. Gaddy said the applicants are still dealing with a drop-off on the west side of the roadway into the intermittent stream. Jeff Anthony agreed and said (1) the existing road is merely dirt with no stormwater management devices, (2) they are proposing to come in with a properly engineered roadway with proper stormwater management devices to

correct the current road erosion situation and (3) if the current road remains as is, it will continue eroding. J. Gaddy agreed. Peter David said that what they propose to do would cut down on erosion. J. Gaddy said that he is concerned with the lower section in getting separation from the stream since there is not much distance there. Peter David said (1) they are going to have to field locate that road and (2) they will handle the stormwater on the west side by piping it off. Jeff Anthony said that (1) they are still going to be held to give the PB a site plan, grading drainage plan, stormwater report and other items to review in addition to the Town Engineer reviewing those items as well and (2) if they can't satisfy the stormwater management requirements they don't get a subdivision approval. D. Roessler asked if there is a maximum cut and fill requirement for a driving surface and P. Kenyon said no that is for residential. H. Koster asked if this application is precedent setting in any way and Counsel said no, it is a case-by-case argument, so it sets no precedent whatsoever.

P. Kenyon asked if the applicants have heard from the APA yet and Jeff Anthony said yes, they did have the APA on-site and while there is a piece of wetland on this property and is jurisdictional, it is not being subdivided. P. Kenyon asked if the APA has submitted anything in writing to that effect and Jeff Anthony said no, not to his knowledge.

H. Koster said (1) his main concern was having the road acceptable to the Bolton Fire Dept. and (2) he would like the applicant to check out the possibilities of the road being between 13.5% and 14% grade. Jeff Anthony said (1) if the PB gives them the flexibility to explore the grade and get it as low as possible then they will come back with options next time of what they can engineer and (2) he requests the PB make it to explore between a 12% and 14% grade. H. Koster suggested the applicants shorten up the distance of the 5% grade and Peter David replied by saying that the problem with that is that when you get the vertical curve, it pulls you back out to the 100 foot. Jeff Anthony said that if the PB could give them parameters to work with then they could go to work on it.

Motion by Donald Roessler that in accordance with Section 150-27 waiver of requirements, grant a waiver from Town road standards as follows:

- 1) A 5% maximum grade is allowed for the first 50 ft.
- 2) A 14% maximum grade or less is allowed from the 50 ft. mark to 700 ft.
- 3) A 12% maximum grade or less is required from the 700 ft. mark to the end of the road.
- 4) A hammerhead or cul-de-sac is required as recommended by the Fire Dept.

This application was tabled pending the above information. **Seconded by** Sandi Aldrich. **All in favor. Motion Carried.**

16) SD06-12 WHISPERING PINES (Bahr Holding, LLC). Represented by the LA Group. Seek to divide into 17 lots that parcel designated as Section 139.00, Block 1, Lot 46.11, Zone RL3. Property Location: County Route 11. Sketch Plan Review. Major Subdivision. Subject to SEQR.

Jeff Anthony of the LA Group, representing Whispering Pines (Bahr Holding, LLC), gave an overview and said (1) they propose to create a large lot subdivision with a some recreation amenities on the site, (2) there are two types of wetlands on the site—those jurisdictional by the APA and those jurisdictional by the Army Corps of Engineers, (3) there is a 75-foot scenic buffer on the County Route 11 side, (4) the development plan is to avoid the wetlands and the steeper slopes, (5) the site is zoned RL3 where single-family lots are allowed, (6) their proposal is to exceed the minimum requirements of the zoning law by subdividing into 17 lots about 5-acres each in size and (7) they have already addressed stormwater management in the concept phase—they will include several retention basins which are included as part of the road right-of-way, so the land will be owned as part of the HOA's managed properties, so the stormwater basins will be maintained by the HOA and (8) they are proposing a 22-foot roadway (18-foot over carriage with 2-foot shoulders on each side) and a 40-foot-wide right-of-way.

H. Koster said (1) he has no problem with the layout and (2) he doesn't want the PB to spend a lot of time reviewing this application until the PB has received the APA's findings. Jeff Anthony said (1) he understands and (2) all they are asking the PB for is sketch plan review at this time.

J. Gaddy asked for map clarification as to the location of the existing cleared area for the access road is on the map and the stream coming off of County Route 11. Jeff Anthony pointed out the areas on the map and replied by saying that the stream is off the property. J. Gaddy said that he likes the fact that there are not a lot of accessory driveways that have to be built to access the lot for the building sites off the main road.

D. Roessler asked if it is possible to have another turn-around or cul-de-sac added where the road splits or if the road could be made more open at that location and Jeff Anthony said yes, that is a good suggestion because it would provide a fire truck or emergency vehicle turnaround also. D. Roessler asked what the length of the road is from County Route 11 to the split and Jeff Anthony said that it is about 1,300 feet.

D. Roessler asked if the proposed hiking trail would be for foot traffic only and Jeff Anthony said yes, there would be no motorized vehicles permitted on the hiking trail. Counsel asked if the hiking trail would be for public or private use and Bruce Cerosky said that (1) their idea is to create an atmosphere where the homeowner's can leave their property without going out to a main road and (2) they would like to limit the use of the walking and park areas to the homeowners because of the liability risk of inviting in outsiders and the association assuming the hazard of someone getting hurt on the property. Counsel said that the PB can determine if the proposed recreational use is acceptable to the Town of Bolton or if the intent of recreational use is to have it open to the public, then the PB can require the \$400 per lot recreation fee.

H. Koster said that he has no problem with the proposed layout—it is not offensive at all and asked what the maximum figure is for the lots and Jeff Anthony said it would be about 31 or 32.

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 a completed sketch plan, convert the sketch plan to preliminary plat. (Info on Cul-de-sac to be provided). **Seconded by** John Gaddy. **All in favor. Motion Carried.**

17) GREEN ISLAND LLC. To discuss conditions set forth by the APA when approving a 2 lot sub-division on the north side of Green Island. Specifically the condition reads: Not more than two docks shall be constructed on the 3.8+ acre parcel and not more than one dock shall be constructed on the 4.0 acre parcel herein authorized. Said wharves shall be constructed on the westerly shoreline of Green Island in the area described in Finding of Fact No. 5 herein and within approximately 100 feet of the division line between the two lots being created. The wharves shall not consist of a covered facility, i.e., no boathouse, without prior Agency approval. Section 171.12, Block 1, Lot 1, Zone RCH5000. Property Location: 35 North Island Drive, most northerly lot on Green Island.

Counsel said that (1) this started the request of Tracy Miller of Green Island Associates and they requested an amendment which would allow an additional dock on the eastern shoreline of the property which is owned or characterized as the Queen residence, to allow access to the lake for swimming purposes, (2) the proposed dock is 8 feet wide, 40 feet long with an 8-foot wide by 16-foot long "L" rec. and the footpath would be constructed on grade with stepping stones to access the swimming dock from the dwelling and the proposed dock is shown on a scaled site plan prepared by the LA Group, and (3) the project was approved by the APA as an amendment to the original issuance of the permit that was associated with the original PU D for Sagamore Island, (4) this project has also been approved by the LGPC, (5) it has also been approved by the Bolton Town Board, because the PUD is a legislative act, and (6) he thinks it got before the PB as a matter of courtesy and he suggests the PB not change a thing and they just rubber stamp it.

There were no PB comments or questions on this item.

Motion by D. Roessler that the action taken by the Adirondack Park Agency in changing the originally issued permit in the PUD and the dock as approved by the Lake George Park Commission for the Queen residence as well as the action taken in approving the amendment to the PUD by the Bolton Town Board is also hereby confirmed by the Bolton Planning Board. **Seconded by** H. Caldwell. **All in favor. Motion Carried.**

Meeting adjourned at 11:28 pm.

Respectfully submitted by
Jennifer Torebka
Recording Secretary
10/04/06